

A regular meeting of the Town Board of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, S-6100 South Park Avenue, Hamburg, N.Y. on the 12th day of June 2006.

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

TOWN BOARD MEMBERS

PRESENT:	Steven J. Walters	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

OTHERS PRESENT: Catherine Rybczynski, Town Clerk
Vincent Sorrentino, Town Attorney; Joseph Coggins, Police Chief; Gerard Kapsiak, Town Engineer; Robert Brown, Sr. Account Clerk; James Connolly, Highway Superintendent; Christopher Hull, Director of Community Development; Robert Hutchison, Town Assessor; Drew Reilly, Planning Consultant; Marty Denecke, Director of Recreation; Tim Ellis, Traffic Safety Consultant; Kurt Allen, Supervising Code Enforcement Officer

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

On a motion of Councilwoman Hochul, seconded by Councilwoman Kesner, the following resolution was

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes 0	

1.

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

May 22, 2006	Town Board Meeting
June 5, 2006	Work Session

On a motion of Councilman Quatroche, seconded by Councilwoman Hochul, the following resolution was

ADOPTED	Ayes	5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes	0	

2.

WHEREAS, the building located at 3630 Third Street was left in an abandoned state.

WHEREAS, as the result of neglect due to the abandonment, the building has become an attractive nuisance to the contiguous neighborhood and the general public.

WHEREAS, due to the building being unsecure, the Town Code Enforcement Officer contracted services to board up the building. This action was executed in accordance with Local Law No. 5-1972, Sections 80-5 and 80-6 of the Town of Hamburg.

NOW THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$750 (Seven Hundred and fifty dollars) to Dan Cappola, General Construction, to provide the necessary enclosures in order to secure the building

BE IT FURTHER RESOLVED, the payment of such services, that the Town Board increase appropriations to Account B3620.469 ,(Clean-up of Properties) through B1990.419 - Contingency Account..

On a motion of Councilman Quatroche, seconded by Councilwoman Hochul, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

3.

WHEREAS, the building located at 4178 Lakeshore Road (Foits) was left in an abandoned state.

WHEREAS, as the result of neglect due to the abandonment, the building has become an attractive nuisance to the contiguous neighborhood and the general public.

WHEREAS, due to the building being unsecure, the Town Code Enforcement Officer contracted services to board up the building. This action was executed in accordance with Local Law No. 5-1972, Sections 80-5 and 80-6 of the Town of Hamburg.

NOW THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$650 (Six Hundred and fifty dollars) to Dan Cappola, General Construction, to provide the necessary enclosures in order to secure the building

BE IT FURTHER RESOLVED, the payment of such services, that the Town Board increase appropriations to Account B3620.469 ,(Clean-up of Properties) through B1990.419 - Contingency fund balance.

On a motion of Supervisor Walters, seconded by Councilman Cavalcoli, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

4.

RESOLVED, that the Town Board authorize James Spute to review and release checks during the summer months due to the reduced Town Board Meeting Schedule, effective June 26th through September 5th.

On a motion of Councilman Quatroche, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

5.

RESOLVED, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following July 2006 Taylor Road rentals:

7/01/06	7/02/06	7/03/06	7/04/06
7/05/06	7/06/06	7/07/06	7/08/06
7/09/06	7/10/06	7/11/06	7/12/06
7/13/06	7/14/06	7/15/06	7/16/06
7/17/06	7/18/06	7/19/06	7/20/06
7/21/06	7/22/06	7/23/06	7/24/06
7/25/06	7/26/06	7/27/06	7/28/06
7/29/06	7/30/06	7/31/06	

On a motion of Supervisor Walters, seconded by Councilman Quatroche, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

6.

WHEREAS, First Niagara Risk Management has represented the Town of Hamburg as Third Party Administrator for the Town’s Self-Insured General Liability claims since 1997, and

WHEREAS, first Niagara Risk Management has submitted a proposal to continue as Third Party Administrator for the period July 1, 2006 through June 30, 2009, for a total fee of \$23,092.74 (\$641.47 per month),

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg enter into an agreement with First Niagara Risk Management, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the agreement on behalf of the Town.

Ferd Garcia questions what this is.

Mr. Sorrentino, Town Attorney, explains that they act as the adjusters for all of our self-insured claims.

On a motion of Councilman Cavalcoli, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

7.

BE IT RESOLVED, that the Hamburg Village Line Development and rezoning request be removed from the table.

WHEREAS, the Town of Hamburg has received a rezoning application from Hamburg Village Line Development for the rezoning of property located on Lakeview Road, west of the Hamburg Village Line, from R-A, (Residential Agricultural) to R-1, Single family to allow for the development of a four-lot single family minor subdivision and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act–SEQR) of the Environmental Conservation Law, the Hamburg Town Board has reviewed this request, and

WHEREAS, the rezoning of the property and subsequent construction of a four-lot minor subdivision will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations,

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg has determined that the proposed rezoning and minor subdivision are not anticipated to result in any significant negative effect on the environment and that a Negative Declaration (Notice of Determination of Non-Significance) is hereby issued.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the Environmental Assessment form.

On a motion of Councilman Cavalcoli, seconded by Councilman Quatroche, the following resolution was

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes 0	

8.

WHEREAS, the Town of Hamburg has received a rezoning application for Hamburg Village Line development for the rezoning of property located on Lakeview Road, west of the Hamburg Village Line from R-A, Residential Agricultural, to R-1, Single Family Residence, and

WHEREAS, the Town of Hamburg held the required public hearing on May 22, 2006 and received no adverse comments from the public, other agencies and Town departments, and

WHEREAS, the Hamburg Town Board has issued a Negative Declaration, and

WHEREAS, the Town of Hamburg wishes to rezone their property from R-A, Residential Agricultural, to R-1, Single family residence for the following conditions:

1. There is to be no further subdivision of land.
2. All homes shall be set back at least 75 feet from Lakeview Road.
3. There shall be a difference of at least 15' in the front setback of all homes constructed.
4. An attempt shall be made to construct shared driveways among adjoining residences.
5. The drainage plan for the minor subdivision shall be reviewed and approved by the Town of Hamburg Engineering Department.
6. The Subdivision Plat will indicate that the adjoining property is zoned Industrial and has existing business uses.

THEREFORE BE IT RESOLVED, that the zoning code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986 of the code of the Town of Hamburg entitled "Zoning" to provide for a change in the boundary of the zoning map whereby the zoning is changed from R-A, Residential Agricultural, to R-1, Single Family for property located on Lakeview Road and further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York being part of Lot 10, Township 9, Range 8 of the Holland Land Company's Survey, being more particularly described as follows:

BEGINNING at a point in the north line of New Lakeview Road at the southwest corner of lands conveyed to Alan & Pearl Knapp by Liber 4804 of Deeds at Page 70; thence northerly along the said west line of Knapp a distance of 1477.17 feet to the north line of Lot 10; thence easterly along the north line of Lot 10 a distance of 475.30 feet (record) 474.29 feet (measure) to the west line of lands of George & Mildred Monkton by Liber 3454 of Deeds at Page 222; thence southerly along the said west line of Monkton a distance of 1488.38 feet to the north line of New Lakeview Road at the southeast corner of previously mentioned Knapp; thence westerly along the north line of New Lakeview Road a distance of 485.71 feet to Point of Beginning, being 16.33 acres of land, more or less.

On a motion of Councilwoman Hochul, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

9.

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

- | | | | |
|--------------------------|-------------------------------|------------|---|
| 1. Ryan, Thomas | A7265(230)
Rec. Attendant | 06/13/2006 | \$10.04 Seasonal |
| 2. Ignatius, Christopher | ER7251(225)
Rec. Attendant | 06/24/2006 | \$7.47 Seasonal |
| 3. Schulz, Gregory | “ | ” | \$8.75 Seasonal |
| 4. Scharlock, Matthew | “ | 06/13/2006 | \$7.00 Reg. Rate Seas.
\$7.73 Temp. Rate Seas. |
| 5. Colligan, Josh | A7180(215)
Rec. Attendant | 06/07/2006 | \$6.75 Seasonal |
| 6. Cleary, Michael | A7180(215)
Rec. Attendant | 06/13/2006 | \$6.80 Seasonal |
| 7. Cefaly, Justin | A7265(230)
Rec. Attendant | 06/13/2006 | \$7.50 P/T |
| 8. Greenauer, Joshua | “ | ” | \$7.00 Seasonal |

On a motion of Councilman Cavalcoli, Hochul, seconded by Supervisor Walters, the following

resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

10.

WHEREAS, the Town of Hamburg has received a Rezoning Application from Michael P. Schmidt for the rezoning of property located at 5139 Southwestern Boulevard from M-2, Light Industrial District to C-2, General Commercial District, and

WHEREAS, the Hamburg Town Board has reviewed this Application and has found merit in the downzoning of this property.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board hereby refers this Application to the Planning Board for their review and recommendation.

On a motion of Councilman Cavalcoli, seconded by Councilwoman Hochul, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

11.

WHEREAS, the Town of Hamburg’s 2010 Master Plan entitled “A Guide for Future Town Development” originally was prepared in March of 1983, and

WHEREAS, the Town of Hamburg completed an update to this plan entitled “2010 Comprehensive Plan–1997 Master Plan Update” in 1996, and adopted this update on June 23, 1997, and

WHEREAS, the Town of Hamburg has been implementing the 1997 Master Plan updated over the last 10 years, and issuing yearly reports on its implementation, and

WHEREAS, the 2010 Master Plan is reaching the end of its Planning period, with most of the implementation actions having been completed, and the yearly report and Master Plan Implementation Committee are recommending that the plan be updated.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board authorizes the Planning Department to begin the process of updating the “2010 Comprehensive Plan - 1997 Master Plan Update” in accordance with Chapter 209, Section 272-a of New York State Law, and

BE IT FURTHER RESOLVED, that a Comprehensive Plan Committee be formed with representations appointed or requested by the Town Board from the following organizations:

- Town Committees and Boards
- Chamber of Commerce
- United Taxpayers Council
- School Boards
- Villages

BE IT FINALLY RESOLVED, that funding in the amount of \$25,000 is available in Account CD 8686.350; Administration and/or the Program Income Savings Account, for this project.

On a motion of Supervisor Walters, with a unanimous second, the following resolutions were

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

PROCLAMATIONS -honoring teachers retiring from the Frontier Central School District as follows:

12.

Elaine Gabin - 25 years

13.

Denise Desantis - 28 years

14.

Rosemary Donohue - 21 years

15.

Donna Ramzy - 32 years

16.

Mary Kraft - 18 years

17.

Mary McClintock - 23 years

18.

Jay Piersanti - 30 years

19.

Candace Carberry - 32 years

20.

Patricia King - 33 years

21.

Joan Lilley - 36 years

22.

Eileen List - 10 years

23.

Susan McMahon - 33 years

24.

Marilyn Putnam - 33 years

25.

Kathleen Scanlon - 31 years

26.

Penny Talboys - 16 years

27.

Kathleen Klesic - 36 years

28.

Debra Willis - 13 years

29.

Ann Sylves - 25 years

On a motion of Councilwoman Hochul, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

30.

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

- | | | | |
|-----------------------|------------------------------|------------|------------------|
| 1. Ryan, Katy | B7310(320)
Rec. Attendant | 06/13/2006 | \$7.25 Seasonal |
| 2. Ryan, Wendy | B7310(320)
Rec. Attendant | 06/13/2006 | \$10.04 Seasonal |
| 3. Donovan, Cornelius | B7310(320)
Rec. Attendant | 06/13/2006 | \$10.04 Seasonal |
| 4. DiMatteo, Patrick | B7310(320)
Rec. Attendant | 06/13/2006 | \$6.75 Seasonal |
| 5. Zeis, Clark | B7310(320) | 06/13/2006 | \$6.75 Seasonal |

On a motion of Councilman Quatroche, seconded by Councilman Cavalcoli, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

31.

RESOLVED, that the Town Board approve the Building and Grounds Department as follows:

- | | | | |
|------------------|----------------------------------|------------|-----------|
| 1. Fiorello, Lou | A7140
Special Laborer - D3 | 05/02/2006 | \$21.53 |
| 2. Fiorello, Lou | S50-8120
Special Laborer - I3 | 05/01/2006 | Terminate |
| 3. Ryan, John | Laborer - P/T | 06/09/2006 | Terminate |

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

32.

RESOLVED, that the Town Board approve the recommendation of the Chief of Police in appointing TODD J. EHRET to the vacant position of DETECTIVE-TEMPORARY with the Town of Hamburg Police Department. Appointment effective June 13, 2006; salary \$31.30 per hour; funds available in B3120.100.

On a motion of Supervisor Walters, seconded by Councilman Cavalcoli, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

33.

RESOLVED, that the Town Board approve the recommendation of the Chief of Police in appointing NINA L. DEMING to the vacant position of POLICE OFFICER (Probationary) with the Town of Hamburg Police Department, pending the outcome of the physical exam. Ms. Deming is currently on the Civil Service list for Police Officer, established April 21, 2005, Exam #068821. Salary \$20.45 per hour; funds available in B3120.100. Appointment effective July 2, 2006.

On a motion of Councilwoman Hochul, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

34.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that the following signs be erected and maintained by the Building and Grounds Department:

1. R1-3 ALL WAY at the intersection of Allendale and Dorchester
2. W1-1 and W1-2 curve with 10 mph advisory on Birchwood Drive near the intersection with Ganymede.

Reports From Town Board Members and Department Heads

Councilman Cavalcoli reports that they will hold a Public Information Meeting on Thursday, June 29, 2006 at 7:00 pm in the Court Room at Hamburg Town Hall to present information and respond to questions regarding the proposed merger of 14 Town sanitary sewer districts into Erie County Sewer District 3, as previously requested by an April 24, 2006 resolution of the Town Board.

Ferd Garcia questions if the County has already inspected the sewer lines.

Mr. Kapsiak responds that they have inspected them and are willing to take them over at this time.

Joe Kilian questions why the County would want our aging systems.

Councilman Cavalcoli explains because they will have more customers and it will be more cost efficient to do a regional approach to our infrastructures.

Mr. Kapsiak explains that it will give the County more control.

Steve Strnad asks if the cost will go up once the County takes over.

Councilman Cavalcoli responds that this should be brought up at the informational meeting.

Councilman Cavalcoli comments that he must leave the meeting at this time. (7:35 pm)

Councilwoman Kesner encourages everyone to attend the informational meeting so that there will be no surprises concerning the sewers.

Councilwoman Hochul reports that a constituent called her concerning noise from trucks breaking at the Thruway toll barrier. She talked to the Thruway Authority and they agreed to put up a sign that states "State Law Noise Limit 90 Decibels"; announces that this Thursday is the 2nd Annual fundraiser for the Lake Erie Seaway Trial Center.

Supervisor Walters reports that he met with the Chief of Police and Assistant Chief and a decision was made to hire another Detective so that they can devote a number of men to a dedicated narcotics unit; reports that the Golf Course is in good condition.

Business From the Floor

Ferd Garcia comments on the article in the Buffalo News on the Police salaries and the overtime. There are a lot of seniors in Hamburg, what can be done to reduce this.

Supervisor Walters responds that they hired another Officer this evening to try and reduce overtime but there are many things that factor into that.

Councilwoman Hochul comments that in the Business First 2005 listing, Hamburg was the 2nd safest community in Western New York thanks to our Police Department and the Neighborhood Watch groups and residents.

Pat Schneider comments on his concerns with a new development behind his house; the lack of greenspace and problems with a swale and detention pond.

Drew Reilly comments that this needs to be worked out with the developer and he asks for permission to have a meeting with the resident and the developer to try and work this out.

Supervisor Walters responds that he should meet with the developer and report to Councilman Cavalcoli on how to help this resident.

Councilwoman Hochul comments that this resident should have been notified of the change in Plans.

Drew Reilly responds that they are working on re-writing the law.

Councilwoman Kesner comments that she disagrees with all the ponds that are required.

Mr. Schneider comments that he would like a berm or some greenspace between his property and the new development.

Elizabeth Resczka comments on the on-going problem with truck traffic on Lake Avenue, asking for Coder Road to be designated as a truck route.

Pete Resczka asks again for the Town to designate Coder Road as a truck route.

George Lee comments that they should talk to Richard Smith about his plan for that area.

Max Tresmond recommends that the Highway Department look into the using Bio diesel as an alternative to regular because it burns cleaner and is more economical.

Councilwoman Hochul talked to an energy expert from RIT who will come to Hamburg and make recommendations for cost savings measures.

Mr. Resczka asks if they could install signs throughout Hamburg that state the same as what they are installing at the Hamburg toll barriers.

On a motion of Supervisor Walters, seconded by Councilman Quatroche, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

36.

RESOLVED, that the Town Board go into Executive Session at 8:17 pm with the Legal Department, Community Development and Assessing Department.

On a motion of Supervisor Walters, seconded by Councilwoman Hochul, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

37.

RESOLVED, that the Town Board close Executive Session at 9:40 p.m.

On a motion of Supervisor Walters, seconded by Councilwoman Hochul, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

38.

RESOLVED, that the Town Board adjourn at 9:40 p.m.

Catherine Rybczynski, Town Clerk