

Work Session  
April 18, 2005  
S-6100 South Park Avenue  
Hamburg, N.Y. 14075

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

Also Present:	Catherine Rybczynski	Town Clerk
	Gerard Kapsiak	Town Engineer
	James Spute	Finance Director
	Richard Boehm	Deputy Town Attorney
	Drew Reilly	Planning Consultant
	Jerry Bastedo	Executive Director - Hamburg Natural History Society

6:00 P.M. - 6:10 P.M. RESOLUTIONS

6:10 P.M. - 8:00 P.M. EXECUTIVE SESSION  
(PERSONNEL & LEGAL MATTERS)

**I.**

**WHEREAS**, the Erie County Water Authority (ECWA) has offered to provide to the Town of Hamburg their Geographic Information System (GIS) mapping of the Towns of Hamburg, Boston, and Eden in digital GIS format, at a licensing fee of one dollar (\$1.00) (payment waived); and

**WHEREAS**, this mapping is needed by the Town of Hamburg for public safety, fire, and EMS services which the Town of Hamburg also provides to the Towns of Boston and Eden; and

**WHEREAS**, the Town Attorney and Town Engineer have reviewed the GIS Confidentiality and Copyright Licensing Agreement prepared by ECWA in this regard, and determined it to be acceptable,

**THEREFORE BE IT RESOLVED**, that the Town Supervisor is authorized to sign the licensing agreement in this regard.

**BE IT FURTHER RESOLVED**, that the Town Board expresses its appreciation to ECWA for its continuing cooperation in making this GIS mapping available to the Town of Hamburg.

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

Councilman Cavalcoli comments that the next is a resolution calling for the formation of a Refuse District. They had the bid opening this morning and they said that if the bids were reasonable and within what they considered a favorable framework, that they would move ahead to call for the formation of the Townwide Refuse District. The numbers came in extremely favorable. They are not awarding the bids tonight because they need to be reviewed.

II.

EXTRACT OF MINUTES  
Meeting of the Town Board of the Town of Hamburg,  
in the County of Erie, New York.  
April 18, 2005

\* \* \*

A work session 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 April 18, 2005 at 6:00 o'clock P.M. (Prevailing Time).

There were present: Honorable Patrick H. Hoak,  
Supervisor;  
and  
Councilman: D. Mark Cavalcoli  
Councilperson: Kathleen Hochul  
Councilperson: Joan A. Kesner  
Councilman: Thomas J. Quatroche, Jr.

There were absent:  
Also present: Catherine Rybczynski, Town Clerk  
Richard Boehm, Deputy Town Attorney

Councilman Cavalcoli, offered the following resolution and moved its adoption:  
RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK, ADOPTED APRIL 18, 2005, APPROVING THE ESTABLISHMENT OF THE HAMBURG REFUSE AND GARBAGE DISTRICT IN SAID TOWN, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM.

Recitals

WHEREAS, the Town Board of the Town of Hamburg (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has heretofore caused Gerard Kapsiak, P.E., the Town Engineer of the Town, to prepare a map, plan and report relating to the proposed establishment of the Hamburg Refuse and Garbage District, in the Town (herein called "District"), as hereinafter described, said District to provide refuse and garbage collection and disposal service to the entire area of the Town, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the District may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such District; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed District, and

WHEREAS, pursuant to an Order duly adopted on February 28, 2005, the Town Board determined to proceed with the establishment of the District and the service to be provided therein and adopted an Order reciting in general terms the description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the services proposed, that the proposed District will be of no capital cost to the Town since no improvements will be constructed or acquired, said District to be established only to provide refuse and garbage collection and disposal service, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying March 14, 2005, 7:00 P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the establishment of the District and the supplying of such service, and to hear persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law and specifying that the operation and maintenance of the District and the provision of the service will be paid by the assessment, levy and collection from the several lots and parcels of land within the proposed District which the Town Board shall deem specially

benefitted by said service so much upon and from each as shall be in just proportion to the amount of benefit which said service confers upon the same, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying March 14, 2005 at 7:00 o'clock P.M. (Prevailing Time), as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the establishment of the District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-A of the Town Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on the 14th day of March, 2005, commencing at 7:00 o'clock P.M. (Prevailing Time), at said Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the establishment of the proposed District;

