

Meeting No. 3  
Hamburg Town Board Meeting  
S-6100 South Park Avenue  
Hamburg, New York 14075

Supervisor Walters calls the meeting to order at 7:00 p.m.

Roll Call:	Steven J. Walters	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
	James Spute	Finance Director
	Gerard Kapsiak	Town Engineer
	James Connolly	Highway Superintendent
	Robert Hutchison	Town Assessor
	Christopher Hull	Director of Community Development
	Drew Reilly	Planning Consultant
	Carmen Kesner	Assistant Police Chief
	Marty Denecke	Director of Recreation
	Kurt Allen	Supervising Code Enforcement Officer
	Tim Ellis	Traffic Safety Consultant

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Walters comments that yesterday something very special occurred. One of our Town Police Officers found two men in a burning vehicle and put his own life at risk to get them out. In that regard, they have a proclamation that he would like to present to him as follows:

Councilwoman Hochul comments that the Town was awarded by Sports Illustrated as a "Good Sports Community" finalist out of 1,300 communities that submitted nominations for this award. The Town of Hamburg came in the top seventeen and that is an incredible tribute to our Recreation Department and Mr. Denecke and his incredible team of professionals and Councilman Quatroche, who was the liaison up until this past January when she took over.

7:00 p.m. Public Hearing for an amendment to said Zoning Code for properties located at 4962 South Park Avenue; 4954 South Park Avenue; 4950 South Park Avenue; 4215 Howard Road and 4227 Howard Road and the contiguous water tank property to be rezoned from C-2 to NC.

Catherine Rybczynski, Town Clerk, reads the following notice as published in the Hamburg Sun and the Front Page:

**LEGAL NOTICE**  
**TOWN OF HAMBURG**

**PLEASE TAKE NOTICE** that there has been presented to the Town Board on January 23, 2006, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #1, 2006; said local law provides for the amendment of Local Law #10, 1986, Chapter 280 - entitled Zoning, and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for properties located at 4962 South Park Avenue; 4954 South Park Avenue; 4950 South Park Avenue; 4215 Howard Road and 4227 Howard Road and the contiguous Town of Hamburg water tank property. The properties are to be rezoned from C-2 (General Commercial District) to NC ( Neighborhood Commercial District) described as follows:

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot 54, Township 9, and Range 7 of the Holland Land Company's survey, and being more particularly bounded and described as follows:

**BEGINNING** at the point of intersection of the east line of South Park avenue and the south line of Howard Road; thence southerly along the east line of South Park Avenue, a distance of 280.37 feet to the south line of Tax parcel No. 171.06-1-10; thence easterly along the south line of Tax Parcel No. 171.06-1-10, a distance of 264 feet to the northwest line of the New York State Thruway; thence northeasterly along the northwest line of the Thruway, a distance of 350 feet to the west line of Tax Parcel No. 171.06-1-24.1; thence northerly along the west line of Tax Parcel Nos. 171.06-1-24.1 and 171.06-1-15, a distance of 304.97 feet to the south line of Howard Road; thence westerly along the south line of Howard Road, a distance of 395.1 feet to the point or place of beginning.

**THEREFORE**, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on February 13, 2006 at 7:00 p.m. (Local time), at which time all interested persons may be heard.

Dated: January 23, 2006

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

Catherine Rybczynski, Town Clerk, announces there is one piece of correspondence from the Planning Board to the Town Board stating that at the Planning Board meeting of December 21, 2005 the following favorable recommendations were made on rezoning of properties on South Park Avenue:

1. Neighborhood Commercial will allow more restive uses.
2. The proposed change will maintain the flavor of the residential area.
3. The NC zone is in accordance with the Master Plan.

Drew Reilly, Planning Consultant, comments that a rezoning of a property can happen one of two ways. If you own a piece of property you can make application for rezoning and pay for the Town to take a look at the rezoning or you can submit petitions. In this case, property owners submitted petitions that went to the Town Board back in September ( he then shows the property on the map) and they also said to consider rezoning the property for the Hamburg Water Tank which is now empty. They received the petition, the Town Board looked at it and said it had some merit and sent it to the Planning Board. The Planning Board reviewed it and recommended the rezoning. He then describes the area were these properties are located. He then shows the zoning map and describes surrounding properties. The request is to change the area to NC stating that the character of their neighborhood is mostly residential. They wanted to change the zoning to residential, but the Master Plan states that everything north of the Thruway should be zoned commercial. So, he suggested Neighborhood Commercial. The homes are non-conforming uses right now and if they were to burn down they could not be re-built as residential structures they would have to be built as commercial structures. So, they want to bring them into conforming structures by changing them to Neighborhood Commercial which also allows for certain commercial uses. These uses are retail sales (2,000 to 3,000 sq. ft. structures) Real Estate Insurance Offices, Funeral Homes, Art, Dance and Music Schools, Opticians and Optometrists, Bed and Breakfast facilities, Meeting Rooms, Medical or Dental Buildings, Professional Offices, Personal Services ie. Beauty parlors, drycleaning and small appliance repair, truck terminals and automotive uses are strictly forbidden. By special use permits a small scale bank could be allowed. He explains that there are five properties, along with the property with the water tank that are being proposed for a zoning change.

Councilwoman Hochul questions, for a clarification, what is allowed in the C-2 zoning under a special use permit. Drew responds that C-2 would require a special use permit for anything over 100,000 sq. ft., nursery schools and day cares, new and used automotive vehicles sales and service, terminal trucking facilities, commercial car washes, filling or gasoline stations, automotive repair services, and public garages. C-2 is the broadest commercial zoning in the Town.

Supervisor Walters opens up the floor to public comment.

