

Meeting No. 2
January 24, 2005
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

Also Present:	Catherine Rybczynski	Town Clerk
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	Joseph Coggins	Police Chief
	Tim Ellis	Traffic Safety Consultant
	Christopher Hull	Director of Community Development
	Robert Hutchison	Town Assessor
	Martin Denecke	Director of Recreation
	Kurt Allen	Supervising Building Inspector

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

7:00 p.m. Public Hearing for the Construction of a Sewer Improvement pursuant to Article 12-C of the Town Law.

EXTRACT OF MINUTES
Meeting of the Town Board of the Town of Hamburg,

in the County of Erie, New York.

January 24, 2005

* * *

A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, in the Town, on January 24, 2005.

There were present: Honorable Patrick Hoak, Supervisor, and
Councilpersons: D. Mark Cavalcoli, Kathleen Hochul, Joan A.
 Kesner and Thomas J. Quatroche, Jr.

There were absent:

Also present: Catherine Rybczynski, Town Clerk, Dick Boehm,
 Deputy Town Attorney

* * *

The Town Clerk stated that a public hearing had been called for this meeting at the Town Hall, in the Town of Hamburg, in the County of Erie, New York, at 7:00 o'clock P.M. (Prevailing Time) to consider the construction of a sewer improvement in an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein referred to as the "Hamburg Sewer Improvement Area"), pursuant to Article 12-C of the Town Law. The Town Clerk presented affidavits showing that certified copies of the Order Calling said public hearing had been duly published and posted pursuant to the provisions of Article 12-C of the Town Law.

The Supervisor stated that said public hearing on said matter was now open and asked if there was any interested person who desired to be heard.

There was no correspondence received.

Councilman Cavalcoli introduces Mike Marino with R & D Engineering and comments that Mr. Kapsiak, Town Engineer, will give a presentation.

Mr. Kapsiak comments that there is a handout available. He then explains that this is in response to directives of the New York State Dept. of Environmental Conservation, and the Town of Hamburg contracted with R & D Engineering, Inc. to provide various sanitary sewer system studies, mainly flow monitoring and televising of the sewer systems to locate the sources of problems, such as infiltration and inflow into the sewer system which results as excess of flows during wet weather. The area they are working with is within the Town sewer districts that are tributary to the Blasdell Treatment Plant. The area is just south of the 179 expressway along South Park and just north of the 179 along South Park Avenue. There are about 12 Town sewer districts in that area that are tributary to the Blasdell system.

The problems with the excessive flows is that they overload the Blasdell Treatment Plant and result in some problems for Village of Blasdell residents, such as basement back-ups which results in overflows to Rush Creek which occur from the Electric Avenue pump station and affect the downstream water quality in the creek and the creek flows into Lake Erie at Woodlawn Beach State Park and this leads to problems in the summer. In order to correct the problems, that were identified by the study, R & D Engineering has recommended various types of sewer improvements to be performed at several locations within the affected sewer districts. The improvements include pipe replacement, root cutting and grouting, cleaning and removal of sediment accumulations and other obstructions, replacement of service connections, elimination of storm and sanitary sewer cross-connections and manhole repairs. The total estimated cost associated with the proposed improvements is not to exceed \$700,000. This not only includes the construction costs but, the engineering costs for development of the plans for the project plus administrative costs associated with bonding for the financing of the project. The work is proposed to be funded through the Hamburg Sewer Improvement Area. They established this area in August of 2002 for the purpose of financing sewer improvements throughout Town Sewer districts. It was previously used in the Stilwell Road and Rogers Road area of the Town where they did some extensive sewer replacement within the last year or two. The Sewer Improvement areas are comprised of 22 Town sewer districts. There are 11,810 total parcels that are within the district, having a combined assessed value close to 1.1 billion dollars. The Town sewer districts, which are under the control of the Town Board, doesn't include areas that they call Commissioner Districts which are Wanakah District, Mt. Vernon District and Woodlawn District. They have a separate Board of Commissioners that are not under the control of the Town. It also does not include properties within the Erie County Sewer District #2, which is primarily the Lake View section of Town or Erie County District #3 which is in the south-eastern portion of the Town and does not include the Villages of Blasdell and Hamburg. The \$700,000 project cost is to be financed through 20 year bonds. Based on an estimated 5% interest rate, which seems to be the going rate right now, the average debt service per year will be about \$56,000 for each of the 20 years which results in an average tax rate of \$0.0513 per \$1,000 assessed value. The owner of a home assessed at \$100,000 would have an average charge of \$5.13 per year over the 20 year life of the bond. So, a typical payment would be about \$100, over the life of the bond for a \$100,000 home. Plans and specifications for the sewer improvements are being prepared by R & D Engineering and should be ready soon for submittal to the State and County review agencies and will be bid in March with construction to take place during the spring and early-summer. The State is looking for them to finish the project as soon as they can so it will be done prior to beach season to try and eliminate the overflows that affect Woodlawn Beach.

Councilwoman Hochul questions if a project this size could be completed by June.

Mr. Kapsiak comments that June might be pushing it, but he would say it should be done by the end of July.

Councilwoman Hochul questions if it is our expectation that once this is completed we will comply with all the directives of the DEC or will this only deal with part of it. Mr. Kapsiak comments that it deals with the directives of this area, the area that is tributary to the Village of Blasdell Treatment system. There are other areas that they are working on with the DEC right now that are in the Wyndham area for which there will be a similar project to be undertaken in that area. There is an area that is downstream of Highland Acres that receives the flows from Highland Acres which they are also looking at addressing sewer improvements in that area.

Councilwoman Hochul questions if there are any other areas that attribute to the problems in Lake Erie that they don't have any control over because they are in the other sewer districts. Does Woodlawn Sewer District contribute to this project as well.

Mr. Kapsiak comments he doesn't know off hand, he knows Mt. Vernon has overflows that contribute to the problems there and Mt. Vernon is, right now, undertaking their own sewer project along Route 5.

Councilwoman Hochul is looking for a time frame, for anyone who wants to go to Woodlawn State Park, that it has a 100 percent clean bill of health. This should have been in place before the Governor prematurely opened it, but since it is opened and in our Town, the reputation of that Beach is important to us.

Mr. Kapsiak that we are doing our part.

Councilman Cavalcoli comments that he could never give a 100 percent clean bill of health for

that beach because there are so many factors that are outside of the Towns control. This could come from run-off, from storms, or things that happen in other communities and get dumped into the lake and circulate down there. As long as the Town can do its part to come as close to 100 percent for the Towns control he would be happy with that.

Councilwoman Hochul comments that she is trying to make sure that everything they have control over is up to par.

Councilman Cavalcoli comments that he was going to give this in his report later, but will give it now. The Town is undertaking a segment of infiltration and inflow that the DEC has asked them to do with the north-end area as well because many of the older homes that were built prior to 1970 and 1972 did not have to comply with connecting the downspouts and everything into a storm sewer system. Right now these go into the sanitary sewer system and create tremendous overflows into the sewer systems. So they are embarking upon an effort, for any home built prior to 1970, they will be sending out a team of inspectors to make sure that they are connected properly and don't overflow into the sewer system. That is one more piece of the puzzle that goes into the Woodlawn Beach Area.

Councilman Quatroche comments that it is no secret that the County Facility on the water needs some serious improvement and all you have to do is drive by on any given summer day and smell it. He feels until that problem is taken care of that they will never have 100 percent assurance that the Beach will be all right.

Bob Reynolds questions will they be able to increase capacity in that area or are they taking care of the problems so they won't have the overflow.

Mr. Kapsiak comments that it will not put more capacity into the sewer than they were originally designed to handle, but it will reduce the flow within the sewers during wet weather events. This area doesn't have the possibility of more development because most of the area is already developed.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

I.

RESOLVED, that the Town Board close the public hearing at this time.

Moved: Hoak

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilman Cavalcoli comments that based on the questions they answered and public concerns, and the timeliness of moving this along, with the permission of the Board, even though they often wait 2 weeks to do a resolution resulting from a public hearing, in this type of resolution they have done them on the same night and he would recommend that they do that tonight with the Town Boards permission.

Councilwoman Hochul agrees that they want to have this in place for the summer beach season.

Meeting of the Town Board of the Town of Hamburg,
in the County of Erie, New York.
January 24, 2005

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A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, in the Town, on January 24, 2005.

There were present: Honorable Patrick Hoak, Supervisor, and
Councilpersons: D. Mark Cavalcoli, Kathleen Hochul, Joan A.
 Kesner, Thomas J. Quatroche, Jr.

There were absent:

Also present: Catherine Rybczynski, Town Clerk, Dick Boehm,
 Deputy Town Attorney

* * *

Councilwoman Hochul offered the following resolution and moved its adoption:

II.

RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK,
ADOPTED JANUARY 24, 2005, APPROVING THE
CONSTRUCTION OF A SEWER IMPROVEMENT WITHIN THE
HAMBURG SEWER IMPROVEMENT AREA, IN AN AREA OF
THE TOWN OUTSIDE OF ANY VILLAGES, WHICH HAS BEEN
DETERMINED TO BE THE BENEFITED AREA, AND MAKING
OTHER DETERMINATIONS IN CONNECTION THEREWITH.

Recitals

WHEREAS, the Town Board of the Town of Hamburg, in the County of Erie, New York (herein called the “Town Board” and “Town” respectively), proposes to construct sewer improvements, consisting of the installation and replacement of sewer pipe, root cutting and grouting, cleaning and removal of build-ups, wye replacement, manhole replacement and other related work and any original furnishings, equipment, machinery, and apparatus required therefor (the “Sewer Improvement”), all within an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein referred to as the “Hamburg Sewer Improvement Area”), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared therefor by R&D Engineering, competent engineers duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the Sewer Improvement may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the Sewer Improvement; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$700,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of assessments upon the several lots and parcels of land within the Hamburg Sewer Improvement Area which the Town Board shall

determine to be especially benefited by the Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the Town Board determined to proceed with the construction of such Sewer Improvement and adopted an order on January 10, 2005, reciting a description of the improvements proposed, a description of the proposed benefited area, the proposed method of financing to be employed, the fact that map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying January 24, 2005 at 7:00 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the construction of such Sewer Improvement and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town in relation thereto as may be required by law; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law; and

WHEREAS, a public hearing in the matter of the construction of the proposed Sewer Improvement was duly held by the Town Board on the 24th day of January, 2005, commencing at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, in the Town, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the construction of said Sewer Improvement;

Now, therefore, upon the evidence adduced at such public hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the notice of public hearing was published and posted as required by law, and is otherwise sufficient, and

(b) it is in the public interest to construct the Sewer Improvement, described in the recitals hereof, within the Hamburg Sewer Improvement Area, at the estimated maximum cost of \$700,000.

(c) all the property in the proposed Hamburg Sewer Improvement Area is benefited by the Sewer Improvement and all the property benefited by the Sewer Improvement is included in the proposed Hamburg Sewer Improvement Area.

Section 2. The construction of the Sewer Improvement within the Hamburg Sewer Improvement Area is hereby approved, as hereinabove described, and such improvements are hereby authorized to be constructed, as set forth in said Order Calling Public Hearing, within the Hamburg Sewer Improvement Area, in the Town, situate wholly outside of any incorporated village, and said Hamburg Sewer Improvement Area is more particularly bounded and described as follows:

**LEGAL DESCRIPTION FOR HAMBURG
SEWER IMPROVEMENT AREA**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, and State of New York, being part of Township 9, Ranges 7 and 8, and Township 10, Ranges 7 and 8 of the Holland Land Company's Survey, with the benefited area of the sewer improvements proposed to be undertaken more particularly bounded and described as being coterminous with the boundaries of the following existing Town of Hamburg sanitary sewer districts, the legal descriptions for which have previously been recorded in the Erie County Clerk's Office:

District No.	Sewer District Name
SS-4	Cloverbank
SS-5	Locksley Park
SS-6	Osborne Sagamore
SS-7	Osborne Sagamore Extension No.1
SS-8	Osborne Sagamore Extension No.2
SS-9	Osborne Sagamore Extension No.3
SS-10	Amsdell Heights
SS-11	Taylor Road
SS-12	Bethford
SS-13	South Lyth
SS-15	East Frontier
SS-16	Stiefler
SS-17	Salem Drive
SS-18	Benz
SS-19	Sheldon Acres
SS-20	Linwood/Yovienne
SS-21	Hamburg Master
SS-22	Allen/James
SS-23	Elmwood/Oakwood
SS-24	Beacon Hill
SS-25	Northeast
SS-27	Ravenwood North

Section 3. The maximum amount proposed to be expended for said Sewer Improvement is \$700,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of assessments upon the several lots and parcels of land within the Hamburg Sewer Improvement Area which the Town Board shall determine to be especially benefited by the Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. The said \$700,000 estimated cost of such improvements, as stated in said Order Calling Public Hearing, does not exceed one-tenth of one per centum of the full valuation of the taxable real property in the area of the Town outside of any villages, and the permission of the Comptroller of the State of New York is therefore not required in order to finance the cost of said Sewer Improvement, in the Town, as herein described, pursuant to the provisions of said Town Law.

Section 5. The Town Clerk of the Town is hereby authorized and directed to record a certified copy of this resolution, within ten (10) days of its adoption, in the office of the County Clerk of Erie County.

Section 6. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilman Quatroche and duly put to a vote on roll call, which resulted as follows:

AYES: Patrick H. Hoak
Councilwoman Hochul
Councilwoman Kesner
Councilman Quatroche

ABSTAIN: Councilman Cavalcoli

NOES: None

The resolution was declared adopted.

CERTIFICATE

I, CATHERINE RYBCZYNSKI, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on January 24, 2005, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 24th day of January, 2005

(SEAL)

Town Clerk

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Hamburg,

in the County of Erie, New York.

January 24, 2005

* * *

A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, in the Town, on January 24, 2005.

There were present: Honorable Patrick Hoak, Supervisor, and

Councilpersons: D. Mark Cavalcoli, Kathleen, Hochul, Joan A. Kesner,
Thomas J. Quatroche, Jr.

There were absent:

Also present: Catherine Rybczynski, Town Clerk, Dick Boehm, Deputy Town
Attorney

* * *

Councilwoman Hochul offered the following resolution and moved its adoption:

III.

BOND RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK, ADOPTED JANUARY 24, 2005, APPROPRIATING \$700,000 FOR THE CONSTRUCTION OF SEWER IMPROVEMENTS WITHIN THE HAMBURG SEWER IMPROVEMENT AREA, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$700,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recitals

WHEREAS, the Town Board of the Town of Hamburg, in the County of Erie, New York (herein called the “Town Board” and “Town” respectively), proposes to construct sewer improvements, consisting of the installation and replacement of sewer pipe, root cutting and grouting, cleaning and removal of build-ups, wye replacement, manhole replacement and other related work and any original furnishings, equipment, machinery, and apparatus required therefor (the “Sewer Improvement”), at the estimated maximum cost of \$700,000, all within an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein referred to as the “Hamburg Sewer Improvement Area”), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared therefor by R&D Engineering, competent engineers duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the Sewer Improvement may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the Sewer Improvement; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to construct said Sewer Improvement, and ordered that such Sewer Improvement be constructed at the estimated maximum cost of \$700,000; and

WHEREAS, the Town Board has determined that the said \$700,000 estimated cost of such Sewer Improvement, does not exceed one-tenth of one per centum of the full valuation of the taxable real property in the Hamburg Sewer Improvement Area, and the permission of the Comptroller of the State of New York is therefore not required prior to authorizing the financing of such Sewer Improvement;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, IN THE COUNTY OF ERIE, NEW YORK (by favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$700,000 for the construction of the Sewer Improvement, consisting of the installation and replacement of sewer pipe, root cutting and grouting, cleaning and removal of build-ups, wye replacement, manhole replacement and other related work and any original furnishings, equipment, machinery, and apparatus required therefor (the "Sewer Improvement"), all within an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein referred to as the "Hamburg Sewer Improvement Area"), and in accordance with the map, plan and report prepared therefor by R&D Engineering, competent engineers duly licensed by the State of New York, on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost of construction of said Sewer Improvement, including preliminary costs and costs incidental thereto and the financing thereof, is \$700,000 which is planned to be financed by the issuance of serial bonds of the Town in the principal amount of \$700,000 and the levy and collection of assessments upon the several lots and parcels of land within the Hamburg Sewer Improvement Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$700,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish a summary thereof in the "HAMBURG SUN," a newspaper having a general circulation within the Town and hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing resolution was seconded by Councilwoman Kesner and duly put to a vote on roll call, which resulted as follows:

