

Meeting No. 5
April 10, 2006
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

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

Roll Call:	Steven J. Walters	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

Also Present:	Barbara Allen	Deputy Town Clerk
	Richard Boehm	Deputy Town Attorney
	James Spute	Finance Director
	Joseph Coggins	Police Chief
	Gerard Kapsiak	Town Engineer
	Robert Hutchison	Town Assessor
	Martin Denecke	Director of Recreation
	Drew Reilly	Planning Consultant
	William Dash	Deputy Highway Superintendent
	Kurt Allen	Supervising Building Inspector
	Bob Reynolds	Erie County Legislator 12 th District

7:00 p.m. Public Hearing for proposed local law #2 which provides for the establishment of a Sex Offender Residency Restrictions Law.

Barbara Allen, Deputy Town Clerk, reads the following legal notice as published in the Hamburg Sun and the Front Page:

LEGAL NOTICE
TOWN OF HAMBURG
PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2006
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that there has been presented to the Town Board of the Town of Hamburg on March 20, 2006, a proposed Local Law to be known as proposed local law #2, 2006; said local law provides for the establishment of a Sex Offender Residency Restrictions Law and provides substantially as follows:

Section 1: Sex Offender Residency Restriction

A. Legislative Intent

The adoption of Megan's Law has increased public awareness of sexual offenders by requiring them to become registered with authorities and making such information available to the public. The Town Board of the Town of Hamburg believes this legislation is necessary to further protect the best interests of all children, and to protect the health, safety and welfare of residents in the Town of Hamburg.

B. Definitions

A used in this law, the following terms shall have the meanings indicated:

DANCE HALL-any place (whether inside or outside a building) where a public dance, concert or related activity is permitted or conducted as part of the business of such place.

PUBLIC DANCE-any dance, concert or related activity to which persons under the age of eighteen (18) are admitted for which an attendance charge or donation is imposed as a condition of attendance.

TEEN/COMMUNITY CENTER-any building/structure where persons under the age of eighteen (18) years of are invited and congregate for the purpose of education, athletics and/or entertainment.

TOWN OF HAMBURG-the Town of Hamburg, excluding the territory of the Villages of Hamburg and Blasdell.

C. Residency Restrictions

No person over the age of eighteen (18) years, who has been convicted of a violation of a sexual offense upon a child of the age of sixteen (16) years or under, as defined by the New York State Penal Law, which would require that individual to register as a sex offender under state and/or federal laws, shall be permitted to reside or live within one thousand five hundred (1,500) feet of the real property of any:

1. School
2. Park
3. Playground
4. Day Care Center
5. Teen/Community Center
6. Teen Facility
7. Dance Hall, or
8. Skating Rink

In the Town of Hamburg, unless such residence has been assigned by a supervised release program, which provides close supervision of the sex offender's daily activity, or the residency of said offender was established prior to the enactment of this legislation.

D. Penalties

Failure to comply with this section shall be considered a violation punishable by a fine not to exceed One Thousand Five Hundred Dollars (\$1,500.00) or imprisonment not to exceed fifteen (15) days, or both.

E. Severability

If any clause, paragraph, section or part of this chapter shall be adjudicated by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be continued in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

F. This local law shall take effect upon filing with the Secretary of State.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the 10th day of April, 2006 at 7:00 p.m. (Local time), at which time all interested persons may be heard.

Dated: March 20, 2006

Catherine Rybczynski
Town Clerk

Barbara Allen, Deputy Town Clerk, comments that there are 2 items of correspondence received.

The first is to the Town Board from Karen Rogers expressing her approval of the proposed local law prohibiting convicted child sex offenders from living within 1500 ft. of a school, park, playground, or day care center. The proposal also adds teen or community centers, dance halls and skating rinks. Thanking Councilwoman Kathy Hochul and the other members of the Board for their efforts in addressing this serious problem.

The second letter is to Supervisor Walters from Jack Quinn, New York State Assembly, thanking the Town of Hamburg for their concerns regarding sexual predators and sexual assault. In the 2005 Legislative Session, the Assembly and Senate passed legislation to require the most dangerous sexual predators to annually update their state sex offender registry photos; Prohibit violent sex offenders from entering school grounds, facilities used for child care and from working on ice cream trucks; and eliminate the use of public funds such as Medicaid to pay for prescriptions, medical supplies and procedures that treat erectile dysfunction. On January 18, 2006 the Assembly passed an agreement to extend the Megan's Law Sex Offender Registry for an additional ten years. Level 3 offenders will be required to register for life, level 2 offenders and level 1 offenders will be required to register for 30 to 20 years respectively. In recent months he supported legislation that would: Prevent convicted sex offenders from living within 1,000 feet of a school or school grounds; expand information available about sex offenders on the Division of Criminal Justice Services' web site to include data on all registered sex offenders; prohibiting sex offenders from working in positions where they would have substantial contact with children and requiring employers and volunteer organizations to conduct background checks of childcare employees and volunteers; increase the penalty for sex offenders who fail to register. He is hopeful that prior to the end of the current legislative session the Legislature is able to pass state-wide parameters that will better protect our communities. He applauds the Town of Hamburg for what they are doing today; there is nothing more important than the protection of our residents from sexual predators.

Councilwoman Hochul comments that she wants to take a second to explain what they are doing. Basically this law states that no person, over the age of eighteen who has been convicted of a violation of a sexual offense on a child of age sixteen or under and is required to register as a sex offender, shall be permitted to live or reside within 1500 feet of the following: school, park, playground, day care center, teen/community center, teen facility, dance hall or skating rink. She would like to amend this to include swimming pools. She wants to thank Mr. Boehm for his work on this. Other communities have proceeded them on this but they would like to think that they have accumulated the best ideas that are out there in Western New York. They have studied a lot of other laws that have been passed by other municipalities and think that theirs is one of the toughest because they have expanded the number of locations that are affected. People who already live here are grandfathered, but this is a proactive measure on their part to protect the young people in our community. She urges her Board members to support this.

Councilman Cavalcoli comments that echoes all their concerns and feelings and support. On behalf of all of the Board members he would like to commend Councilwoman Hochul, the Supervisor and Mr. Boehm for working on this and bringing out the details of this which are so important to the community and feels that they should move forward.

Supervisor Walters opens the floor to public comment (only on this proposed local law).

Kim Bannister, 4103 Bryant St., states that she runs a licensed family child care facility and would like to be amended into this law. They are just as important as child care centers. They are not considered centers, they are family and group family homes. They are licensed and regulated by the State and are inspected and/or fined by the State just like any other day care center. In her neighborhood alone there are three of them. They want to be included in this law.

Councilwoman Hochul responds that definitely falls within what they are trying to accomplish here and would have no trouble amending this. They will be taking no action this evening, this is a public hearing to take comments, so this legislation can be amended to include that.

Councilman Quatroche comments that they should probably check on all categories. Kim comments that there are also school aged child care facilities in the Town of Hamburg which are all within the same parameters. Mr. Boehm questions if that would be considered providers. Kim responds yes.

Joe Kilian, United Council, questions if the 1,000 or 1,500 feet is a national standard, how did they come up with this. Councilwoman Hochul comments that a lot of communities are 1,000 feet and they increased it to 1,500. Joe comments that it is a good start but isn't very far it seems like just a feel good law. Councilwoman Kesner comments that it keeps it out of the vicinity and that is the goal.

V.

WHEREAS, the Town of Hamburg and the County of Erie have recently discussed options available to provide more efficient and effective sanitary sewer service to the residents of the Town at a reduced overall cost; and

WHEREAS, the Town and Erie County consider that the most efficient and effective means of providing sanitary sewer service to Town residents is to implement a phased merger of sewer services. The initial phase is proposed to include merging the following Town Sewer Districts into Erie County Sewer District No. 3:

- Sewer Districts 6, 7, 8 & 9 (Osborne/Sagamore and Extensions 1, 2 and 3)
- Sewer District 11 (Taylor Road)
- Sewer District 15 (East Frontier)
- Sewer District 16 (Steifler)
- Sewer District 17 (Salem Drive)
- Sewer District 20 (Linwood/Yoviene)
- Sewer District 22 (Allen/James)
- Sewer District 23 (Elmwood/Oakwood)
- Sewer District 24 (Beacon Hill)
- Sewer District 27 (Ravenwood North)
- Sewer District 28 (Highland Acres)

WHEREAS, to effectuate the merger, it is necessary that an extension to Erie County Sewer District No. 3 be formed, and the sanitary sewer assets of the above Town Sewer Districts be transferred to the County; and

WHEREAS, the Town Board of the Town of Hamburg desires to see Town residents realize more efficient and effective sanitary sewer service and associated cost savings as soon as possible,

THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Hamburg is authorized to petition Erie County, the Erie County Legislature, and the Board of Managers of Erie County Sewer District No. 3 to extend Erie County Sewer District No. 3 in order to provide County sanitary sewer services to the above Town Sewer Districts; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to immediately enter into negotiations with Erie County for an Intermunicipal Agreement for the transfer of said sewer assets upon the formation of an extension of Erie County Sewer District No. 3 to include these Town Sewer Districts; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute said Intermunicipal Agreement with Erie County, contingent upon satisfactory negotiations of the terms of the Agreement and approval as to form by the Town Attorney; and

BE IT FURTHER RESOLVED, that the Town Clerk is requested to send certified copies of this resolution to Erie County Executive Joel A. Giambra; the Erie County Legislature; Andrew M. Eszak, Commissioner, Erie County Department of Environment and Planning; Erie County Sewer District No. 3; and Town of Hamburg Supervisor Steven J. Walters; and

BE IT FURTHER RESOLVED, that the Town Board, on behalf of the affected Town property owners, extends sincere appreciation to the County of Erie, Erie County Sewer District No. 3, and the Erie County Division of Sewerage Management for their cooperation, assistance, and consideration regarding this matter.

Moved: Cavalcoli

Seconded:

Roll Call: Ayes:

Noes:

Councilwoman Kesner requests that the motion is tabled until the April 24th Work Session. She is concerned that the impact of this will be a savings for everyone and until she is certain on all the numbers she would like to table it.

VI.

RESOLVED, that the Town Board table the above resolution at this time.

Moved: Kesner

Seconded: Hochul

Roll Call:	Councilman Cavalcoli	No
	Councilwoman Kesner	Yes
	Supervisor Walters	No
	Councilwoman Hochul	Yes
	Councilman Quatroche	Yes

Motion tabled.

Councilman Cavalcoli requests that the people who are concerned make their utmost effort to get in contact with Mr. Whetham and Mr. Eszak and Mr. Kapsiak to find out what they need to prepare them to vote yes or no at the first meeting in May because he will bring this resolution back before the Board. There is a critical time element that is in place in order to meet the public hearings and everything the County has to do to move this project forward and form the District in order to help the residents.

VII.

RESOLVED, that D.A.R.E. Officer Holly McKnight be authorized to travel to Auburn, N.Y., April 27 - 30, 2006 for the purpose of Special Training being provided by NYS-DCJS/D.A.R.E. Department. This training will include new curriculum lesson plans from D.A.R.E. America for inclusion in the 2006-2007 scholastic year. Travel, meals, accommodations and training will be provided through Grant Funds obtained by our D.A.R.E. Unit, therefore no Town Funds will be required.

Moved: Walters

Seconded: Kesner

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

IX.

RESOLVED, that the Honorable Judge Gerald P. Gorman attended the Association of Towns meeting held in New York City from 2/18 to 2/21 and the original travel request had an estimated cost of \$1,000.00. The actual cost was \$1,234.37, therefore, the Justice Court requests that \$234.37 be transferred from the A fund Contingency into A1110.492 so that the voucher can be processed and Judge Gorman can be reimbursed.

Moved: Walters

Seconded: Quatroche

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

RESOLVED, that the Town Board approve permission for Nancy Crane and Mary Dosch to travel to Orchard Park on May 2, 2006 to attend a KVS Western New York User Group Meeting. They will be demonstrating new software enhancements and there is no cost to the Town.

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

XII.

WHEREAS, the Town of Hamburg received a rezoning application from the E.F. Burke Company for the rezoning of property northwest of the intersection of South Park Avenue and Southwestern Boulevard.

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQR) of the Environmental Conservation Law the Town determined that the rezoning of this property and the subsequent development of a business park would have an impact on the environment and issued a positive declaration, and

WHEREAS, a DGEIS (Draft Generic Environmental Impact Statement) was completed, a public hearing held, and a FGEIS was drafted based on the comments received.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board, as lead agency, accepts the FGEIS as complete and authorizes the Planning Department to issue the appropriate notices and filings and distribute the documents required.

Moved: Cavalcoli
Seconded: Walters

Councilman Cavalcoli comments that there are still concerns on the final GEIS and Mr. Burke and his representatives are present and would like to address the Town Board concerning this. He asks Mr. Reilly to give a brief summary on the status of this.

Mr. Reilly responds that the process is that they do a DEIS, which they did, they had a public hearing and received comments from different agencies and the public and the applicant has put a draft of the FGEIS together and at the work session a couple of weeks ago he went over the FGEIS and two items were questioned that were in the referral to the Planning Board. They are rezoning from C-1 to C-2 so that they can put a business park in there. There were some concerns because the difference in the zoning is that C-2 allows for larger structures and outdoor storage. The Town Board entertained it, and the applicant has done a very good job putting restrictions on it for their concerns. However, the issue raised two weeks ago is that the first proposal for the project has outdoor storage. He showed the Town Board what was proposed for that and they still had very strong concerns about the outdoor storage and about the aesthetics of the building. He spoke with the applicant and he asked for the resolution to be put in for this evening so that he could answer any questions the Board might have.

Councilman Cavalcoli wants to clarify that because those concerns were part of the scoping and the statements that were to be completed, that they needed to be addressed before they could accept it.

Mr. Burke comments that there were certain conditions that were brought up and he agreed to them even though they are allowed in a C-2 zoning. One was gasoline, another automotive and drycleaning and he agreed not to have any of them in his business park.

Councilwoman Hochul comments that the concern they have is outdoor storage.

Mr. Burke responds that came up at the public hearing and Tractor Supply is doing different renderings and aesthetics that they will present to the Planning Board for their review.

Councilwoman Hochul comments that when the Town Board passes something they have the right to say yes or no. They can put on all the conditions they feel necessary to enhance that property or to fit in with the overall scheme for that stretch of road. They appreciate his cooperation in agreeing to not allowing certain things in that park, however, they referred that to the Planning Board several months ago and a major issue was outdoor storage.

Mr. Burke comments that they are not ignoring this issue. They are preparing things that he feels

will be aesthetically pleasing to the Planning Board. They started on this in December 2004 asking for the rezoning of the entire parcel from C-1 to C-2 and the Planning Board did give a favorable recommendation on that. The Planning Board does review each and every project as it comes in. At this point he respectfully requests that they do not hold up the rezoning. They have been at it since December 2004. They will have a review of any project that comes in whether it is Tractor Supply or any other project that follows by the Planning Board.

Councilwoman Hochul responds that she would feel it is negligent on their part not to request everything that they think would make that project fit into their view of what that road should be at this point. Once they turn it over to the Planning Board it is another level of scrutiny. When it comes to rezoning, it is a rare opportunity for the Town Board to have real say in what the property looks like. He has done beautiful work throughout this Town and if this conforms with the other projects they will not have a problem with it. However she remembers asking for a sketch plan of what they are talking about and all she has seen so far is the prototype of the Tractor Supply Store that is in Springville and that does not conform with the aesthetic standards that he has presented in the past.

Mr. Burke comments that they will have the opportunity of reviewing that with Tractor Supply when they come in for the permit.

Councilwoman Hochul comments that she wants to see that they have made accommodations for their request on outdoor storage. They want to upscale that road, she doesn't want to see tractors all along Route 20. Once they see that, and approve of it, then they can proceed with the rezoning. Over the last twelve years they have redefined the way they look at rezonings. They take a very close look at projects before they go to the Planning Board so they have a say on how they look. You are not the first.

Mr. Burke responds he appreciates her compliments on his other projects and he doesn't intend to have this any different than the previous projects.

Councilwoman Kesner questions how long it will take to get the rendering together.

Mr. Burke responds a couple of weeks, but, he is at his wits end in getting this project along. He feels he has waited as long as he can, over a year.

Councilwoman Kesner comments that they just want to make sure that their renderings will conform to their requests. They are near the end, just a little more patience.

Mr. Burke comments that they will have the chance to review the plans and make whatever modifications they want just please don't hold up the rezoning. They will also have the chance to review plans for every project that comes in there.

Councilwoman Hochul comments that in December she told him she needed to see those renderings and how the outdoor storage would be addressed. If he had gotten them to her sooner this would have been approved sooner.

Councilman Quatroche asks Mr. Reilly to clarify this action this evening.

Mr. Reilly comments that they may be able to take action this evening. Their last control is the issue of findings. They could also wait until April 24th and hopefully see the sketches because they won't make the findings until the meeting of May 8th. If Mr. Burke doesn't resolve the issues one of the findings could be no outdoor storage. They have to accept the FDEIS, then wait a minimum of 10 days to issue findings. They can then make findings and approve the rezoning the night of May 8th.

Councilman Cavalcoli comments that if the requirements that the Board has put on the project have not been met then in the findings they state that and deny the rezoning.

Mr. Reilly responds they can deny the rezoning or make the findings that will approve the rezoning.

Supervisor Walters comments that perhaps if Mr. Burke works diligently to get this to them before the May meeting he feels the work he has done in the community should bear some consideration in the vote tonight. As Mr. Reilly said this isn't the end of it tonight. There will be one more opportunity to prevent what the concerns are. Personally he feels they need to keep this moving forward with the full knowledge that it won't be approved or the findings will have heavy restrictions. He feels at this point that they should move forward with this.

Bob Walsh, represents for Mr. Burke, states that he understands Councilwoman Hochul's issue with the aesthetics however, the only problem he has with the rezoning is that if the project is

rezoned and Tractor Supply falls through, that use is gone and they would bring the next use back in front of the Planning Board. At this point they have already gone beyond the jurisdiction of the Town Board and the Planning Board would then look at that parcel and the three remaining to be developed. He doesn't understand the hesitancy of the Town Board because if they didn't have Tractor Supply identified as a use for that parcel, the thought was that they should make this into a business park because it hasn't been able to be developed as one parcel. If they pass the rezoning the Planning Board still has authority to change the aesthetics. The Board is trusting the Planning Board to look at all the other parcels why not this one.

Councilwoman Hochul responds that this is a rare opportunity for them to have control. This is a major highway and they want to set a certain standard and tone for that area. She takes that very seriously, she trusts the Planning Board, but this is a chance they have to say if you want the rezoning then the building is going to look this much better than the national standard for a Tractor Supply Store. She doesn't understand why they haven't put some brick on it and some pillars in front and given it to them. Everyone who has gone before them in the past, they have discussed what the project is going to look like. This is a national chain and they have a prototype look and the Planning Board will look at it and say this is the prototype look and they have to follow it. She has seen it happen before, this is her opportunity to say, throw the prototype look out the window and give them something that looks beautiful in Hamburg. You can say you will do that, but she needs to see it sitting in front of her.

Mr. Walsh responds that there are four parcels there. What if they just asked for the rezoning with no major use and they just came before the Town Board and said they wanted to make it an office park.

Councilwoman Hochul responds that she would not have supported it, not knowing anything about it. You cannot ask for the rezoning of a vacant piece of land saying someday they will make it look nice. If they asked for the rezoning she would have said what will the office park look like, give me some renderings, that is all she is looking for now.

Councilman Cavalcoli comments that the other critical issue is that when the Board was looking at rezoning the entire parcel or even a single piece from C-1 to C-2 they wanted no outdoor storage whatsoever. But because of the nature of the client, which was an outstanding business and probably a well needed business and the Board recognized that so they said they would consider some kind of outdoor storage if it met the aesthetic qualification. Mr. Burke has repeatedly said the Company was willing to do this but to date they haven't proved that rendering. They talked several weeks ago at a Planning Board meeting and the rendering that was supposed to show the limited storage wasn't redone yet. As much as he has worked with Mr. Burke over the years and he knows he is trying his hardest, the company has to come forward and not delay the process by not providing those renderings and that information. The Board is anxious to move forward but not without that information.

Mr. Reilly comments that if they didn't have a user for the property they would be asking for samples of what the building types would be and they would include that in the impact statement saying that they had to follow those guidelines. He believes that they are very close. They can either approve this tonight and look at the drawings two weeks from tonight or wait for two weeks and pass the FGEIS. He doesn't believe they will lose any time. The findings will be passed at the May 8th meeting and they could also do the rezoning at that same meeting. Another thing that pushed this back is that he just got the comments from the DOT faxed to him at 5:00 pm today.

Typically an EIS takes from 6 months to a year and the DOT played tough as well, however, it looks like the DOT is going to put in a light for Mr. Burke which is a good thing.

Councilwoman Hochul comments that if that came in at 5:00 pm today it will take some time to study and digest. It is complicated. She also believes that if their requests had been granted, months ago, to get a rendering and see where the outside storage will be then they would have been done with the Town part.

Councilman Quatroche comments that he appreciates the fact that Mr. Burke has been patient and feels he has been diligently trying to get the rendering, however, as long as they won't be holding up the process then he would be supportive of addressing Councilwoman Hochul's concerns on the rendering, and tabling this resolution.

Mr. Reilly comments that what would happen on April 24th is that they would read the resolution to accept the FGEIS as complete so they can send paperwork out to the appropriate agencies. They could also authorize the Planning Department to finalize the findings and prepare a resolution to approve the rezoning and if they were satisfied on the 24th they would authorize him to prepare the documents so they will be ready for the May 8th meeting.

Councilwoman Hochul comments that they are not holding him to an impossible standard. They have asked Wal-Mart to make their proposed building look like Brierwood Country Club. She

Supervisor Walters comments that there is a piece of correspondence that was requested to be read into the record and asks the Deputy Town Clerk to read it at this time.

Barbara Allen, Deputy Town Clerk, reads a piece of correspondence addressed to the Town Board from Raymond Pawlowski and Amy McKnight stating that they are requesting their assistance for the second time regarding the failure of the Big Tree Volunteer Fire Company answering Legal Freedom of Information Requests that have been sent to them. At the October 2005 Town Board meeting, then Town Supervisor Pat Hoak instructed Town Attorney Richard Boehm to correspond/set up a meeting with the fire company's council William Trask as to their compliance with Freedom of Information Request. What was the outcome of the correspondent(s) and/or meeting(s)? Find enclosed Freedom of Information Requests from November 10, 2005 and all related documents, as of this date, we have sent 6 requests to William Trask on the same matter and still await an answer. There is no legal reason for them not to answer these requests. They do not have anything to do with the Article 78 lawsuit. Your assistance in requiring the Big Tree Volunteer Fire Company to comply with these FOIL's would be greatly appreciated along with an answer in regards to the meeting(s)/correspondent(s) that Richard Boehm had with William Trask.

Reports From Town Board Members and Department Heads

Councilman Quatroche reports that they will be having a meeting of the Shoreline Revitalization Committee on Wednesday, April 19th to discuss the Foit's project and the possibilities of what the property could be used for. They will then have a public information session following, pending the schedules of some of the committee members and also the agenda for that meeting.

Councilwoman Hochul reports that the golf course will open, weather permitting, on April 17th and also the Skate Park opens that day and also the sport court floor in the arena will be available on that date. There are a lot of activities going on and she encourages everyone to look out on the website for all the programs. The 11th annual Townwide clean-up will be held on May 6th starting at 8:30 am and ending around noon with hotdogs at Town Hall. They will be training volunteers who want to work at the Lake Erie Seaway Trail Center on Wednesday, April 26th at 7:00 pm and May 9th at 7:00 pm at the Center. She also wants to get the word out that on Tuesday's the Department of Motor Vehicles has a satellite office in the basement of Town Hall. It is available from 10:00 am to 3:00 pm.

Councilwoman Kesner reports that she has good news on the plans for the bike trail in the Town of Hamburg. She met with the DOT and one of the topics was the safety measures that they would like in place at the Route 5 Hoover Road intersection where they will be crossing to go to the Penn Dixie Site. Her feedback from that meeting was very receptive to those requests. They will be calling a meeting on May 17th for the bike trail committee to review the final plans and at that time they will be setting a date for a public hearing showing the new second link of the bike trail and to discuss other options for additional bike trails in the Town of Hamburg. So, link one is completed from Hoover Road to the Woodlawn State Park and now this will be link two from Hoover Road to the Penn Dixie Site and the whole Town is open to more. They are very excited to be at this point and hopefully will be breaking ground within the next couple of months for the second link.

Mr. Kapsiak, Town Engineer, comments that he copied the Town Board on a brochure he received from the State Department of Transportation on a Transportation Enhancements program grant process in which applications are due by June 30th for various projects including provision and facilities for bicycle and pedestrians and for scenic overlook projects and landscaping and beautification. They did apply for the Foit's project, in 2001, and it wasn't approved at that time but they intend to resubmit.

Bob Reynolds, County Legislator, thanks Kurt Allen for getting the building on Franklin Street knocked down and they are now involved in the Village working on Pine Street.

Business From the Floor

Tom Whetham, Erie County Department of Environmental Planning Division of Sewer Management comments that he does have the information, which is very complete, in terms of the rate impact on all the users that are within the proposed Erie County Sewer District #3 extension and he would be happy to share that information with them at any time. He would say that if they want this action to move forward, this does need to go through several county approval processes for it to happen. One of those is the Energy and Environment Committee for their consideration, but that is only after it has gone through the Erie County Sewer District #3 Board of Managers. It is then subject to permissive referendum and a public hearing process, so if they want this to move forward and happen as early as January of next year then they need to have something happen this month. If they miss this month it is likely that they are looking at a 2008 implementation and given the fact that 85% of the users will save money and the average savings is on the order of \$87.00 per year it would be a shame to have to put it off. They are offering something that is very worthwhile and he respectfully asks that if they do want to move forward and see it happen that they act as soon as they can.

Supervisor Walters questions what the dollar amount would be for the 15% that would not be saving money. Tom responds that the average increase would be on the order of \$45.00 per year, however, most of the properties would see an increase between \$25 and \$30 but, this is only for the 15% receiving the increase. The other 85% would see a savings of around \$87.00.

Councilwoman Kesner comments that she would love to see that information, because just a few weeks ago when they met they were showing 30% as paying more and the numbers she saw were a lot more than \$45.00. That is her concern.

Mr. Eszak, Commissioner Erie County Department of Environment and Planning, comments that was for a very typical household. They have made it more specific. Councilwoman Kesner responds that she just wants to make sure this would not create a hardship, she wants to make sure it is a benefit to everyone involved.

Councilman Cavalcoli comments that his intention will be to bring this resolution before the Town Board on the 24th of April and take some action on it.

Mr. Whetham comments that he would be more than happy to come back out and offer a public informational meeting where they advertise it to the residents and they would be able to spell out what the ramifications of this action would be. It is also subject to permissive referendum so their action does not necessarily mean it is over or that it is a done deal.

Mr. Eszak comments that their action just allows this to keep moving forward, because it is subject to permissive referendum the voters would have an opportunity to accept it or reject.

Mr. Whetham comments that there will also be a public meeting that will be held in the City of Buffalo, County Hall. Councilman Cavalcoli comments that would take place after they take action to move this along.

Joe Kilian, United Council, comments that due to the fact that the large trash pickup is only seven months could they arrange to pick up every other month to make it last longer. They will have people putting out trash after September and it will sit out at the curb until the following March. Councilman Cavalcoli comments that notices have already been sent out to all the residents and to change that schedule now would cause too much confusion.

Supervisor Walters asks Mr. Allen, Supervising Code Enforcement Officer, to address that. Mr. Allen explains that leaving garbage at the curb is a violation of their refuse collection law. They need to contact his department so they can take the necessary enforcement action.

XV.

RESOLVED, that the Town Board close the meeting at 8:30 p.m. to go into Executive Session with Mr. Boehm on a Legal and contractual matter.

Moved: Walters

Seconded: Kesner

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

Noes: None

Carried

#29 - To Supervisor Walters from Catherine Rybczynski, Town Clerk, the monthly report for March 2006 with receipts totaling \$48,424.08.

#30 - To Councilwoman Hochul (copied to Catherine Rybczynski, Town Clerk) from Joe DeAntonis, 5505 Country Club Lane, stating that he is against the proposed Wal-Mart going into the Brierwood Plaza on Rogers Road and Route 20. Questioning if the current zoning precludes the Town from even having a say in the matter.

#31 - To Catherine Rybczynski, Town Clerk, from Tina Ward Shuart, Scholarship Chair - New York State Town Clerks Association, congratulating her and stating that she has been selected by the New York State Town Clerks Association to receive a \$250.00 Scholarship for attendance at the 2006 Annual Conference in Saratoga.