

Meeting No. 8
May 23, 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
	James Spute	Finance Director
	Gerard Kapsiak	Town Engineer
	Drew Reilly	Planning Consultant
	Tim Ellis	Traffic Safety Consultant
	James Connolly	Highway Superintendent
	Carmen Kesner	Assistant Police Chief
	Martin Denecke	Director of Recreation
	Fred Kingsbury	Real Property Appraiser
	Tim Regan	Community Development Assistant
	Tim Willard	Asst. Director of Housing & Building Insp.

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Hoak announces that there is a special group of people present that they would like to recognize. In the past, Character First awards have been presented mainly to Town employees. However, tonight they will be honoring people under the Character Honor. These men and women have served us admirably, not only in their wartime experiences, but throughout their lives. Whenever you look for volunteers or for the betterment of our community, you will find these men and women. They want to honor them under the Character description of honor this evening. He asks them to come forward as their Post is called.

Dan Kilichowski representing The Kalsu Amvets Post, David Rogers representing American Legion Post 527, Jerry Simoneit representing VFW Post 517, Chet Kowal and Richard McGrath representing Harry Clifton Post 60, Catherine Rybczynski representing VFW Post 1419, Brian Lewandowski representing Amvets Post 897 and Donald Cummings representing Thomas Tehan Post 1449. He then asks for a round of applause.

Councilwoman Hochul announces the next Character Trait that they are looking for nominations for is Justice which is conducting yourself with honor and integrity without prejudice. Uphold the truth and stand against corruption.

I.

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

May 9, 2005 Town Board Meeting

May 16, 2005 Work Session

Moved: Hochul

Seconded: Cavalcoli

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

Noes: None

Carried

II.

WHEREAS, an action was commenced in New York State Supreme Court against the Town of Hamburg, Town of Hamburg Industrial Development Agency, USF Holland, Inc., John F. Sowinski, Jr. and John F. Sowinski, III, for an incident that occurred on property located at 3680 Jeffrey Boulevard, and

WHEREAS, the Town of Hamburg is a distinct entity separate from the Town of Hamburg Industrial Development Agency with no jurisdiction and/or interest in the property located at 3680 Jeffrey Boulevard, and

WHEREAS, the Town of Hamburg Industrial Development Agency is named as an Additional Insured by USF Holland relevant to said premises and is providing legal counsel, and

WHEREAS, Town Attorney, Vincent Sorrentino, appeared at a conference before Supreme Court Justice Honorable Frederick J. Marshall on May 10, 2005, and

WHEREAS, this action will be discontinued against the Town of Hamburg pending adoption of a resolution by the Town Board stating plaintiff's counsel will be deemed to have reserved right to recommence suit against the Town of Hamburg should it be discovered that the Town is a legitimate defendant and counsel on behalf of the Town of Hamburg, is authorized to waive any Statute of Limitations defense available to the Town,

NOW THEREFORE BE IT RESOLVED that this resolution is adopted by the Town Board of the Town of Hamburg with the above-described stipulations.

Moved: Hochul

Seconded: Quatroche

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

Noes: None

Carried

III.