Now, therefore, upon the evidence adduced at such Public Hearing, be it

**RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:**

Section 1. It is hereby determined that:

(a) the notice of Public Hearing was published and posted as required by law and was otherwise sufficient;

(b) all the property and property owners included within the proposed District, hereinabove referred to in the recitals hereof, are benefitted thereby;

(c) all the property and property owners benefitted are included within the limits of the proposed District; and

(d) it is in the public interest to establish the District.

Section 2. The establishment of the District is hereby approved, as hereinafter described, and the proposed service shall be provided as set forth in said Order Calling Public Hearing, and the District shall be designated and known as the Hamburg Refuse and Garbage District, in the Town of Hamburg, situate wholly outside of any incorporated village or city, and shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate within the boundaries of the Town of Hamburg, County of Erie and State of New York, being part of Township 9, Ranges 7 and 8, and Township 10, Ranges 7 and 8 of the Holland Land Company's Survey, and being more particularly bounded and described as being coterminous with the boundaries of the Town of Hamburg, not including those portions of the Town of Hamburg within the incorporated boundaries of the Village of Hamburg and the Village of Blasdell.

Section 3. The establishment of the District will be of no cost to the Town but the cost of the operation and maintenance of the refuse and garbage collection and disposal service shall be paid by the assessment, levy and collection of special assessments upon the several lots and parcels of land within the District, which the Town Board shall deem specially benefitted by said service so much upon and from each as shall be in just proportion to the amount of benefit which such service confers upon the same with the estimated annual cost of such service to a typical residential property estimated to be \$ 120.

Section 4. This resolution is subject to permissive referendum, and the Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of this resolution, to cause to be published at least once in the Sun and Erie County Independent and the Front Page, which newspapers are designated the official newspapers of the Town for such publication and post on the sign board of the Town, maintained pursuant to subdivision 6 or Section 30 of the Town Law, a Notice which shall set forth an abstract of the foregoing resolution which shall be in substantially the following form:

**TOWN OF HAMBURG, NEW YORK**

PLEASE TAKE NOTICE, that on April 18, 2005, the Town Board of the Town of Hamburg, adopted a resolution entitled:

“Resolution of the Town of Hamburg, adopted April 18, 2005, approving the Establishment of the Hamburg Refuse and Garbage District, in said Town, and providing that such resolution shall be subject to permissive referendum,”

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows;

FIRST: RECITING that the Town Board of the Town of Hamburg (“Town Board” and “Town”, respectively), in the County of Erie, New York, has heretofore duly caused the preparation of a map, plan and report for the proposed establishment of the Hamburg Refuse and Garbage District (“District”), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; that an Order was duly adopted by the Town Board on February 28, 2005, reciting the filing of the map, plan and report, a description of the boundaries of the proposed District in a manner sufficient to identify the lands included therein,

the services proposed, that the proposed District will be of no capital cost to the Town since no improvements will be constructed or acquired, said District to be established only to provide refuse and garbage collection and disposal service, and specifying the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that the costs of the establishment and supplying of services by the District will be paid by the assessment, levy and collection from the several lots or parcels of land within the District that the Town Board shall deem specially benefitted by said service so much upon and from each as shall be in just proportion to the amount of benefit which said service confers upon the same with the estimated annual cost of such service to a typical property estimated to be \$ 120, that copies of such Order were duly published and posted, and that such hearing was duly held on March 14, 2005, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that the Notice of Hearing was published and posted as required by law and is otherwise sufficient, all the property and property owners included within the District are benefitted thereby, all the property and property owners benefitted are included within the limits of the District and that the establishment of the District is in the public interest;

THIRD: APPROVING the establishment of the District and the supplying of the services proposed and describing the District in a manner sufficient to identify the lands included therein; and

FOURTH: RESOLVING that the establishment of the District will be of no cost to the Town but that the costs of the operation and maintenance of the refuse and garbage collection and disposal service to be provided shall be assessed, levied and collected upon the several lots and parcels of land within the District which the Town Board shall deem specially benefitted by such service so much upon and from each as shall be in just proportion to the amount of benefit which such service confers upon the same.

FIFTH: STATING that this resolution is subject to permissive referendum.

By Order of the Town Board of the  
Town of Hamburg, in the County of  
Erie, New York  
Catherine Rybczynski, Town Clerk

Dated: April 18, 2005

The adoption of the foregoing resolution was seconded by Councilman Quatroche and duly put to a vote on roll call, which resulted as follows:

Patrick H. Hoak, Supervisor	VOTED aye
D. Mark Cavlacoli, Councilman	VOTED aye
Kathleen Hochul, Councilperson	VOTED aye
Joan A. Kesner, Councilperson	VOTED aye
Thomas J. Quatroche, Jr., Councilman	VOTED aye

The resolution is hereby approved.

CERTIFICATE

I, Catherine Rybczynski, Town Clerk, of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on April 18, 2005, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 19 day of April, 2005

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Town Clerk

(SEAL)







## **VII.**

**WHEREAS**, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has reviewed the proposed modification (new WC zoning district and Route 5 Overlay District) to the Code of the Town of Hamburg, Chapter 280-Zoning, and

**WHEREAS**, the zoning modifications will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public, and are consistent with social and economic considerations:

**THEREFORE BE IT RESOLVED**, that the Town of Hamburg has determined that the proposed modification to Chapter 280, Zoning is not anticipated to result in any significant effect on the environment, and that a Negative Declaration (Notice of Determination of Non-Significance) is hereby issued, based on the following reasons:

1. The modifications are in conformance with the adopted Hamburg Comprehensive Plan and the proposed Local Water Revitalization Plan, LWRP,
2. The modification to the Zoning Code will have no direct physical impact on the natural, manmade, or environmental resources of the Town;
3. The zoning modification creates a new more appropriate Commercial Zoning district that fits within the waterfront of the Town and is consistent with local and State policies.
4. The Overlay Zoning district requires additional standards for developing along Route 5 and is more protective of the environment.

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

Councilman Cavalcoli comments that this is an outgrowth of two things. One, the Planning Board reviewed the Comprehensive Plan and realized they needed to move forward on the Route 5 Overlay issue and secondly with Councilman Quatroche's work on the LWRP and waterfront issues, in order to have the new LWRP and be eligible for funding they needed to pass this at this time. This will give them a tool to identify specific properties along the waterfront that need to be in conformance with the waterfront. This will enhance the area. Drew Reilly comments that they were 100% behind this, they just had to wait for the Department of State and the 30 day period. The Department of State, last week, said that it was a great law and that is why they could move on this.



**RESOLVED**, that the Town Board approve the membership of the following into the Newton Abbott Fire Company, Inc.:

Rachel Baksa  
5160 Roseview Ave.  
Blasdell, N.Y. 14219

Mark Phipps  
3410 McKinley Pkwy. Apt. E-5  
Blasdell, N.Y. 14219

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

Seconded: Cavalcoli

## **XII.**

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

1. Sam Fraser	Seasonal Laborer	04/18/2005	\$9.09
2. John Ryan	Seasonal Laborer	04/18/2005	\$9.09
3. Michael Coggins	Seasonal Laborer	04/18/2005	\$9.09
4. Theodore Sutton	Seasonal Laborer	04/18/2005	\$9.09
5. Daniel Kieber	Seasonal Laborer	04/18/2005	\$9.09
6. John Gryns	Seasonal Laborer	04/18/2005	\$9.09

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

Seconded: Kesner

## **XIII.**

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

1. Venti Frank	Part-Time Dog Control Officer	04/29/2005	Terminate
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Moved: Quatroche  
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
Noes: None  
Carried

Seconded: Hoak

## **XIV.**

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

1. DeVinney, Matthew	A7265(230)	04/10/2005	Terminate
2. Ede, Eric	"	"	Terminate
3. Hlavaty, Eric	"	"	Terminate
4. Wield, Seth	"	"	Terminate
5. Zdrojewski, Thomas	"	"	Terminate
6. Zitnik, Anthony	"	"	Terminate
7. Brady, Caitlin	B7310(320)	04/10/2005	Terminate
8. Brockenshire, John	"	"	Terminate
9. Castanza, Jenea	"	"	Terminate
10. Castanza, Patrice	"	"	Terminate
11. Henry, Kelly	"	"	Terminate
12. Henry, Kelly	B7310(320) Rec. Attendant	04/11/2005	\$8.30 P/T Reg. Rate
13. Wolfrum, Jacob	"	"	\$6.10 P/T
14. Betrus, Kathrine	B7310(320)	04/10/2005	Terminate
15. Betrus, Kathrine	B7310(320) Rec. Attendant	04/11/2005	\$6.74 P/T
16. Silverman, Scott	B7310(320)	04/10/2005	Terminate
17. Silverman, Scott	B7310(320) Rec. Attendant	04/11/2005	\$7.00 P/T
18. Gallardo, Nicholas	B7310(320)	04/10/2005	Terminate

19. Gallardo, Nicholas	B7310(320) Rec. Attendant	04/11/2004	\$9.00 P/T
20. Brochenshire, John	“	”	\$7.75 P/T
21. Greenauer, Joshua	B7310(320)	04/10/2005	Terminate
22. Greenauer, Joshua	B7310(320) Rec. Attendant	04/11/2005	\$6.60 P/T
23. Anzalone, Christine	B7310(320) Rec. Attendant	04/07/2005	\$8.30 Seasonal P/T Temp. Rate
24. Schappert, Erica	B7310(320) Rec. Attendant	04/11/2005	\$7.50 Seasonal P/T
25. Nye, Jeff	ER7251(225) Rec. Attendant	04/07/2005	\$6.65 P/T
26. McGahey, Brad	ER7251(225) Rec. Attendant	04/07/2005	\$6.25 P/T Reg. Rate \$7.50 P/T Temp. Rate
27. Steger, Joseph	ER7251(225) Rec. Attendant	04/13/2005	\$9.75 Seasonal P/T
28. Drew, Adam	B7310(320)	04/04/2005	Terminate
29. Drew, Adam	ER7251(225) Rec. Attendant	04/05/2005	\$7.75 P/T
30. Anzalone, Anthony	A7265(230)	04/10/2005	Terminate
31. Banner, Derek	“	”	Terminate
32. Biellak, Paul	“	”	Terminate
33. Cefaly, Justin	“	”	Terminate
34. Cefaly, Paul	A7265(230) Rec. Attendant	04/01/2005	\$9.75 P/T
35. Cannan, Sean	ER7251(225) Rec. Attendant	04/12/2005	\$6.65 P/T Reg. Rate \$7.50 P/T Temp. Rate
36. Wozniak, Richard	ER7251(225) Rec. Attendant	04/12/2005	\$7.25 P/T
37. Wenzel, John	B7310(320)	04/11/2005	Terminate
38. Wenzel, John	ER7251(225)	04/12/2005	\$7.25 P/T
39. Duggan, Kathleen	A7180(215)	04/17/2005	Terminate
40. Duggan, Kathleen	A7180(215) Rec. Attendant	04/18/2005	\$9.75P/T
41. Sigeti, Andrew	ER7251(225) Rec. Attendant	04/18/2005	\$7.00 P/T Reg. Rate \$7.50 Temp. Rate
42. Pasquarella, Michael	B7310(320)	04/18/2005	\$9.75 Seasonal P/T
43. Ede, Eric	A7265(225) Rec. Attendant	04/14/2005	\$6.75 P/T
44. Grosjean, Kristin	B7310(320)	04/18/2005	Terminate
45. Hacic, John	“	”	Terminate
46. Haefner, Jessica	“	”	Terminate
47. Kull, Joseph	“	”	Terminate
48. McDonnell, Mary	“	”	Terminate
49. McDonnell, Pamela	“	”	Terminate
50. McLeod, Kelly	“	”	Terminate
51. Motz, Amy	“	”	Terminate
52. Reynolds, Brigit	“	”	Terminate
53. Saunders, Kelly	“	”	Terminate
54. Schmitt, Christine	“	”	Terminate
55. Schmitt, Rebecca	“	”	Terminate
56. Silverman, Elizabeth	“	”	Terminate
57. Thiry, Donald	“	”	Terminate
58. Wicka, Nathan	“	”	Terminate
59. Hlavaty, Eric	A7270(238)	04/18/2005	\$6.25 Seasonal P/T
60. Thiry, Donald	B7310(320)	04/18/2005	\$7.75 P/T

Moved: Quatroche

Seconded: Cavalcoli

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

Noes: None

Carried

**XV.**

**RESOLVED**, that the Town Board approve the hiring of personnel for the Town Clerk's Department as follows:

- |                     |                      |            |        |
|---------------------|----------------------|------------|--------|
| 1. McManus, Allison | Clerk - P/T Seasonal | 05/12/2005 | \$8.00 |
|---------------------|----------------------|------------|--------|

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

**XVI.**

**RESOLVED**, that the Town Board approve the hiring of personnel for the Senior Services Department as follows:

- |                     |                          |            |        |
|---------------------|--------------------------|------------|--------|
| 1. Hannan, Marie    | P/T Recreation Attendant | 04/07/2005 | \$7.95 |
| 2. Pflug, Isabel M. | P/T Clerk Typist         | 04/25/2005 | \$8.03 |

Moved: Cavalcoli

Seconded: Hochul

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

Noes: None

Carried

Councilwoman Kesner comments that as liaison to the Volunteer Fire Companies she had the opportunity to work with the Newton-Abbott Fire Company in reference to their new location that they are proposing. They have owned this property for many years, but when they reconstructed Milestrip the property that was in Hamburg became property in Orchard Park. This is just a matter of getting the property back that rightfully belongs to the Newton-Abbott Fire Company.

**XVII.**

**WHEREAS**, the Newton-Abbott Fire Co., Inc. has petitioned to the Town of Hamburg for the annexation of certain real property presently situate in the Town of Orchard Park, and

**WHEREAS**, the Town of Orchard Park approved the annexation on April 6, 2005,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Hamburg makes the following conclusions relative to the Petition for Annexation dated January 6, 2005 and signed by John R. Fucina, President of Newton Abbott Fire Co., Inc., for that portion of land referenced therein that is presently located in the Town of Orchard Park and described as follows:

**ALL THAT TRACT OR PARCEL OF LAND**, situated in the Town of Orchard Park, County of Erie, State of New York, being Part of Lot 31, Township 10, Range 7 of the Buffalo Creek Indian Reservation.

Beginning at NYS DOT baseline station AR-2 (159+73.78 BL), said point also being on the old centerline of Abbott Road and on the centerline of Old Milestrip Road and said point also intended to be the southwest corner of Great Lot-31, Township-10, Range-7 of the Buffalo Creek Indian Reservation. Thence northwesterly along the old centerline of Abbott Road as called for in the plans for the reconstruction of Abbott Road in Project #PIN 5751.05 the following courses:

- 1- NW 26-02"-57" a distance of 269.30' to an angle point as called for in said plans
- 2- NW 41-15'-03" a distance of 463.24' to an angle point as called for in said plans.
- 3- NW 6-14'-50" a distance of 894.96' to an angle point at BL Station AR-5 in said plans.

Said last angle point being NYS DOT BL Station AR-5 at 176+11.28 BL which intersects the centerline of Improvement of Abbott Road at Station 175+42.71 CL Imp. as called for in the plans for the reconstruction of Abbott Road in Project #PIN 5751.05 Station. Thence southeasterly along the centerline of improvement for Abbott Road as called for in the plans for the reconstruction of Abbott Road in Project #5751.05 the following courses:

- 1- Along a curve to the left with a radius of 2291.83' an arc distance of 31.11' to point of curve at station 175+11.60 CL Imp.
- 2- Thence along the centerline of improvements on a line tangent to the last described curve a distance of 1340.04' to a point of tangency at CL Imp. Station 161+71.56.
- 3- Thence along a curve to the right, tangent with the last described line, with a radius of 2864.79' an arc distance of 195.42' to centerline of improvement station 159+79.14 on said curve at it's intersection with Old Milestrip baseline. Thence easterly along said Old Milestrip Baseline at a bearing of SE 88-45'-17' a distance of 7.12" to NYS DOT BL point AR-2 and the point and place of beginning for said description.

1. The signature on the Petition presented is genuine and is the name of person qualified to sign such petition under applicable New York State Law.
2. More than 20% of the landowners affected by the amendment have signed the Petition.
3. The Proposed Annexation is in the overall public interest as the Newton Abbott Fire Company is under a Fire Protection Contract with the Town of Hamburg and they are building a new Fire Station which proposed location is such that a portion of the same would be located on that part of the property which is presently located within the Town of Orchard Park.
4. The Town of Hamburg hereby approves the Requested Annexation to the Town of Hamburg.

The above description is intended to describe the area of land transferring political jurisdiction to the Town of Hamburg. Also intending to move the Town Line between Hamburg and Orchard Park from its old alignment along old Abbott Road centerline, said line also being the west line of Lot 31, Township 10, Range 7 to the new centerline of improvement for Abbott Road as called for in NYS DOT Project #PIN 5751.05. This will place all property west of the centerline of improvement of Abbott Road from old Milestrip Road to CL Improvement station 175+42.71 in the Town of Hamburg.

**BE IT FURTHER RESOLVED**, that the Town Clerk send certified copies of this resolution to the Town of Orchard Park and to Paul Rudnicki, attorney for the Newton-Abbott Fire Co., Inc.

Moved: Kesner

Seconded: Hochul

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

Noes: None

Carried

**XIX.**

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

VOUCHER #'S

OPERATING FUND:

BATCH #52	\$425,000.00	2323
BATCH #53	\$ 46,630.77	2325 - 2374
BATCH #54	\$ 22,815.58	2377 - 2416
BATCH #55	\$ 2,750.00	2417
BATCH #56	\$104,086.36	2418 - 2480
BATCH #57	\$ 51,683.86	2487 - 2563
BATCH #58	\$113,044.31	2564 - 2647
PRTRN P/R #7	\$556,515.09	

TOTAL OPERATING FUND DISBURSEMENTS: \$1,322,525.97

TRUST & AGENCY:

BATCH #15	\$ 40,984.76
BATCH #16	\$536,869.29

TOTAL TRUST & AGENCY DISBURSEMENTS: \$1,125,420.00

PAYROLL:

PR# P/R #7	\$517,508.97
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TOTAL PAYROLL DISBURSEMENTS: \$ 517,508.97

PETTY CASH: \$ 136.70

TOTAL PETTY CASH DISBURSEMENTS: \$ 136.70

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$3,543,445.69

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

Mr. Kapsiak comments that back on March 17<sup>th</sup> the Frontier Central School District sent a letter to the town requesting that the Town take over a portion of the existing private sewer system which is currently owned by the School District within School District property. He explains where the sewer system is on a map. Due to the various private entities that are all either tributary or seeking to be tributary to the sewer, and instead of trying to enter into individual agreements with each of the property owners, the School District has requested that the Town take it over as a public sewer. They have completed flow monitoring and televising of the sewer system and it is in good condition. It is his recommendation that the Town approve Frontiers request and take this over. This will allow for Autumn View Nursing Home to have their expansion project proceed. It would also allow the Hamburg Central Federal Credit Union to proceed and the further development of the Burke property. Frontier would grant a 20' wide easement to the Town and install a stone access road along the easement in order for Town equipment to get in there to maintain the sewer. He recommends that the Town Board approve this and have the Legal Department review it further and prepare the appropriate agreement between the Town and Frontier Central and prepare a resolution.

Councilman Cavalcoli questions if there is any cost to the Town in doing this. Mr. Kapsiak responds that the Town would not pay for the sewer, but there would be 1600 additional feet of sewer to maintain. Councilman Cavalcoli comments that they would pay the Town, in their taxes, to maintain this. There will be additional revenue coming in to offset the additional cost of maintenance. They will be entering into discussion with the Erie County Sewer Authority as they look to consolidate some of the Town sewer systems into the County systems to make it a more regional operation and it should produce some cost savings for the Town and residents.

Councilwoman Hochul questions if the District is set up right now to only service Frontier. Mr. Kapsiak responds that the District does service everything that is tributary, which includes Frontier High School, Big Tree Elementary, Frontier Learning Center and Autumn View Nursing Home. This is within the Hamburg Master Sewer District, but they have ownership of the lines.

Supervisor Hoak turns the meeting over to Jerry Bastedo for a report on the Penn Dixie Site.

Mr. Bastedo thanks the Town Board for all their support. He wants to have an annual meeting to keep them updated on the Penn Dixie Site. Last year they drew families from 30 different states, the District of Columbia and nine different countries. They opened in March this year and they have had families from Chicago, Cleveland, Orlando and New Jersey. This week they will have someone from Anchorage. They have an activity scheduled in May that already has three people from Pittsburgh, 3 people from Canada and several people from the eastern part of this state registered. They may even sell out and extend it to two days. They started a transition to go from a volunteer staff to one that is being staffed. Last September they hired a full-time educator and hope to hold a lot of educational programs for the schools. They updated their brochures for that and they expect in the 2005-2006 school year to go in that direction. They received funding to help support this transition which provides 2/3 of the money they need over a three year period. There have been cut-backs from the County but six local foundations came forward and gave them 27% of what they would have gotten from the County. Fortunately the funding from the County is not a major portion of their funding. They have increased their hours, their programming and fundraising. They have a major event coming up in July and they are hoping to draw a lot of interest and people from all over. They are also doing a joint fundraiser with the Botanical Gardens in September. They have a meeting set up with Assemblyman Quinn's office and Congressman Higgins office. They are also putting together an Advisory Board to help them fund their building. Their website use has gone up 20% over the last few months. It is [www.penndixie.org](http://www.penndixie.org). They have summer day camp programs also. They are working towards being self-sustaining. That is their goal. They want to get their admissions up, programs, memberships and donations up as well.

Councilman Quatroche questions if the University of Buffalo is interested in helping out.

Mr. Bastedo responds that they are getting 15 interns from the UB Geology Department that are being funded by an NFS grant. They will be using them this summer to help out. They are hoping to set up a program, every Saturday, where they do something on site. They are also running a program with Graycliff. They have had some problems with vandalism and they are talking about moving a street light closer to the entrance. They have posted no trespassing signs. All of their members have membership cards and he told the Police that if they are on site and don't have a membership card arrest them for trespassing.

## **XX.**

**RESOLVED**, that the Town Board adjourn to Executive Session at 7:05 p.m.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

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Catherine Rybczynski, Town Clerk