Elaine Granica, 4962 South Park Avenue, reads a letter stating that they the property owners request the rezoning of their property from C-2 to NC for the following reasons: that the properties were mistakenly rezoned C-2 in the 1986 Town of Hamburg Master Plan. Each of the properties have been occupied by a single family home for 50 or more years and the properties are all adjacent to each other and form a small community. These homes are not easily converted to commercial uses. This rezoning will be in compliance with the 2010 Town of Hamburg Master Plan. This would also make them legal again. Her home now is being referred to as legal non-conforming structure. The Neighborhood Commercial allows for single family residences which is more in conformance with the area.

Irene Granica, 4962 South Park Avenue, wants her property to be rezoned from C-2 to NC according to all the reasons Elaine stated.

Eugene Dlugonski, 4954 South Park Avenue, wants to give his support for this rezoning as well.

Mr. Omerhodzic, Orchard Park, questions on the property that is currently zoned C-2 how will that be affected if it abuts the new NC. Mr. Reilly comments that piece of property will remain C-2. Mr. Omerhodzic questions if there will be any additional restrictions or setbacks. Mr. Reilly responds that because it is being changed to NC it would still have the same setback requirements.

Tom Moran, 4950 South Park Ave., comments that he has been there for 26 years and he supports the change to NC because it is a neighborhood. He then questions why he wasn't informed of the change to C-2 in 1986. Mr. Reilly explains that when they do a Townwide rezoning they do a Townwide notification, not individual property owners. He cannot find for the record that it was rezoned then. He has researched it and found reference to commercial zoning on these properties back into the 1970's, so it may not have occurred in 1986. As far back as his map shows, back into the 60's and 70's this property was commercial.

Councilwoman Hochul comments that this change that they are looking to do this evening would go a long way towards creating the right balance that they need to have between the residential and the commercial and right the wrong that is in existence with respect to these homes. The current zoning is not appropriate and all the property owners that petitioned for this change agree and this should set things right in that area.

Councilwoman Kesner comments that they are seeing throughout the Town where businesses are encroaching on the integrity of existing neighbors and she thinks this is great they have taken the initiative to keep the integrity of the residential area that has been there for years, well before the businesses. She feels this is a good move.

Drew comments that this is a very important issue, there are some major commercial areas, McKinley, Southwestern, South Park, and all of those areas have residential right around them and it is a very difficult balance between the commercial and the residential.

Councilman Cavalcoli comments that one of the big tasks that the Town Board will be moving forward with is to review the Master Plan that they have in place right now. The Master Plan is set up to look forward for the next 10 plus years. It always serves as a guide for the Town as to where they expect to be in 10 years. It is not a fixed plan that cannot be changed. This is the course that they see the Town of Hamburg on. In the 60's, 70's and 80's they have done revisions to the Master Plan and some of the changes that have come about are in conflict with where the Town is based on changes in the highways, such as Southwestern and South Park, how the Villages have changed and the economy has changed. This year they will be forming another Committee to review the Master Plan that was put together in the mid 90's and discuss if they need to change their course slightly. They always equate this to the ship of state and they are sailing along over 10 - 15 years and as the wind changes and climate changes and the world changes they need to adjust that course. This year is one of those years. They will have representatives from the community to represent different groups and look at this to see where they will be going in the next 5-10 years.

Mr. Reilly comments that they also have the opposite of this situation where there are people in homes that are zoned residential and they want to be commercial.

Tom Moran comments that his little neighborhood of seven or eight houses do not have sewers. With Route 62 on one side, Route 20 on the other and NYS 90 on the other they probably won't get them. However they pay a lot in sewer taxes.

**I.**

**RESOLVED**, that the Town Board approve closing the public hearing at this time with no action to be taken for two weeks.

Moved: Walters

Seconded: Cavalcoli

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

Noes: None

Carried

Councilman Cavalcoli comments that should anyone want to make further comments they can do so in writing by sending a letter to the Town Planning Department.

7:15 p.m. Public Hearing to consider the increase and improvement of facilities of the Hamburg Master Sanitary Sewer District along a portion of South Park Avenue between Beetow Drive and Sowles Road.

## EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Hamburg, in the County of Erie, New York

February 13, 2006

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, 6100 South Park Avenue, Hamburg, New York, on February 13, 2006.

There were present: Hon. Steven J. Walters, Supervisor; and

Board Members: D. Mark Cavalcoli, Councilman  
Kathleen C. Hochul, Councilwoman  
Joan A. Kesner, Councilwoman  
Thomas Quatroche, Jr., Councilman

There were absent:

Also present: Catherine A. Rybczynski, Town Clerk

\* \* \*

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:15 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Hamburg Master Sanitary Sewer District, consisting of replacement or supplementation of sewer lines and trunk lines, including trunk sewer, service connection replacements, sewer cleaning, root removal, joint sealing, obstruction removal, manhole rehabilitation and replacement, sewer extension along a portion of South Park Avenue between Beetow Drive and Sowles Road, related study and analysis of sewer system improvements and other necessary or related work in connection therewith; all of the foregoing to include any equipment, furnishings, machinery or apparatus, and any ancillary expenses related thereto; and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

Catherine Rybczynski, Town Clerk, states that she received one item of correspondence, dated June 7, 2005, addressed to the Town Board from Stanley J. Blas, President, SJB Services, Inc., 5167 South Park Avenue requesting that the Town of Hamburg install a sewer system along South Park to service his building. They have remodeled over the last 18 years and a septic system is no longer adequate for their Commercial/Business needs. In addition their long range plans include development of a 2.5 - 3 acre parcel of land adjacent to their current building. This development cannot occur without a sewer system to service the facility.

Supervisor Walters turns the meeting over to the Town Engineer, Gerard Kapsiak.

Mr. Kapsiak comments that in the agenda it states that the public hearing is for an increase and improvement of facilities of the Hamburg Master Sanitary Sewer District along a portion of South Park Avenue between Beetow Drive and Sowles Road. That is just one of three projects that they are talking about as described in the handout. The three projects are as follows:

- (1) The New York State Dept. of Environmental Conservation (NYSDEC) is requiring that the Town undertake extensive sewer system improvements in the Bayview and Steelton area in the northern part of the sewer district. This area is comprised of the portions of Bayview Road and Big Tree Road between South Park Avenue and Route 5, and the side streets off of them. The proposed improvements are to include the following:
  - (a) Replace or supplement the capacity of 1,710 linear feet of existing 15" diameter trunk sewer along Bayview Road beneath and downstream (toward Route 5) of the CSX/Norfolk Southern railroad crossing, where capacity is limited by the relatively low slope and size of the sewer. This results in flow surcharging within the sewer system during extreme wet weather events. It also restricts the capability of the sewer system to handle flows from sewer system extensions and further development within the sewer district. The estimated cost of this improvement is \$863,000.
  - (b) As a result of a comprehensive study performed throughout the area's sewer system, various sewer rehabilitation activities have been identified as necessary to be performed, including sewer replacement, service connection replacement, sewer cleaning, root removal, joint sealing, and obstruction removal. This is for the purpose of eliminating sources of extraneous flow into the sewer system, which result in sewer surcharging and capacity constraints within the system. The estimated cost of this work is \$296,000.
  - (c) The sewer system study also resulted in various proposed types of manhole rehabilitation work, including manhole replacement, frame and cover replacement, grade adjustments of low manholes, installation of manhole liners, and manhole sealing. The estimated cost of this work is \$183,000.
- (2) In response to the request of area property owners, a sewer system extension is proposed to be installed along a portion of South Park Avenue, between Beetow Drive and Sowles Road (see attached preliminary routing map). This area is presently serviced by inadequate private septic systems. The project will provide public sewer service to 14 properties within the sewer district. Approximately 3,100 linear feet of 8" diameter sewer and associated appurtenances are to be installed, at an estimated cost of \$450,000.
- (3) Sewer system study activities and improvements are planned to be performed in the sewers tributary to the Rogers Road area of the sewer district, in order to eliminate sewer system surcharging and basement back-up problems that occur into several homes along Rogers Road during extreme wet weather events. The study activities are proposed to include the following:
  - (a) Flow monitoring, manhole inspections, smoke testing, dye testing, and internal television inspection, including television inspection of individual service laterals between the sewer main and houses.
  - (b) Visual observation of the sewer system and surrounding area during wet weather events, to identify locations where the extraneous flows are entering into the system.
  - (c) Evaluation of the existing relief sewer system along Rogers Road, between Greenview Terrace and Erie County's Rogers Road pump station, in order to determine its operational efficiency and possible methods to direct more flow into it during wet weather events.
  - (d) Evaluation of the County's pump station capacity and operating characteristics, including a determination of if the flows from the Town's Rogers Road sewer into the pump station influent chamber are being impeded by flows from the County's 24" diameter Southwest Interceptor sewer into the same chamber.
  - (e) Perform house inspections in order to locate possible illegal connections to the sanitary sewer system, such as sump pumps, roof downspouts, floor drains, yard drains, and low lawn vents. These types of connections contribute significant flows to the sanitary system that should instead be directed to the storm drainage system.

The above activities will serve to identify sources of extraneous flow into the sewer system, for which appropriate remedial actions will be recommended to be performed. It is estimated that the cost of the study work will be approximately \$100,000. An additional \$200,000 is proposed to be preliminarily budgeted for undertaking the sewer rehabilitation work resultant from the study activities.

Based on the cost estimates presented above, a total of \$2,100,000 is proposed to be financed through 20 year serial bonds to be issued by the Town of Hamburg. Repayment of the bonds is to be borne solely by the property owners within the Hamburg Master Sewer District on an ad valorem basis, as follows:

Total Assessed Value of District = \$582,396,254  
Average Annual Debt Service = \$168,510  
(based on \$2,100,000 to be bonded for 20 years at 5% interest)  
Annual Ad Valorem Rate = \$0.2893 per \$1,000 assessed value  
Average Assessed Value of Typical Home in District = \$100,000  
Average Annual Charge Per Typical Home = \$28.93

Based on the 2006 Town budget, a typical home in the district is currently paying \$272.99 in Hamburg Master Sewer District charges. Factoring in the above additional charge (\$28.93), the annual tax levy would increase to \$301.92 for a typical home. There are a total of 7,129 properties within the sewer district.

Following the authorization of financing by the Town Board, the study and design work associated with the above projects is expected to be undertaken during 2006, with construction of the recommended sewer system improvement to occur in 2007.

In order to allow adequate time for public comment the Town Board isn't going to take any further action on this evening. The earliest the Town Board would take action is on March 6, 2006. In the interim questions and comments can be submitted to the Engineering Department.

Councilwoman Hochul questions if there is any possibility that they could add the seven properties mentioned in the first public hearing to this. Mr. Kapsiak responds that is a possibility. The only problem is that, before tonight, no one has requested it. The reason that they are looking at the area between Beetow and Sowles is because property owners requested it. Part of the problem there is that rock level is high and will inflate the cost of construction and also a pump station would be required because there are some grade problems in getting it to the existing sewer that they just put in on the other side of Route 20.

Supervisor Walters opens the floor for public comment.

Joe Kilian, United Council of Hamburg Taxpayers, comments that several years back they had a sewer plan that was going to be \$4.00 per year involving sewer problems in the Stilwell area. It was going to cost the taxpayers \$4.00 per year over a period of 20 years, whatever became of that.

Mr. Kapsiak responds that is in place now through various other projects they have performed or are performing. The problem here is that for a Sewer Improvement area you are limited to \$1,000,000 per year. Therefore in this case they can only spend \$1,000,000 through the Sewer Improvement area and they have a 2.1 million dollar project so they can't raise enough money that way. There are other projects already on the books that have a higher priority to receive funding through that Sewer Improvement area. It would put off these projects before they could get to them.

Ray Peterson, 4954 Rogers Road, has been a resident for over 20 years and has had a sewer problem there for almost that long. He has seen them do a lot of tests, why do they need to spend another \$100,000. The lines are outdated and undersized why don't they just replace them. If it is going to cost \$30.00 extra per year to do it, let's just pass it and get it done.

Mary McCarthy, Rogers Road between Cloverbank and Greenview, comments she has lived there for 13 years and in the last 2 years the problem has gotten twice as bad as it ever was. It used to be once in a while they had overflow into their basement. It is all the time now, you don't even need a heavy rain.

Joanne Peterson, 4954 Rogers Road, comments that they have had problems there for 25 years. They called the Town 25 years ago and Engineers came and did a study back then. They said that they were getting to the bottom of it, but that was 25 years ago. She is tired of having the back-up coming into her house. They pay sewer taxes.

Councilman Quatroche questions what the timeframe is for this project. Mr. Kapsiak comments that during the remainder of this year they do the study and design work and then next year do the sewer improvements. Councilman Quatroche questions what was done there in the past. Mr. Kapsiak responds that in the past the study centered mainly just on Rogers Road south between the railroad tracks and Route 20, it didn't go off into the side streets or Plaza or Country Club. They did approximately \$150,000 worth of sewer improvements to address the areas that were identified through that study.

Councilman Cavalcoli comments that these residents have had 20-25 years of problems and things have been done in the past haven't corrected that problem. What they are doing tonight is putting in a direct action plan, not just study, but in order to expand this and get all the tributary problems resolved that may be adding to this, that is why they are doing the additional studies. By doing that they can design this so that within a year and a half it should alleviate the problem. They are not just doing studies, they are finalizing everything. Mr. Kapsiak comments that you cannot just do a blanket replacement of everything when everything isn't bad. They need to identify where the problem is.

Councilwoman Kesner questions if they could use the old studies to take a look at the current problem now. Mr. Kapsiak responds the more recent studies can be incorporated in.

Councilwoman Hochul comments that the question has been raised about the new subdivision across the street. Have they addressed what impact that will have. Mr. Kapsiak responds none. The sewer system from that is being totally directed down the east side of Rogers Road to the County pump station. The County has determined that there is adequate capacity in their pump station to handle the flows from the development.

Donna Tomasik, 5182 Rogers Road, comments that when she bought her home 18 years ago they didn't tell her that there was drain in her basement. Every time she leaves, if she forgets to close her drain, she comes home to water up her wash tub and all over her basement floor. The last rain storm they had it washed across her driveway into her ditch. Her driveway has started to crack.

Ron Bolinger, 5156 Rogers Road, comments that his family has owned that house since it was built back in 1972. They have had problems since then. They are the only gravity fed line going into the pump station and they are losing the battle there. Mr. Kapsiak responds that there is a 24" interceptor that is gravity flow through there. Mr. Bolinger comments they are losing the battle there along with the 8" main that is falling apart and when the smoke test was done that smoke was coming out of so many places that the whole line should be replaced.

Supervisor Walters comments that Councilwoman Kesner made a good point to look at all the tests that have been done because obviously there are a lot of problems that need to be addressed.

Ms. Cirincione, 5162 Rogers, comments that she has lived there for 32 years and it used to be that if it rained hard, once or twice a year you would get water in your basement. Now, it happens all the time. You can't wash clothes or flush the toilet if it is raining. The wet weather doesn't have to be extreme and she calls the Town for several homes, if they want them to call individually they can do that. She comments that they are saying that for the subdivision across the street it will not affect them. Why can't they tap into that line until they identify the problem and can take care of it. They will get a separate line and not have problems and they have been there 30 years and have problems. It is destroying their driveways and destroying their lives. If they leave and are out when it starts raining then they question themselves if they closed the basement drain. They have actually come back home to close the drain. Whenever you wash clothes it has to be open. She doesn't think it is fair that they put houses up across the street and they get a new line but now anytime they get any kind of rain they can't utilize their basements, washers and sometimes showers and toilets.

Louis Fiorello, 5150 Rogers Road, comments that he has small children and they can't play in the basement because of all the germs etc. and is asking the Board to help them out .

Mrs. Fiorello comments that the last time they had rain the water flowed up their driveway and into the garage. She has called the County, called the Town and she doesn't know what else to

do.

Councilman Cavalcoli questions if there is anyway they can move on this immediately. Everyone who has spoken is in favor of it. Mr. Kapsiak comments that he has the paperwork for approving this along with the Bond paperwork.

Stanley Blas, President of SJB Services, comments on his second project stating that he doesn't even have sewers along South Park Avenue. If they can do anything to move along quicker on this it would really help him out. He has a company that has 53 employees in a building with a septic system, they cannot continue. He asked for this in June 2005 and he is looking for further development of his property. He has several employees that are Hamburg residents, they work with Hilbert College and Immaculata and they are an advantage to the Town of Hamburg. If something isn't done soon they will be forced to move because they cannot continue to grow in the Town of Hamburg.

## **II.**

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

Moved: Walters

Seconded: Hochul

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

Noes: None

Carried

CERTIFICATE

I, CATHERINE A. 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 of Hamburg duly called and held on February 13, 2006, 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 of Hamburg this 13th day of February, 2006.

(SEAL)

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Catherine Rybczynski, Town Clerk  
Town of Hamburg

Councilman Cavalcoli comments that it is uncharacteristic to take action on the same night as the public hearing but, since there seems to be strong public support for this action, not against, and because of the time factor. He would like to move the resolution.

**III.**

At a regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, on the 13th day of February, 2006.

**PRESENT:**

Hon. Steven J. Walters, Supervisor  
D. Mark Cavalcoli, Councilman  
Kathleen Hochul, Councilwoman  
Joan A. Kesner, Councilwoman  
Thomas J. Quatroche, Jr., Councilman

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In the Matter

of the

Increase and Improvement of Facilities of the  
Hamburg Master Sanitary Sewer District, in the  
Town of Hamburg, in the County of Erie, New York,  
pursuant to Section 202-b of the Town Law

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Offered by: Councilman Cavalcoli

Seconded by: Councilwoman Hochul

**RESOLUTION AND  
ORDER AFTER PUBLIC  
HEARING**

WHEREAS, the Town Board of the Town of Hamburg (herein called the “Town Board” and “Town”, respectively), in the County of Erie, New York, on behalf of the Hamburg Master Sanitary Sewer District (herein called the “District”), has caused Gerard M. Kapsiak, P.E., an engineer duly licensed by the State of New York (the “Engineer”), to prepare a map, plan and report for the increase and improvement of facilities of the District at the estimated maximum cost of \$2,100,000, consisting of replacement or supplementation of sewer lines and trunk lines, including trunk sewer, service connection replacements, sewer cleaning, root removal, joint sealing, obstruction removal, manhole rehabilitation and replacement, sewer extension along a portion of South Park Avenue between Beetow Drive and Sowles Road, related study and analysis of sewer system improvements and other necessary or related work in connection therewith; all of the foregoing to include any equipment, furnishings, machinery or apparatus, and any ancillary expenses; and

WHEREAS, said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on February 13, 2006 at 7:15 o'clock P.M. (Prevailing Time) at the Town Hall, S-6100 South Park Avenue, Hamburg, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 13th day of February, 2006 at 7:15 o'clock P.M. (Prevailing Time) at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project constitutes a Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617; and that the project will not result in any significant adverse environmental impacts;

Now, therefore, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$2,100,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of

facilities shall be financed by the issuance of \$2,100,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said improvements, so much upon and from each as shall be in just proportion to the amount of benefit which the 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 it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: February 13, 2006

(SEAL)

TOWN BOARD OF THE TOWN OF HAMBURG

Supervisor Walters asks that they adjourn and go into Executive Session on this matter before they vote on this.

**IV.**

**RESOLVED**, that the Town Board adjourn to Executive Session at this time.

Moved: Walters

Seconded: Quatroche

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

Noes: None

Carried

**V.**

**RESOLVED**, that the Town Board calls the meeting back to order.

Moved: Walters

Seconded: Quatroche

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

Noes: None

Carried

The adoption of the foregoing Resolution and Order was duly put to a vote on roll

call, which resulted as follows:

Supervisor Steven J. Walters	voting aye
Councilperson Cavalcoli	voting aye
Councilperson Hochul	voting aye
Councilperson Kesner	voting aye
Councilperson Quatroche	voting aye

The Resolution and Order were declared adopted.

CERTIFICATE

I, CATHERINE A. 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 of Hamburg duly called and held on February 13, 2006, 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 of Hamburg this 13th day of February, 2006.

(SEAL)

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Catherine A. Rybczynski, Town Clerk

Town of Hamburg

**VI.**

**BOND RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK, ADOPTED FEBRUARY 13, 2006, APPROPRIATING \$2,100,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE HAMBURG MASTER SANITARY SEWER DISTRICT, AND AUTHORIZING THE ISSUANCE OF \$2,100,000 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION**

Offered by: Councilman Cavalcoli

Seconded By: Councilwoman Kesner

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Hamburg Master Sanitary Sewer District (herein called the "District"), in the Town of Hamburg (herein called the "Town"), in the County of Erie, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, as described herein, and ordered that such facilities be so increased and improved;

Now, therefore, be it

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

Section 1. The Town hereby appropriates the amount of \$2,100,000 for the increase and improvement of facilities of the District, consisting of replacement or supplementation of sewer lines and trunk lines, including trunk sewer, service connection replacements, sewer cleaning, root removal, joint sealing, obstruction removal, manhole rehabilitation and replacement, sewer extension along a portion of South Park Avenue between Beetow Drive and Sowles Road, related study and analysis of sewer system improvements and other necessary or related work in connection therewith; all of the foregoing to include any equipment, furnishings, machinery or apparatus, and any ancillary expenses. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,100,000. The plan of financing includes the issuance of \$2,100,000 bonds of the Town to finance said appropriation and the levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said improvements, so much upon and from each as shall be in just proportion to the amount of benefit which the 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. Bonds of the Town are hereby authorized to be issued in the principal amount of \$2,100,000 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 stated:

(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, or for expenditures made before the effective date of this resolution if a prior declaration of intent to issue bonds has been made. 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 serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation 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 a general tax upon all the taxable real property within the Town without limitation as to 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 issued 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 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 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 the renewals of said bond anticipation notes, and relative to executing contracts for

credit enhancements and providing for substantially level or declining annual debt service, 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 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 the foregoing bond resolution, in summary, in “THE SUN,” and “FRONT PAGE” hereby designated as the official newspapers of the Town for such publication, together with the Town Clerk’s statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Steven J. Walters	voting aye
Councilperson Cavalcoli	voting aye
Councilperson Hochul	voting aye
Councilperson Kesner	voting aye
Councilperson Quatroche	voting aye

The Resolution was declared adopted.

CERTIFICATE

I, CATHERINE A. 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 February 13, 2006 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 13th day of February, 2006.

(SEAL)

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Catherine A. Rybczynski, Town Clerk  
Town of Hamburg

NOTICE TO BE ATTACHED TO AND **TO BE PUBLISHED WITH**  
SUMMARY OF BOND RESOLUTION AFTER ADOPTION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 13th day of February, 2006, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF HAMBURG, in the County of Erie, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HAMBURG

Dated: February 13, 2006  
Hamburg, New York

Catherine A. Rybczynski  
Town Clerk

BOND RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK, ADOPTED FEBRUARY 13, 2006, APPROPRIATING \$2,100,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE HAMBURG MASTER SANITARY SEWER DISTRICT, AND AUTHORIZING THE ISSUANCE OF \$2,100,000 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Object or purpose: the increase and improvement of facilities of the Hamburg Master Sanitary Sewer District, consisting of replacement or supplementation of sewer lines and trunk lines, including trunk sewer, service connection replacements, sewer cleaning, root removal, joint sealing, obstruction removal, manhole rehabilitation and replacement, sewer extension along a portion of South Park Avenue between Beetow Drive and Sowles Road, related study and analysis of sewer system improvements and other necessary or related work in connection therewith

Amount of obligations to be issued: \$2,100,000

Period of probable usefulness: forty (40) years

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, S-6100 South Park Avenue, Hamburg, New York.

Dated: February 13, 2006  
Hamburg, New York







Department as follows:

1. Bermingham, James	A7180(215) Rec. Attendant	02/06/2006	\$10.00 PT
2. Mindel, William	A7180(215) Rec. Attendant	02/06/2006	\$8.00 PT
3. Biellak, Paul	A7265(230) Rec. Attendant	02/02/2006	\$7.00 PT
4. Cannan, Sean	B7310(320) Rec. Attendant	02/06/2006	\$7.00 PT
5. McGahey, Brad	B7310(320) Rec. Attendant	02/06/2006	\$7.00 PT
6. Silverman, Elizabeth	B7310(320) Rec. Attendant	02/06/2006	\$7.00 PT
7. Silverman, Scott	B7310(320) Rec. Attendant	02/06/2006	\$8.00 PT
8. Voltz, Cathy	B7310(320) Rec. Attendant	02/06/2006	\$7.75 PT

Moved: Hochul

Seconded: Quatroche

Roll Call: Ayes: Walters, Cavalcoli, Hochul, Kesner, Quatroche  
Noes: None  
Carried

#### **XVIII.**

**WHEREAS**, it is essential that all Code Enforcement officers employed by the Town properly identify themselves when conducting their duties with the public, and

**WHEREAS**, Code Enforcement Officers Roger Gibson does not have an official badge for the purpose of distinguishing his profession and has made a request to purchase such badge.

**NOW THEREFORE BE IT RESOLVED**, that Town Board approve the purchase of an official badge for Roger Gibson at a cost of \$85.70. Payment for the badge will made through miscellaneous account B3620.451

Moved : Quatroche

Seconded: Kesner

Roll Call: Ayes: Walters, Cavalcoli, Hochul, kesner, Quatroche  
Noes: None  
Carried

#### **XIX.**

**BE IT RESOLVED**, upon the recommendation of the Traffic Safety Advisory Board, that the Building and Grounds Department erect and maintain an R1-1 STOP sign at the north intersection of Fairgrounds Road and Richwood.

Moved: Hochul

Seconded: Quatroche

Roll Call: Ayes: Walters, Cavalcoli, Hochul Kesner, Quatroche  
Noes: None  
Carried

#### **XX.**

**RESOLVED**, that the Town Board approve the dates/times for the 2006 golf season for closure



#52 and the creation of Election District #56 as per the following Legal Descriptions:

**DISTRICT NO. 50**

Commencing at the intersection of the Conrail Railroad right-of-way with Pleasant Avenue; thence easterly along the centerline of Pleasant Avenue to Heltz Road; thence southerly along the centerline of Heltz Road to Southwestern Blvd.; thence southwesterly along the centerline of Southwestern Blvd. to Lakeview Road; thence westerly along the centerline of Lakeview Road to Versailles Road; thence northerly along the centerline of Versailles Road to Center Street; thence southwesterly along the centerline of Center Street to Lakeview Road; thence northwesterly along the centerline of Lakeview Road to the Conrail Railroad right-of-way; thence northeasterly along the Conrail Railroad right-of-way to the point of beginning.

**DISTRICT NO. 52**

Commencing at the intersection of Eighteen Mile Creek and Old Lake Shore Road; thence northeasterly along the centerline of Old Lake Shore Road to the centerline of Lakeview Road; thence southeasterly along the centerline of Lakeview Road to the Conrail Railroad right-of-way; thence southwesterly along the Conrail Railroad right-of-way to the intersection of Eighteen Mile Creek and the south line of the Town of Hamburg; thence northwesterly along Eighteen Mile Creek to the point of beginning.

**DISTRICT NO. 56**

Commencing at the intersection of Heltz Road and Pleasant Avenue; thence easterly along the centerline of Pleasant Avenue to the New York State Thruway right-of-way; thence southwesterly along the New York State Thruway right-of-way to the south line of the Town of Hamburg; thence westerly along the south line of the Town of Hamburg to the Conrail Railroad right-of-way; thence northeasterly along the Conrail Railroad right-of-way to Lakeview Road; thence southeasterly along the centerline of Lakeview Road to Center Street; thence northeasterly along the centerline of Center Street to Versailles Road; thence southerly along the centerline of Versailles Road to Lakeview Road; thence easterly along the centerline of Lakeview Road to Southwestern Blvd.; thence northeasterly along the centerline of Southwestern Blvd. to Heltz Road; thence northerly along the centerline of Heltz Road to the point of beginning.

Moved: Hochul

Seconded: Quatroche

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

Noes: None

Carried

Councilwoman Hochul explains that the changes in Election Districts was necessary due to changes in population in areas as stated.

Catherine Rybczynski, Town Clerk, comments that District #50 had 1,100 voters and the Board of Elections does not allow more than 800 voters per District. Therefore the District had to be split up and she wants to thank Mr. Hutchison for helping with the GIS system and Rick Lardo who wrote the Legal Descriptions. This will now go down to the Board of Elections so they can change their maps and our street finders. The Districts will all vote at the same place, Lake View Fire Hall, it will only be a matter of moving from one table to another.

Councilwoman Hochul thanks Cathy Rybczynski for her work on this.

**XXV.**

**RESOLVED**, that the Town Board approve the Audit of Cash Disbursements as follows:

		VOUCHER #'S
<b>OPERATING FUND:</b>		
BATCH #16	\$ 500,000.00	9416
BATCH #17	\$ 109,187.00	9418 - 9462
BATCH #18	\$1,300,000.00	9463 - 9465
BATCH #19	\$ 763,580.42	9466 - 9535
BATCH #20	\$ 39,382.43	UNPROCESSED
PRTRN P/R 3	\$ 569,514.78	
<b>TOTAL OPERATING FUND DISBURSEMENTS:</b>		<b>\$3,281,664.63</b>
<b>TRUST &amp; AGENCY</b>		
BATCH #6	\$ 14,231.51	
BATCH #7	\$ 550,834.88	
BATCH #8	\$ 212,544.48	
<b>TOTAL TRUST &amp; AGENCY DISBURSEMENTS:</b>		<b>\$ 777,610.87</b>
<b>CAPITAL FUND DISBURSEMENTS:</b>		
BATCH #9	\$ 450,000.00	9415
<b>TOTAL CAPITAL FUND DISBURSEMENTS:</b>		<b>\$ 450,000.00</b>
<b>PAYROLL:</b>		
PR# P/R 3	\$ 529,664.73	
<b>TOTAL PAYROLL DISBURSEMENTS:</b>		<b>\$ 529,664.73</b>
<b>TOTAL PETTY CASH DISBURSEMENTS:</b>		<b>\$ 0.00</b>
<b>TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:</b>		<b>\$5,038,940.23</b>

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

**Correspondence**

Supervisor Walters asks if there is any correspondence to be addressed and no one comments.

**Reports From Town Board Members and Department Heads**

Councilman Cavalcoli reports that he already spoke about forming the committee to review the Master Plan. He then explains that they will go back to the committee that was formed to do the 2010 Master Plan looking at the stake holders that played a role in that. He will then be going to the Town Board to look at the stake holders and they will try and find volunteers from each of those stake holder groups. Drew Reilly, himself and the Code Review Committee will put together a list of agendas and items on how to proceed. So within the next month he will be getting more information back to the Board, the Press and the public.

Councilwoman Kesner comments that it is that time of year when we should be thinking about our 2006 Home improvements and she wants to note that the Hamburg Community Development Department has various programs available for those who need assistance. If they are interested in those programs call Christopher Hull, Director of Community Development at 648-6216. We want to keep our housing stock healthy in our Town and make every effort to get the information out to the public.

Councilwoman Hochul comments that this is the last public meeting before they will be holding their public meeting on train quiet zones. There has been a lot of interest generated by this issue. It will take place at 7:00 p.m. on March 1<sup>st</sup> at the Frontier Middle School auditorium. She wants to publically thank Senator Charles Schumer for being of assistance in bringing together the parties that will be meeting with the residents including representatives from the Federal Railroad Administration, CSX, Norfolk Southern as well as representatives from the Town of Hamburg.

They would not be doing this if not for the diligence of Gerry Kapsiak. He has been working on this issue for over a year and a half. She thinks they have an amazing solution if they can get the funding. They submitted a request for funding to Assemblyman Quinn along with Senator Schumer and Congressman Higgins. They don't want to use any taxpayer dollars. They will have a power point presentation and they received a couple of letters from people who think they will be compromising safety. It is important that they come to the meeting to find out why this would not only not compromise, but will actually increase the safety at these crossings. She wants to thank Tim Ellis from Traffic Safety and Mr. Connolly for getting signs up at Big Tree and Bayview. She has received a lot of compliments from people at Frontier High School. This has been a concern for many years and with two County Roads they were facing a challenge but they were able to take the lead and make it happen. The Snofest will begin this Sunday, February 19<sup>th</sup>. The Town Board is invited to the opening ceremonies at 1:00 p.m. and they will have a mascot hockey game. There is a whole week of activities and kudos to Mr. Denecke and his department for putting together what sounds like a great, fun week.

Councilman Quatroche reports that they had a Shoreline Revitalization Meeting before the Town Board Meeting and they nominated a new Chairman for 2006, Larry Cobada, Clifton Parkway, who has been a great member of that committee. He wants to publically thank him for his service. They discussed the Athol Springs project and there is some movement on that in regards to the release of funding and some new personnel that has taken over this project. Also, they did a patch job on the Old Lakeshore Road and the Corps of Engineers is looking at doing a study with the County to look at what they can do because the erosion is drastic and needs to be addressed as it is becoming a safety issue. Finally they discussed Foits Restaurant property and they are going to have some public meetings to discuss the site plans for that. He asks if Mr. Scott is in the audience because he had sent some correspondence. They were hoping that they would get some business development for that property. The cost of the building demolition and the wall was being factored in when businesses looked at this. They had a lot of public pressure to look at this property and they have 20 letters of support, including the Walleye Association, the Locksley Park Taxpayers Association, Coalition of Lake Shore Taxpayers and the Hamburg Conservation Advisory Board to move on the project. They knew the Town of Hamburg could not afford to develop that property so they looked for alternative sources of funding. They identified \$300,000 in State money for that project and are hoping for future grants. The intention was never to spend Town dollars, they have many more priorities. The grant money they received is an opportunity to clean-up that property up because it doesn't look like it is going to be developed. There was a question in regards to taxes on the property. Those tax liens were sold to a collection agency so that any business that took it over would not have paid full taxes. They are hoping to have public meetings at the Lake Shore Fire Hall so they can get public input in regards to that property. In addition, the State is looking at doing traffic calming work on Lake Shore Road and they are hoping to incorporate that into this project. This will not move forward quickly, they have probably 6 months for a title search review.

Catherine Rybczynski, Town Clerk, reports that the Hamburg Sunrise Rotary and Hamburg Lions will make another \$1,500 donation to the Domestic Violence Department. This will be the third donation totaling \$4,500 that they have given them over the past three years.

## **Business From the Floor**

Ray Scott, 2750 Pleasant Avenue, comments that obviously with the articles he wrote in the Hamburg Sun they know his position on this. He has two questions relative to what Councilman Quatroche just stated. Is there going to be a public hearing held on this. Councilman Quatroche responds there will be a public informational session. One of the concerns he forgot to mention is that they are in jeopardy of losing the grant money if they don't move quickly. The intention of the meeting is to talk about the site plan because they could potentially lose \$300,000 in grant funding. Mr. Scott then asks is it not a fact that this Town and other Towns in New York State have the authority through the Town Board and Town Attorney and Local Ordinances to compel people like the CKM Group, the owners of the property, to make it safe or demolish it. Mr. Boehm Town Attorney responds he is incorrect. The property is in bankruptcy, CKM Group is bankrupt and you cannot make them do anything. They have no money. Mr. Scott comments that was not correctly stated in the Buffalo News article. Mr. Boehm responds that they are in bankruptcy and there is a bankruptcy Trustee appointed by the Federal Bankruptcy Court. Mr. Scott comments that puts a whole different look on this. Councilman Quatroche comments they did look into this, they obviously wanted to take the route that is the most sensible for the Town. But, when they started exhausting all the options that is when they decided to go out and start finding some alternatives. Mr. Boehm comments that they do this all the time. If they have a house that is in great disrepair, what they do is go in if it is a safety issue and demolish it or fix it up and put it on the tax rolls. But, in this case there is \$300,000 in back taxes so all you are doing is putting it back on the tax rolls that they will never see anyway. Then, the County sold the taxes to a collection group and they have no interest in putting anything into the property. Mr. Scott questions if the CKM Group was in arrears in taxes. Mr. Boehm responds \$300,000 and the County can foreclose on taxes, but since they sold it they can't anymore. They sold the rights. Councilman Quatroche explains that when they received the grant money and wanted to look for future grant money one of the requirements was that they had to acquire the property. Obviously the CKM Group had the authority to sell them the property and if they could have got zero they would have but that is what they negotiated down to and it is being paid for with the grant money. They are hoping to get future grants for this property. Mr. Boehm comments that it is very legally involved. Mr. Scott questions since they owed so much in back taxes could the Town negotiate the price. Mr. Boehm comments he cannot get into the specifics, but, they have negotiated with the people that hold the taxes. Councilwoman Hochul comments that their hands were tied by the County taking an action that they weren't really happy with. They would have liked the County to come to the Town and say here is a property in your Town, back taxes are owed how would you like to handle that. This was uncovered later that they sold the rights to this property to a company in New Jersey. That is frustrating because now they are in the bazaar position of having to pay for something that they feel the County should have just given to them. Mr. Scott comments that he is in favor of tearing down the building but, he was also in favor of a public hearing. If this project is that important to the Shoreline Committee and all the people he mentioned it would appear to him that they should have a meeting to explain all this and eliminate the many questions. Councilman Quatroche apologizes saying that this was brought up at meetings where Mr. Kilian asked many of the questions he asked tonight. However, they need to move forward and will ask for a lot of input with regards to the site plan because he brought up some good issues and questions when they spoke on the phone. They want to make sure everyone has input into that process. Mr. Scott questions should he take that to mean that if people within the Town do not agree with the final plans that the Committee would be willing to consider changes? Councilman Quatroche responds yes. Mr. Scott thanks him.

Councilman Cavalcoli suggests that they give some idea as to when a public meeting might be held. Councilman Quatroche comments that they will notify the press and also make sure that area businesses and people who have contacted him will be notified.

William Pearl, Hidden Hollow, questions what is the status of the Foits property, does the Town own it. Mr. Boehm responds not yet. As an attorney he doesn't want to discuss it because this hasn't been settled yet. Councilwoman Kesner comments meanwhile, they are getting calls that kids are partying there and ripping down all the closures. Mr. Boehm comments there is a good possibility it will fall down with the next storm. However, right now he doesn't want to keep commenting until they acquire the title.

Ferd Garcia, Columbia Avenue, comments that his taxes went up more than what was stated in the Budget. Councilman Cavalcoli comments that he should bring in his tax bill and go over it with Mr. Spute. Mr. Garcia wants to comment on Beachwood regarding the statute of limitations. Mr. Boehm responds it is in litigation and no comments should be made.

Joe Kilian, United Council, comments that he is happy to see something finally being done about Foit's. The shoreline has been overlooked for many years and it will be good to see some improvement, thank you for your efforts.

**XXVI.**

**RESOLVED**, that the Town Board adjourn to Executive Session at 9:07 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

**Correspondence - February 13, 2006**

9 - To Supervisor Walters from the Town Clerk's Office, the Monthly Report for January 2006 with receipts totaling \$66,544.93.

10 - To the Town Board, Town Engineer, Supervising Building Inspector and Town Clerk from John Coniglio, 4351 Fairview Parkway, stating that a residence was built at 4353 Fairview Parkway that, he believes, is in contradiction to current town building code. Also submitting correspondence between him and the Town and supporting documentation.

11 - To Cathy Rybczynski, Town Clerk from Gordon Kerr, Hamburg Central School District, requesting six voting machines for the Annual Budget Vote and Board Election on May 16, 2006. (Prefiled)

12 - To Town Clerk from Carraugh Reilly Nowak, Erie County Medical Investigator, thanking her for supplying deaths certificates and asking for more assistance.

13 - To Councilwoman Kathy Hochul from Assemblyman Quinn thanking her for contacting him regarding discretionary funding for a railroad grade crossing in the Town of Hamburg. Responding that he will give the project's request for funding his full consideration and if

funding becomes available he will notify her.

14 - To Catherine Rybczynski, Town Clerk, from Assemblyman Quinn concerning the proposed early retirement incentive. Enclosing a breakdown of who is eligible and the basic provisions of the package.

15 - To Catherine Rybczynski, Town Clerk from Assemblyman Quinn concerning special legislation on a Municipal Home Rule Law. Asking the Town to contact his Community Development and Legislative Liaison A.J. Wright if Hamburg is in need of any Municipal Home Rule messages.