

Meeting No. 7
May 9, 2005
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

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

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
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	James Spute	Finance Director
	Joseph Coggins	Police Chief
	Tim Ellis	Traffic Safety Coordinator
	Christopher Hull	Director of Community Development
	Robert Hutchison	Town Assessor
	Drew Reilly	Planning Consultant

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Hoak comments that we are the only Town in New York State out of 930 for the twenty-third consecutive year to receive an award for the highest Financial reporting given by the State of New York at the GFOA Conference. It is through the leadership of Jim Spute, Bob Brown and the entire staff. Because of this, the Town is able to have a Fund Balance and they have been able to keep taxes below inflation for the last 15 years. He presents this to Mr. Spute and thanks him for the great job he is doing.

Councilman Cavalcoli comments that because of this, they also get a superior bond rating. If they do have to borrow money, they can get money at an extremely low rate.

I.

RESOLVED, that the Town Board approve the minutes of the following meetings:

April 25, 2005 Town Board Meeting

May 2, 2005 Work Session

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

IV.

At a regular meeting of the

Town Board of the Town of
Hamburg in the County of
Erie, New York, which was held
at the Town Hall, S-6100 South
Park Avenue, Hamburg, New York
on the 9th day of May, 2005.

PRESENT:

- Hon. Patrick H. Hoak, Supervisor
- D. Mark Cavalcoli, Councilmember
- Kathleen C. Hochul, Councilmember
- Joan A. Kesner, Councilmember
- Thomas Quatroche, Jr., Councilmember

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 In the Matter :
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 of the :
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 : **ORDER CALLING**
 Proposed Establishment of Extension No. 11 : **PUBLIC HEARING**
 (Parker Ridge Subdivision Phase III and IV) :
 to the Hamburg-Orchard Park Joint Water :
 District in the Town of Hamburg, County of : **JUNE 13, 2005**
 Erie, New York pursuant to Article 12 of the :
 Town Law :
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WHEREAS, the Town Board of the Town of Hamburg (herein called the "Town Board" and "Town", respectively), in the County of Erie, New York, has received a petition, dated April 19, 2005, pursuant to Section 191 of the Town Law, for the Establishment of Extension No. 11 (Parker Ridge Subdivision Phase III and IV) to the Hamburg-Orchard Park Joint Water District, (hereinafter called the "District") which petition was signed by the sole owner of taxable real property situate in the proposed extension, owning all of the taxable real property within the proposed extension, as shown upon the latest completed assessment-roll of said Town, and was accompanied by a map, plan and report, dated February, 2005, prepared by Nussbaumer & Clarke, Inc., engineers duly licensed by the State of New York, for the extension of such water district by the acquisition by gift of the water main system to be constructed by John Kalstek d.b.a Parker Road Development (the Developer), to provide water line service to prospective homeowners within the proposed extension, consisting of the construction and installation of approximately 1,625 linear feet of 8-inch PVC (C-900) pipe, 165 linear feet of 8-inch ductile iron (DIP) pipe, three fire hydrants assemblies generally located at 500 foot intervals, three 8-inch line valves including land or rights in land, original equipment, machinery, furnishings and apparatus required therefor pursuant to the specifications of the Town of Hamburg Engineering Department, Erie County Water Authority and all governmental

authorities having jurisdiction over water line construction, all in the proposed Extension No. 11 (Parker Ridge Subdivision Phase III and IV) to the Hamburg-Orchard Park Joint Water District, in the Town (hereinafter called the "Extension" and "District", respectively), 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 Extension 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 Extension; 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 Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the acquisition of such water system, when constructed, in the proposed Extension; and

WHEREAS, said petition described the boundaries of the proposed Extension in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioner and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed Extension is bounded and described as follows:

PARCEL A

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 Number 46, Township 9, Range 7, of the Holland Land Company's Survey, described as follows:

Beginning at a point in the southeast corner of land conveyed to Robert J. Heim and Rita M. Heim, his wife by deed recorded in Liber 7431 of deeds at page 409, said point also being on the north line of Map cover No. 1992, distant 272.78 feet record and 272.75 feet measured easterly from the northwest corner of Subdivision Lot No. 23 under said Map Cover, as measured along the north line of said Map cover; thence along the easterly and northerly lines of land conveyed to Robert J. Heim and Rita M. Heim, his wife by deed aforesaid, the following courses and distance:

- a) N-28°-45'W record and N-35°-46'-17"W measured a distance of 64.40 feet record and 64.87 feet measured;
- b) N-59°-08'-W record and N-66°-09'-17"W measured a distance of 91.85 feet;
- c) N-13°-32'E record and N-06°-30'-43"E measured a distance of 129.50 feet;
- d) S-71°-39'E record and S-78°-40'-17"E measured a distance of 134.00 feet;
- e) N-52°-20'-W record and N-59°-21'-17"W measured a distance of 130.90 feet;
- f) N-29°-26'-W record and N-36°-27'-17"W measured a distance of 76.45 feet;
- g) N-11°-59'-W record and N-19°-00'-17"W measured a distance of 144.80 feet;
- h) N-75°-49'-E record and N-68°-47'-43"E measured a distance of 118.10 feet;
- i) -85°-22'-12"E record and S-87°-36'-31"W measured a distance of 130.58 feet;
- j) N-02°-00'-W record and N-09°-01'-17"W measured a distance of 107.20 feet;
- k) S-18°-56'-W record and S-11°-54'-43"W measured a distance of 131.17 feet;
- l) S-75°-33'-W record and S-68°-31'-43"W measured a distance of 89.64 feet to the northwest corner of land conveyed to Robert J. Heim and Rita M. Heim, his wife by deed aforesaid; thence N-89°-

22'-10"W a distance of 8.36 feet; thence N-00°-37'-50"E a distance of 329.92 feet; thence S-87°-30'-E and parallel with the north line of Lot No. 46 a distance of 1130.09 feet; thence S-00°-30'-00"W a distance of 90.00 feet; thence S-89°-30'-00"E a distance of 171.41 feet to a point in the centerline of power line (Liber 5061 of Deeds at page 83); thence S-03°-53'-35"W and along the centerline of power line (in Liber 5061 of Deeds at [age 83) a distance of 739.46 feet; thence N-87°-30'W record and N-89°-34'-44"W measured a distance of 533.78 feet; thence N-00°-01'-00"E a distance of 66.00 feet record and 65.62 feet measured; thence N-87°-30'W record and N-89°-53'-16"W measured a distance of 383.29 feet to the point or place of beginning.

Excepting all that part of said lands currently lying within the Hamburg North Central Water District.

PARCEL B

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 Number 46, Township 9, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the south line of land formerly owned and occupied by Manual Henshaw distant 650 feet westerly from the intersection at the centerline of Parker road and the south line of Henshaw's land, said point also being the northwest corner of lands conveyed to Richard G. Rankin and Morna J. Rankin, his wife, by deed recorded in Erie County Clerk's Office in Liber 10063 of Deeds at page 498; thence north 87.5° west along the south line of Henshaw's Land, 509.62 feet to the westerly line of lands conveyed to Stanley Antonik and Janina Antonik, his wife, by deed recorded in Erie County

BEGINNING at a point in the south line of land formerly owned and occupied by Manual Henshaw distant 650 feet westerly from the intersection at the centerline of Parker road and the south line of Henshaw's land, said point also being the northwest corner of lands conveyed to Richard G. Rankin and Morna J. Rankin, his wife, by deed recorded in Erie County Clerk's Office in Liber 10063 of Deeds at page 498; thence north 87.5° west along the south line of Henshaw's Land, 509.62 feet to the westerly line of lands conveyed to Stanley Antonik and Janina Antonik, his wife, by deed recorded in Erie County Clerk's Office in Liber 3219 of Deeds at page 410; thence south 2° west along the west line of Antonik's land, 10 chains, 34 links = 682.44 feet; thence south 17° west and along the west line of Antonik's land 3 chains, 80 links = 250.80 feet; thence south 87.5° east, 16 chains, 69 links = 1101.54 feet to the center of Parker Road; thence north 10.5° east along the center of the aforesaid road to a point in the center of said road, distant 490 feet southerly from the intersection of the south line of Manual Henshaw and said centerline of Parker Road, which point is also the southeast corner of land conveyed to Stephen J. Meinczinger and Marlene A. Meinczinger, his wife, by deed recorded in Erie County Clerk's Office in Liber 8810 of Deeds at page 263; thence westerly along the south line of Meinczinger's land 300 feet to the southwest corner thereof; thence westerly along the south line of lands conveyed to Stephen J. Meinczinger and his wife, by deed recorded in Erie County Clerk's Office in Liber 10130 of Deeds at page 296, 100 feet to the easterly line of Lands conveyed to Clement H. Feldman and Alice M. Feldman, his wife by deed recorded in Erie County Clerk's office in Liber 3927 of Deeds at page 501; thence northerly along the easterly line of Feldman's land north 17.5° east 286 feet to the southeast corner of lands conveyed to Rankin by first above mentioned deed; thence westerly along the south line of Rankin's land 250 feet to the southwest corner thereof; thence northerly along the west line of Rankin's land 164.05 feet to the point or place of beginning.

EXCEPTING THEREFROM that part conveyed by deed recorded in Erie County Clerk's Office in Liber 7309 of Deeds at page 21.

Excepting all that part of said lands lying within the Hamburg-Orchard Park Joint Water District.

WHEREAS, said water system, hereinabove described, is to be constructed and the expense of creating the Extension is to be paid for by the Developer and acquired by gift at no cost to the Town, the District or the Extension, and the expense of the maintenance of the Extension shall be paid by the assessment, levy and collection of special assessments upon the several lots and parcels of land within the Extension in the same manner and at the same time as other Town charges;

Now Therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 6100 South Park Avenue, Hamburg, New York, on the 13th day of June, 2005 at 7 o'clock P.M. (Prevailing Time), to consider the establishment of the proposed Extension, as herein referred to, 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 with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "HAMBURG SUN", a newspaper published in the Village of Hamburg, New York, and in the "FRONT PAGE", a newspaper published in the City of Lackawanna, New York, and designated as the official newspapers of the Town for this publication, post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing, and mail notice to all property owners in the proposed Extension; and be it

FURTHER ORDERED, that the Town Clerk file a certified copy of this Order with the Comptroller of the State of New York on or about the date of publication of this Order.

DATED: May 9, 2005

TOWN BOARD OF THE TOWN OF HAMBURG

(SEAL)

Moved: Cavalcoli

Seconded: Hochul

Roll Call Vote:

Supervisor Hoak	Aye
Councilman Cavalcoli	Aye
Councilwoman Hochul	Aye
Councilwoman Kesner	Aye
Councilman Quatroche	Aye

Noes: None

Carried

V.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Senior Services /Adult Day Services as follows:

- | | | | |
|-------------------|--|------------|-----------|
| 1. Wyler, Cheryl | P/T Seasonal Clerk Typist
Senior Services | 05/02/2005 | Terminate |
| 2. Wyler, Cheryl | P/T Clerk Typist | 05/02/2005 | \$9.98 |
| 3. Crowley, Nancy | P/T Rec. Attendant
Adult Day Care | 05/23/2005 | Terminate |
| 4. Crowley, Nancy | P/T Seasonal Rec. Attendant | | |

Moved: Cavalcoli

Seconded: Kesner

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

Noes: None

Carried

VI.

RESOLVED, that the Town Board approve the Transfer of Appropriations for the Personnel Department, within the 2005 Budget, as follows:

From: Contingency Account	B1990.419	\$6,000.00
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To: Prescription Drug Reimbursement	B9060.885	\$6,000.00
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To fund Account.

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

VII.

RESOLVED, that the Town Board authorize the Finance Department to increase the following accounts through the 599 - Appropriated Fund Balance :

S21 Master Sewer - Transfer to Part Town Fund -	\$8,275
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S25 Northeast Sewer - Transfer to Part Town Fund -	\$6,725
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Monies will then be transferred to B3620.440 - Building Inspection Contracted Personal Services to fund two Sewer Inspector positions previously approved.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

VIII.

people in attendance and you could drive around the Town of Hamburg and see all the bags of garbage waiting to be picked up. It is a great site and shows what a community pulling together can do so successfully. She wants to thank Rosemary McManus, the heart and sole behind this project, she couldn't pull it together without her. Her sincere thanks to her. Mr. Connolly and the entire Building and Grounds staff including Sean Fanning, John Hojnacki, Dave Young, Tom Pemberton and the crew from the waterfront. Highway crews are also collecting hundreds of bags. They got a lot of calls, for the first time, thanking them for doing this. They also had some help from the Police Department, Donna Gavin, Tammy and Bev from the Youth Department and the Rejuvenation project members. Also the Chamber of Commerce and support from the Hamburg Newspapers and the Buffalo News for getting the word out. Thanks to Sahlen's hot dogs, Classic Awning, Kirst & Sons, Braymillers Market, Wegmans, Wal-Mart, Dibbles True Value and Tops. This really was a community wide effort and she hopes to see everyone back for the 11th annual next year. The weather was spectacular. She thanks the Board for being there as well.

Supervisor Hoak comments that it is amazing how this has increased in size over the past 10 years. This really brings the community together and he thanks her for pulling this all together. He then commends the Police Department. There was a young man that was reported missing and they tracked him down and located him in Las Vegas. He encourages everyone to participate in all the Memorial Day Celebrations.

Mr. Kapsiak reports that he and Supervisor Hoak will be attending a meeting with the Lake View Community Association on Wednesday at 7:00 p.m. at the Lake View Fire Hall to make a presentation and answer questions on the Townwide Garbage District and Garbage contracts. Anyone who is interested can attend. He wants to answer a question that was raised at the last meeting on the garbage contract. There is a performance bond requirement that is included in the contract. This requires the contractor to provide a performance bond in the amount of 100% of the annual contract cost. If the contractor should default the bond company would then be required to provide service through another contractor.

George Lee comments that they will continue to have the National Night Out in Blasdell, even in light of all the problems in the County. It may be a little smaller but after 11 years of holding it they want to continue.

Business From the Floor

No comments to be addressed.

XVI.

RESOLVED, that the Town Board adjourn to Executive Session at 7:30 p.m.

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

Correspondence - May 9, 2005

34 - To Supervisor Hoak from the Town Clerk's Office, the Monthly Report for April 2005 with receipts totaling \$45,562.28.

35 - To Supervisor Hoak from SABAH thanking him for the donation of ice time to SABAH. With donations such as his they are able to continue to provide "Handi-capable" skaters with the opportunities they need and deserve.

36 - To Supervisor Hoak from Deborah Rogers stating that after her recent complaint about poor drainage in Woodlawn she was extremely happy with Mr. Jim Connolly and his response. She also talked to Rick Krautsack and he was helpful as well. Thanking them both for understanding her dilemma and beginning the work to fix her problem.

37 - To Police Chief Coggins from Tom Brackenridge, CSX Transportation, advising him that starting around May 2, 2005 they will be doing repairs to the bridge on Amsdell Road. They will have a single lane with road signage and flagmen from approximately 8:15 am to 2:45 pm so as not to congest school traffic.