

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, March 26, 1984 at 7:38 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton  
Michael Kibby Trustees  
Lawrence Law  
V. James Saia

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

Clerk: The Village of Williamsville expects to receive approximately \$46,760.00 of Community Development Block Grant funds from the U. S. Department of Housing and Urban Development for the 1984-1985 program year. On Monday, March 26, 1984 at 7:35 PM the Village will hold a public hearing in the Council Chambers of the Municipal Building, 5583 Main Street, Williamsville, New York to obtain the views of citizens on community development and housing needs. Special emphasis is placed on projects which benefit low and moderate income residents.

PUBLIC HEARING  
1984-85

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the public hearing was opened at 7:38 PM.

Community Development Funds

Unanimously carried.

Trustee Kibby: This year's projected funds for Community Development are \$46,760.00. Tentatively the budget, the Board of Trustees has earmarked the money for three categories. The first is \$6,760 for the Meeting House which is called Neighborhood Facilities Act; \$10,000 for housing rehabilitation; and \$30,000 for infrastructure, otherwise known as repairing water lines. This money can be used only in targeted areas and just for a little sense of background on this the money for the '81 and '82 housing rehabilitation was \$13,500 and that was used totally, and for infrastructures, water lines, that was \$44,560 and that was also used. \$2,000 was set aside for the Meeting House. In '82-'83 the money for housing and infrastructure was also used. The money for the Meeting House was set aside for a project which will begin probably within a few months. The '83-'84 budget - the money for housing rehabilitation has been used at about a 88% to 90% level, there's about 10% to 12% of that money left, and a little less than 10% of the water line money is left. The money for the Meeting House, as I said, already has been set aside.

If there's anyone who'd like to ask a question or make a comment on the use of the C.D. funds, the Community Development funds, please state your name.

Seeing no one who wishes to speak...

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ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the public hearing was closed at 7:42 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, March 26, 1984 at 7:36 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton  
Michael Kibby Trustees  
Lawrence Law  
V. James Saia

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

Mayor Kuzon called the meeting to order at 7:36 PM.

Mayor Kuzon: I'd like to open this evening's meeting with a moment of silence in memory of two Village residents who have recently passed away. First I'd like to make mention that Raymond Weatherbee, a long-time Village resident and friend, passed away today, and also Dr. John Pickren, a distinguished pathologist at Roswell Park, who also passed away within the last few days. I'd like to begin our meeting with a moment of silence in memory of those two gentlemen.

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

ON MOTION by Mayor Kuzon, seconded by Trustee Law, the minutes of the regular meeting held March 12, 1984 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the minutes of the special meeting held March 20, 1984 to accept the election results were approved.

Unanimously carried.

Mayor Kuzon: Our next item of business is a public hearing regarding our 1984-1985 Community Development Funds and at this point I'll turn the agenda over to Trustee Kibby.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, it was moved to open the public hearing at 7:38 PM. (The hearing was closed at 7:42 PM.)

Unanimously carried.

Mayor Kuzon: For my portion of the agenda, first of all I'd like to congratulate both contestants in last week's Village election. Mr. Gallagher, who is with us this evening and sat in on our budget session earlier tonight, and also our colleague, Trustee Law, who will be leaving us. But I'd like to congratulate both men on the fine job that they did in the election in portraying the issues for the Village residents and for the work that they have done.

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Larry, on behalf of the Village Board I'd like to present you with this certificate which is just a small token of our appreciation for your service to the Village and we enjoyed working with you and we'll miss you.

Trustee Law: Thank you very much. May I say a word?

Mayor Kuzon: Sure.

Trustee Law: I appreciate the support and encouragement I got from the Mayor and my fellow Trustees. They've been most patient with me and helpful. I'll miss them. And another group that kind of goes unnoticed is the people who work in the office. They were a great help to me and I trust the new Trustee, Mr. Gallagher, will be, I'm sure he'll be a wholesome addition to the Board.

Mayor Kuzon: Thank you.

Trustee Law: Thank you.

Mayor Kuzon: I have a number of resolutions. The first one is for vouchers in the amount of \$71,867.47. These vouchers cover the period from March 13th through this evening, the 26th of March.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$71,867.47 were approved as follows:

Payroll Fund	W/E 3/16/84	\$ 5,373.63
	W/E 3/23/84	<u>5,167.78</u>
Total Payroll Fund		\$10,541.41
General Fund	Abstract #557	22,842.31
Sewer & Water Fund	Abstract #138	25,923.63
Trust & Agency Fund	Abstract #177	2,366.50
Glen Park Jt. Activities	Abstract #77	186.02
Federal Revenue Sharing	Abstract #152	10,000.00
Community Development	Abstract #83	<u>7.60</u>
Total Vouchers		\$71,867.47

Unanimously carried.

My second resolution regards the Stop DWI Program which is in existence and requests an increase in the fees that are paid back to the local municipalities. It's been our experience that the \$10.00 reimbursement

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level, simply put, does not cover the cost involved with participating in the program. We're asking an increase of about \$5.00 per case from \$10.00 to \$15.00 and our request is consistent with other municipalities' requests throughout the County. We have received copies of a number of those. The resolution reads:

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

WHEREAS the County of Erie, pursuant to State Law, has created a Special Traffic Options Program for Driving While Intoxicated (STOP-DWI), and

JUSTICE  
COURTS

WHEREAS the Village of Williamsville, in 1982 and 1983, entered into Agreements with the County of Erie under the STOP-DWI Program wherein the Village received \$10.00 per matter for each alcohol-related case handled by the Village Justice Court, and

STOP-DWI  
PROGRAM

WHEREAS the County has, or is about to submit its proposed STOP-DWI Program and payment schedule to the State Commissioner of Motor Vehicles for his approval, and

WHEREAS the Village Justice feels that the amount of reimbursement to the Village for the services of the Village Justice Court under future STOP-DWI Agreements should be increased to \$15.00 per alcohol-related matter,

NOW, THEREFORE, BE IT RESOLVED that this Village Board hereby memorializes the County of Erie, in its 1984 and subsequent STOP-DWI Programs, to establish \$15.00 as the amount of reimbursement to the Village for each alcohol-related matter handled by the Village Justice Court, and

BE IT FURTHER RESOLVED that all towns and villages in the County of Erie which have entered into STOP-DWI Agreements with the County be and hereby are requested to join the Village of Williamsville in its aforesaid request to the County, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the County Legislature, the County Office of Criminal Justice Planning, and to all towns and villages in the County of Erie.

Unanimously carried.

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My next resolution - and if you have a copy of our agenda we're not going to deal with the resolution called number 3, which would request the County of Erie to appropriate funds for completion of the real property information system project. We're not going to offer that resolution this evening. So we're going to move into number 4. Number 4 is required by State and Village Law, which requires that the annual reorganizational meeting of the Village be held on the first Monday in April. This resolution establishes our reorganizational meeting as April 2nd at 4:30 PM in the Village Conference Room and that is next Monday.

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

RESOLVED that the Annual Reorganizational Meeting of the Board of Trustees of the Village of Williamsville will be held April 2, 1984 at 4:30 PM in the Village Conference Room, Municipal Building, 5583 Main Street, Williamsville, New York.

MEETINGS  
Set Annual Reorganization Meeting

Unanimously carried.

My next resolutions are also procedural in nature in that they call for the dates for the public hearings for our budgets - our General Fund, Water Fund, Sewer Fund and Glen Park Joint Activities Fund Budgets. As you heard me mention earlier before our public meeting this evening we held a lengthy budget work session and it's our intention to return to that after our public meeting here this evening. We are scheduling our budget hearings for April 9th and I'll go through my resolutions.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held April 9, 1984 at 7:35 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the 1984-1985 General Fund, Water Fund, Sewer Fund and Glen Park Joint Activities Fund Annual Budgets for the Village of Williamsville.

PUBLISH NOTICE OF PUBLIC HEARING  
1984-85 General Water, Sewer and Glen Park Fund Budgets

Unanimously carried.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held April 9, 1984 at 7:40 PM in the Municipal Building,

PUBLISH NOTICE OF PUBLIC HEARING  
Federal Revenue Sharing Budget

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5583 Main Street, Williamsville, New York  
for the purpose of hearing all persons  
interested in discussing the 1984-1985  
Federal Revenue Sharing Fund Budget for  
the Village of Williamsville, New York.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Saia, 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, Monday, April 9, 1984 at 7:45 PM to hear all persons interested in expressing an opinion on the proposed sewer rent rates for 1984-1985 year per Section 41.20(D) of the Sewer Rent Code.

PUBLISH NOTICE OF  
PUBLIC HEARING

1984 - 85 Sewer  
Rates

Unanimously carried.

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

Trustee Kibby: Thank you, Mr. Mayor. I have one thing on the agenda this evening and that is a resolution to authorize the advertisement of sealed bids for renovation of the Meeting House and it reads:

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

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for renovation of the Village Meeting House. Bids to be opened April 18, 1984 at 10:30 AM in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and trade in allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

ADVERTISE FOR  
SEALED BIDS

Village Meeting  
House  
Renovation

Unanimously carried.

