

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, May 9, 1983 at 7:40 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Michael Kibby
Connie C. Murray
V. James Saia
Trustees

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
Phil Bougreau, Dept. of Public Works

Clerk: PLEASE TAKE NOTICE THAT a public hearing will be held by the Board of Trustees of the Village of Williamsville on May 9, 1983 at 7:35 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a local law which would amend Section 60.40(16) of the Traffic Code by providing for a stop sign on Howard Avenue at Glen Avenue.

PUBLIC
HEARING

ON MOTION by Trustee Brenton, seconded by Trustee Murray, the hearing was opened at 7:40 PM.

Amend Section
60.40 (16)
of Traffic
Code

Unanimously carried.

Mayor Kuzon: This hearing will be conducted by Trustee Murray.

Trustee Murray: This change in the code comes at the request of a resident on Howard Avenue. It was taken to the Traffic and Safety Committee for their recommendation and they have recommended that we do install a stop sign on Howard at Glen in that this is a school crossing and a lot of children go across there and they feel it is a good idea to have a stop sign. I would ask that you state your name and address if you wish to speak on the subject. Anyone?

Stop
Sign on
Howard
and Glen

ON MOTION by Trustee Murray, seconded by Trustee Saia the hearing was closed at 7:41 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, May 9, 1983 at 7:42 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 Bougreau, Dept. of Public Works

Clerk: PLEASE TAKE NOTICE THAT a public hearing will be held by the Board of Trustees of the Village of Williamsville on May 9, 1983 at 7:40 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a local law which would amend Section 50.00 of the Village Code relating to Sidewalks and Streets.

PUBLIC
HEARING

ON MOTION by Trustee Brenton, seconded by Trustee Murray, the public hearing was opened at 7:42 PM.

Unanimously carried.

Section
50.00

Mayor Kuzon: Trustee Brenton will be conducting this public hearing.

Trustee Brenton: Well as we have mentioned previously, the need for upgrading of our sidewalks is very evident throughout the entire community but not only pertaining to the merchantile area, which is generally considered to be Main Street, but it also goes into many of our sidestreets, just about every street has one area or another that needs to have its sidewalks replaced or repaired. I would say this though, it's very difficult to repair a sidewalk. The proposed new sidewalk amendment differs slightly from what we have had previously and - I'm not sure - does the public have a copy of this on their agenda?

Clerk: No.

Trustee Brenton: Apparently you don't have a copy of it with your agenda and one of the reasons for that is it's generally a draft at this stage of time of this legislation because we do feel that it being a very important ordinance that we may need another public hearing regarding what we propose here. However, if we can resolve as far as any public questions are concerned and Board questions, either now, or as far as the Board is concerned, during our work session following this public meeting why we may adopt the ordinance with minor modifications as it is at our next Board meeting or some subsequent Board meeting without having, or calling for another public hearing.

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, May 9, 1983 at 7:42 PM

PUBLIC HEARING (Con't)

The basic thrust of the legislation is that permits will be required for any changes to the sidewalks, that you would have to come in and have a permit issued to you to repair or replace your sidewalks. It does not, in my mind, or eyes, at this time anticipate placing sidewalks on the streets that do not have sidewalks. That would rely totally on the initiative of those residents or property owners that reside on those streets, or own property on those streets, to wit if they came in with the 51% plurality petition indicating that the majority of the property owners, 51% or greater, indicating that the majority of property owners desire sidewalks then it would be their responsibility to go ahead after a public hearing was held by this Board and place their own sidewalks in accordance with our specifications, but without any fiscal assistance from the Village. At the present time this ordinance does not indicate specifically what percentage of fiscal assistance would be allocated to those areas in need of repair. However, it would be my thought that the Village, and my intention as far as budgetary proceedings are concerned to have the Village provide one-third of the repair cost in assistance to the homeowners and the homeowners would pay the remaining two-thirds. The homeowner would have one year in which to pay. He would actually have to pay during the completion of the calendar year in which the work was done and if he did not pay he then would be placed on, that bill would be placed on our tax rolls so that then he would have to pay by then or it would be turned over in the normal tax procedure annually. The eventual thrust of this legislation should within a relatively short number of years provide the Village from one end to the other with safe and I should say efficient sidewalks. That efficient aspect referring to sidewalks which at the present time may not be in need of repair or replacement but however, might be much too low as far as the individual grade is concerned and I think then that the Village will require a raising of that particular sidewalk or else replacement so that in effect it would not be inundated with water every time we have inclement weather, and there are some areas of the Village that do have that occur.

Sidewalks and Streets

Other than that, the ordinance itself, as I say, parallels the general structure of the former ordinance. It has also many of the finer features which have been thoroughly studied of other communities and which they have had no problem with and it also prohibits the planting of trees that might in any way eventually have their roots get into our sewer system. At the present time those trees are identified as willows and poplars of any type and these trees would be prohibited from being planted in our right-of-way along side of our sidewalks. The purpose of that is to check it now and prevent root infiltration of our sanitary sewer that these trees are very prone to do as their roots tend towards the moist areas or sewer areas.

The ordinance also deals with the refusal in effect of an individual to rehabilitate his sidewalk and it passes that aspect on to the Superintendent of Public Works to see that this work is carried out and the specifications will, while not appearing in this ordinance,

will be added to the ordinance in effect. In other words, the Superintendent of Public Works had developed, and myself and the Village Attorney, we have developed specifications for the construction of sidewalks. They are referred to within the ordinance so that they will be immediately available to the Superintendent of Public Works and in effect be a part of our law, but not attached to this law.

PUBLIC
HEARING

The ordinance also deals with - I'm being redundant when I say that the granting of permits. Blacktop across sidewalks such as when a driveway is resurfaced with blacktop, it's in effect prohibited through this ordinance. In other words people that anticipate having their driveway resurfaced would by the permit process realize that we did not allow blacktop over that portion of the sidewalk that is transversed by the driveway and they would have to in effect raise their sidewalk or their concrete in order to accommodate the type of driveway. Driveway approaches are pointed out in here in that we do and always have resurfaced an area of the driveway approach that is asphalt construction, the approach being that portion generally between the sidewalk and the pavement edge. That is what is referred to as the approach and the department of Public Works has previously upon individual request filled in a portion of that area because usually the request to have it filled in alleges that it was damaged through plow action, so that apparently we have for several years gone in and put blacktop down without being in a professional manner. This legislation does now indicate that we will patch these areas up to a distance of four feet maximum from what is generally considered to be the curb or the curb or pavement edge that four feet toward the person's residence and therefore, we have legal, not right, but awareness in my mind where some people have a private contractor come in and do it. Hopefully they would realize now that we will do it. We don't have this effect of well we know the Village will do it and we can get it done and for those who are unaware of it they go out and pay for it. We want to treat all people equally under this and hopefully by including this in our ordinance these people all will be treated equally.

(Con't)

Sidewalks and
Streets

Essentially these are the highlights of what we've put together to date and as I said in the beginning there may be some modifications to this. The final effect here though is if it is adopted and if it's adopted as to the input of Village funds toward sidewalk repair we will be assisting property owners in the repair of the sidewalks. The time schedule or areas to be repaired first will probably center around the schools, the schools within our community and then move to the merchantile area and then determined at a later date by the Superintendent of Public Works probably the area of the Village that would be most in need of sidewalk repair and the Superintendent does have the Village divided into four quadrants so that it would be one of those four quadrants I would imagine that we would start with and work up until we hit our newer areas which should by all rights be the least in need

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, May 9, 1983 at 7:42 PM

of sidewalk repair and essentially that's it. Is there any comment from the public? Mr. Hill.

Richard Hill, 18 Brookside drive: Is there anything in there that suppose a sidewalk is damaged or raised up by roots of trees on the right-of-way. Will the Village take responsibility of removing the tree or cutting it down or the cutting of the roots back?

Trustee Brenton: Well there is nothing in this ordinance which is, has been included. I think in one of the municipalities that I reviewed that the municipality, I believe it was Lancaster, did in fact take the responsibility for tree roots that had heaved sidewalks. We have not included that in this ordinance because of the fact that Lancaster and I might add all other communities in the area as far as I can determine require the homeowner to repair his sidewalk with 100% of the cost being the homeowner's responsibility. In other words, there is no governmental input other than utilization of community development fund grants in the City of Buffalo and other localities where they have determined a low to moderate income area within their community and thus they're allowed by federal regulations to utilize community development funds for sidewalk repairs.

PUBLIC
HEARING
(Con't)

Sidewalks
and Streets

Mr. Hill: Even though the tree is on the right-of-way, it's still the homeowner's responsibility.

Trustee Brenton: This is basically the way the ordinance is right now and I'm comfortable with that aspect. Again, it's only two-thirds the homeowner's responsibility because if the Village Superintendent of Public Works deems that that sidewalk is indeed unsafe the Village will be funding hopefully, if the Board agrees, a third of the cost of replacement and I would also say probably at a far cheaper rate than the homeowner himself would be able to obtain by going to a private contractor.

Mr. Hill: There's some big trees in the Village and removing a tree of that size would cost more than the sidewalk cost. Cutting down a tree of that size is more than the price of a sidewalk, just to remove the tree.

Trustee Brenton: In other words, you're suggesting we remove trees if they're close to the sidewalk.

Mr. Hill: If it's on the right-of-way. Not on the property. Not a tree on private property. But if it's on the right-of-way then I think the Village should take the tree, or do something with the tree.

Trustee Brenton: Well sometimes the right-of-way can actually extend inside the sidewalk edge towards the property owner's, or towards the building. In other words, just because the sidewalk

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, May 9, 1983 at 7:42 PM

is there it doesn't necessarily mean that toward the street is Village owned property. As far as I'm concerned, unless the Board can be convinced, we would go with the, I believe, 1/3-2/3 ratio and therefore, the property owner would have to pay 2/3 of that. If that sidewalk is heaved by tree roots.

PUBLIC
HEARING

Mr. Hill: The one-third the Village pays for would that be one-third of cutting a tree down, of taking it out of the way, too?

(Cont)

Trustee Brenton: We generally accept the responsibility for all trees that are within the near proximity to the sidewalk. That's kind of a broad statement but certainly those trees between the sidewalk and the pavement edge the Village does remove and generally a large size tree I think might cost us about \$275, something like that.

Trustee Kibby: I think he's trying to say that maybe the Village would be better off - I'm not buying your argument necessarily, but I'm trying to understand it; - the Village would be better off repairing sidewalks that are heaved by Village trees than trying to place that burden on the homeowner because the homeowner may demand that the Village do something with that tree to prevent it from upheaving the sidewalk at a later date.

Sidewalks
and Streets

Trustee Brenton: No question of that because even on, directly next to my house on Monroe Drive where the people replaced the sidewalk due to tree roots and one of my closest friends replaced the sidewalk, he was employed unknown to me by the homeowner to do this work, so he put in a beautiful sidewalk. But again the roots have heaved the sidewalk creating the same condition as was there before. There's no question in my mind that the roots will go. If the roots are in the way of the new sidewalk they will go and if the tree dies as a result well then the tree will go. There's no question in my mind that to operate other than that is foolish. Even when I told the contractor that was placing the concrete in that he should chop the roots off he said she would chop my head off. She wanted the roots left. So he gave her what she wanted.

Trustee Saia: On that particular question, I got to say this, that I just don't buy the deal where the tree has got to go. The tree can be saved. If there are problems with roots, but the tree can be saved, and I'll tell you this. If the tree can be saved I'm going to try to make every effort to see that it is. Now I'm not saying that there are some cases where by removing the roots you might destroy the tree and you have to cut down the tree. But if there is any reason to save that tree on the sidewalk I'm going to make every effort I can to save that tree.

Mr. Hill: I walk down Garrison once in a while. There are three or four trees along there that are right up against the sidewalk and it's just heaved up. No way you could put a sidewalk in there without taking the tree.

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, May 9, 1983 at 7:42 PM

Trustee Saia: The roots can be trimmed down.

Mr. Hill: If you can save the tree, save it. If it takes \$400 to put the sidewalk in, and another \$400 to do something to the tree, that \$400 for the tree will the Village pay one-third of it, or does the homeowner pay for it all?

PUBLIC
HEARING

(Con't)

Trustee Brenton: The way I said that, if my memory serves me correctly and I think the minutes will bear me out on this, I said that when a new sidewalk was put in if the roots were in the way the roots would be taken out. There's no question of that.

Sidewalks
and Streets

Mr. Hill: By who?

Trustee Brenton: We will take them out. Actually the way I'm intending this right now is that we in effect will be doing the sidewalk work ourselves. I don't know if we're going to be successful on that but I frankly don't particularly care to go to bid and have a similar situation that occurred with the New York State department of Transportation on Main Street where they replaced the sidewalks and they fell apart two years later due to the results of the competitive bid process. We spent many hours, Mr. Boudeau and myself, and we do feel that if we get a cement mixer that we have the capability to providing the labor and layout work and I don't know if we'll be able to get a cement mixer but it would be our intention to get a cement finisher on our payroll at \$10 an hour, \$15 an hour, \$20 an hour, whatever we have to pay to get a good cement finisher for the job. So that we would in my mind if this works out be doing the work ourselves and at a very low cost and so the homeowner or property owner would save two ways if we're successful. But I did say the roots would go and then unfortunately if the tree dies as a result then we'd take it. There's no intent to go in and knock down trees just because the sidewalk has heaved. But we realize as I myself go through this situation next to my house that the tree roots if you don't get them out it's going to raise the sidewalk again. So is there anyone else? Don.

Donald Schueckler, 124 S. Union: Do we have a copy of this ordinance before it's done, or after, or something? I mean what you said is fine but is that all there'll be in this ordinance. I'm interested in you said four foot of the driveway for everybody.

Trustee Brenton: That's not concrete, that's just...

Mr. Schueckler: Asphalt.

Trustee Brenton: Asphalt.

Mr. Schueckler: But that's going to be in there though?

Trustee Brenton: It's in here now.

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, May 9, 1983 at 7:42 PM

Trustee Brenton: There might be a few modifications to this. I think as I pointed out previously, we'll probably need another public hearing.

Trustee Saia: Trustee Brenton we've gone through this ordinance and I know we've got to do some work on it and don brought up a good question. I didn't hear it mentioned about one-third or 51% for each new sidewalk. I didn't hear this before from anybody and I think this is really something we should talk about.

PUBLIC
HEARING
(Con't)

Sidewalks and
Streets

Trustee Brenton: Whatever the Board determines.

Trustee Saia: We've got something that's really a good thing for this Village and for senior citizens that walk these streets and in my case I'm apprehensive in saying that only the people that have bad sidewalks will be getting sidewalks replaced at one-third cost and two-thirds cost and where if you need a new sidewalk at 51% cost or something like that. I think I heard that mentioned. I got to honestly say that we've got some places in this Village, one for instance is Union Road and some of you people here in the audience live on Union Road. I honestly got to say that that is a hazard, a safety hazard for everyone that has to go up and down that street. We need sidewalks on that road. That's not the only road. I hate to say that. I mean I got to say that I don't have sidewalks in front of my house and wish I did but I don't see why we have to pay if this is the case 50% to have new sidewalks and people, and our ordinance says now and it has said in the past that they must fix their sidewalks and now we are going and fixing sidewalks and the people who don't have sidewalks have to pay the biggest share of their own cost. Now I say this. We should talk about it and I'm glad this was brought out that I would like to see that we go into this Village to do one section at a time as much as we can afford and that section should have sidewalks and they should have sidewalks repaired for that section, whatever section it might be and I hope it's your section where you live, but that sidewalk or that section should be done completely. Then we should move out of there and from there on in we can have it inspected and if there's any problem with these sidewalks than the homeowner should pay for it, but I kind of feel that the money we are using for these sidewalks should be shared equally whether it is repair or whether it's a new sidewalk.

