

Meeting No. 9
June 13, 2005
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, N.Y. 14075

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
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	Joseph Coggins	Police Chief
	Christopher Hull	Director of Community Development
	Robert Hutchison	Town Assessor
	Martin Denecke	Director of Recreation
	James Eberhardt	Code Enforcement Officer

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Catherine Rybczynski, Town Clerk, reads the following legal notice as published in the Hamburg Sun and the Front Page:

7:00 Public Hearing to consider the establishment of Extension No. 11 to the Hamburg-Orchard Park Joint Water District.

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Hamburg,
in the County of Erie, New York.

June 13, 2005

* * *

A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, in the Town, on June 13, 2005 at 7:00 o'clock P.M. (Prevailing Time).

There were present: Honorable Patrick H. Hoak, Supervisor; and

Councilmembers: D. Mark Cavalcoli
Kathleen C. Hochul
Joan A. Kesner
Thomas Quatroche, Jr.

There were absent:

Also present: Catherine A. Rybczynski, Town Clerk
Richard G. Boehm, Deputy Town Attorney

* * *

At 7:00 P.M. (Prevailing Time) the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Erie, New York at 7:00 P.M. (Prevailing Time) to consider the establishment of Extension No. 11 (Parker Ridge Subdivision Phase III and IV) to the Hamburg-Orchard Park Joint Water District (the "Extension"), in said Town. The Town Clerk presented affidavits showing that certified copies of the Order Calling said Public Hearing had been published and posted pursuant to the provisions of Article 12 of the Town Law and that written notice had been sent to property owners in the proposed Extension.

The Supervisor stated that the Public Hearing on the establishment of Extension No. 11 (Parker Ridge Subdivision Phase III and IV) to the Hamburg-Orchard Park Joint Water District in the Town of Hamburg, was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the establishment of the Extension:

The following persons appeared in opposition to the establishment of the Extension:

The Town Clerk reported that the following pertinent written communications had been received:

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

* * *

Mr. Kapsiak, Town Engineer, comments that this water district extension is for the next two phases of the Parker Ridge Subdivision Phase III and IV under which a total of 50 single family homes are to be built on 37 acres of land located off Parker Road to the south of the existing subdivision. The subdivision itself has been approved by the Planning Board process, but this is for the water district extension that is required because 28 acres of the proposed subdivision are not presently in a Town Water District. There is a total of 1800 linear feet of waterline to be installed in the Phase III portion which will be at the expense of the developer and the Phase IV water system is yet to be designed. Following the completion and construction, the water system is to be turned over to Town, at no cost. Then operation and maintenance of the water system will be performed by the Erie County Water Authority under a lease management agreement with the Town and there is a copy of the map plan and report available in the Engineering Department for anyone who wants to review it further .

Supervisor Hoak asks if anyone is present to comment on the hearing. No comment is heard and the Supervisor offers the following:

I.

RESOLVED, that the Town Board close the Pubic Hearing at this time.

Moved: Hoak

Seconded: Hochul

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

Noes: None

Carried

Councilman Cavalcoli comments that since there is no cost to the Town and is a procedural situation he offers the following resolution:

On motion of Councilman Cavalcoli, seconded by Councilman Quatroche, the following resolution was adopted on roll call vote as follows:

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

Noes: None

Carried

II.

RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK,
ADOPTED JUNE 13, 2005, APPROVING THE
ESTABLISHMENT OF EXTENSION NO. 11 (PARKER RIDGE
SUBDIVISION PHASE III AND IV) TO THE HAMBURG-ORCHARD
PARK JOINT WATER DISTRICT, IN SAID TOWN, AND THE
ACQUISITION OF THE WATER SYSTEM TO BE CONSTRUCTED
THEREFORE.

WHEREAS, the Town Board of the Town of Hamburg (herein called "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, which petition was signed by the sole owner of taxable real property situate in the proposed extension, owning all of the taxable real property of 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 establishment of such extension to the district by the acquisition by gift of the water system to be constructed by John Kalstek d.b.a. Parker Road Development (the Developer), to provide water service to prospective homeowners within the proposed extension, consisting of the construction and installation of approximately 1,625 linear feet of 8-inch PVC (C900) 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 Water Authority and all other government authorities having jurisdiction over water line construction, all 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"), which map and plan 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 District 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 District; 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, a coordinated review has been conducted and a negative declaration issued; 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, pursuant to the Order duly adopted on May 9, 2005, the Town Board determined to proceed with the establishment of the proposed Extension and adopted an Order reciting in general terms the filing of such petition, a description of the boundaries of the Extension in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the fact that the improvements are to be constructed and paid for by John Kalstek d.b.a. Parker Road Development (the Developer) and acquired by gift at no cost to the Town, the Extension or the District, the fact that a map and plan describing the same are on file in the Town Clerk's office for public inspection and specifying June 13, 2005 at 7:00 o'clock P.M. (Prevailing Time), as the time when, and the Town Hall in the Town, as the place where, the Town Board would meet to consider the acquisition of the water system to be constructed for the proposed Extension, 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 in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published and posted, mailed to property all property owners within said Extension and filed with the Department of Audit & Control pursuant to the provisions of Article 12 of the Town Law;
and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on this 13th day of June, 2005, commencing at 7:00 o'clock P.M. (Prevailing Time), at said Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the establishment of the proposed Extension;

Now, therefore, upon the evidence adduced at such Public Hearing, be it
RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, IN
THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the petition was signed and acknowledged or proved as required by law and is otherwise sufficient;

(b) the notice of public hearing was duly published and posted as required by and written notice was duly given to all property owners in the proposed Extension;

(c) all the property and prospective property owners included within the proposed Extension, hereinabove referred to in the recitals hereof, will be benefited thereby;

(d) all the property and prospective property owners benefited will be included within the limits of the proposed Extension; and

(e) it is in the public interest to grant in whole the relief sought.

Section 2. The establishment of Extension No. 11 (Parker Ridge Subdivision Phase III and IV) to the Hamburg-Orchard Park Joint Water District is hereby approved, as hereinafter described, and the proposed water system to be constructed therefor shall be acquired by gift as set forth in the said Order Calling the Public Hearing, hereinabove referred to in the recitals hereof, and the Extension shall be designated and known as Extension No. 11 (Parker Ridge Subdivision Phase III and IV) to the Hamburg-Orchard Park Joint Water District, in the Town of Hamburg, situate wholly outside of any incorporated village or city, and shall be 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.

Section 3. The said water system, as hereinabove described, is to be constructed and paid for by John Kalstek d.b.a Parker Road Development (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;

Section 4. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of this resolution, to record with the County Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York, copies of this resolution certified by said Town Clerk.

Section 5. This resolution shall take effect immediately.

CERTIFICATE

I, Catherine A. Rybczynski, Town Clerk, of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on June 13, 2005, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal
of said Town this ____ day of June, 2005.

Town Clerk

of Special Election, notice that the Town Board will submit at the said Special Election, a Proposition for approval or disapproval of the Resolution hereinafter referred to in such Notice.

Section 5. At said Special Election, the vote upon the said Proposition shall be by separate ballot on voting machines, and the only persons qualified to vote upon said Proposition shall be the owners of taxable real property situate in the proposed District as shown upon the latest completed assessment roll of the Town, including corporations which, for such purpose, shall be entitled to one vote to be cast by an officer or agent of said corporation, or such other duly authorized person designated by an appropriate resolution of such corporation.

Section 6. Said Notice shall be in substantially the following form:

TOWN OF HAMBURG, NEW YORK
NOTICE OF SPECIAL ELECTION
July 19, 2005

NOTICE IS HEREBY GIVEN that a Special Election will be held on July 19, 2005, in the Town of Hamburg, in the County of Erie, New York, at the Town Hall, 6100 South Park Avenue and the Lakeview Fire Hall, 2011 Lakeview Road, in said Town, and voting will be limited to owners of taxable real property situate in the proposed Hamburg Refuse and Garbage District, as shown upon the latest completed assessment roll of the Town, including corporations which, for such purpose, shall be entitled to one vote to be cast by an officer or agent of such corporation, or such other duly authorized person designated by an appropriate resolution of such corporation, and the polls shall remain open from 7:00 a.m. to 9:00 p.m., or for such longer period of time as may be necessary to enable the voters then present to cast their ballots.

At said Special Election, the following Proposition is to be voted upon:

PROPOSITION

SHALL the resolution entitled: "Resolution of the Town of Hamburg, New York, adopted April 18, 2005, approving the establishment of the Hamburg Refuse and Garbage District, in said Town, and providing that such resolution shall be subject to permissive referendum," BE APPROVED?

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that a general map, plan and report was prepared for the proposed establishment of the Hamburg Refuse and Garbage District, in the Town of Hamburg, in the County of Erie ("District" and "Town," respectively), to provide refuse and garbage collection and disposal service to the entire area of the Town, outside of the Village of Hamburg and the Village of Blasdell; that an Order was duly adopted by said Town Board on February 28, 2005, reciting the filing of said map, plan and report, the description of the boundaries of the District in a manner sufficient to identify the lands included therein, that the proposed District will be of no capital cost to the Town because no improvements will be constructed or acquired, said District to be established only to provide refuse and garbage collection and disposal service and specifying the time and place of a public hearing to hear all persons interested in the subject thereof concerning the same, that a certified copy of such Order was duly published, posted and filed, and that said public hearing was duly held on March 14, 2005, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Notice of Public Hearing was published, posted and filed as required by law, and is otherwise sufficient; (b) all the property and property owners included within the proposed establishment of the District are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of said proposed establishment of the District; and (d) it is in the public interest to establish the District.

THIRD: APPROVING the establishment of the District and the proposed service to be provided as described therein; DESIGNATING the District as the Hamburg Refuse and Garbage District in the Town of Hamburg; and DESCRIBING the District in a manner sufficient to identify the lands included therein;

FOURTH: RESOLVING that the District will be of no cost to the Town, but that the cost of the operation and maintenance of the refuse and garbage collection and disposal service shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same with the estimated annual cost of such service to a typical residential property estimated to be \$120;

FIFTH: STATING that this resolution shall be subject to a permissive referendum; and

Having received petitions requesting that the resolution be subjected to a referendum, which petitions have been deemed to have the requisite number of signatures of property owners and were otherwise sufficient, that said Proposition shall appear on the voting machines to be used for voting at said Special Election in substantially the same form:

PROPOSITION

YES

NO

SHALL the resolution entitled: "Resolution of the Town of Hamburg, New York, adopted April 18, 2005, approving the establishment of the Hamburg Refuse and Garbage District, in said Town, and providing that such resolution shall be subject to permissive referendum," BE APPROVED?

By order of the Town Board of the
Town of Hamburg
in the County of Erie, New York

Dated: June 13, 2005
Catherine Rybczynski
Town Clerk

SIXTH: Forthwith after the Special Election is held, pursuant to section 209-e of the Town Law, the Town Clerk shall prepare and file a certificate stating that a referendum was held pursuant to the provisions of said section and certifying the results of the voting on the Proposition submitted at such Special Election in the office of the County Clerk of Erie County and in the office of the Department of Audit and Control in Albany.

SEVENTH: This resolution shall take effect immediately.

Moved: Cavalcoli

Seconded: Quatroche

Roll Call:	Supervisor Hoak	Aye
	Councilman Cavalcoli	Aye
	Councilwoman Hochul	Aye
	Councilwoman Kesner	Aye
	Councilman Quatroche	Aye

Noes: None

Carried

V.

WHEREAS, the Carnegie Scranton Recreation Association has requested the Fire Alarm System for the organization be monitored by the Hamburg Fire Dispatch.

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg enters into an Agreement with the Carnegie Scranton Recreation Association for the service provided by the Hamburg Fire Dispatch Office.

BE IT FURTHER RESOLVED, this agreement shall continue until December 31, 2005. The current service charge Carnegie Scranton Recreation Association shall pay for the service is presently set at \$75.00.

Moved: Kesner

Seconded: Quatroche

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

Noes: None

Carried

Supervisor Hoak comments that the following has to do with a request from Hilbert College concerning obligations that they need to pursue in the expansion of the College.

VI.

A RESOLUTION APPROVING THE ISSUANCE OF CERTAIN BONDS BY THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY TO FINANCE A CERTAIN CIVIC FACILITY PROJECT FOR HILBERT COLLEGE

BE IT ENACTED by the Town Board of the Town of Hamburg, Erie County, New York, as follows:

WHEREAS, pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended (the "Enabling Act") and Chapter 784 of the Laws of 1986 of the State of New York, as amended, constituting Section 925-v of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to the "Act"), the Town Board of Town of Hamburg, Erie County, New York (the "Town Board") has heretofore appointed the Chairman and members of Town of Hamburg Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of State of the State of New York the certificates required by Section 856 of the Act; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to issue its revenue bonds to finance the cost of acquisition, construction and installation of one or more "projects" (as defined in the Act), to acquire, construct and install said projects or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in February, 2005, Hilbert College (the "Institution") presented an application (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of various interests (collectively, the "Land") in a parcel of land owned by the Institution and located at 5200 South Park Avenue in the Town of Hamburg, Erie County, New York, together with various buildings and improvements located thereon (collectively, the "Existing Facility"),

(2) the renovation of the Existing Facility, (3) the construction on the Land of several new buildings and improvements, including an approximately 16,650 square foot one story building and an approximately 23,000 square foot two story building which will be used for new classrooms and related uses and a new auditorium (collectively, the “New Facility”) (the Existing Facility and the New Facility being hereinafter collectively referred to as the “Facility”), (4) the acquisition and installation therein and thereon of certain machinery and equipment (the “Equipment”) (the Land, the Facility and the Equipment being collectively referred to as the “Project Facility”), and (5) the refinancing of certain existing indebtedness incurred by the Institution in connection with the acquisition, construction, reconstruction, upgrading, renovation and equipping of various portions of the Project Facility, all of the foregoing to constitute the acquisition, construction, renovation, financing and/or refinancing of the Project Facility for use by the Institution as an educational facility and other directly and indirectly related activities; (B) the financing of all or a portion of the costs of the foregoing by the issuance of taxable and/or tax-exempt revenue bonds of the Agency in one or more issues or series in an aggregate principal amount of approximately \$6,000,000 (the “Bonds”); (C) the granting of certain other “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from real estate transfer taxes and mortgage recording taxes (collectively with the Bonds, the “Financial Assistance”); and (D) the lease (with an obligation to purchase) or sale of the Project Facility to the Institution or such other person as may be designated by the Institution and agreed upon by the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Agency on March 29, 2005 (the “SEQR Resolution”), the Agency confirmed the determination made by the Planning Board of the Town of Hamburg that the Project will not have a “significant effect on the environment” pursuant to SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project; and

WHEREAS, by further resolution adopted by the members of the Agency on March 29, 2005 (the “Inducement Resolution”), the members of the Agency agreed, subject to numerous conditions, to undertake the Project to enter into a preliminary agreement (the “Preliminary Agreement”) with the Institution relating to the Project, and the granting of the Financial Assistance relating thereto; and

WHEREAS, the Town Board has been advised by the Agency that the Agency proposes to issue, subsequent to the adoption of this resolution, the Bonds from time to time in a principal amount sufficient to fund all or a portion of the costs of the Project, together with incidental costs in connection therewith, which principal amount is presently estimated to be in an amount not to exceed \$6,000,000; and

WHEREAS, the Institution has requested that interest on the Bonds be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 103 and Section 145(a) of the Code; and

WHEREAS, interest on the Bonds will not be excludable from gross income for federal income tax purposes unless, among other things, pursuant to Section 147(f) of the Code, the issuance of the Bonds is approved by the “applicable elected representative” of the Town of Hamburg, New York after the Agency has held a public hearing on the nature and location of the Project Facility and the issuance of the Bonds; and

WHEREAS, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project, to be mailed on February 18, 2005 to the chief executive officers of each county, city, town and school district in which the Project Facility is (or will be) located, (B) caused notice of the Public Hearing to be published on February 24, 2005 in the Front Page and in the Hamburg Sun, each a newspaper of general circulation available to the residents of Town of Hamburg, Erie County, New York,

(C) conducted the Public Hearing on March 29, 2005, at 8:00 o’clock

a.m., local time, in Room 7B of the Hamburg Town Hall located at S-6100 South Park Avenue in the Town of Hamburg, Erie County, New York, and (D) prepared a report of the Public Hearing (the "Report") which fairly summarized the views presented at said Public Hearing and distributed same to the members of the Agency and to the Town Board of the Town of Hamburg (the "Town Board"); and

WHEREAS, pursuant to Section 147(f) of the Code, the Town Board desires to allow the interest on the Bonds to be treated as excludable from gross income for federal income tax purposes; and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that neither the Bonds nor any other obligation of the Agency shall be a debt of the Town of Hamburg, New York, nor shall the Town of Hamburg, New York be liable thereon;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Hamburg, New York, as follows:

Section 1. For the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 145(a) of the Code, the Town Board, as the elected legislative body of the Town of Hamburg, New York, hereby approves the issuance by the Agency of the Bonds from time to time in a principal amount sufficient to fund all or a portion of the cost of acquiring, constructing and installing the Project Facility, together with incidental costs in connection therewith, which principal amount is presently estimated to be an amount not to exceed approximately \$6,000,000; provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Agency and shall never be a debt of the State of New York, the Town of Hamburg, New York or any political subdivision thereof (other than the Agency), and neither the State of New York, the Town of Hamburg, New York nor any political subdivision thereof (other than the Agency) shall be liable thereon.

Section 2. This resolution shall take effect immediately.

The resolution was moved by Supervisor Hoak and duly seconded by Councilwoman Kesner and the resolution was duly adopted by a vote on roll call.

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

Noes: None

Carried

)SS.:
COUNTY OF ERIE)

I, the undersigned (Deputy) Clerk of the Town Board of the Town of Hamburg, New York, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Board of the Town of Hamburg, New York at a regular meeting of the said Town Board duly called and held on June 13, 2005; that said Resolution was entered in the minutes of said meeting; and that I have compared the foregoing copy with the original thereof now on file in my office and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that (A) all members of said Town Board had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and public notice of the time and place of said meeting was duly given to the public and the news media as required by the Open Meetings Law; and (D) there was a quorum of the members of the Board of Supervisors present throughout said meeting.

I FURTHER CERTIFY, that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg, New York this 13th day of June, 2005.

BY:

(Deputy) Clerk of the Town Board

of Town of Hamburg, New York

(SEAL)

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

1. Kuhrt, Timothy	A7180(215) Lifeguard	06/06/2005	\$9.25 Seasonal
2. Schmitt, Rebecca	A7180(215) Lifeguard	06/06/2005	\$7.15 Seasonal
3. Knopeck, Karen	A7265(230) Rec Attendant	06/14/2005	\$6.50 Seasonal
4. Travis, William (Jr.)	“	”	\$6.00 Seasonal
5. Solina, Lynne	B7310(320) Rec. Attendant	06/21/2005	\$6.00 Seasonal
6. Walkins, Rachel	“	”	\$6.00 Seasonal
7. Haefner, Kristina	“	”	\$6.00 Seasonal
8. Goldbach, Jennifer	“	”	\$6.00 Seasonal
9. Shanbacher, Kristin	“	”	\$6.00 Seasonal
10. Newton, Katie	“	”	\$6.00 Seasonal
11. Michelsen, Jessie	“	”	\$6.00 Seasonal
12. Manganello, Erin	“	”	\$6.00 Seasonal
13. Jewett, Zachary	“	”	\$6.00 Seasonal
14. Beatrus, Thomas	“	”	\$6.00 Seasonal
15. Meyer, Mary	“	”	\$6.00 Seasonal
16. Kull, Joseph	“	06/20/2005	\$7.00 Seasonal

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

XII.

WHEREAS, the Hickey Farms Senior Housing Complex is proposed to be constructed in the area southeast of the intersection of Big Tree Road and South Park Avenue, which is located within the Town of Hamburg's Highland Acres Sanitary Sewer District; and

WHEREAS, due to New York State Dept. of Environmental Conservation restrictions on the design sizing of the Highland Acres sewer system which has recently been constructed, there is not sufficient capacity available in the Highland Acres system to provide sewer service to the Hickey Farms project; and

WHEREAS, Erie County Sewer District No. 3 has agreed to accept sewer flows from the development, through a developer installed connection into the County's McKinley trunk sewer, for which an Intermunicipal Agreement is necessary to be entered into between the County and the Town,

THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to enter into the Intermunicipal Agreement with Erie County, and that a certified copy of this resolution be provided to the Engineering Department for transmittal to the Erie County Department of Environment and Planning together with the executed agreement forms.

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

Councilwoman Hochul questions how this will affect the McKinley trunk sewer capacity. Mr. Kapsiak responds that the County has said that they have sufficient capacity based on their study.

XV.

Letter #40 - Supervisor Hoak questions if this has been taken care of. Mr. Kapsiak comments that he talked to Rick Krautsack at the Highway Department who looked into this and said that the rear yard swale is properly graded and that the problem is due to the next door neighbor having her sump pump conductor pipe discharge into the rear yard swale instead of the front drainage system where it should be directed to. They have requested the Town Building Inspection Department to direct the adjacent property owner to correct the drainage of the sump pump. Mr. Eberhardt, Code Enforcement Officer, responds that this should be corrected by the end of the week.

Letter #42 - Supervisor Hoak comments that a copy of this should go into the personnel file of Mr. Prior.

Letter #43 - Supervisor Hoak comments that a copy of this should go into the Legal file for that project.

Letter #'s 44, 45, 46 & 47 - Supervisor Hoak comments that these are letters from Fire Companies in support of a new Fire Dispatch Computer Aided System. Supervisor Hoak reports that they are getting very close to bonding for a new Dispatch Center. The present system is close to 25 years old.

Letter #48 - Supervisor Hoak thanks Mr. Eberhardt for writing the letter and Mr. Kapsiak for providing information at a meeting held with the Lakeview Community Association on the townwide Refuse and Garbage District.

Letter #50 - Supervisor Hoak comments kudos to the Senior Service Department for providing the Senior Van service for Seniors who could not otherwise get around.

Reports From Town Board Members and Department Heads

Councilman Cavalcoli reports, regarding the upcoming referendum, there will be a public informational meeting and they are still trying to establish a date. He had one meeting with the Refuse Committee from the Chamber of Commerce and it will be sometime in early July. They will have a date by Wednesday and at that time they will send a letter to the taxpayer groups and they will announce it in an article in the newspapers. He would still urge the taxpayer groups to contact him so that he could attend a meeting before July 19th. There is a fact sheet that is currently on the website. The qualifications for voting on this are that you must be a property owner. If you are within the district and listed as a property owner on the assessment rolls you are eligible to vote. There will be two sites open, however there will be check off lists. Joe Kilian comments that his taxpayer group will be meeting Monday night at 7:30 p.m. Councilman Cavalcoli comments that they have a Work Session that night but he will try and work out being there. He also reports that they have received approval from the New York State Department of Environmental Conservation to go ahead with the sanitary sewer project to provide public sewers to about 50 existing homes and businesses on South Park Avenue between Route 20 and the railroad bridge near Big Tree Road, this also includes 5 houses along Bay View Road between Big Tree and Frontier High School. This is part of the ongoing Highland Acres Sewer project and they would not let them go into this section until the town did further studies to demonstrate that there was sufficient capacity in the lines. They can now move ahead with that portion of the project. This project is expected to be advertised for bids in the next few weeks and should start in mid August. Mr. Kapsiak comments that these residents have been waiting for sewers for at least the past 40 years. They are within the Hamburg Master Sewer District and they will be able help them thanks to Senator Stachowski's Office. On June 28th, at the Dock of the Bay, there will be a Planning Dinner and awards for Mr. Richard Crandall who served this community for 20 years as Chairman and a member of the Planning Board and he has served on many volunteer committees including the Wanakah Water Building and Seaway Trail committee. Letters have been written from many groups and Mr. Crandall is the Citizen of the Year for Planning and will receive that prestigious award for all of Western New York.

Councilwoman Kesner reports that the Water Rescue Unit wanted her to publically thank Mr. Connolly and his staff for taking the time and addressing all the problems they had with their building. They had leaks and problems that were affecting their equipment. She also had the honor of attending the Hamburg Volunteer Fire Companies Inspection and celebration of their 125th Anniversary and she was honored to receive the white hat award for her efforts in helping them secure grants for their ATV Star Unit and for specialized equipment for their facilities to get the exhaust fumes out. She also wants to congratulate them on the celebration of their anniversary and the wonderful things they do for the community.

Councilwoman Hochul wants to report that they had a very successful fundraising event in their new Lake Erie Seaway Trail Visitors Center on June 2nd. She appreciates everyone from the Town who

attended, along with Congressman Higgins who was very impressed with what they had done and she feels he is very much committed to assisting them in receiving Federal Funding. Richard Geiger from the Buffalo Visitors Convention Center came out and he was impressed and wants to work with them, also representatives from Greycliff and the Frank Lloyd Wright properties in the City were there and they also took the opportunity to dedicate a room to Richard Crandall for all his efforts. Thanks to the Police Department for directing the Traffic and to Mr. Connolly's staff for making it look beautiful. Rosemary McManus and Donna Gavin did phenomenal work for them and Betty Newell from the Chamber lined up many restaurants to bring in food samples. Merrit Wineries also brought in samples and she wants to thank the Buffalo News and Hamburg Sun for their advertisements. They had over 120 people in attendance.

Councilman Quatroche reports on the waterfront and the Foit's project. Unfortunately the update is that they are still working on it. Mr. Boehm has been going through the Legal procedure of acquiring the property and every time they go down one road they find three others with regard to the bankruptcy of the property and any liens that might be against it. They are still pursuing it and Mr. Boehm has been working very diligently on it, but every time he receives more paperwork it leads them down another road. Hopefully they can work through all the legal hurdles and will have a positive report soon. In addition, he reports the Hamburg Beach opened for swimming on June 4th and beach stickers can be purchased seven days a week at the Fitness Center. He had the opportunity to attend the Memorial Day parade in Lake View and he was amazed at the number of people in attendance. This shows what Hamburg is all about and it was very heartwarming. They also had the 100th Anniversary in Blasdell and that was another wonderful event.

Supervisor Hoak comments that in his lifetime he doesn't think he has seen a lower trust in elected officials in his lifetime than what he is experiencing right now. With the Control Board in the City of Buffalo and one presently looming in the County the question comes up why do you stay here? The answer he hears the most is because of family. But on Saturday he was at the Hamburg High School for the Relay for life and it was quite a representation of our community and why this area really is special. This was the first relay for life for cancer survivors and there were 1,000 white bags with sand and candles which lined the entire track with names of people who did not survive their battle with cancer. There were forty survivor's who were there and they started off with a walk around the track. At 10:00, not only did they light the candles on the track but the bleachers were lit up with hope. When they were challenged for being the most generous community in the nation, Milwaukee fell quite short and we doubled their donations. The caring in this community is phenomenal and there isn't a better place in the world. We are going through some hard times as residents in Erie County but we will get through it.

Business From the Floor

Marie Kowalczyk, 4477 McKinley Parkway, comments that the property behind her was taken through eminent domain to put in a playground. The playground was put in and since then they have had nothing but problems. They didn't bother the Town because they thought they could take care of it. She is alone now and it is getting very difficult for her to take care of the water situation. They built a hill for the playground and all the drainage from the Tomaka homes go into the field and that comes down the hill and affects 4 homes. Her cellar has cracks and she needs help. Her neighbors garage collapsed. She put \$10,000 in drainage in her front 5 years ago. This didn't solve the problem. Last October she put \$2,800 in drainage around her whole yard. She had landscaping done two weeks ago and a river came and washed it all down. Supervisor Hoak asks Mr. Connolly and/or Mr. Kapsiak to look at this. Councilman Cavalcoli comments that this is the first time they have heard about her problem. He asks that she makes sure that Mr. Kapsiak has her telephone number before she leaves this evening.

Elaine Granica, 4962 South Park Ave., comments that where she lives there is a small triangular shape piece of property next to the Thruway and they now want to put an auto repair garage on the property. All the rest of that property, which borders South Park, Howard Road and the Thruway, are all residential homes. There are six residential homes and they obviously do not want this auto repair garage next to them. It will produce noise, fumes and clearing the lot will produce more noise from the Thruway and from South Park. Also, that piece of property is also a wetland. It has water on it 365 days a year. They also have an issue with the traffic and were they have put the driveway. They will not have a good view coming out of the driveway because of the bridge. An increase on South Park at that bridge would also cause a lot of congestion.

They are also concerned about the drainage. She has also researched the zoning on that property and found that it is C-2. She doesn't understand how that can be when the only thing on that property is six residential homes and they have been there for 40-50 years. She wanted to find out when the

zoning was changed. She has been to every Department in Town Hall asking when her property was rezoned and where the delineation and description of the land is and basically figured out that it was done in the last townwide rezoning which was back in 1986 or 1987. She still can't find any of the legal delineation in land. The Town Clerk's Office has been very helpful, she has been in the Office going through Town Board minutes and found that it had to have been in the townwide rezoning but the legal notices do not specifically tell the land it just says that the document can be seen at the Town Hall or Libraries. She wants an exact description and she can't find it. She can't understand how a piece of property with residential homes on it got changed to a commercial zoning. She questions if somehow this could be a mistake.

Councilman Cavalcoli responds that this is a difficult issue for the Planning Board because of the nature of the homes that are there and the fact that it is zoned properly for the applicant. His feeling is that it probably is a residential area, however he can't pinpoint any errors in the zoning maps. He will have Terry Dubey go back through the Planning Board records and try and clear it up as much as they can. When they do a Master Plan or Zoning change it is often with a vision of what is needed in the future. He feels that back at that time the people who made that change felt that it was going to become commercial and therefore they were planning for the future. He will continue to work between the Planning Board and the Zoning Board, as liaison, for a fair solution for her and her neighbors and also for the person who bought the property to develop it thinking it was properly zoned. They are trying to resolve it without legal action and in the best interest of everyone. He will be meeting with Mr. Reilly to discuss this.

Councilwoman Hochul comments that she has looked at the property and she doesn't feel that type of use should be allowed there. Councilman Cavalcoli comments that a SEQR will have to be done and one of the key issues in the SEQR study is changing the character of the neighborhood and this is one of the few instances where this will greatly change the character of the neighborhood. Mr. Boehm comments that this may go to litigation and advises them that they will do due diligence, but at this time it is not before the Town Board and any comments will be prejudicial.

XVIII.

RESOLVED, that the Town Board approve adjourning to Executive Session at 8:07 p.m.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

Catherine Rybczynski, Town Clerk

- 38 - To Supervisor Hoak from the Town Clerks Office, the monthly report for May 2005 with receipts totaling \$62,803.04.
- 39 - To Supervisor Hoak from Richard Spencer, 5928 Shoreham Drive stating that he is apposed to the Town taking over his garbage pick up.
- 40 - To the Town Board from Mr. & Mrs. Ronald Wargo, 3388 Emerling Drive, stating that there is a Town easement on their property and they have had many problems including a pool of water on their back lawn. Asking that someone come down and inspect the easement.
- 41 - A Press Release announcing a special election for the townwide Refuse and Garbage District to be held on July 19, 2005. A Public Informational Meeting will be held prior to the referendum(to be announced).
- 42 - To the Town Board from Richard Sircoff, 3636 Grafton Ave., thanking them and George Prior for taking care of trees on Town property that damaged his fence and repairing the fence.
- 43 - To the Town Board from Joe Kilian, COLT, requesting the steel fire escape from the Foit's Restaurant building when it is demolished. The fire escape could be used for a lakeshore beach access for the neighborhood.
- 44 - To the Town Board from North Boston Fire Company stating that they want to go on record in support of the capital expense request for a new Fire Dispatch Computer Aided Dispatch System for the 2006 Town Budget.
- 45 - To the Town Board from John Wicka ,Lake View Fire District, stating that they want to go on record in support of the capital expense request for a new Fire Dispatch Computer Aided Dispatch System for the 2006 Town Budget.
- 46 - To the Hamburg Town Board from Roger Black Fire Chief LVFD stating that they want to go on record in support of the capital expense request for a new Fire Dispatch Computer Aided Dispatch System for the 2006 Town Budget.
- 47 - To the Hamburg Town Board from Newton Abbott Fire Company stating that they want to go on record in support of the capital expense request for a new Fire Dispatch Computer Aided Dispatch System for the 2006 Town Budget.
- 48 - To Supervisor Hoak from Jim Eberhardt, Lake View Community Association president, thanking them for holding an information meeting regarding the Town's trash schedule. The community is proud to have responsible leadership that is up to task when help is requested.
- 49 - To Supervisor Hoak from the American Legion Auxiliary Post 527 thanking the Town Board for granting permission to distribute poppies during the month of May 2005. All donations will be used for programs that will benefit hospitalized and disabled veterans in this area.
- 50 - To Supervisor Hoak from Merle Boire, 42 So. Whispering Lane, stating that she is 78 years old with muscular degeneration and she depends on the Senior Van service for all her medical appointments and shopping. There is no other Township in Western New York that has this service and the seniors are lucky to have it. Asking if they can please keep this important service.