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I have nothing else.

Mayor Kuzon: Thank you. Next is Trustee Law.

Trustee Law: I have just one resolution and that has to do with changing the name of the street that runs off Wehrle Dr. from Ellicott Creek Drive to Creek Road. In the event - it seems that there are many names for the same street. With the word Ellicott in here police and firemen and essential service may become confused with north or south Ellicott or with Ellicott Creek on the other end of the Town, and I'd like to read this resolution.

ON MOTION by Trustee Law, seconded by Trustee Saia, 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 April 23, 1984 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 change in the Official Map of the Village of Williamsville by changing the name of "Ellicott Creek Drive" to "Creek Road."

PUBLISH NOTICE  
OF PUBLIC HEARING

Change  
Official  
Village Map

"Creek  
Road"

Unanimously carried.

Thank you. That's all.

Mayor Kuzon: Thank you. Next is Trustee Saia.

Trustee Saia: Thank you. My resolution is going to be held over until the next meeting, April 9th. We have some questions on it, somebody brought up some questions on it. It's going to be reviewed and I'll present it again April 9th.

For my report tonight I'd also like to extend my gratitude and the pleasure that I've had working with Trustee Law for the few short months on the Board and I, for one, am sorry to see him go. And I also want to thank the Village of Williamsville residents for the overwhelming support of the Conrail property. I - needless to say I did not think personally, I had some reservations about it passing but in retrospect Glen Park was also a hot issue in this Village and it seemed like the people wholeheartedly wanted Glen Park. We've had different skirmishes in this Village, high rises, and it seemed like people didn't want high rises. Now here we've got another piece of property. It seems to me like they want some open space and I'm not going to let anybody down anymore. I'm not going to have any doubts about people wanting open space. I shouldn't have had because I have been promoting that for years. But I'm very grateful to the people that came out and voted for the purchase of the Conrail property. It's my fervent hope that the Mayor appoints a committee with quick

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dispatch so that we can get on the job of doing something with that piece of property and I'm sure he's working on it.

Now the other thing I had was that I see that Trustee Kibby has given the bids out for the Meeting House and I want to thank Mr. Kibby for his fast work on that in getting this thing underway. Thank you, Mayor.

Mayor Kuzon: Thank you. Next is Trustee Brenton.

Trustee Brenton: Thank you, Mr. Mayor. I certainly want to express the satisfaction that I have had working with Larry Law for the last six months, I believe it is, and I think that he's done an admirable job and I think that both he and Dick Gallagher are to be complimented on the quality of the election that they engaged in and with that I also believe that Dick Gallagher will definitely be an asset to this Board and I look forward to serving with him.

Regarding the election, as you all know as we approved here the results of the Village Board meeting, which was a special meeting called for the purpose of receiving the results of the election which meeting was indicated in the prior Village Board session, indicated that it would be held and I think it was an important meeting and I question the fact that there were only three Trustees present for it. I feel that the Trustees have to answer for themselves as to where they were or what they were doing but I myself put a great deal of time into this position and I'm going to be inquisitive from now on concerning the actions of the Board and I'm going to do that publicly. So with that I'd move to my report.

My report is that the New York State Department of Transportation has indicated that they will be removing the abandoned Conrail bridge over Union Rd. which is, of course, located south of Main St., and that general area will be improved to the extent that the surface of the highway itself would be brought up to the general level conditions of the Main St. intersection and there will be necessary widening taking place there and the entire intersection will be improved. The Department of Transportation has put this project on their list and I would say that approximately a year and a half ago I had requested this. So I assume this is part of the New York State Transportation Bond Issue money that we can thank ourselves for, at least the electorate passed it because I really didn't feel that it was good, just a sinkhole, but I'm glad that we're getting rid of the bridge.

I'll move directly to my resolutions now. Resolution number 1 deals with the replacement of the watermains on Howard Avenue which has been a subject here of previous conversation and request for bids, bids that were received, bids that were felt were too high so that we have reworked the specifications. We did not want to accept those high bids and we reworked the specifications and we're hopeful that these bids will now come in lower so we're calling for bids to replace the Howard Avenue watermains with this resolution number 1 and it reads as follows:

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

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for the replacement of watermains on Howard Avenue. Bids to be opened on April 11, 1984 at 10:30 AM in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and trade-in allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

ADVERTISE FOR  
SEALED BIDS

Howard  
Avenue  
Watermain

Unanimously carried.

And in the format of the agenda resolution number 2 really, I believe, should follow resolution number 3, so that I'm going to switch those two around and resolution number 3 deals with the nonacceptance of the bids for the front wheel loader which we called for on March 12th and then the other resolutions fall in line after that. So essentially I'll just read resolution number 3, which will become number 2.

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

RESOLVED that the resolution adopted on March 12, 1984 regarding bids for one (1) wheel loader is hereby voided.

RESCIND  
RESOLUTION  
3/12/84  
re: Wheel loader

Unanimously carried.

The purpose of resolution number 3, which now becomes resolution number 2, was that the Superintendent of Public Works decided and determined in consultation with the Superintendent of Highways for the Town of Amherst that he would prefer to have Caterpillar pieces of equipment. The Town of Amherst has gone exclusively to Caterpillar equipment, that is their manufacturer, the manufacturer is going to be the Caterpillar Corporation by the construction of this advertisement for bids and the attorney has looked at this. The attorney feels these are not proprietary specs and the attorney is comfortable with them. I must say that I have some reservation about them. However, I do understand exactly what is taking place here and I think it's best for the Village although it's not my idea of competitive. Resolution number 2 reads as follows:

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

WHEREAS the Town of Amherst Highway Department has recently standardized purchase of hi-lifts to those manufactured by Caterpillar, and

STANDARDIZATION  
RESOLUTION

WHEREAS at the present time the Town has established a substantial inventory of spare parts for said equipment, and

WHEREAS the Village of Williamsville works closely with the Town of Amherst regarding equipment maintenance and parts, and

WHEREAS there presently is a broad range of working equipment pieces available for interchange use among the Caterpillar hi-lifts, and

D.P.W.  
HI-LIFTS  
TO THOSE  
MANUFACTURED  
BY  
CATERPILLAR

WHEREAS single manufacture equipment is more easily and safely operated by Highway personnel because of familiarity with the equipment,

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 103 of the General Municipal Law the purchase of hi-lift equipment for the Village of Williamsville shall hereafter be restricted to hi-lifts manufactured by Caterpillar, and

BE IT FURTHER RESOLVED that such hi-lift specifications shall include the requirement that present spare parts and working equipment pieces be freely interchangeable between all Caterpillar hi-lifts, and

BE IT FURTHER RESOLVED that this resolution be implemented immediately and shall continue in full force and effect until terminated by appropriate resolution of this Village Board.

Unanimously carried.

And then to finalize that, resolution number 4 calls for the bids for this Caterpillar piece of equipment and reads as follows:

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

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for one Caterpillar 930 wheel-loader for the Department of Public Works. Bids to be

ADVERTISE FOR  
BIDS

Caterpillar  
930 wheel-loader

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opened April 26, 1984 at 10:00 AM in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and trade-in allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

Mayor Kuzon: As we discussed and expressed at our last meeting when this subject was brought up, it was our intention, and I hope it still is our intention that this be circulated within the State, or across the State so that many Caterpillar dealers will have the opportunity to bid on it.

Trustee Brenton: That's definitely our intention.

Unanimously carried.

Trustee Brenton: And I would then regarding that subject as we have stated before request that the Village Clerk provide the most far-reaching circulation that she has at her ability to do in order to have this advertised throughout. I know that we advertise in the Dodge Report, which apparently hits just about everyone, but if there is any other way, I don't think the time frame would allow her publication in the Municipal Magazine that we all get, but whatever needs to be done to broadcast this as far as possible. And that's all I have, Mr. Mayor. Thank you.

Mayor Kuzon: Thank you. Next is Mr. Boudreau, our Superintendent of Public Works.

Mr. Boudreau: For my report under the heading of Streets - The past winter has been a record one for consistent snow and cold on many given weeks. From about the middle of December, 1983 to just this past week, deep winter weather has been consistent, with a one week thaw only, occurring in mid-February. The intensity, deep cold, ice and snow has accelerated the deteriorating condition of highway pavement on Village streets. Major potholes are continuously breaking down large areas of pavement. The temporary repair of potholes is ongoing by the D.P.W. and will have to continue until the late winter conditions abate.

A major repair-replacement program will have to be planned because of the deteriorating condition of the pavement on Village streets.

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A study of pavement conditions should be made, various forms of pavement failure observed and a rating system established. From this data a priority rating can be applied on each street. In some cases a slurry seal-chip coat can extend the life of a pavement three to five years, if applied in time. In other cases, where cracking, shoving and alligating are evident, reconstruction or repaving are required. In other cases of pavement breakup the lack of highway storm drainage is the major cause. That's the end of my report.

Mayor Kuzon: Thank you.

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

Unanimously carried.

Mayor Kuzon: At this time anyone in the audience have anything for the Village Board, to bring to our attention? Anyone? Yes, sir.