Trustee Brenton: Okay, just to answer that particular question. Apparently you're confused about the 50%, but what I said was 51%. In other words, people that do not have curbs - curbs - on any given street and I'd like to use more than one example of curbs. We had a situation of that if you remember on N. Ellicott Street and this is why I referred to that. That they want curbs. We have a public hearing. They come in here, we have engineering input, etc. We determine, you know, approximate cost, etc. And if the people then come up with 51% of the property owners on that given street, probably the Board would want to be sure there were a little bit more than 51%, but I think under the law 51% of those property

PUBLIC
HEARING
(Con't.)

owners say that they want curbs they then are instructed I guess by this Board that okay you can all have curbs because 51% of you requested them. This is what occurred, I believe, on Los Robles Street many years ago. They wanted curbing. It was one of the few streets that was curbed. The Village funded another one. The curb costs are appropriated directly to the number of front feet the property owner has. Now that's how the 51% comes in. There is no, there is presently no influx of Village funds into that type of situation and that also holds true with sidewalks. So where the people have never had sidewalks because for one reason or another they didn't want to pay for sidewalks when they built the house or said I don't need a sidewalk, I don't see why we the Village taxpayers should now go and pay for a portion of their new sidewalk and in effect that's what we're doing. Perhaps those people don't even to this day want sidewalks. But I frankly don't care because when they bought their homes they did not have the price of that sidewalk included but every other resident or property owner did and so these people that now own the property even if the sidewalk might be 60 years old paid for that sidewalk. The property owner at one time paid for that sidewalk. And, therefore, I can see where in my view the Village can come in and assist in repair. However, the person who has no sidewalk I don't see any need or in fact obligation for the Village to go in and assist in placing a new sidewalk. I can't see that.

Sidewalks
and
Streets

Trustee Saia: My street is Arend. Now in front of Mr. Rothfuss' house, he lives about halfway down Arend drive between Belmont and Edward, and a few people that live across the street, there are sections that do not have sidewalks. Now Mr. Rothfuss on Arend drive does have a sidewalk. The sidewalk is not in very good shape. Now what you're saying is that you can go in there and repair Mr. Rothfuss' sidewalk but everyone else on that street is going to have to pay for their sidewalks if 51% agree to it. And I'm saying our ordinance now says if you have a bad sidewalk you must repair it. But we are going in there now and repairing it. So that your argument about people don't have sidewalks for all these years it doesn't hold water for me.

Trustee Kibby: If you read the code it doesn't exclude the Village Board, or preclude the Village Board from providing funds for new sidewalks. It says the owner of real property fronting or abutting any street shall install at the owner's own expense, and then there's another selection, concrete walks adjacent to the property owned. The owner shall be responsible for and keep the same in repair except that the Board of Trustees may by resolution determine that certain concrete walks shall be installed or repaired. Essentially what this section is saying here is what Trustee Brenton is saying orally, that our intent has been, and it has been, is to replace, which is different than install or repair, replace sidewalks in certain sections throughout the Village, but there's no reason why if upon further argument that this code would preclude us from also installing, laying new sidewalk. There's nothing there that says we can't

do that. I'm not saying we should. I'm not saying we shouldn't. All I'm saying is that the code as it is is general enough to allow us to do such.

PUBLIC
HEARING
(Con't)

Trustee Saia: I think we should discuss this.

Trustee Brenton: Oh, we definitely will discuss this. As I pointed out there'll be a great deal more discussion. However, we have to start someplace. The need is there. I, myself recognized the need back to Mayor Sheffer's administration. As I pointed out in the work session tonight when former Mayor Sheffer and I walked down Main Street to view a certain situation I said at that time the sidewalks are deplorable and they should be brought up to standards and I'm sure Mayor Sheffer if he were here would verify that. So my concern dates back to that particular time. Another thing is through this ordinance, through the thinking and assistance of the Village Attorney and the Superintendent of Public Works, we're trying to do this in the best possible way and at the same time give the property owners incentive. By the same token, should we be successful in force account, or our own forces doing the work, I feel certain that a property owner that might not have a sidewalk would be interested in that force account rate because it should be considerably lower than having a private contractor do it. But again, my feeling is that if someone doesn't have a sidewalk they didn't want it for one reason or another.

Trustee Saia: The Village wouldn't let me put a sidewalk in because of the trees.

Sidewalks
and Streets

Trustee Brenton: I knew there was a reason. So is there any other public discussion? Anyone else from the Board?

Trustee Murray: Yes. On the subject of trees. Since I have the reputation of being a tree nut I've been contacted by a lot of other tree nuts in the community here. Some would rather see a tree than a sidewalk and maybe there is some solution to the problem but I might suggest the Village install a new tree if one should be taken down because of a sidewalk.

Trustee Brenton: That's a very good idea and I think, quite frankly, the Village probably over the past few years should have been installing a few new trees under the previous program of a former administration. However, we have been remiss on that and I believe in this year's budget managed to eek out enough money to install through force account probably in the neighborhood of ten trees and I've discussed that with Superintendent Bougreau and we'll be planting trees on the Village right-of-way, sufficiently to the rear of the sidewalk and we've even discussed the types of trees so I'm sure if we ever do take out a tree that we will remember this occasion when you, Trustee Murray, spoke of your love of trees.

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, May 9, 1983 at 7:42 PM

Trustee Murray: I have a suggestion for you. Before you plant the trees, ask the input of the Beautification Committee.

Trustee Brenton: Well we certainly would. There's no question of that. I'm sure Superintendent Boudreau and myself can respond for the department of Public Works and I can also say as far as the sidewalk ordinance is concerned we intend to circulate it among the Traffic and Safety Committee and the other committees that perhaps would have input regarding that and we will, as you know I am a lover of trees and I certainly wouldn't want to see this community not continue with a tree planting program.

PUBLIC
HEARING
(Concluded)

Sidewalks and
Streets

Trustee Kibby: Up on Garrison, right at the end of Scott, there used to be a huge double-trunk tree, a beautiful tree, and one of the nicest things I think I've ever seen a Village government do and I think it is one I would encourage strongly. They put a bend in the sidewalk. Now I know that presents somewhat of a problem when the snowplow goes around and plows in the winter, but it's not only worthwhile it's also symbolic of what the Village stands for and I would encourage trees that are 100 years old be encircled instead of ripped up.

Trustee Brenton: Well that could be done but on these larger roots that come out it's going to be difficult to move a sidewalk far enough away when you've got private property there. But wherever a tree can be saved, and I'm very sincere about that. I know that Trustee Murray knows how concerned about trees I am. I go to the Adirondack Mountains every summer. I've done it since I've been four years old. I've spent a great deal of time in the mountains so I have a great love for the environment and the trees and express it every summer. Is there any further comment?

ON MOTION by Trustee Kibby, seconded by Trustee Saia, the hearing was closed at 8:15 PM.

Unanimously carried.

Theresa L. Cummins,
Village 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, May 9, 1983 at 7:38 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 Bougreau, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:38 PM.

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

ON MOTION by Trustee Murray, seconded by Trustee Brenton, the minutes of the regular meeting held April 25, 1983 were approved.

Unanimously carried.

Mayor Kuzon: Next this evening we have two public hearings. The first one is for a local law to amend the traffic code and add a stop sign at Howard and Glen Avenue.

ON MOTION by Trustee Brenton, seconded by Trustee Murray, it was moved to open the public hearing at 7:40 PM. (The hearing was closed at 7:41 PM.)

Unanimously carried.

Mayor Kuzon: Our next order of business is a public hearing regarding a local law that would amend Section 50 of the Code pertaining to sidewalks and streets.

ON MOTION by Trustee Brenton, seconded by Trustee Murray, the public hearing was opened at 7:42 PM. (The hearing was closed at 8:15 PM.)

Unanimously carried.

Mayor Kuzon: For my portion of the agenda this evening I'd like to report to the public and the Board, and I think the Board is already aware of it, that this day we received a check from the Jolly Boys that they indicated they would be donating to the Village for youth services and youth projects in the amount of \$3,500 and it was given to the Village today and I'll give it to the Clerk and it goes into our Youth Fund.

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, May 9, 1983 at 7:38 PM

I have a number of resolutions. The first one is for vouchers.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$41,951.21 were approved as follows:

Payroll Fund	W/E 4/27/83	\$ 7,983.95
	W/E 5/4/83	4,757.98
General Fund	Abstract #536	21,564.31
Sewer & Water Fund	Abstract #117	570.82
Trust & Agency Fund	Abstract #156	4,219.53
Glen Park Jt Activities Fund	Abstract #56	19.62
Federal Revenue Sharing	Abstract #139	<u>2,835.00</u>
Total Vouchers		\$41,951.21

The larger of these vouchers are to Niagara Mohawk for electric power and to Rapid Disposal for garbage collection.

Unanimously carried.

My second resolution this evening deals with transfers, transfers within the different budgets - the General Fund, Water Fund, Glen Park Fund and Sewer Fund. This has been a topic of discussion throughout the fiscal year, one that I have voted yes on and I have voted no on. This evening it would be very easy to vote no on principle only because as I have stated before that when we budget we should stick to the budget. I'm sure if we went through these - there were a number of them, in fact I haven't counted all of them - I'm sure we could pick away at a number of them and why that item's overexpended or not fully appropriated in the first place, but it's not my intent to overkill or beat a dead horse on it. I think everyone's aware of my feelings and I know the Board has their own. I would just say that the General Fund transfers total \$72,340. Looking at last year's total budget appropriation that amount is less than 10% so maybe we do do a fairly efficient job of budgeting. I realize there are a few things that came up during the year so I would move approval of these General Fund transfers totalling \$72,340.

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

GENERAL FUND
BUDGET TRANSFERS

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, May 9, 1983 at 7:38 PM

General Fund Transfers

<u>FROM</u>		<u>TO</u>		General Fund Budget Transfer
1.1325.411	\$ 2,000.00	1.1010.404	\$ 185.00	
1.1910.400	4,925.00	1.1010.445	25.00	
1.1990.400	20,000.00	1.1110.401	130.00	
1.1991.400	2,300.00	1.1110.413	35.00	
1.3410.444	3,265.00	1.1210.445	15.00	
1.5142.100	12,250.00	1.1410.401	135.00	
1.9730.600	10,000.00	1.1410.403	80.00	
1.9730.700	17,600.00	1.1410.411	2,580.00	
		1.1410.445	105.00	
		1.1420.410	1,000.00	
		1.1420.445	10.00	
		1.1440.410	200.00	
		1.1620.445	5.00	
		1.1640.445	765.00	
		1.1640.100	2,500.00	
		1.3310.404	70.00	
		1.3310.424	5,560.00	
		1.3410.201	990.00	
		1.3410.404	350.00	
		1.3410.407	1,480.00	
		1.3410.416	7,320.00	
		1.3410.422	9,440.00	
		1.3410.448	5.00	
		1.3620.445	60.00	
		1.3620.100	690.00	
		1.5110.4161	4,940.00	
		1.5110.427	8,565.00	
		1.5110.460	80.00	
		1.5110.445	1,180.00	
		1.5110.100	6,100.00	
		1.5142.4162	450.00	
		1.5182.411	230.00	
		1.7140.4112	45.00	
		1.7140.425	65.00	
		1.7140.4165	65.00	
		1.7140.435	340.00	
		1.7140.445	1,115.00	
		1.7140.443	310.00	
		1.7310.437	10.00	
		1.7550.441	150.00	
		1.7510.445	20.00	
		1.7550.450	330.00	
		1.7630.407	405.00	
		1.8010.403	10.00	
		1.8140.416	830.00	

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, May 9, 1983 at 7:38 PM

General Fund Transfers (cont.)

<u>FROM</u>	<u>TO</u>
1.8160.425	\$ 1,545.00
1.8160.433	960.00
1.8160.100	3,900.00
1.8170.416	245.00
1.8510.466	65.00
1.8560.445	380.00
1.8560.100	5,985.00
1.8745.416	285.00
<hr/>	
Total General Fund Transfers	\$72,340.00
	\$72,340.00

Trustee Brenton: I would like to say that there are some areas there, for instance one example, one in particular where, it's included in here where we had a pavement marking program which was a federal grant that I obtained through the State of New York. We expended the money because we got to pay the contractor when he does the work. However, we have not been reimbursed. Now I think there's a red line item here in the neighborhood of \$5,500 but in actuality we're going to be reimbursed about \$8,200 for that work so that in effect changes the whole complexion of that one particular item. So that if you see what I'm saying, we're spending \$5,500 so in effect we transfer funds to pay that because we never had that \$5,500 budgeted anticipating that we would be reimbursed by the federal government. However, we have not been reimbursed to date. I have asked Mr. Huber who is responsible for that from the New York State department of Transportation to look into this matter but that is one example. Then looking further I see other areas where actually the money was put in the wrong line item, perhaps by myself when I acted as Superintendent of Public Works, or Mr. Laubisch or Mr. Anstett, even perhaps Mr. Bougreau, but at any rate we would be over then at some place and under at this particular line item. So it's not all bad as the Mayor pointed out.

Trustee Kibby: The budget is merely a spending guide and a guide means sometimes you have to shift things from one guided area to another previously unguided area.

Mayor Kuzon: Yes, Mr. Schueckler.

Donald Schueckler, 124 S. Union: How did the Glen Park go over. We went over the budget in the last month and it wasn't over.

Mayor Kuzon: Let's go by that question because that's a resolution in itself and we'll talk to that when we get to it.

Mr. Schueckler: They didn't go over in the park.

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, May 9, 1983 at 7:38 PM

Mayor Kuzon: The next interfund transfer is the Water Fund and that is transferring funds in the amount of \$5,710.00.

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

<u>Water Fund Transfers</u>		WATER FUND BUDGET TRANSFERS	
<u>FROM</u>		<u>TO</u>	
6.1990.400	\$3,500.00	6.8340.407	\$ 590.00
6.1991.400	1,535.00	6.8340.445	115.00
6.8340.416	675.00	6.8340.461	1,220.00
		6.8340.100	2,690.00
		6.9730.700	<u>1,095.00</u>
	<u>\$5,710.00</u>		<u>\$5,710.00</u>

Unanimously carried.

The next transfer is the Sewer Fund in the amount of \$1,835.00.

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

<u>Sewer Fund Transfers</u>		SEWER FUND BUDGET TRANSFERS	
<u>FROM</u>		<u>TO</u>	
7.1990.4	\$1,835.00	7.8120.416	\$1,815.00
		7.8120.4161	<u>20.00</u>
	<u>\$1,835.00</u>		<u>\$1,835.00</u>

Unanimously carried.

Next is Glen Park Fund and maybe one thing to point out before we get into the specifics of it is that a transfer does not always indicate or reflect an overexpenditure. It maybe reflects let's say an over-expenditure of a budget but it does probably more accurately reflect overexpenditure of a line item. For example going back to the General Fund you might find that in the area of salaries for snow removal we didn't spend all that this year. So we had more money left in that account. But as a result we would have salaries for street maintenance showing these guys this winter doing other things than plowing snow so in the street maintenance area you would be over-spent is maybe the way to say it, but not an accurate accounting term, but overspent. So what we do then is move the money from salaries for snow removal to the line item salaries for street maintenance to reflect where it was actually used. So once again, a transfer does not always mean an overexpenditure of the budget but does

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, May 9, 1983 at 7:38 PM

reflect maybe an overexpenditure of a line item within a budget. I guess at this time, Jim may be more familiar with this.

Trustee Saia: This really takes me by surprise. Maybe...

Clerk: The three items that are overexpended in Glen Park are number one where they put extra railings along the creek this year. That wasn't budgeted, okay, so that line item was overexpended by \$1,035. When I went to break up - last year was the first year we were doing employee benefits. I had a total amount to break up. I under budgeted for Social Security by \$10.00. And the third item is the miscellaneous expense and I don't know why that was overspent. That was overspent by \$495 and I'd have to look at that. So those are just the three line items that were overexpended in last year's budget. So what we are doing is taking money from a couple of other items and transferring it into there.

Mr. Schueckler: Okay.

Trustee Saia: I'll give you a list of this, don. don is on the Joint Board Committee for the Park on the Town side of it. I was unaware of this myself so I'll give you that rundown.

Mayor Kuzon: Those Glen Park transfers total \$1,540.

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

<u>Glen Park Transfers</u>		GLEN PARK FUND BUDGET TRANSFERS	
<u>FROM</u>		<u>TO</u>	
9.7141.4102	\$ 500.00	9.7141.4162	\$1,035.00
9.7141.4163	700.00	9.7141.445	495.00
9.9010.800	300.00	9.9030.800	10.00
9.9060.800	40.00		
	<u>\$1,540.00</u>		<u>\$1,540.00</u>

Unanimously carried.

Before moving on I'd just like to restate that for example in the General Fund when we make a transfer of a total of \$72,340 that's not adding that amount to last year's General Fund Budget. What it is, is taking money that wasn't spent in the budget and putting it in places where it was spent so it is accurately reflected for accounting purposes.

That concludes my portion. Next is Trustee Saia.

Trustee Saia: Thank you, Mr. Mayor. One thing added to the budget, I'll make my report now, and that is the Fishing perby. Everybody

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, May 9, 1983 at 7:38 PM

knows the Youth Committee was formed in January and of course, we didn't have any money in the budget. The budget is consumated June 1st so last January there was nothing there. The cupboard was bare. So we had a few little programs to start up and of course one of them was the Fishing perby, which happened to fall in May. You can't have it in June, July or August because you can't get fish then. So that was one of the unforeseen things that cropped up so if you blame me for some of them that's one of them.

FISHING
DERBY
REPORT

I have a report to go on the Fishing perby and some of you were there and members from my committee, some helpers were there. We had a glorious time. It was the nicest day of the week. The newspapers treated us very well and we had a good crowd, 500 people at least. These are kids that signed up for that program plus a possibility of between 500 and 700 grown-ups and that's the parents. And I was really amazed that - I thought we would be stuck with a whole bunch of young kids and nobody to take care of them and the Fire department who were graciously there, all of the officials from the Village and the Town that were there to lend us a hand. I thought we'd have our hands full. Well we didn't. They were very well behaved children and it's just too bad that Rev. Hazlett gave us a nice warm day but he just didn't have enough time to say something about having the fish bite. We did have three fish bite and one of them was approximately 21" long. It was a golden trout that Tony Mauro got from 406 Klein Road and I don't know how Lynn Millane, who is a Town Councilwoman, measured because she only had a 12" ruler. She did measure him and it was 21". All in all I just want to thank everybody that helped. The Highway department and just about everybody in the Town helped, and the permits were issued. We have everyone's name that came there. My committee was superb. They handled that just like they were doing it all the time. We do have some things we have to straighten out by next year but we will and we'll make it a little better next year. I'm sure that next year we won't have the big problem in getting the last minute people that sign up. I think they'll be signed up before the event takes place. The Highway department of the Village, the Highway department of the Town, Ken Moses that was representing the Town of Amherst with our committee, the Town of Amherst who has gone into this with some of their financial help. We kept the cost down and they're going to pay according to the children that were in there and I think it's about a 2 to 1 ratio. You'll hear more about it in the paper I'm sure and I'll make a report on it later to the Board.

I have one resolution.

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

RESOLVED that Local Law #4 - 1983, Adding Section 6.00 (Historic Preservation Code) to the Village Code, which was the subject of a public hearing on March 14, 1983, is hereby adopted.

LOCAL LAW #4-1983
ADOPTED

HISTORIC
PRESERVATION
CODE

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, May 9, 1983 at 7:38 PM

One other thing, Mayor. You know the City of Buffalo right now has a program that says May I Help Buffalo. Well in the coming about two weeks a few of us are going to get together and try - I shouldn't say try - we are going to build two water fountains, one in each park, which we need badly and I think for about the last 10 years I always wondered why the Town, the Village rather never acquired a cement mixer or a mortar mixer. So if anyone could help us here, if any one in the Village has a mortar mixer, or a cement mixer preferably, that they would like to donate to the Village no matter what shape it's in we can fix it, we'd be eternally grateful to them and we might even call one of the water fountains after them.

Mayor Kuzon: Thank you. Next is Trustee Brenton.

Trustee Brenton: For my report first it must be a ming reading night because Superintendent of Public Works Boudreau and I have already discussed the possibility of purchasing a cement mixer and Superintendent Boudreau hinted there might be some bargains on the market resultant from the down construction industry right now and should there be it would be another budget fund transfer next year because we have no funds allocated for the purchase of a cement mixer.

Also I would like to say that the Fishing derby was really a fine affair and Trustee Saia did a wonderful job on it. It was the first year that this has been brought back and I'm happy to see it. Everyone was happy that was there. I didn't even hear any of the children including my own youngest son that didn't catch fish complain, nor did I hear the fish who didn't get caught complain. So in that vein upon learning from Superintendent Boudreau that the net which is holding the fish in would be removed today I suggested that we leave the net in for a period of one more week until a week from today to give all the youth of the community and any adult that possesses a valid New York State fishing license an opportunity to go out and catch a 7 $\frac{1}{2}$ " trout.

Trustee Saia: There's quite a few of them in there too, Larry. About 700.

Trustee Brenton: 696, four were caught so that hopefully people can go back there and still catch fish and if we don't open the dam gate they should be right in that general area. The net, however, will be removed a week from today.

I would also like to thank the Town of Amherst under Mr. Schueckler, who is in the audience tonight, for striping the corner of Main and Garrison. We discussed this last year and unfortunately the weather ran out on us and in particular regarding the Town commitment to use that particular equipment for its own service because I did know from the Traffic and Safety minutes that I had said that particular area couldn't be striped and it was noticed that the temperature was

(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. 4 of the year 19 83

A local law ADDING SECTION 6.00 (HISTORIC PRESERVATION 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~~

SECTION 6.01 - 6.10 ATTACHED

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

6.01 INTENT AND PURPOSE

- a) To promote the educational, cultural, economic and general welfare of the public through the protection, enhancement, perpetuation and preservation of sites, structures and places of natural beauty which are significant to the history of the Village of Williamsville.
- b) To safeguard the heritage, character and quality of life unique to the Village of Williamsville through the preservation of landmarks of historic, cultural, social and architectural significance.
- c) To foster community pride and civic beauty through the recognition of and preservation of historical resources.
- d) To strengthen the local economy and enhance property values.
- e) To promote the awareness of landmarks of historic, cultural, social and architectural significance for the education, pleasure and general welfare of the public.

6.02 DEFINITIONS

- a) LANDMARK - any structure or site within the Village of Williamsville which has been designated by the Historic Preservation Commission and approved by the Village Board pursuant to the provisions of Sec. 5 of this local law.
- b) EXTERIOR ARCHITECTURAL FEATURE - the architectural style, design, general arrangement and components of such outer surfaces of a structure as are designed to be open to view from a public way, including but not limited to, kind, color and texture of building materials, type of all windows, doors, lights, signs and other fixtures appurtenant to such surfaces.
- c) COMMISSION - the Historic Preservation Commission established in Sec. 3 of this local law.

6.03 HISTORIC PRESERVATION COMMISSION

- a) The Board of Trustees shall appoint an Historic Preservation Commission composed of seven (7) members, five (5) of whom must reside within the Village.
- b) The Commission shall be composed of the following:
 - 1) the Mayor of the Village of Williamsville or a Trustee designated by him;
 - 2) the Historian of the Village of Williamsville;
 - 3) one member from the Planning Board;
 - 4) one member chosen from a list of three persons nominated by the Village of Williamsville Historical Society;
 - 5) one member selected from the business community;
 - 6) one at-large member who shall possess professional qualifications evidencing expertise in architecture, city planning or conservation in general;
 - 7) one member from the Environmental Council.
- c) Commission members shall be appointed by the Mayor with the consent of the Board of Trustees for terms of two years, provided that three of the initial members be appointed for one year and four for two years. Subsequently, these members shall be appointed for terms of two years as terms expire. Members of the Commission may be reappointed after their terms expire.
- d) In the event that nominations are not submitted by the appropriate organization within sixty days of receipt of request, the Mayor shall proceed to fill the position in the same manner as the at-large position. A vacancy in the membership of the Commission shall be filled by a person appointed by the Mayor with

- 6.03(d) the approval of the Board of Trustees to serve out the remaining term.
- e) Members of the Commission shall serve without compensation.

6.04 REGULATED CONDUCT

- a) Nothing contained in this local law shall be construed as authorizing the Commission to regulate or limit the height and bulk of building, to regulate and determine the area of yards, courts and other open spaces, to regulate density of population or to regulate and restrict the locations of trades and businesses or location of buildings designed for specific uses or to create districts for any such purpose.
- b) Nothing in this local law shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature, structure or site which does not involve a change in design, material, or the outward appearance thereof.
- c) Nothing in this local law shall be construed to prevent the construction, reconstruction, alteration or demolition of any exterior architectural feature or designated landmark which the Building Inspector shall determine is required by public safety because of dangerous or unsafe conditions.
- d) Except as provided in Sec. 4(a) of this local law, the Commission may, in exercising or performing its powers, duties or functions, apply or impose conditions with respect to construction, alteration, repair or demolition which are more restrictive than those prescribed, made by or pursuant to other provisions of law applicable to such activities.

6.05 DESIGNATION OF LANDMARKS

- a) On its own initiative or at the request of any person, group or association, the Commission may designate landmarks or landmark sites within the Village of Williamsville in accordance with one or more of the following standards:
- 1) those structures or sites associated with the lives of individuals significant in our national, state or local history;
 - 2) structures or sites associated with events significant in our national, state or local history;
 - 3) structures that embody the distinctive characteristics of a type, a period or a method of construction;
 - 4) structures that represent the work of a master architect or designer or that possess high artistic value, or ones that represent a significant or distinguished entity, though its components may lack individual or special distinction;
 - 5) significant historical or cultural sites where buildings or structures no longer exist, such as a battlefield or cemetery,
 - 6) sites which may yield information important to area history or pre-history.
- b) In no event shall a structure or site be designated without the Commission first conducting a survey to identify and document the history and/or significance of landmarks.
- c) In each case, the owner or owners of structures or sites proposed for designation shall be notified in writing of such proposal and furnished a copy of the aforesaid documentation, the preservation code and any other standards which apply. Said owner or owners shall have the right to confer with the Commission prior to any final action by the Commission.
- d) In no event shall a structure or site be designated as a landmark until the Village Board of Trustees has conducted a public hearing thereon.

- 6.05 e) As a final step in the designation process, the Village Board shall, within 60 days, approve, disapprove or refer the designation back to the Commission for modification. Any designation shall become effective on and after the date of approval by the Trustees.
- f) The Commission shall be responsible for proper public identification of areas designated as landmarks or landmark sites.
- g) The Village Clerk and the Historic Preservation Commission shall keep a public register of all landmarks and landmark sites.

6.06 ALTERATION OF LANDMARKS

- a) No exterior alteration, repair, reconstruction, construction, movement or demolition of any designated structure shall be undertaken without the issuance of a Certificate of Approval from the Commission, nor shall any building permits for such change be issued without such a Certificate of Approval having first been issued. The Certificate of Approval required by this section shall be in addition to, and not in lieu of, any building permit that may be required by any ordinance, local code, rule or regulation of the Village of Williamsville.
- b) Application for Certificate of Approval shall be made to the Building Inspector of the Village of Williamsville, who shall immediately notify the Commission of the receipt of such application and forward it together with accompanying plans and other information to the Commission unless such application pertains solely to the interior of the structure.
- c) The Commission shall meet to consider the plans within 30 days after notification by the Building Inspector of the filing, unless such time limit shall be extended by mutual agreement of the applicant and the Commission. The applicant may confer with the Commission at such meeting regarding its decision.
- d) The review of plans by the Commission shall not include interior arrangements or modifications of the structure.
- e) The Commission shall approve the plans only if it finds that:
- 1) the proposed work in creating, modifying, destroying or affecting any exterior architectural feature of a designated landmark or landmark site will not have a substantial adverse affect on the aesthetic, historic or architectural style, significance and integrity of the landmark.
 - 2) the proposed change is consistent with the intent and purposes of this local law.
 - 3) the denial of a Certificate of Approval by the Commission would prevent the owner of the designated structure or site from earning a reasonable return on the property.
- f) Upon approval of the plans, the Commission shall issue a Certificate of Approval which is to be signed by the Chairman. The Chairman shall also stamp all plans submitted to the Commission signifying its approval. The application together with accompanying plans, information and the Certificate of Approval shall be transmitted to the Building Inspector.
- g) If the Commission disapproves such plans, it shall state its reasons in writing and transmit same to the Building Inspector and to the applicant. The Commission in its written disapproval may advise what alterations it would deem to be acceptable. The applicant may modify his plans accordingly and shall have the right to resubmit the application.

- 6.06 h) Failure of the Commission to approve or disapprove of such plans within 60 days from the date of application, unless otherwise mutually agreed upon by the applicant and the Commission, shall be deemed to constitute approval by the Commission.
- i) The Building Inspector shall not issue a Building Permit until a Certificate of Approval has been issued by the Commission.
- j) It shall be considered a violation of this local law to deviate from such approved plans upon which issuance of a Certificate of Approval was granted unless an amended certificate be applied for and granted.
- k) Upon issuance of the Certificate of Approval and Building Permit, the Building Inspector shall, from time to time, inspect the construction, alteration or repair of the designated structure or site and shall take such action as is necessary to insure compliance with the approved plans.
- l) Demolition of a landmark structure or site shall be prohibited unless, after a hearing upon the application, the Commission finds that the prohibition prevents the owner of the property from earning a reasonable return. In the event that the designated structure or site is found to be of unique value, the Commission may deny permission to demolish provided that such denial shall prohibit demolition for no more than one year from the date of application. During that year, the Commission shall endeavor to work out with the owner or owners an economically feasible plan for the preservation of such designated structure or site. A Certificate of Approval for demolition shall terminate landmark status.
- m) As a matter of information, notice of all applications for building or demolition permits involving sites or exterior architectural features of structures shall be forwarded immediately by the Building Inspector to the Preservation Commission.

6.07 REMOVAL OF DESIGNATION

- a) Request for removal of Landmark designation shall be directed to the Historic Preservation Commission for its consideration and recommendation.
- b) In no event shall the designation of a structure or site be rescinded until the Village Board of Trustees has conducted a public hearing thereon.
- c) Within 60 days of receipt of request, the Commission shall forward its written recommendation to the Board of Trustees, which shall take final action on the request at its next regularly scheduled meeting.
- d) Granting of a request seeking removal of designation of landmark status shall require a 4/5 vote of the Board of Trustees.

6.08 APPEALS

Any applicant aggrieved by the action of the Commission in denying an application for a Certificate of Approval may take an appeal to the Board of Appeals in the same manner as is provided for other appeals.

6.09 VIOLATIONS

Failure to comply with any of the provisions of this ordinance shall be deemed a violation and the violator shall be liable to a fine of not more than \$100.00. Each day such violation continues shall constitute a separate violation.

6.10 VALIDITY

If any section, subsection, phrase, sentence or portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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, May 9, 1983 at 7:38 PM

60° or 70° in the past week but that didn't mean we could lay our hands on equipment from the Town to use for it and unfortunately given consideration of the Town's requirements we couldn't do this last year so we have had this done this year, in fact today, and I thank in particular Don Schueckler for getting this done for us and I certainly hope that it will alleviate the problem or certainly minimize the problem at that particular intersection regarding left hand turns and people that want to go straight through using the left hand turn lanes.

I've also received a report from Niagara Mohawk, or rather a recommendation from Niagara Mohawk regarding the changing of the light poles and the wiring on several of our streets. At least four of them. They would be Farber Lane, Hirschfield, Highland Drive, Columbia and Monroe and the Niagara Mohawk Corporation has a great deal of problems in that area with the underground wiring failing and thus they have come up with a proposal to put new standards and wiring in there. There's one catch. The proposal requires the expenditure of what I believe to be a considerable amount of money on the part of the Village and the Village Board will be appraised of my feelings in the work session following this meeting. However, I do feel I should mention it publicly and I would also say that at this time it would be very difficult for us to undergo this project because we have no funds to do it in the upcoming fiscal year. However, I think the project is in need of going and also in connection with my remembrance of those particular street lights I think they might be Village owned anyway. So I think we'll go ahead and do it ourselves and preclude this charge on the part of Niagara Mohawk. I don't know when it can be done but I promised to find cheaper ways to do things and this would be one of them.

I've also communicated with the department of Transportation regarding the Main Street bridge over Ellicott Creek and in particular the concrete deterioration on the southerly area of that bridge and also the replacement, regrouting of the stone on the northerly portion of the bridge, and I've received a reply from Mr. Ketchum of the department of Transportation that these areas will be addressed in the summer, late spring construction season.

That concludes basically my report tonight. I have one resolution that due to insufficient background on it, we're not quite sure exactly what is required here, a request by National Fuel Gas and I will move to table that resolution.

Mayor Kuzon: You have to move the resolution and then make a motion to table it.

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

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, May 9, 1983 at 7:38 PM

RESOLVED that the Mayor is authorized to sign Right-of-Way form with National Fuel Gas for 15' strip next to Village Square Apartments going in an easterly direction.

RIGHT OF WAY
AUTHORIZATION

Tabled

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

Unanimously carried.

Trustee Brenton: That's all I have.

Mayor Kuzon: Thank you. Trustee Kibby.

Trustee Kibby: I have no report this evening.

Mayor Kuzon: Thank you. Trustee Murray.

Trustee Murray: I would also like to thank Trustee Saia and the Youth Committee for the Fishing derby on Saturday. I hope it's the first of many and it's one of those things that makes this community so special. Thank you.

My first resolution authorizes the Mayor to go to the Conference at Grossingers in June. It's the Annual Conference of Mayors and not a convention. It's a learning session and it reads:

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

RESOLVED that Mayor Gordon J. Kuzon is authorized to attend the New York Conference of Mayor's Annual Meeting at Grossingers, New York from June 5, 1983 to June 7th, 1983 and the expenses to be paid by the Village of Williamsville.

AUTHORIZATION

Mayor to attend
Conference of Mayors
at Grossingers

Unanimously carried.

My second resolution comes from a lot of discussion about an overhead sign at Main and Garrison and as I stated at the last Board meeting, I had tried to include an overhead sign at both Main and Garrison and Main and Evans and had been turned down but through persuasion have persuaded two members of the Board besides myself to reinstate half of that money to put the overhead sign on the Main and Garrison side and that resolution reads:

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

RESOLVED that \$2,100 be appropriated from General Fund Surplus and added to 1983-1984 Appropriations

GENERAL FUND
Budget

Appropriate
funds for 1983-84
budget

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, May 9, 1983 at 7:38 PM

Account # 1.3310.4233 - Traffic Control
Signs - Left Turn, Garrison and Main.

Trustee Brenton: On the question, Mr. Mayor, this is the particular intersection that I referred to earlier which the Town of Amherst has marked for us and we now have the two lanes involved that go in a northerly direction delineated so that one is indicated to be a thru or right hand turn lane and the other now is indicated to be a left hand turn lane and previously this Board felt comfortable with that aspect. We do have the professional input of the New York State department of Transportation, as well as the Erie County Highway department, as well as some general feeling from members of the Town of Amherst, the department of Transportation, Highway department in fact that this type of signing would be "overkill" at this particular location. I have to reiterate that we have expert opinion that to place this sign at that location would in effect result in "overkill" and I do request that the Board seriously consider the expert opinion that has been presented in written form pertaining to this subject. Also, I would request that the Board consider that we have now marked that pavement and I would request that the Board give that pavement marking a chance to work to see if people in fact will get into the proper lane. It's my opinion that this has been done at Aero and Wehrle drive, a county road, by the county and it appears to work quite well in that particular area to me. They have identified the lanes to be used very clearly and now I think basically the people use those lanes and I do think that it's "overkill" to go ahead and do this at this time and that we have just gotten our pavement marked now and we discussed this in our work session prior to this official meeting here at which time I offered if the Board would hold this situation in abeyance, that is the signing of this particular intersection, I offered to allow, to suggest at any rate the use of CHIPS funds, which are New York State funds for the purpose of traffic and safety to be utilized at this location at a later date should it in fact be proved that the pavement marking was not working and we do have to have this overhead signing. So that I do have to feel in spite of the two or three requests that have been made by members of the community that I have to feel that we are reacting to these requests and I would seriously question the judgement of constructing these signs and in spite of this very expert opinion that we have had regarding this and I would reiterate my offer which I have discussed with the department of Transportation of the State of New York and it might be perfectly legal for us to utilize these CHIPS funds in installing these signs at a later date should they be proven necessary through the use of CHIPS funds and not through a transfer of general funds.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, it was moved to table this resolution.

Vote on Roll Call: Trustee Brenton - aye
Trustee Saia - no
Trustee Kibby - no
Trustee Murray - no
Mayor Kuzon - aye

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Ayes - 2, Noes - 3.

Motion fails.

Mayor Kuzon: We can continue to discuss the original motion.
Trustee Kibby.

Trustee Kibby: I don't often argue with experts but I have a little difficulty understanding why the experts think three signs, three approach signs and marked pavements are necessary at Aero and Wehrle and why two approach signs and an overhead sign and arrows are necessary at Evans and Sheridan, two approach signs and an overhead sign and arrow are necessary at Youngs and Sheridan and why at Forest and Sheridan are at least, there's at least one approach sign, an overhead sign, an arrow and those are not "overkill," but on Garrison which is a one lane street that turns into two lanes only at the corner at the Mobil Station there is one sign that stands right in front of my house which is about 12' from where there are two lanes, why one sign that sits behind a tree by and large and is reasonably dirty and dark, which is not DOT's problem or Erie County's problem, why one sign is satisfactory there. One sign and what was a marked highway. You've got a sign that comes up on a one lane road. It says left lane left turn only. Anybody who's driving by that says I only see one lane and you go another 35' to 40' before you see even the second lane. Furthermore, that street is probably not as busy as Youngs and Sheridan, well it's probably as busy as Youngs and Sheridan, it's probably not as busy as Evans and Sheridan, and there's no doubt about that. It's probably not as busy, or quite as busy as Aero and Wehrle. It's probably not quite as busy at 5:00 PM as Forest and Sheridan. But I've lived at that corner for awhile, walked by it quite frequently, and I've counted no less than 14 to 18 cars in the last seven days that have stood at the left hand lane and tried to make a straight shoot on over into, onto Evans. If it's "overkill," and I don't think it is, but if it is at least I'll feel that I've done something in voting for this that has tried to make that a safer corner because as it stands right now that is not a safe corner and there have been arrows over there in the past. It's nice that the arrows are new, and fresh, and painted, and it looks good. It will be helpful and safer but I still think the overhead signs are needed and I also think we should have more approach signs. I'm going to vote for it.

Trustee Saia: Mayor Kuzon, as a lot of you people know I sat in that audience where you're sitting for a good many years. I've seen this subject come up a good many years and as I sat there when I was contemplating running for this job and said boy I just have to do something if I ever get up there, I think this is my chance even though I didn't do it, but I have a chance to vote on it. I think it's a safety hazard. That's my personal feeling on it and from the way Trustee Kibby spoke I think it's his opinion also. But I don't know, everything else has been tried. My feeling is that when there's 1" of snow or anything on the ground you might as well take those arrows and put them away for the winter because you cannot see the arrows and it is not the people that live in our community and I'm talking about the people that use the road all 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, May 9, 1983 at 7:38 PM

time, that are the violators. It's our visitors, our friends that come and visit us, the people that pass through our community, all these other people. They're the ones that are the violators. They're the ones that might cause an accident where it might injure a loved one of ours. So I have to vote yes.

Mayor Kuzon: Anyone else on the question?

Trustee Brenton: Well I would just like to say at this time that Trustee Kibby pointed out all the other streets where he mentioned similar signing, he indicated that these streets were apparently in his view multi-lane streets. However, they're all the same as this street in that it's a problem area that goes from two lanes, one in one direction and the other in the other direction, and then when you get to the point where it is necessary for traffic flow the lanes are delineated so that you have a left turn, or you have a lane for straight thru movement or a right turn. Again a left turn only lane so that he's not quite accurate when he says about the other intersections. As far as Trustee Saia's feelings on the situation are concerned and the fact that he indicates this has been discussed previously in the audience I really don't remember when it was but he was not on the Board and I do remember explicitly that since he has been on the Board he supported the concept of exactly what I presented here tonight. That was mark the pavement and wait and see and I think the minutes will bear me out on that. So on those two areas before we vote I still request, you know, that we discuss them.

Trustee Kibby: Sure, I'll agree with you a little bit. You're right. Those are all one lane roads that go to two lanes with the possible exception of one and they're all marked with overhead signs so why should those intersections that go from one lane to multiple lanes be any different from Garrison which goes from one lane to multiple lanes. Why is it "overkill" on Garrison and it's not "overkill" on the other corners. Just because traffic is a little heavier. Is it because eight cars an hour will fail to make a left turn at Sheridan and Evans and only four cars an hour will do it at Main and Garrison. It only takes one or two a week to create problems.

Trustee Brenton: I totally agree with you, but again I'm presenting to you an alternative whereby you would try the pavement marking and I'll record it here if that did not work then we could go to the signing. At the present time we do not have the capability to install overhead signing nor do we have the ability to maintain overhead signing and I'm not going to ask, nor would I allow one of our department of Public Works employees to get into a bucket of a lift in order to install or maintain that overhead sign.

Mayor Kuzon: Anyone else? I request a roll call please.

Vote on Roll Call: Trustee Saia - aye
Trustee Brenton - no
Trustee Kibby - aye
Trustee Murray - aye
Mayor Kuzon - no. I would say that Larry has

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, May 9, 1983 at 7:38 PM

articulated my feelings on this issue and the one thing that I would add is that I'm not, from a practical point of view I'm not sure that the sign is going to achieve the goal that it's intended because of where it's going to be located and perhaps it will be hidden by trees. So for the reasons that Larry has stated plus this doubt in my own mind that the sign will work, I also vote no.

Ayes - 3, Noes - 2.

Carried.

Trustee Murray: That concludes my report.

Trustee Brenton: Would you mind just reading that letter from the department of Transportation unless you have presented the contents of that letter, in particular to the news media. I believe I brought it to the Traffic and Safety Committee quite some time ago. I'm not quite sure that the general public has been informed of the contents of that letter so that's why I passed it down to you. So Trustee Murray if you would read it please I'm sure that then the members of the community will know what's going on.

Trustee Murray: You didn't inform the Traffic and Safety Committee.

Trustee Brenton: I'm sure I sent a copy of the letter to the Committee.

Trustee Murray: Anyway, the letter says that the traffic signals at Los Robles, Mill and Hirschfield will be flashing from 11:00 PM to 6:00 AM as per Traffic and Safety's request that went in at the time that Mr. Brenton was the liaison to the Traffic and Safety Committee.

Mayor Kuzon: Next is Superintendent of Public Works Bureau.

Mr. Bureau: Annual Trash Week - This past week the annual Village trash pickup week program was operating throughout the Village streets. The program commenced on Monday and ended on Friday, May 2nd thru May 6th. P.W. crews were busy throughout the week collecting many loads of solid waste. While the annual intense trash pickup week is now closed, heavy items, metal and brush will be picked up on request on a one day per week basis throughout the summer.

Flood channel and dam - due to the heavy rains experienced over this past weekend the gates in one bay spillway were taken out to pass the flood surge on Ellicott Creek.

Parks - This past Monday evening two college students were caught at the Town/Village Glen Park cutting up the lawn with their vehicle. The A.P.D. were directed to arrest these two individuals. They were taken to the police station, booked and jailed for four hours. Their parents put up \$300 bail to get them released. May 20, 1983 they will appear before the Village Justice. This will

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, May 9, 1983 at 7:38 PM

serve as a warning to any individual who is apprehended in the act of damaging, rutting or vandalizing our Village Parks or the Town/Village Glen Park. They will be arrested and prosecuted.

I guess Trustee Brenton has mentioned the fishing net is up yet. I have nothing else.

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

Unanimously carried.

Mayor Kuzon: At this time anyone in the audience may speak to the Board. Mr. Hill.

Richard Hill, 18 Brookside drive: I want to thank the Board for putting the signs up there and I gave the reasons I wanted overhead signs and it's what Traffic and Safety wanted. We went all last year without the road being marked and we could go that way again next year. I don't know why they didn't mark it last year. They had all summer long from early spring on and they kept telling us it would be marked.

The other thing is they have plastic laminated signs they tell me have many years guaranteed life. Maybe it should be looked into. I heard about it and maybe we can put in a sign that would be 10 years maintenance free and won't have to put up any one to maintain it. It won't break.

Trustee Brenton: But the wires will break.

Mr. Hill: You had all summer long to mark the road and they didn't get marked.

Trustee Brenton: I tried to get it marked but unfortunately we ran out of time. Number two you indicated the sign that says 30 MPH was not put up. I believe you found out that that sign was put up the next day exactly where I said it was put up at the last meeting.

Trustee Saia: Dick, sometimes we have to pry some money from Larry. He's kind of squeaky with his money and I know it's not his money but that's the way he is with the Village money. He's very tight with it.

Mayor Kuzon: Mrs. Shrauger.

Mrs. Carolyn Shrauger, 55 Oakgrove: I seem to be the only member of the Environmental Council here tonight and I am speaking on behalf of the Council in commending you for passing this Historic Preservation Code that we worked on for a long time. I think it encourages re-use and restoration of our older buildings and acknowledges them as

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, May 9, 1983 at 7:38 PM

part of our heritage and we do feel that's part of the character and integrity of the Village. So I would just thank you for taking action on that matter.

Trustee Saia: Thank you.

Mrs. Shrauger: Where is the sign about the Evans House? What happened to that sign that the Buffalo and Erie County Historical Society put up? It was there at Ed Youngs parking lot.

Trustee Brenton: That sign was knocked down by an automobile and was taken to the department of Public Works garage and it has been picked up by the Erie County Historical Society and it's my understanding that they're supposed to repair it and return it to us.

Mrs. Shrauger: Can you give me the name of the person there?

Trustee Brenton: Dave Laubisch probably would, or Phil after he talks to Dave. If you want to call Phil tomorrow, say sometime after lunch to give him a chance to work on it awhile.

Trustee Saia: Carolyn, I'd like to say thank you for the job you did on that preservation code. I worked with you on it and it was a pleasure working with you and I'm glad that the Village has passed that Historic Preservation Code.

Trustee Kibby: Thank you, Carolyn.

Mr. Hill: I'd like to ask a question. I understand there's a 10' easement in front of the Shrimp Shop. Does that go all the way to Main Street? Is that driveway actually under the control of the Village or not?

Mayor Kuzon: I honestly don't know.

Mr. Hill: Could I make a request.

Mayor Kuzon: Does anybody up here know?

Trustee Brenton: There is an easement extending generally from the flood gates out to Main Street. I have a print of it someplace around here. I don't know if I could put my fingers on it in less than an hour or so. However, Bissell Merrill does have a print in their repertoire of prints. They're the ones that drew it. So that there is an easement there and I believe it is approximately 10' wide.

Trustee Kibby: Marty can give you that easement. I've seen it a couple of times and basically whenever any work is done on any of those shops in that area the parking lot plan, which includes Ed Youngs parking lot, show that easement quite clearly from Main Street.

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, May 9, 1983 at 7:38 PM

Mr. Hill: Could Trustee Murray have a copy of that for the Traffic and Safety Committee meeting for this Thursday night. What I'm getting at is that that is a dangerous entrance there. You have cars coming in and out. I've thought for a long time that it should be marked for entrance and exit to prevent two cars coming this way, which has happened quite often. In fact, I got nailed over there one day. If this is Village property or if the Village controls the property then maybe we can have that marked with a dividing line for in and out.

Trustee Brenton: I have to comment that even with the 10' of easement that would be private property that we'd be dealing with and I'd be very reluctant to have any signs supported by Village funds to go onto private property. But perhaps Traffic and Safety could make a recommendation to the owners of that particular property in that general area and they may be willing to accommodate you.

Mr. Hill: I would like to have the Village Attorney's opinion on that.

Mayor Kuzon: If there's no further business...

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

Unanimously carried.

Mayor Kuzon: If there's no further business...

ON MOTION by Trustee Murray, seconded by Trustee Kibby, the meeting was adjourned at 8:57 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer