

Meeting No. 6
April 25, 2005
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

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

Roll Call:	D. Mark Cavalcoli	Deputy Supervisor
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Absent:	Patrick H. Hoak	Supervisor
Also Present:	Catherine Rybczynski	Town Clerk
	Gerard Kapsiak	Town Engineer
	Richard Boehm	Deputy Town Attorney
	Joseph Coggins	Police Chief
	James Connolly	Highway Superintendent
	Robert Brown	Sr. Account clerk
	Robert Hutchison	Town Assessor
	Martin Denecke	Director of Recreation
	Drew Reilly	Planning Consultant
	Tim Ellis	Traffic Safety Coordinator
	Tim Regan	Community Development Assistant
	Kurt Allen	Supervising Code Enforcement Officer

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Councilwoman Hochul asks for a moment of silence in honor of former Village of Hamburg Trustee, Patrick Lalley, who passed away unexpectedly on Friday while riding his bicycle in Florida. He was a family friend for over 45 years and a true public servant. He was very much into preservation and conservation. He worked on the beautification of the Village of Hamburg in planting trees and working on bike paths, etc. this is a true loss to our community.

Councilman Quatroche comments that there are many people in our community that volunteer their time for our youth and we are very fortunate to have one of the best Recreation Departments in the area. This is due to a combination of great leadership and volunteers who put countless hours in for the betterment of our youth. Tonight he has the pleasure of presenting the Outstanding Youth Sport Leader award in the Town of Hamburg. The Town of Hamburg formed this partnership last year in an effort to unite our local independent youth organizations towards common goals. One of the most important goals was assuring that a positive culture was maintained for each participant and their families. There are four individuals tonight being honored who have demonstrated the commitment to the highest standards in youth sports programming by becoming certified as volunteer youth sports administrators. On behalf of the Town Board he wants to express appreciation for the time and devotion they have given to the children of our community. The four people he is honoring are John Andrychuk (Youth America Soccer), Steve Holmes (Hamburg Hockey Association), Frank Fabian (LakeView Athletic Association), and Carol Greis (Hamburg Little Loop Football and Cheerleading).

Councilwoman Hochul reports on the Character of the Month. Employee Wally Bratek was to receive an award this evening, but could not attend because his brother passed away. They will present this to him next month. They are looking for nominations for the character "Virtue" which is doing what is right, demonstrated in thought, voice, and action throughout your lifetime. Always take the high road to truth and justice. They are looking for nominations from the public and fellow employees for people who demonstrate this character.

Councilwoman Hochul comments that the first resolution was not prefiled because it was just voted on today. This is an increase to the tolls of 25% for passenger traffic and 35% for commercial traffic. This is a source of frustration for the Town Board who have been working on this since 1997, one year after the tolls were supposed to be eliminated from the entire thruway system. They have been pursuing moving the Lackawanna toll barriers further west, outside the commuter range of the City of Buffalo.

IX.

WHEREAS, the Town has not made changes to the permit and license fee schedule since December 12, 1994 and has recognized some amendments are justified at this time, and

WHEREAS, after reviewing the cost of similar fees assessed by neighboring municipalities have determined the proposed fee amendments to be fair and reasonable.

NOW, THEREFORE BE IT RESOLVED, that the Town Board approve the amended permit and license fee schedule as follows in accordance with the provisions of the applicable local laws referenced as follows:

Building Construction and Fire Prevention - Local Law No. 2-2005, Sections 76-13 & 76-24

Tree Management - Local Law No. 4-2003, Section 243-6 D. (1)

Telecommunication Facilities - Local Law No. 13-1996, Section 280-213 A. (3)

Flood Damage Prevention Local Law No. 10-1994, Section 115-12

Coastal Erosion Hazard Area Local Law No. 3-1993, Sections 85-20 & 85-25 B.

These new fees will be imposed effective immediately.

Moved : Quatroche

Seconded: Hochul

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

Noes: None

Carried

BUILDING PERMIT FEES

ITEM	Filing Fee	Examination of Plans		Permit Expiration
1. RESIDENTIAL & ADDITIONS ONE & TWO FAMILY, TOWNHOUSE	\$10.00	\$40.00	PLUS \$0.20 PER SQ. FT. (HABITABLE SPACE) INCLUDES ATTACHED GARAGE	1 YEAR
2. COMMERCIAL OR INDUSTRIAL & ADDITIONS, APARTMENT, CONDO	\$10.00	\$90.00	\$0.25 PER SQ. FT. OF GROSS FLOOR AREA	1 YEAR
3. A. RESIDENTIAL ALTERATIONS	\$10.00	\$25.00	FOR FIRST \$1,000 EST. CONSTRUCTION COST \$5.00 FOR EACH ADDITIONAL \$1,000 OF ALTERATION	1 YEAR
B. COMMERCIAL ALTERATIONS	\$10.00	\$40.00	FOR FIRST \$1,000 EST. CONSTRUCTION COST \$5.00 FOR EACH ADDITIONAL \$1,000 OF ALTERATION	1 YEAR
4. ACCESSORY STRUCTURE	\$10.00	\$25.00	PLUS \$0.05 SQ. FT. GROSS STRUCTURE AREA	1 YEAR
5. SITE WORK (APPLIES ONLY TO NON-RESIDENTIAL DEVELOPMENT)	\$10.00	\$90.00	PLUS \$0.02 SQ. FT. NET SITE AREA NOT REQUIRED ON SITES LESS THEN 20,000 SQ. FT.	1 YEAR
6. DECKS, PORCHES & CARPORTS COVERED ROOFS	\$10.00	\$25.00	UP TO 200 SQ. FT. OVER 200 SQ. FT. \$0.10 SQ. FT.	1 YEAR
7. A. RESIDENTIAL DEMOLITION	\$10.00	\$25.00		1 YEAR
B. COMMERCIAL DEMOLITION	\$10.00	\$90.00		1 YEAR
8. MOVE A STRUCTURE	\$10.00	\$25.00	\$0.10 A SQ. FT.	1 YEAR
9. A. FENCE	\$35.00		\$0.05 A LINEAR FT.	1 YEAR
B. FENCE (POOL ENCLOSURE)	\$35.00		\$0.05 A LINEAR FT.	
C. FENCE REPLACEMENT	\$35.00			

10. A. INGROUND POOL	\$10.00	\$65.00		1 YEAR
B. ABOVE GROUND POOL	\$10.00	\$40.00		1 YEAR
11. SIGNS	\$10.00	\$25.00	ONE TO 25 SQ. FT. \$2.00 FOR EACH ADDITIONAL SQ. FT.	1 YEAR
12. PORTABLE SIGNS	\$10.00		\$2.00 PER SQ. FT.	1 MONTH
13. TOPSOIL REMOVAL	\$10.00	\$35.00	\$1.00 PER CU. YD.	1 MONTH
14. SATELLITE DISH	\$10.00	\$35.00	LESS THAN 24" DIA. DO NOT REQUIRE A PERMIT	1 YEAR
15. ZONING BOARD	\$10.00	\$140.00		6 MONTH
16. FIRE REPAIR	\$10.00			
17. FIRE PREVENTION	\$10.00			
18. RE-INSPECTION FEE		\$50.00	FOR ASSESSED RE-INSPECTION	
19. CELLULAR TOWERS/CO-LOCATION		\$250.00	\$10.00 PER THOUSAND	
20. TREE MANAGEMENT		\$50.00	INCLUDES UP TO ACRE \$50.00 PER ACRE THEREAFTER	
21.A. COASTAL EROSION MANAGEMENT		\$50.00	2% OF TOTAL COST	
B. COASTAL EROSION APPEAL BOARD		\$150.00		
22. PLUMBING		\$25.00	\$5.00 PER FIXTURE	
23. SEWER MASTER		\$400.00		
24. SEWER ERIE COUNTY #2		\$100.00		
25. SEWER ERIE COUNTY #3		\$200.00		
26. MISC.		\$50.00		
27. SEWER LATERAL REPLACEMENT/REPAIR		\$50.00		1 MONTH
28. STORAGE TRAILER		\$50.00		6 MONTH
29. FLOOD PLAIN MANAGEMENT		\$50.00	PLUS \$0.02 PER SQ. FT. SITE AREA	
30. FIRE PLACE/WOOD BURNING STOVE	\$35.00			
31. UNDERGROUND TANK REMOVAL, REPLACEMENT	\$35.00			

Councilman Quatroche comments that the fees have not been changed since 1994. Although they look to keep fees and taxes down, it has been over 10 years since they have been addressed. In addition, they did an exhaustive study of other municipalities to make sure that we are in line. He asks for support in recognition of the time it has taken to address this and also the fact that we are in line now with other neighboring municipalities.

Councilman Cavalcoli thanks Kurt Allen and his Department for working on this and also Mr. Boehm. They appreciate the effort taken to research and compare to other municipalities. If you look at the cost to operate the community, people who do business within our community should be paying their fair share for the reviews and inspections.

Deputy Supervisor comments that they have had some rainy days as well and a lot of people come out anyhow and it is a wonderful community time. He also thanks Kurt Allen for contacting Wal-Mart and other stores to get their crews out and clean-up as well, as they have a commercial responsibility to keep that clean and they shouldn't have our volunteers doing that.

Councilman Quatroche reports that the Golf Course is open, the Sport Court and Arena and the Skate Park. He encourages everyone to enjoy those facilities and he thanks Recreation and the Building and Grounds Department for all the work they do in getting those facilities ready for Spring.

Tim Ellis, Traffic Safety Coordinator, reports that the Board directed him to write to the State Department of Transportation and the Erie County Highway pertaining to Coder Road. They asked for suggestions from those two agencies on how to mitigate truck traffic on Lake Avenue. The Department of Transportation has responded and they have not heard from the County Highway Department.

Marty Denecke, Director of Recreation, announces that on May 3rd, from 9:00 am to 3:00 pm, the National Recreation Park Association will be in Town at Michael's Banquet facility hosting a "Step Up To Health Summit". Community members interested in issues of health and well-being are invited.

George Lee, Deputy Mayor Village of Blasdell, thanks Joan Kesner for her help with the petitions for Community Development. The President is thinking of taking away this money and they are circulating petitions to keep it in the budget. He asks everyone who comes in contact with the petitions to sign.

Business From the Floor

Dr. Janet Pope-Schumer, 4107 Tasseff Terrace, announces that she is running for the 12th Legislative District in Erie County as a Republican Candidate. She has the endorsement of the Primary Challenge Reform Group. If elected she would form a full leadership partnership with the Town Board and taxpayers of Hamburg to enhance economic growth in our Town and keep local government in place as much as possible.

Faye Staley, Southwest Hamburg Taxpayers, comments that she is back again concerning Clarence Denzel on Old Lakeview Road. She has a list of vehicles on the property and she counted 9 or 10. She has been talking to other people in the area and it is not just unsightly it is also dangerous. This has been going on since 1972.

Deputy Supervisor Cavalcoli responds that this has been one of the most difficult situations that our Legal Department, our Building Inspection Department and Police Department has faced, all these years. Mr. Allen has arduously tried to bring this to prosecution, Mr. Boehm has been in there to prosecute and Mr. Denzel has been in jail at least once. It goes to the courts, they do everything they are supposed to do, and the court finds leniency in many cases. They are trying to build a case on safety. He is being prosecuted for violating code. Their sympathy is with them along with the frustration. They have been trying to bring it to proper justice and they will continue to do that.

Faye comments that she understands, Mr. Allen has helped, Councilwoman Hochul came out one time to see the place, she has written letters to thank them. She is not saying that nothing is being done, she was just hoping that something might be done.

Deputy Supervisor Cavalcoli comments that they have worked very hard on this and they will do everything in their power and will continue to do absolute diligence.

Councilwoman Hochul comments that this is in the judges hands. This needs to be taken to the next step.

Mr. Boehm comments that they cleaned it up once and added it to the tax roll. They may have to do this again to try and bring it to tax foreclosure.

Mr. Allen thanks her for her support rather than criticism. The condition of the property now is such that they might consider condemnation. He will work with Mr. Boehm to accomplish that.

Deputy Supervisor Cavalcoli comments that they have exhausted all the most reasonable approaches and they will take whatever steps they have to in order to make this area safe for the residents.

Mr. Boehm comments that they put a law into effect where the Town Board sits as a panel and hears evidence as to the safeness and unsafeness of a dwelling, and then the Board can find the appropriate remedy to take care of what is perceived to be a public nuisance.

Deputy Supervisor Cavalcoli comments that it is affecting the health, safety and welfare of the people around there and as Elected Officials it is their number one responsibility to the public to look out for that.

Ron Bolander, 2143 Hobblebush, wants to compliment Jim Connolly and his crews for the excellent work they do in the wintertime. He has lived in several states and he has never found a better job on the roads. He then comments on the proposed Refuse program. The first question he has is does the Town want to become involved in the refuse business. Deputy Supervisor Cavalcoli comments that the Town is not going into the garbage business. We are not hiring personnel, they are not buying trucks, they are acting as an agent, for the residents, to find the best possible price. The vendors are the garbage people. He then questions, in the bidding process, the bid disparity jumps out at him. Normally in that process there will be about a 10% - 12% difference. Usually what happens is that if a bid is very low they are not very good or they missed something. The person in the middle is probably ok but needs to tweak something. The high bidder is saying he really doesn't want this contract, but wants to stay on the bid list. The low bid is not always the best. Deputy Town Supervisor Cavalcoli comments that when they reviewed this, that was their first reaction, why was the bid so low. They had the Town Engineer, Highway Superintendent and Consultant contact all the communities that the lowest bidder dealt with and they also went through the contracts with a fine-tooth comb, and asked them if they had missed anything. All the clients they had served had nothing but the highest praise for them. Mr. Bolander comments that he doesn't agree with the 5 year contract. For the first contract, you are giving them a long period of time. Normally, you would go with a 3 year with a one year opener. With the 5 year contract, you may not get a good response time because they are confident for a period of time, unless they have some openers within that contract. Councilman Quatroche comments that he had some concerns in that regard. The reason he acquiesced on this is because he believed that the reason they came in as competitive as they did is because of the term of the contract. He had the same concerns, but he was encouraged to hear the references of that bidder. He was surprised in the disparity at first, however in what he has seen in his twelve years on the Board, when it comes to a closed public bid that happens quite often. He understands his concerns, but the reason it went to 5 years was the cost factor. They are negotiating wording into the contract to make sure that they are covered with regard to the fact that the bidder has to meet certain criteria in order to hold the bid. Then they can terminate it if they don't meet the criteria. Mr. Bolander offers his advice if needed.

Walter Kaleta, Scranton Taxpayers Association, comments that he has NEI carrier service right now and they are very good. However, in the third quarter billing he had an extra charge for tipping and fuel. Is this the final cost, no extra charges. Deputy Supervisor Cavalcoli responds that this is the total cost, no extras. They are basing it on 1.2 tons per average household, based on numbers they have gotten from all over the County, and if they see the numbers go down the cost could be reduced.

Robert Peleckis, 4668 Brompton, has a concern about the formation of the refuse district as well. Mr. Bolander shared many of his concerns, but he also wants to know if they will require a performance bond so that if, for any reason they don't work out, the Town has some money to go out and redo the process. Mr. Kapsiak, Town Engineer, comments that they will have to review the contract with the Consultant Nathan Neill. Deputy Supervisor Cavalcoli comments that is an excellent suggestion and asks that he leave his number with Mr. Kapsiak and they will get back to him on that. Mr. Peleckis comments that this is being fast tracked. This has only been talked about, in depth, at one Town Board meeting. If this is going to be a forever type thing maybe they should take a better look at it. Deputy Supervisor Cavalcoli responds that this didn't just come up a couple of meetings ago. It was brought up about a year ago by the "Who Does What Committee" and it is something that has been on the back-burner for almost 20 years now. But, when they look at the rising costs of communities, when the committee asked this and they looked at other Town's they realized this was a cost they could bring down if they went to a single vendor. They did research this with other Towns that have this service and they wanted to put this before the public. They looked at the fact that they have four vendors going through the Town of Hamburg five days a week and they looked at the effect on the roads, the aesthetics and all kinds of safety factors.

The Legal Council that put the specifications together has worked for several different communities and had good knowledge of what to put in the contract. Our Legal Department, Engineering Department and Highway Superintendent went through the specifications as well. Why it seems to be a rush is that they were hit with a deadline from the Agencies for putting this on the tax rolls and if they didn't at least have the district formed by May 24th, they would not be able to address this for another year. They felt they had enough information and then when the numbers came in so low they felt they should form the district. Councilman Quatroche comments that someone made the comment to him "what took you so long"? Because we are not the first municipality to do this they can learn from others mistakes. They were afforded the experience of other places that have done this. They felt they had enough information to go forward. They wanted to make sure that the cost was brought down and make sure that they had safeguards in place. As the process unfolds, he hopes that people will feel this is a good process and they can save some money. There was a great disparity in what people are paying and this actually came in under what the seniors are paying. It is easier for them to do nothing, but they are trying to do this for the right reasons. Mr. Peleckis comments that he just feels this is being rushed and the Town will go through with it no matter what. Councilman Quatroche responds that they heard concerns and addressed them and there probably is some misinformation out there and he apologizes for that, but, again they are trying to do the right thing and are listening to their concerns. Mr. Peleckis comments that he is a single person household and generates very little garbage and takes it to a friends commercial dumpster. Right now he pays zero. As a landlord they are putting him in the position where it will be on his tax bill and now he will have to collect that from his tenant, it is hard enough getting the rent money. He feels there should be an ability to opt out. Deputy Supervisor Cavalcoli comments that they formed it as a district, just like a street lighting or water or sewer district, and it is for the mutual benefit of everyone in that district. Although he sympathizes with him, if he was paying the \$110 for this service, which also includes the large rubbish pick-up, this comes down to \$2.50 per week. This also reduces the amount of truck traffic, fumes and air pollution. Overall this is one of the best bargains they have going in the municipal services. Mr. Peleckis has one more question. There are significant monies accumulated and there is a discrepancy in the amounts quoted. Deputy Supervisor Cavalcoli comments that he quoted him as \$110 because he said he was a low garbage accumulator. The average person will pay \$120 and being the first year, they are not sure of the tonages. So, he doesn't feel there is a discrepancy. The Town gets none of that money, they will pay the vendor monthly. Councilman Quatroche comments that because they have an agreement with the vendor, they will collect the money for this and this will protect the process. If for some reason the service isn't being provided properly they have a way to address that. Mr. Peleckis comments that they will be earning interest on the money, what happens with that. Deputy Supervisor Cavalcoli responds that at a later date they could end up with a lower bill. Mr. Peleckis comments on another issue. He wants to compliment the Police Department on the enforcement that they have done on Brompton Drive. It is a 30 MPH zone going on 60-65 most of the time. There are signs for the purpose of stadium traffic, during the ten games per year you shouldn't park on the road. However, 365 days a year they can't park on Brompton Drive. This is very inconvenient for moving cars in and out of the driveway and having guests. He also believes that if there were cars parked along there people wouldn't go as fast. He asks the Town Board to consider changing the no parking to only game days and allow them to park there. It would probably slow traffic and make it appear less like a thruway. Councilwoman Hochul responds that he needs to write a letter to Tim Ellis, Traffic Safety Coordinator, and have area residents sign the request.

Councilman Quatroche comments that he wants to thank the residents that spoke. Their comments were reasonable and well thought out.

XIV.

RESOLVED, that the Town Board adjourn to Executive Session at 8:30 p.m.

Moved: Cavalcoli

Seconded: Kesner

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

Noes: None

Carried

Correspondence - April 25, 2005

- 22 - To Supervisor Hoak from the Town Clerk's Office, the monthly report from March 2005 with receipts totaling \$55,932.73.
- 23 - To the Town Board from Don Weiss, 2963 Cloverbank Road, concerning the proposed Hamburg Refuse & Garbage District giving some suggestions for the bidding process and stating that he will support of this district if the bids are below \$130 per year.
- 24 - To Supervisor Hoak from Joann Markowski, 4431 Abbott Road, stating that Mr. Robert Paas, Dog Control Officer, is one of the Town's finest citizens. She found her lost dog after it had been missing for over a week and he found it for her. He should be admired and thanked by all.
- 25 - To Supervisor Hoak from Nancy Naples, County of Erie Comptroller, stating that effective April 1, 2005 they will go back to quarterly, as opposed to monthly payment of the portions of net collections from Erie County 4% Sales and Compensating Use Tax that are set aside for school districts, cities, and the area of the county outside of cities.
- 26 - To the Hamburg Planning Board (cc Hamburg Town Board) from Eileen Eich about the 150 ft. tower that B & G Metal Plating wants to put up in back of their building in Ravenwood North Industrial Park. This tower would be detrimental to the fossil site because of the astronomy and other programs. The Town should also look at the Town Lighting law.
- 27 - A resolution from the Erie County Clerk's Office stating that the Town of Hamburg requested the use of County-owned monitoring and telemetry equipment for the purposes of improving response to system emergencies and the County Executive is authorized to execute an agreement with the Town to use this equipment subject to the approval by the County Attorney and the Commissioner of the Department of Environment and Planning.
- 28 - To the Town Board from Stephen Strnad, Scranton-McKinley Taxpayers Association, asking the Town to replace the missing No Parking signs on Scranton Road and to enforce the signs, as parking on the street poses many safety concerns.
- 29 - To Supervisor Hoak from James Chlebowy, 3226 South Lyth Road, looking for a resolution to a backyard flooding problem which occurs after it rains.
- 30 - To Supervisor Hoak from Kevin Kelley, Erie County Legislature Clerk, stating that 3 Eden Agricultural District are being reviewed, as part of the required 8-year review, and considered as one district, with extensions into the Towns of Boston, Hamburg and Orchard Park. Any recommendations or modifications should be made within 30 days.
- 31 - To Supervisor Hoak from Mary Jane Russell, 5622 Coachmans Lane, stating that she was pleased to learn that the Town Board is exploring a town-wide contract for garbage pickup. She moved to Hamburg from another community that did have this and the service was efficient and convenient. She urges the Board to consider this because multiple private contracts and multiple pickup dates are an aesthetic disaster.
- 32 - To the Town Board from Big Tree Volunteer Firemen's Co., Inc. Requesting permission to accept Charles Costello and Elvin Lopez as active members. (Prefiled).
- 33 - To Supervisor Hoak from Robert Sedia, Hidden Hollow Homeowners Association, about concerns they have with the construction of buildings at the "Wesleyan Compound". Also includes a letter sent to the Wesleyan Church and a response.