Architect Ken Moser for Jenny's Ice Cream, 78 Spring St.: It was mentioned that we'd like the Board to consider, which involves a new business called Jenny's Ice Cream. We submitted documentation on this project to Mr. Boudreau. It involves a variance in the Village zoning regulations which would allow us to indirectly tie into the public sanitary sewer because according to the Village zoning this Board has the ability to waiver that requirement for a separate sewer. Mr. Boudreau has a letter.

Jenny's  
Ice Cream

Mr. Boudreau: I am passing copies of this on down the line here. (Copies were passed to the Board members.)

Discussion

Trustee Kibby: Could you explain the situation, Phil?

Mr. Boudreau: Sure. Basically what it is there's a choice of going to - the code stipulates each building in the Village must be connected separately to a public sanitary sewer in front, in the highway right-of-way. There is, not a, I wouldn't call it a waiver but the Board can write a resolution, I believe, and waive that if it should so choose and you've shown evidence here that it will work hydraulically. The engineer's provided data on the last page that I've passed to show that the demand from this new development, Jenny's Ice Cream Store, will not in fact overload the 6" pipe they're trying to go into. Also, this exists on the same lot, one owner, Mr. Ray Herman. The front building which is before Jenny's Ice Cream and the apartment that exists up on Main St. has a sewer connection to our Main St. sewer. They propose to come from the Jenny's Ice Cream Store from behind there with a lift station, ejector station I should say, 2" pipe with the affluent from that pumped into the existing 6" connection. The engineer has proven with calculations on the last page that it will not overload the pipe and the Board through the section stipulated on this sheet here, Section 40 I believe it is, can waive that regulation that each building has to be connected. It's an exceptional case.

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Trustee Kibby: What is your recommendation?

Mr. Boudreau: My recommendation would be that the Board approve it.

Trustee Kibby: I don't - may I speak here?

Mayor Kuzon: Sure.

Trustee Kibby: I don't see how we can really discuss this without a resolution. So I will make a resolution but on the other hand, making that resolution doesn't necessarily mean that we have to act upon this tonight. I think it could be tabled. This letter is dated today. It's coming at the very last minute and after a short discussion if we see we're not going anywhere with this I think I would suggest that we do table it.

Mr. Moser: May I interject something? This letter and documents were submitted a week prior to this date. We dated it today because it was going to be presented tonight. It was in the hands of Mr. Boudreau for a week at least. It's very important for my client to get this project underway. She would like to open the business at the prime season of spring. There is some major construction work that's involved in this undertaking and we really, certainly hope that you would not table this issue and try to address it today.

Trustee Kibby: We do have the Superintendent's recommendation and we do have the supporting data from the engineer. The resolution would read that -

Permission from the Village Board be granted to allow "Jenny's Ice Cream" sanitary sewer to connect into the existing building sewer at 5590-5592 Main Street as indicated on the architectural drawings submitted in conjunction with this resolution.

Trustee Saia: Can you do this under suspension of rules?

Mayor Kuzon: Yes. Mike is presenting it as a motion which requires a second.

Trustee Kibby: I've got to reword this as to the owner of the property which is not Jenny's Ice Cream but Ray Herman.

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

RESOLVED that permission from the Village Board be granted to allow Ray Herman's sanitary sewer to connect into the existing building sewer at 5590-5592 Main St. as indicated on the architectural drawings submitted in conjunction with this resolution.

Jenny's Ice  
Cream

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Mayor Kuzon: On the question? Jim.

Trustee Saiá: Do we have an okay from Mr. Herman to this in writing. I think we went through one of these before.

Mayor Kuzon: Mr. Boudreau.

Jenny's Ice  
Cream  
Discussion

Mr. Boudreau: I have a signed building permit from Mr. Ray Herman for those plans.

Mr. Moser: We have kept Mr. Herman up-to-date as to everything that has transpired on this project and he was willing to come this evening and give his approval. I've given him the documentation that he requested on the capacity of his existing building sewer and he is satisfied with the documentation.

Trustee Kibby: He did sign the building permit?

Mr. Boudreau: He signed the building permit that was applied for with this set of design plans so that leads me to conclude he approved the plans.

Trustee Brenton: On the question, I think first and foremost I certainly hope that it wouldn't be a concern of the Village but I would assume that Mr. Herman's sanitary lateral has been tested, I would assume evaluated by the TV method to assure its integrity regarding this increased flow. I know that mechanically what you're saying is no doubt correct. We have the signature of a professional engineer I guess that indicates such, but it would still seem to me that the owner should want assurance that indeed this plan could work and I would leave it to you to determine that this type of investigation was made. And then secondly, I would question the attorney if the procedures indicated here are correct. Is it the prerogative or the responsibility of the Village Board to rule on a situation such as this, or is this a situation that would normally fall under the Zoning Board of Appeals.

Mr. Troy: This is the first inkling I've had of this at all. I've had no opportunity to examine this. I have not been presented with it before this evening and I certainly would not encourage the Board to pass on it until such time as I have had an opportunity to review it and to determine it. That's all I can say. The decision is the Board's. However, I cannot give you an opinion at this time because I have not been consulted on it.

Trustee Brenton: Well my question is, of course, I don't know statutes and I wondered whether or not you'd been consulted on it, in particular as to the effect of Section 40.40(2). Does that apply? Well we don't know. I certainly support, you know the project appears to be a good project but there's two major issues here that apparently haven't been thought of or considered and further the plans were only received on March 22nd as stamped here by our Building Department so that I really think that I wouldn't want to put myself in the position of

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furthering a situation of this nature through with this really lack of information pertaining to the applicability of the Village Law and I would think the building owner or leasers, i.e., Mrs. Hanny being assured that this line that she intends to use can handle it. You assume that it will, as it definitely will under the mechanical or physical figures that you would use for 6" pipe, sure, but is the integrity of that 6" pipe such as will handle the increased flow. And further I would suggest that if there's ever any intention, and it will be a matter of record when this situation if it does come to a vote of the Village Board, that if there's ever any intention of the cooking of foods in a situation like that - I know at this time you're not - but in the event you would determine it's not in your best interest to pursue this activity and some future person would come along and say well I can make a little restaurant out of that and we'll just have to install - well he couldn't have a grease trap, he didn't have a sewer.

Jenny's Ice  
Cream

Mr. Moser: We do have a grease trap designed into the plan.

Trustee Brenton: Okay. Well you know that could really, really, really create a problem. You know I would see an ice cream shop. Maybe there's a grease trap designed here, but a 6", you know, my knowledge of that type of situation if somebody wanted to conduct a short order type of restaurant in that building I would hope that we would forbid it, if that's possible. So that's just my food for thought.

Discussion

Trustee Saia: On the question, I don't know very much about plumbing, actually I don't know too much about this whole thing. I wouldn't be doing my job and make a decision on something that I really don't know anything about at this time. I know very little. Now you said about a week ago we were supposed to have this. I was griping tonight about the work load that some of us have to do on this Village Board with budgets and everything else and believe me, we don't spend every day and every one of our working hours in the Village. We have other jobs. This is sort of like a part-time job. So in respect to your turning this in a week ago, this application or request, we were just given it tonight. In fact, we just got it. I would like to discuss it.

Trustee Kibby: My problem is not the sewer per se. I will take the recommendation of the signed engineer and the signed, of our D.P.W., excuse me our Building Inspector. My problem is that I'm not sure - I'm not being evading here - I'm not sure that this is at the right place at the right time in terms of the code. I just got this tonight. I haven't had a chance to look at the code. I agree with Larry in the sense that I don't know whether we're doing the right thing or not. I want to go back and read the code. So even though I offered the motion when I gave it I said I was hoping it would be tabled and if someone else doesn't move to table it I will move to table it myself.

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Trustee Law: May I speak? I think it's asking an awful lot of the Board to present plans and a letter when a lot of us are not all that familiar with what you're requesting. So I would like to see this tabled and I will move to table this motion. It's not that I'm against it, it's just I just feel that the Board can't make an intelligent decision.

ON MOTION by Trustee Law, seconded by Trustee Brenton, it was moved to table the resolution for further review and discussion.

Jenny's Ice  
Cream  
Discussion

Unanimously carried.

Mrs. Carolyn Schlifke, 192 Evans Street: May I speak?

Mayor Kuzon: Certainly.

Mrs. Schlifke: I'm with the Traffic & Safety Committee. I'm a little confused as to why these people have come before the Board because it was my understanding that usually in a change of usage of a building it's presented to the Planning Board. Now as the Traffic & Safety Committee saw the plans on March 15th and it was our understanding at that time from the minutes of the Planning Board meeting, the previous one which I believe was the 5th of March, the plans were marked rejected by Mr. Boudreau. Now I don't know why or what was rejected, if the whole thing was rejected. I don't believe they comply as far as parking for a business of this sort, which we did send a note to the Board - which perhaps you received this evening; I dropped it off this morning - that the area that this is located in is already a very congested area. We understand from the plans that we saw that there is going to be sit down service at the tables in the building which would mean that people would come perhaps with cars. I don't know where they'll put them.

Mayor Kuzon: I would let Mr. Boudreau answer the question on the parking. Mike has something to say first.

Trustee Kibby: Yes. You are correct. This has been to the Planning Board and you put your finger on the spot that this particular Board and the Planning Board in the last six or eight weeks has seen come up a couple of times. It's a real problem, one which we have to address immediately. One which the Hanney's know about and the whole Planning Board, all the people that were there that night. Technically under the code they do meet the parking requirements. Okay. I could give you a half hour discussion some time later as to how and why they meet it.

Mrs. Schlifke: I read the Planning Board minutes and it sounded a little bit like...

Trustee Kibby: There's nothing fishy about it.

Mrs. Schlifke:...someone was trading something for something else.

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Trustee Kibby: You see the technicality in accepting this, but it's going to be a problem and it also, even more importantly, indicates that and one other thing - Stereo Advantage - indicates how we have got to address the question of codes for change of use when it's a change of use where we have to bring the new owner back in to make arrangements for parking. The reason it was rejected had to do with the Building Inspector and he can explain it. Plumbing. There were three major points.

Mrs. Schlifke: We were aware of those problems.

Trustee Kibby: They don't fall within the purview of the, those things that upon which they were rejected, do not fall within the purview of the Planning Board. They fall within the purview of the Building Inspector. However, he can speak for himself. He can address them more specifically than I.

Mrs. Schlifke: Trustee Kibby, there's something I'd like to impress upon you and the Board. Through technicalities you've been able to skirt the issue of whether or not there's sufficient parking by saying there is. But search deep down and really see whether you feel that it can be met, whether there is enough room in that area as I said, which you know the Traffic & Safety Committee has been after the Board for a considerable length of time now to do something with that area. We have been constantly contacted by the Amherst Police that something must be done, their hands are tied until this Board, or this Village does something to straighten out the parking situation in that area and all the technicalities in the world would say all right we'll do this, we'll do that, and we'll make it so that it fits, and the parking will be sufficient. Just really decide whether it is or it isn't.

Trustee Kibby: As I said at that particular meeting and as I think I said to Mrs. Hanny, technically she gets the parking places, she gets the building sans parking places. But it is going to be a problem and it shouldn't have happened. I said that to Mr. Hanny I think even a couple of days earlier. This shouldn't be allowed. It's the second situation in the Village. We've taken this up at the Planning Board. We've also taken this up at the Enforcement Board where we have a problem to deal with and I suspect that when Mr. Troy, Attorney Troy comes to the Planning Board meeting Monday to talk about some code revisions I suspect that that is going to be on the top of, that and signs are going to fight each other for the top of the agenda. This particular problem has surfaced at least twice in the last six months.

Mayor Kuzon: Okay. Excuse me one minute, Mr. Hill. Before we get to you is there anything else for Mr. Moser? Any questions or comments? Perhaps the best thing to do then is for you to get in touch with Phil and the Board can list the concerns that we have and then you and Phil can work them out and bring it back and what Tom will do is then check to see if this is actually a situation where the Village Board approves a sanitary connection of this kind. Okay. Mr. Hill.

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Richard Hill, 18 Brookside Dr.: On the subject here the plans we received at the Traffic & Safety on the 15th show no parking at all. Now somebody up there said that some way or another they passed parking down there.

Trustee Kibby: On the street.

Mr. Hill: We'd like to see those drawings. And I want to back up Carolyn's speech that we've been pestered by the Amherst Police to do something about the parking down there and we've requested the Board many times to give us the boundary lines of the streets so the police can do something down there. The Fire Department has complained about it. The way they park down there someday there's going to be a fire and you're not going to get a fire truck down there. Now you're going to put an ice cream place in there with no visible - that I can see - parking area. I'd like to see those three, four, five required parking spaces. I'd like to see where they're going to be. We have not had a chance to look at any parking. The only drawing we got showed no parking whatsoever and also the plans have been rejected. We haven't seen any drawings of the parking spaces.

Trustee Kibby: There are none required.

Mayor Kuzon: I don't know if this is the appropriate time but perhaps an explanation is in order as to how the parking was calculated and the confusion over plans being stamped rejected. In fact, they were approved by the Planning Board. Right?

Mr. Boudreau: Yes, they were.

Mayor Kuzon: But they were stamped rejected?

Mr. Boudreau: Yes, by my office for other reasons.

Mayor Kuzon: The reason they were rejected had nothing to do with parking?

Mr. Boudreau: Not at all.

Mayor Kuzon: Okay. Yes, sir?

Mr. Moser: Maybe some clarification on the parking issue. There was a previous business occupying that building. I guess the Planning Board after evaluating the proposed project, and since we're not changing the use and we're not increasing the square footage, we're not adding onto the building, that the previous building was entitled to a certain number of spaces and that was transferred over to Jenny's Ice Cream.

Trustee Saia: Mr. Moser, that could very well be true but I happen to remember the previous operator of that business and I'm told repeatedly by some of the neighbors in the back that he used to expose himself everytime he went to the bathroom because he went out the back door. Now this is an actual fact because I don't think there was a toilet in there.

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Mr. Moser: I know. Now there will be.

Trustee Saia: I understand that but, you know, we can't go back to the time when there was no toilet. Surely we can't give you a permit with no toilet. Now I think there's been some very good questions raised here about parking. I don't really know how this happened in the past, and Mr. Hanny knows I have questioned the parking situation back there. In fact, there has been a plan and it's about two months old that if, you know, somebody ever catches up with their work so we could look at it once in awhile we might come up with something. But that's beside the point. The point is now a lot of these people don't think there's enough parking there. I know the Traffic & Safety doesn't and I don't. I'm just another individual but I guess if you've got it and they've approved of the parking there's nothing more I can say.

Mayor Kuzon: I'd add this and I think maybe this is the time to cut the discussion on this issue. I think we all are a little bit premature in our discussion. I think the Board has some research to do, perhaps additional committees, the Building Department would have research to do and I think tonight we're just coming to what our best estimate of the situation is. So what I would like to do this evening is end the conversation on this issue. I'm sure we will discuss it again because if in fact the Board has to approve a sanitary sewer connection it will be a public resolution. At that time you'll have an opportunity to discuss it once more, but I think at that time it would serve us all, the Board in particular, if we would check our facts and come to that meeting better prepared to discuss the issue and the facts involved. So I'd like to at this time end the discussion and move on to another topic if anyone in the audience has another topic. Mr. Schueckler.

Donald Schueckler, 124 S. Union Rd.: Can we get a complete copy of the budget by April 9th from your office, please?

Mayor Kuzon: Yes.

Mr. Schueckler: Not a summary, a complete one.

Mayor Kuzon: Yes. They'll be available.

Mr. Schueckler: Thank you.

Mayor Kuzon: Would you like another page-by-page budget presentation like I've done in the past? I'll be honest, I wasn't going to do that this year because I thought there wasn't too much support for that concept.

Mr. Schueckler: I just want a copy.

Mayor Kuzon: Okay.

Mr. Schueckler: I'd rather have a complete copy of the budget.

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Mayor Kuzon: That will be available and I get the feeling from the Board on my budget presentation too. Anyone else?

Trustee Saia: I'd like to ask if there's anyone here from the Amherst Bee. Thank you for coming. I guess we'll see you every week. But there's going to be a face sorely missed here and that's Connie Oswald Stofko. I think she was a tremendous person and I think this Board has worked with Connie and she printed the facts that were presented at the meetings. I don't think too much was left out from what she heard at this meeting. I hope we have the same kind of rapport with you.

Mayor Kuzon: Okay. Anyone else? Yes, Mrs. Andrews.

Mrs. Rita Andrews, 128 S. Union Rd.: I would just like to publicly thank Mr. Law for the short time he was in office. I had the opportunity to work with him on several things and I really enjoyed it and he really seemed to help us out.

Trustee Law: Thank you very much.

Mayor Kuzon: Yes, Mr. Kreiter.

Mr. Robert Kreiter, 62 Eagle St.: Is there going to be any grading work on Union Rd. after removal of the Conrail bridge?

Trustee Brenton: Oh, I'm sure. It certainly would be the requirement and I'm sure the intent of the State Department of Transportation to do that.

Mr. Kreiter: Did you mention a time frame on that?

Trustee Brenton: They intend on a preliminary basis to call for bids in June, 1985. So the project, I would assume, should be completed during the 1985 construction season sometime in the fall.

Mr. Kreiter: Will that include removal of the billboards?

Mayor Kuzon: On which side of the bridge?

Mr. Kreiter: The one on the west side.

Mayor Kuzon: One of the billboards is not in the Village and that would be the one on the side that is closest to the old Mr. Copy building. That's not in the Village.

Mr. Kreiter: That's not in the Village?

Mayor Kuzon: No.

Trustee Saia: That's coming down also.

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Trustee Brenton: I'm sure it will. I'd just like to say that the one illegal billboard that was in the Village was taken down.

Trustee Saia: It was in the newspaper that those two billboards right there are coming down. It was in the papers.

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

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

Unanimously carried.

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

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

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer