

MEETING NO. 1  
January 9, 2006  
7:00 P.M.  
HAMBURG TOWN BOARD  
S-6100 South Park Avenue  
Hamburg, New York 14075

The Organizational Meeting of the Hamburg Town Board was called to order by Supervisor Walters at 7:00 P.M.

ROLL CALL:           Steven J. Walters       Supervisor  
                          D. Mark Cavalcoli     Councilman  
                          Thomas Quatroche Jr. Councilman  
                          Kathleen C. Hochul   Councilwoman  
                          Joan A. Kesner        Councilwoman

ALSO PRESENT:

Cathy Rybczynski	Town Clerk
Gerard Kapsiak	Town Engineer
James M. Spute	Director of Finance & Administration
Robert Hutchison	Town Assessor
Kurt Allen	Supervising Building Inspector
Christopher Hull	Director Community Development
James Sorrentino	Town Attorney
John Farrell	Director of Senior Citizens
Carmen Kesner	Asst. Chief of Police

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

Councilman Cavalcoli comments that he would like to ask for a moment of silence for former Councilman David Reiman, Jr. who passed away this past week. He was a Town Councilman from 1968 to 1971 and served as a Village Trustee in 1984, 1985, 1986 and he was on the Village Planning Board from 1986 to 1994. He gave a great deal to his community, to the Town and Village of Hamburg and it is a great loss for his family and Hamburg.

On a brighter note, as Deputy Supervisor he would like to officially welcome Supervisor Steven Walters to the first meeting of the Hamburg Town Board. They look forward to a new and invigorated relationship and he knows Mr. Walters heart is there to bring about the changes that he feels strongly about and campaigned on. He personally, as Deputy, will assist and help him in every way possible and he looks forward to working with him

Councilwoman Kesner comments that she too would like to join with her colleagues to welcome the new Supervisor. They are very grateful that he decided to serve this community and look forward to working with him on all the exciting challenges that come onto their desks.

Councilwoman Hochul wants to echo those comments as well. She welcomes him and comments that this is what distinguishes Hamburg from other communities, in the past twelve years the relationship they have shared has been one of mutual respect and professionalism. She wants to state unequivocally right now that they all plan on carrying on those same relationships and developing friendships as they work together to meet the challenges of the Town of Hamburg.

Councilman Quatroche thanks him for making him not the youngest member of the Board. He is encouraged by the dialogue they have had thus far and he is seeing a spirit of cooperation from him. He has spoken with him personally and they have met as a Board and he is very encouraged by the way he has approached the job and is looking forward to his service as Supervisor of the Town.



NOES: None

CARRIED

**V.**

**RESOLVED**, that Supervisor Steven J. Walters be authorized to sign properly submitted forms for hiring TEMPORARY EMERGENCY PERSONNEL, to be confirmed at the next immediate Town Board Meeting following hiring.

MOVED: Kesner

SECONDED: Hochul

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**VI.**

**RESOLVED**, that the Town Board approve the SUPERVISOR'S ANNUAL REPORT for filing according to Article 29-10a of the Town Law.

MOVED: Cavalcoli

SECONDED: Quatroche

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**VII.**

**WHEREAS**, Section 64 of the Town Law requires the Town Board to designate the BANKS OR TRUST COMPANIES in which the Supervisor, Town Clerk, Town Justice (2), Tax Collection and Director of Finance shall deposit all monies coming into their hands by virtue of their offices:

**NOW, BE IT RESOLVED**, that the funds of the Town of Hamburg be deposited in any or all of the following banks:

- H.S.B.C. Bank
- Bank of America
- Manufacturers and Traders Trust Company
- Key Bank of Western New York
- Citibank
- Evans National Bank of Angola
- Chase Bank
- M B I A "CLASS"
- Citizens Bank
- First Niagara Commercial Bank

at their respective offices within the Town of Hamburg, Blasdell, and Buffalo, and

**BE IT FURTHER RESOLVED**, that all of the said banks are hereby designated as depositories for the funds of the Town of Hamburg.

MOVED: Quatroche

SECONDED: Kesner

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**VIII.**

**RESOLVED**, that the Town Board approve the following:

That the Manufacturers and Traders Trust Company, H.S.B.C. Bank, Bank of America, Key Bank of W.N.Y., Citibank, Evans National Bank of Angola, Chase Bank, Citizens Bank, First Niagara Commercial Bank and MBIA "Class" be designated depositories of the Town of Hamburg, and they are hereby requested, authorized and directed to honor checks, drafts or other orders of payment on money drawn in the name of the Town of Hamburg including those payable to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof when bearing or purporting to bear the facsimile signature of the Supervisor of the Town of Hamburg, Steven J. Walters, and the Manufacturers and Traders Trust Company, H.S.B.C. Bank, Bank of America, Key Bank of W.N.Y., Citibank, Evans National Bank of Angola, Chase Bank, Citizens Bank, First Niagara Commercial Bank and MBIA "Class" shall be entitled to honor and to charge the Town of Hamburg for such checks, drafts or other, regardless of by whom or by what means the actual or purported signature or signatures thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimens duly certified to or filed with the Manufacturers and Traders Trust Company, H.S.B.C., Bank, Bank of America, Key Bank of W.N.Y., Citibank, Evans National Bank of Angola, Chase Bank, Citizens Bank, First Niagara Commercial Bank and MBIA "Class" by the secretary or other officer of the Town of Hamburg.

MOVED: Cavalcoli

SECONDED: Hochul

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**IX.**

**RESOLVED**, that the Supervisor be authorized to temporarily deposit or invest Town monies not required for immediate expenditure in special time deposit accounts or Certificates of Deposit issued by a bank or trust company located and authorized to do business in this state, or obligations of the United States of America, or obligations of the State of New York.

MOVED: Quatroche

SECONDED: Walters

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**X.**

**RESOLVED**, that the Town Justices be authorized to employ COURT STENOGRAPHERS if and when necessary.

MOVED: Hochul

SECONDED: Cavalcoli

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XI.**

**RESOLVED**, that the Town Board designate the HAMBURG SUN and the Blasdell-Woodlawn FRONT PAGE as the OFFICIAL NEWSPAPERS for the Town of Hamburg for the year 2006.

MOVED: Walters

SECONDED: Kesner

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XII.**

**RESOLVED**, that the Town Board approve the annual salary of \$2,000 as compensation for the DEPUTY SUPERVISOR when he is filling in for the Town Supervisor, per Section 42, Art. 3, of Town Law.

MOVED: Walters  
SECONDED: Hochul  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

CARRIED

**XIII.**

**RESOLVED**, that the Town Board approve the payment of \$80.00 for each meeting attended, for COMMISSIONER of the MOUNT VERNON SEWER DISTRICT; and that each Commissioner file with the Town Clerk an official undertaking bond in the amount of \$4,000.00.

MOVED: Cavalcoli  
SECONDED: Walters  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

CARRIED

**XIV.**

**RESOLVED**, that the Town Board approve the payment of \$80.00 a day for each COMMISSIONER of the WOODLAWN SEWER DISTRICT for each day actually spent in service to the District; and that each Commissioner file with the Town Clerk an official undertaking bond in the amount of \$4,000.00.

MOVED: Cavalcoli  
SECONDED: Walters  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

CARRIED

**XV.**

**RESOLVED**, that the Town Board approve payment of \$80.00 for each meeting attended, for each COMMISSIONER of the WANAKAH SANITARY SEWER DISTRICT. For additional hours spent, in service to the District; will be at \$ 50.00 per hour, and that each Commissioner shall file with the Town Clerk an official undertaking bond in the amount of \$4,000.00

MOVED: Cavalcoli  
SECONDED: Quatroche  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

CARRIED

**XVI.**

**RESOLVED**, that the Town Board approve a MILEAGE RATE for Town officials and employees for the year 2006 at \$.39 per mile for official town business.

MOVED: Cavalcoli  
SECONDED: Hochul  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

CARRIED



**XX.**

**RESOLVED**, that the Town Board approve appointment of the following BINGO INSPECTORS for a one (1) year period commencing January 1, 2006, and ending December 31, 2006:

Dorothy Haffner

Edward Soda

MOVED: Kesner

SECONDED: Cavalcoli

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XXI.**

**RESOLVED**, that the Town Board approve the following reappointment of Ted Ortel, 4381 Clark St., Hamburg, NY - as Consultant for Plumbing License Examiner for a one (1) year term commencing January 1, 2006, and ending December 31, 2006:

MOVED: Cavalcoli

SECONDED: Quatroche

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XXII.**

**RESOLVED**, that the Town Board approve appointment of the following to the CONSERVATION ADVISORY BOARD for a two (2) year period commencing January 1, 2006, and ending December 31, 2007:

Dr. Robert F. Andrie

Lee Rockwood

Santino Carnevale

Donald Spittler

Mark Lorquet

Ad Hoc Member William Brunelle

MOVED: Cavalcoli

SECONDED: Quatroche

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XXIII.**

**RESOLVED**, that the Town Board make the following appointments to the COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE for a one (1) year term commencing January 1, 2006, and ending December 31, 2006:

Roseann Mumbach

Jeanne Dembski

Patrick Granville

Ted Stoklosa

Ronalda Saunders

Cynthia Sullivan

MOVED: Kesner

SECONDED: Quatroche

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XXIV.**

**RESOLVED**, that the Town Board approve the following appointment of HOUSING DISCRIMINATION OFFICER for a one (1) year term commencing January 1, 2006, and ending December 31, 2006:

James Tresmond

MOVED: Hochul  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None  
CARRIED

**XXV.**

**RESOLVED**, that the Town Board make the following appointments to the TOWN PLANNING BOARD:

G. Koenig - CHAIRMAN from January 1, 2006, and ending December 31, 2006.

G. Koenig - MEMBER for a seven (7) year term commencing January 1, 2006, and ending December 31, 2012.

Steve McCabe - MEMBER for a seven (7) year term commencing January 1, 2006, and ending December 31, 2012.

Richard B. Taber - MEMBER to fill remaining term of Robert Reynolds commencing January 1, 2006, and ending December 31, 2010.

Donald McKenna - ATTORNEY for a one (1) year term commencing January 1, 2006, and ending December 31, 2006.

Michael Fruth - Ass't ATTORNEY for a one(1) year term commencing January 1, 2006, and ending December 31, 2006.

MOVED: Cavalcoli  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None  
CARRIED

**XXVI.**

**RESOLVED**, that the Town Board approve the following reappointment as COORDINATOR of the TRAFFIC SAFETY BOARD for a one (1) year term commencing January 1, 2006, and ending December 31, 2006:

Timothy Ellis

MOVED: Hochul  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None  
CARRIED

**XXVII.**

**RESOLVED**, that the Town Board approve the following appointments to the TRAFFIC SAFETY ADVISORY BOARD for a one (1) year term commencing January 1, 2006, and ending December 31, 2006:

George Triepel Jr.  
Carole Gillette  
John Tarnish  
Joseph Kleinfelder  
James Voye

Patrick Bapst  
Gerard Koenig  
Eugene Paolini  
Scott Fraser

MOVED: Hochul

SECONDED: Kesner

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XXVIII.**

**RESOLVED**, that the Town Board appoint the following to the HAMBURG EMERGENCY MANAGEMENT TEAM for a one (1) year term commencing January 1, 2006, and ending December 31, 2006:

COORDINATOR: James M. Spute

DEPUTY COORDINATORS:

Robert T. Brown  
Chief J. Coggins  
William Dash  
Robert Loomis  
Richard Krautsack  
Michael Springer  
Lt. James Koch  
Det. Glenn Zawierucha  
Donna Gavin  
Robert Paas

Mary Dosch  
James Connolly  
Robert Mueller  
Richard Lardo  
Walter Bratek  
Jeffrey Sweetland  
Det. Sargent William Scully  
Mary Eisenhower  
Robert Hutchison  
Raymond Pawlowski

MOVED: Walters

SECONDED: Quatroche

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XXIX.**

**RESOLVED**, that pursuant to the provisions of Section 284 of the Highway Law, the Town Board agrees that monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, shall be expended as follows:

The sum of \$2,188,424 may be expended for general repairs upon 135.18 miles of town highways, including sluices, culverts and bridges (having a span of less than five [5] feet), and boardwalks or the renewal thereof.

**BE IT FURTHER RESOLVED**, that the Town Board execute in duplicate the AGREEMENT for the EXPENDITURE OF HIGHWAY MONEYS.

MOVED: Quatroche

SECONDED: Cavalcoli

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XXX.**

**WHEREAS**, Section 142 of the Highway Law requires the Town Board to approve all purchases

of equipment, tools, and other implements utilized for highway maintenance in excess of \$1,000.00 per year; and

**WHEREAS**, Section 103 of the General Municipal Law requires public bidding for purchases of equipment in excess of \$10,000.00; and

**WHEREAS**, the Highway Superintendent of the Town of Hamburg makes numerous purchases from time to time throughout the year in a total amount not to exceed the annual budget; and

**WHEREAS**, pursuant to Section 142 of the Highway Law it is desirable for the Town Board to authorize the Highway Superintendent to purchase said equipment, tools, and other implements in excess of \$1,000.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the Highway Superintendent is hereby authorized to purchase without prior approval of the Town Board: equipment, tools, and other implements to be used for highway maintenance, construction, or reconstruction; snow plows or other devices for the removal of snow from highways in a sum not to exceed the limitations as prescribed under Section 103 of the General Municipal Law as amended from time to time.

MOVED: Quatroche  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Walters

CARRIED

**XXXI.**

**BE IT RESOLVED**, that reimbursement of out-of-town MEAL EXPENSES will be a maximum of \$40.00 per diem.

MOVED: Walters  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Cavalcoli

CARRIED

**XXXII.**

**RESOLVED**, that the Town Board approve the hiring of PART TIME PUBLIC SAFETY DISPATCHERS for the Town of Hamburg at a rate of \$13.30 per hour starting January 1, 2006, and ending December 31, 2006:

Rodney Carr  
Kyle Brodnicki  
George Sweetland

Paul Cervoni  
Robert K. Paas  
Jennifer Schaefer

MOVED: Cavalcoli  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Walters

CARRIED

**XXXIII.**

**RESOLVED**, that the following be appointed to the SHORELINE REVITALIZATION

COMMITTEE for a one (1) year term commencing January 1, 2006, and ending December 31, 2006:

Norman Masse  
Paul DeWald  
Bruce Thompson  
Katie Schneider  
Anthony Muscarella  
Larry Cobado  
Walter Zoladz

Joseph Paskiewicz  
Paul Burke  
Laura Hahn  
Peter Wasmund  
Thomas Bender  
Lynn Rudnicki

MOVED: Quatroche  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Cavalcoli

CARRIED

**XXXIV.**

**RESOLVED**, that the Hamburg Town Board does hereby approve the 2006 SALARY AND WAGE SCHEDULE as submitted by the Finance Director (Attached).

MOVED: Cavalcoli  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Walters

CARRIED

**XXXV.**

**BE IT RESOLVED**, that the following members be appointed to the RECREATION DEPARTMENT ADVISORY BOARD for a two (2) year term commencing January 1, 2006, and ending December 31, 2007:

Thomas Zimmerman  
John Livsey

Patrick Sullivan  
Wendy Pietrzak

MOVED: Quatroche  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Hochul

CARRIED

**XXXVI.**

**RESOLVED**, that the Hamburg Town Board appoint to the ZONING BOARD OF APPEALS -

Joseph Shaw - ATTORNEY for a one (1) year term commencing January 1, 2006, and ending December 31, 2006.

Timothy Quinlivan - Ass't ATTORNEY for a one(1) year term commencing January 1, 2006, and ending December 31, 2006.

MOVED: Cavalcoli  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Hochul

CARRIED





**RESOLVED**, that Cathy Rybczynski, Town Clerk, be appointed REGISTRAR OF VITAL STATISTICS for District #1465 (Town of Hamburg) for the term of January 1, 2006, to December 31, 2006.

**WHEREAS**, Section 4124 of the Public Health Law refers to compensation,

**BE IT FURTHER RESOLVED**, that Mrs. Rybczynski shall be paid a total of \$3,418, and Marian Felice, Deputy of Registrar, the sum of \$4,729. [The combined districts of Hamburg are 1429 (Village of Blasdell), 1430 (Village of Hamburg) and 1465 (Town of Hamburg) and, as provided under the law, all fees collected by the Registrar in the discharge of his/her duties shall be the property of the municipality.] The fees collected as revenue to the town shall be entered in revenue account A2590.9.

MOVED: Hochul SECONDED: Quatroche

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XLII.**

**RESOLVED**, that the Hamburg Town Board approve the listing of PART TIME and SEASONAL WORKERS as set forth in the 2006 Salary and Wage Schedule. (Attached)

MOVED: Walters

SECONDED: Cavalcoli

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XLIII.**

**RESOLVED**, that the Town Board make the following appointments to the TOWN REJUVENATION COMMITTEE for a one (1) year term beginning January 1, 2006, ending December 31, 2006:

Councilwoman Hochul - Chairman

Laura Hahn

John Blette

Cathy Rybczynski

Paula Takach

Terrance MacKinnon

Shirley Anzalone

George Lee

Barbara Dole

Thomas Moses Sr.

Karen Rogers

Nancy Hutchison

Sean Fanning

Richard Crandall

Julie Buckley

Donna Gavin

Jane McAnaney

Deborah Yerke

MOVED: Hochul

SECONDED: Quatroche

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

**XLIV.**

**RESOLVED**, that the Supervisor be authorized to negotiate a contract for the year 2006 with

Amy Foster, to provide consulting services for the MICRO-FICHE SYSTEM for the Public Safety Dispatching. The contract will provide for updates of all maps of streets, buildings and water hydrant systems for the Towns of Hamburg, Boston, Colden and Eden. The rate will be \$9.80 per hour and funds are available through the A3020.440 account.

MOVED: Kesner  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Hochul

CARRIED

**XLV.**

**RESOLVED**, THAT THE Town Board sign the application for travel, thereby granting permission for the Assessing Office - Robert Hutchison, Frederick Kingsbury, Marjorie Sullivan, Geraldine Torchia, Kim Marie Willard and Dawn Aydelotte - to attend NYS Assessors' Association and Erie County Assessors' Association, N.Y.State ORPS meetings on various dates throughout the 2006 year.

MOVED: Kesner  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Hochul

CARRIED

**XLVI.**

**RESOLVED**, that the Town Board reappoint to a five (5) year term on the TOWN LIBRARY BOARD beginning January 1, 2006, and ending December 31, 2010:

Johanna Fallon  
Ad Hoc Member Kathleen Sacco

MOVED: Hochul  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Kesner

CARRIED

**XLVII.**

**RESOLVED**, that the Town Board authorize the Supervisor to sign an agreement with Great Lakes Environmental & Safety Consultants, Inc. to provide safety consultants to the town, well versed in all OSHA regulations, including General Industry, Department of Transportation and Construction. Scope of work to include Facility Inspections, Site Inspections, OSHA Required Training and Consulting Services. Fee for the above services in 2006, will be \$1,845.00 a month. Funding available in CS1710.487.

MOVED: Hochul  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Kesner

CARRIED

**XLVIII.**

**RESOLVED**, that the following are appointed to serve as the first Deputy to the Highway Superintendent in the indicated departments for a one year term to expire December 31, 2006.

William Dash	Highway Department
Sean Fanning	Building and Grounds Department

Further resolved that each will receive a stipend of \$ 4,000 per year.

MOVED: Quatroche  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Kesner

CARRIED

**XLIX.**

**RESOLVED**, that the Town Board approve the Town Supervisor to sign the contracts for Health Insurance for the Town Employees as per there Negotiated Contract.

MOVED: Quatroche  
ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner  
NOES: None

SECONDED: Walters

CARRIED

**L.**

**RESOLVED**, that the Town Board reappoint to a three (3) year term on the TOWN YOUTH BOARD beginning January 1, 2006, and ending December 31, 2008:

Vincent Gugliuzza	Gerald Gloss
PAUL PELLICANO	MARCIA SWIATEK
KEVIN SMARDZ	

MOVED: KESNER  
ROLL CALL: AYES: WALTERS, CAVALCOLI, QUATROCHE, HOCHUL AND KESNER  
NOES: NONE

SECONDED: WALTERS

CARRIED

**LI.**

**RESOLVED.** THAT THE TOWN BOARD MAKE THE FOLLOWING APPOINTMENTS TO THE YOUTH BOARD AS NOMINATED BY THEIR RESPECTIVE SCHOOLS:

HAMBURG SCHOOL  
CASEY DERKACZ (2006-2007)  
(2005-2006)

FRONTIER SCHOOL  
MIKE KLIMA (2005-2006)  
TARA SLOWIK (2006-2007)

IMMACULATA SCHOOL  
(2005-2006)  
(2006-2007)

ST. FRANCIS SCHOOL  
CONNOR HESTDALEN  
(2005-2006)  
PAUL GIGLIO  
(2006-2007)

MOVED: KESNER

SECONDED: WALTERS

ROLL CALL: AYES: WALTERS, CAVALCOLI, QUATROCHE, HOCHUL AND KESNER

NOES: NONE

CARRIED

**LII.**

**RESOLVED,** that the Town Board make the following appointments to the Town of Hamburg DOMESTIC VIOLENCE ADVISORY BOARD for a one (1) year term beginning January 1, 2006, ending December 31, 2006:

Betty Newell  
Rick Popson  
Capt. Mike Williams

Suzanne Gannon  
Marianne Chumento

MOVED: Kesner

SECONDED: Quatroche

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED

LIII.

**RESOLVED**, that the Town Board confirms that the following are authorized to sign Purchase orders, Town vouchers, Request for supplemental and/or Budget transfers, Payroll Input sheets for their respective department.

<u>DEPARTMENT</u>	<u>AUTHORIZED</u>	<u>IN THEIR ABSENCE</u>
ASSESSOR	ROBERT HUTCHISON	F. KINGSBURY
BUILDING & GROUNDS	JAMES CONNOLLY	S. FANNING
BUILDING INSPECTION	KURT ALLEN	T. WILLARD
CENTRAL SUPPLIES	MARY DOSCH	JAMES SPUTE
COURT	BARBARA BRAUCH	TOWN JUSTICE'S
COMMUNITY DEVELOPMENT	CHRIS HULL	T. REGAN
DATA PROCESSING	NANCY CRANE	JAMES SPUTE
DOMESTIC VIOLENCE	JUDY NIEMAN	
DRUG EDUCATION	JACK RAHILL	
ENGINEERING	GERALD KAPSIK	R. LARDO
FINANCE	JAMES SPUTE	ROBERT BROWN
HIGHWAY DEPARTMENT	JAMES CONNOLLY	WILLIAM DASH
	(BLUE COPY OF P.O. ONLY)	MARCIA SEIFLEIN
HISTORIAN	JAMES BAKER	- -
LEGAL	VINCENT J. SORRENTINO	R. BOEHM
RECREATION	MARTIN DENECKE	K. HERRMANN
		J. WENZEL
PERSONNEL	PAULA BUCCI	JAMES SPUTE
PLANNING	COUNCILMAN CAVALCOLI	TOWN SUPERVISOR
PLANNING BOARD	COUNCILMAN CAVALCOLI	- -
POLICE / DOG WARDEN	JOSEPH COGGINS	C. KESNER
PUBLIC SAFETY DISP.	ROBERT MUELLER	JOSEPH COGGINS
SAFETY COMMITTEE	JAMES CONNOLLY	STEVE WALTERS
SENIOR SERVICES	JOHN FARRELL	R. HOAK
ADULT DAY CARE	JOHN FARRELL	S. SPAULDING
TAX OFFICE	DEANNA FILIGHERA	JAMES M. SPUTE
TOWN CLERK	C. RYBCZYNSKI	- -
TRAFFIC SAFETY	TIM ELLIS	- -
YOUTH BUREAU	M. EISENHAEUER	T. FRANZ
ZONING BOARD	KURT ALLEN	T. WILLARD
CONSERVATION BOARD	COUNCILMAN CAVALCOLI	- -

MOVED: Walters

SECONDED: Quatroche

ROLL CALL: AYES: Walters, Cavalcoli, Quatroche, Hochul and Kesner

NOES: None

CARRIED



LVI.

RESOLVED. THAT THE TOWN BOARD APPROVE THE AUDIT OF CASH DISBURSEMENTS AS FOLLOWS:

OPERATING FUND:		VOUCHER'S #
BATCH # 181	\$ 545,000.00	8598
BATCH # 1	\$ 1,475,000.00	8599 - 8601
BATCH # 2	\$ 103,120.77	8602 - 8656
BATCH # 3	\$ 433,245.06	UNPROCESSED
TOTAL OPERATING FUND DISBURSEMENTS:		\$
		2,556,365
		.83

TRUST & AGENCY:		
BATCH #	\$ 0.00	
BATCH #		
TOTAL TRUST & AGENCY DISBURSEMENTS:		\$
		0.00

CAPITAL FUND DISBURSEMENTS:		
BATCH # 1	\$ 21,261.35	UNPROCESSED
BATCH # 1		
TOTAL CAPITAL FUND DISBURSEMENTS:		\$
		21.2
		61.3
		5

PETTY CASH:		
	\$ 0.00	
TOTAL PETTY CASH DISBURSEMENTS:		\$
		0.00

PAYROLL:		
P/R #	\$	
TOTAL PAYROLL DISBURSEMENTS:		\$
		0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$  
2,577,627.18

MOVED: WALTERS

SECONDED:

QUATROCHE

ROLL CALL: AYES: WALTERS, CAVALCOLI, QUATROCHE, HOCHUL  
AND KESNER

NOES: NONE

CARRIED

Supervisor Walters comments that concludes the prefiled resolutions and normally in the organizational meeting they do not open the floor for public comment. However, today they are going to do that because of an issue that has been brought to the Boards attention. He asks that anyone wishing to speak should state their name and address.

Corey Gallagher, 2308 Beechwood Drive, thanks the Town Board for giving him the opportunity to speak, this is an issue that is very pressing. It is very important to Lake View and Hamburg as far as what the Zoning Board is allowing. They have granted an 80% change in code on a Lakefront property that has totally changed the character of his neighborhood. This has created many safety and aesthetic problems. Usually a variance that is granted has to be agreed upon by the neighbors and is to vary a law a little bit. They are talking about close to 30 feet of change in the law. He presents pictures of what is being built. He shows a before and after picture. He has never seen a garage in Hamburg that close to the road. It is very upsetting to him and his family and the whole neighborhood and they are asking them to please get this back on the table so they can look at it again.

Mr. Walters responds that they as a Town Board can understand where he is coming from and are certainly willing to offer assistance where they can. He asks the Town Attorney to give more specifics on what they can and cannot do.

Mr. Sorrentino, Town Attorney, comments that the Zoning Board of Appeals is a quasi judicial board in the Town and they are talking about a variance that took place in June 2005. Basically if there is anything that can be done there is a period regarding the statute of limitations relative to an article 78 proceeding that is run several months ago. There were some additional applications as recent as January 3<sup>rd</sup> relative to the height of the building being in violation of the height requirements under the Town Building Code. There were some discussions between the builder and the neighbors requiring that the motion that originally took place in November be put off to see if the matter could be resolved. It couldn't and on January 3<sup>rd</sup> the Zoning Board of Appeals granted that variance with a couple of conditions. One - that the garage be reduced to the 35 feet and two- that windows be put on the side of the garage. He talked to the attorney representing the neighborhood, Craig Slater, and he is hoping to meet with him and also the attorney for the people building the home. Right now, whatever happened at the June meeting, Mr. Gallagher was the only neighbor present, if something were to be done relative to the side yard variance and the front yard variance that would have had to be done legally within the statutory period of an Article 78.

Cory Gallagher comments that they have gone over and beyond the plans that were presented to the Building Department. There is a statute in Town Law that states if they go against the permit or the variance that they can re-open the case, gather all the evidence and re-hear this. Mr. Blaauboer didn't want to hear that, he felt they didn't have a case and it was just a height issue. However, the issue they are looking at is a wall of thirty feet tall and ninety across.

Mr. Sorrentino responds that the ruling by the Zoning Board of Appeals can be reviewed if there was an application and a motion by one of the parties. There has never been anything filed asking the members to put this motion into practice.

Susan Gallagher comments that her husband was at the June meeting and asked to have it tabled and they refused. If someone is against it, at the meeting, and asks to have it tabled and they refuse then that's wrong.

Betsy Polisoto comments that she lives on the other side of the property. Related to the first meeting that Mr. Gallagher attended, not only did he ask for a postponement but you could not decipher the tape from the meeting because it had been used over and over. Therefore the written minutes do not reflect that. She then comments that the Board members need to come down and stand in the Gallaghers yard and look at the situation. She also comments that they should look at the people that are appointed to the Zoning Board of Review.

Councilwoman Hochul questions if in fact the Zoning Board did approve a variance and then the

building that is being built does not comply with that variance, isn't that in the hands of the Building Inspection Department.

Mr. Sorrentino responds that the Building Inspector, In November, found that there was a violation relative to height. He issued a citation and stop order and then told the builder that it was a violation of the height ordinance and the only way that it could be circumvented was to make an application to the Zoning Board of Appeals for variance relative to the height. That was done and the variance was granted with conditions. It is his understanding, after talking to the attorneys, that the parties that are building the home are not going to exorcize the right of the variance that was granted, but are going to construct the height in accordance with the Town Code. That was the only issue before them at the final meeting in January.

Councilwoman Hochul comments that this is very troubling to them and she thinks it's important for the public to know what the Town's Legal role is in this. If it is a quasi judicial board, and she is not happy with their decision, is there anything they can legally do as a Town Board.

Mr. Sorrentino comments that the Board can bring an action, but there are time restrictions. Relative to the June meeting the Board could have brought an action or the homeowners themselves could have brought an action relative to the Article 78 proceedings to say that the Zoning Board of Appeals acted arbitrarily and capriciously in granting this variance. That was not done and basically the time to do something relative to the side yard variance and the front yard variance is long since run.

Ann Marie Sinatra, Beechwood Drive, comments that she had no idea that this monstrosity was being built. The first time she went to the Zoning Board meeting she was intimidated by the Chairman in that he spoke to everyone in such a manner that they didn't want to speak and he did not create an atmosphere of cooperation. You might just as well throw away the process that you need to apply for a building permit and submit architectural plans if you can just build whatever you want. People are being affected by this, this is a big mistake. No one would allow this to be built next to them.

Mr. Walters reiterates what the Town Attorney said. The Town is willing to assist any way they can. He has spoken to their attorney and would be willing to try and come up with some kind of amicable solution. At this point it will be difficult to come to a solution where everyone is satisfied, but they are willing to assist how they can. They are limited to what they can do at this point because of the way New York State is written. Right now they are past the time frame under Article 78, however, it would be in everyone's interest to get to the table and sit down. Mr. Sorrentino would be willing to try and facilitate some kind of agreement between the parties.

Councilwoman Hochul comments that this will take it's legal course, but going forward she agrees this is not what they want Hamburg to look like. This is valuable lakefront property and will set a precedent and they need to set the tone right now that this is a mistake and going forward they will tighten up the laws. They have a Code Review Committee and the first order of business should be to look at the Codes and say maybe they need even greater variance on lakefront properties. They need to use every resource at their disposal to make sure that this is not the new face of Hamburg. They want to work with them on that. She apologizes that this happened. They have all gone out there and looked at it personally and this is not what they want for the Town of Hamburg.

Ms. Sinatra comments that they don't want this to happen again anywhere in Hamburg. Their hands are tied, the Board appoints everyone involved and it is time to take a look at everyone working for the Town Board and the residents.

Dr. Polisoto comments that he would like to address the whole community, they just said the

magic word, nobody in the Town would like to live next to this. He is sure that if someone tried to do this to the LaMastras that they would be extremely upset and wouldn't stand for it either. So, the answer to this is them. They have the opportunity to straighten this problem out to the satisfaction of all of them. They have made numerous modifications to the plan. It is not the variance it is the plan. Even the plan submitted was inappropriate if you look at all the Zoning Laws they violated every five criteria required for a variance. The Zoning Board of Appeals is like the Police. Why didn't they do their job and take the time to consider such a massive variance. The LaMastras have a choice, do they make enemies of their neighbors or do they do the right thing. He was called a control freak by Dr. LaMastra. He spent hours of his time to try and help them solve this problem to everyone's satisfaction so everyone could be happy. He went to architects and builders and researched the cost of correcting the problem and he would like to present it at this time. When you consider the value of this house the cost to correct the problem is not great. The plan submitted for the building permit for the house is for 4,977 square feet with a 3.5 car garage with 60 feet of frontage and 143 feet deep. Maybe there was a mistake, this is the first home they are building. How can they correct this problem. Twenty feet is a reasonable amount of frontage. He went over the plans with the architects and they can take off one car garage, leaving them still with a 2.5 car garage. This would still be the biggest garage in the neighborhood. They agreed to reduce the height of the building by two feet, but that is still two feet more than the building plans show. In reality they should be willing to go back to the original plan and should be willing to agree to take off a one car garage. The cost to do this is somewhere between \$20,000 and \$30,000 to do the whole thing. They said it would cost between \$15,000 and \$20,000 just to bring this down two feet. He talked to Jim Bielmier from Bielmier Builders, a very high quality builder and he feels they are reliable numbers. That sounds like a lot of money, however, the builder and the architect made errors in the construction of this building, they are commercial construction people. They have errors and omissions insurance and this is what it is for. It probably wouldn't cost the Lamastras a cent if they would exorcize their right against the builder and architect. In conclusion, they wouldn't want this done to them so why are they doing it. He was told by them that they need the space. Who needs that kind of space so badly that you abuse your neighbors and abuse the State and Town Zoning Laws. He is not willing to stand back and say this has passed the statute of limitations. There are five or six members of the Zoning Board of Appeals that could have re-opened this. Mr. Allen properly cited them that this violated the building plans so much that it voided their variance and so it came back to the Zoning Board of Appeals for a re-hearing. They could have said there was a massive mistake and re-opened that hearing but they didn't want to get into the mess. It is up to the LaMastras at this point. He is sure they are devastated, this is their dream and they want them to have their dream but not when it infringes on everyone else. Where in the Town or the State will you find a house six feet from the road. Those are the things they violated from the original agreement. He hopes that all of them will do something to straighten this issue out.

Ferd Garcia, Columbia Ave., his understanding is that a variance that is issued is contrary to State Law and can only be done on the basis of a hardship. They have not shown hardship other than what was developed by themselves.

Supervisor Walters closes the public comment portion of the meeting to go into Executive Session with Mr. Sorrentino and Cathy Rybczynski.

Councilman Cavalcoli comments that he would like to personally thank, on behalf of the Town Board and all of the Departments, all the residents who came to speak in an orderly documented manner. They so often run into situations that come before them that are difficult to deal with and if it is an issue they have a decision on they do their best to make that decision. This wasn't their decision to make, however as Supervisor Walters said, they will work with their Departments to do whatever they can to assist them. He thanks them for their presentation.

Supervisor Walters joins with Councilman Cavalcoli in thanking them for presenting this and how they can, they will assist.

Mrs. LaMastra enters the meeting.

Supervisor Walters comments that the meeting is closed, however she can submit any

information to them. The next Town Board meeting is on January 23<sup>rd</sup> and she can come then.

**LVII.**

**RESOLVED**, that the Town Board adjourn to Executive Session at 8:05 p.m.

MOVED: Walters

SECONDED: Hochul

ROLL CALL: AYES: Walters, Cavalcoli, Hochul, Kesner, Quatroche

NOES: None

CARRIED

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Catherine Rybczynski, Town Clerk