

Work Session
April 12, 2004
S-6100 South Park Avenue
Hamburg, New York 14075

Supervisor Hoak calls the meeting to order at 6:00 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	James Spute	Finance Director
	Gerard Kapsiak	Town Engineer
	Vincent J. Sorrentino	Town Attorney
	Richard Boehm	Deputy Town Attorney
	Kurt Allen	Supervising Building Inspector

WORK SESSION

6:00 p.m. – 6:10 p.m.	Resolutions
6:10 p.m. – 8:00 p.m.	Executive Session (Personnel & Legal Matters)

I.

WHEREAS, due to mandates and directives of the New York State Department of Environmental Conservation (“NYSDEC”), the Town of Hamburg must perform certain remedial actions at the former Town of Hamburg Landfill site; and

WHEREAS, the Town has been presented with two (2) options for complying with NYSDEC’s mandated actions. The first option requires significant earth movement, will take longer to implement, will remove part of the cover on the existing landfill during construction and will cost the Town and its taxpayers as much as \$500,000 more than the alternative option; and

WHEREAS, in order to perform the less costly alternative, approximately 0.804 acre of land must be acquired from a private landowner; and

WHEREAS, implementation of alternative two is in the public’s benefit because timing of the project will occur significantly faster and will not require moving any earth and/or fill material, or invading the current cover material and is thus more protective of public health and safety; and

WHEREAS, in addition to protecting the health and safety of the community, conserving limited fiscal resources and avoiding additional tax burdens on the community serves the public’s best interests by avoiding the imposition of additional taxes and/or avoiding forced reduction in necessary municipal services; and

WHEREAS, the Town of Hamburg has made good faith efforts to purchase the property required for the Landfill Improvement Project; and

WHEREAS, the property owner has not, to date, agreed to the sale of the property to the Town of Hamburg; and

WHEREAS, the Town of Hamburg is a municipal corporation vested with the power of eminent domain; and

WHEREAS, exercising the power of eminent domain has become necessary for the Town to obtain the property needed to complete the project; and

WHEREAS, the Town of Hamburg, in compliance with the statutory provisions of the New York Eminent Domain Procedure Law, has determined to exercise its eminent domain power.

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg Legal Department is authorized and directed to commence proceedings consistent with the New York Eminent Domain Procedure Law to exercise the power of eminent domain over a portion of the following premises:

SBL No.: 194.00-3-24.11
Farm Lot 37, Township 9, and Range 8
Owner: Donald J. Spittler, Jr.
With a Mailing Address of: 2064 Lakeview Road
Lake View, New York 14085

And being more particularly described as follows:

Commencing at a point on the southeast line of the New York State Thruway, Map 502, Parcel 509, the said point also being the northeast corner of Donald J. Spittler, Jr. (SBL No. 194.00-3-24.11) and also being the northwest corner of lands owned by the Town of Hamburg (SBL No. 194.00-4-17); thence southerly along the east line of Spittler and west line of the Town of Hamburg, a distance of 65 feet to the point or place of beginning; thence westerly and perpendicular to the east line of Spittler a distance of 45 feet; thence southerly at a right angle, a distance of 150 feet; thence westerly at a right angle, a distance of 15 feet; thence southerly at a right angle, a distance of 295 feet; thence easterly at a right angle, a distance of 15 feet; thence southerly at a right angle, a distance of 235 feet; thence easterly at a right angle, a distance of 45 feet to a point on the east line of Spittler, the said point also being on the west line of the Town of Hamburg; thence northerly along said east line of Spittler, a distance of 680 feet to the point or place of beginning, and containing an area of 0.804 acres; and

