

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 26, 1984 at 7:35 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

Mayor Kuzon called the meeting to order at 7:35 PM.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the regular meeting held November 13, 1984 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the public hearing held November 13, 1984 regarding a proposed local law to amend Section 65.10(9) and 65.40(I) of the Water Code were approved.

Unanimously carried.

Mayor Kuzon reported that we recently received information from International Cable that their rates will be increased to subscribers in the Village. They will be increased effective January 1, 1985. He read the letter he received from them. The rate increase will be 5% for basic cable service and the subscribers will now pay \$8.92. This is the first increase in basic cable service since 1980. This is a change from the procedure previously followed. Under the old law the cable company was required to come to each municipality and request an increase and each municipality had to approve it before it could be implemented. There has been a change in the law and they do not have to follow this procedure to increase their rate the 5%.

The Mayor reported that each year we receive notice from the State Board of Equalization and Assessment concerning our equalization rate. We have been informed that this year our equalization rate will be 18.66 for this coming year for assessment purposes. If anyone has any questions on this they should see the Clerk.

Also regarding assessments, the Mayor advised that about a month ago we had a public hearing regarding the new veterans' exemption alternative program. At that time we opted out of that program. However, the Board and especially on Trustee Gallagher's initiative we indicated we would be studying

it and considering it at a later date and he thinks the Board is in agreement that we will be considering this, probably at our last meeting in January. We will have another public hearing at that time to consider what the Village should do regarding this exemption. With respect to that the Mayor added that if there are any Korean or Vietnam veterans in the community who think they may qualify for this exemption we certainly would appreciate it if they would contact us so that we can get a better estimate of what the actual fiscal impact would be. At the time we opted out of the program there were some questions that we had, some unknown factors that we had to consider and one of the unknown factors is exactly how many Vietnam and Korean veterans are in our community that may qualify for this exemption and if we could get a handle on that number we could then get a better estimate of what the impact will be of this proposed exemption. He asked that those present spread the word about this so that the affected veterans can contact us.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$32,446.43 were approved as follows:

Payroll Fund	W/E 11/16/84	\$ 5,921.11
	W/E 11/23/84	<u>6,228.52</u>
Total Payroll Fund		\$12,149.63
General Fund	Abstract #573	7,991.63
Sewer & Water Fund	Abstract #154	1,563.38
Trust & Agency Fund	Abstract #193	10,641.68
Glen Park Jt. Activities	Abstract #93	<u>100.11</u>
Total Vouchers		\$32,446.43

The larger vouchers were to M. C. Morgan, Buffalo Tank and Bombardier.

Unanimously carried.

Mayor Kuzon advised that his second resolution concerns a request that the State Legislature repeal a law commonly known as the Wicks Law. This request has been recommended and endorsed by the New York State Conference of Mayors. It is an issue for the Conference of Mayors legislative program for this next legislative session and in fact, we have received communication from the leadership of the Legislature that they are requesting input from local governments. This resolution will put us on record as in favor of repeal of the Wicks Law. The Wicks Law basically compels local governments to bid multiple contracts for public works.

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

RECOMMENDATION

WHEREAS the Wicks Law compels local governments to bid multiple contracts for public works contracts, and

Repeal of
Wicks Law

WHEREAS given the choice of single or multiple bids, the taxpayers may benefit from lower contract prices for municipal capital improvements,

BE IT RESOLVED that the Board of Trustees of the Village of Williamsville urges the New York State Legislature to repeal the outmoded Wicks Law, and

BE IT FURTHER RESOLVED that the Village Clerk send a copy of this resolution to Senator Walter Floss and Assemblyman John B. Sheffer, II as well as the leaders of the Senate and Assembly.

Unanimously carried.

Trustee Kibby reported on the tentative agenda for the Planning and Architectural Review Board meeting which will be held on next Monday night at 7:30 PM in the Village Conference Room. There are, as of now, only two items on the agenda - both signs. One is for the Village Glen Tennis and Fitness Center down on Mill Street and the other is for Village Cars on Main Street near Long.

Trustee Kibby also reported about the Meeting House. We were in the process of hoping to do some renovations of the upstairs of the Meeting House. That has now been put on the back burner for at least two more weeks to give some consideration at our work session after tonight's meeting to meeting some structural needs that have cropped up. We will have more information on this in two weeks and will probably do some sort of action on this a month from tonight.

With respect to the Conrail Property Committee, Trustee Kibby reported that they had met once. They had a meeting last week in which they essentially introduced themselves and discussed the charge to the committee by the Trustees. They gathered a number of questions that the committee wished to have answered dealing with such things as leases, easements, abutting property, uses of abutting properties and Trustee Kibby has sent to Mr. Troy a memo requesting information about these leases and a number of other things. The following Saturday the committee visited the Conrail property. He thanked Superintendent of Public Works Boudreau for being there and answering a number of questions and pointing out a number of important and interesting aspects of the property. They spent about an hour and a half to two hours

there. It was kind of interesting because as they were on that property someone from the State Highway Department was there looking at the Union St. rail overpass and they were able to get some further information as to what was going on there and what was going to happen to Bells, Kuzon's house and things of that nature. They will be meeting again probably sometime after Christmas. As Trustee Kibby indicated at our last meeting they will be getting reports from a realtor and from a landscape architect about possible uses of the property, and he already has a report from URS regarding recreational uses of the property. This will be going out to that committee probably in about 10 days.

Trustee Gallagher reported that the Evergreen Program for Senior Citizens continues to do well and is bringing in, compared to last year, significantly more people within the Village to become involved in their activities. There will be a report on this at our next meeting.

Trustee Gallagher reported that the Parks Committee will be meeting and making recommendations to the Board within the next month on methods to the extent of how to reduce vandalism within the parks whether it be Garrison Park, Island Park, or the Pavillion. These discussions have been on-going but given Saturday night's torching of the gazebo something clearly needs to be done. We'll look at expediting what they're attempting to do so we can put something together. To him it's a shame when you invest money and so much else into making the parks what they are to allow people to use them and then to have some "jerk" destroy the intent. He thinks that with Phil's help and with the Board's and committee's help possibly some action will be taken to hopefully reduce that. Maybe some of that will not be the ability to utilize, for example, the pavillion as we have in the past, but that could be the situation. Within the next month we're hoping we'll be able to bring some of these recommendations to the Board. He thinks it's ridiculous in the context of what some people have to do in their spare time.

Trustee Saia said he had some appointments to make to replace two people who resigned from the Youth Board.

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

RESOLVED that the following persons are appointed to the Youth Board until the end of the 1984-1985 official Village year:

APPOINTMENTS

Kathy Azzarella	130 North Ellicott Street	Youth Board
Mary Anne Marshall	4 Columbia Drive	

Unanimously carried.

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Trustee Saia reported that in conjunction with the Senior Citizens and SABAH, an organization for handicapped children and with the help of the Glen Park Joint Board, the Williamsville Youth and Recreation Board is using the Nature Building in Glen Park on Saturdays and they're building some scenery for an ice capades of some sort that will be held at Memorial Auditorium sometime in February. The public will be hearing more about it but he knows that the senior citizens are involved in this quite a bit and so is the Youth Board.

Trustee Saia reported there will be a happening on December 20th at 7:00 PM at Island Park. There will be a large bonfire, hot cocoa, Santa Claus and a lot of singing. He thinks they have a choir group now. The Youth Board is sponsoring this program in the hopes of bringing our community together in celebration of the holiday season. They cordially invite everyone to attend with their spouses, friends, kids, anyone who wishes to come. There will be a lot of parking and you'll meet some of your old friends. It will be like Old Home Days but you won't have to spend any money. Just bring your voice. The words for the songs will be furnished for anyone who needs them.

Trustee Saia also reported he's kind of amazed at this Youth Board that he has. It looks like there is a move on now to try to use the facilities of the Christian Central Academy for a teen and pre-teen outreach program. This is like the one that Casey Center ran last year. This is done in conjunction with the Town of Amherst Youth Board. He is amazed that this Youth Board is moving the way it is especially after being dormant for a couple of years.

Trustee Saia advised that on December 8th the Glen Park Committee is going to have a dedication at the Nature Building at 2:00 PM. Herky Moses and Trustee Saia are going to dedicate it to David Eric Noll and his mother, Alvina. Everyone is welcome to come down at the Nature Building at Glen Park.

Trustee Saia said that at our last meeting he thinks an accusation might have been thrown at him and he thinks it's going to be discussed after this meeting, but he wants to say that it was just an accusation and at this time he'd like to say that it is unfounded. There's been a lot of rhetoric thrown at him and he thinks after this meeting tonight that maybe at the next meeting it should be straightened out.

Trustee Brenton reported that he has sent out three requests for proposals to have the Hutchinson Hose Company Station #1 appraised and they are going to Caldwell-Banker Howard Potter, Hansen Appraisal Service and GAR Associates, which is Grant Appraisal and they did the appraisal work here. Essentially what we're doing is trying to find out the value of Station #1 so that we can compute the Town's equity within that

building. This is being done at the request of the Town so that they can be advised of what type of money they will owe the fire protection districts that have inputted fiscally to that building. We will be receiving proposals on that. Further in regard to construction of the truck bays, Trustee Brenton said we have received a report from the Empire Corporation that did the geo-technical work over there pertaining to the underlayment and what type of soil or rock is underneath the surface, the subsurface exploration, so that the engineer can have good grounds to work on. This report is of interest primarily to the engineering firm of Sargent, Webster, Crenshaw & Folley.

Trustee Brenton advised that his first resolution deals with the appointment of two firemen to the fire department. In the work session he questioned whether these people are given evaluations prior to the fire department requesting that they be appointed and they certainly are and they are evaluated after they become firemen probably after a probational period.

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

RESOLVED that the Village Board sitting as Board of Fire Commissioners and acting upon the recommendation of the Review Board of Hutchinson Hose Company, hereby appoints as firemen in the Hutchinson Hose Company:

APPOINTMENT

Firemen

Alvin Donius 104 Andover Lane
David Dubois 146 Cadman Drive

Unanimously carried.

Trustee Brenton said his second resolution deals with the acquisition by the Fire Department of a new pumper truck. The pumper has arrived and we need to get our fiscal backing for it and this is what this resolution deals with. The resolution calls for \$70,000 and the pumper cost is going to be approximately \$130,000 but the remaining funds will come from our Capital Equipment Fund that has been set aside and that we have been engaged in for probably the last three years, and it also will come from surpluses that the Fire Department has arrived at by being careful in their expenditures, and they have requested and we have inputted the surpluses into the capital equipment program so that makes up the difference between the \$70,000 that we're asking for and the \$130,000 that the pumper will cost.

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

RESOLVED that Bond Resolution in the amount of \$70,000.00 for the acquisition of a 1500 GPM Pumper Truck for the Village of Williamsville's Fire Department is hereby adopted. (Copy of bond resolution attached.)

BOND RESOLUTION

APPROVED

Fire Truck

EXTRACT OF MINUTES

**Meeting of the Board of Trustees of the Village of
Williamsville in the County of Erie, New York**

November 26, 1984

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A regular meeting of the Board of Trustees of the Village
Williamsville, in the County of Erie, New York, was held at
the Municipal Building, 5583 Main St. Williamsville, New York, on
November 26, 1984 at 7:35 o'clock P.M. (E.S.T.).

There were present: Hon. Gordon J. Kuzon, Mayor

and Trustees:

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

There were absent:

None

Also present:

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

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Trustee Brenton offered the following resolution

and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF WILLIAMSVILLE,
YORK, ADOPTED NOVEMBER 26, 1984, AUTHORIZING
THE PURCHASE OF A PUMPER FIRE TRUCK
THE ESTIMATED MAXIMUM COST OF \$131,000
STATING THE ESTIMATED TOTAL COST THEREOF IS
\$131,000, APPROPRIATING SAID AMOUNT THEREFOR,
INCLUDING THE APPROPRIATION OF \$61,000 CURRENT
FUNDS TO PROVIDE THE REQUIRED DOWN PAYMENT,
AND AUTHORIZING THE ISSUANCE OF \$70,000
SERIAL BONDS OF SAID VILLAGE TO FINANCE THE
BALANCE OF SAID APPROPRIATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, IN THE
COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote
of not less than two-thirds of all the members of said Board) AS
FOLLOWS:

Section 1. The Village of Williamsville, in the County of Erie,
New York (herein called "Village"), is hereby authorized to
purchase a Pumper Fire Truck, at the estimated maximum cost
of \$131,000. The estimated total cost of said specific
object or purpose, including preliminary costs and costs
incidental thereto and the financing thereof, is \$131,000 and
said amount is hereby appropriated therefor, including the
appropriation of \$61,000 current funds to provide the required
down payment. The plan of financing includes the expenditure of
said current funds, the issuance of \$70,000 serial bonds of the
Village to finance the balance of said appropriation, and the

levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$70,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$70,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 27 of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds in the amount of \$61,000 will be provided from moneys now available therefore in the current budget of the Village under the heading "Capital Reserve - Fire Truck". The Village Treasurer is hereby authorized and directed to set aside said current funds and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution is subject to a permissive referendum.

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The adoption of the foregoing resolution was seconded by Trustee Kibby and duly put to a vote on roll call, which resulted as follows:

AYES: 5

NOES: 0

The resolution was declared adopted.

Trustee Brenton offered the following resolution and moved its adoption:

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMS-
VILLE, \ IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Village Clerk of said Village of Williamsville shall within ten (10) days after the adoption of this resolution cause to be published in the Amherst Bee \ a newspaper published in Williams-ville, \ New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a Notice in substantially the following form:

VILLAGE OF WILLIAMSVILLE, NEW YORK

PLEASE TAKE NOTICE that on November 26, 1984 the Board of Trustees of the Village of Williamsville, in the County of Erie, York, adopted the bond resolution entitled:

"Bond Resolution of the Village of Williamsville, New York, adopted November 26, 1984, authorizing the purchase of a Pumper fire truck the estimated maximum cost of \$131,000 stating the estimated total cost thereof is \$131,000 appropriating said amount therefor, including the appropriation of \$61,000 current funds to provide the required down payment, and authorizing the issuance of \$70,000 serial bonds of said Village to finance the balance of said appropriation."

an abstract of which resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the purchase of a 1500 gpm pumper fire truck at the estimated maximum cost of \$131,000 and STATING the estimated total cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$131,000. APPROPRIATING said amount therefor including the appropriation of \$61,000 current funds to provide the required down payment; STATING the plan of financing is the expenditure of said current funds, the issuance of \$70,000 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon.

SECOND: AUTHORIZING the issuance of \$70,000 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is twenty (20) years; that current funds are required by the Law and are available therefor in the amount of \$61,000 in the current budget of the Village and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to the said specific object or purpose;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the

renewals of said notes shall be general obligations of the Village and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the resolution is subject to a permissive referendum.

DATED: NOVEMBER 26, 1984 |

THERESA L. CUMMINS |
Village Clerk

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by

Trustee Kibby and duly put to a vote on roll call, which resulted as follows:

AYES: 5 |

NOES: 0 |

ABSENT: 0 |

The resolution was declared adopted.

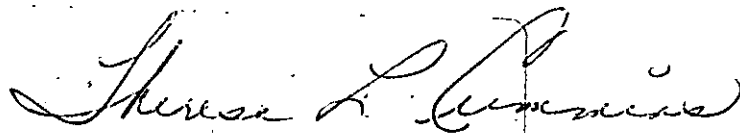
General - No Veto

12/1/69 (3M)

CERTIFICATE

I, THERESA L. CUMMINS, Village Clerk of the Village of
Williamsville, in the County of Erie, State of New York, HEREBY CERTIFY
that the foregoing annexed extract from the minutes of a meeting
of the Board of Trustees of said Village of Williamsville duly called and
held on November 26, 1984 has been compared by me with the
original minutes as officially recorded in my office in the
Minute Book of said Board of Trustees and is a true, complete and
correct copy thereof and of the whole of said original minutes so
far as the same relate to the subject matters referred to in said
extract.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
Village of Williamsville this 26th
day of November, 1984.



Village Clerk



Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 26, 1984 at 7:35 PM

Trustee Saia asked what's happening to the old fire truck. Trustee Brenton advised that we hope to receive \$25,000 for the old truck. There is a community in the southern tier that is interested in it and when he talked to Chief Andrews prior to Thanksgiving, that community was going to have to have some special legislation passed in order for the vehicle to be purchased. It appears to be a sound purchase offer but he doesn't know if it has gotten to the point yet where they're actually going to buy it.

Trustee Saia said that at the last meeting Trustee Brenton questioned the selling of a used piece of equipment and he asked how this was going to be handled. Trustee Brenton said we have maintenance records on this vehicle. It is not \$252 that we're selling it for. The piece of equipment that Trustee Saia referred to at the last meeting was a piece of junk. This is not. It has been very well maintained and we have the records on it. It's maintained by a professional. It has low mileage. It is in very, very good condition. Basically after Trustee Brenton posed that question at our last meeting, the Attorney assured him that we were being protected under litigation that involves another piece of fire equipment that we had sold and the attorney felt that we had very good grounds to defend that situation. So with that advice from the attorney he feels that we are adequately protected.

Unanimously carried.

Trustee Brenton said resolution number three allows for the publication of the necessary bonding mentioned in resolution number two.

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

AUTHORIZATION

RESOLVED by the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, as follows:

**Publish Bond
Resolution on
Fire Truck**

Section 1. The Village Clerk of said Village of Williamsville, shall within ten (10) days after the adoption of this resolution cause to be published at least once in the "Amherst Bee", a newspaper published in Amherst, New York and having a general circulation therein, and hereby designated the official newspaper of the Village, and to be posted in at least six (6) places in the Village.

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof,

and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

Unanimously carried.

Trustee Brenton said his next resolution deals with the subject matter of a public hearing held at our last meeting and in effect increases the charges when water lines are broken and leak and they are based on the size of the lines.

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

RESOLVED that Local law #7 - 1984, Amending Sections 65.10(9) and 65.40(I) of the Village Water Code, which was the subject of a public hearing on November 13, 1984 is hereby adopted.

LOCAL LAW
#7-1984
Adopted
Amend Water Code

Unanimously carried.

Trustee Brenton said his fifth resolution deals with the Fire Protection Districts. These are the areas designated within the Town of Amherst that are not in the Village. The Hutchinson Hose Company provides protection to these areas and through this we are paid by the Town of Amherst for that protection.

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

RESOLVED that the Mayor execute, on behalf of the Village, contracts with the Town of Amherst and Hutchinson Hose Company for fire protection for 1985 in the following districts:

AUTHORIZATION
Mayor to sign
Fire
Protection
contracts for
1985

- Autumn Harvest - District #1
- Lamm Post - District #2
- Lehn Springs - District #3
- Mill Street - District #4
- Park Club Lane - District #15
- Williamsville - District #16

Unanimously carried.

(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.

~~xCounty~~
~~xCity~~ of Williamsville
~~xTown~~
Village

Local Law No. 7 of the year 19 84

A local law Amending Section 65.10(9) and 65.40(I) of the Water Code
(insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~xCounty~~
~~xCity~~ of Williamsville as follows:
~~xTown~~
Village

§ 65.10(9) Owner Chargeable - Water Loss - The owner of the premises to which water is supplied shall be charged with all water taken from the Village mains and if the leaks occur in the service line between the street main and the meter, the Village shall bill the owner an amount as set forth in Section 65.40(I) of the Water Code. This charge will take effect 24 hours after a notice is served by the Village to repair the leak and will remain in effect until the leak is repaired.

§ 65.40(I) Water Loss - (Leak in Service Line between Main and Meter)

<u>Size of Line</u>	<u>Charge Per Day</u>
3/4"	\$15.00
1"	\$20.00
1 1/4"	\$25.00
1 1/2"	\$30.00
2"	\$40.00
3"	\$50.00
4"	\$60.00
6"	\$75.00
8"	\$90.00

This local law will take effect immediately on filing with the Secretary of State.

Trustee Brenton stated his sixth resolution deals with a situation that we became involved in and what took place here was that a leak was discovered at a private residence in a line at 153 Highland Drive. Our water man in investigating the situation advised the person that owns the property, a Mr. Schofield, that a portion of that line had been replaced two years previously. He thought that he was being helpful to the person owning the property. The only thing is that this line, like all water lines, is in two segments - the segment from the house to the curb stop or shutoff that all lines have, and then from the curb stop out to the main. So that he told the property owner erroneously that this section had been replaced according to Village records, and lo and behold the person then went and had the opposite section replaced and it developed that the opposite section had been the section that had been replaced. The party involved has come to us for redress and he thinks the Village Board supports this position that we gave erroneous advice and the person had a piece of line replaced that didn't need to be replaced and then had to go ahead and replace the remaining portion that did need to be replaced, subsequently incurring a very large and substantial bill, \$828.00 of which the property owner has asked us to bear the burden of in that it was basically our responsibility because of the wrong information. The Water Department has been advised that we will not provide information of this type any longer even though it might be helpful and we might know very well, but nevertheless we can make mistakes, and the Water Department is also in Clerk's Office and has accepted the procedure of not referring any contractors to any situation. Those two latter statements have no reflection on this particular instance. They do have a reflection on policy that we feel it's a better serving of the public in the future and this instance made us aware that perhaps we should go about our recommendations in a different way.

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

WHEREAS a property owner at 153 Highland Drive was given erroneous information regarding the location of a waterline leak by an employee of the Village of Williamsville Water Department, and

WATER DEPARTMENT

Reimburse-
ment

153 Highland Dr.

WHEREAS the property owner acted on this information and replaced a water line which was not defective,

NOW, THEREFORE, the Village of Williamsville hereby reimburses Spencer Schofield, 153 Highland Drive, \$828.00 which is the expense he incurred due to the Village's misdirection.

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 26, 1984 at 7:35 PM

Trustee Brenton stated his seventh resolution deals with the renovation of areas of the courthouse building in which it is intended the Village Offices will be in the future housed and we feel it is necessary that the engineering firm go ahead and develop the necessary architectural work at this time so that we can be prepared to go to bid to include renovation of the offices when this project comes to fruition.

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

RESOLVED that the firm of Sargent, Webster, Crenshaw & Folley are hereby authorized to perform architectural work required on the 1st floor renovation of the Town Court House into Village Offices, in conjunction with Standard form of Agreement Between Owner and Architect dated August 1, 1980 and updated on August 29, 1984.

AUTHORIZATION

**Sargent, Webster,
Crenshaw &
Folley to
perform plan
for Village offices**

(Presented)

Trustee Kibby questioned the phrase "perform architectural work". He asked if that wording is careful enough or do we wish to have wording that says develop architectural plans. Architects do other things. The word perform bothers him. Trustee Brenton said if anything bothered him it would be the word work following architectural.

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, it was moved to amend the motion to change perform architectural work, to develop architectural plans.

Trustee Brenton said the Mayor and the Clerk have discussed this and Trustee Brenton has also discussed it with them and he asked if it is our intent to go with final architectural plans at this time, or some type of architectural rendition. In other words do we want the final product or do we want just some type of rendition at this time. What is the intent here?

Mayor Kuzon said he thinks what we're after here is just some idea as to what can be done to accommodate Village Offices and the space needed on the upper level. What we're looking at is some type of professional advice, guidance from the architect to tell us how our space needs fit into the upper level. The Clerk and Mayor have sat down and listed a couple of things that we felt were needed over there in terms of administrative space and conference and meeting and activity space. What we're looking for from the architect is whether those plans and ideas are feasible in that area and if he could give us an idea of what it would cost to do it which may make it unfeasible.

Trustee Brenton said that's exactly what he thought it was, because then he's not sure the resolution is incorrectly worded because he thinks what we're looking for here is really some

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type of rendition and some cost estimate as to what this would require fiscally and he's not sure that we really want architectural plans.

Trustee Kibby said that makes sense to him. He has no problem except with the word perform. Trustee Brenton said it is purposely loosely worded. He said he would have no objection to the motion if the word perform was changed to something else if they could find a better way to say it.

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, it was moved to withdraw the motion to amend.

Discussion on
resolution
for
work
on
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Trustee Kibby said you're asking them to do architectural work so that really should be changed - perform to plan and he would again make that motion.

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, it was moved to change the word perform to plan in the motion.

Unanimously carried.

Trustee Saia asked what the cost of this planning would be. Seeing it is only a plan what is the cost. He would think that if this is not the actual architectural work, which is probably on a percentage basis, that this would be a rendering and some type of idea what it will cost so the Board can determine how it will go on this thing. He feels there should be a stipulation on how much money we should be spending on this architectural plan. We could probably get a model worked up and spend a good amount of money, or we could get a rendering done or a drawing which is a considerable amount of money less, and there is nothing in here as to how much money is involved.

Trustee Brenton said the amount of money involved would obviously be found in the agreement because it does say here in conjunction with the standard form of agreement between owner and architect dated August 1, 1980 and updated on August 29, 1984. So that if you want that information it would be available in the agreement. However, he would question the attorney if that interpretation is correct and if that would suffice.

Attorney Troy said he thinks that Mr. Saia's point is probably well taken and you might wish to simply add at a charge not to exceed so many dollars and let it go at that, and then if you have to have a second resolution beyond that point at a later meeting to increase that amount of cost fine and dandy, but at least you are protecting yourself at this point by putting a limit of \$1,000 or whatever it may be on it. And if later on it comes to more money and they need more money they can come to us and tell us they can't complete these plans without additional funds and at least we'll know where we stand. You would add at a cost not to exceed "X" dollars, whatever this Board thinks is an appropriate amount.

Trustee Brenton said he would be reluctant to hazard a guess as to what fiscally would be required. Again, maybe then it would not be appropriate to include the words standard form of agreement between us because perhaps that automatically sets forth the basic costs. The problem that he has with it is he places his confidence in these firms and it is very, very difficult to say for every phase of the project you know how much is this going to cost and how much is that going to cost. He is cognizant of the need to keep control over costs but he thinks that at some time along the line we're just going to have to stop and say okay, that's it, go and substantiate what you charge us, in effect through the standard form of agreement. When we first entered into this agreement we were assured that this is what is normally adopted by any municipality.

Discussion
(Con't)

Mr. Troy said he understands what Trustee Brenton is saying but if you want absolute certaintude as to the outside limit then you can add a reasonable figure for a limit. However, we have dealt with these people before and they have standard rates and if those rates are in operation and they don't change from job to job then we can pretty well tell. If all of a sudden we find ourselves getting into more work than we anticipated or more cost, then we can always say stop. You can always terminate a professional relationship without the slightest difficulty as long as they are paid for work done up to that point.

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Trustee Brenton stated he totally agrees with Mr. Troy as to being able to terminate the contract but he thinks if you terminate any firm that enters into this standard form of agreement there are certain steps that you will then therefore pay. Mr. Troy said you pay only for work that is actually accomplished and completed prior to the date of termination. It isn't like a business contract where there are losses or damages. it is for the actual work done. There was research done at the time in the past when we changed engineers. in the middle of a job. It was a professional termination. You have two choices here. One is to leave it as it is and the other if you feel uncertain about it is to stipulate a cost figure you do not wish to exceed at this time.

Trustee Kibby said he has no problem with costs. He doesn't know what the cost is but he knows the firm and he thinks their costs would be fair. The only reason he brought this up was that he wanted to put some parameters on what it is they were going to do, what was the job. He does worry about the costs of things but this company has a long track record with us and we know their costs are going to be fair and reasonable. He can live with this motion as it stands without the cost factor as long as that word plan is in there.

Trustee Brenton said he equally has no problem with setting a limit but he honestly doesn't know what to advise that limit should be. He doesn't want to have to come back here in

two weeks and say well we're \$2,000 too low, or something like that.

Trustee Saia said well what if they want \$5,000. We should have some type of limit on the cost. This is only an architectural rendering of a concept. So he thinks something has to be said there that it's going to cost us a certain amount of money. Otherwise you're giving them a blank check. Now they might be the most honest people in the world but the blank check might mean to them that they're going to come back with a beautiful rendering. Mr. Troy said you never give a professional blank check. You can stop them at any time. Trustee Saia asked when you stop them and Mr. Troy answered that that would be up to the Board's collective wisdom. The Board would resolve that issue and you'll decide at a certain point that their services are as much as you wish at a given time.

Discussion
(Con't)

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Trustee Brenton said there are two sides of the coin here. It might only cost \$500 and you might give them a blank check for \$3,500. He has no idea of the cost. He thinks it is kind of unprofessional to second guess an engineering firm. Trustee Kibby is more familiar with this as he is on the School Board and he asked him if this is what they do at the School Board when they build a school or renovate them. Do you say let's put a cap on this and that. Trustee Saia said that Trustee Kibby has the Meeting House. He thinks he has brought back an approximate cost on everything. Mr. Troy said you can also limit it to preliminary plans which is even more restrictive. There are a variety of ways of handling this without making any cost estimate. There is an element of a lack of professional approach.

Trustee Kibby said it was his School Board experience that made him touch this in the first place. What he touched was where the limit was, where they start, and the limit where they end, and to be perfectly frank this is the firm that is doing \$11.7 Million worth of School Board work. He doesn't quibble with their price. Where he had a quibble with them in the past was this is where you start and this is where you end - not cost wise, job wise. All he wants to know is that they are saying what they think can be done and we can go out and hire another architect to do the job if we want to. That's all he concerned about. He's concerned about costs but he happens to know their costs are fair and that's why he doesn't have any trouble with their fee.

Trustee Saia suggested that perhaps they could pass a resolution tonight and then leave the cost go for 24 hours until Trustee Brenton finds out what it will be. Mr. Troy said he wouldn't do that. There is another way you can do this. You can simply reword it this way - resolved that they are authorized to perform preliminary planning as the Board of Trustees of the Village may from time to time require in the renovation of the first floor. That gives you people a unilateral contract. You

say do this now. At this point we would like you to give us a summary of the potential uses for this floor space. Then subsequently thereto, at this time we request from you additional schematics as to plans on the truck bays, things of that sort. In other words it leaves the decision to you each time as to when you want to project more work. You can call them and say now we need this, now we need that. He doesn't think that would hinder them in any way professionally.

Trustee Brenton said that you already have that within your standard contract. You have certain plateaus and this could in effect be going into the design stage so that basically once you accept design stage, once they're authorized to proceed with design stage, they're in for design stage unless there's some absolutely ridiculous blunder on their part that makes us say look we don't want you any more. Once design stage is completed then you go into the next level which is calling for bids. Each one of these assures them of so much fiscal remuneration for their services once they've completed a stage. He said we're only asking for some drawings here and he would hazard a guess and say \$1,500 and he's uncomfortable with it, to be honest, because all they've got to do is overload the circuit as far as he's concerned and that's going to be the final phase. He has dealt with firms before that we've had problems with.

Trustee Saia said it would seem to him that if we have that much faith in Sargent, Webster, Crenshaw & Folley that if they don't need all that \$1,500 they won't use it. He would be perfectly happy because you have put a price on there that you don't want to exceed. On the one hand you say you trust them and on the other hand you say if you gave it to them they might spend it all, so do we trust them or not. Trustee Brenton said if you make it too high people who have a tendency to be completely trustworthy could add an extra drawing or two.

Trustee Kibby said he thinks what Trustee Brenton is saying is that if the price came in out of line with no cap then that would be their final phase of this particular job.

Mr. Troy asked if we are certain what we wish of them. Should we put in wording to the effect that it is for such preliminary planning and advice as the Board may from time to time request or require and that would put it into our court as to the determination of what you wish from them. You've retained them without any statement of services, or cost of services, and you have retained them in precisely a way that will give you full control over what they do or do not do. That should satisfy this if you wish to do this. That meets any objection that anybody might have for the rather loose verbage - perform architectural work. Individually the Trustees may know what they mean by that and also the architectural firm may know exactly what we mean by it but there is the possibility of questions in the eyes of outsiders or third persons, villagers, etc.

Mr. Troy said the resolution would read to perform such preliminary planning and advice as the Board of Trustees from time to time may require or request in conjunction with the 1st floor renovation of the Town Court House into Village offices. Now you can limit any reference to the standard form of agreement if you want or you can leave it in. That wouldn't alter or amend this situation but it puts you in control, and in continuing control of the situation.

Discussion
(Con't)

Trustee Saia said he still sees a problem in that we don't know what they will charge us. He thinks this is very well written but we should still include at a cost not to exceed a certain amount for the preliminary planning that they are going to do for the offices. Mr. Troy said this gives you the opportunity to ask them that before they do anything. You ask them what the cost will be. You always have the opportunity the way the resolution is worded to ask them beforehand what is it going to cost to do x, y and z.

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work on
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Trustee Brenton said he thinks there is an intent here to have this information available. We need this information, we need to know what to do, we need to go to bid in the winter months so that we can arrive at lower construction costs due to the fact that the contractors are traditionally a little hungrier and they sharpen their pencils a little finer. He would be reluctant to develop the information from the engineer that it's going to cost you approximately "X" number of dollars and then wait for another Board meeting to come back here and say it's going to cost us approximately "X" number of dollars. Is this resolution putting the authority in his hands to make a determination or what would the procedure be.

Mr. Troy said that he would think ultimately the way it's worded you would have to first determine exactly the nature and character of the services you want from them, find out what their cost would be and then get an approval from this Board.

Trustee Kibby said he would like to amend the motion.

ON MOTION by Trustee Kibby, seconded by Trustee Saia, it was moved to amend the motion with the word plan instead of perform as has been adopted and then add at the end of the resolution - , but at a cost not to exceed \$2,000.

Unanimously carried.

The Board then voted on the main motion which had been moved by Trustee Brenton and seconded by Trustee Kibby as follows:

RESOLVED that the firm of Sargent, Webster, Crenshaw & Folley are hereby authorized to plan architectural work required on the 1st

APPOINTMENT
Architectural firm
to plan work
required for Village
offices

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floor renovation of the Town Court House into Village offices, in conjunction with Standard Form of Agreement Between Owner and Architect dated August 1, 1980 and updated on August 29, 1984, but the cost not to exceed \$2,000.00.

Unanimously carried.

Superintendent of Public Works Boudreau reported that the leaf collection season continues in full swing with the D.P.W. crews in operation on Village streets. Progress continues to be excellent due to extra effort and initiative on the road and maintenance of equipment. The quantity of leaves collected to November 16th is 2,133 cubic yards. Residents are reminded again that leaf piles with branches, vines or other debris mixed in or piled on top cannot be picked up by our leaf vacuums. They must be separated for pick-up.

With respect to trash collection Superintendent Boudreau stated a new revised comprehensive trash collection calendar is now available in the Clerk's Office. All trash collection services by the D.P.W. are indicated by date and method of pick-up.

Superintendent Boudreau reported that a new winter snow plowing and sanding plan is now complete and on file for Village streets. The plan includes a winter snow map with the Village divided into plow route districts. Also included is a table of equipment, personnel and plow route assignments for D.P.W. plow crews. At this month's meeting of the Erie County Superintendent of Highways Association each Village and Town has agreed to plow on an emergency basis only certain roads within or bordering their municipalities during the current budget crises of Erie County. This would only occur in a hard hit storm area and on an emergency call out basis by the Erie County Department of Public Works.

Superintendent Boudreau reported that this past Saturday at 10:00 p.m. the Garrison Park gazebo was torched by vandals. Extensive damage was done to the center pier.

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

Unanimously carried.

Richard Hill, 18 Brookside Drive, stated it looks as though the Board has already decided to buy the old courthouse. Mayor Kuzon said we have received the agreement from the Town and we're considering it right now. Mr. Hill asked if the Board had any idea how much it was going to cost to buy it. Mayor Kuzon said we do but we need to discuss further the actual price and the Board discussed it at our last meeting and we will be discussing it once again tonight. Mr. Hill asked if the Board

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could give them a ballpark figure. The Mayor said that the Board at our last work session said we weren't going to discuss the contents of the agreement until we had it all ironed out and it was agreed to by the Town and the Village.

Trustee Saia said what you read in the paper is basically correct. Mr. Hill said what he reads in the paper is no where near what he's been hearing in the little room in the early meetings the last few months. He thinks it's about \$100,000 more than he had been hearing. Mayor Kuzon said that's why we'd like to wait until the whole agreement is ready and finalized and then we can present it in its complete form when we have all the details because right now to give a little bit here and a little bit there would just confuse it.

Mr. Hill asked when we get all this information together will the Villagers get a chance to say "yes" or "no" on it or is it going to be like the Conrail property where the resolution is going to be kind of sneaked by. Mayor Kuzon said the resolution for the Conrail property was never attempted to be snuck by. Mr. Hill said it wasn't advertised very much. The Mayor said it was advertised as much as any other resolution that the Board passes. It will be acted on by the Board in public. Mr. Hill said he didn't ask that. He asked if the Village residents would have a chance to say "yes" or "no" on this. Mayor Kuzon said if the Village adopts bonds then the Village residents have the opportunity to petition for a permissive referendum. Mr. Hill said if we don't have to go to bonding then we have nothing to say on it. The Mayor said he would feel confident in saying that the Village is going to have to go to bonding to do the construction and additions. Mr. Hill said he is not against doing this but he would like to know how much is going to come out of his pocket to pay for it. There has to be work done on it beyond what's being done for the fire department. He can't see paying the Town a heck of a lot for that building. If we don't buy it we can stay right here.

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

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the meeting was adjourned at 8:35 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer