

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, February 11, 1985 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

The Clerk read the notice of hearing regarding a proposed local law which would regulate the plowing of snow on private property within the Village.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 7:35 PM.

Unanimously carried.

**PUBLIC
HEARING**

Trustee Kibby said that essentially this local law regulating the plowing of snow has three major concepts. (1) That anyone who wishes to hire themselves out as a plower of snow on private property in the Village will have to have a permit to do such which they would obtain from the Village Office. (2) Anyone that does plow snow from a driveway or parking lot must essentially leave that snow on the property of the person whose lot they're plowing. (3) When one crosses the sidewalk on a driveway and leaves a large row of snow (wind row) on either side of the plow on the sidewalk - they may not do that. They will have to remove that from the sidewalk. The enforcement calls for a court appearance if necessary upon the issuance of a ticket with a fine up to \$250.00 or a jail term not to exceed 15 days. That is not likely to happen.

Local Law

**Plowing
of snow
on private
property**

Lawrence Law, 144 S. Ellicott Street, asked if this law would increase the cost of plowing to the people who have their driveways plowed. Would it make the services much more expensive, a little more expensive or would it just be a minor item? Trustee Kibby said the proposed fee is \$25.00. What kind of impact on someone who plows 25, 65, 75 driveways a year would be, he can't begin to imagine but it shouldn't be more than \$.50. Mr. Law said perhaps this would limit the number of people who would want to bother with a license to plow in the Village and curtail services to Village residents. Trustee Kibby said he can't see that happening but there is always the probability of that happening. That's not the purpose. The purpose is to make sure the people that are plowing are fully aware of what the Village expects them to do with that snow.

Mr. Douglas Sandburg, 81 Mill Street, asked what the present law is now governing snow in the Village such as driveways, sidewalk, etc. Trustee Kibby said we only have one law right now and that indicates that sidewalks are supposed to be cleared by the residents. As a matter of fact, that's an interesting question. Trustee Kibby said when you look at this, sometimes you get a 6", 7", 8" snowfall and there's no problem with asking the snow-plow driver to get out and make sure he cleans off the sidewalk. But with 35" of snow he doesn't expect hardly anyone to do that so that's still a consideration to be made.

Mr. Sandburg asked if it was correct that the present law was not enforced. Trustee Kibby said that's probably true. Mr. Sandburg said he believes the law reads that a citation can be given and the Superintendent of Public Works can have it shoveled and then assess it on your taxes. Trustee Kibby said that's basically correct. Mr. Sandburg said he doesn't believe the law is presently being upheld, being enforced within the Village. If you look on your corner for example he doesn't think that walk has been shoveled. He brings this up because is this another law that it is almost impossible to enforce. Are we just putting another law on the books for the sake of having another law. The law says there is a \$15.00 fee. You have the permit commencing January 1st and expiring December 31st. To him, he thinks the time frame should be over the snow season. Trustee Kibby said Traffic and Safety have already commented on that. Mr. Sandburg said someone may get it and then come the 31st of December say there wasn't much snow that year so they didn't bother to renew it. Then on the 1st of January you have snow and someone wants their snow plowed and they don't have a permit. He would suggest that those dates be changed.

Mr. Sandburg says he understands that the town does have a permit system in place and maybe it would be more to our benefit in the Village if we were to sort of piggyback on their permit system and allow people with a permit within the Town to also plow in the Village. This may limit services to our villagers. Trustee Kibby said Mr. Sandburg should go by Milton and Los Robles one more time before he makes a comment.

Mr. George Dischinger, 176 Reist Street, said he and his wife are unable to do any shoveling or plowing because of physical disabilities. They have someone who comes in and plows for them free. They put the snow on top of what is already plowed along the street. It is not adding to it. This is really going to work a hardship on people like them with no way of doing it themselves. They don't have any children or teenagers to do it for them. It's just a problem. He wanted some clarification on the point of putting the snow. He asked if it has to go on his own property, because it just won't work the way he is situated. Trustee Kibby said

PUBLIC
HEARING
(Con't)

Local Law

Plowing of
snow on
private
property

PUBLIC HEARING
(Con't)

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the problem is to keep the snow from being plowed across the street onto your neighbor's property or plowed to your next door neighbor's property, or to be plowed to the street and dumped in the street. All three of these things do happen. Mr. Dischinger said his snow is not put in the street in any way, shape or form. It is piled on top of the snow the Village has already plowed. Trustee Kibby said that what Mr. Dischinger is saying is that in his opinion he would prefer to see this law read so that the snow can go on the right-of-way, that is the area between the sidewalk, or where there would ordinarily be a sidewalk if you don't have one, and the street. That is within 6' or 8' off the street. Mr. Dischinger would like to see it be possible to put the snow there also, but on his property. Mr. Dischinger said that is right.

Mr. Troy asked Trustee Kibby about the volunteer workers who plow the snow for some people. Are we going to insist that these people be licensed. He asked if this is aimed at commercial operations or is it aimed at the good samaritan as well. There are arguments for both. Trustee Kibby said he would have to think about that. Mr. Troy said there might be an argument for insisting that even the volunteers be subject to the same regulations.

Robert Bindert, 39 Garden Parkway, asked if this problem with snow plowing is consistent year after year. Trustee Kibby said it was. Mr. Bindert said he thinks basically we're all under the influence of the last snow storm. He said it seems to him that a lot of these laws get proposed when you have a disaster situation and they don't happen every year. The last one was in 1977. You don't have snow of this magnitude every year and this might be making laws a burden to the residents in general just for the sake of the super snowfall. Trustee Kibby said that's not the purpose of the law. He said he does not propose laws that tend to be burdensome. He said maybe the timing is poor but having lived on Garrison at one time and having stumbled across the edge of commercial property between his house on Garrison and Village Hall when he came down for meetings and having stumbled on the edge of particularly commercial property where the snow had been plowed and snow had been left on Main Street or on Garrison, on the sidewalk that's what's the impetus behind this, stumbling across that time and time again. It's not only there. It's all up and down the streets where people do choose to have someone plow their driveway. He has no problem with that. It's just that that particular plowing should not create a bigger problem than was already there to start with. It frequently happens that the snow is left on the sidewalk, it is carried across the street and dumped on neighbor's property, or it is dumped in the street.

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Mrs. Lois Dischinger, 176 Reist Street, asked how this would be enforced. Would it be when a patrolman sees someone plowing and issues them a ticket. What if there is an understanding between two residents that there would be no problem with putting snow on their property. Trustee Kibby said right now a resident has no other option than to just simply call on the goodwill of a neighbor not to dump snow on his property. Now the neighbor has two options. He can call the police and register a complaint and a lot of neighbors are going to be hesitant to do this. That's the reality of the world. The other option is that they can simply say to the neighbor that it is illegal for them to be dumping snow, which is a bit more tactful. The police upon seeing a violation can issue tickets and this winter they have done that in the Town where they saw violations.

PUBLIC
HEARING
(Con't)

Local Law

Plowing of
Snow on
private
property

Mrs. Dischinger said if the residents have an understanding that it's all right to do that, that they don't mind, is that all right. There are a lot of elderly people that are going to have a real problem. They don't have enough room in their yards. How are they going to be able to plow, especially in a single width driveway. Mr. Troy said that should be no problem. If you have a good neighbor who invites you to place your surplus snow on their property he doesn't think anybody will bother about that. The attempt here is basically to discipline these commercial activities, not to punish neighbors or to create dissension or cause difficulty between neighbors. If neighbors can work out an acceptable solution he doesn't think there will be any problem. Basically, however, we're talking about the gypsy people that come in do terrible jobs and leave a condition worse than when they arrived. This is what the law is aimed at, not certainly at penalizing or in any way placing an unnecessary hardship on the residents. If the neighbors agree that is all right so long as the plower does a neat job. You can say to the man you may place this snow on my next door neighbor's property but he has to do it in a manner that is consistent with the code, or the proposed code.

Trustee Kibby said the Village has received complaints or calls about snow being improperly placed and the residents wondering if there is some code or some law that prohibits this. We're not trying to regulate all of society but there have been complaints and there are problems and he thinks it's time to do what we can. As came up earlier in the Board's work session he was asked if he was sure that every-time snow is illegally dumped that there will be a policeman there to see it and give out a ticket. No way. But this is a step we can take.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to close the public hearing at 7:53 PM.

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Trustee Brenton said that before the hearing is closed he would like to make a comment. One thing not pointed out is that by licensing these people that do this work, these professionals that do this work, you will have a finger on them. You will be able to control them if they do not do their work professionally. When they get heavy storms like we had they contract to do these driveways on a contract basis and they lose money with this kind of weather, and so they hurry it up and consequently we have many of our streets that are very narrow now, extremely narrow, and they just plow out from the driveway across the street and they plow it right on to the snowbank that's at the street. They don't lift it up on top of the pile. He said his street is a classic example of that and if they have an emergency on his street and there's a flow of traffic he's afraid there's going to be a little confusion. This is one of the strong points of this legislation. You will have control over these people that do it. It is in no way different, outside of the fee, than what the Town presently does and of course all the people in the Town are happily serviced by their contractors. They have no problems. So the Village is really taking that step, he hopes, under Trustee Kibby's legislation. He thinks it is badly needed to rectify this problem. We have no control over these contractors at the present time.

Unanimously carried. (7:55 PM)

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 7:32 PM.

Mayor Kuzon said he is signing a Proclamation which basically proclaims the upcoming week in recognition of the Skating Association for the Blind and Handicapped (SABAH). In last week's Amherst Bee there was an article which highlighted the efforts of our citizens, our Youth Board and our Senior Citizens, and a number of other committees which have been actively and extremely involved in helping Elizabeth O'Donnell prepare for their upcoming ice show at Memorial Auditorium on February 21st at 4:30 PM and 7:30 PM. Mayor Kuzon said this Proclamation brings recognition not only to the efforts of Elizabeth O'Donnell for her efforts in helping the handicapped, but also recognizes our citizens and Trustees who have spent a lot of time on this project. There are tickets available in the Village Clerk's Office for the show.

ON MOTION BY Mayor Kuzon, seconded by Trustee Kibby, the minutes of the regular meeting held January 28, 1985 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the minutes of the public hearing held January 28, 1985 regarding granting alternative exemption to veterans were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved at 7:35 PM to open a public hearing regarding a proposed local law to regulate the plowing of snow. (The hearing was closed at 7:55 PM.)

Unanimously carried.

Mayor Kuzon reported that the Annual Grievance Day for the Village will be held on Tuesday, February 19th between 5:00 PM and 9:00 PM in the Village Conference Room. Individual property owners, whose assessments were increased, have been notified.

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It is not limited only to those individuals but anyone else that has a question or concern about their assessment can bring it up at that time.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$374,235.27 were approved covering the period January 29, 1985 thru February 11, 1985, as follows:

Payroll Fund	W/E 2/1/85	\$ 6,401.90
	W/E 2/8/85	<u>6,034.37</u>
Total Payroll Fund		\$ 12,436.27
General Fund	Abstract #578	24,637.08
Sewer & Water Fund	Abstract #159	336,831.71
Trust & Agency Fund	Abstract #198	70.46
Glen Park Jt. Activities	Abstract #98	50.00
Capital Fund	Abstract #140	<u>55.81</u>
Total Vouchers		\$374,235.27

Mayor Kuzon said there is one rather large voucher covering our sewage treatment payment to the Town of Amherst in the amount of \$336,807.00.

Unanimously carried.

Trustee Kibby said he has one resolution that calls for a public hearing for a subdivision development on Bobbie Lane which is off Farber Lane and Lake Ledge Drive. This will be to subdivide the property into six pieces to be sold off for homes.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held on March 11, 1985 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 subdivision of property on Lake Ledge Drive to be known as "Bobbie Lane".

**PUBLISH NOTICE OF
PUBLIC HEARING**

**"Bobbie Lane"
Subdivision**

Unanimously carried.

Trustee Gallagher said he has a report to make on the Proclamation of SABAH Week and Icearella which is on February 21st. The Evergreen Program has rented a bus

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for that event and anyone here wishing to attend should contact Charlotte Jurek, who is the coordinator of the Evergreen Program. This is for the 4:30 PM show.

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

RESOLVED that July 16 - 19th are designated "Old Home Days" for 1985 and that George Measer and Jean Gaulin are named co-chairmen.

DESIGNATE 1985
"Old Home Days"
and Chairmen

Unanimously carried.

Trustee Gallagher said that on March 13th, in the Village Conference Room, the committee will be holding their first meeting.

Trustee Gallagher said his second resolution relates to the public hearing that was held two weeks ago on the property tax exemption for veterans. He read a statement that was contained in a recent editorial in an area newspaper relative to the fact that Korean and Vietnam veterans should have the same chance at property tax exemptions as their older compatriots. Adoption of this resolution tonight will end this discrimination against Korean and Vietnam veterans. The Town has already adopted this.

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

RESOLVED that Local Law #2 - 1985, which was the subject of a public hearing on January 28, 1985 and grants the Maximum Alternative Exemption to Veterans, is hereby adopted.

LOCAL LAW #2-
1985
Adopted

Granting Maximum
Alternative
Exemption

Unanimously carried.

Trustee Saia said he had no resolutions tonight. Trustee Saia read a letter he got from Joe Bachovchin, who is the Director of the Youth in the Town, thanking him for his participation at the Annual Awards Dinner which was held at the Transit Valley Country Club. The Youth and Recreation Board of the Village received an honor from the Town of Amherst Youth Board. The letter said Mr. Bachovchin felt good about the growing positive relationship between the Town and Village Youth Boards. Mr. Bachovchin said there was no doubt in his mind that Trustee Saia played a large part in this development. The reason he read the letter was that in the beginning when he took over the Youth Board Mr. Bachovchin and he did not hit it off, as Trustee Saia felt the Town should gear some of the Town youth activities to the village. Since then Mr. Bachovchin has worked with the

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Village Youth Board and we have some tremendous programs in the Village and he is grateful to Joe for working with the Village.

Trustee Saia said we've been reading in the papers articles pertaining to the Academy Street School. He holds that school very dear in his heart and he hopes the people in this community do not let happen to that school what he thinks a developer might want to see happen to it. With respect to the \$2 Million repair job to take care of the fire problems, he disagrees completely with that price and doesn't know where the figure came from.

Trustee Saia said he would like to commend the Department of Public Works and Mr. Boudreau for the wonderful job they did during the blizzard of '85. He has received many compliments about our crews this winter. With the help we got from the State the Village is in great shape. If you've been around to other communities you know that they're still not as good as the Village is.

Trustee Saia said the Village faces a potential dangerous problem and he would like to see action taken on it by the Mayor. Three drivers have testified that they have dumped 55 gallons of Dioxin contaminated waste at the Pfohl Brothers landfill on Aero Drive a short distance outside the Village. Ellicott Creek flows past that landfill and could be carrying Dioxin, the most dangerous chemical known to man, into the Village. Trustee Saia asked the Mayor to notify the State DEC and the Federal EPA to take immediate action.

Trustee Saia said he has to speak about some comments that were made at the last meeting that he thinks were directed at him and Mr. Boudreau. When he applied for the State DOT funds he saved the Village residents a considerable amount of money. They did not lose \$3,500. No one else on this Board applied for this money or Phil would have known about it. He was the one who had to make the arrangements. Trustee Saia said he thinks he made a sow's ear, because of the limited funding given to our D.P.W., into a silk purse.

Trustee Brenton reported that the Building Committee of the Fire Company had met with the architect last Saturday and reviewed the plans and in particular emphasized some of their needs and they've done a very thorough job according to what he has seen and that progresses very well.

Trustee Brenton said his resolution deals with the Mayor going to Winter Legislative Conference of the New York Conference of Mayors in Albany. The funding for that particular two-day period will be one-half paid by the village and one-half paid by the Erie County Village Association.

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

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RESOLVED that Mayor Gordon J. Kuzon is hereby authorized to attend the Winter Legislative Conference meeting of the New York Conference of Mayors in Albany, New York on February 24-25, 1985 and half the expenses to be paid by the Village of Williamsville and half to be paid by the Erie County Village Association.

AUTHORIZATION -
Mayor Kuzon to attend
Winter Legislative
Conference

Unanimously carried.

Superintendent of Public Works Boudreau reported on the installation of unyielding objects in a public right-of-way on Village streets. The installation of an unyielding object in a public right-of-way at, along side or near a highway pavement constitutes and creates a highway hazard. He as Superintendent of Public Works is charged with highway safety on Village streets. Anything he discovers, finds or declares a highway hazard, whether installed by Village residents or not, will be promptly removed by the D.P.W. The installation of a 4"X4" wood post, embedded in the ground next to, or adjacent to a Village street pavement is in fact a highway and pedestrian hazard. The recent case at 165 N. Ellicott Street was such a hazard and he acted as follows. In September, 1984 he sent a letter to the resident at 165 N. Ellicott and asked him to remove the posts. No response or return by Mr. Taylor. Copies of the letter were sent to the attorney, Trustees Brenton and Saia. In January, 1985 he stopped at 165 N. Ellicott and asked Mr. Taylor to remove the posts as it presented a hazard to our snow plows. We were at the time experiencing a record blizzard. The resident refused and he left. The next day he ordered the posts removed.

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

Unanimously carried.

Mrs. Carolyn Schlifke, 192 Evans Street, spoke in regard to the local law regarding veterans exemptions. At the time of the first public hearing she had asked what the impact would be on the Village tax rolls if this exemption were allowed. She asked if this had been determined. Trustee Gallagher said this was answered at the second public hearing two weeks ago. Mrs. Schlifke said she had been unable to attend that hearing. Trustee Gallagher said the impact would be about \$.89 on the \$1,000, with the breakdown as far as the numbers who are on there now and the anticipated numbers and in consideration that 50% of the eligible would apply. It is somewhat speculative because we're just going with estimates and it really depends on each individual and their case. But on the outside it is \$.89 per \$1,000.

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Mrs. Schlifke asked what tax roll this would go in effect on. Trustee Gallagher advised it would be the 1986 tax roll.

Lawrence Law, 144 S. Ellicott Street, asked how we were going to publicize this ordinance so that those eligible would know about it. Trustee Gallagher said it should be in the Amherst Bee and Buffalo News. With this being election perhaps those going around to the houses could inform them of this. Also, Trustee Gallagher said he had been told that this information will be included with this year's tax bills.

Mr. Law asked what procedure he would follow to apply for this exemption. The Clerk advised him to go downstairs to the Veterans Office and they are handling it for the Town and the Village so once you fill out the form there it will go to the Town Assessor and they'll approve it and send it up to us.

Trustee Saia said he sees Donald Schueckler in the audience and he knows that we all had a hectic week and Don and he and Pat Lucey and everybody were jumping at each other but he wants to commend the Town of Amherst for making an attempt to help us out and he hopes that we can help them out and exchange some of the goodwill that we should be having.

Mrs. Loretta Babin, 80 Spring Street, thanked Mr. Boudreau and Trustee Saia for keeping the Mayor out of hot water like the Mayor in Cheektowaga because he didn't get his money and the town people are very upset.

Trustee Brenton said he wanted to make a comment because as he understands Mr. Boudreau's report he could make a decision as to whether or not obstacles would be removed that he considered in his judgement to be a safety hazard or a situation of that nature as he did regarding the Taylor property at 165 N. Ellicott. He is wondering if the Superintendent has that authority and he is asking for a legal determination on that from the attorney because he was very disturbed at the method that was employed to take out that gentleman's posts and he doesn't see where he could be happy with that type of activity in the future, in particular, in this instance, where the man thought that he had a legal permit to do so and he also knew that many other hazardous barriers, which have been installed by the Village, have not been removed. In fact more hazardous than the one that he had. He refers to buttend guiderails and guiderails that are illegally installed at corner intersections. If Mr. Boudreau is unaware of their location he should ride around the Village. In the meantime he does request from the Village Attorney an opinion as to whether or not we're going to have this type of activity on the part of the Superintendent of Public Works or whether the Building Department, which he presumes to be the actual administrator of this type of activity will control it, and if neither of those two then who does control it. He would like to have that information.

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Mr. Troy asked if Trustee Brenton wanted his opinion now or after he had researched the question. Trustee Brenton said the attorney should research it and then render his opinion. Mr. Troy said he would render a written opinion on this.

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

Unanimously carried.

ON MOTION by Trustee Kibby, seconded by Mayor Kuzon, the meeting was adjourned at 8:15 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer