

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, October 22, 1984 at 7:34 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Richard Gallagher Trustees
Michael Kibby
V. James Saia

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

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, it was moved to open the public hearing at 7:34 PM.

Unanimously carried.

PUBLIC HEARING

Trustee Brenton advised that the proposed local law would add Section 70.330(1) to our Zoning Code and it would not permit any radio or television antennas, nor any other communication equipment to be located within the area of a lot between the front or exterior side lot line and the nearest line of any building on the lot. This basically deals with the so-called TV dishes. The Town has coincidentally already taken the initiative in this situation and passed legislation to prevent installation of these dishes within the front and side yards of residences. Trustee Brenton stated he just happened to be driving down Hopkins Road the day he asked the Clerk to initiate this and noticed one in a front yard and it was really quite hideous. He understands that it would be difficult probably to have one installed in the Village as it would have to go to the Planning Board, etc., but he just thought that perhaps we should move on it and then the Town did move and pass legislation.

Section 70.330 (I)
to
Zoning
Code

Trustee Brenton said his only thought before asking for public comment would be that maybe the Village should consider totally eliminating or banning this type of structure due to the fact that we have the availability of cable TV which does provide significant variety, whereas the people out in the peripheral areas of the Town do not have the availability of cable TV and, therefore, they obviously might want to have this dish construction in order to have a greater variety of stations available. He then asked if there was any input from the public on this subject.

Communication
Dishes

Mrs. Carolyn Schlifke, 192 Evans Street, said that while we have taken to limit them from the front and side yards has any consideration been given to the commercial district and the placing of them on roofs.

Trustee Brenton said there has been no consideration regarding either. He said these are points that could be considered and we could further develop the legislation to include, or preclude whichever would be your preference. He asked what her thoughts on this would be.

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Mrs. Schlifke said she thought they would be just as unattractive on Main Street on the roof of a commercial building, perhaps a restaurant or something of that sort as they would be in a residential area and she has seen them in areas placed on the roofs of restaurants, hotels, etc. There is one on Transit Road, which is not in the Town, but she just wondered if anyone had stopped to think of that possibility. If we're going to just restrict them in the residential area we may get them in the commercial areas. She just wanted to bring that to our attention. She certainly doesn't think it would be very attractive for the Main Street area.

Trustee Brenton said he would be definitely inclined to agree with her but then again he would wonder whether or not we really even need them in the Village and he would have to ask for input from the Board. They are going to have a busy work session tonight after this meeting and we really don't have to move on this immediately but perhaps they can comment on it before our next meeting.

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, the hearing was closed at 7:39 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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Roll Call

Present

Gordon J. Kuzon, Mayor:

Lawrence R. Brenton
 Richard Gallagher Trustees
 Michael Kibby
 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 7:33 PM.

ON MOTION by Mayor Kuzon, seconded by Mr. Gallagher, the minutes of the regular meeting held October 9, 1984 were approved.

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, it was moved at 7:34 PM to open the public hearing regarding a proposed local law to add Section 70.330(1) to the Zoning Code relative to no radio or television antennas nor any other communication equipment being located within the area of a lot between the front or exterior side lot line and the nearest line of any building on the lot. (The hearing was closed at 7:39 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$87,480.02 were approved as follows:

| | | |
|--------------------------|---------------|------------------|
| Payroll Fund | W/E 10/10/84 | \$ 5,351.84 |
| | W/E 10/17/84 | <u>5,631.57</u> |
| Total Payroll Fund | | \$10,983.41 |
| General Fund | Abstract #571 | 19,308.09 |
| Sewer & Water Fund | Abstract #152 | 24,461.73 |
| Trust & Agency Fund | Abstract #191 | 2,987.52 |
| Glen Park Jt. Activities | Abstract #91 | 94.80 |
| Federal Revenue Sharing | Abstract #163 | 11,259.75 |
| SSES C36-1244-01 | Abstract #35 | <u>18,384.72</u> |
| Total Vouchers | | \$87,480.02 |

The larger vouchers were to Erie County Water Authority, Niagara Mohawk Power, and M. C. Morgan, our sewer rehabilitation contractor.

Unanimously carried.

Mayor Kuzon said his second resolution requests that the State Legislature consider at their next legislative session laws affecting municipalities that would limit the tort liability of municipalities. This resolution has been recommended not only by our attorney but also by the Conference of Mayors and he is sure that they will include this as part of their legislative package for the next legislative session in Albany and it puts our Village Board on record as in favor of limiting tort liability.

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

WHEREAS in recent years the cost of tort liability for local government has increased dramatically, especially in New York State; and

WHEREAS New York is one of only two states with unlimited liability exposure for local government entities; and

WHEREAS such unlimited liability has caused serious fiscal problems for local government budgets which, combined with reductions in federal assistance and volatile economic conditions, threatens the financial health of public treasuries and diverts limited tax dollars from the provision of essential services; and

WHEREAS the unpredictability of large damage awards and settlements is a constant threat to many of the State's smaller jurisdictions which may simply not be able to afford a catastrophic loss; and

WHEREAS the State Legislature can take action to moderate local government liability at no cost to the State; be it

RESOLVED that the Board of Trustees of the Village of Williamsville respectfully requests the New York State Legislature to pass, and the Governor to sign into law (a) bill(s) for the purpose and effect of:

1. Amending the doctrine of joint and several liability to limit damages governmental defendants are required to pay to their equitable share of judgements;
2. Limiting recovery for non-economic losses (e.g., pain and suffering) to cases where significant injury is proven according to objective standards;

**MUNICIPAL
LIABILITY**

**Limiting
Amount of
awards
for torts**

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3. Establishing a reasonable cap on recovery against governmental tort defendants or some other appropriate means of limiting local government liability; and be it further

RESOLVED that this Board of Trustees of the Village of Williamsville urges the State Legislature to act favorably on the legislation currently pending before it, or a comparable alternative thereto, which would accomplish the aforementioned goals; and be it further

RESOLVED that this resolution be sent to Governor Cuomo and the members of the New York State Legislature.

Unanimously carried.

Trustee Kibby had no resolutions tonight. He reported on the Conrail Committee. He has a memo to the committee which he reported on to some extent at our last meeting. The first meeting will probably be the 14th of November. He has obtained the services of a landscape architect, who has designed a number of parks, and he will survey the property, visit the property, and he will write a fairly short report indicating the types of park facilities that could be developed within the confines of the property and the adjacent property that the Village already possesses. He has also asked a realtor to report to the committee and he will provide a written report and will come to meet with the committee for questions and discussions on the possible sale value of certain pieces of the property, what property would be salable, and what kinds of prices one might be able to expect from those pieces of property. Both planning the park and looking at potential for sale of some of the property were charges that this Board gave to this committee. He anticipates their first meeting will be November 14th.

Trustee Kibby also reported on the Meeting House. We will be receiving at our next meeting a report from Richard DeLo and the two engineers who have been working with him on the inspection and evaluation of the balcony structure in the Meeting House. With respect to the concerned citizen at our last meeting regarding the renovation of that particular second floor in regards to its use by the handicapped Mr. Richard Leinbach in the Town Planning Department has been handling these community development funds for this particular project and he did check with HUD and they have absolutely no problem with this. They do not feel there is the slightest problem with community development grant monies being used to renovate a space that will not be free of physical barriers. Access can be provided thru accommodation. There is no doubt in his mind that the work scheduled is appropriately funded by community development funds.

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Trustee Kibby reported on the tentative agenda for the Planning Board meeting on November 5th. Caldwell Banker - Howard Potter has a petition in for an addition, so does 5416 Main Street. Young's Hardware has requested a fence, Jenny's Ice Cream has requested a sign for 78 East Spring Street, and coming back again is the addition to the former Arco station at 5601 Main Street.

Trustee Gallagher reported with respect to the Corner Fence Committee. It had two meetings and there was an agreement that that committee be disbanded. We're going to go back to square one and start all over again. The process will be as follows: that some type of forum will be conducted, probably the second or third week in November, to allow for community input, receive suggestions, whatever on corner fences. At that time, or shortly after Mayor Kuzon will then reappoint a committee to take a look at that testimony, suggestions, recommendations, as well as to look at the number of codes that we have received from other villages, towns, states and then for that committee to bring back to this Board recommendations and suggestions concerning what to do, if anything. He is looking to finish this by the end of the year as far as something coming back to the Board.

Trustee Gallagher stated he will be submitting resolutions at the next meeting which will require the Village to make available, or submit an annual report to the citizenry on an annual basis and also one to require them to develop a system to evaluate the performance of Village employees on an annual basis, or a periodic basis.

Trustee Gallagher reported that the Evergreen Program for Senior Citizens is in excellent shape under the leadership of Charlotte Jurek, the coordinator, and with the help of the Senior Citizens Committee and he thinks it's going to get bigger and better.

Trustee Gallagher stated that two meetings ago this Board opted not to take advantage of the new law for property tax exemptions for veterans, not because of a lack of interest or concern, but because of a squeeze in time. As far as Village purposes it is his understanding that we would not be eligible to take effect until 1986 so it is our hope that more information with respect to the impact on the tax base, the number of veterans who might be eligible, more information from Albany, etc. will be available and that this Board will reconsider that decision sometime in February or March. This has the support of this Board as far as reconsidering it, that that will occur in 1985.

Trustee Saia said he just had a report this evening. He said that October 31st is Trick or Trick Night in the Village. Also bring the little monsters up to a little Halloween Party

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that will take place next to the Court Building and then the Fire Company will escort all the goblins across the street to the Post on Spring Street. They will be shown a very good time. The Youth and Recreation Board as usual has been involved in this and he's sure the kids are going to have a great time there.

Trustee Saia said he was invited to the tour of the railroad property. In fact he helped out. Mayor Kuzon interrupted for a minute to say that he thinks that talking about the tour of the railroad property is out of order for this Village Board. He said that in Trustee Saia's own words as part of the minutes of our last meeting Trustee Saia specifically said that that has nothing to do with this Village Board so Mayor Kuzon thinks it's out of order to talk about the tour. Certainly Trustee Saia may talk about the Conrail property but the tour would be out of order. Trustee Saia said he was invited on the tour by the Railroad Committee to Preserve the Conrail Property. Mayor Kuzon said that is fine but he still thinks it is out of order because it has nothing to do with the Village Board.

Trustee Saia reported that in Sunday's paper there is an article about the the Town planning a cooperative assault on snow. He read this and was flabbergasted because we tried to get something started here a few months ago so we could save the Village residents a few dollars in an emergency and also get the snow plowed in the community. It failed when this Board voted it down 3 to 2. In looking at this plan which has much involvement by Mr. Patrick Lucey, Trustee Saia is going to recommend that the Board take a real good look at this and see if we can't get it back into the Village and he will probably make a resolution on it, or somebody else will, but the Town wants to put it in place by January 1st. He's sure we can get some information on it. Trustee Saia said he has to commend Phil Boudreau for taking the initiative a few months back in trying to get the thing started and the Village would have been sitting on top of the heap in making an example of what cooperation is within the whole County. One thing that strikes him on this thing here is it says that Mr. Lucey is confident that the new mutual aid system, which is based loosely on the fire service mutual aid, is the first of its kind in New York State and the fire department has very good relationship under their mutual aid system and he really doesn't see why we can't along with it and can't make it work for the Village.

Trustee Brenton reported that his report will be related to one of his resolutions. The contractor for our sanitary sewer rehab program is finishing up. He is doing pavement resurfacing. He thinks it has all been completed and he is doing some landscaping work and in that regard he has requested the engineer to take whatever action is necessary pertaining to the landscaping because

they do topsoil and grass seed but the only thing is it's too late in the season for it to take so he has to assume it will probably be all washed out by spring and the contractor is already on record, or if not will be put on record, that he will have to come back and restore it, that the work will have to comply with the performance bond, in other words the grass would have to grow. There are neighbors that probably will be concerned regarding the topsoil washing out and the only thing he can tell them is that we will just have to have the whole project reviewed next spring and take care of it at that time if there is any failure in that regard or any other regard.

With respect to the resolution, Trustee Brenton said it pertains to a change in the water code which we found to be necessary. There have been quite a few service line breaks in recent weeks and which was the subject of his report last week pertaining to whether there is any responsibility of the Erie County Water Authority regarding this matter. He has not yet heard from the Authority as to their study of the problem. However, it did surface that our ordinance states that where we find a break in the service line from the main to the meter it only allows for an estimate of the loss of water and really didn't provide for proper incentive to have the line repaired as soon as possible due to the fact that we were allowed simply to estimate it and also the notice that we provided the customer was really not in cohesion with our ordinance. So that basically now what we're intending to do here is change the ordinance so that when we have breaks in various sized lines we assess a penalty of X number of dollars a day depending on the size of the line, ranging from a 3/4" line at \$15.00 per day to an 8" line which would be \$90.00 a day for each day that this is not repaired. Also there is probably a gap here in that we have not stated a certain time limit that the person has to have this line repaired, something of that nature, so that that probably will be changed also.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville on November 13, 1984 at 7:35 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 65.10(9) and 65.40(1) of the Water Code of the Village of Williamsville.

ADVERTISE FOR
PUBLIC HEARING

Amend Water Code
re: Charges
for Broken and
Leaking Water
Lines

Unanimously carried.

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ON MOTION by Trustee Brenton, seconded by Trustee Kibby, it was moved to suspend the rules to consider a resolution not on the agenda regarding our sewer rehab program.

Unanimously carried.

Trustee Brenton said the resolution deals with a request on the part of M. C. Morgan Contractors for an extension of time limit for completion of the project. It was originally intended to be completed by October 21st. This is not the case and we have just received a letter from the engineering firm indicating that this is a legitimate request to have the contract continued until October 28, 1984 and so we will by this resolution be in effect going through the form, at the proper time he might say because if we had it two weeks from now October 28th would be gone, permitting the contractor to continue for an extra week on this project.

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

RESOLVED that M. C. Morgan Contractors, Inc. be granted a one-week extension until October 28, 1984 to complete the Sewer Rehabilitation Program due to the fact that they were required to perform additional work which was not anticipated under the original scope of work for this project.

SSES PROJECT

One-week extension granted to M.C. Morgan Contractors, Inc.

Unanimously carried.

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

Unanimously carried.

Superintendent of Public Works Boudreau reported under Fall Leaf Collection that the program is now in progress. One of the two leaf vacuums has been completely rebuilt and painted by the D.P.W. garage crew. A new leaf box has been built this year to improve our leaf operations capability. This new box will hold 18.0 cubic yards as compared to 10 cubic yards of capacity of the old leaf boxes. This will improve our hauling capability and extend our working time on the streets. The new box was designed and completely built by our D.P.W. garage crew and is just one of the many innovative ideas being pursued by the D.P.W. Residents are advised that only leaves are to be deposited in leaf piles for collection. Brush, trash and debris is not to be mixed with leaf piles as it fouls up our vacuums, causing extensive damage to the machine.

Mr. Boudreau reported that the restripping and new pavement markings on S. Cayuga Road were completed this past week. Village D.P.W.

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crews continue to patch Village streets with our Bomag Hot Patcher as compared with the old method of cold patch and at considerable savings when compared to the old method. The results are lower costs with longer patch life.

With respect to heavy trash collection Mr. Boudreau reported that the recently realigned heavy trash collection program appears to be working and getting the job done. Complaints have been minimal and some of the highlights are that residents now have a definite time of pick up that occurs the same time each month; the D.P.W. now has a program that is scheduled on a regular basis and can accordingly schedule other items of work without being interrupted; crew man hours involved have been cut down with the same area of operation constant,, resulting in cost savings; the actual cost of solid waste disposal has also been reduced through shorter hauling distance (time, disposal fee and operation and maintenance on equipment); An over-view of the past three months regarding heavy trash collection would be that the program has been vastly improved by the D.P.W. and is showing results with a considerable dollar savings for Village taxpayers.

Mr. Boudreau reported on D.P.W. Yard improvements. This past week a D.P.W. crew finished installing a new 1,000 gallon underground fuel tank. The tank is a Buff-hide tank, U.L. approved, and includes a complete piping and vent system along with a fuel dispensing metered pump. This new tank will increase our fuel storage capacity.

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

Unanimously carried.

Mrs. Carolyn Schlifke, 192 Evans Street, asked Mr. Boudreau if the chipper will be out tomorrow because she and two of her neighbors have done some tree trimming and it's rather difficult to see getting out of the yard. Mr. Boudreau advised that the chipper will be out tomorrow.

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

Unanimously carried.

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

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer