

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, January 27, 1986 at 7:43 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Richard Gallagher, Trustees
Carolyn Schlifke

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
David Laubisch, Supt. of Public Works

Absent

Michael Kibby, Trustee

The Clerk read the notice of public hearing regarding a proposed local law which would regulate snowplowing in the Village of Williamsville.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the hearing was opened at 7:43 PM.

**PUBLIC
HEARING**

Unanimously carried.

Mayor Kuzon said the proposed local law has the intention of regulating snowplowing by commercial snowplow operators. It would require a permit for any person who operates for hire any snowplow and the permit would be obtained from the Village Clerk. The permit would be affixed to the plow in a place where it would be visible from the exterior of the truck. We had problems during December with operators plowing the snow onto the public sidewalks and streets and making it difficult for the Village plow operators to plow the streets and sidewalks. Now we will require a permit at a cost of \$15.00 and it would only cover one vehicle. The permit would run from June 1st to May 31st.

**Proposed
Local
Law**

The proposed law would prohibit snow accumulations from being plowed or otherwise deposited onto any street from any private drive or approach, or any sidewalk. It would prohibit snow accumulations from one property being plowed or otherwise deposited upon any adjoining property without the consent of the owner or occupant of the adjoining property. It would also prohibit accumulated snow from being deposited onto or against property on the opposite side of the street.

Snowplowing

We also have determined that we have a hazard where fire hydrants are being plowed in. This would prohibit the plowing of the snow in such a manner as would obstruct free access to any fire hydrant and help keep the hydrant area clear of accumulated snow.

This law would be enforced by the Superintendent of Public Works and the Amherst Police Department. A violation would result in a fine not to exceed \$100.

Donald Schueckler, 124 S. Union Road, commenting on the time frame for the permit because the limit of November 1st to March 1st on his copy of the proposed local law would seem to him to allow plow operators to plow in December, January and February and if there were not much snow the following December they would not bother to renew their permits. Mayor Kuzon said that problem had been discussed this evening. There have been some changes since the initial proposal was presented and one item that was changed was the time frame for the permit. It would now go from June 1st to May 31st which is our fiscal year. This way the entire season is covered. the new proposal is somewhat different from that attached to the agenda the public has.

PUBLIC
HEARING
(Con't)

Proposed
Snowplowing

Local Law

Douglas Sandburg, 81 Mill Street, asked if this would govern the plowing of private parking lots. Mayor Kuzon said it would not unless the snow were plowed into the public street. Mr. Sandburg said at Main and Mill there are three businesses which plow and cover public sidewalks the length of their lots with snow. He thinks this should be a violation. Mr. Troy said this has been discussed and he believes it is covered by the provisions because you cannot deposit snow on any driveway approach or sidewalk. Maybe we could add privately operated parking lots to pin it down more. Mayor Kuzon said we could make that more specific.

Mr. Sandburg said on the east side of Mill Street coming off Main the sidewalk has had snow on it since December. There are mentally retarded individuals living on Mill St. and some have physical handicaps and they have to walk in the street. He thinks as the present law reads they should have to take care of the sidewalk area so that the D.P.W. can use the sidewalk plow. Mayor Kuzon said there is an ordinance that the sidewalk must be kept clear. Mr. Sandburg asked if the sidewalk ordinance regarding keeping the walk clear will be removed now. Trustee Brenton said the basic reason for the new addition to the law is to require a permit for snowplow operators. On residential streets many snowplow operators were plowing snow into the streets from the driveways and they were doing it in such a manner that our plow had to go out and around the snow they left in the street. We felt we needed to control this. If you don't shovel the sidewalk we do the best we can with the sidewalk plow. Some people are elderly, disabled, or even unwilling to clean their sidewalks and will never do so, but we don't want to issue violations to everyone in the Village, but we want to control those doing plowing who obstruct the street and sidewalk area so that our plows can't get through.

Mr. Sandburg asked why the present law was not being enforced. Trustee Brenton said that while some people maintain their sidewalks many don't. We don't want to go into premises and see someone 80 years old and say to them you don't shovel your sidewalk and we are going to issue you a violation. We

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really don't feel that with the utilization of our plow that we have a great problem with that situation. But where we can't plow the sidewalk with our plow and the owner doesn't care to we have to regulate the person or owner who is taking the snow and piling it on the sidewalk so they are obstructing it and we can't get through. We want to control this piling of snow on the sidewalks and right-of-way.

Mr. Sandburg asked if we plan to enforce this new law if it is adopted: Trustee Brenton said yes, definitely. It will be enforced through the D.P.W. when the men are out plowing and see a violation they will notify the supervisor on duty and they will check it out and see (1) if they have a permit, and (2) get the license number of the plow and have it ticketed by the Amherst Police Department. It will be enforced.

Mr. Sandburg said he hopes it will be enforced. We obviously have a problem. Not enforcing the law can be a hazard to life. Sorrentino's won't clean up their sidewalk. His wife spoke to them and they wouldn't listen. He obviously doesn't care. He hasn't spoken to the owners on the east side of Mill St. Obviously the sidewalk plow can't get through there. Mr. Laubisch said the snow there is too heavy for the sidewalk plow to go through and they have to detour around it.

Trustee Brenton thinks Mr. Sandburg has made a good point. There is a safety hazard there, especially with handicapped people in the area. He thinks perhaps the west side is more important in regard to that. He will have Superintendent Laubisch go over and speak to the owner and advise them of the fact that there are handicapped people living down the street and that it is a violation not to clean their walk and ask for their cooperation.

PUBLIC
HEARING
(Con't)

Proposed
Snowplowing
Law

Chester Sajdak, 255 S. Cayuga, said because of his house's proximity to the street he has only the right-of-way to put his snow on and if he can't do this where can he put it.

Mayor Kuzon said it has to go onto his own property. You cannot put the snow on someone's property unless you have their permission. You can push the snow out of the driveway and into the street and then have the plow push it back to the sides of your own property. Mr. Sajdak said he doesn't have room on his property for the snow and thinks it is reasonable for him to push it across the street. There is nothing on the other side of the street. The development will be going in there on that Wellington Court area but the snow goes on the Village right-of-way off the paved area. He thinks an exception should be made. It is on the Village right-of-way and he would need Village permission. Mr. Troy said we are talking about the paved right-of-way in the law. Traditionally the grassed right-of-way in front of a property is left to the property owner to maintain and we are not concerned with that. This code is designed to control and restrict the activities of commercial plow operators. Mr. Sajdak said the snow is plowed across the street and none is left in the street.

Mr. Laubisch said the ordinance's intent is to prohibit pushing the snow across the street onto another person's property.

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Mr. Sajdak said it would be in the Village right-of-way. It does not interfere with any sidewalk or anything. Mr. Sajdak said where the development would go in is 6' beyond the street line. Mr. Troy said in theory and in fact the right-of-way is owned by the Village but control has always been left to the abutting property owner who plants and waters the grass there. It has always been treated as if it is their property. Mr. Laubisch said it would seem that perhaps there would be no problem if the property owner said it is okay.

Mr. Sajdak said there are not too many properties like his. He has no other place to put the snow. He asked if this means you can't shovel snow onto other's property. Mayor Kuzon said we are talking about major accumulations and regulating the snowplow operators. Mr. Sajdak said his neighboring property owner snowblows and shovels snow onto his property and has been doing it right along and has damaged his hedge. Mr. Troy said that would be a private dispute between two property owners and he would have to see a private attorney if he wished to do something about it. The Village can't get involved in it.

Mr. Schueckler said when people plow across the road onto the unpaved right-of-way, as we accumulate more snow the operators can't get the snow up as high and the road narrows. Then when a municipality wants to widen the road, the wing carries the snow from the right-of-way piles and dumps it into open areas, which is generally a driveway and this causes the neighbors problems. Mr. Laubisch and Trustee Brenton agreed that this could happen. Mr. Schueckler said they should not be allowed to push it across the street. They could push it into the street and then plow it back to the left and right of the person's driveway on his own property. Trustee Brenton said the law as proposed would not allow the snow to be plowed across the street. Mr. Sajdak said the people in his area do this all the time. It doesn't seem to interfere with anything.

Mayor Kuzon said this is a situation the Board will have to consider before they adopt this proposed law, where the snow can go if there is no room on the individual's property.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the hearing was closed at 8:20 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, January 27, 1986 at 7:40 PM

Roll Call	Present	Gordon J. Kuzon, Mayor Lawrence R. Brenton Richard Gallagher Trustees Carolyn Schlifke Theresa L. Cummins, Village Clerk Thomas V. Troy, Village Attorney David Laubisch, Supt. of Public Works
	Absent	Michael Kibby, Trustee

Mayor Kuzon called the meeting to order at 7:40 PM.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the regular meeting held January 13, 1986 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, the minutes of the public hearing held January 13, 1986 regarding a proposed Exceptional Development Permit were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, it was moved at 7:43 PM to open the public hearing regarding a proposed local law to regulate snowplowing in the Village. (The hearing was closed at 8:20 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the amount of \$97,425.87 were approved as follows:

Payroll Fund	W/E 1/15/86	\$ 6,197.30
	W/E 1/22/86	<u>6,047.37</u>
Total Payroll Fund		\$12,226.67
General Fund	Abstract #600	50,276.05
Sewer & Water Fund	Abstract #181	27,224.13
Trust & Agency Fund	Abstract #218	3,228.05
Capital Fund	Abstract #149	4,325.00
Glen Park Jt. Activities	Abstract #120	<u>145.97</u>
Total Vouchers		\$97,425.87

Unanimously carried.

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Trustee Schlifke reported that the Department of Transportation, Traffic Control Division has installed new signals throughout the Village. They are larger, more visible and hopefully more effective. She has spoken to the State regarding the Los Robles overhead detector which had been removed. It controlled the signal at Los Robles and Main. They have said that in the spring this detector would be put in the street close to the crosswalk at that intersection, doing away with the overhead device which is outdated and not as effective due to cars parking under them. They apologized to the Village for the fact that the project was not completed this year. They have left us with some holes in the pavement and areas of debris. They promised that as soon as the weather breaks these areas will be taken care of.

Trustee Schlifke reported that the Traffic & Safety Committee has been assigned the duty of conducting a survey throughout the Village in regard to many of our street signs which are of the old style and are not visible after sundown and are very hard to read. The more modern signs are green with white letters. There are some in the Village but many of the old ones need to be replaced with the more modern ones. As soon as the survey is done we will get together with Mr. Laubisch and work with him to update the signs.

Trustee Schlifke reported that the Environmental Council had discussed the trees on Main Street and a survey has been taken using the plans that were in effect when the original tree planting program was done on Main Street. They have identified approximately 25 trees that have either been hit by a car, destroyed and not replaced; and some taken down due to disease or something else and for one reason or another not replaced over the last 10 years. They would like to see a program started this year perhaps using a portion of the Village's Community Development Funds for replacement of the trees on Main Street. Last year the town used this type of funding in Snyder for trees. She would like to see the Board's cooperation in this. There is probably not enough funding for everything but she thinks the Board should consider this project instead of replacing one or two trees a year and having it take many years to replant these trees.

ON MOTION by Trustee Schlifke, seconded by Trustee Brenton, 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 February 10, 1986 at 7:45 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing designating the Village Meeting House at 5658 Main Street as a local historic landmark, per the Historic Preservation Code.

**PUBLISH NOTICE
of Public
Hearing**

**Designate
Meeting House
as local
landmark**

Unanimously carried.

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Trustee Brenton reported that Mr. Laubisch and he had attended a New York State Department of Transportation meeting this morning dealing with the Union Road-Main Street intersection and the construction project in that area. They were advised that the successful bidder was Freeway Construction and they will start some minor work as soon as possible. They intend to close Union Road at Wehrle and Main on March 15th with a detour over S. Forest in either direction. The NFTA has not yet advised them if they will use the detour or not. Access to Union will be provided for emergency vehicles and local residents during the construction process. Trees that are removed will be replaced. There are 34 replacement trees for this project. There will also be water line work done and the line will be increased in diameter. The Village will also be contributing two Kennedy hydrants to the project to replace existing hydrants of an older type. The scheduled completion date is December 31, 1986.

Trustee Brenton advised that he and the Village Clerk will be traveling to Albany on Tuesday along with representatives of URS to discuss our sewer rehab program with Kumar Nepal of the DEC to finalize the program which has been completed.

Trustee Brenton said his first resolution deals with replacement of a 4" water line in the general area of Orchard Place and Franklin St. It will enhance our fire fighting capability and better serve the area in that if there is sufficient time after placement of the line we will pave Orchard. The resolution would allow URS to do the basic engineering design and inspection work.

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

RESOLVED that URS Company, Inc. is hereby appointed to perform necessary engineering, design and construction inspection work on the Orchard Place/Franklin St. waterline at a cost not to exceed \$18,800.00, per their proposal of January 22, 1986.

APPOINTMENT

URS to design
water lines on
Orchard/Franklin

Trustee Gallagher said with regard to the inspection cost URS' letter states the fee may have to be adjusted depending on the number of inspection days required. He asked if the \$18,800 includes room for this adjustment. Trustee Brenton said it doesn't but that if it goes over the \$18,800 figure it would have to come back to this Board for a resolution in order to cover that adjustment. This is the way it is usually done.

Unanimously carried.

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

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RESOLVED that Mayor Kuzon is hereby authorized to attend the 1986 Winter Legislative Meeting in Albany, New York, from February 22-24, 1986 and the cost, not to exceed \$300.00, to be paid by the Village of Williamsville.

AUTHORIZATION
Mayor to
attend Winter
Legislative Meeting

Unanimously carried.

Trustee Gallagher advised that the Winterfest has been re-scheduled to Sunday, February 16, 1986 from 12:00 Noon to 4:00 p.m. More will be reported on this at our next meeting and also in the Bee.

Trustee Gallagher advised that his resolution listed on the agenda for tonight will be withdrawn and will be on the agenda for our next meeting.

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

Unanimously carried.

Robert Bindert, 39 Garden Parkway, said that there was an article a couple of months ago in the "Pennysaver" regarding the Conrail property and the right-of-way with respect to the storage of International Chimney's debris on this property which is owned by the Village. Mayor Kuzon said the debris was removed as far as he knows. Mr. Bindert said was is the past tense. Trustee Kibby said at that time there was an agreement that because they had an extremely expensive and large chimney there they could store it there as a neighborly type of thing. Now it seems they are adding more debris. The old chimney is still there and they have now added a new one. Mayor Kuzon said in speaking with Mr. Lohr with regard to the old chimney Mr. Lohr said it was valuable and was going to be used in the future. Our conversation was that because of the expense of removing that chimney and the future use of it that it would be permitted to stay there. Mayor Kuzon said he would check tomorrow and see if debris had reaccumulated there and if another chimney had been added.

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

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, the meeting was adjourned at 8:37 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer