

Meeting No. 13
June 9, 1997
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, N.Y. 14075

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

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

Also Present:	George Danyluk	Town Clerk
	James Spute	Finance Director
	Gerard Kapsiak	Town Engineer
	Robert Hutchison	Town Assessor
	Mathew Czerwicz	Police Chief
	Tim Ellis	Traffic Safety Coordinator
	William Dash	Working Crew Chief
	Robert Mars	Receiver of Taxes
	Martin Denecke	Assistant Director of Recreation
	Drew Reilly	Planning Consultant
	Tim Willard	Assistant Dir. of Community Development

The Pledge of Allegiance is recited.

Information on Fire Exits is provided.

7:00 p.m. Public hearing for the purpose of permitting the SCRANTON VOLUNTEER FIRE COMPANY, INC., to enter into a Financing Agreement with Manufacturers and Traders Trust Co., in the amount of \$325,000.00, to finance a 1997 R.D. Murray Infinity Series Aerial Platform Fire Apparatus.

George Danyluk, Town Clerk, reads the following notice as published in the Hamburg Sun and the Front Page:

NOTICE OF PUBLIC HEARING
ON THE PROPOSED FINANCING OF EQUIPMENT BY
SCRANTON VOLUNTEER FIRE COMPANY, INC.

NOTICE IS HEREBY GIVEN that a Public hearing will be held by the Town Board of the Town of Hamburg, Erie County, New York, on June 9, 1997, at 7:00 P.M., Prevailing Time, at the Hamburg Town Hall, S-6100 South Park Avenue, Hamburg, New York, for the purpose of permitting the SCRANTON VOLUNTEER FIRE COMPANY, INC., pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, on a proposal that the Issuer enter into a Financing Agreement with Manufacturers and Traders Trust Company in order to finance certain equipment. The equipment to be financed consists of a 1997 R. D. Murray Infinity Series Aerial Platform Fire Apparatus and will be located at the SCRANTON VOLUNTEER FIRE COMPANY, INC., Fire Station, 5395 Scranton Road, Hamburg, New York.

The proposed purchase is from R. D. Murray Fire Apparatus, Inc. The financing obligation is in the maximum amount of \$325,000.00. The fire-fighting equipment is to be used for the provision of fire protection service to the SCRANTON FIRE PROTECTION DISTRICT located in the Town of Hamburg pursuant to a Fire Protection Contract dated March 3, 1997, by and between the SCRANTON VOLUNTEER FIRE COMPANY, INC., and the Town of Hamburg.

To finance the cost of the said equipment and to pay costs and expenses incidental to said financing, the Issuer, SCRANTON VOLUNTEER FIRE COMPANY, INC., proposes to enter into a Financing Agreement with Manufacturers and Traders Trust Company in the maximum aggregate amount of \$325,000.00.

All persons interested may appear and be heard at said time and place or may file written comments with the Town Board of the Town of Hamburg prior to the hearing set forth herein above.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG.

Dated: April 28, 1997

George Danyluk
Town Clerk
Town of Hamburg

Chief Robert Paas explains that they are replacing a piece of equipment that is 24 years old. It had a 75 foot tower and they are going to a 103 foot tower because their district has the need for it. Right now they have the best rating a Fire Company can have, without going to paid personnel. Having this piece of equipment is a savings to the taxpayers.

George Komenda, asks if this will be used only by the Scranton Volunteer Fire Company.

Chief Paas responds that, with the mutual aid agreement, this will go anywhere in the Town if it is called.

Supervisor Hoak states that normally they would wait two weeks to act on this, however, this has been talked about and budgeted for and hearing no opposition they will move forward on it.

I.

RESOLVED, that the Town Board close the Public Hearing at 7:12 p.m.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

Councilman Cavalcoli explains that the purpose of abandoning this property is for the site development of a Restaurant on this corner and the abandonment would provide for the proper parking needed and help the traffic flow. It went before the Traffic Safety Board and, with some modifications with the traffic flow, they gave their recommendation. At this time, he reads the recommendation from the Planning Board. He states that there is some controversy involved in this because of the increased traffic flow. He feels that with the recommendations from the Planning Board and the cooperation of the developer, through the Planning Board, that the traffic problems will be minimized and perhaps even correct or reduce some of the problems that already exist.

Steve Strnad, questions if there will be any money involved in this transfer of ownership.

Councilman Cavalcoli responds that there is no money involved and they have done this in the past, for example with West Herr Ford, they felt there were sufficient precedents not to charge for this.

Steve Strnad questions why there are two negative votes.

Councilwoman Hochul explains that the current size of the parcel does not lend itself to substantial development. If it were not for this abandonment it would not be going in. She wants to commend Councilman Cavalcoli and the Planning Board for taking a firm standing and getting concessions which will improve it greatly, however, at this time she wants to take a stand against it.

Councilwoman Kesner comments that she is concerned about the driveways coming out on to Southwestern Blvd. She feels more safety issues need to be addressed.

Councilman Cavalcoli states that the property is already zoned for this and a fast food restaurant could be put on the smaller parcel, which would probably generate more traffic flow than this larger restaurant.

Supervisor Hoak responds that he can see both sides of the issue, however, he is in favor of this because he supports new businesses, of this type, and the increase in tax base.

Councilman Quatroche states that in the beginning he was against this project, for much the same reason as Councilwoman Hochul. However, after working with the developer, they were able to get the driveway moved and get them to make many concessions.

George Komenda questions if there is a tax abatement on this property.

Councilman Cavalcoli responds no. Then he states that he hopes the public is aware that when the Board disagrees, positive changes and concessions are made.

VI.

BE IT RESOLVED, that the Town Clerk be authorized to publish a legal notice for a public hearing on proposed Local Law #5, 1997, to provide for an amendment to Local Law #1, 1992, Chapter 191, Article II, "Transient Retail Merchants".

The public hearing is scheduled to be held June 23, 1997 at 7:00 p.m. local time.

Moved: Hochul

Seconded: Quatroche

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

Noes: None

Carried

Councilwoman Hochul explains that this is something that came out of the code review committee. This has been a big concern of the local business people. They met with them and the amended local law is meant to protect the business people in our community.

VII.

RESOLVED, That the Town Board approve the hiring of personnel for the Recreation Department as follows:

- | | | | |
|-----------------|-----------------|----------|--------|
| 1. Gary Occhino | ER7251(225) | 05/19/97 | \$8.00 |
| | Golf Instructor | | |
| 2. Sara Scime | B7310(320) | 05/20/97 | \$7.00 |
| | Aerobics | | |

Moved: Quatroche

Seconded: Cavalcoli

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

Noes: None

Carried

VIII.

RESOLVED, that the Town Board approve the Out-of-Town Travel request for Robert E. Hutchison, Jr., of the Assessing Department, to attend various meetings of the Western New York Chapter of IAAO at various locations on various dates through-out 1997. Dues each year is approximately \$40.00, there are approximately 5 to 6 meetings per year at \$10.00 per meeting. Meetings are held in Batavia and the mileage is approximately \$25.00 per meeting. The money is available in account A1430.492 (seminars) and A1430.452 (mileage).

Moved: Kesner

Seconded: Hochul

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

Noes: None

Carried

IX.

RESOLVED, that the Town Board approve the direct line promotion of SHARON POTTER to the position of SENIOR ACCOUNT CLERK-Provisional in the Buildings and Grounds Department. Further request approval for Supervisor Hoak to sign Erie County Department of Personnel Form PO-3a, Request for Non-Competitive Promotion Examination, for Sharon Potter to the position of Senior Account Clerk under Section 52.7 of New York State Civil Service Law. Provisional appointment effective immediately; salary \$15.12 hourly per CSEA White Collar contract; funds available in A7140.100.

Ms. Potter requests a leave of absence from her present Civil Service title of Account Clerk Typist until permanent in the new position.

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

X.

RESOLVED, that the Town Board approve the transfer of \$3,994 from Trust & Agency T-37 Cash in Lieu of Land. These funds will be transferred to A7140.303 Playgrounds & Recreation Centers, Permanent Improvements. This represents one half the cost of fencing for the Lakeview Playground.

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

XII.

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

- | | | | |
|----------------------|------------------|----------|--------|
| 1. William Machulsky | Seasonal Guard | 06/02/97 | \$6.00 |
| 2. Nicholas LaRosa | Seasonal Guard | 05/29/97 | \$6.00 |
| 3. Seth DeAnthony | Seasonal Laborer | 0605/97 | \$5.00 |

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

XIII.

RESOLVED, that the Hamburg Town Board authorize James Spute to review and release checks during special summer months, due to the reduced Town Board Meeting schedule, effective 6/30/97 through 09/02/97.

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

XIV.

WHEREAS, as the result of occupant complaints, concerns have been raised about the air quality within the confines of our Town Hall facility.

WHEREAS, the Town Board recognizes these concerns and has requested the Town Supervisor of Building Inspectors to solicit and accept proposals for an Indoor Air Quality Investigation of Town Hall from qualified consulting firms.

WHEREAS, the Town Supervisor of Building Inspectors has solicited and received proposals from several such firms.

NOW THEREFORE BE IT RESOLVED, that the Town Board award Osborn Services, Inc. Of Buffalo, New York (having submitted the lowest bid of the qualified bidders) to conduct an Indoor Air Quality investigation in accordance with their service proposal in the amount of \$2,360.00.

BE IT FURTHER RESOLVED, that the Town Supervisor sign the Service Agreement Proposal authorizing Osborn Services, Inc. To perform said services.

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

Councilwoman Hochul commends Councilwoman Kesner for bringing this issue to light and seeing that it is taken care of.

XV.

RESOLVED, that the Town Board approve the transfer of appropriations within the 1997 budget as follows:

From: Consultant Fees	A1010.456	\$2,360.00
To: Contracted Service	A1620.440	\$2,360.00

To fund account for Osborn Services to conduct an Indoor Air Quality investigation.

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

Carried

XVII.

RESOLVED, that the Town Board approve the travel request for Joanne Eagan, of the Personnel Department, to travel to the Buffalo Hilton on Wed. June 11th to attend an informational meeting on the "Health Insurance Portability and Accounting Act" presented by Blue Cross & Blue Shield. The estimated cost is \$5.00 and the money is available in account A1430.492.

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

XVIII.

RESOLVED, that the Town Board authorize the Finance Department to increase appropriation B3120.100 by \$10,517.42 and appropriation B3120.830 by \$804.58 through the B599 Appropriated Fund Balance. These are the DWI funds that are available for the start of the 1997 season.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

XIX.

WHEREAS, the Town Hall identification sign is fully fabricated and ready for installation on Town property located at S-6100 South Park Avenue.

WHEREAS, funds of \$2,000.00 have been encumbered from the 1996 Budget and are available in account A1620.202, and the balance of \$1,500.00 has been donated by the Friends of Hamburg Rejuvenation Project, and will be paid to Southtown's Signs, Inc.,

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Buildings and Grounds Department to install the sign in front of Town Hall.

Moved: Hochul

Seconded: Quatroche

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

Noes: None

Carried

Councilwoman Hochul invites the public to a dedication of this sign at 6:45 p.m. on June 23rd, just before the next Town Board Meeting.

Supervisor Hoak states throughout the Community Mark has been recognized as an excellent teacher. He has been head of Science Department for years and has been a credit to teaching.

Councilwoman Hochul says that, knocking on door during campaigning, she has met so many former students who have nothing but praise for him, and he has earned the respect of so many people.

Councilman Cavalcoli responds he was not able to be at the retirement presentation when this was read because he was in Nebraska correcting AP Biology Exams. The reason he has done this 4 times is the comradery of all the teachers and professors involved. There are so many teachers out there who care and are dedicated to their profession and we owe a tribute of thanks to all of them.

XXI.

WHEREAS, the Town of Hamburg is a charter member of the Erie County/Southtowns Sewage Treatment Agency, which was formed by agreement dated December 30, 1974 in order to provide sewage transmission and treatment services to various sewer districts and municipalities in the Southtowns area; and

WHEREAS, the Southtowns Agency is currently proposing a Capital Improvement Plan which will finance up to \$10 million in improvements to Agency facilities that have been determined to be necessary to be undertaken over the next ten years, in order to replace various items of worn and obsolete equipment and provide structural improvements to the treatment plant; and

WHEREAS, an amendment to the agreement with the Agency is required to be approved in order for the Capital Improvement Plan to be implemented, which amendment includes the following proposed revisions to the agreement:

- 1) Capital improvement projects are defined under the amended agreement.
- 2) A quorum of the Agency is defined in order that it is consistent with New York State law.
- 3) The Agency Board of Managers is authorized to approve capital improvement projects.
- 4) Existing previously authorized unused funds are made available for expenditure, in order that they can be used before new funds are appropriated.

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg hereby approves the amended agreement, and authorizes the Supervisor to sign the amendment on behalf of the Town sewer districts which are included in the Erie County/Southtowns Sewage Treatment Agency.

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

XXV.

RESOLVED, that the Town Clerk be authorized to advertise for a public hearing to consider the adoption of proposed local law #7, 1997; said proposed local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning, for property located on McKinley Parkway, approximately 550 feet north of Big Tree Road. The property is to be rezoned from R-2 (Single Family Residence, Attached District) to C-2 (General Commercial District).

The public hearing is scheduled to be held June 23, 1997 at 7:15 p.m. local time.

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

Seconded: Cavalcoli

Councilman Cavalcoli states that this will be the second public hearing on this property. The reason for holding it again is the length of time since the last one and also the type of project to be built on this property has been changed.

Correspondence

Letter #72 - Supervisor Hoak responds that he has spoken with Mr. Tripp and Mr. Denecke and they will be able to expedite the playground. Thanks Diane and Krystal for bringing this to light.

Councilwoman Kesner states that they are going to address the shelter structure and, if they secure the grant, will put in a cushioned floor for the cheerleaders to practice on.

Late Correspondence - Supervisor Hoak states that he received a letter from Congressman Quinn informing us that the U.S. Department of Justice is awarding \$24,167 to the Police Department through the COPS MORE '96 grant program.

Late Correspondence - To Supervisor Hoak from Dean Messing, Erie County Department of Emergency Services stating that due to high lake levels this year, the Governor has sent a request to the Corps of Engineers for the Advanced Measures Program to be implemented. A meeting on this was held Monday June 9, 1997 at 10:00 AM at Town Hall. Our water levels today are the highest they have been in ten years. The Army Corps of Engineers has a program that we are coordinating to qualify for protection. The targeted area is Hoover Beach.

Steve Strnad, questions if there is a problem because the people on Hoover Beach do not own the land. Supervisor Hoak responds that it is owned by an association, but they were still eligible to apply.

Letter 80 - Councilwoman Kesner responds that she sent a letter to Fay Staley concerning a clarification of Housing Counseling Services. The Town has provided this service in the past, however at a cost of \$2,500 per year and the residents had to travel to the Housing assistance Center on Main Street in Buffalo. This year the Town has taken a different approach and put this out to bid. The bid came in at \$4,325.00 for two years, which is a savings of \$675.00 for services which are provided right here in Hamburg. They will also be offering workshops and a number of other services.

Letter #78 - Councilman Cavalcoli responds that he and Mr. Kapsiak will be attending the meeting and they will be discussing the proposed waterline construction.

Letter #77 - Councilwoman Hochul states that the request for stop signs on the corner of Adams and Grant Streets was the topic of discussion at the last Traffic Safety Advisory Board meeting so it is under review at this time.

Reports from Town Board Members and Department Heads

Councilman Cavalcoli states that a negative SEQR recommendation was going to be done concerning the Master Plan Update at this meeting. However, the document was being finalized and will be ready for the next meeting on June 23, 1997. He would also ask his colleagues on the Board to take action to except the Master Plan as well.

Councilwoman Kesner reports that she has been given the task of meeting with the Radio Committee to discuss the 800 MHZ. licensing. She has also been meeting with EMS representatives and feels we are moving in the right direction concerning providing the best

possible service for our residents.

Supervisor Hoak recognizes and congratulates Mary Dosch as May employee of the month and Thomas Higgins as June employee of the month. Councilman Quatroche has been appointed liaison for the Town Computer Committee.

Councilwoman Hochul announces that the speed limit has been reduced along Route 20 to 50 mph. Now they are turning their attentions to Route 5. They have asked the State to study the concept of turning the yellow light on the corner of Rogers Road into a real traffic signal. They have to wait for a 90 day period to pass before they will act on this. They are also looking into having a School zone area designated in front of St. Mary's Elementary School. She attended meetings at Chatauqua Institute last week and they will be looking into shared services with other Municipalities to try and save tax dollars. They also learned of ways to deal with Urban Sprawl.

Councilman Quatroche reports that he has been working with the Computer Committee and it will be a challenge to help the Town become more efficient because technology is expensive. The Army Corps of Engineers has given the Town their permit to put out the new docks. Thanks Superintendent Connolly for all the work he has done down at the Park.

George Danyluk, Town Clerk, announces that on Saturday June 14th at 9:00 a.m. they will hold the annual Police auction.

Tim Ellis, Traffic Safety Coordinator reports that the Traffic Safety Board wants to thank Councilwoman Hochul for getting the State to review the traffic signal at Route 5 and Rogers Road. An increasing number of concerns and complaints have come in to the Traffic Safety Department about Railroad Trains blocking at grade crossings. He wrote to the NYSDOT Railway Safety Unit and received a response which he reads to the public. It states that if a train blocks an at grade crossing for longer than five minutes they can be ticketed by the local law enforcement agency. He talked to the Chief of Police and they will be enforcing this. Councilman Cavalcoli questions if they can only ticket a train that is stopped. Mr. Ellis responds that yes it must be stopped, which has happened in the past.

Business From the Floor

Dave Chandlin, 4231 South Park Ave., voices his displeasure with the Hamburg Police Department.

Peg Turner, Pinehurst, Lakeview, wants to commend the Police Department for working with their neighborhood watch committee to clean up the playground. If not for them the children wouldn't be able to play there without being bullied by older kids.

Ron Martin questions were the Town Attorney is. He also questions when the information on elected officials in the Town will be corrected with the Hamburg Chamber of Commerce.

Councilwoman Hochul states that the Town Attorneys are out of Town and she would be happy to answer any legal questions he might have.

Councilman Quatroche responds that he will take care of correcting the information with the Chamber and thanks Ron for bringing it to his attention.

Ron Martin questions who is on the computer committee.

Councilman Quatroche responds that the Department Heads are on this committee.

Diane Flack comments that she would like to see the playground at Durham Road expanded. There is no access, since new houses were built. The neighborhood is for widening Durham Road and putting in walkways for access to the playground.

Supervisor Hoak asks Mr. Dash to look into this.

XXVI.

RESOLVED, that the Town Board adjourn to Executive Session at 8:40 p.m. for Legal and Personnel matters.

Moved: Hoak

Seconded: Cavalcoli

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

George Danyluk, Town Clerk