

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, July 22, 1985 at 7:36 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Richard Gallagher

Michael Kibby Trustees

Carolyn Schlifke

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

John Anstett, Dept. of Public Works

Absent

Lawrence R. Brenton, Trustee

Phil Boudreau, Dept. of Public Works

The Clerk read the Notice of Hearing regarding designating the Castle and its site at 175 Oakgrove Drive as a local landmark per the Historic Preservation Code.

ON MOTION by Trustee Schlifke, seconded by Trustee Kibby, the hearing was opened at 7:36 PM.

PUBLIC HEARING

Unanimously carried.

DESIGNATE THE "CASTLE" AS A

Trustee Schlifke gave some background on the site and building that is up for designation as a local landmark. She gave information on the site as it was described in the Historical Society's walking tour booklet. This is a unique property. It is hidden from view and many people are not aware of it. The Historical Society feels it is worthy of landmark designation. The hearing was then opened to the public.

HISTORIC SITE

No one appeared to speak.

Trustee Kibby said he was delighted that this is happening.

ON MOTION by Trustee Schlifke, seconded by Trustee Gallagher, the hearing was closed at 7:48 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, July 22, 1985 at 7:34 PM

Roll Call:	Present	Gordon J. Kuzon, Mayor Richard Gallagher Michael Kibby Carolyn Schlifke	Trustees
		Theresa L. Cummins, Village Clerk Thomas V. Troy, Village Attorney John Anstett, Dept. of Public Works	
	Absent	Lawrence R. Brenton, Trustee Phil Boudreau, Dept. of Public Works	

Mayor Kuzon called the meeting to order at 7:34 PM.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the regular meeting held June 24, 1985 were approved.

Unanimously carried.

Mayor Kuzon said the next order of business was a public hearing.

ON MOTION by Trustee Schlifke, seconded by Trustee Kibby, it was moved at 7:36 PM to open the public hearing regarding designation of the Castle and its site at 175 Oakgrove Drive as a local landmark per the Historic Preservation Code.

Unanimously carried.

The hearing was closed at 7:48 PM.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$67,040.50, covering the period from June 25, 1985 through July 8, 1985 were approved as follows:

Payroll Fund	W/E 6/28/85	\$10,021.00
	W/E 7/5/85	<u>6,995.62</u>
Total Payroll Fund		\$17,016.62
General Fund	Abstract #588	34,436.83
Sewer & Water Fund	Abstract #169	6,022.20
Trust & Agency Fund	Abstract #207	5,692.51
Federal Revenue Sharing	Abstract #173	212.85
Glen Park Jt. Activities	Abstract #108	1,039.49
Community Development Fund	Abstract #93	<u>2,620.00</u>
Total Vouchers		\$67,040.50

Unanimously carried.

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ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, vouchers in the sum of \$98,138.79 were approved for the period July 9, 1985 through July 22, 1985, as follows:

Payroll Fund	W/E 7/12/85	\$ 6,418.10
	W/E 7/19/85	<u>7,200.50</u>
Total Payroll Fund		\$13,618.60
General Fund	Abstract #589	47,203.52
Sewer & Water Fund	Abstract #170	31,979.36
Trust & Agency Fund	Abstract #208	3,760.32
Federal Revenue Sharing	Abstract #174	43.00
Glen Park Jt. Activities	Abstract #109	354.54
Community Development Fund	Abstract #94	<u>1,179.45</u>
Total Vouchers		\$98,138.79

Unanimously carried.

Mayor Kuzon said his next two resolutions deal with equipment purchases. The first resolution awards a bid for a single axle diesel dump truck. The downpayment for this was budgeted as part of this year's fiscal budget. We anticipated expending \$55,000 and budgeted 5% for the downpayment.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for one 1986 single axle diesel dump truck, Chassis, Cab only, and

AWARD BID

Single Axle
diesel dump
truck

WHEREAS Buffalo Truck Sales & Service, Inc., Buffalo, New York submitted their low bid of \$52,811.00,

(Chassis & Cab only)

NOW, THEREFORE, BE IT RESOLVED that Buffalo Truck Sales & Service, Inc. be awarded the contract for the 1986 Single Axle Diesel Dump Truck at their low bid of \$52,811.00.

Unanimously carried.

Mayor Kuzon said his next resolution awards the bid for the 1986 4-wheel drive dump truck with plow. This vehicle is about one ton. It was planned in our budget.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for one 1986 4-wheel drive dump truck with plow, and

AWARD BID

4 wheel drive
dump truck
w/plow

WHEREAS Maier-Schule GMC Inc., Cheektowaga, New York submitted their low bid of \$17,325.00,

NOW, THEREFORE, BE IT RESOLVED that the contract for the 1986 4-wheel Drive Dump Truck with Plow be awarded to Maier-Schule GMC Inc. for their low bid of \$17,325.00.

Unanimously carried.

Mayor Kuzon said his next series of resolutions call for bids. His next resolution groups together three separate and individual sanitary sewer projects which specifications have been prepared for. The streets involved are Los Robles, Milton and Mill Streets. These areas have been identified by our sewer consultant. Los Robles has been the subject of considerable discussion. Milton and Mill Streets have been identified by our D.P.W. and confirmed by our consultant as sections which need repair. Milton Street is that area which goes from California Drive towards the ball diamond. On Mill Street, it is in the neighborhood of Glen Avenue to the curve on the east side. He is also going to have a resolution calling for a special meeting to award these bids.

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

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for Sanitary Sewer Rehabilitation of Los Robles, Milton and Mill Streets. Bids to be opened on August 5, 1985 at 10:30 AM in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and trade in allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

AUTHORIZE BIDS

Sanitary Sewer
Rehab of
Los Robles,
Milton and
Mill Streets

Unanimously carried.

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Mayor Kuzon said with respect to the Los Robles project that the specs we will be presenting for public bid are for the entire area that has been identified by our sewer consultant.

Mayor Kuzon said his next resolution deals with the reconstruction of Creek Road. The Board has planned for this in the budget. This street is in need of total reconstruction.

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

ADVERTISE FOR BIDS

RESOLVED that the Village Clerk is authorized to advertise for sealed bids for reconstruction of Creek Road. Bids to be opened on August 5, 1985 at 10:00 AM in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and tradein allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

**Creek Road
Reconstructions**

Unanimously carried.

Mayor Kuzon said our engineer has estimated the cost of this to be in the neighborhood of \$60,000. It is our intention to use some of our CHIPS funds for this as well as a portion of our General Fund and then bond the remaining dollars.

Mayor Kuzon said his next resolution calls for the maintenance of sidewalks on Union Road. This is in connection with the State project at the intersection of Main Street and Union Road. As part of the project the State will be reconstructing and constructing sidewalks in that area. This resolution is one that is typically requested of local municipalities by the State when they do projects in a local government. It is similar to the resolution that was adopted during the Main Street project. Essentially what the State tells the local government is that they do not take responsibility for the sidewalks, just from curb to curb and they leave the responsibility for the maintenance, repair and so on of the sidewalks to the local municipality. In this Village we have our own sidewalk code and it states that the sidewalk repair and maintenance is the property owner's responsibility. So even though in this resolution it says the State is turning over the responsibility of the sidewalks to the Village, the Village through its sidewalk code in turn places the responsibility on the property owner.

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

WHEREAS the New York State Department of Transportation proposes improvements of N.Y. 277 @ N.Y. 5 (Union Road/Main Street Intersection) S.H. 9215 in the Village of Williamsville, and

SIDEWALK
MAINTENANCE

UNION ROAD/
MAIN STREET
INTERSECTION

WHEREAS the State will include as part of the improvement of the above mentioned project the construction of sidewalks, pursuant to Section 10, subdivision 22, Section 46, or Section 349-c of the Highway Law, and will provide for the reconstruction of existing sidewalks pursuant to Section 10, subdivision 24 of the Highway Law, as shown on the contract plans relating to the project, and

WHEREAS the service life of the relocated and/or replaced utilities has not been extended, and

WHEREAS the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the project,

NOW, THEREFORE, BE IT RESOLVED that the Village of Williamsville approve the reconstruction of such existing sidewalks and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Village of Williamsville will maintain or cause to be maintained the reconstructed sidewalk, including the control of snow and ice.

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby directed to transmit three (3) certified copies of the foregoing resolution to the State Department of Transportation.

Unanimously carried.

Mayor Kuzon said his eighth resolution comes at the request of a resident in the vicinity of California and Milton Streets. The resident's property backs up to a construction yard and the nearest street light is somewhere down the street on California. It is not close enough to provide any light to the construction yard. This resolution will do two things. It will replace the light which is existing on the pole on California with a brighter light. Secondly, we will install another light on Milton to improve the lighting in the area of the construction yard and private property so that we can reduce the vandalism and the youth that get in trouble in those areas. It will cost about \$170.00 annually.

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

LIGHTING

RESOLVED that Niagara Mohawk is hereby authorized to remove one 2500 Lumen incandescent light from pole 114 and replace it with a 150 watt high pressure sodium light at an additional yearly cost to the Village of \$29.00, and

Authorize Niagara Mohawk to install lights California Dr.

FURTHER RESOLVED that Niagara Mohawk is hereby authorized to install one 150 watt high pressure sodium light on pole 100 on California Drive at an additional yearly cost of \$144.00.

Unanimously carried.

Mayor Kuzon said we have called for bids for a number of projects this evening and at our last meeting and to keep the projects moving and on schedule we will have a special meeting before our next regularly scheduled meeting. In the summer there is only one meeting a month and therefore, our next regular meeting will not be until the fourth Monday in August. We will be holding a special meeting on August 7th to award the bids.

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

SPECIAL MEETING

RESOLVED that a Special Meeting of the Village of Williamsville Board of Trustees will be held on August 7, 1985 at 4:00 PM in the Village Conference Room for the purpose of awarding the Meeting House Contract, the Creek Road Reconstruction Contract and the Los Robles, Mill and Milton Sanitary Sewer Contracts.

August 7, 1985

Unanimously carried.

Mayor Kuzon said his next two resolutions relate to the same topic. In the area of Edward Street and the backyards of Mill Street and Arend Avenue there is a drainage problem which has existed for some time now. The storm drain that is there is not working properly and we have been advised that it is not possible to repair it in its present location. The next two resolutions will do two things. The first will authorize and easement between the Village and a private property owner for the purpose of installing the new storm sewer on their property to connect with the storm sewer in the street, and the second will authorize the construction firm to do the work.

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

EASEMENT SIGNED

RESOLVED that the Mayor is hereby authorized to accept a Permanent Easement from John G. and Marian R. Garono, 45 Edward Street over a portion of their property at 45 Edward Street for the purpose of installation by the Village of a storm sewer on premises.

45 Edward St.

Unanimously carried.

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

AUTHORIZATION

RESOLVED that Samcost Construction Ltd., West Seneca, New York, is hereby authorized to install a storm sewer on Edward Street for \$2,168.00 per their quotation of June 25, 1985.

Samcost Constr. Ltd. to do storm sewer work at 45 Edward Street

Unanimously carried.

Mayor Kuzon said his next resolution would appoint a sewer consultant on an annual basis to give us opinions and advise regarding our sanitary sewer system. The company would be URS. We have dealt with them for a number of years. They helped on our rehabilitation project and most recently they were used on Los Robles Street. We have found that they have done an adequate job and found that we go to them more than just on special occasions for advice.

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

APPOINTMENT

RESOLVED that URS Company, Inc. are hereby appointed consultants for the Village of Williamsville Sanitary Sewer System at a fee not to exceed \$2,000.00, to cover the minor needs for professional engineering opinions and advice required by the Village of Williamsville, per their letter of March 5, 1985.

URS as sewer consultants to the Village board

Unanimously carried.

Mayor Kuzon said his next resolution authorizes URS to do an investigation of the storm sewer and drainage problems that exist on the east side of Cadman Drive. The Board is aware of these problems. We have discussed the situation with our D.P.W. and he has met with the Superintendent of the D.P.W. and a couple of the residents. We have asked URS to give us a proposal to investigate the situation.

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Essentially they will identify the reasons for the existing problem, secure field information and determine the extent of drainage control and identify the nature and extent of improvements needed to alleviate the problem. We did this same thing on Los Robles. Personally he has found it extremely helpful to have URS get involved and make a professional study and make the appropriate recommendations. They have advised they can do this in a time frame of four weeks so that we could then act on their recommendations once they're received.

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

RESOLVED that URS Company, Inc. is hereby authorized to investigate the storm drainage problems in the Cadman/Brookside Drive area at a fee not to exceed \$2,800.00 per their proposal of April 15, 1985.

APPOINTMENT

**URS to investigate
Cadman sewer**

Unanimously carried.

Mayor Kuzon said his last resolution concerns a unique circumstance. There is a long history behind it, one that is not always totally clear regarding the issuance, or non-issuance of a permit, or the validity of the permit once it was issued. Hopefully this resolution will clear up the matter and resolve it to the satisfaction of all parties involved. Posts were installed by a resident at the edge of his driveway and they were removed by the Village at a later date. There was a debate as to whether or not the individual had a permit and the subsequent question of whether the permit was valid in the first place. The Board is acting to resolve this issue. The Board has determined that it will issue a one time permit under unique circumstances and based on these conditions.

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

RESOLVED that the owner of premises at 165 North Ellicott Street, at the intersection with Belmont Avenue, is hereby authorized to erect and maintain "breakaway" posts in the public right-of-way in front of said premises, to act as a guide for snowplow operations and additionally to protect existing sod and greensward in front of premises from destruction by snowplow operations.

**AUTHORIZATION
TO INSTALL
BREAKAWAY POSTS
at 165
N. Ellicott St.**

The posts as constructed must be designed and placed in such manner so as to provide no hazard to vehicular traffic operating on Ellicott Street. They shall be installed only at a site receiving prior approval of the Village Building Inspector.

The grant herein shall be construed as a special permit due to unique circumstances. Any further requests for erection of similar type posts will be received and considered on an individual basis.

Maintenance, replacement and restoration of the "breakaway" posts shall be at the responsibility and expense of the property owner.

Unanimously carried.

Trustee Gallagher said his first resolution deals with the appointment of a seasonal pool cleaner who replaces someone that left. The individual who left worked a week and was appointed to the Coast Guard Academy and given 12 hours to make a decision and he decided to go with the Coast Guard. That individual was Michael Holz who lives on Gordon Street.

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

RESOLVED that William Ross Sippel, 208 South Cayuga is hereby appointed Seasonal Pool Cleaner in the Department of Public Works effective July 1, 1985 at the rate of \$3.45 per hour.

APPOINTMENT

Seasonal Pool
Cleaner

Unanimously carried.

Trustee Gallagher said his second resolution relates to a need to amend the Park Regulations to allow for the adoption of a new section relating to the gazebo at Garrison Park and its use because of the problems that we are experiencing with the youth who have attempted to take over the park. We have put a sign up that the gazebo can only be used through the issuance of a permit. That does not mean that other residents cannot use that gazebo but unfortunately because of what has transpired the Parks Committee has requested that we do this and the residents also understand the need for it.

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

RESOLVED that the Village of Williamsville "Park Regulations" are hereby amended to include the following:

PARK REGULATIONS
AMENDED

25.142 Gazebo The gazebo in Garrison Park may be used ONLY through the issuance of a permit.

Add Section
25.142

Unanimously carried.

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Trustee Gallagher reported that with respect to the disturbances at Garrison Park hopefully a meeting will be arranged between representatives of this Board, the Parks Committee and residents of Park Drive, South Ellicott and the surrounding neighborhood to address the situation and lay a plan of action because if we don't, it's not going to get any better. It's going to get worse. We need the input from the citizens and hopefully next year at this time the park will be utilized for the reasons it was built - for the families in the neighborhood.

Trustee Gallagher said he will be requesting after August a meeting with representatives of the Old Home Days Committee along with this Board to address areas of concern that need to be dealt with prior to the next celebration next year. Those areas are many. He thinks it has been this Board's attempt, as well as the attempt of the Old Home Days Committee, to take up concerns, to address them and try to resolve them. He is sure there are residents as well as Board members who have concerns that need to be addressed. That meeting will hopefully be scheduled for some time in September and he will be reporting on it at the September meeting.

Trustee Kibby said the bids for the Meeting House should be in on Wednesday.

Trustee Kibby reported that the Planning/Architectural Review Board has met on the codes. They haven't finished them yet but are making progress, particularly on the signs, in large part due to the Building Department putting some things in order and giving the Board some concrete things with which to work.

ON MOTION by Trustee Kibby, seconded by Trustee Schlifke, 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 August 26, 1985 at 7:40 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the removal of a proposed garage at 23 Swan Place from the fire limit regulations.

FIRE LIMITS
REQUEST BY
PROPERTY OWNER
TO BE REMOVED FROM
LIMITS --

Public Hearing Called

Trustee Kibby said the person who owns this particular piece of property indicates that she wishes to put up a garage of wood frame construction. In order to do that in a commercial district she needs an exemption from the recently installed fire limit regulations. The first step in this request is a public hearing.

Unanimously carried.

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Trustee Kibby said his second resolution also calls for a public hearing.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held on September 9, 1985 at 7:40 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing an Exceptional Development Permit which would grant Russell J. Salvatore permission to construct a parking lot adjacent to the Little White House Restaurant at 21 Highland Drive, which is located in a residential zoning district.

CALL FOR PUBLIC HEARING

Exceptional Development Permit

Parking Lot at 21 Highland which is in an "R" District

Trustee Kibby said the house that was located on that lot was torn down under procedures that are in our codes. The request to turn that property into a parking lot comes under the Exceptional Development law. This request will be referred to the Village Committees for their recommendations before the hearing.

Unanimously carried.

Trustee Schlifke said her resolution tonight is to call for a public hearing for a change in the traffic codes at the request of the Parks Committee. We have been asked to remove parking on the south side of Park Drive between Garrison and S. Ellicott. This road runs along the northern border of Garrison Park. There have been considerable problems with youth in the park. They seem to be coming in from many areas in cars and are pulling into the grassy area along that side of Park Drive and ruining the park and turning it into a muddy ditch and many times parking in a manner that makes it impossible for traffic to travel up and down Park Drive.

ON MOTION by Trustee Schlifke, seconded by Trustee Gallagher, 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 August 26, 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 local law which would amend Section 60.32(26B) of the Traffic Code.

NOTICE OF PUBLIC HEARING

Local Law to amend Traffic Code

Unanimously carried.

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

Unanimously carried.

Ronald Daniels, 369 Cadman Drive, thanked the Board for investigating the problems with drainage in their area. He asked if there was any time frame available as to when it would be corrected. Mayor Kuzon said it is difficult to say because we are not sure of the extent of any possible rehabilitation. He did suggest that perhaps as we did in the Los Robles area that the engineers could walk the area with the residents, discuss the problem sites and then go over the recommendations with the residents. Mr. Daniels asked if the \$2,800 was for the repair and Mayor Kuzon said that was only for the study. Mr. Daniels said whatever has to be done should be done. They don't want the village just to rotoroot the roots out of the lines and then have the same problems again. He said they are traditionally flooded in the fall and spring. He would urge that something be done before the rainy season.

John Garono, 45 Edward Street, asked if the Mayor had any idea when the contractors would be down to work on the storm line. Mayor Kuzon said we would notify him tomorrow that he has been awarded the job.

Richard Langenfeld, 394 Cadman Drive, thanked the Mayor for his help. They do have an excess water problem in their area. He said by the time we do the study and the resolutions are passed time goes by and it's going to rain and he would like to know if the Board and Department of Public Works can come up with some way to temporarily alleviate the flooding if it occurs, perhaps through fire hoses or pumps. Perhaps the Town could loan us some pumps. He thinks that would be a step in the right direction. Mayor Kuzon said the Superintendent is on vacation this week but he will talk to whoever is in charge and we'll see what we can do. He doesn't know if the Town could help us but he will explore it.

Robert Smith, 388 Cadman Drive, thanked the Board for getting something going on this. He said he had submitted a report to the board back in March, 1980 for the same situation. He hopes construction doesn't take as long as the resolution to investigate the situation did.

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

Unanimously carried.

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ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, the meeting was adjourned at 8:26 PM.

Unanimously carried.

Theresa L. Cummins
Village Clerk-Treasurer