

Meeting No. 6
March 10, 2003
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
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Absent:	D. Mark Cavalcoli	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	James Spute	Finance Director
	Richard Boehm	Deputy Town Attorney
	Robert Hutchison	Town Assessor
	Gerard Kapsiak	Town Engineer
	Martin Denecke	Director of Recreation
	Joseph Coggins	Police Chief
	James Connolly	Highway Superintendent
	Kurt Allen	Supervising Building Inspector
	Christopher Hull	Director of Community Development
	Tim Ellis	Traffic Safety Coordinator

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

7:00 p.m. Public Hearing for the establishment Extension No. 1 to the Knab-Lilydale-Benz Water District.

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

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Hamburg,

in the County of Erie, New York.

March 10, 2003

* * *

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 March 10, 2003 at 7:00 p.m. o'clock P.M. (Prevailing Time).

There were present: Honorable Patrick H. Hoak, Supervisor; and

Councilmembers: Kathleen C. Hochul
Joan A. Kesner
Thomas Quatroche, Jr.

There were absent: D. Mark Cavalcoli

Also present: Catherine A. Rybczynski, Town Clerk
Richard G. Boehm, Deputy Town Attorney

* * *

At 7 o'clock P.M. (Prevailing Time) the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Erie, New York at 7 o'clock P.M. (Prevailing Time) to consider the establishment of Extension No. 1 to Knab-Lilydale-Benz Water District (hereinafter referred to as the "Extension" and the "District", respectively), in said Town. The Town Clerk presented affidavits showing that certified copies of the Order Calling said Public Hearing had been published and posted pursuant to the provisions of Article 12 of the Town Law and that written notice had been sent to property owners in the proposed Extension.

The Supervisor stated that the Public Hearing on the establishment of the Extension in the Town of Hamburg, was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the establishment of the Extension:

The following persons appeared in opposition to the establishment of the Extension:

The Town Clerk reported that the following pertinent written communications had been received:

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.

* * *

No Correspondence was received.

Supervisor Hoak states that this is in the Armor Area where they looking to extend some waterlines and increase the size.

Gerard Kapsiak, Town Engineer, comments that this is a water system that has to be constructed for a proposed subdivision development called the Waterford Pines Subdivision. This has been through the Planning Board and received all the approvals of the Planning Board and this is one of the last steps they have to do before they get to development. The water system is to be constructed by the developer which is Abbott Pines, LLC and it consists of sixty-seven lots which are proposed to be built off of South Abbott Road just north of Best Street in the Armor

**I. RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK,
ADOPTED MARCH 10, 2003, APPROVING THE
ESTABLISHMENT OF EXTENSION NO. 1 TO KNAB-LILYDALE-
BENZ WATER DISTRICT, IN SAID TOWN, AND THE ACQUISITION
OF THE WATER SYSTEM TO BE CONSTRUCTED THEREFORE.**

WHEREAS, the Town Board of the Town of Hamburg (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has received a petition, dated January 2, 2003, pursuant to Section 191 of the Town Law, for the establishment of Extension No. 1 to Knab-Lilydale-Benz Water District (hereinafter called the "Extension" and the "District", respectively), which petition was signed by the sole owner of taxable real property situate in the proposed Extension, owning all of the taxable real property of the proposed Extension, as shown upon the latest completed assessment-roll of said Town, and was accompanied by a map plan and report, dated December, 2002, prepared by Metzger Civil Engineering, PLLC, engineers duly licensed by the State of New York, for the establishment of such Extension by the acquisition by gift of the water system to be constructed by Abbott Pines, LLC (the Developer), to provide water service to prospective homeowners within the proposed extension, consisting of the construction and installation of approximately 2,050 linear feet of 8-inch PVC waterline along with appurtenant valves and fire hydrants, including land or rights in land, original equipment, machinery, furnishings and apparatus required therefor pursuant to the specifications of the Town of Hamburg Engineering Department, Erie Water Authority and all other government authorities having jurisdiction over water line construction, of the proposed Extension, which map and plan have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the Extension 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 establishment of such Extension; 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, in connection therewith, a duly executed Environmental Assessment Form has been filed in the office of the Town Clerk, a coordinated review has been conducted and a negative declaration issued; and

WHEREAS, the Town Board has determined to proceed with the acquisition of such water system, when constructed, in the proposed Extension; and

WHEREAS, said petition described the boundaries of the proposed Extension in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioner and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, pursuant to the Order duly adopted on February 10, 2003, the Town Board determined to proceed with the establishment of the proposed Extension and adopted an Order reciting in general terms the filing of such petition, a description of the boundaries of the Extension in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the fact that the improvements are to be constructed and paid for by Abbott Pines, LLC (the Developer) and acquired by gift at no cost to the Town, the Extension or the District, the fact that a map and plan describing the same are on file in the Town Clerk's office for public inspection and specifying March 10, 2003 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 acquisition of the water system to be constructed for the proposed Extension, 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 in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published and posted, mailed to property all property owners within said Extension and filed with the Department of Audit & Control pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on this 10th day of March, 2003, commencing at 7 o'clock P.M. (Prevailing Time), at said Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the establishment of the proposed Extension;

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 petition was signed and acknowledged or proved as required by law and is otherwise sufficient;

(b) the notice of public hearing was duly published and posted as required by and written notice was duly given to all property owners in the proposed Extension;

©) all the property and prospective property owners included within the proposed Extension, hereinabove referred to in the recitals hereof, will be benefited thereby;

(d) all the property and prospective property owners benefited will be included within the limits of the proposed Extension; and

(e) it is in the public interest to grant in whole the relief sought.

Section 2. The establishment of Extension No. 1 to Knab-Lilydale-Benz Water District is hereby approved, as hereinafter described, and the proposed water system to be constructed therefor shall be acquired by gift as set forth in the said Order Calling the Public Hearing, hereinabove referred to in the recitals hereof, and the Extension shall be designated and known as Extension No. 1 to Knab-Lilydale-Benz Water District, in the Town of Hamburg, situate wholly outside of any incorporated village or city, and shall be bounded and described as follows:

(INSERT DESCRIPTION OF EXTENSION)

ALL THAT TRACT or parcel of land situate in the Town of Hamburg, County of Erie and State of New York, being part of Farm Lot 44, Township 9, Range 7 of the Holland Land Company's Survey, and being more particularly bound and described as follows:

BEGINNING at a point in the southeast corner of lands now or formerly owned by Matthew L. Vogt and Ruth L. Vogt, his wife, by deed recorded in the Erie County Clerk's Office in Liber 4389 of deeds at Page 145 and the centerline of Abbott Road; running thence southerly along a line bearing S 00°-24'-00" E and also being the centerline of Abbott Road, 1599.0 feet; thence northwesterly along a line bearing N 56°-47"-00" W, a distance of 483.91 feet to a point; running thence northeasterly along a line bearing N 33°-13'-00" E, 60.05 feet to a point; thence northwesterly along a line bearing N 62°-22'-46" W, 205.58 feet to a point; thence northwesterly along a line parallel to the southwest line of lands of Henry Knab by deed recorded in Liber 162 of deeds at page 614, and bearing N 56°-47"-00" W, 100.0 feet to a point; thence northerly along a line bearing N 10°-47'-45" E, 136.90 feet to a point; thence northwesterly along the northerly line of lands of Estelle C. Amborski by deed recorded in Liber 5041 of Deeds at page 453 bearing N 56°-47'-00" W, 578.40 feet to a point; thence northeasterly along a line bearing N 33°-19'-00" E, a distance of 576.45 feet to a point; thence northwesterly along a line bearing N 27°-39'-00" W, a distance of 219.26 feet to the southwesterly corner of lands conveyed to Matthew L. Vogt and Ruth L. Vogt, his wife, by deed first above mentioned; thence easterly along the southerly line of said Vogts' lands a distance of 871.2 feet deed = 870.0 feet measured to the point or place of beginning, containing 24.31 acres of land, more or less.

Section 3. The said water system, as hereinabove described, is to be constructed and paid for by Abbott Pines, LLC (the Developer) and acquired by gift at no cost to the Town, the District or the Extension, and the expense of the maintenance of the Extension shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the Extension which the Town Board shall deem especially benefitted by said facilities 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;

Section 4. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of this resolution, to record with the County Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York, copies of this resolution certified by said Town Clerk.

Section 5. This resolution shall take effect immediately.

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 March 10, 2003, 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 ____ day of March, 2003.

Town Clerk

(SEAL)

Letter #42 - Supervisor Hoak refers this to the Planning Board. This is a rezoning on Southwestern Blvd.

Letter 43 - Supervisor Hoak comments that this is concerning the droppings found in yards throughout Hamburg. We have received some complaints and calls on this. We have notified our Senators and are waiting for a response.

Letters #38, 39 & 40 - Councilwoman Hochul comments that these all pertain to having a federal fund established to assist Bethlehem and Republic Steel retirees who lost their benefits. She wants to say how much she appreciates the assistance of other Towns coming on board with us. This notes that the Town of Amherst, Village of Farnham and Erie County Legislature are following our lead in passing this resolution in support of this fund. She is also aware that the Town of Lancaster and City of Lackawanna passed this and many other communities are asking for a copy of this. Tying in with that is our petition drive. She has gotten hundreds of petitions back with signatures in support of this. Anyone who would like to help with petitions let her know, she is going to submit them to the Federal Government on April 1. There is a meeting on March 25th from 1:00 p.m. - 4:00 p.m for Steel Workers at the Knights of Columbus on South Park in Lackawanna.

Reports from Board Members and Department Heads

Councilwoman Hochul reports that Friday afternoon she attended a meeting with the Regional Director for the Department of Transportation concerning all the accidents on Route 20. She was accompanied by Councilwoman Kesner also acting in the capacity of Assistant to Senator Stachowski and also Tim Ellis on behalf of the Traffic Safety Board and Assemblyman Richard Smith. The purpose of the meeting was to follow up on a letter she had sent to the DOT in early January following the most recent fatalities that occurred on Route 20. We have had nine fatalities on that road in the past two years. She can't think of another road that is as devastatingly dangerous than route 20 right now. One of the purposes of the meeting was to convey the sense of urgency to the DOT, take the message of all the letters and phone calls they have been receiving from their constituents to the DOT. She came away with a strong feeling that they do sense this urgency, they have called this a high priority project for them. We have been looking for a center turn lane since 1995. They have agreed to move the deadline from completing the project in 2006 to 2005. We are trying to press them to expedite this by even another year. After having them explain the lengthy process that is involved and acquiring right-of-ways and easements, public notice and SEQR review it looks as though they can only shave off a couple of months perhaps under ideal circumstances. In their eyes they have already started the project. There is no doubt that they agree that this needs to occur. The other issue she discussed with them is reducing the speed on this road. It has already been reduced from 55 mph to 50 mph and now we are asking for 45 mph. In particular the section between 7 corners and Camp Road is where most accidents occur. They have agreed to examine this possibility and she feels they will get an answer back soon. One item they noted was that they wanted a strong commitment from the Town of Hamburg for enforcement if they did reduce that and she gave him her pledge that she would see to that and she asks Chief Coggins to note that. We have had assistance for years now and she receives a monthly report from the Police Department on the number of tickets issued on Route 20 and it is staggering how many people are still speeding on that road. Mr. Ellis commented on the number of people who are required to attend our Defensive Driving as a result of tickets and how it has multiplied over the last couple of years. That is enforcement on Route 20 and Route 5. She said they would coordinate with the State Troopers over the summer and our Police will also be out there and she appreciates the Chief's support. One third item she brought up and got some agreement on is her annual pitch to have the tolls removed. They agreed that if the tolls were removed that a lot of interstate traffic would go off of Route 5 and off of Route 20 and on to the thruway. This was the first time she had a sense from anyone else that this was a good idea. This is particularly significant because the status of the study that they have been looking for on the tolls is at the GBNRTC and the DOT is a major player on that committee. So, her purpose in raising this at the meeting was to light a fire with one of the key members. They will be meeting again on Thursday in Buffalo and she will be at that meeting and will raise the toll issue again and hopefully will get some renewed enthusiasm on that project.

George Lee comments on Route 20 that if she has another meeting with them she should suggest a right hand turning lane at the intersections. Councilwoman Hochul comments that the reason this is high priority road isn't just the high rate of fatalities but also there have been 1200 accidents since they started their efforts. They say that this is not a high rate of accidents for a State Road. Something is wrong if they feel that is acceptable. We have a nursing home along that road, we have senior housing and we have a lot of popular businesses. That is a good suggestion and she thanks George for his comments.

Councilman Quatroche comments that he, Mr. Connolly and Mr. Denecke met with the baseball associations, which they started about five years ago, when they decided to tackle things head on and really start communicating with each of the associations and it has been a great relationship. They now have great communication and a willingness to work together and he wants to thank Mr. Connolly and Mr. Denecke and their Departments who are doing a great job. The Recreation Department is entering into an agreement for a sportsman program. We take a lot of pictures for ID cards and they are going to be getting out of a service contracts with our old current cameras and Polaroid film and it will save the Town about \$3,500 per year. He wants to complement Mr. Denecke and his staff for constantly looking for cost savings. In review of our February revenue he noted that we are on target and maybe even a little above last year and we always constantly monitor this as does the Recreation Department Advisory Board and the Recreation Department does a great job of making sure that, at some level, we begin to pay for the cost of our programs.

Councilwoman Hochul reports one other thing. Saturday May 3rd will be our 8th annual Townwide Clean-up. There will be an 8:30 a.m. kick-off with coffee and doughnuts provided. People come to Town Hall for their maps of where to go and they come back at noon for hot dogs, pop and snacks.

Supervisor Hoak wants to acknowledge that a grandson was born to Mr. Connolly approximately 12 days ago. Congratulations to Jim and his family.

Business From the Floor

Joe Kilian, United Council, comments that with the six month moratorium on building the United Council would like to work with the Town and have everyone look at all the ideas for the community. Councilwoman Hochul comments that this is a great idea. When Councilman Cavalcoti returns she would like to discuss this. There are a lot of changes being made through the Code Review Process that are technical changes. She is open to doing an outreach with interested parties. Joe states that he can arrange for a slide presentation on The Livable Community and states the League of Women Voters may want to show their sprawl presentation again.

XXX.

RESOLVED, that the Town Board adjourn to Executive Session at 8:00 p.m. on Personnel and Legal Matters.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

Catherine Rybczynski, Town Clerk