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

1. Steger, Andrew	B7310(320)	05/15/2005	Terminate
2. Steger, Andrew	B7310(320) Rec. Attendant	05/16/2005	\$9.10 Seas.
3. Bushen, Amy	B7310(320) Rec. Attendant	06/20/2005	\$7.00 Seas.
4. Henry, Kelly	“	”	\$8.30 Seas. Reg.
	“	”	\$6.20 Seas. Temp.
5. Garcia, Alicia	“	”	\$6.10 Seas.
6. Schranz, Kirk	“	”	\$6.60 Seas.
7. Hemme, Matthew	“	”	\$6.25 Seas.
8. Szatba, James	“	”	\$6.20 Seas.
9. Betrus, Katherin	“	”	\$6.75 Seas.
10. Biellak, Paul	“	”	\$6.25 Seas.
11. Greenauer, Joshua	“	”	\$6.60 Seas.
12. Polisenno, Jessica	“	”	\$6.50 Seas.
13. Silverman, Scott	“	”	\$7.00 Seas.
14. Thiry, Donald	“	”	\$7.75 Seas.
15. Wolfrum, Jacob	“	”	\$6.10 Seas.
16. Reid, Gregory	ER7251(225) Rec. Attendant	05/31/2005	\$7.25 Seas.
17. Willats, Bethany	B7310(320) Rec. Attendant	06/20/2005	\$6.00 Seas.
18. Koch, David	“	”	\$6.00 Seas.
19. Thomas, Mark	“	”	\$6.10 Seas.
20. Houseman, Elise	A7265(230) Rec. Attendant	06/06/2005	\$7.85 Seas.
21. Robb, Michael	B7310(320) Rec. Attendant	06/20/2005	\$6.00 Seas.
22. Robb, Thomas	A7180(215) Rec. Attendant	06/20/2005	\$6.10 Seas.
23. Denecke, Eric	A7265(230) Rec. Attendant	06/06/2005	\$6.75 Seas.

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

IV.

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

1. Best, Fredrick	Seasonal Laborer	05/17/2005	\$9.09
2. Anzalone, Anthony	Seasonal Laborer	05/10/2005	\$9.09
3. Anzalone, Frank	Seasonal Laborer	05/10/2005	\$9.09
4. Granville, Evan	P/T Laborer	05/18/2005	Terminate
5. Granville, Evan	Seasonal Laborer	05/19/2005	\$7.75
6. Wutz, Joseph	Seasonal Laborer	05/23/2005	\$9.09

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

V.

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

- | | | | |
|----------------------|-----------------------------|------------|-----------|
| 1. Spaulding, Ashley | P/T Recreation Attendant | 05/22/2005 | Terminate |
| 2. Spaulding, Ashley | P/T Seasonal Rec. Attendant | 05/23/2005 | \$7.49 |

Moved: Cavalcoli

Seconded: Kesner

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

VI.

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

- | | | | |
|-------------------|--------------------|------------|-----------|
| 1. Marzec, Justin | P/T Clerk | 06/05/2005 | Terminate |
| 2. Marzec, Justin | Seasonal P/T Clerk | 06/06/2005 | \$8.30 |

Moved: Hoak

Seconded: Cavalcoli

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

VII.

WHEREAS, the Town of Hamburg received a rezoning application from E.F. Burke for 30 acres +or-, and at the intersection of Bayview Road and Southwestern Blvd., for the development of the Burke Business Park, and

WHEREAS, in accordance with the State Environmental Quality Review Act, the Town of Hamburg, acting as Lead Agency, issued a Positive Declaration, and

WHEREAS, the applicant submitted a draft scoping document, and the Town held a scoping meeting on May 2, 2005, and

WHEREAS, the Planning Department has amended the draft scoping document to reflect comments received.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board hereby adopts the final scoping document for the Burke Business Park dated May 23, 2005 as the official scoping document for the required Generic Environmental Impact Statement.

Moved: Cavalcoli

Seconded: Quatroche

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

VIII.

RESOLVED, that the Town Board authorize the increase of Capital Fund Appropriation Account H22 7140.303-20 Playground Equipment, in the amount of \$10,000. This will be funded through the T & A T-37 Cash in Lieu of Land, and

BE IT FURTHER RESOLVED, that the Town Board authorize the purchase of three (3) sets of bleachers for Baseball diamonds.

Moved: Quatroche

Seconded: Kesner

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

IX.

RESOLVED, that the Town Board approve the membership of the following into the Lake Shore Volunteer Fire Company, Inc:

Robert Wahl
4951 Chapman Pkwy.
Hamburg, N.Y. 14075

David V. Husted, Sr.
3633 Big Tree Road, Apt. 4
Hamburg, N.Y. 14075

Alex Miklos
2661 Lakewood Avenue
Hamburg, N.Y. 14075

Moved: Kesner

Seconded: Cavalcoli

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

X.

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

1. Coughlin, Mary	Seasonal Laborer	05/23/2005	\$9.09
2. Jasinski, Cassidy	Seasonal Laborer	05/24/2005	\$7.00
3. Overdorf, Brian	Seasonal Laborer	05/24/2005	\$7.00
4. Smith, Eric	Seasonal Laborer	05/24/2005	\$7.75

Moved: Quatroche

Seconded: Kesner

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

XI.

WHEREAS, the New York Power Authority (NYPA) is a state-created public authority under the New York State Public Authorities law, and

WHEREAS, NYPA operates several coal-generated and hydroelectric power plants throughout the state of New York, and

WHEREAS, one such power plant is in Western New York, the Niagara Power Project, which is located in Youngstown, Niagara County, and

WHEREAS, it is generally accepted that the Niagara Power Project generates some of the cleanest, cheapest electricity in the world, and

WHEREAS, the license for operation of the Niagara Power Project by NYPA is set to expire in 2007, at which time NYPA will seek federal authorization to relicense for another 50-year term, and

WHEREAS, one factual complaint lodged against NYPA's stewardship of the Niagara Power Project and its power generating ability is the large percentage of Niagara-generated power that leaves Western New York and is sold on the open market - in some cases beyond other New York regions to other states, and

WHEREAS, many elected and community leaders believe that larger portions of inexpensive NYPA hydropower generated at Niagara can and should be dedicated to job-creating businesses in Western New York, and

WHEREAS, an opportunity to mitigate the damage caused to the region by the exportation of Niagara hydropower would be the relicensing process, and

WHEREAS, in advance of the relicensing process, NYPA is making offers to local governments seeking settlements, and delivering dedicated streams of NYPA revenue for various purposes to local governments throughout the state, and

WHEREAS, one such settlement offer has been made to Erie County and Buffalo by NYPA, and

WHEREAS, aside from a haphazard proposal to set aside \$3 million per year to supplement state parks' activities in Western New York, the settlement offer to the city and county would total \$100 million (or \$2 million per year) over the 50-year life of the settlement, and

WHEREAS, in reports documented by current and former members of the state legislature as well as by the New York State Comptroller, NYPA subsidizes its money-losing facilities in other parts of the state through the sale of cheap hydropower to other regions and states, in a sense exploiting Western New York's natural resources for monetary gain, and

WHEREAS, many believe that the \$100 million settlement offer made to the city and county and submitted to the county for consideration, to be insufficient, and

WHEREAS, the NYPA proposal would require that approved funds for various projects be recommended by a "committee of 4" comprised, in part, by local leaders, but also by representatives of NYPA itself, with subsequent approval for such projects left in the hands of a state agency, and

WHEREAS, given that NYPA has consistently earned hundreds of millions of dollars in excess revenue derived solely from the sale of inexpensive hydropower, it is insulting to suggest that NYPA would 1) offer our region a very small amount of funding, and 2) seek to control expenditure of the small amount of funds they do deign to allocate for our region's purposes, and

WHEREAS, an alternative proposal has been put forth by US Representative Brian Higgins, the basis of Rep. Higgins' proposal would be to allocate funds for the design and construction of physical improvements in areas most particularly necessary for the enhancement and improvement of economic development in Buffalo, Erie County, and Western New York, and

WHEREAS, said alternative proposal would call for a total NYPA contribution of \$500 million (or \$10 million per annum) over the 50-year life of the settlement agreement, to be apportioned as follows:

- \$4 million per year for brownfield remediation and land acquisition to be used by municipalities along the waterfront. In this way, shovel ready sites can be made available for public access and commercial development; and
- \$6 million per year allocated to a locally-controlled Waterfront Development Corporation whose expressed purpose is the enhancement and improvement of public access to Buffalo's Outer and Inner Harbor waterfront areas, and whose primary objective is the design and construction of physical improvements to Buffalo's waterfront areas to create private and public sector recreational and commercial development along the Lake Erie shoreline.

And

WHEREAS, allocation of said funds would accomplish two necessary goals: 1) it would provide a new and dedicated funding stream to cultural institutions in Buffalo and Western New York, something critically important to Western New York's efforts at cultural tourism and particularly significant in light of the funding challenges facing city and county government at the present time, and 2) it would provide a dedicated stream of funding to the proposed Waterfront Development Corporation toward the goal of project-managing the various Inner and Outer Harbor construction projects beyond the theoretical, and away from the traditional Western New York process of excessive studies and reviews, and toward the design and construction of real projects that create real job opportunities for real people in Western New York, and

WHEREAS, for a region starved for successful development of its most significant and untapped natural resource - its waterfront - the alternative settlement proposal put forth by Rep. Higgins represents a unique opportunity for Western New York's business, government and corporate communities to join together, show support, and deliver real results for Western New York's taxpayers and residents

THEREFORE BE IT RESOLVED, that the Hamburg Town Board does hereby reaffirm its commitment to the continued enhancement of economic development, tourism and other efforts to create jobs and economic opportunity to the residents and taxpayers of Buffalo, and

BE IT FURTHER RESOLVED, that this Honorable Body does hereby commend the New York Power Authority (NYPA) for its efforts in seeking out and negotiating settlement agreements with local governments throughout New York State, toward the goal of returning NYPA revenues to local communities for the purposes of enhancement of economic development in local areas, and

BE IT FURTHER RESOLVED, that notwithstanding such commendation, this Honorable Body does hereby declare as insufficient the proposal delivered to the county for the reasons stated previous, and does hereby call upon interested parties to offer comment to that effect during NYPA's public comment period, scheduled to conclude at the end of May 2005, and

BE IT FURTHER RESOLVED, that this Honorable Body is strongly opposed to any settlement agreement that would include decision-making authority for persons or entities located outside of Western New York, including but not limited to NYPA itself, as it relates to the allocation of funds set aside for economic development, tourism and job creation purposes through the settlement agreement, and

BE IT FURTHER RESOLVED, that this Honorable Body does hereby endorse the proposed settlement agreement put forth by US Representative Brian Higgins, a proposal that 1) would increase NYPA funding to the city and county for economic development, job creation and tourism more than five-fold; 2) would seek to make specific, dedicated funding reservations for economic development, tourism, and other purposes, including development of Buffalo's Inner and Outer Harbor waterfront areas; and 3) would ensure local control of such funds and would not make allocation or expenditure of such funds subject to the authorization of entities located or principally associated outside of Western New York - in sum, ensuring local control, and

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to the Governor; the Western New York delegation, the US Senate and US House of Representatives, the members of the Western New York delegations to the State Assembly and State Senate, the Erie County Executive, the Mayors of Buffalo and Lackawanna, and to the New York Power Authority to be included in the public comment to be accepted relative to the proposed settlement.

Moved: Hoak

Seconded: Unanimous

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

Noes: None

Carried

Supervisor Hoak comments that so much of our hydropower goes outside of this area. Right now, they are looking to pay the Western New York Community 2 million dollars and Rep. Brian Higgins feels this is an unfair amount and would like to see 10 million. Councilwoman Kesner sits on a panel for this and they are negotiating for more money for the Western New York Region.

XII.

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

VOUCHER #'S

OPERATING FUND:

BATCH #73	\$ 13,063.82	3292 - 3345
BATCH #74	\$400,000.00	3346
BATCH #75	\$186,942.48	3355 - 3415
BATCH #76	\$ 71,063.72	UNPROCESSED
PRTRN #10	\$525,518.97	

TOTAL OPERATING FUND DISBURSEMENTS: \$1,196,588.99

TRUST & AGENCY:

their interest in this and their comments. There will be ample opportunity for everyone to receive the proper information and to make an intelligent vote for their services. Finally, for clarification, there is mis-information that the Town wants to form a sanitation district and hire employees and have garbage trucks. This is not the truth. The truth is that the Town Board was asked to look into cost savings measures for the residents and have a Townwide garbage district that would save the people money. Clearly, in a majority of close to 75% of the residents or more, the residents will save more than \$100 to \$150 per household in doing this. The only method was to facilitate the process and make this available to residents at a lower cost.

Councilwoman Hochul comments that there will not be a more clear-cut up or down vote than this referendum. Those who want to pay more for their service vote no and those who want to pay less should support this. She hopes this does not become a political football. This should stay on the facts. The only reason to do this is that it was brought to them by an independent organization, the Chamber of Commerce, as a way to save taxpayer dollars. It would have been negligent on their part not to pursue it. In pursuing it, they were all pleasantly surprised on how dramatic the cost savings were. In a democracy they respect the right to have a referendum, but, she feels that if the proper information is out there, and people know the facts, she doesn't see why anyone would want to pay more for a service that they are required to have. There are exceptions, those who may run their garbage to a dumpster, but the majority of residents should agree that in this climate of saving every penny you can, why not save \$100. Who wants to pay more than you have too. She commends the leadership of Councilman Cavalcoli.

Councilwoman Kesner commends Councilman Cavalcoli as well for his diligent work on this topic. She challenges the taxpayer groups to get the message out to the people they represent. This is for the overall good of everyone. This is an opportunity to save money and very seldom do you see things like this today. She hopes they join in their effort. She would also like to challenge the community this weekend to join in the festivities that are happening in Lake View and Blasdell in honoring our Veterans. It will be a fun weekend, please support our Veterans.

Councilman Quatroche comments that he would also like to commend Councilman Cavalcoli. The easy thing to do would be have no change. They have seen, in other government systems such as the County, when people don't take on issues and change for the better, inevitably costs rise and services don't get better. When information goes out, there is a general feeling towards government, and there is absolutely zero benefit to the Town financially in doing this, the only motive was to save taxpayers money. Again, the Chamber of Commerce came to them with this proposal and asked them to take a look at it. Some people have commented "What took you so long?" Councilman Cavalcoli has always been someone who is not afraid of change. He has brought great initiatives forward, such as the Town Master Plan, which was a lot of change but at the end of the project it turned out to be a great thing for the Town in controlling growth. Secondly he wants to commend Mr. Denecke. One of the things they pride themselves on is the increase in communication with the people and volunteers who run the parks. They had another meeting last week of all the leaders and they are spending a lot of time with the people who run the recreational organizations. They see all the kids playing and the work that goes on behind all the events is monumental. Dealing with kids and sports can be tough sometimes and making sure the kids are protected is a big job and the Recreation Department spends countless hours and time making sure those programs are run well. There was a resolution for bleachers for the baseball association and he wants to commend Mr. Denecke for the good communication and Mr. Connolly as well.

Councilwoman Hochul comments that this week they are encouraging people to pay their tolls in pennies. This along with letters and e-mail should help show the Governor how disgruntled we are here in Western New York. We feel we are unfairly treated with respect to how tolls are distributed and paid for here and how there are other parts in the State that have free toll sections. They want to show support for moving the Lackawanna toll barriers as well as voice their opposition to the concept of tolls in Western New York within the community range. The Town of Hamburg is impacted more than any other area. They have not one, but two toll barriers. She also wants to mention that June 2nd from 5:30 to 8:00 pm they will be holding a fundraiser at the Wanakah Waterworks Building.

Supervisor Hoak comments that kudos should go to the Chamber of Commerce for bringing this to their attention. Studies from other communities showed a substantial savings and they asked

if the Town Board would be interested. They responded that if it would save money for the taxpayers they would like to do it. The savings for the residents really shocked them. The study showed that presently the Town residents are spending over 3 million dollars for garbage service. So they put it out to competitive bid in the private sector and the cost came out to be 1.5 million, which is a savings of 50%. As a business man he would say he would want to jump all over that all day long. There are a few exceptions, but the overall savings for the community is immense. Hamburg is one of two Towns, out of the 25 Towns in Western New York, that do not have one provider. It's about time. It is kudos to the Chamber, Councilman Cavalcoli, Jim Connolly, Mr. Kapsiak and the Board for saying they have an opportunity to save money and this is for the good of the community. He invites the public to ask questions, they have an opportunity to save money. They will have more challenging budgets coming up than they have had in recent years and this is one step where they can save the residents in the community. He also announces that if anyone has any flags to be disposed of the Hamburg Moose has National recognition and the right to this. Come to the Hamburg Moose on Monday.

Gerard Kapsiak, Town Engineer, reports that the Town of Hamburg's annual storm water report has been completed and submitted to the State Department of Environmental Conservation. It is available for public review in the Engineering Department. It has been prepared in compliance with Federal and State unfunded mandate regulations in order to document the Towns efforts and accomplishments toward developing and implementing a storm water management program to reduce storm water pollution and the environmental impacts that result from it.

Mr. Denecke, Director of Recreation, announces that on June 4th they have a casting conference with Erie County Jr. Basketball. Boys and girls between the ages of 7 and 14 are invited.

Business From the Floor

Toma Brazdes, 4079 Loring Ave., comments that he is gone all summer long. He doesn't pay for garbage disposal. Supervisor Hoak questions how much he pays. Mr. Brazdes responds that he pays \$107.00 per year. Councilman Cavalcoli responds that he would pay exactly the same amount because he would be considered a low garbage generator.

Mark Cuda, 4067 Tasseff Terrace, questions what assurances he can give the Town residents that at no time in the future there will be increases, as they have just seen Buffalo do to their garbage user fee. They raised it by 8%.

Supervisor Hoak comments that they have a 5 year contract and there would not be an increase above 5% maximum.

Councilman Cavalcoli comments that the charges would be based on the collection fee and the disposal fee and there would be a variable for the amount of recyclables. There is an opportunity for the price to go down if they can increase recyclables and reduce the tonage. There will be no increase beyond what is in the contract. There will be no administrative fees of any kind.

Mr. Cuda then asks about the taxpayer who has signed a contract for two or three years. Councilman Cavalcoli responds that there will be no double charge. If they have signed a three year contract and Waste Management will not let them out of it, then they will exclude those people until the contract is complete. The Legal Department is researching this, but what they are proposing is that because this is not an action by the individual but rather a Town action, the contract would be null and void. Mr. Cuda then questions if only homeowners will be charged, not vacant land. Councilman Cavalcoli responds that residents who use the service will pay a fee of either \$107.00 for a 65 gallon tote or \$119.00 for a 95 gallon tote and if they are a vacant property owner there will be a minimum surcharge of \$5.00 per lot. This will help cover the cost of the townwide clean-up and various other town programs such as possibly a tire recycling center and possible hazardous waste drop-off or computer recycling. Mr. Cuda then comments that after working hard all day long he comes home and, he has Waste Management, his garbage is gone. No questions asked, no tags, no issues. He doesn't want any. Councilman Cavalcoli responds that this should be no different. He will have a 95 gallon tote and he can put his garbage in any way he wants. He will also be able to put out white goods or rubbish once a week. Right now, it is only picked up once per month. There can be up to four vendors going through the same neighborhood every week. This will reduce traffic, environmental emissions, and the trash along the side of the road. Mr. Cuda comments that this is definitely a savings for him, however if there is a hassle involved, he doesn't want it.

Councilman Cavalcoli comments that he can never give anyone an absolute guarantee, however, the vendor will be responsible to meet all the qualifications and if there are any issues he can call

them up and tell them to take care of it. Councilman Quatroche comments that they have also been very diligent in checking references. They had the same concern and they wanted to make sure that the vendor they were choosing had a good reputation in other places and they received nothing but glowing reviews of that company. Mr. Cuda comments that many of the questions are his own but some are from other residents. In talking to other people many concerns have been brought up. He reads the Hamburg Sun but in a situation such as this where they are changing something in the Town, he realizes mailing is expensive, but maybe that's the way they should have gone. Councilman Cavalcoli responds that there is no perfect system and even if they mailed this out people may have thought it was an add and threw it out. They do their best, this is an honest effort to do right by their citizens and if the referendum is voted down and no garbage district is formed, this Board stepped forward to do the right thing for its citizens. In this day and age where people have lost faith in their County, City, State and Federal Government this is the time for them to step forward and do the right thing. If they choose to ignore what they have done, that is their right and their choice. Whether a referendum was necessary or not he stands by everything the Town Board has done to save the citizens money, when they are getting tax burdens from other areas, when they are getting assessment fees and permit fees raised, this is an opportunity for them to say they can save them some money. They went out and found a vendor that will provide the same service, if not better, for less money. He can't do more than that. Mr. Cuda comments that when people read the paper they see the City of Buffalo raising the garbage fees by 8% and the residents have no control over it. Councilwoman Hochul comments that the difference is that it is a City run function. You are mixing the private sector and public sector function. From virtue of his position in the Town he has a great opportunity to share this information with other people. They invite him to be helpful now that he has heard the legitimate rationale for doing this. Mr. Cuda comments that he agreed with Councilwoman Kesner 100% in supporting the Hamburg Town Police and rejecting the County proposal for a regional Police Department. We have a great and very well run Police force. Councilman Quatroche comments that he echoes those comments, there was a question as to what the County was proposing, but he is totally behind our Town Police. He then comments on the City of Buffalo and the garbage district commenting that Hamburg is forming a district and if we are able to save money through increased recycling, the dollars accrued would go back into the district so that next year that money could be used towards the total cost of the contract. Councilman Cavalcoli clarifies this stating that any revenues that come into that garbage district will be used in that district only and would not go into the general fund. Therefore, if there is extra money left over it goes to reduce the cost of the contract next year.

Phil DiCarlo, 53 Rosedale, questions if that includes interest income. Councilman Cavalcoli responds yes it is included.

Dr. Kathleen Nowak comments that she is a small business owner and she doesn't have a dumpster and she takes her garbage out to the curb. She is considered a commercial property owner and would like to be included. She then questions who will keep track of the 65 gallon and 95 gallon totes. Councilman Cavalcoli responds that it is in the contract that anyone who takes a 65 gallon tote and puts out extra garbage will be in violation. The garbage collector will notify the Town and they will monitor that. Dr. Nowak then comments on the fact that Waste Management has their own dumping site and NEI has to pay for this. How could that affect the contract? Councilman Cavalcoli responds that there are government regulations on that. Waste Management was part of the bidding process. They met with the four major vendors, they discussed what they were doing and asked them for their input and advice on how to construct the bids. Waste Management was quite concerned because they served about half of the homes. However, they were \$400,000 higher on their bid. All bidders had an equal opportunity. Councilwoman Hochul comments on the low and high volume stating that it comes out to an additional \$1.00 per month. So, if there is any question as to how much garbage will be disposed of the 95 gallon tote gives you an extra 30 gallons to work with. Councilman Cavalcoli comments that they based their prices on the average in other communities. The first year will be a trial year, but they feel they should be right on the tonnage used. Supervisor Hoak comments that both Villages were offered the opportunity to be a part of this and the more residents involved the lower the cost.

Vera Kaiser, Fairgrounds Road, questions what provisions are made for extra spring and fall yard waste. Mr. Kapsiak responds that it could be distributed over a couple of weeks or possibly put in with a neighbors garbage if they have less that week. Councilwoman Hochul responds again, for an extra \$1.00 per month you have a lot more space.

Mr. Cuda questions if it was stated that a performance bond was required. Councilman Cavalcoli responds that yes a performance bond is required in the contract. He then announces

that there will be fact sheets available at Town Hall and sent to the Taxpayer groups, in the Libraries and any place people want to gather.

Daniel, 4897 Best St., questions if residents are going to be mandated to have totes as opposed to just garbage bags. Councilman Cavalcoli comments that residents are required to have a tote and this is included in the price of the service.

XIII.

RESOLVED, that the Town Board adjourn to Executive Session at 8:05 p.m.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

Catherine Rybczynski, Town Clerk