

Meeting No. 5
March 14, 2005
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

Roll Call:	D. Mark Cavalcoli Kathleen C. Hochul Joan A. Kesner Thomas Quatroche, Jr.	Deputy Supervisor Councilwoman Councilwoman Councilman
Absent:	Patrick H. Hoak	Supervisor
Also Present:	Catherine Rybczynski Richard Boehm James Spute Gerard Kapsiak James Connolly Joseph Coggins Christopher Hull Martin Denecke Robert Hutchison Tim Ellis Kurt Allen	Town Clerk Deputy Town Attorney Finance Director Town Engineer Highway Superintendent Police Chief Director of Community Development Director of Recreation Town Assessor Traffic Safety Coordinator Supervising Building Inspector

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Deputy Supervisor Cavalcoli comments that Supervisor Hoak was unable to attend due to illness.

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

7:00 p.m. Public Hearing for the proposed establishment of the Hamburg Refuse and Garbage District.

EXTRACT OF MINUTES

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

March 14, 2005

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A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, on March 14, 2005 at 7:00 o'clock P.M. (Prevailing Time).

There were present:

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

There were absent:

Supervisor:	Patrick H. Hoak
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Also present:

Catherine Rybczynski, Town Clerk
Richard Boehm, Deputy Town Attorney

At 7:00 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 7:00 o'clock P.M. (Prevailing Time) to consider the proposed establishment of the Hamburg Refuse and Garbage District (the "District"), in said Town and the provision of refuse and garbage collection and disposal service 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-A of the Town Law.

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

Deputy Supervisor Cavalcoli asks if any correspondence was received.

Catherine Rybczynski, Town Clerk, comments that there are two pieces of correspondence. The first is from Betty Newell, President of Hamburg Chamber of Commerce, thanking the Board for taking this step toward saving the residents what was once projected to be \$2 million annually, through the implementation of a single contractor, master contract for all refuse removal. The second is from Patricia Paul, National Fuel, thanking the Board for taking this step toward saving the residents what was once projected to be \$2 million annually through the implementation of a single contractor/master contract for all refuse removal.

Deputy Supervisor Cavalcoli comments the purpose of the public hearing tonight is to understand the nature of forming a refuse district, why it would be beneficial, what is the cost associated with it, what timelines are available and why would they move forward with it. The Town Board has been looking at this for at least two years. He has been involved over the last 22 years deciding whether this was proper, timely or in the best interest of the public to move forward with a refuse district. He has received a few phone calls, three of the five were questions about the process, one was against and one was totally for it, but he has only received five phone calls. The Engineering Department and Town Clerk's Office has only received a few phone calls. But he feels there is some concern on the public's part that they will be taxing the public and creating a sanitation department. The Town is not interested in and is not forming a sanitation department. They are not going into the garbage business as a Town, they are not buying trucks and they are not collecting garbage. The purpose of this endeavor is to bring the cost down for the taxpayers. Currently there are three private vendors that contract with residents for their garbage/refuse pickup and they pay a set fee to these vendors. Their hope is to bring the cost down significantly from what people are paying under individual contracts at the present time.

The average costs are between \$208 and upwards of \$240 per year. The average cost in surrounding communities are \$120 to \$130 per home. They feel that difference is significant, they want to make that benefit for our residents as in other towns. The first step is to form a district. Without a district they cannot go out, as a town, and have vendors bid to give a better price. The district, by law, must be in place by May 24th. If the bids come in significantly high and they feel that there is no significant savings to the taxpayers, they would not go forward with the district. He now asks Mr. Kapsiak and Mr. Connolly to give more information. The purpose of the public hearing is to receive comments from the public and then the Board will receive information back, assess any questions or concerns and then make a decision as to moving forward.

Mr. Kapsiak, Town Engineer, reviews a handout provided to the public. There are three companies that currently provide service in the Town on a private subscription basis where the individual homeowner arranges for service directly with the company. Those being Waste Management, BFI and NEI. There was a study conducted by the Who Does What Committee in Hamburg, which was formed by the Hamburg Chamber of Commerce, to explore ways to reduce costs to the Town property owners. The studies found that the rates ranged between \$208 and \$272 per year for refuse services. However, residents in other towns are paying in the range of \$120 to \$126. They are hoping to get that price, but with the rising fuel costs they hope to keep it in a range below \$150 per year per homeowner. This would still be a good savings under the current rates. Additional benefits would be a reduction in refuse collection truck service in residential areas, due to only one contractor providing service which would reduce the energy consumption, air pollution and wear and tear on Town roads. There would be a weekly rubbish collection (bulky items and white goods, which is appliances and large items) instead of the current monthly pick up that Waste Management contracts for with the Town. There would be improvements to the environment and aesthetic appearance to the Town due to the fact that it would cut down on illegal dumping that people might do now that don't currently have service. They would also include the Townwide clean-up and a tire drop-off program. The service is proposed to start in January of 2006 to all one, two and three family residential properties within the Town (currently 14,100 total dwelling units) not including the Village of Hamburg and the Village of Blasdell. However, the Villages will be offered the opportunity to receive service if they so desire. The contract is not expected to initially service apartment buildings, condominiums and townhouses serviced through homeowner associations, mobile home parks, commercial businesses, industrial facilities, or the schools. Although such properties might be included in the future if they are small garbage generators that do not require a dumpster and are able to get their garbage into a 95 gallon container. Each residential property will be provided with one 95 gallon roll-out cart and two recycling bins. All the garbage collected in a week would have to be contained in the 95 gallon container and two recycling bins and in addition there will be one bulky item or white good allowed each week. The contract documents are presently being finalized for bidding the services to be provided under the program. They do plan to put it out to bid next week and have a bid opening by the end of April. If favorable bids are received the contracts are intended to be awarded to begin January 2006. The contract term is proposed to be for a 5 year term with the option to renew for another 5 years if the conditions and prices are favorable. If not they would rebid for a second five year period. The contract will be administered by the Town Highway Department under Highway Superintendent Connolly who will oversee the refuse services provided by the contractor. The cost for the services are to be recovered from all property owners within the proposed Hamburg Refuse and Garbage District. This will be included as a special district item on the Town tax bill starting in 2006. Single family homes will be assessed a unit charge, no matter how many people are in the home, which will be based on the bid prices received. There will be a double charge for a two family home and triple charge for a three family home. The cost will be adjusted every year based on the annual change in the consumer price index (CPI) which is established by the U.S. Department of Labor, which is the typical way of signing up contracts. It is normally in the range of about 2-3% increase per year. Other types of properties within the district which are not receiving service, such as commercial, industry and vacant properties, will be assessed a \$5 fee per year which will be used to fund the various townwide clean-up activities. The first Saturday in May the town holds a townwide clean-up, there will be tire pick-up days, possibly a household chemical drop-off day, a computer drop-off day. Now, only the County has those programs, but with the current County budget situation the chances of those programs being cut out is pretty good. This is something the town may have to provide and that \$5 charge will go towards that. It would probably result in about \$40,000 in addition to the normal collection from the residential properties. In order for the charges to be placed on the tax rolls for 2006 it is necessary that this district be in place by May 24th, 2005. Therefore, provided that favorable bids are received, it is expected that the Final Order Establishing the District will be acted on by the Town Board at its May 23rd meeting. If the bids do not result in significant cost savings, the district would not be formed and the current private subscription service will continue as is. Prior to the initiation of services, information regarding the program will be distributed to all the property owners and published in the local newspapers. This will include the refuse contractor's name and phone number, collection day in each neighborhood, recycling information, and items that are acceptable and unacceptable to be disposed of.

Mr. Connolly comments that this is very exciting in that there will be significant savings and will improve the level of service that the public is getting. In going forward with this they are hoping the competition and having all the residents included will give the residents a good opportunity to save. On a Highway viewpoint, having three heavy trucks going through a neighborhood every week will take its toll on a road. Subdivisions are Town roads which normally do not get heavy truck traffic. A truck the size of a garbage truck is different. It can be difficult to do the required paving with three different garbage trucks moving through the neighborhoods. There are also traffic issues with the school buses. Plowing is another issue, they have to go around these vehicles when they are plowing during normal business hours. A big benefit to this is the weekly pick-up of rubbish. This is a great improvement over the monthly that we currently have. Right now you can put rubbish out on the third full week of the month, many people put it out early so that they don't miss it and there is a lot of trash sitting around. This can be unsightly, but the people don't want to miss the opportunity. He has gotten a lot of calls from people who missed the date, cleaned out a room in their home and then have to haul the garbage back and drag it out on the right week. With the weekly, you will know what day they are coming, because it is on your garbage day, and rubbish will go out on that day. The bins are a big improvement over bags. They keep out dogs, raccoons, etc. He would like to say that the Highway Superintendents that he has spoken to, who do have this in their town, have only positive comments. He has not had one municipality comment on negative aspects with this, you are saving money and improving the environment.

Deputy Supervisor Cavalcoli comments that there will be no action taken tonight, this is a public hearing and the earliest action would be in two weeks. More than likely it will not take place until sometime after that. There are parallel events going on, they are preparing contracts to go out to bid so they can find out what the prices will be and at the same time they need to form the district. They have to time the two events so that when they see what the bids are, if they are favorable they will move ahead with the district, and if they aren't favorable this action will cease and they will pursue it. Another clarification he wants to make is that people have commented that they don't want another tax. This is not a tax, clearly this is an assessment. This is not an assessment on your property, it is not a percentage item, it is a fixed item based on the cost per resident, based on a bid from a contractor or vendor. The Town is the middle man, they are trying to secure the best possible price for each resident, each resident will pay the same and it is not a tax. However, because it is an assessment it will appear on the tax bill and each resident will be able to keep track of it and see the what the savings are from what they would have paid, if they had their own contract. The payment will come to the town instead of the vendor and hopefully there will be a significant savings. Even though all this is taking place in May or June th actual service will not begin until January of 2006.

Councilwoman Hochul questions if it is on your tax bill, is it tax deductible. Deputy Supervisor Cavalcoli responds it is not tax deductible. The Town will not issue any statements to the IRS that it is there. What the residents decide to do on their own, the town has no control over. The calls she received pertain to recycling. The questions that came to her pertained to clear plastic bags and she assured them that clear bags were not being entertained by this Board. However, is there any obligation to sort.

Deputy Supervisor Cavalcoli responds that there will be two recycling bins issued to each resident and they will be given instructions by the vendor as to how to separate it. Normally one bin is tin, glass, plastic and the other is cardboard and paper.

Councilwoman Hochul questions if the recycling is voluntary. Deputy Supervisor Cavalcoli comments that it is voluntary. He wants the public to understand, that part of the bid, has clauses for tonnage and recycling. The more recycling the Town does, it could bring down the cost of the contract. If they can reduce the tonnage after the first year then there are mechanisms in the contract to reduce the cost.

Councilman Quatroche questions if the tonnage is higher than expected will the cost go up.

Nathan Neil, bond council for this project, comments that they will keep track of the tonnage for disposal and if we have more tons than expected they will be charged more. It is on a per ton basis. Councilman Quatroche comments that he would like to see some protection for the Town on that in the bidding process.

Councilwoman Hochul comments that it is a five year contract, tied into the CPI, is there anyway they can put a cap on that in the contract. With the way our economy is going that may go up 5% in one year. Nathan comments that they could put a maximum per year increase in the contract.

Councilman Quatroche comments that, as much as possible, they should put protection in there. Nathan Neil comments the problem is this is a two way street, if there are too many protections you many not get as many bidders on the contract. The problem they have now is the cost of fuel is going up and so there needs to be a balance. If the tonnage goes up they pay more and if the tonnage goes down they pay less, its hard to have it both ways. They don't want to have a fixed price, they want to have a way, by encouraging people to recycle, to reduce the tonnage. Councilman Quatroche comments that obviously they have some history from other towns and this is going to be a sizable contract for somebody and we hold a lot of the cards in the process so he would like to see us have as many assurances as possible.

Councilwoman Hochul comments that she doesn't want a five year contract if the CPI goes up 5% and they are paying substantially higher. During the course of the five years she would like some certainty that it won't go up over a certain percentage. She feels this is a great idea and in the long run they will save money.

Councilwoman Kesner comments that she has a question as to the senior citizen discount because 26% of our population is seniors. Currently many of them are getting a senior discount on their current service. Are they going to look at what they are paying with the discount and what the contract would come in to show that there would be a savings for seniors.

Deputy Supervisor Cavalcoli comments that they looked at this with other communities and there research showed that no other community gives a discount to seniors.

Councilman Quatroche comments that the company will look at the overall package and distribute the cost overall. So, if they discount one area they may have to charge more for others.

Nathan Neil comments that it is possible, down the road, that they may be able to peg the people who are using less tonnage for disposal and come up with a formula for a discounted rate. Maybe they could use 65 gallon containers instead of the 95 gallon and be charged less.

Jerry Eckle, 5819 Dover Road, comments that he signed an agreement with Waster Management last year that he would stay with them for 3 years. Deputy Supervisor Cavalcoli responds that question came up when they talked to the three vendors. He asks Nathan Neil to respond.

Nathan comments that at the present time they are proposing to include everyone in the district. If it appears that there are people in a situation where they are being forced to pay because they are under a contract, they will be allowed to be taken out of the service area and put them in the un-serviced area. They will try and make an adjustment for them. Deputy Supervisor Cavalcoli comments that the Town will not allow people to be double charged. They are researching this at the present time.

Mr. Kapsiak comments that he would like a copy of the agreement so that our legal council can review it.

Don Weiss, 2963 Cloverbank Road, comments that this should have been done twenty years ago. However, when you own a piece of property in the Town of Hamburg and it does not produce any garbage and no one lives there and you charge them \$5.00, that is a tax. Hamburg is going into the garbage business. They have obviously done their homework. His familiarity with garbage is that they bid on the cubic yard and not on the weight. Obviously they are going to be weighing the trucks and he would suggest that residents keep their lids closed, because water will add to the weight. He asks what is the significant savings.

Deputy Supervisor Cavalcoli responds that if residents are paying between \$208 and \$272 per year now and they can get it down to \$150 then that is significant.

Don comments that he is concerned that if they have a five year contract, the person who is awarded the contract will be able to go out and purchase updated equipment and his competitors will not have those updated trucks and equipment to come in five years later and re-bid. Comments were made that they wanted cost protection in this. He would say, if they are adding 14,000 customers to a company that they will bid less than the established rates in surrounding communities. He would suggest that they talk to the Town of West Seneca. They have a recycling program and they get money back for that recycling. They have many good programs. There is a lot of homework still to be done. Somehow they need to identify special pick-ups for batteries, especially smoke alarm batteries that contain uranium, there is nothing in this that communicates that type of pick-up. If you are worried about the roads, you should be worried

about things like that going into the regular garbage. He suggests they have a citizens garbage board. He would like to see the bids put out for a shorter period of time.

Deputy Supervisor Cavalcoli comments that they have marked his comments down and all those things will be looked at. In terms of the batteries and things of that nature, they are hoping with the \$5.00 surcharge on all property, that they will be able to offer to the community the opportunity to get rid of batteries, tires and computer parts. All those things that are difficult and should not be land-filled. If they go into the Townwide refuse district residents will be given a sheet with all the information on what can be put out and when and will include the special items he was discussing.

Don asks if the \$5 is fixed. Deputy Supervisor Cavalcoli comments that is the fee they are discussing, after they hear from the public they will try to make a determination as to whether that is a fixed number.

Janet Plarr, 3493 Heatherwood Drive, comments that she wears two hats this evening. She is the Village Administrator for Blasdell and she is a resident of the Town of Hamburg. A lot of the questions this gentleman had are in the bid specifications already. She has reviewed the specifications and it covers, hazardous waste, types of refuse that can be disposed of, what can be recycled and not recycled and how to do that. As a Town resident she would look forward to having a bulk pick-up on a regular basis instead of trying to remember when to run that trash out. Additionally, currently they do not collect bulk waste during the months of December, January and February. So, people accumulate all kinds of stuff during the Christmas season and save it for the March pick-up. It will give a more balanced distribution. The Village of Blasdell stands ready to help answer any questions. This has proved to be a tremendous cost savings to the Village. In a period of seven months the Village has already realized a savings of \$40,000 and they are a much smaller entity. They have reduced the cost from \$165 down to \$126 per household pick-up cost. That is a significant savings. As a Town resident she hopes this goes forward, she feels it will be a great cost benefit to all the residents. Deputy Supervisor Cavalcoli thanks her and George Lee for attending this evening in support of this. They have already done a significant amount by sitting down with them and providing them with sample documents. On behalf of all his colleagues he thanks her and the Village Board for their support and cooperation.

Pat Hourihan, 75 Turner Ave., Buffalo, he is representing Waste Management and he comments that the significant savings they are looking for would be the difference between the bid and what the average homeowner pays. They pick up a substantial part of the Town. Their prices range from \$132 to \$240 with the average cost at \$192. The examples he cited for other communities have limit restrictions. They have three different menus. They have \$11 per month for a two bag pick-up, \$17 per month for just the toter, and \$20 per month for 8 items, with the average being \$16 per month.

Mark Dieglman, 109 Huntington Ct., comments that he would like to encourage the Board to proceed with this proposal for a unified refuse/garbage district. It is very likely that they will find a cost savings with a single contractor. This is an excellent example of efficient government action. Taxpayers are revolting about the escalating costs of government at all levels, with the Erie County government the most visible example. As a resident of the Village of Hamburg he also sees a number of benefits for him and other Village taxpayers. The Village of Hamburg currently has its own sanitation department with its ever increasing cost for equipment, personnel, payrolls and benefits. If this service can be provided at a competitive and lower cost, using a private sector contractor, the long term benefits could be substantial. The government should be a service provider, not a job provider. Providing low cost services through private sector contract is the most efficient use of taxpayer dollars. The Village of Hamburg currently has only three bulk pick-up dates per year. Weekly bulk trash pickups would be much more convenient for Village residents. The Villages clear bag policy has also been very problematic. Thirty percent of Village residents surveyed, have problems with this policy. Moving to a private contractor service would certainly eliminate the difficulties residents currently experience with this unpopular program. Another consequence of this policy has been uncollected garbage, left at the curb of his residence and that of others, repeatedly over the last three years. The result has been an ongoing health and safety risk. This Village government has been unresponsive to his complaints. The easiest solution to this problem would be to eliminate the Village Sanitation Department and join with the Town in contracting this service to a private firm. In conclusion, he commends the Board for their efforts to improve the services provided to Towns taxpayers at the lowest possible cost and he strongly encourages them to include the Villages of Blasdell and Hamburg in their negotiations so that all residents of the Town can benefit from the improved level of service.

Deputy Supervisor Cavalcoli comments that, at this time, they are not looking to include the Villages. However, they leave the door open for those negotiations and they will stay in contact with both the Villages as they look to regional solutions to these very difficult economic situations. Thank you for your comments.

Harry Fyock, 4898 Morgan Pkwy., comments that there are so many different numbers being quoted on this. What are the correct numbers. Deputy Supervisor Cavalcoli comments that the numbers on the sheet \$208 to \$272 are numbers that were given on resident surveys. Harry comments he has been hearing significant savings. He has a contract with Waste Management for three years, with two years remaining. His bill for a year is \$144.72 per year right now. If this comes in at \$150 it is not a savings for him, it is an increase. He would imagine he is not the only one, because he does get a senior citizens rate. He did some surveying in his neighborhood and only found one person who was paying \$220. They were paying \$179, \$156 and \$144.

Deputy Supervisor Cavalcoli comments that if someone is getting no service at all, they will be charged the same as people who are getting service. The hope is that they can reduce the amount of garbage that is along the highways or in places where it shouldn't be.

Councilwoman Hochul comments that she appreciates the healthy skepticism about government, however, this wasn't dreamed up by the government officials. This was a proposal by the business community and they appreciate their input on this. There is no benefit to the Town of Hamburg to do this, it is more work for them, however when the ideas come to them, they owe it to people to explore it. If it isn't going to be beneficial then they won't do it. They are not trying to add another layer of government where there is no advantage other than trying to save some of the hard-earned dollars for the taxpayers that are already hard pressed in this community.

Councilman Quatroche thanks him for bringing those numbers forward. Councilwoman Kesner commented on the senior discount earlier and as they ask for proposals, if there are some ways they can offer bidders different opportunities, they will explore that. He thanks him for the comments because often studies will show 95% but there are always exceptions.

Bill Schanbacher, 5747 Apollo Drive, comments that this has been pretty well covered, he pays \$140 and splits it up into three payments. He is a senior and would rather pay three times a year than one lump sum. They have to scrounge to come up with the tax money as it is.

Gerry Glose, 5815 Pinehurst, he is also wearing two different hats tonight. He is a member of the Chamber of Commerce and is joined by three of his colleagues, Bob Ganey, Marlene Gonzalez and Ron Miller. Yes, this is a recommendation from the business community, the Who Does What Study, and he would like to commend the Board for looking seriously at it. It certainly seems like a win, win for the majority and the common good in this community. He sees three very positive pieces to this. First of all, he hasn't gotten the benefit of some of the rates he has heard, he pays \$240 per year. He can see some significant savings. Unless you are a very sophisticated consumer most of the people in this Town are paying more than they need to be paying. He applauds the effort and applauds the Village of Blasdell for their involvement and cooperation in this. This is another example of the business community, the Villages and sometimes the schools, but in this case the Town Board working together for the common good of the community. The other win is more service. He has a lump of stuff that went out in December when his basement flooded, so having a weekly bulk pick-up will be better and having better service for the same amount or most likely less is very positive. The third thing is the environment. He doesn't need to know what day of the week it is, he just needs to look at the color of the garbage bin that's on the street. Monday is gray, Wednesday is Blue and Friday is green, there are always garbage bins out on the street. Those kinds of things make a difference in our community. He applauds them for taking the bull by the horns and pursuing this. He is reasonably confident that virtually everyone who is having a garbage pick-up and paying for it now, will see a benefit. He also believes that, because of the size of this community, they will see a very favorable rate.

Ferd Garcia, 5241 Columbia Ave., comments that when this was proposed twenty years ago, it was turned down. This proposal seems much more beneficial to everyone. He pays \$232 per year. What would be the responsibility of the Building and Grounds people in this regard? Deputy Supervisor Cavalcoli comments that there would be no responsibility, the only thing we would continue to do is the brush pick-up. That would not be part of this garbage district or contract, they would continue to do that separately. Ferd questions how the payments would be made. Deputy Supervisor Cavalcoli comments that it would be on your regular Town tax bill. Ferd questions how they will bill the Town.

Mr. Kapsiak responds they would bill on a monthly basis. Ferd comments on the large trash pick-up and they are paying for that in the taxes right now. Deputy Supervisor Cavalcoli comments that yes that is paid for in the taxes currently. Ferd questions if there would be any new positions created for this. Deputy Supervisor Cavalcoli responds that there would be no new positions created. Ferd thinks this would be beneficial.

Joe Kilian had a question about administrative overhead, but since they stated no employees would be hired, that's good. One question just came up. We are paying for the large trash pick-up in the taxes presently, would that be eliminated from the taxes. Mr. Connolly comments that yes that line item would be eliminated from the budget.

Toma Brazder, 4079 Loring Ave., comments that he is against this, he is fine the way it is. He pays \$150 per month, which is \$37 quarterly. If he wants to cancel the garbage for three months, to go away, he is not charged. He wants it to stay the way it is.

Ron Miller, 5513 Coachmans Lane, is also a Hamburg Chamber Director, as well as a resident. He thought the whole process was great tonight. He also thought that one thing to look at is how to accelerate bringing up other ideas.

Bob Reynolds, 4301 Rushford Dr., he pays \$250 per year for garbage so he has an interest in this. He questions if there will be an initial cost for the garbage bins. Deputy Supervisor Cavalcoli comments that they originally structured the contract so that the vendor would prorate that cost over the length of the contract, which would be five years, so that the cost would not be a huge hit in the first year. Bob questions if they had the same vendor can they keep the bins. Deputy Supervisor Cavalcoli responds that is still part of the discussion.

Tom Snyder, 3704 Grafton, questions the numbers on the study. It seems they only took the high numbers, there are no low numbers at all. He pays \$139 per year to Waste Management. Mr. Kapsiak responds that these numbers came from the Who Does What Commission. From what he is hearing they are getting the senior citizen discount and the other citizens are paying a higher rate to make up for that. Tom responds the seniors are going to start moving out of this county, something needs to be done to protect the seniors.

Councilman Quatroche comments that this is why they have public hearings because they want to make sure they hear from the residents so that all the issues can be addressed. Please know that this Board is listening. He thanks him for bringing these issues up.

Harry Fyock questions the bulk trash cost and that it will be taken off the taxes. Deputy Supervisor Cavalcoli responds that the bulk pick-up is included in the Town taxes now and they would use that money to keep the budget numbers down. Mr. Connolly comments that what he said was that the line item, in the budget, would be eliminated.

Deputy Supervisor Cavalcoli comments that they have been discussing this for 1 ½ hours and he appreciates all the public input. The Board will look into the matters that were brought to them. Any comments can be submitted in writing and they will review that information as well.

I.

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

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

II.

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

February 28, 2005 Town Board Meeting

March 7, 2005 Work Session

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

III.

RESOLVED, that the Town Board approve the hiring of personnel for the Recreation Department as follows:

1. Ede, Eric A7265(230)03/07/2005\$6.75 P/T
 Rec. Attendant
2. Reynolds, Brigit B7310(320)03/07/2005\$8.60 P/T

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

IV.

WHEREAS, the Town Board of the Town Hamburg has recognized that its current Building Code adopted by the Town under Local Law No. 5-1965 has become obsolete by nature of its age, and due to the fact that the State has adopted a new code which affects the conduct of code enforcement duties, and

WHEREAS, amendments to the existing "Building Code" are of such a large scope and magnitude, that it has been found appropriate to replace said code with a new one, and

WHEREAS, the Town of Hamburg Code Review Committee has researched, developed and recommended a substantially modified replacement to the code of the Town of Hamburg, Chapter 76 -Building code, and presented to the Town Board of the Town of Hamburg a proposed local law known as proposed Local Law #2, 2005, which provides for the establishment of amended Building Construction & Fire Prevention Code to replace Local Law No. 5, 1965, Chapter 76- Building Code, and

WHEREAS, pursuant to the statutes and provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg held a public hearing on the 28th day of February 2005 at which time all interested persons were invited to be heard and provided constructive input which was incorporated into the language of the code where applicable;

NOW THEREFORE BE IT RESOLVED, that the Town Board approve the proposed Local Law #2, 2005, Chapter 76 - Building Construction & Fire Prevention Code as submitted.

BE IT FURTHER RESOLVED, That the Code Enforcement Department be directed to produce the final copy of the proposed code for submission to the Town Legal Department for filing with the Department of State and General Code Publishers.

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

V.

WHEREAS, the Town of Hamburg Fair Housing Law was put into place to protect town residents from any form of housing discrimination based upon the criteria named at the time of the original law, Local Law Number 8 - 1986, and

WHEREAS, the Town Hamburg has recognized that its current Fair Housing Law adopted by the Town under Local Law No. 8 - 1986, has become obsolete by nature of its age and by findings within the June, 2003, "Analysis of Impediments to Fair Housing" completed by the Town of Hamburg Department of Community Development as required by the United States Department of Housing and Urban Development (HUD), and

WHEREAS, it was identified that the Town of Hamburg Fair Housing Law had become outdated and in some cases did not offer the full range of protection offered under current state and federal laws,

WHEREAS, the Town of Hamburg Code Review Committee in conjunction with the town Department of Community Development has researched, developed and recommended an update of the General Code of the Town of Hamburg at Chapter 109, Fair Housing, adopted by the Town Board of the Town of Hamburg on August 4, 1986 by Local Law Number 8 - 1986, and

WHEREAS, pursuant to the statutes and provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg held a public hearing on the 28th day of February, 2005 at which time all interested persons were invited to be heard and provide constructive input which could be incorporated into the language of the code where applicable:

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board approve proposed Local Law #3, 2005; Chapter 109; Fair Housing as submitted.

BE IT FURTHER RESOLVED, that the Department of Community Development be directed to produce the final copy of the proposed law/code for submission to the Town Legal Department for filing with the Department of State and General Code Publishers.

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

VII.

WHEREAS, the undersigned Town of Hamburg from time to time receives permits from the Department of Transportation of the State of New York (hereafter referred to as the “Department”) allowing the Town of Hamburg to temporarily obstruct, install, construct, maintain, operate or replace any facilities within the bounds of a State Highway Right-of-Way pursuant to Sections 52, 103, 203, 249 and/or 250 of the Highway Law; and

WHEREAS, the Department requires that the municipality file an undertaking to secure the Town of Hamburg’s faithful performance within the terms of any such permit and also to indemnify the State of New York (hereinafter referred to as the “State”) and others with respect to all operations under such permits by the Town of Hamburg.

NOW THEREFORE, the Town of Hamburg hereby undertakes, to and with the State and the Department, that:

1. The Town of Hamburg will well, truly and faithfully comply with and perform all the terms and conditions of each such permit on its part to be kept and performed, and abide by and comply with all such conditions, rules and regulations as may be, from time to time, promulgated by the Commissioner of Transportation of the State of New York (hereinafter referred to as the “Commissioner”), according to the true intent and meaning of such permits, rules and regulations.
2. The Town of Hamburg will, at its own expense, promptly complete the work allowed under each permit and within a reasonable time restore State property damaged by its work to substantially the same or equivalent condition as existed before such work was begun; and in the event the Town of Hamburg fails to so restore damaged State property within what the Commissioner deems to be reasonable time, the Commissioner, after giving written notice to the Municipality, may restore the property to substantially the same or equivalent condition as existed before the Municipality began the work and require the municipality to reimburse the State for any and all costs incurred by the State in such restoration;
3. The Town of Hamburg will indemnify, hold harmless and defend and protect the State of New York, the Commissioner and the Department, their officials, officers, agents and employees against and pay any and all amounts, damages and costs and judgements which may or shall be recovered against said State, or its officers or agents, or which such State may be called upon to pay to any person or corporation by reason of damages arising or growing out of operations pursuant to said permits or the manner of doing the same, or the neglect of said Town of Hamburg or its agents servants, or the improper performance pursuant to the conditions of said permits by the Municipality, its agents or servants.
4. The Town of Hamburg which is self-insured, will pay any and all damages, costs, including but not limited to attorney’s fees, and judgements recovered against the State, the Commissioner of Transportation, the Department of Transportation and their officials, officers and employees in connection with work allowed by a permit or from use of a permit by the Town of Hamburg or by any person acting by, through or for the Town of Hamburg, including omission and supervisory acts of any of the entities or persons named above;
5. It is understood that this undertaking is one of indemnity only and is not to be construed as imposing on the Town of Hamburg an obligation to pay claims for which there would not otherwise be a remedy in law against the State of New York.
6. Any payments required by the foregoing will be guaranteed by the full faith and credit of the Town of Hamburg or its districts, as applicable, and will be paid out of current budgeted funds, or if insufficient, from its liability and casualty reserve fund or from the proceeds of bonds which current laws permit the Town of Hamburg, to issue to pay claims against it.

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

Town's management systems have been determined to be adequate and the Labor Standards administration in compliance with all statues and regulations. Mr. Hull has continued to carry their Federal Labor Standards Administration in an exemplary manner while adapting to our changing environment.

20 - To Supervisor Hoak from Assemblyman Quinn thanking him for contacting his office regarding the New York State Thruway Authority and toll barriers and including a copy of a letter to Governor Patacki asking for support to move the Lackawanna toll barrier beyond the borders of Erie County.

21 - To Catherine Rybczynski, Town Clerk, from Thomas DeMartino, Erie County Senior Executive Assistant, stating that the Erie Community College Trustee Search Committee is soliciting resumes of interested Erie County residents who are 18 years of age or older.