

Meeting No. 10  
April 14, 1997  
Hamburg Town Board Meeting  
S-6100 South Park Avenue  
Hamburg, N.Y. 14075

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

Roll Call:	Patrick H. Hoak D. Mark Cavalcoli Kathy C. Hochul Joan A. Kesner Thomas Quatroche, Jr.	Supervisor Councilman Councilwoman Councilwoman Councilman
Also Present:	George Danyluk Richard Boehm James Spute Gerard Kapsiak Drew Reilly Kurt Allen Joseph Coggins Martin Denecke Christopher Hull	Town Clerk Deputy Town Attorney Director of Finance Town Engineer Planning Consultant Supervising Building Inspector Asst. Police Chief Asst. Director of Recreation Director of Community
Development	Robert Mars Fred Kingsbury James Connolly	Receiver of Taxes Real Property Appraiser Highway Superintendent

The Pledge of allegiance was recited.

Information on Fire Exits was provided.

7:00 p.m. Public Hearing for the adoption of an amendment to said Zoning Code for land located at 4760 Camp Road. The property is to be rezoned from C-2 (General Commercial District) to M-2 (Light Industrial District).

At this time George Danyluk, Town Clerk, reads the Legal Notice as published in the Hamburg Sun and the Front Page:

**PLEASE TAKE NOTICE** that there has been presented to the Town Board on March 24, 1997, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #3, 1997; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for land located at 4760 Camp Road. The property is to be rezoned from C-2 (General Commercial District) to M-2 (Light Industrial District).

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot 22, Township 9, Range 8 of the Holland Land Company's survey, bounded and described as follows:

**BEGINNING** at the intersection of the west line of Camp Road with the South line of lands conveyed to Elizabeth Snyder by deed recorded in the Erie County Clerk's Office in Liber 6151 of Deeds at Page 114, on April 9, 1957 (said south line being parallel to the north line of said Lot 22 and distant 30 chains southerly therefrom); thence westerly, along the southerly line of lands so conveyed to Elizabeth Snyder, 971.92 feet measured (983.49 feet deed) to a point; thence northerly, at an interior angle of 89° with the last above line, 511.42 feet measured (510.35 feet deed) to a point; thence easterly, at right angles to the last line, 362.67 feet; thence easterly, on a line deflecting to the north 03° -41'-30", 306.25 feet measured (311.11 feet deed) to a point in the westerly line of Camp Road, and thence southerly, along the westerly line of Camp Road, 597.06 feet measured (599.68 feet deed) to the POINT OR PLACE OF BEGINNING.

**THEREFORE**, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town of Hamburg will hold a public hearing on April 14, 1997 at 7:00 p.m. (Local time), at which time all interested persons may be heard.

Dated: March 24, 1997

GEORGE DANYLUK  
Town Clerk  
Town of Hamburg

### **Correspondence**

A Memo from Doug Nichols, Conservation Advisory Board, stating that this was reviewed and there are no environmental concerns.

A letter from GRS Realty Company, Inc. confirming that they have no objection to this property being rezoned from commercial to light industrial.

A letter to the Town Attorney from Edward & Suzanne Wagner, stating that they would like to express their objection to the rezoning of this property. They have concerns regarding potential air pollution, noise levels and possible water contamination.

At this time Drew Reilly, Planning Consultant gives an overview of the property on an overhead projector.

Mr. Savage from R.D. Murray comments that they have been in community for nearly 20 years. He understands that there are concerns about this and he is here to answer any questions on this matter.

Gerald Snyder, Chapel Run Dr., asks Mr. Savage to describe the type of work that will be done on this property.

Mr. Savage responds that his operation consists of 30 office personnel and about 25-30 manufacturing personnel. The manufacturing consists of sheet metal operations which includes sheering and breakforming metal components into fire apparatus bodies and they also purchase component parts for fire trucks. For the most part they are assembling fire trucks. The main component they manufacture is the fire apparatus body.

Mr. Snyder questions whether they do welding and painting.

Mr. Savage responds, yes, they do this.

Mr. Snyder inquires what is done with the refuse.

Mr. Savage says that some of the metal is collected and sold for scrap, and the balance of refuse is put into a dumpster and disposed of weekly by CID.

Mr. Snyder asks if there are any fire or explosive hazards contained within this operation.

Mr. Savage responds that the building is completely sprinklered. There are some types of stored gases, such as acetylene and some paint solvents, however, these are contained in small quantities.

Supervisor Hoak asks if, in the 20 years he has been in business, they ever had an incident where

the fire company had to be called in.

Mr. Savage responds none that he can recall.

Councilman Cavalcoli questions how the painting is handled, in regards to environmental regulations.

Mr. Savage states that they have a paint booth that is completely filtered, no paint fumes are exhausted into the air.

Councilwoman Hochul states that she has had calls concerning storage of used fire trucks and materials outside their present facility.

Mr. Savage says that they used to remanufacture fire apparatus, however they now are mainly manufacturing new apparatus. It would be rare for them to store anything but new equipment now.

Councilwoman Hochul points out that there will be less traffic generated from a manufacturing facility as opposed to a retail operation such as Grossman's.

A resident inquires what will be done to clean up the property and will there be a fence installed to shield area residents from the facility.

Mr. Savage responds that the old canopy enclosure, off the back, will be removed and new siding will be installed. They will also paint the entire building. If the fencing is a requirement, they would be happy to do this, however, they run a very clean operation and he feels it shouldn't be necessary.

Councilman Cavalcoli states that in attending a Planning Board meeting in this regard, it was the intention that RD Murray improve the front of the building and also the property with some plantings and aesthetic changes. Mr. Savage was present and said he was willing to comply with the Planning Boards interests.

Denise Cirincione, Howard Rd., states her opposition to this rezoning. She has read the new Master Plan and it does not show this as light Industrial. Please do not spot zone this area, it is a good commercial area. The entrance to Kingswood subdivision is right there.

Drew Reilly responds that the Planning Board did look at this in regard to the Master Plan and the area is looked at as PUD which means the uses may vary from property to property. They felt that this business involves a lot of office space as well as light industrial which should fit into this area very well. This business should improve the area.

Marion Lafferty, 3489 Howard Rd., stating that she agrees with Mrs. Cirincione, they are building new housing developments and she doesn't think it is good for the neighborhood.

A resident states that they cannot afford to have this business leave this area. A lot of the employees who work for RD Murray live in Hamburg. She has seen this business it is very clean.

She is in support of this.

## **I.**

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

Moved: Hoak

Seconded: Cavalcoli

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

None:

Carried

7:15 p.m. Public Hearing for local law #4, 1997; which provides for an amendment of Local Law #10, 1986, Chapter 280 entitled "Zoning", Article XXV, Section 280-160.

At this time George Danyluk, Town Clerk, reads the Legal Notice as published in the Hamburg Sun and the Front Page:

**PLEASE TAKE NOTICE** that there has been presented to the Town Board on March 24, 1997, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #4, 1997; said local law provides for the amendment of Local Law #10, 1986, Chapter 280 entitled "Zoning", Article XXV, Section 280-160 and provides substantially as follows:

Section 280-160

B. Definitions

### **BODY RUB ESTABLISHMENT**

Any establishment having a fixed place of business where body rubs, sports rubs, hot oil rubs, body shampoos or similar services are administered. This definition shall not be construed to include a Hospital, bona fide medical or health establishment, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, licensed massage therapist (as defined in the provisions of NYS Board of Regents Law Article 155), or barbershops, beauty shop, and beauty salons in which massages are administered only to the scalp, neck or shoulders. As required for beautification purposes only.

C.

(1) No adult use shall be allowed within 1000 feet of another existing adult use.

(2) No adult use shall be located within 1000 feet of the boundaries of any zoning district which is zoned for residential use.

(3) No Adult use shall be located within 1000 feet of a preexisting school or place of worship, day care centers or playgrounds.

D.

(3) The processing fee for each such certificate of registration or amendment thereto shall be \$500.00.

Add as new paragraph:

(4) A licensing fee in the amount of \$500.00 per year shall be required of each and every business and/or establishment as defined under this Section.

Renumber old paragraph 4, 5, 6 and 7 as paragraphs 5, 6, 7, and 8

Amend paragraph 5

(6) The owner, manager of any adult use shall cause a copy of registration and license issued under the provisions of this section to be prominently displayed on the premises, building or location for which it is issued.

Amend paragraph 6

(7) Any knowingly false statement which the registrant or applicant should reasonably have known to be false which is provided in the certificate of registration, license, or any document or information supplied therewith shall be grounds for the rejection, suspension or revocation of the certificate of registration.

Amend paragraph 7

(8) It is a violation of this chapter for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate an adult use without having in force a certificate of registration and current valid license complying with this section.

Add new paragraph

(9) The Town of Hamburg Police Department and Building Inspection Department shall be authorized to inspect and enforce all provisions of this article.

**THEREFORE**, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town of Hamburg will hold a public hearing on April 14, 1997 at 7:15 p.m. (Local time), at which time all interested persons may be heard.

Dated: March 24, 1997

GEORGE DANYLUK  
Town Clerk  
Town of Hamburg

Councilwoman Hochul states that this law is a genesis of the new code committee that was started this January, made up of Richard Boehm, herself, Dick Crandall and Kurt Allen. They cannot prohibit Adult Uses from coming into the community, but they can limit where they go, the locations and what uses are around them. They have increased the distance allowed between them to eliminate the strip effect. They have also increased the distance allowed from residential areas, etc. and increased the fees.

Paula, licensed massage therapist, states that she is a resident in this town and has been working with Councilwoman Hochul for the past year. She wants to thank Mr. Allen and the Board for working with her and allowing her, as a massage therapist, to help with the wording of this, to protect the licensed massage therapist and to help protect the community.

George Komenda inquires why only 1000 feet.

Councilwoman Hochul responds that this is as far as they can constitutionally push it. They cannot outlaw Adult Uses, if they made it further they could be taken to court.

## II.

**RESOLVED**, that the Town Board table the public hearing for a minimum of two weeks.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

## III.

**RESOLVED**, that the Town Board approve the minutes from the meetings as follows:

March 24, 1997

Town Board Meeting

April 7, 1997

Work Session

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

## IV.

**BE IT RESOLVED**, that the Town Board grant permission to the Veterans of Foreign Wars of Post #1419 to sell **“BUDDY POPPIES”** in the Town of Hamburg on Thursday, May 1st, Friday, May 2nd and Saturday, May 3rd.

Moved: Hoak

Seconded: Hochul

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

Noes: None

Carried

**V.**

**WHEREAS**, the Town Board, acting as Commissioners for the Wanakah Water District of the Town of Hamburg, has various powers and duties as are set forth under Section 215 of the Town Law; and

**WHEREAS**, Section 215(8) of the Town law permits the Commissioners of a Water District to sell real property which is owned by the Water District, which is no longer required for the purposes of the District, subject to a Public Hearing conducted by the Town Board, as required by Section 198(12) of Town Law if value of the property to be sold is in excess of \$1,000; and

**WHEREAS**, a water tower owned by the aforementioned District has recently been taken out of service, dismantled and removed, due to it no longer being required in the overall operation of the water system, thereby making the land on which it was located no longer necessary for purposes of the District; and

**WHEREAS**, the property has an assessed land value in excess of \$1,000,

**THEREFORE BE IT RESOLVED**, that the Town Board hold a Public Hearing on April 28, 1997 at 7:00 p.m. to determine whether or not to approve the sale of the Water District property; and

**BE IT FURTHER RESOLVED**, that notice of such Public Hearing be published in the official newspapers of the Town, not less than ten nor more than twenty days prior to the date of the Public Hearing.

Moved: Hochul

Seconded: Quatroche

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

Noes: None

Carried

Councilwoman Hochul states that for public information this is the watertower that was removed in Amsdell Heights.

Steve Strnad inquires if they have an offer for the purchase of this land.

Supervisor Hoak states that this property is not large enough for a building lot. They were approached by the two abutting land owners to purchase this property.

**VI.**

**BE IT RESOLVED**, that the Town Board grant permission to the American Legion Auxiliary #527 designating Friday, May 9, 1997 as **“POPPY DAY”** in the Town of Hamburg.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

**VII.**

**RESOLVED**, that the Town Board approve the Out-of-Town Travel Request for Michael Dundon to travel to Morristown, N.J. on April 21st through 25th to attend a Critical Incident Stress Debriefing/E.A.P. Seminar conducted by the F.B.I. The only cost will be for meals, approximately \$200.00 and the money is available in account A1430.843.

Moved: Kesner

Seconded: Cavalcoli

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

Noes: None  
Carried

### VIII.

**BE IT RESOLVED**, that the Town Engineer's report on the acceptance of the Rushcreek Subdivision Part 5 street lighting installed under Public Improvement Permit No. 585 be received and that the Supervisor is authorized to sign the report.

**BE IT FURTHER RESOLVED**, that the Town Board authorize New York State Electric and Gas to connect seven (7) luminaries in accordance with Rate 1 of the P.S.C. Tariff, and

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be provided to NYSE&G and the Engineering Department, and that this resolution becomes effective on the day the report is signed by the Supervisor.

Moved: Hochul

Seconded: Quatroche

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

Noes: None

Carried

### IX.

**WHEREAS**, by letter dated March 31, 1997, the Town of Hamburg received formal notification from the New York State Environmental Facilities Corporation (NYSEFC) that the Town will receive State assistance of up to \$850,000 from the 1996 Clean Water/Clean Air Bond Act, for reimbursement of eligible costs associated with the sanitary sewer rehabilitation project currently being conducted in the Town Sewer districts which are tributary to the Electric Avenue Pump Station and Village of Blasdell Treatment Plant; and

**WHEREAS**, the State notification also included a proposed contract agreement between the Town and NYSEFC in this regard, which has been reviewed by the Town Attorney and Town Engineer, who determined it to be acceptable and recommend that it be approved by the Town Board,

**THEREFORE BE IT RESOLVED**, that the Town Board hereby expresses its appreciation for this Bond Act funding, approves entering into the Contract for State Assistance, and authorizes the Supervisor to sign this agreement on behalf of the Town of Hamburg.

Moved: Cavalcoli

Seconded: Hochul

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

Noes: None

Carried

Councilman Cavalcoli says that they have been working for well over a year to attain this.

Mr. Kapsiak states that this money, as stated in the agreement must be used for sewer rehabilitation work. Construction should be starting within two weeks. They will be using half of the money for this project and the remainder of the money they would like to use towards sewer rehabilitation in Blasdell or the Highland Acres Sewers.

Councilwoman Kesner states that if they are going to address the pollution problems in Woodlawn Beach that they have to address the two systems that are flowing into that Beach area. While they have the money and that interest they will do everything they can to keep this money and address those problems.

Supervisor Hoak states that is because of a joint effort between the Town and the Village of Blasdell, working with Dick Smith and Dale Volker, that they are going to get a major part of this initial investment that the Governor has freed up which will directly impact Woodlawn Beach. On top of this \$850,000, another \$2,000,000 is targeted for Woodlawn Beach alone. For concession stands, bathrooms, more security and cleanup.

Steve Strnad questions if they do get into Highland acres will this go into Blasdell Sewer Treatment Plant. Richard Boehm responds that this has not been determined yet.

Mr. Kapsiak says they just got a letter from the Village of Blasdell that says they do have capacity to take Highland Acres in their Sewer Treatment Plant. It was analyzed as the most cost

effective way to go.

Leonard Sawicki states that they want to get hooked directly into the Sewer Treatment on Lakeshore Road, They don't want any part of Blasdell.

George Komenda wants to thank everyone involved for getting this money allocated.

**X.**

**WHEREAS**, the Village of Hamburg has entered into a Cooperative Agreement with the Town of Hamburg in order to receive Community Development Block Grant Funds from the Department of Housing and Urban Development and,

**WHEREAS**, the Village of Hamburg has requested the use of \$44,000.00 from the 1997 Grant year for sidewalk reconstruction within the HUD target area in the Village of Hamburg and for Handicap Accessibility at the Hamburg Village Pool.

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor be authorized to sign the agreement by and between the Town of Hamburg and the Village of Hamburg for the use of these funds.

Moved: Kesner

Seconded: Quatroche

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

**XI.**

**WHEREAS**, the Village of Blasdell has entered into a Cooperative Agreement with the Town of Hamburg in order to receive Community Development Block Grant funds from the Department of Housing and Urban Development and,

**WHEREAS**, The Village of Blasdell has requested the use of \$23,000.00 from the 1997 grant year for handicap accessibility at Blasdell Village Hall.

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor be authorized to sign the agreement by and between the Town of Hamburg and the Village of Blasdell for the use of these funds.

Moved: Kesner

Seconded: Quatroche

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

**XII.**

**WHEREAS**, the Town of Hamburg as an entitlement Community receives Federal Community Development Block Grant funds from the United States Department of Housing and Urban Development, and

**WHEREAS**, the Town of Hamburg has expressed its desire to utilize \$50,000.00 of its 1997 Community Development Block Grant funds for economic development, and ,

**WHEREAS**, the Town of Hamburg wishes to engage the Hamburg Development Corporation as a subrecipient to assist the town in utilizing such grant funds.

**NOW THEREFORE BE IT RESOLVED**, that pursuant to 24 CFR 570.203 of the Department of Housing and Urban Developments regulations for the Community Development Block Grant program, the Supervisor be authorized to sign the agreement by and between the Town of Hamburg and the Hamburg Development Corporation for the use of funds for its economic development programs. The term of the agreement begins April 1, 1997 and ends March 31, 1998.

Moved: Kesner

Seconded: Cavalcoli

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

Noes: None  
Carried

**XIII.**

**WHEREAS**, the Town of Hamburg, through a several year process, has completed an update of its Master Plan of 1983.

**THEREFORE BE IT RESOLVED**, that pursuant to State Environmental Quality Review Act, 6 NYCRR Part 617 of the Environmental Conservation Law, the Hamburg Town Board (as the most local agency with permitting authority) wishes to declare Lead Agency and conduct a coordinated review for this Type I action, and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes Wendel and the Planning Department to make the appropriate mailing and notices.

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

Councilman Cavalcoli states that the dates for the public hearings are 9:00 a.m. April 19th and 7:00 p.m. April 21st for anyone interested in making comments from the public.

**XIV.**

**BE IT RESOLVED**, that following the guidelines for 6 NYCRR Part 617 (State Environmental Quality Review Act), and in accordance with the recommendations of the Town Engineer and the Town's Shoreline Revitalization Committee, that a Negative Declaration be issued for the proposed installation of new boat docks at the Hamburg Town Park Boat Launch facility. This project is an unlisted action which is not anticipated to result in any significant adverse impacts on the environment, based on the following:

1. Seasonal floating docks are to be installed, in order to provide improved boater access. These docks will replace the existing skid-mounted docks, which are readily dislodged and submerged during high wave conditions. The new docks are expected to be in place from May 1 through October 15 each year.
2. Impacts to Lake Erie and the surrounding area will be minor and only short-term during construction. No substantial adverse changes in existing air quality, water quality, fish and wildlife, solid waste production, traffic patterns, or noise levels are anticipated as a result of this action.
3. No significant adverse effects on aesthetics, agricultural, archaeological, historic or other natural or cultural resources are expected.
4. The proposed activity complies with the Town's Local Waterfront Revitalization Program, and will be conducted in a manner consistent with the policies and objectives of the program.

**BE IT FURTHER RESOLVED**, that the Town Supervisor is authorized to sign the Environmental Assessment Form and accompanying Coastal Consistency Assessment Form, which include the determination of no significant adverse environmental impacts associated with this project.

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

**XV.**

**WHEREAS**, during the on-going construction of the Town's 1996 Waterline Replacement Project along Quinby Drive, it was necessary to install additional items which were not part of the original contract for this work, summarized as follows:

- (1) An additional 8" gate valve was installed along the existing waterline on Quinby Drive, in order to reduce the number of property owners required to be taken out-of-service during the interconnection of the portion of new waterline installed on Quinby Drive. The increased cost in this regard is \$1,100, which is the bid unit price for 8" gate valves included under other parts of this contract.
- (2) An additional 3/4" far-side service replacement was necessary, due to the property at 4233 Quinby Drive having two service connections, instead of one as shown in the contract documents. The increased cost in this regard is \$700, which is the bid unit price for this item under the contract.

**WHEREAS**, TVGA Engineering and the Town Engineer have reviewed this change order request and recommend that it be approved by the Town Board,

**THEREFORE BE IT RESOLVED**, that the Supervisor is authorized to sign Change Order No. 1 for this project, approving a total increase of \$1,800. This adjusts the total contract amount of Triple R Development of WNY, Inc. to \$346,694.25. Funds for this increase are available within the Central Hamburg Water District, under Account No. SW10-8310.303.

Moved: Cavalcoli

Seconded: Hochul

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

Steve Strnad questions if this will help the problem in the Scranton area.

Mr. Kapsiak says that this is to lower the water line due to freezing problems along this area. For this years project they will be replacing the waterlines along Scranton Road and Electric Avenue, which should help boost the pressure along this area.

Steve Strnad, questions if they increase the pressure will this lead to breakage along side streets in the area. Mr. Kapsiak responds that the Water Authority wants them to look at Fairgrounds Road and wherever they do have frequent problems with breakage they will ask the Town to address those as well. Will this be an additional cost or will it be included in the money already collected.

Councilman Cavalcoli responds that this will increase the cost because the water improvement was for a set amount of lines and pipes, you cannot do additional work under the old Water Improvement District. A number of years ago he tried to recommend to the community that they form one Water District for the entire Town of Hamburg. This was soundly defeated by the Taxpayers saying that that was not the way to do it.

**XVI.**

**RESOLVED**, that the Supervisor of the Town of Hamburg is to apply to the Erie County Commissioner of Finance to extend the time for collection of Real Property Taxes remaining unpaid in the Town of Hamburg to August 31st of any year, provided however, that the Receiver of Taxes of the Town of Hamburg shall fully account to the Commissioner of Finance as provided and shall further account on or before the fifth day of each Month during the term of extension.

This resolution is in accordance with Article VI, Section 6-14.0, of the Laws of 1942 as amended.

Moved: Kesner

Seconded: Quatroche

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

Noes: None

Carried

**XVII.**

**WHEREAS**, St. Francis of Assisi Holy Name Society submitted quarterly reports for their Bell Jar License in March 1997; and

**WHEREAS**, they included the first quarter of 1997 in these reports; and

**WHEREAS**, the State of New York has changed legislation regarding Bell Jar Licensing. Effective immediately they will receive all quarterly reports by licensed organizations in the Town with an additional fee of 5% of their profits, up from 2% that the Town received,

**THEREFORE BE IT RESOLVED**, that the Town Board authorize the reimbursement of \$74.45 payable to St. Francis of Assisi Holy Name Society.

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

Seconded: Hoak

**XVIII.**

**RESOLVED**, that the Town Board remove from the table and approve proposed local law #2, 1997. This local law provides for an amendment to the Town Code as follows:

Tax Exemption for Veterans

Section 24C-1a Alternative Tax Exemption for Veterans

The maximum exemption limits for the Alternative Veterans Exemption to \$18,000, \$12,000 and \$60,000 as set forth in Section 458-a2(d)(ii) of the New York State Real Property Tax Law.

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

Seconded: Cavalcoli

**XIX.**

**RESOLVED**, that the Town Board grant permission to the Disabled American Veterans, Chapter 135, to sell "Forget-Me-Nots" during their annual fund drive on May 7th through May 11th.

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

Seconded: Quatroche

**XX.**

**RESOLVED**, that the Town Board approve the Out-of-Town travel request for Bill Koerner and Bob Bruscia, of the Buildings and Grounds Department, to travel to the Compliance Management, Inc. Training Facility, 85 Arrow Ave, Buffalo, N.Y. on April 29, 1997 to attend the Welder Safety Seminar. The Cost is \$100.00 and the money is available in account A-7140.492. A Town Truck will be used for Transportation.

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

Seconded: Kesner

**XXI.**

**WHEREAS**, bids were opened on April 10, 1997 for the construction of new docks at the Town Park Boat Launch; and

**WHEREAS**, three bids were received, summarized as follows:

- |     |  |           |
|-----|--|-----------|
| (1) | Kirst Construction, Inc.<br>North Boston, New York | \$ 63,900 |
| (2) | Manson Construction Co.<br>Williamsville, New York | \$ 97,310 |
| (3) | Dissen & Juhn Corp.<br>Macedon, New York           | \$113,300 |

**WHEREAS**, the bids have been reviewed by the Town Engineer and the Supervising Building Inspector, who determined that Kirst Construction is the lowest qualified and responsible bidder, and recommend that the contract be awarded to them,

**THEREFORE BE IT RESOLVED**, that Kirst Construction is awarded the contract for this project, and that the Town Engineer is to issue the Notice of Award and Notice to Proceed at the proper times. Funding for this is available from funds remaining from the Town Park Jetty Improvement Project, under Capital Account No. H-60.

**BE IT FURTHER RESOLVED**, that this contract award is contingent upon the anticipated issuance prior to the start of construction of permits and approvals required for this project from the U.S. Army Corps of Engineers, New York State Dept. Of State, and the New York State Office of General Services, and that the contractor is required to comply with all conditions associated with such permits and approvals.

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

Seconded: Cavalcoli

Councilman Quatroche states that with the high wind and wave action permanent docks in this area are not feasible. Therefore, temporary docks will be installed in this area for the boating season and removed when wintertime arrives.

Steve Strnad inquires if this will be an additional cost to the taxpayer.

Councilman Quatroche responds that this is covered under the original jetty proposal, which came in under cost.

**XXII.**

**BE IT RESOLVED**, that the Town Board appoint Councilwoman, Joan A. Kesner, Liaison for the Volunteer Fire Companies.

Moved: Hoak  
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
Noes:  
Carried

Seconded: Quatroche

**XXIII.**

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

1. Strausser, Jamie	B7310(320)	04/18/97	Terminate
2. Di-Orio, Christine	ER7251(255)	04/12/97	\$5.50
	Golf cashier		
3. Empric, Diane	ER7251(225)	04/14/97	\$5.50
	Golf cashier		
4. Chaffee, Steve	ER7251(225)	04/14/97	\$6.00
	Starter		
5. Bates, Edward	ER7251(225)	04/14/97	\$5.50
	Starter		
6. Anzalone, Anthony	ER7251(225)	04/14/97	\$5.75
	Ranger		
7. Anzalone, Frank	ER7251(225)	04/14/97	\$5.75
	Starter		
8. Margerum, Mike	ER7251(225)	04/14/97	\$5.25
	Starter		
9. Scheffler, Gerald	Temp.ER7251(225)	04/14/97	\$5.50
	Ranger		
10. Gardner, George	ER7251(225)	04/14/97	\$8.00
	Golf Instructor		
11. Reimondo, Douglas	B7310(320)	04/14/97	Terminate
12. Reimondo, Douglas	ER72551(225)	04/14/97	\$5.75
	Starter		
	A7180(215)	04/14/97	\$5.75
	Temp. Fitness		
13. McHugh, Scott	ER7251(225)	04/14/97	\$5.25
	Starter		

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

**XXIV.**

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

OPERATING FUND:

BATCH #47	\$185,000.00
BATCH #48	\$ 65,819.17
BATCH #49	\$ 74,073.97

TOTAL OPERATING FUND DISBURSEMENTS: \$324,893.14

TRUST & AGENCY:

BATCH #20	\$320,000.00
BATCH #21	\$ 1,488.62 unprocessed

TOTAL TRUST & AGENCY DISBURSEMENTS: \$321,488.62

CAPITAL FUND DISBURSEMENTS:

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 0.00

PAYROLL:

TOTAL PAYROLL DISBURSEMENTS: \$ 0.00

PETTY CASH:

TOTAL PETTY CASH: \$ 0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$646,381.76

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

**XXV.**

**WHEREAS**, roads and public utilities installed in the Hillsboro Subdivision were accepted by the Town Board on January 17, 1994; and

**WHEREAS**, street lighting in the subdivision was not yet installed at the time, and the contractor therefore provided a bank check to the Town in the amount of \$4,250, as a performance guarantee for the street lighting required to be completed under Public Improvement Permit No. 447; and

**WHEREAS**, the Town Engineering Department has made several requests over the past three years to the developer and contractor for the installation of the five street lights required in the subdivision, and they have failed to appropriately attend to such; and

**WHEREAS**, due to resident concerns and potential traffic safety hazards associated with this matter, it became necessary for the Town to notify the developer and contractor that action would be taken against their performance guarantee, and that the funds would be utilized by the Town to hire a contractor to perform the street light installations,

**THEREFORE BE IT RESOLVED**, that the Town Board authorizes entering into a contract for this work with Simoncelli Electric, Inc. Of Orchard Park, New York, in the amount of \$3,475, and that the funding for such is to be from the performance guarantee provided by Marlib Construction, Inc. Under M & T Bank Check No. 2240107, dated November 17, 1993.

**BE IT FURTHER RESOLVED**, that the remaining \$775 from the performance guarantee continue to be held by the Town of Hamburg, as the two-year maintenance guarantee required in this regard.

Moved: Kesner

Seconded: Cavalcoli

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

**XXVI.**

**RESOLVED**, that the Town Approve the membership into the Newton Abbott Fire Company, Inc. as follows:

Michael S. Hurd  
4852 Milestrip Road  
Blasdell, N.Y. 14219

Moved: Hochul

Seconded: Kesner

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

**XXVII.**

**RESOLVED**, that the Town Board authorize the Supervisor to sign Section 6 of the PO-17 Form requesting Erie County Department of Personnel to complete Section 7 for approval of an additional SENIOR ACCOUNT CLERK position.

Moved: Quatroche

Seconded: Hochul

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

## General Communications

### Notice of Claims

#2. Edward Savio	01/15/97
#3. Jesus Pagan	01/15/97
#4. Nicholas Stepien	01/21/97
#5. Charles Palistrant	01/24/97
#6. Ceclia Toporek	withdrawn
#7. NYSEG c/o Homer C. Wilde	02/07/97
#8. Thomas Albert	02/12/97
#9. Virginia M. Hamerski	02/25/97
#10. Douglas Jann	02/27/97
#11. John Lutz	04/09/97
#12. Jeanine Elliott	04/09/97

**TOWN OF HAMBURG  
QUARTERLY REPORT OF SETTLED CLAIMS  
FROM 01/01/97 TO 03/31/97**

<u>CLAIMANT</u>	<u>LOSS DATE</u>	<u>KIND OF LOSS*</u>	<u>DATE SETTLED</u>
Todd Dauscher	06/30/94	GB	03/97
Douglas Jann	02/12/97	AD	03/97
Allstate Indemnity subrogation claim	02/02/96	AD	02/97
Nicholas Stepien	01/28/97	GD	02/97
Thomas Albert	01/28/97	GD	02/97
Edward Savio	01/15/97	GD	01/97
Charles Palistrant	01/20/97	GD	01/97

\*AB - Auto Bodily Injury  
AD - auto Property Damage  
AN - Auto No Fault  
AP - Auto Physical Damage  
(Town Property)  
PD - Property Damage Only

GB - General Liability Bodily Injury  
GD - General Liability Property Damage  
PI - Personal Injury Liability  
RB - Building (Town)  
RC - Contents (Town)

## **Correspondence**

Letter # 48 & 52 Supervisor Hoak asks Mr. Connolly to pass along the thanks from the Historical Society and Antiques Study Group to his crew, thanking them for all the work they did.

At this time Supervisor Hoak asks George Danyluk, Town Clerk to read Letter #53.

Supervisor Hoak comments that it is fantastic that we are going to be a model nationwide. Thanks to John Farrell, along with Christopher Hull, also Jim Connolly who was a strong supporter of this. This is a wonderful facility anyone who hasn't seen it should visit.

Letter #51 Benderson Development is asking the Board to take action on their rezoning request for property fronting along McKinley Parkway from R-2 Residential to C-2 Commercial. Councilman Cavalcoli states that he has spoken to Drew Reilly and Mr. Crandall from the Planning Dept. Some action should be taken within two weeks.

Letter #44 Councilwoman Hochul states that this is just one of many obstacles Mr. Allen faced in dealing with the Denzel property. Three of the buildings were demolished under the new law that was passed last year.

Letter #53A (late correspondence) Councilwoman Kesner comments that this is from the Town of Hamburg Fire Chief's Association who decided to form an EMS Advisory Board to address numerous EMS issues of the Town of Hamburg. She is very honored to be the first liaison to the Fire Companies.

## **Reports from Board Members and Department Heads**

Councilman Cavalcoli reports that there was an Open House this past Sunday at the Dunn House and he received many compliments on the cleanup job that was done by the B & G Department. Wants Jim Connolly to thank his crew for this.

Councilwoman Kesner wants to commend the Hamburg Police Department. Jim Koch, who was off duty at the time, overheard information on a burglary and they were able to apprehend the Burglar.

Supervisor Hoak announces that at 9:00 am on Saturday they will hold the first public hearing on the Master Plan, followed up at 10:00 am by the annual meeting with the United Council of Hamburg Taxpayers, the public is welcome. Also, he wants to recognize the Employee of the Month, Morna Rankin, from the D.A.R.E. office. She coordinates with many agencies for Drug education, within the schools, Boy Scouts, etc. He also asks for a moment of silence for the Buffalo Police Officer who was slain.

Councilwoman Hochul reports that on Thursday she and Tim Ellis met with the DOT to continue the pursuit for a lower speed limit along Route 20. She thanks the Police Department for providing her with a 20 year accident history. Wants to thank Mike Bartlett for providing her with development data on all the businesses that have come into the Town (20 new major businesses) since 1994. Also thanks Dick Crandall for providing a zoning map to show the potential for development. Dick Smith was there and a representative from Dale Volkers office and she feels they presented a very compelling case. They should hear on this in about a month. The annual Town Cleanup is May 3rd, many people have volunteered. Everyone is invited.

Councilman Quatroche reports on the Internet Web site. He has a meeting with CID Internet next Tuesday and hopes to this will be available soon. We are one of the first Town's to have an Internet site. This could be a marketing tool for businesses to come into the Community.

Mr. Kapsiak wants to report on the high water level of Lake Erie. He has talked with the Army Corp of Engineers and help is available to property owners along the Lake. Contact his office for information on this.

Councilman Quatroche thanks Mr. Kapsiak for looking into this and states they are looking into funding and they are working with the Army Corp of Engineers to stay on top of this.

James Connolly, Highway Superintendent, reports that the Golf Course is in good shape and the ground is dry. They are working on cleaning up the beaches now.

## **Business from the Floor**

Colleen Berta, Clarice Dr., her concern is the destruction of Town playgrounds.

Supervisor Hoak responds that they have worked with Mr. Connolly and the Police Department. They are working towards a new security program.

Councilman Quatroche states that some neighborhoods have a watch program.

Supervisor Hoak says that they caught the perpetrators who burned the \$15,000 Tot Lot last year and they are taking them to court for reimbursement. Hopefully when the word gets out on the street that they will be held responsible it may be a deterrent.

Leonard Sawicki requests new equipment for the Sagamore Osbourne playground and to put pipe in.

Supervisor Hoak says that the playground is on the agenda to be updated but has talked to many people and the piping is not necessary.

Stanley Lukaszewicz, Fuller Ave., wants to know more information on the 23 homes that will be built in the Steelton area.

Christopher Hull, Director of Community Development, responds that they went through the planning process in the fall and they received approval over the winter. They just received a sewer diagram from the Engineer, they set up a meeting for this week to finalize plans to submit to the County and to address some items with our Engineering Department. They will proceed with the lottery sometime in late spring, early summer, with the construction to start in the fall.

Mr. Lukaszewicz inquires how they proceed with the lottery.

Mr. Hull responds that they have 150 on the informational list who will be sent applications, and it will be published in all the newsletters and outreach letters sent to over 30 organizations.

Michael Croft, 5036 Rogers Rd., states that during the month of August, last year, the Hamburg Golf Course was closed on 9 occasions. He requests that the Town Board limit these closings.

Councilman Quatroche responds that this has been a concern of the Recreational Advisory Board and he requests that Mr. Croft write a letter concerning this.

Mr. Croft also comments on road kill, who should we call. Supervisor Hoak responds that this is contracted out and the Police Dept. should be contacted to have it taken care of.

Mr. Croft requests that they look into a building code that would proportionately limit the size of the driveway according to the lot size.

Pat Reynolds, states that she lives next to a Tavern on South Park, Bob's Time Square, they have a chain link fence that is the only privacy from the Bar. Her concern is that the patrons back up against the fence and spin their tires when they leave, spraying stones against her house and in the yard. She wrote a letter to the Supervisor concerning this and the response they received was that the Town judged that the natural barrier was sufficient. On Sunday they called the Police, who did take a report on the damage to the property.

Supervisor Hoak responds that first she should set up a meeting with Councilwoman Hochul and Kurt Allen to review what can legally be done to help. Secondly she can see him after the meeting to set up a time when she can meet with him and Chief Coggins to discuss this.

George Komenda inquires what is being done to reduce the speed limit at leisureland.

Councilwoman Hochul comments that he is absolutely right, it is dangerous. The State has plans to move the driveway which should change the traffic patterns there and make the situation less dangerous, they are also working with the State on their own with recommendations from the Traffic Safety Board on how to handle this.

**XXVIII.**

**RESOLVED**, that the Town Board adjourn to Executive Session at 9:25 p.m. to discuss matters with Legal, Finance, and Highway.

Moved: Hoak

Seconded: Hochul

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

Noes: None

Carried

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George Danyluk, Town Clerk