

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, April 28, 1986 at 7:40 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Richard Baer
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 7:40 PM.

Mayor Kuzon read a Proclamation in honor of Older Americans Month and it will be presented to the administration and residents of the Blocher Home at their celebration on May 14th. Mayor Kuzon said it was his privilege to attend the birthday party for Mrs. Margaret Ryan, who was 100 years old last week. She has lived in the Village on Reist Street.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the regular meeting held April 14, 1986 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Baer, the minutes of the public hearing held April 14, 1986 regarding the General Fund, Water Fund, Sewer Fund and Glen Park Fund Budgets were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the public hearing held April 14, 1986 regarding the Federal Revenue Sharing Fund Budget were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Baer, the minutes of the public hearing held April 14, 1986 regarding the proposed Sewer Rents were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the amount of \$36,964.64 were approved as follows:

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Payroll Fund	W/E 4/18/86	\$ 6,094.45
	W/E 4/21/86	<u>8,776.78</u>
Total Payroll Fund		\$14,871.23
General Fund	Abstract #606	12,731.31
Sewer & Water Fund	Abstract #187	340.69
Trust & Agency Fund	Abstract #224	4,389.42
Glen Park Jt. Activities	Abstract #126	97.16
Federal Revenue Sharing	Abstract #183	349.80
Community Development	Abstract #97	1,458.25
Capital Fund	Abstract #154	<u>2,726.78</u>
Total Vouchers		\$36,964.64

Unanimously carried.

Mayor Kuzon said his next series of resolutions deal with approval of the various budgets for the Village.

Mayor Kuzon said the General Fund is the budget from which we derive our property tax rate. At the time of the hearing the public was informed that the rate would be going up by \$3.46 this year and the increase is directly attributable to the increase in our insurance, the loss of revenue sharing funds and the expanded veterans exemption limits. The Mayor said he felt that if it were not for those three items there would have been no tax increase this year. The tax rate this year will be \$23.29.

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

WHEREAS this Board of Trustees has met at the time and place specified in the Notice of Public Hearing on the tentative budget and heard all persons desiring to be heard thereon;

GENERAL
FUND
BUDGET

1986-87

NOW, THEREFORE, BE IT RESOLVED that the tentative 1986-1987 budget, changed, altered and revised as hereinafter set forth is hereby adopted and the several amounts stated in the column entitled "Adopted" in the General Fund, including the amounts required for the payment of principal and interest on indebtedness, be and they hereby are appropriated for the objects and purposes specified and the salaries and wages stated in the Salary Schedule of such budget shall be and they are hereby fixed at the amounts shown therein effective June 1, 1986, subject only to necessary adjustments resulting from contract negotiations.

ADOPTED

Unanimously carried.

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Mayor Kuzon said the next budget to be adopted is the Water Fund Budget. At this point there is no increase in that budget for water rates. However, if Erie County Water Authority raises its rates to us it may be necessary to pass the increase on to the consumers. We have no knowledge that they will be doing this at this time.

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

WHEREAS this Board of Trustees has met at the time and place specified in the Notice of Public Hearing on the tentative budget and heard all persons desiring to be heard thereon;

WATER FUND
BUDGET

1986-87

NOW, THEREFORE, BE IT RESOLVED that the tentative 1986-1987 budget, changed, altered and revised as hereinafter set forth is hereby adopted and the several amounts stated in the column entitled "Adopted" in the Water Fund, including the amounts as required for the payment of principal and interest on indebtedness, be and they hereby are appropriated for the objects and purposes specified and the salaries and wages stated in the Salary Schedule of such budget shall be and they are hereby fixed at the amounts shown therein effective June 1, 1986, subject only to necessary adjustments resulting from contract negotiations.

Adopted

Unanimously carried.

Mayor Kuzon said his next resolution deals with the Sewer Fund, which is essentially sanitary sewers and includes our payment to the Town for sewage treatment costs. This does not set the sewer rate which is done in another budget.

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

WHEREAS this Board of Trustees has met at the time and place specified in the Notice of Public Hearing on the tentative budget and heard all persons desiring to be heard thereon;

SEWER FUND
BUDGET

1986-87

NOW, THEREFORE, BE IT RESOLVED that the tentative 1986-1987 budget, changed, altered and revised as hereinafter set forth is hereby adopted and the several amounts stated in the column entitled "Adopted" in the Sewer Fund, including the amounts as required for the payment of principal and interest on indebtedness, be and they hereby are

ADOPTED

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appropriated for the objects and purposes specified and the salaries and wages stated in the Salary Schedule of such budget shall be and they are hereby fixed at the amounts shown therein effective June 1, 1986, subject only to necessary adjustments resulting from contract negotiations.

Unanimously carried.

The Mayor said the next budget to be adopted deals with the Glen Park Fund which is made up of money contributed equally by the Town and Village.

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

WHEREAS this Board of Trustees has met at the time and place specified in the Notice of Public Hearing on the tentative budget and heard all persons desiring to be heard thereon;

GLEN PARK
FUND BUDGET

1986-87

NOW, THEREFORE, BE IT RESOLVED that the tentative 1986-1987 budget, changed, altered and revised as hereinafter set forth is hereby adopted and the several amounts stated in the column entitled "Adopted" in the Glen Park Joint Activities Fund, including the amounts as required for the payment of principal and interest on indebtedness, be and they hereby are appropriated for the objects and purposes specified and the salaries and wages stated in the Salary Schedule of such budget shall be and they are hereby fixed at the amounts shown therein effective June 1, 1986, subject only to necessary adjustments resulting from contract negotiations.

Adopted

Unanimously carried.

The Mayor said the next budget is the Federal Revenue Sharing Fund Budget. This coming year we will receive only \$12,270. \$12,000 of that will go to the Fire Department for the Capital Fund and the remainder will go to the Clerk-Treasurer for equipment purchases.

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

WHEREAS this Board of Trustees has met at the time and place specified in the Notice of Public Hearing on the tentative budget and heard all persons desiring to be heard thereon;

FEDERAL
REVENUE SHARING
FUND

1986-87

NOW, THEREFORE, BE IT RESOLVED that the tentative 1986-1987 budget, changed, altered, and revised as herein after set forth, is hereby adopted and the several amounts stated in the columns entitled "Adopted" in the Federal Revenue Sharing Fund be and they hereby are appropriated for the objects and purposes specified at the amounts shown therein effective June 1, 1986.

BUDGET

Adopted

Unanimously carried.

Mayor Kuzon said the last budget item to be adopted is the establishment of our sewer rent rate. At the time of the hearing we indicated that the Village had the policy under our code of reviewing our sewer rent rate and determining what they will be. The sewer rent rates will remain the same this year as they have been for the last 5 to 6 years. The charges for operation and maintenance are based on consumption of water and the capital costs are based on assessed value.

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

RESOLVED that the sewer rates for the 1986-1987 fiscal year be hereby set as follows:

SEWER RENTS
for
1986-87

- \$.74 cents per 1,000 gallons of water consumed;
- \$5.21 per \$1,000 of total assessed valuation.

Adopted

Unanimously carried.

Mayor Kuzon said his last resolution concerns the Island Park Pavilion. The State supplemental budget has appropriated \$50,000 for the Island Park Pavilion and we'd like to start that process by having an engineer examine the pavilion for its physical integrity and structural soundness. We feel that is the necessary first step to determine what action should be carried out. Nothing will be finalized until the engineer has advised us regarding the pavilion's soundness in regard to rehabilitating it. The Mayor thanked our Assemblyman, John Sheffer, and our State Senator, Walter Floss for their efforts on our behalf. Without them the money would not have come to the Village. We appreciate everything they have done for us.

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

RESOLVED that Joseph A. Siracuse, P.E., is hereby appointed to survey the structural integrity of the Island Park Pavilion, including the roof, floor and foundation at a cost not to exceed \$1,320.00 per their proposal of November 13, 1985.

APPOINTMENT
Engineer to
study
Pavilion in
Island Park

Unanimously carried.

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Trustee Baer said he had no report but did have two resolutions. The first resolution is to hire a security firm for security in Island Park and Garrison Park this year. It is a different firm from last year. We have experienced problems over the past few summers and after some extensive research we have found a firm that has done an excellent job in the Audubon New Community and in the Village area.

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

RESOLVED that the Mayor be authorized to sign agreement with Professional Security, Inc. for security police for Island Park and Garrison Park for the 1986 summer season.

APPOINTMENT

Security Firm for Island and Garrison Parks

Unanimously carried.

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

RESOLVED that Dianna Mesler, 94 Cadman Drive is hereby appointed to the Parks Committee until the end of the 1986-1987 official Village year.

APPOINTMENT

Parks Committee

Unanimously carried.

Trustee Brenton said he had no report this evening. His first resolution deals with the results of the sealed bids for installing the sprinkler system in the new Village Offices and in the truck bays.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for a Sprinkler System for the Village and Fire Department offices, and

AWARD CONTRACT

Sprinkler System

WHEREAS Davis-Ulmer Sprinkler Co., 125 Arthur Street, Buffalo, New York 14207, submitted their low bid meeting specifications,

NOW, THEREFORE, BE IT RESOLVED that Davis-Ulmer Sprinkler Co. be awarded the contract for the Sprinkler System for their low bid of \$19,654.00.

Unanimously carried.

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Trustee Brenton said his second resolution deals with carpeting the Village offices and Fire Department area which we also received sealed bids on.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for Carpeting for the Village and Fire Department offices, and

AWARD CONTRACT

Carpeting for Village Offices

WHEREAS Bardon Construction Co. has submitted their low bid meeting specifications,

NOW, THEREFORE, BE IT RESOLVED that Bardon Construction Co. be awarded the contract for the Carpeting for their low bid of \$5,299.60.

Unanimously carried.

Trustee Brenton said his third resolution deals with the necessity of calling for a public hearing regarding an amendment to our Sanitary Sewer Code which is proposed by the DEC. This would add certain sections to our present code dealing with hazardous materials, chemicals and things of that nature.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees on May 12, 1986 at 7:35 p.m. to hear all persons interested in discussing proposed amendments to Section 40 of the Sanitary Sewer Code.

PUBLISH NOTICE
PUBLIC HEARING

Amend Sewer Code

Unanimously carried.

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

RESOLVED that the Mayor is hereby authorized to sign agreement with Erie County Partnership for participation in providing economically disadvantaged youth with employment during the 1986 summer season.

AUTHORIZATION

Mayor to sign agreement with E,C. Partnership

Unanimously carried.

Trustee Brenton said his next resolution deals with surplus equipment in the D.P.W. It is no longer necessary to the D.P.W. We will be soliciting sealed bids on this equipment.

OPENING OF BIDS - VILLAGE CLERKS OFFICE

PROJECT - CARPETING/ VILLAGE OFFICE & FIRE DEPARTMENT
5565 MAIN ST., WILLIAMSVILLE

DATE: APRIL 23, 1986 at 2:30 P.M.

CONTRACTOR	PROPOSAL BID AMOUNT	CERTIFIED CHECK OR BID BOND PROVIDED
Michael L. Markarian 3807 Dela Ave Inmore 14217	REGULAR BID 9,134.00	nothing enclosed
	ALTERNATE: ADD \$ DEDUCT \$: none	
Corporate Floor Systems 26 E Ferry St off 14218	REGULAR BID 6,416.00	Bond
	ALTERNATE: ADD \$ 200.00 DEDUCT \$	
Quality Floor Co 1154 Herkell Ave off 14216	REGULAR BID 7,513.00	Check
	ALTERNATE: ADD \$ 600.00 DEDUCT \$	
Beaver Line Tile & Carpet 789 Union Rd beck 14227	REGULAR BID 7,074.50	Check
	ALTERNATE: ADD \$ 185.00 DEDUCT \$	
Baldon Constr 706 Richmond Ave off 14222	REGULAR BID 5,148.85	Check
	ALTERNATE: ADD \$ 150.75 DEDUCT \$	

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The resolution does allow the Board to reject any and all bids.

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

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for the following surplus Department of Public Works equipment:

ADVERTISE FOR SALE
OF SURPLUS
D..P.W.
Equipment

- 1978 Ford F-250 4 X 4
- 1970 International Fleetstar 1910 A sander and front plow
- 1973 International Fleetstar 1910 A 9 ft. dump box
- 1964 International Step Van
- 1983 Bomag AR 6 asphalt recycler
- 1963 Pavement Striping machine
- 1964 Frink one way plow 10 ft.
- 1965 Frink wing plow 9 ft.

Bids to be opened on May 21, 1986 at 2:00 p.m. in the Village Offices, 5583 Main Street, Williamsville, New York. The Board of Trustees reserves the right to reject any and all bids.

Unanimously carried.

Trustee Brenton said with respect to his foregoing resolution that the equipment is sold "as is". The buyer is allowed to come down and drive it to see how it works, etc.

Trustee Kibby reported on the tentative agenda for the Planning Board meeting on May 5th. There is a sign permit for IDS American Express on the agenda which was denied at the last Planning Board meeting and they wish to come in and discuss it further. There are four items for site plan approval and architectural review, including the Canterbury Apartments where the owner wishes to close off the driveway at S. Long St., for a fence for a residence which is located in a commercial district, Mobil Oil is applying for a permit for new light standards and perhaps a new sign permit, and Mr. Farber is requesting a reduction in the radius of the circle on Bobbie Lane from 28' to 21'.

Trustee Kibby said his first resolution deals with appointments to the Planning Board. There are two re-appointments and one appointment to fill the remaining term of Patrick Finn.

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

RESOLVED that the following appointments are made to the Planning Board:

APPOINTMENTS

Planning Board

<u>Name</u>	<u>Address</u>	<u>Period</u>
Howard Davis	39 Reist St.	End of the 1986/87 official Village year
Richard Sweeney	325 Mill St.	End of the 1988/1989 official Village year
Bradlee Townsend	43 Monroe Driv	End of the 1988/1989 official Village year

Unanimously carried.

Trustee Kibby said his next resolution deals with a change order submitted by Joseph Siracuse, the engineer for the project at the Village Meeting House. This change order results in a decrease in the contract price from \$37,018 to \$35,382.

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

RESOLVED that the Mayor is hereby authorized to sign the following Change Orders for the Meeting House, which decreases the contract from \$37,018 to \$35,382:

MEETING HOUSE

Change Order #6

- #1) Increase of \$208.00 installing wire mold casings instead of exposed conduit for wall receptacles and baseboard heaters.
- #2) Increase of \$380.00 cover steel beams in the ceiling of the balcony area and the channels in the ceiling of the first floor conference room with drywall.
- #3) Decrease of \$2,224.00 Delete Alternate #1, the replacement of the glass partition between the balcony area and the assembly area with a new drywall partition.

Unanimously carried.

Trustee Kibby said he has another resolution which does not appear on the agenda.

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

RESOLVED that the Exceptional Development Permit granted August 26, 1985 to Benmar Development Corp. and subsequently extended to expire on April 30, 1986, be extended to June 30, 1986.

WELLINGTON

Exceptional Development permit extended

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Trustee Brenton pointed out that this will Benmar's second and last extension.

Unanimously carried.

Trustee Schlifke reported that last Wednesday, the 23rd, she accompanied members of the Traffic & Safety Committee to the 5th annual Erie County Traffic Safety Board dinner. It was hosted by the Town of Hamburg this year. It is a yearly event which we usually are represented at. This year's speaker was the Commissioner of Motor Vehicles in Albany. It is always interesting to get together with other people involved in traffic and safety in other areas to find out what their problems are and what they're doing to solve them. It was informative besides being a very pleasant social evening.

Trustee Schlifke reported that this past week we have planted seventeen new trees on Main St. to replace trees that over the past 10 years have for one reason or another been removed. Five more will be planted before the contract is completed. The D.P.W. expects to complete its part of the work in the next day or so relative to removal of some tree stumps and some concrete work and then the trees will be planted. It should enhance the beauty of the Village and fill in some previously bare spots. She is hoping that by the end of this year Main St. will be as full of trees as it can be.

Superintendent of Public Works, Mr. Laubisch, reported that next week will be trash week. On May 5th, 6th and a half day on May 7th they will be picking up on the south side of Main St. and the remainder of the 7th, May 8th and May 9th they will be picking up on the north side of Main St.

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

Unanimously carried.

Al Ryan, 51 Evans Street, said it was nice to see the tree planting program going on. Mr. Ryan said he was here to discuss a serious neighborhood problem for him and for which there seems to be no redress at the present time. They have neighbors that have moved into 59 Evans Street. The previous owner had five or six dogs and while the gentleman was a fine neighbor the dogs weren't. He had built a nice barn in the rear and garage from which he conducted a small electrical business. The new owner, Rose Brutman, has a son Philip who is a musician of some renown with the Wild Knights. Another musical group there now practices frequently. He can hear the band from two doors away. He has spoken with the Village Attorney and he has said there's a code section regarding noise that could be heard 100 ft. away was not acceptable and, therefore, could be stopped. The Town police have a different view on that.

They stopped in there on my request about 2 dozen times in the last few years and at other people's request a 1/2 dozen times. But what is clearly needed here is some kind of noise pollution control. You may call this music but if I play you the Metropolitan Opera on a Saturday afternoon at 90 decibels and you don't give a damn about the Metropolitan Opera then you don't want to listen to it and I really don't blame you. But I don't think I have to listen to that. He thinks the Village Board should consider carefully doing something about this through zoning or some other means. He feels he has a right not hear this. He doesn't think you need to have sound travel away from your house except for the occasional teenage party that gets out of hand. You don't need this as a steady diet. The police say this can go on until 11:00 at night and there's nothing that can be done. He spoke with Joe Stoeckl after he spoke with Mr. Troy and he also said there is nothing that can be done. He doesn't like to hear that and he thinks the Board should consider this with some advice from someone who knows what sound is. We ought to have some kind of control of this obnoxious and he would say invasion of privacy which is permitted under current local laws and zoning ordinances. He knows it takes 60, 90, 120 days to get these things passed. He thinks it should be considered carefully because it's going into zoning but he hopes we will consider it and report back to him on a timely basis as to what the Board's interest and advice is. He doesn't want to go home and listen to rock for the rest of his life. It's becoming unbearable. He thinks this is important for not only where he lives but for the rest of the Village as well. He would suggest that if were next to any Board member's home it would be in the process of being worked on now.

Trustee Kibby asked if the people doing this are living there as owners or are they renting. Mr. Ryan said the kids that are in there are not from the Village and Mrs. Brutman says they can't afford practice rooms. There is nothing evil about these people. Their music is not that bad. But he doesn't like it all the time and four or five hours of it is just unconscionable. It is out of the largess of Mrs. Brutman's heart that she is a fosterer of budding musicians. Trustee Schlifke said the owner of the property has no connection financially with this group and she just offers her premises for use. Mr. Ryan said that appears to be the case. Mrs. Brutman had refused to talk to him. He has written to her. He did get to talk to her face to face finally. She originally did not live on the premises but she does now. Trustee Schlifke said it would appear they are using the upstairs of the garage for a practice studio and it is in a residential area. Could our ordinances control something like that? Mr. Troy asked if any of the members of the group are residents of the premises and Mr. Ryan said they are not, and they are not related to the owner as far as he knows. Mr. Troy said we could perhaps pursue it along the lines Trustee Schlifke has mentioned. Mr. Troy said we will check this out.

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Mr. Troy said he would have to check the code regarding an R-3 District to see if there is something that prohibits non-residents from using the area as a studio where the owner might be able to do so if it were incidental to his use of the home. This might violate the zoning code. He will have to check the code. You have a problem in that it would have to be determined whether this constitutes a commercial activity. Mr. Ryan said that last year Philip Brutman did live there and so did some of the band members. Trustee Brenton said we should be able to assure Mr. Ryan that if there is something in the code regarding this that we will enforce it. Mr. Troy said we will study the code to see if this can be done. We will address it at our next Enforcement meeting and he will speak informally with Mr. Stoeckl regarding this before the meeting. Trustee Brenton said if there is no way to do this under our present code we will have to further address this issue. Trustee Schlifke asked how long the practice sessions last. Mr. Ryan said they go on until 11:00 p.m. and generally go from 4 to 6 hours. Trustee Schlifke said they also litter the Village with their papers on our stop signs, etc. Mr. Ryan said the Knights did that. This is a different group now. He said he did not say they were bad people but he thinks they are insensitive to the neighborhood.

Richard Hill, 18 Brookside Drive, said the agenda lists May 23rd as Moving Day. Mayor Kuzon said that is our scheduled moving day. We would like to have our offices over in the new building by then. We would still have our meetings here, our public meetings, because only 40% of the first floor will be finished and that is basically our offices and conference room. The offices can function but the auditorium and activity room on the first floor will not be completed by then. If there is a change in the date we will announce it here or it will be in the Bee.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, 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 8:26 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer