

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, March 10, 1986 at 7:38 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Richard Gallagher Trustees

Michael Kibby

Carolyn Schlifke

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

David Laubisch, Dept. of Public Works

The Clerk read the notice of public hearing regarding a proposed local law to add Park Regulations to the Village Code.

ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, the public hearing was opened at 7:38 PM.

PUBLIC
HEARING

Unanimously carried.

Trustee Gallagher said we presently have rules and regulations governing our parks but they were never adopted in a local law and thus when it came to enforcing them it did not have much teeth if anyone was arrested. This has led to a lot of problems. The Village Attorney has put together a revision of the Park Regulations with input from the Parks Committee.

PARK

Trustee Gallagher said one change is in respect to the operation of vehicles and bicycles. On page 2 it states that bicycles can be operated only on walks and lanes provided. This has been changed to bicycles are prohibited within the confines of any Village park. This change and others are other than proposed by the Parks Committee and the changes can be debated tonight or written comments may be submitted to the Board.

REGULATIONS

Trustee Gallagher said permits for the use of the parks are not subject to approval by the Parks Committee whereas that had been the procedure under the current regulations. In addition the alcoholic beverages section says the consumption of any alcoholic beverage is prohibited. Under current regulations consumption is allowed with the written permit of the Mayor. That can be debated by the Board later subject to recommendations from the audience or written comments to the Board.

Trustee Gallagher said under Sports the current code says no person shall participate on any team of 5 or more members engaged in any sport, game or amusement in any Village park without written approval of the Parks Committee. The proposed code says no organized league or sports club shall sponsor or perform in any athletic contest in Island Park or Garrison Park.

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Trustee Gallagher said there is also a difference in respect to no dogs being allowed under the present regulations. This would be changed to - No dog shall be permitted in any Village park or recreation area unless under the control of a responsible person and restrained by a leash or chain not exceeding six feet in length.

These are the major changes. A violations and penalties section has not yet been included. That is subject to the recommendations from the audience and from the Board. It will be included in any local law that subsequently is adopted by the Board. Trustee Gallagher then opened the hearing for public comment and for Board comment.

No one appeared to speak.

ON MOTION by Trustee Gallagher, seconded by Trustee Schlifke, the hearing was closed at 7:44 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Richard Gallagher Trustees
Michael Kibby
Carolyn Schlifke

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

Mayor Kuzon called the meeting to order at 7:37 PM.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the regular meeting held February 24, 1986 were approved.

Unanimously carried.

Mayor Kuzon advised that the next item on the agenda was a public hearing regarding a proposed local law to add Park Regulations to our Village Code.

ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, it was moved at 7:38 PM to open the public hearing regarding proposed Park Regulations. (The hearing was closed at 7:44 PM.)

Unanimously carried.

Mayor Kuzon reported that he has received notice from International Cable that they will be increasing the cost to HBO subscribers by \$.50 per month. They can do this under State Cable Commission rules and regulations and no public hearing is required, as it is when they want to increase their basic subscription rates.

Mayor Kuzon reported that the annual reorganization meeting will be held on Monday, April 7, 1986 at 5:30 p.m. At that time annual committee appointments and reappointments will be made and other yearly business will be conducted.

Mayor Kuzon advised that the Village has put together its tentative Village budget and there is good and bad news. The good news is that it is completed but the bad news is that there will be a \$3.46 tax increase this year. This increase is directly attributable to three items. As we are all aware there is a crisis in municipal insurance and the Village insurance rate has increased from \$38,000 to \$90,000 which is a 137% increase. Village officials have no control over that. It has to be addressed by the Governor and State Legislature. But it does impact our local budget.

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Proposed
tax rate
increase

Mayor Kuzon said the second item which impacts our budget is the loss in federal revenue sharing dollars. This results in a \$.92 increase in the tax rate. It was one of the few programs that allowed some flexibility in its use and we typically have expended those dollars on items for the Fire Department for equipment and first aid purchases.

1986-87

The third item which impacts the rate, but which has not had as much publicity as the other two, is the expanded veterans exemption limit adopted by the Governor and State Legislature last year. We are not arguing the merit of it but the expanded limit rests the full fiscal impact on the local governments and this decreased our local assessment by about \$100,000, which equals another \$.10 on the tax rate.

Mayor Kuzon said these three items make up the \$3.46 tax increase. There is no negotiation on this increase. These items - insurance, federal revenue sharing and the loss of assessment - are beyond our control but we have to factor them into our budget and we have an automatic increase even before we deliberate on the budget. We have included things in the budget to keep things moving in the next year and at the budget hearing we will detail those things.

RESOLUTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$82,086.00 were approved as follows for the period February 25, 1986 through March 10, 1986:

Payroll Fund	W/E 2/28/86	\$ 9,323.30
	W/E 3/7/86	<u>5,780.73</u>
Total Payroll Fund		\$15,104.03
General Fund	Abstract #603	23,548.14
Sewer & Water Fund	Abstract #184	1,311.10
Trust & Agency Fund	Abstract #221	4,594.94
Capital Fund	Abstract #152	37,248.79
Glen Park Jt. Activities	Abstract #123	<u>279.00</u>
Total Vouchers		\$82,086.00

The larger vouchers were to Lauer Manguso & Associates, who are the architects for the new municipal offices; Nuttall Equipment; and to Niagara Sanitation, our garbage collector.

Unanimously carried.

Mayor Kuzon said his second resolution would adopt a local law which was the subject of a public hearing some time ago

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regarding the concept of a Fence Code for the Village. There has been controversy over fences in the Village, most of it centering on fences in exterior side yards which affects houses on corner lots. In the past we have not required a permit for fences and had no regulations regarding the types of fences that are acceptable.

Mayor Kuzon said the code would now require a permit for a fence and require the property owner to submit a survey showing where the fence would be located and the type of fence. It would permit exterior side yard fences if they are not over 4' in height and are no closer than 3' to a sidewalk or driveway. The code also prescribes the types of fences permitted in a front yard but a front yard is not allowed to be entirely fenced in. The type of fence allowed there would be a decorative fence as part of a landscape plan. These fences would also have to have 80% visibility.

Mayor Kuzon said the code would allow existing non-conforming fences to continue but in the event those fences were altered, extended or modified they would be required to get a permit and conform to the regulations. The types of fences prohibited are set out in the code.

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

RESOLVED that Local Law #2 - 1986 Section 14.00 of the Village Code entitled "Fences" which was the subject of a public hearing on December 9, 1985 is hereby adopted.

LOCAL LAW
#2-1986

"Fences"

Adopted

Trustee Kibby asked for a roll call vote.

Trustee Brenton said assuming this legislation is adopted he would suggest we contact the fence companies and send them copies of this legislation so that these firms would be aware that they have to conform with the legislation.

Trustee Kibby said he has a lot of problems with this. He took the proposal to the Planning Board, Board of Appeals and Traffic and Safety and those committees thought the code was fine just the way it is now. Having lived on a corner lot for some time now and having erected a fence in keeping with the current code he sees nothing wrong with the current law except for the fact that it does not allow decorative front yard fences and does not require a permit for a fence. Trustee Kibby then offered an amendment to the resolution.

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

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RESOLVED that Section 14.04(a)(2) of the Village Code entitled "Fences" is hereby amended to read - "In any exterior side yard provided that the fence does not exceed six feet in height and is set on a line parallel with the side or front of the house."

Trustee Kibby said that essentially is what the present code says.

Vote on Roll Call (for amendment of the code):

Trustee Gallagher - Yes
Trustee Kibby - Yes
Trustee Brenton - Yes
Trustee Schlifke - Yes
Mayor Kuzon - No, but at this point it is kind of inconsequential since the motion will carry.

Yes - 4; Noes - 1.

Carried.

Vote on Roll Call (to adopt Section 14.00 Fences):

Trustee Kibby - Yes
Trustee Gallagher - Yes
Trustee Schlifke - Yes
Trustee Brenton - Yes
Mayor Kuzon - Yes

Yes - 5; Noes - 0.

Unanimously carried.

Mayor Kuzon said his third resolution deals with calling for bids for renovation of the Island Park bridge. About a year ago we were fortunate enough to receive an appropriation in the State Supplemental Budget for two projects - (1) renovation of the Island Park bridge, and (2) sidewalks on Union Road outside the project limits of the State project. We put together some ideas on the bridge and essentially we would be reconstructing it. It would be widened. It is now 8'6" from curb to curb. The proposal is that there would be a 10' driveway area with a separated 4' walkway. It would be constructed of laminated timber so it would be more rustic in appearance. The estimated cost would be in the neighborhood of \$51,000. The resolution calls for the bids and they would be opened on March 31st. Specs will be available starting March 17th. The bids will be referred to the project engineer and with his recommendation it would be awarded on April 7th.

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Mayor Kuzon said the timbers will take anywhere from six to eight weeks to order from the time the bid is awarded. It is anticipated it will take about two weeks for the work to be completed. The park will be closed for the two week period of the bridge construction. It would be too costly to erect any type of temporary access to the park for this brief period. It is the intention that it would be completed by the end of June at the very latest so that for the remaining majority of the summer the park would be available for use.

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 the Renovation of the Island Park Bridge. Bids to be opened on March 31, 1986 at 10:00 a.m. 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.

ADVERTISE FOR BIDS

Renovation of
Island Park
Bridge

Unanimously carried.

Trustee Gallagher acknowledged that this was his last meeting and thanked his fellow Trustees, the Mayor, David Laubisch, Attorney Troy, Ruth, Terry and the rest of the staff. It was difficult for him to resign and he did so reluctantly mainly because he really enjoyed the work and the contact and enjoyed serving the Village residents. The two years have gone by fast and he has been glad to see a lot of decisions made and projects started which will impact on Village residents for years to come - relocation of the Village offices and fire hall, improvements in the parks, erection of a shelter, renovation of the bridge, and hopefully renovation of the pavilion to allow for a bandshell. He really enjoyed it and will miss it and when time permits he would look forward to getting back and serving as an elected official in some capacity. He thanked the Board for their patience with him when he first started.

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Trustee Kibby advised he had no report or resolutions.

Trustee Schlifke said this is Trustee Gallagher's last meeting and she always feels when there is a negative it is balanced by a positive down the line. Since he tendered his resignation she has been trying to find a positive thing to come out of it and finally it came to mind that with his leaving she would no longer be the newest member of the Board because he would be replaced and she would move up the ladder. She thanked Trustee Gallagher for all his help when she first came on the Board last year, for keeping the work sessions moving, for his sense of humor, his contagious optimism and for keeping the Board on their toes. She thanked him for being a friend and he will be missed. She hopes he will come back and give the Board whatever input he can.

Trustee Schlifke said her first resolution is a resolution that has come about due to construction work that will be happening on Union Road. The bridge will be removed and the roadway filled in during the State Department of Transportation project. There were two letters received from the Hutchinson Hose Fire Company and the Snyder Fire Company requesting some parking restrictions due to the construction. Trustee Schlifke read the two letters. The Hutchinson Hose Company letter was addressed to the Traffic & Safety Committee and requested parking restrictions because of its use as an emergency route and they also requested that International Chimney be contacted and asked to conduct their loading and unloading activities within their own boundaries. The Snyder Fire Company letter was addressed to Trustee Schlifke and advised they would be using the route over S. Long to Garden Parkway to Union Road during the construction and that due to the size of their apparatus there would be problems using that route if there were parking there.

Trustee Schlifke said upon discussion with Attorney Troy it was decided to move in this fashion - to present a resolution this evening that would declare this an emergency type of situation so that signs could be erected and that is the gist of her first resolution.

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

RESOLVED that parking is prohibited on the west side of South Long Street between Main Street and Garden Parkway Extension in order to relieve the emergency situation created for fire fighting equipment serving areas south of Main Street in the Union Road area. This resolution shall remain in force and effect from the commencement of the project to completion of the State sponsored repair and reconstruction program on South Union Road.

PARKING
PROHIBITED

West side of
S. Long St..
from Main to
Garden Parkway
Extension

Unanimously carried.

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Trustee Schlifke said the Mayor will be writing to International Chimney in the very near future advising them of the dangerous situation that could occur in that area if the street were to be blocked and asking for their cooperation.

Trustee Schlifke said her second resolution is on Attorney Troy's recommendation that inasmuch as S. Long Street is not a designated detour street for this project we should follow the standard procedure of changing the local law by having a public hearing and then adopting a future resolution.

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

RESOLVED that the Village Clerk advertise for a public hearing to be held on March 24, 1986 at 7:30 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a local law which would amend Section 60.32 (19B) of the Traffic Code by eliminating parking on the west side of South Long Street from Main Street south to Garden Parkway Extension.

CALL FOR PUBLIC
HEARING

Amend Section
60.32 (19B)
of Traffic
Code

Unanimously carried.

Trustee Brenton bid farewell to Trustee Gallagher, who he feels has served this Board extremely well in the two years he has been here. Immediately after Trustee Gallagher came on the Board Trustee Brenton said he had mentioned publicly that he was a fresh breeze and he has been. He thinks the Village can be very thankful for his efforts, interest and sincere concern. He has worked hard and done a good job and it's been a pleasure to work with him. Trustee Brenton wished him good luck and he hopes he has an opportunity to serve with us again at some future date. He has been a pleasure to work with.

Trustee Brenton reported that a couple of meetings ago he had asked the Clerk to check with Kenmore to see why they were not going to plow residential sidewalks any longer. She has done this and reports that it has to do with insurance concerns regarding possible liability if someone were to be hurt resultant from an improperly cleaned sidewalk. Kenmore provides, as we do, that the property owner must remove the snow from the sidewalk. Hearing no unfavorable comments from our insurance carrier we probably will continue to provide this service.

Trustee Brenton said his resolution deals with the cleaning of Station #1 across the street. The Fire Department has

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determined that it is in their best interests to secure a new firm to do that work. They developed specs and the successful bidder for this appears in the resolution.

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

RESOLVED that Be Sure with Suhr's contract to clean Hutchinson Hose Station #1 is hereby terminated immediately, and

AWARD CONTRACT

Clean Station #1

FURTHER RESOLVED that American Janitorial Maintenance, West Seneca, New York is hereby appointed to perform cleaning service at Station #1 effective immediately at \$418.25 per month per their quotation of February 13, 1986.

American Janitorial Maintenance

Unanimously carried.

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

Unanimously carried.

No one appeared to speak.

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

Unanimously carried.

Mayor Kuzon said before adjourning that, as we know, this is Trustee Gallagher's last official public meeting as a Village Trustee and he thanked him for his service over the last couple of years. He was competent in fulfilling his duties and responsibilities and the Mayor enjoyed working with him. He was reasonable and responsible and he doesn't think anyone could ask for two better qualities in an elected official. He always had a reasonable presentation and attitude and was responsible in performing his duties. He thanked Trustee Gallagher and wished him good luck. Mayor Kuzon then presented Trustee Gallagher with a couple of farewell gifts, including a plaque, as tokens of our appreciation.

Mayor Kuzon then invited the public to a small reception in the Village Conference Room for Trustee Gallagher.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the meeting was adjourned at 8:11 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer