

Meeting No. 5
February 24, 1997
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, N.Y. 14075

Supervisor Hoak Calls the meeting to order at 7:00 p.m.

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

Also Present:	George Danyluk	Town Clerk
	Richard Boehm	Deputy Town Attorney
	James Spute	Director of Finance
	Gerard Kapsiak	Town Engineer
	Kurt Allen	Supervising Building Inspector
	Timothy Ellis	Traffic Safety Coordinator
	Drew Reilly	Planning Consultant
	Mathew Czerwiec	Police Chief
	Joseph Coggins	Ass't. Police Chief
	Carmen Kesner	Lieutenant of Detectives
	Robert Brown	Sr. Account Clerk
	Richard Tripp	Director of Recreation
	Robert Mars	Receiver of Taxes
	Robert Hutchinson	Town Assessor
	James Connolly	Highway Superintendent
	William Scully	Detective

The Pledge of Allegiance is recited.

Information on Fire Exits is provided.

7:00 p.m. Public Hearing for the purpose of permitting the Big Tree Volunteer Firemen's Company to obtain \$205,000 in mortgage refinancing.

George Danyluk, Town Clerk, reads the following legal notice as published in the Hamburg Sun and the Front Page:

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Hamburg, Erie County, on February 24, 1997, at 7:00 p.m. (Local time), at the Hamburg Town Hall, S-6100 South Park Avenue, Hamburg, New York for the purpose of permitting the Big Tree Volunteer Firemen's Company to obtain \$205,000 mortgage refinancing of the current indebtedness of the 1991 mortgage obtained for the construction of fire station No. 2 located at 4470 Bayview Road in the Town of Hamburg.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Public hearing to be held aforesaid.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG

Dated: February 10, 1997

GEORGE DANYLUK
Town Clerk
Town of Hamburg

Robert Brown, Treasurer of the Big Tree Fire Company, states that what they would like to do is get an Exempt Bond Mortgage which is cheaper than the standard Mortgage. Originally the loan was for \$370,000, which was a 20 year mortgage, renewable every five years, with M & T Bank. The five years have gone by, so they contacted Banks in the area to get the best rate. Key Bank offered the best rate and overall finance package. That is why they requested this public hearing.

Eileen Eich questions what the money will be used for.

Mr. Brown responds that \$130,000 is left on the original mortgage and \$75,000 will be used to repair the roof on Station No. 1.

Leonard Sawicki states that, as a resident, he does not want to pay for this.

I.

RESOLVED, that the Town Board approve the Mortgage Refinancing in the amount of \$205,000 for the Big Tree Fire Company, Inc..

Moved: Hoak

Seconded: Hochul

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

7:15 p.m. Public Hearing for the adoption of Proposed Local Law #1, 1997 to be known as the "Code of the Town of Hamburg".

George Danyluk, Town Clerk, reads the following legal notice as published in the Hamburg Sun and the Front Page:

PLEASE TAKE NOTICE that, for the purpose of adopting a codification of the local laws, ordinances and certain resolutions of the Town of Hamburg, said codification to be known as the "Code of the Town of Hamburg", a public hearing will be held by the Town Board at the Hamburg Town Hall, S-6100 South Park Avenue, Hamburg, New York, on the 24th day of February, 1997, at 7:15 p.m. local time, to consider the enactment of the proposed local law described and summarized below:

PROPOSED LOCAL LAW NO.1, 1997

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF HAMBURG INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE TOWN OF HAMBURG"

This local law:

- (1) States the legislative intent of the Town Board in adopting the Code.
- (2) Provides for the designation of the local laws, ordinances and certain resolutions of The Town of Hamburg as the "Code of the Town of Hamburg."
- (3) Repeals local laws and ordinances of a general and permanent nature not included in the Code, except as provided.
- (4) Saves from repeal certain local laws and ordinances and designates certain matters Not affected by repeal.
- (5) Retains the meaning and intent of previously adopted legislation.
- (6) Provides for the filing of a copy of the Code in the Town Clerk's office.
- (7) Provides for certain changes in or additions to the Code.
- (8) Prescribes the manner in which amendments and new legislation are to be

incorporated into the Code.

- (9) Requires that Code books be kept up-to-date.
- (10) Provides for the sale of Code books by the town and the supplementation thereof.
- (11) Prohibits tampering with Code books, with offenses punishable by a fine of not More than \$250 or by imprisonment for not more than 15 days, or both.
- (12) Establishes severability provisions with respect to the Code generally.
- (13) Provides that the local law will be included in the Code as Chapter 1, Article 1.
- (14) Adopts the “Code of the Town of Hamburg”, the Table of Contents of which is as follows:

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- 3. **Appearance Tickets**
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 - Article VI Gifts and Favors
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 - Article X Amendment; Severability
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- 15. **Department of Administration and Finance**
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Article XXXVI	Definitions and Word Usage

281. **Zoning** (continued)

Copies of the local law described above and of the Code proposed for adoption thereby are on file in the office of the Town Clerk of the Town of Hamburg, where the same are available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE that all interested parties will be given an opportunity to be heard on said proposed local law at the place and time aforesaid.

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Town Board of the Town of Hamburg will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed local law described above and, as deemed advisable by said Board, taking action on the enactment of said local law.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG

Dated: February 10, 1997

GEORGE DANYLUK
Town Clerk

At this time, George Danyluk, Town Clerk, discusses the new Code Books and how the Clerks Office is responsible for distributing the books and the updates each time a Code is amended or added. There is also a disk for this Code Book to be placed on Computers for various Departments that do not need a hard copy.

Gary Jabczynski questions whether the books will be available at the Library and whether the disks will be available for sale. Mr. Danyluk responds that the book is available at the Town Clerks Office and he will look into if the disks could be made available for purchase.

Mr. Jabczynski asks if the attendance requirements for Planning Board, Zoning Board, etc. would be addressed in this book. Councilman Cavalcoli responds that this is only for Codes within the Town it doesn't deal with that, that would be a personnel issue that would have to be addressed at another time.

II.

RESOLVED, that the Town Board close the public hearing.

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

III.

RESOLVED, that the Town Board approve the minutes of the following meetings:

February 10, 1997

Town Board Meeting

Moved: Cavalcoli

Seconded: Hochul

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

IV.

RESOLVED, that the Town Board approve the use of one voting machine by the Hamburg American Legion Post No. 257 on Saturday, May 3, 1997 from 1:00 p.m. to 6:00 p.m. for their annual election.

Moved: Hochul

Seconded: Quatroche

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

V.

RESOLVED, that the Town Board approve the hiring of Personnel for the Police Department as follows:

1. Doody, Thomas	Part-time Seasonal Clerk-Typist	02/17/96	\$6.50
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Moved: Hoak

Seconded: Quatroche

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

VI.

RESOLVED, that the Town Board approve the Out-of-Town Travel Request for Garry Nelson to travel to Brookfield Country Club, Clarence, N.Y. on March 5, 1997 to attend a Turf Seminar and Diagnostic Lab Workshop. The approximate cost is \$60.00 and the money is available in account ER7250.492.

Moved: Quatroche

Seconded: Kesner

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

VII.

WHEREAS, the parcel of land known as SBL #169.19-1-1 located on Lakeshore Road is currently owned by the County of Erie, having been taken for back taxes; and

WHEREAS, the parcel was previously owned by the Cloverbank Taxpayers Association, and had been used as a park as denoted on map cover 1206; and

WHEREAS, this is one of few parcels providing public access to Lake Erie; and

WHEREAS, it is the desire of the Cloverbank Taxpayers Association and the Town of Hamburg to preserve this parcel as a park,

NOW THEREFORE BE IT RESOLVED, that the Town Board request the County of Erie to convey title of this parcel (S.B.L. #169.19-1-1), to the Town of Hamburg, for use as a park, at no cost to the Town and forgiving all back taxes.

Moved: Kesner

Seconded: Cavalcoli

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

VIII.

BE IT RESOLVED, upon the recommendation of the Town of Hamburg Traffic Safety Advisory Board, that R1-1 “STOP” signs be erected at the following locations:

- 1) Buttermilk Falls @ Hobblebush Lane
- 2) Sugarbush Way @ Buttermilk Falls
- 3) Sprucewood Court @ Hobblebush Lane

in accordance with the New York State Manual of Traffic Control Devices.

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

IX.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Public Safety Dispatch as follows:

- | | | | |
|-------------------|---|----------|-----------|
| 1. Stelmach, Gary | Public Safety Dispatcher | 03/01/97 | Terminate |
| 2. Stelmach, Gary | Public Safety Dispatcher
(Part-time) | 03/01/96 | \$7.50 |

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

X.

WHEREAS, the State of New York has increased the maximum exemption limits of the Alternative Veterans Exemption RPTL Section 458-a2(d)(ii) to \$18,000, \$12,000 and \$60,000, and

WHEREAS, Sections 458-a2(d)(ii) of the New York State Real Property Tax Law authorizes each county, city, town or village to adopt these limits pursuant to enacting a local law,

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be authorized to advertise for a public hearing to amend Local Law #7, 1985, entitled “Tax Exemption for Veterans”. The public hearing shall be scheduled for March 10, 1997 at 7:00 p.m. local time.

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

Supervisor Hoak explains that this amendment to “Tax Exemption for Veterans” will maximize the amount of exemptions for Veterans within our Town. He reads a late correspondence from the Village of Hamburg that states that they too would like to participate in offering these exemptions to their Veterans. The Veterans will not have to apply for this, it will automatically take effect if this resolution is passed.

XI.

WHEREAS, a Petition, Map, Plan & Report has been submitted for the extension of the Town Water District No. 6 - Extension No. 7 (Hamburg/Orchard Park Joint Water District), and

WHEREAS, it is necessary to hold a Public Hearing with regard to this extension,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg authorize the Orchard Park Town Board to conduct a hearing and approve the extension based upon that hearing.

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

XII.

RESOLVED, that Detective James Koch, a member of the Police Underwater Recovery Team be allowed to attend a course in Water Accident Management on March 1, 1997, in Jamesville, N.Y. Unmarked police car to be used for transportation. Cost of School \$95.00, Lodging \$70.00, Meals \$40.00 - Total Cost \$205.00. Funds are available in Account #B3120.492.

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

XI.

RESOLVED, that the Town Board approve the membership of the following into the Scranton Volunteer Fire Company, Inc.:

Robert E. Braman	Mark D. Parise
5465 Scranton Road	3910 Yale St.
Hamburg, N.Y. 14075	Hamburg, N.Y. 14075

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

XII.

WHEREAS, Paul Wodzinski, the owner of property located at 3173 Hickox Road in the Town of Eden (SBL No. 209.00-1-4), has applied for water service from the Hickox Road waterline, as an out-of-district customer to the Town of Hamburg's 1990 Master Water Improvement Area project; and

WHEREAS, the applicant has agreed to abide by the regulations governing Town of Hamburg Water Districts, and to pay annual charges equivalent to the tax rate of the 1990 Master Water Improvement Area, including frontage charges up to a maximum of 150 feet and applicable assessed valuation charges, which charges are to be included in the annual tax bill issued by the Town of Eden for this parcel,

THEREFORE BE IT RESOLVED, that the Town Board, as Commissioners of the 1990 Master Water Improvement Area, approve this parcel as an out-of-district customer to the improvement area.

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

XIII.

RESOLVED, that the Town Board accept the high bid from Mary Nosky of \$8,605.00 for the Operation of a Food Concession Stand at the Town of Hamburg Golf Course for the 1997 Golf Season, with the stipulation that if the Golf Course opens up to 18 holes the price will be \$500.00 more per month. The bid opening was held on February 18, 1997 and there were two other bidders as follows:

Faye H. Hildebrand	\$5,400.00 plus \$25.00/month for 18 holes
John & Mary's Restaurant	\$1,000 per month (\$7,000 for season)

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

Seconded: Kesner

XIV.

RESOLVED, that the Town Board approve the purchase of computer equipment for the Building Inspection Department to add memory and update their system. This equipment has been approved by the computer committee. The Total System Cost is \$9,735.45 and the funds are available in account H24-3120.207.

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

Seconded: Quatroche

XV.

WHEREAS, a public hearing was held the 24th day of February, 1997 by the Town Board of the Town of Hamburg, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the State of New York;

WHEREAS, at said public hearing the Town Board considered the enactment of proposed Local Law No. 1, 1997, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF HAMBURG INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE TOWN OF HAMBURG"; and

WHEREAS, all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 1, 1997 be enacted as stated above (in the Public Hearing):

Moved: Hoak
Roll Call: Ayes: Hoak,

Seconded: Cavalcoli

XIX.

WHEREAS, the Town Board of the Town of Hamburg recognizes that copies of certain chapters of the Code of the Town of Hamburg are desired for purchase by members of the general public, and

WHEREAS, the Town Board of the Town of Hamburg wishes to make copies of Chapter 230, Subdivision of Land, of the Code of the Town of Hamburg available to members of the general public for sale in pamphlet form, and

WHEREAS, the Town Board of the Town of Hamburg wishes to establish a price for the sale of copies of such pamphlets,

NOW, THEREFORE, BE IT RESOLVED, that said pamphlet copies of Chapter 230, Subdivision of Land, of the Code of the Town of Hamburg shall be available for sale to members of the general public at a price of \$6.00 per pamphlet.

Moved: Hoak

Seconded: Hochul

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

Noes: None

Carried

XX.

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

OPERATING FUND:

BATCH #19	\$1,525,000.00
BATCH #20	\$ 63.80
BATCH #20a	\$1,625,000.00
BATCH #21	\$ 141,961.52
BATCH #22	\$ 250,000.00
BATCH #23	\$1,523,000.00
BATCH #24	\$6,285,000.00
BATCH #25	\$4,920,000.00
BATCH #26	\$ 463.00
BATCH #27	\$ 469,310.64
BATCH #28	\$ 830,000.00
BATCH #29	\$ 177,508.39 unprocessed
PTR #4 TRANS	\$ 464,149.09

TOTAL OPERATING FUND DISBURSEMENTS: \$16,270,488.32

TRUST & AGENCY

BATCH #11	\$ 223,059.04
BATCH #12	\$ 236,765.16

TOTAL TRUST & AGENCY DISBURSEMENTS: \$ 469,824.20

CAPITAL FUND DISBURSEMENTS:

BATCH #9	\$ 405,000.00
BATCH #10	\$ 14,191.12

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 419,191.12

PAYROLL:

PR #4	\$ 431,604.26
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TOTAL PAYROLL DISBURSEMENTS: \$ 431,604.26

PETTY CASH:

FEB.	\$ 130.76
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TOTAL PETTY CASH \$ 130.76

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$17,581,238.66

Moved: Hoak

Seconded: Quatroche

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

Correspondence

Letter #26 - Supervisor Hoak thanks Gary Jabczynski for his letter and thanked Mike Bartlett for his HIDA presentation to the Central McKinley Taxpayers Association.

Reports from Board Members and Department Heads

Councilwoman Kesner reports that she attended the Association of Towns Workshop last week end. More than 2600 Town Officials attended. She attended seven seminars including Community Development, grants and planning. If anyone wishes to talk to her about this she will be glad to meet with them.

Councilwoman Hochul received a response from the State on the Traffic Study to reduce the speed along Route 20. She regrets that the decision is not to lower the speed limit. She sent letters to Dale Volker and Richard Smith and they will be happy to work with the Town on getting them to reconsider this decision. She also wishes to report that the Townwide cleanup will be held on May 3rd. Dick Crandall, Planning Chairman and Jamie Franz, Manager of M & T Bank are co-chairman for this. If you would like to volunteer please contact the Councilmens Office.

Councilman Quatroche comments that on Tuesday he and Councilwoman Kesner attended a meeting, with the Hockey League, concerning the Hockey rink at the Nike site. The rink closed down due to a breakage in the pipes. They are committed to finding a home for them next year and hope to be up and running for next year. He also had a meeting with the County of Erie, U.S. Corps of Engineers and Gerry Kapsiak concerning the erosion along Old Lake Shore Road. They have determined that there is Federal money available under section 103 of the 1962 River and Harbor Act. The County asked the Corps to do a study and use that money to hopefully rectify the problem as soon as possible.

Councilman Cavalcoli thanks Mr. Connolly and his staff for keeping the ice rink going as long as it did.

Supervisor Hoak reports that he attended the Association of Towns Workshop and has found out what good shape the Town is in. We are at the leading edge of many Towns in our State on many different projects relating to Towns. Also wants to note that at monthly meetings they will be recognizing the employee of the month, which this month is Larry Collins. He thanks Larry for a job well done and his years of service with the Town. Sadly he reports that Steve Strnad could not be at this meeting because his mother passed away. She left her mark on the Community and he wishes condolences for the family and asks for a moment of silence.

Tim Ellis, Traffic Safety Coordinator, states that he is disappointed in the decision of the NYS DOT about not lowering the speed limit along Southwestern. They will continue to pursue this issue. He suggests that he, Councilwoman Hochul and the Chief of Police get together to discuss this. He also comments about a letter from Faye Staley, regarding truck traffic exiting the thruway and crossing camp road into the truck stop. There will be a Camp Road improvement project taking place this summer. One of the aspects to this program is to move the Leisure Land driveway approx. 190 feet to the north which should be helpful to this situation.

Supervisor Hoak comments that this evening the monthly report from a Department will be given by the Police. A video and verbal presentation will be given by Mathew Czerwicz, Police Chief and Training Officer William Scully concerning their 1996 annual report.

The video is shown at this time. Officer Scully offers this video to taxpayer groups, just contact the Chief to schedule a presentation. He then gives a verbal end of the year report with all the statistical data which is available to the public through Detective Kesner. They make a presentation to Mike Fantaske, from Key Video in Blasdell, who took all of Officer Scully's videos and put them together and thank him for all his time and effort.

Supervisor Hoak thanks the Chief for an excellent presentation.

Business from the Floor

Gary Jabczynski requests a copy of the letter from the DOT. He requests that public hearings concerning the HIDA be held in the evening, not morning, so that taxpayers can attend. Supervisor Hoak responds that the IDA Board is separate from the Town. He will bring up his request. He suggests that the Taxpayers Association share their views with the IDA Board.

George Lee, Village of Blasdell Trustee, comments that for tens years before he became a trustee he went to the IDA meetings and reported back to the taxpayer groups. Someone should be able to attend and report back to Gary.

Ron Eich, State Street Blasdell, questions why they are hiring a consultant to look into the renovation of the Hockey arena. We know the pipes need fixing. Supervisor Hoak responds that it is more than just the pipes. The consultant was hired about a month prior to the pipes being broken. They were hired to do an overall study on what to do with the hockey rink. The roof needs fixing, there are leaks in the pipes, they need new dasher boards what avenue can they take and what is the cost. Ron Eich questions why they don't go to a construction Company. Councilman Quatroche comments because the consultants will be objective. What they spend on the consultant they should be able to save on the overall project. Mr. Crandall comments that all projects must be put out for competitive bids, therefore one construction company could not be hired for this project. A professional engineer or architect must be hired to prepare the specifications, drawings and bid documents. Mr. Eich questions why our Engineering Department can't do this. Mr. Crandall responds that could be done, but they would have to stop everything they are doing.

Michael Mosey, Lake Shore Road, questions the computer expenditure in the Building Inspection Department.

Supervisor Hoak responds that this expense was reviewed and approved by the computer committee. They are working on centrally computerizing all the Departments within the Town. This is just one portion of a \$100,000 computer expenditure that the Town is planning on within the next few months.

Kurt Allen, Supervising Building Inspector explains that this expense consists of 5 new workstations plus software which will more than double their current capabilities.

Phil Best questions how many servers the Town is planning on installing and who is on the computer committee. Supervisor Hoak responds that the committee includes Mr. Kapsiak, Mr. Hutchinson, Mr. Spute, Mr. Allen, Bob Braeman and Nancy Crane. Are details of this available for inspection by the taxpayers. Mr. Allen says they will be available in his office for anyone to look at.

XXI.

RESOLVED, that the Town Board adjourn to Executive Session at 8:40 p.m. to discuss the ice arena with Mr. Tripp, Mr. Connolly, Mr. Crandall and Mr. Boehm.

Moved: Hoak

Seconded: Hochul

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

Noes: None

Carried

George Danyluk, Town Clerk