AYES: Patrick H. Hoak
Councilwoman Hochul
Councilwoman Kesner
Councilman Quatroche

ABSTAIN: Councilman Cavalcoli

NOES: None

This resolution was declared adopted.

CERTIFICATE

I, CATHERINE RYBCZYNSKI, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on January 24, 2005, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 24th day of January, 2005

(SEAL)

Town Clerk

Councilman Cavalcoli thanks Mr. Kapsiak for bringing this to fruition and to Mike Marino, project manager, for assisting in all of this.

XIV.

BE IT RESOLVED, that the Town Engineer's report on the completion and acceptance of the DEER SPRINGS PART 3 SUBDIVISION work performed under Public Improvement Permit Nos. 853, 854, 855, and 856 be received and accepted, and that the Supervisor is authorized to sign the report, and

BE IT FURTHER RESOLVED, that this action does not relieve the developer of the responsibility of completing the street lighting installations under Public Improvement Permit No.857.

Moved: Cavalcoli

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XV.

WHEREAS, the Town has not made changes to the building permit fee schedule since December 12, 1994 and has recognized some amendments are justified at this time, and

WHEREAS, after reviewing the cost of similar fees assessed by neighboring municipalities have determined the proposed fee amendments to be fair and reasonable.

NOW, THEREFORE BE IT RESOLVED, that the Town Board approve the amended permit fee schedule as follows. These new fees will be imposed effective immediately.

Moved: Quatroche

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

B U I L D I N G P E R M I T F E E S

PROPOSED 2005

ITEM	FILE FEE	REVIEW OF PLANS		PERMIT EXPIRE
1. RESIDENTIAL & ADDITIONS ONE & TWO FAMILY, TOWNHOUSE	\$10.00	\$40.00	PLUS \$0.20 PER SQ. FT. (HABITABLE SPACE) INCLUDES ATTACHED GARAGE	1 YEAR
2. COMMERCIAL OR INDUSTRIAL & ADDITIONS, APARTMENT, CONDO	\$10.00	\$90.00	\$0.25 PER SQ. FT. OF GROSS FLOOR AREA	1 YEAR
3. A. RESIDENTIAL ALTERATIONS	\$10.00	\$25.00	FOR FIRST \$1,000 EST. CONSTRUCTION COST \$5.00 FOR EACH ADDITIONAL \$1,000 OF ALTERATION	1 YEAR
B. COMMERCIAL ALTERATIONS	\$10.00	\$40.00	FOR FIRST \$1,000 EST. CONSTRUCTION COST \$5.00 FOR EACH ADDITIONAL \$1,000 OF ALTERATION	1 YEAR
4. ACCESSORY STRUCTURE	\$10.00	\$25.00	PLUS \$0.05 SQ. FT. GROSS STRUCTURE AREA	1 YEAR
5. SITE WORK (APPLIES ONLY TO NON-RESIDENTIAL DEVELOPMENT)	\$10.00	\$90.00	PLUS \$0.02 SQ. FT. NET SITE AREA NOT REQUIRED ON SITES LESS THEN 20,000 SQ. FT.	1 YEAR
6. DECKS, PORCHES & CARPORTS COVERED ROOFS	\$10.00	\$25.00	UP TO 200 SQ. FT. OVER 200 SQ. FT. \$0.10 SQ. FT.	1 YEAR
7. A. RESIDENTIAL DEMOLITION	\$10.00	\$25.00		1 YEAR
B. COMMERCIAL DEMOLITION	\$10.00	\$90.00		1 YEAR
8. MOVE A STRUCTURE	\$10.00	\$25.00	\$0.10 A SQ. FT.	1 YEAR
9. A. FENCE	\$35.00		\$0.05 A LINEAR FT.	1 YEAR
B. FENCE (POOL ENCLOSURE)	\$35.00		\$0.05 A LINEAR FT.	
C. FENCE REPLACEMENT	\$35.00			
10. A. INGROUND POOL	\$10.00	\$65.00		1 YEAR
B. ABOVE GROUND POOL	\$10.00	\$40.00		1 YEAR
11. SIGNS	\$10.00	\$25.00	ONE TO 25 SQ. FT. \$2.00 FOR EACH ADDITIONAL SQ. FT.	1 YEAR
12. PORTABLE SIGNS	\$10.00		\$2.00 PER SQ. FT.	1 MONTH
13. TOPSOIL REMOVAL	\$10.00	\$35.00	\$1.00 PER CU. FT.	1 MONTH
14. SATELLITE DISH	\$10.00	\$35.00	LESS THAN 24" DIA. DO NOT REQUIRE A PERMIT	1 YEAR
15. ZONING BOARD	\$10.00	\$140.00		6 MONTH
16. FIRE REPAIR	\$10.00			
17. FIRE PREVENTION	\$10.00			
18. RE-INSPECTION FEE		\$50.00	FOR ASSESSED RE-INSPECTION	
19. CELLULAR TOWERS/CO-LOCATION		\$250.00	\$10.00 PER THOUSAND	
20. TREE MANAGEMENT		\$50.00	INCLUDES UP TO ACRE \$50.00 PER ACRE THEREAFTER	
21. COASTAL EROSION MANAGEMENT		\$50.00	2% OF TOTAL COST	
22. PLUMBING		\$25.00	\$5.00 PER FIXTURE	
23. SEWER MASTER		\$400.00		
24. SEWER ERIE COUNTY #2		\$100.00		
25. SEWER ERIE COUNTY #3		\$200.00		
26. MISC.		\$50.00		
27. SEWER LATERAL REPLACEMENT/REPAIR		\$50.00		1 MONTH
28. STORAGE TRAILER		\$50.00		6 MONTH
29. FLOOD PLAIN MANAGEMENT		\$50.00	PLUS \$0.02 PER SQ. FT. SITE AREA	

TOWN OF HAMBURG
PUBLIC IMPROVEMENT PERMITS COST ESTIMATING SCHEDULE 2005

For Projects up to \$10,000: 6% of estimated cost (minimum \$20.00)

For Projects from \$10,000 to \$20,000: \$600.00 plus 5.0% of estimated cost over \$10,000

For Projects from \$20,000 to \$30,000: \$1100.00 plus 4.5% over \$20,000

For Projects from \$30,000 to \$100,000: \$1550.00 plus 4.0% over \$30,000

For Projects over \$100,000: \$4350.00 plus 3.5% over \$100,000

*Plus \$20.00 filing fee for each permit

Clearing, Stripping, and Erosion Control

\$ 380.00 per acre of development

\$1600.00 per acre of topsoil and seeding

Sanitary Sewer Lines

8" \$31.00 per lineal foot

10" \$35.00 " " "

12" \$38.00 " " "

Sanitary Force Mains

4"\$26.00 per lineal foot

6"\$28.00 " " "

8"\$31.00 " " "

Storm Sewer Lines

8" \$19.00 per lineal foot

10" \$21.00 " " "

12" \$24.00 " " "

15" \$28.00 " " "

18" \$34.00 " " "

21" \$38.00 " " "

24" \$44.00 " " "

27"\$49.00 per lineal foot

30"\$54.00 " " "

36"\$64.00 " " "

42"\$72.00 " " "

48"\$76.00 " " "

54" \$82.00 " " "

60" \$88.00 " " "

Storm Water Detention \$2100.00 per acre foot

Swales By Developer \$ 2.50 per lineal foot

Water Lines

8" \$31.00 per lineal foot

10" \$34.00 " " "

12" \$36.00 " " "

Pavement 30' wide asphalt/concrete

Light \$ 84.00 per lineal foot

Standard \$ 96.00 " " "

Heavy \$116.00 " " "

(cul-de-sacs - add 50 lineal feet from end of radius to account for additional pavement area)

Sidewalk By Developer \$8.00 per lineal foot

Light Standards \$1200 per light standard

Buildings, Bridges, Pump Stations, Pressure Reducing Pits, and/or other facilities not included in the above schedule - the inspection fee shall cover all costs incurred by the Town, as determined by the Town Engineer. This shall include the cost of contracting with an inspection consultant, if the Town does not have the necessary specialized inspection expertise on staff.

NOTE: In the event that work is started on a project prior to obtaining all required approvals and permits, the fee charged for the permits shall be triple the above costs.

BE IT RESOLVED, that the Town Board accept the changes to the Personnel Rules and Regulations Agreement with the Town of Hamburg as follows:

RULES & REGULATIONS AGREEMENT

Revised January 10, 2005

SECTION S2.2 Vacation Scheduling (Excludes all Elective Positions)

Change (a) second paragraph to read:

(A) Carried over until the next fiscal year only with special approval of the Town Board

SECTION S4.5 Sick Leave Bank (Add 1 new paragraph)

Effective August 1, 2004 all new employees will contribute one (1) sick leave day to the Sick Leave Bank as soon as they have sick leave accrued.

SECTION S5.6 Termination (new section)

If an employee is terminated due to misconduct or incompetency they are not entitled to payment for any unused accruals (vacation, personal leave, sick leave, etc.)

SECTION S9.1 Health Insurance (Add to 3rd paragraph after 4th sentence)

All employees hired after August 1, 2004 will contribute an amount equal to fifteen percent (15%) of premium contributions.

SECTION S11.0 Part Time Employees (Add sentence to end of 1st paragraph)

Appointed Board members are not eligible for health insurance from the Town.

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XXIX.

WHEREAS, D. Mark Cavalcoli is hereby appointed as Liaison to the Zoning Board of Appeals effective immediately ending 12/31/2005.

Moved: Hoak Seconded: Quatroche
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XXX.

RESOLVED, that the Town Board grant permission for the Police Department to advertise for five (5), new and unused, 2005 Police Interceptors. One of these vehicles will be for the Village of Hamburg Police Department.

Moved: Hoak Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XXXI.

RESOLVED, that the Town Board approve the membership of the following into the

Mark P. Drews
3663 Cumberland Lane
Hamburg, N.Y. 14075-2204

Moved: Kesner Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Correspondence

Letter #119 - Supervisor Hoak comments that this is a resolution from Dan Ward, Amherst Councilman, stating that they passed a resolution requesting that the Erie County Association of Governments conduct a study on the issue of Metro-government in Erie County and its effects on the various cities, towns and villages. The Hamburg Town Board is in agreement with this, one of the things about sharing and regionalism is that if the County struggles with their budget and they receive the sales tax increase that it should be shared. He urges all County Legislators to support regionally sharing that sales tax increase.

Letter 124 & 125 - Supervisor Hoak comments that these are thank you's for generous donations from the Court to Saints Peter & Paul Outreach and to him from the Cornerstone Lodge Fellowcraft Club for his generous donation to "Breakfast With Santa". These donations go to the purchase of toys for children at Roswell.

Late Correspondence

Supervisor Hoak comments that he received a letter from Peter and Elizabeth Reszka from Lake Avenue in Woodlawn with concerns on the heavy truck traffic on Lake Avenue. He has referred this to Mr. Ellis, Traffic Safety Coordinator, who has written both to the State and to the County urging for signage. The goal for Coder Road was to get the truck traffic off of Route 5 and off the neighboring streets. He asks Mr. Ellis, as this goes forward, if he would stay in communication with Mr. Reszka. Mr. Ellis comments that the Town itself does not have the authority to post any County or State Road. He will be contacting the proper authorities to ask them to take action. He will stay in touch with Mr. Reszka. Councilwoman Hochul asks Mr. Ellis to prepare a resolution so that the Town can be very official, on-board in support of this. This adds a little more weight to what they are trying to do, the sooner the better. She noticed the traffic on her commute downtown everyday and she can't get over the trucks. The signage is critical to get the trucks where they belong which is off his road. Supervisor Hoak thanks him for his letter.

Supervisor Hoak also received correspondence from Cindy Corbin, 4385 Rushford Drive, which he copied to Police, Building and Grounds and Recreation and the Town Board. There are some issues with the Playground across the street from her house and vandalism.

Reports From Town Board Members and Department Heads

Councilwoman Hochul announces that anyone that has business at the Auto Bureau should do it now because the County just laid off 75% of their staff. A lot of peoples lives have been turned upside down and it is very troubling. The Budget calls for the closing off two Auto Bureaus, including the Orchard Park one which services the Southtowns. The closing is scheduled for February 7th. They are hoping it will not come to that.

Councilman Quatroche comments that the 27th Annual Sno- Fest has changed. It will be held during school break in February. They hope to have great attendance.

Supervisor Hoak announces that on Monday February 7th, Brian Higgins will be holding an open session with the Public in the Court Room at 7:00 p.m.

Christopher Hull, Director of Community Development, announces that the Community Development Draft Consolidated Plan for the next five years is available for public comment. It will be available at all the Libraries, the Supervisors Office, Town Clerks Office and his Office.

Business From the Floor

Nancy Bicotti, Highland Ave., League of Women Voters, comments that the League did a study on sprawl and the cost to taxpayers. As developers plow down the trees and take over farms it is the taxpayers that are paying for the sewers, roads, new schools, fire protection, police protection, plowing , etc. She gives the Board the booklet that the League has put out. It won a National award. It is relatively brief, and to the point, and quite an eye opener.

Supervisor Hoak comments that they appreciate the report and will review it.

Councilman Cavalcoli comments that the Planning Board should receive copies as well.

XXXII.

RESOLVED, that the Town Board adjourn to Executive Session at 7:55 p.m.

Moved: Hoak

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Catherine Rybczynski, Town Clerk

2004 with receipts totaling \$36,692.01.

118 - To Supervisor Hoak from the Town Clerk's Office, the Annual Report from January through December 2004 with receipts totaling \$654,826.15.

119 - To Catherine Rybczynski, Town Clerk, from Daniel Ward, Councilman - Town of Amherst, enclosing a copy of a resolution passed in Amherst stating that County Executive Giambra has proposed a merger between the City of Buffalo and the County of Erie and Amherst requests that the Erie County Association of Governments conduct an exhaustive and comprehensive study and analysis on the issue of Metro-government in Erie County and its effects on the various cities, towns and villages.

120 - To Catherine Rybczynski, Town Clerk, from John Wicka Commissioner/Secretary Lake View Fire District stating that Robert Feldman was re-elected to a five year term on the Board of Fire Commissioners with a term commencing January 1, 2005 to December 31, 2009.

121 - To the Hamburg Town Board from E. Jeanette Ogden, City Court Judge, writing in support of Hopevale, Inc's efforts to provide supporting living services for young men in addition to the services they currently provide for young women. She was a recipient of Hopevale's services and they enabled her to turn her life around and become a productive citizen.

122 - To Catherine Rybczynski, Town Clerk, from Janet Plarr, Village of Blasdell, requesting the use of three voting machines to hold their General Election on March 15th. (Pre-filed)

123 - To Catherine Rybczynski, Town Clerk, from Daniel George, Hamburg Central School District, requesting the use of six voting machines to hold their Annual Budget Vote and Board Election on May 17th. (Pre-filed)

124 - To Hamburg Town Court from Karin Dusza, Saints Peter and Paul Outreach Office, thanking them for their generous donation of non-perishable food items.

125 - To Supervisor Hoak from Edward Meyers, Cornerstone Lodge Fellowcraft Club thanking him for his generous donation to the "Breakfast With Santa".

126 - To Catherine Rybczynski, Town Clerk, from Patrick Gallivan, Sheriff of Erie County, stating that he is pleased to present the 2003 Annual Report which included the S.H.I.E.L.D. plan and the results of the "Police Integrity Survey". Hoping this will give a better understanding of their mission in service to the citizens of Erie County.

127 - To Catherine Rybczynski, Town Clerk, from Andrew Eszak, County of Erie Department of Environment & Planning, assigning a new planning staff member, Christopher Sansone, to assist the Town in completion of the coordinated review requirements under NYS General Municipal Law 239.