

Public Hearing
June 21, 2004
S-6100 South Park Avenue
Hamburg, New York 14075

Supervisor Hoak comments they have come out of Executive Session to hold the following public hearing and will go back into Executive Session when it is done.

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

Also Present:	Catherine Rybczynski	Town Clerk
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Attorney
	Robert Brown	Sr. Account Clerk

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

7:00 Public Hearing to consider the increase and improvements of facilities of the Wanakah Water District.

Catherine Rybczynski, Town Clerk, read the following public notice as published in the Hamburg and Sun and The Front Page:

EXTRACT OF MINUTES

Meeting of the Town Board of the
Town of Hamburg, in the County of Erie, New York
June 21, 2004

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, S-6100 South Park Avenue, Hamburg, New York, on June 21, 2004.

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

Board Members: D. Mark Cavalcoli, Kathleen C. Hochul, Joan A. Kesner, and Thomas Quatroche, Jr.

There were absent:

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

There was no correspondence received.

* * *

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, at 7:00 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Wanakah Water District, consisting of the replacement of approximately 18,850 linear feet of existing 10" diameter waterline, including the installation of 31 fire hydrants and other appurtenances, along Lake Shore Road (NYS Route 5) between Camp Road and Pleasant Avenue, including any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

Supervisor Hoak asks Mr. Kapsiak, Town Engineer to make a few comments.

Mr. Kapsiak comments that a representative from Nussbaumer & Clarke is also present to answer any questions. The project involves 18,850 linear feet of existing 10' diameter waterline replacement along Lake Shore Road between Camp Road and Pleasant Avenue. Due to constraints created by the proximity of other utilities and limited space availability within the highway right-of-way, most of the new waterlines are to be installed within the same trench as the existing water system, which is located along the easterly side of the road (side opposite the lake). This will necessitate the use of temporary bypass piping to provide water service to properties during construction. This means that, on both sides of the road, there will be a 4" line laid along frontage of the property and then will be serviced by hoses that will run from that 4" line to the house. This will be for the shortest period of time possible. In addition, the new waterlines are to be constructed utilizing ductile iron pipe. This is due to the loading on the pipe created by the traffic along Lake Shore Road, which is classified as a major arterial through the Town of Hamburg. This project has been mandated by the Erie County Water Authority (ECWA), who has designated it as having top priority for replacement, due to the high frequency of breakage and repair work being necessary along this portion of the water system. The water system is owned by the Town's Wanakah Water District, for which the Town Board serves as Commissioners. Under the terms of the Lease Management Agreement between ECWA and the Town of Hamburg, ECWA is responsible for operation, maintenance, and repairs to the water system, while the District is responsible for capital improvements to the system such as this project. There have been too many breaks in the lines, almost two per month, which result in area flooding and even closing a lane of the road during repairs. Therefore the ECWA has said they are spending too much money on repairs and therefore they have directed the Town to undertake this replacement. The waterline project is being performed in conjunction with a pavement resurfacing project along the same length of Lake Shore Road, which is planned to be undertaken by the New York State Department of Transportation starting in late August or early September. So they are trying to get as much of the water project done prior to their work. Plans and specifications for the waterline project were prepared by Nussbaumer & Clarke, Inc. These documents have received necessary approvals from the Erie County Department of Health and ECWA. Construction bids were opened on June 3, 2004. Four bids were received with Visone Construction Company of Depew, being the low bidder. It is anticipated that the construction contract will be awarded following this Public Hearing with construction expected to start around Mid-July. They will try to get as much of the job done as possible this year. Because of the temporary by-pass pumping being used they can't work after November 1st because of the freezing conditions they can run into. The remainder of the work will be completed in the spring.

The amount bid for construction is \$2,202,475, they need to add on for construction contingencies in the amount of \$44,525.00, Engineering Services associated with the design and inspection total up to \$220,000.00 and there are Legal and Administrative Fees associated with the bonding of the project in the amount of \$50,000.00. The total estimated cost is \$2,517,000.00 with funding available in the amount of \$417,000 which was previously allocated for this project through annual budget appropriations of the Wanakah Water District. They knew they would have to do some work and they did budget some money for this. However, all of a sudden, because of the frequency of breakage, they told them they had to do everything from Pleasant to Camp Road ASAP. This is why the project cost escalated very quickly. This means they need to bond money for the difference which is \$2,100,000. The repayment of the bonds is required to be borne solely by the property owners within the Wanakah Water District on an ad valorem basis which is based on the Assessed Value of the home with an average annual charge per typical home of \$32.60 over 20 years.

Based on the 2004 Town Budget, a typical home in the district is currently paying \$154.14 in Wanakah Water District charges. Factoring in the above charge (\$32.60), the annual tax levy would increase to \$186.74 for a typical home. However, the annual tax is anticipated to be reduced as current bond debt service obligations decrease each year. The existing bonds were for the 1989 acquisition of the Wanakah Water Company and the previously performed water system improvements which were required to be undertaken throughout much of the district. These bonds are to be fully paid-off by 2013. With some to be paid off in 2009 and 2011.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared:

Joe Kilian, 2649 Ferndale Ave., comments that this is a 4.5% interest. What happened to the good rate. When they borrowed money for road improvement it was at .07%.

Mr. Brown, Sr. Account Clerk, responds that the Bond rates are starting to go up. What he was talking about was a BAN for one year which makes the rate lower. What they are quoting is for a 20 year Bond which has a higher rate. Joe comments did they borrow for one year. Mr. Brown responds they borrowed the amount they needed for that year. The next year they will do the same.

Joe comments that there is \$417,000 in unencumbered funds. Mr. Kapsiak comments these are funds budgeted expressly for this project. This is still subject to going out to the Bond market, this is an estimate. Joe then comments on the DOT project coming directly after this. Councilwoman Hochul responds that they wanted the DOT to pick up the tab for this, however, in discussion, the only way they would have done this is if they had to dig up the waterlines during their construction. Joe questions if they asked Erie County Water Authority for help in paying for this. They helped out Clarence and Tonawanda. Mr. Kapsiak responds that they did ask for help and it was denied. They were told it was the responsibility of the Water District. Joe comments that the waterlines in front of his house were already replaced along with the Cloverbank area and Mt. Vernon. Mr. Kapsiak comments that 20% of the waterlines were replaced based on studies that the ECWA did which determined which lines were deficient at that time. At that time, Route 5 was ok, that was over 15 years ago. However over the last couple of years, with the frequency of breakage, it was determined they needed replacement. These lines are approximately 50-60 years old, made of cast iron, and the acidic soils affect the cast iron and they eventually wear out. They are only meant to last 50 years. Councilwoman Hochul comments, unfortunately no wants to spend the money, however this will last another 50 years. Mr. Kapsiak comments that the Water Company told them if they did not do this project they will turn over the maintenance of the system to the Town. ECWA would no longer be responsible for the breaks which would be an added expense for the Town.

Al Gugliemi, 5079 Glendale, questions the money put aside and why it wasn't applied to reduce the debt they now owe. He comments that they also stated that as new homes were being built, the amount each resident would have to pay would go down. That never happened. Now they are going to take the surplus and put it into this new bond and the people who have been paying all those years will never see the relief on that. Mr. Kapsiak comments that he has surplus and the \$417,000 mixed up. The \$417,000 was budgeted expressly for the Route 5 water replacement. Mr. Kapsiak comments that new homes have been built and they have been put on the tax rolls. This has helped to bring the payments down.

Councilwoman Hochul responds that if they didn't put away the \$417,000 they would be bonding 2.5 million this then reduces the debt service. He is paying either way.

Councilman Cavalcoli comments that the tough part is the cost of doing business goes up every year. So, even though more homes are paying into this, the rate may have come down, but because of all the rise in operating cost it uses up any gain that comes in from the increased revenues. The cost of living continues to rise, in all the years he has lived in Hamburg his taxes have never gone down either, even with all the building that has gone on. They will try and get the best deal possible and go the cheapest route possible.

Councilwoman Hochul comments that the issue is that they are replacing 50 year old waterlines. Mr. Gugliemi comments that they never replaced his and he has been there for 56 years. Mr. Kapsiak comments that there is a project planned for Glendale Avenue in the near future.

Supervisor Hoak comments that from the view point of the residents along Route 5, they have called many times because they didn't have water and couldn't take showers, etc. and they asked if they could please have help.

Supervisor Hoak comments that as bonds get paid off, hopefully payments would go down. However, there may be a new project by then. Mr. Gugliemi asks what the payments would be when the old bonds are paid off. Councilman Cavalcoli responds that, theoretically, it should be the average charge of \$32.60. But there are no guarantees.

I.

RESOLVED, that the Town Board close the public hearing at this time.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

* * *

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 of Hamburg duly called and held on June 21, 2004, 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 of Hamburg this 21st day of June, 2004.

(SEAL)
Catherine A. Rybczynski, Town Clerk
Town of Hamburg

At a regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, on the 21st day of June, 2004.

PRESENT:

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

In the Matter

of the

Increase and Improvement of Facilities of the
Wanakah Water District, in the Town of Hamburg,
in the County of Erie, New York, pursuant to
Section 202-b of the Town Law

Offered by: Councilman Cavalcoli

Seconded by: Councilwoman Kesner

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Hamburg in the County of Erie, New York (herein called the "Town"), on behalf of the Wanakah Water District (herein called the "District"), has caused the Town Engineer, an engineer duly licensed by the State of New York (herein called "Engineer") to prepare a map, plan and report for the increase and improvement of facilities of the District, consisting of the replacement of approximately 18,850 linear feet of existing 10" diameter waterline, including the installation of 31 fire hydrants and other appurtenances, along Lake Shore Road (NYS Route 5) between Camp Road and Pleasant Avenue, including any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith; and the Engineer has completed said map, plan and report for said increase and improvement of facilities of the District and has estimated the cost thereof to be \$2,517,000 and said map, plan and report have been filed with the Town Board of the Town; and

WHEREAS, the Town Board adopted an order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on June 21, 2004 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, in the Town; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 21st day of June, 2004 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617, the Town and the District have given due consideration to the impact that the project described herein may have on the environment and has determined that such project will not result in any significant adverse environmental impacts;

Now, therefore, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$2,517,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney or the attorney for the District, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that a part of the expense of said increase and improvement of facilities shall be paid from current funds available for such project in the amount of \$417,000, and any portion of such cost not paid by the expenditure of current funds shall be financed by the issuance of not to exceed \$2,100,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: June 21, 2004

(SEAL) TOWN BOARD OF THE TOWN OF HAMBURG

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Hoak	voting	Yes
Councilperson Cavalcoli	voting	Yes
Councilperson Hochul	voting	Yes
Councilperson Kesner	voting	Yes
Councilperson Quatroche	voting	Yes

The Resolution and Order were declared adopted.

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 of Hamburg duly called and held on June 21, 2004, 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 of Hamburg this 21st
day of June, 2004.

(SEAL)
Town of Hamburg

Catherine A. Rybczynski, Town Clerk

III.

BOND RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK, ADOPTED JUNE 21, 2004, APPROPRIATING \$2,517,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE WANAKAH WATER DISTRICT, AUTHORIZING THE EXPENDITURE OF \$417,000 IN CURRENT FUNDS AVAILABLE TO PAY A PART OF SAID APPROPRIATION, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,100,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION

Offered by: Councilman Cavalcoli

Seconded By: Councilman Quatroche

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Wanakah Water District (herein called the "District"), in the Town of Hamburg (herein called the "Town"), in the County of Erie, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$2,517,000 for the increase and improvement of facilities of the District, consisting of the replacement of approximately 18,850 linear feet of existing 10" diameter waterline, including the installation of 31 fire hydrants and other appurtenances, along Lake Shore Road (NYS Route 5) between Camp Road and Pleasant Avenue, including any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,517,000. The plan of financing includes the expenditure of \$417,000 in current funds available to pay a part of such appropriation, the issuance of not to exceed \$2,100,000 bonds of the Town to finance any portion of said appropriation not paid by the current funds, and the assessment, levy and collection of assessments upon the

several lots and parcels of land within the District in the same manner and at the same time as other Town charges.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$2,100,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution, or for expenditures made prior to the effective date of this resolution if a declaration of intent to issue bonds has been made, for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and

prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in “THE HAMBURG SUN AND ERIE COUNTY INDEPENDENT,” and “FRONT PAGE”, two newspapers each having a general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, together with the Town Clerk’s statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call,
which resulted as follows:

Supervisor Hoak	Voting	Yes
Councilman Cavalcoli	Voting	Yes
Councilwoman Hochul	Voting	Yes
Councilwoman Kesner	Voting	Yes
Councilman Quatroche	Voting	Yes

The Resolution was declared adopted.

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 21, 2004 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 21st day of June,
2004.

(SEAL)
Town of Hamburg

Catherine A. Rybczynski, Town Clerk

NOTICE TO BE ATTACHED TO AND **TO BE PUBLISHED** WITH BOND

RESOLUTION AFTER ADOPTION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 21st day of June, 2004, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF HAMBURG, in the County of Erie, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HAMBURG

Dated: June 21, 2004
Hamburg, New York

Catherine A. Rybczynski
Town Clerk

BOND RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK, ADOPTED JUNE 21, 2004, APPROPRIATING \$2,517,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE WANAKAH WATER DISTRICT, AUTHORIZING THE EXPENDITURE OF \$417,000 IN CURRENT FUNDS AVAILABLE TO PAY A PART OF SAID APPROPRIATION, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,100,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION

Object or purpose: the replacement of approximately 18,850 linear feet of existing 10” diameter waterline, including the installation of 31 fire hydrants and other appurtenances, along Lake Shore Road (NYS Route 5) between Camp Road and Pleasant Avenue, including any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith

Amount of obligations to be issued: not to exceed \$2,100,000

Period of probable usefulness: forty (40) years

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, S-6100 South Park Avenue, Hamburg, New York.

Dated: June 21, 2004
Hamburg, New York

IV.

WHEREAS, bids were opened on June 3, 2004 for the construction of the 2004 Waterline Replacement Project along Lake Shore Road (NYS Route 5) between Camp Road and Pleasant Avenue; and

WHEREAS, four bids were received which are summarized as follows:

<u>Bidder</u>	<u>Total Bid</u>
Visone Construction, Inc.	\$2,202,475
S. St. George Enterprises	\$2,333,015
Sicar, Inc.	\$2,439,525
Kandey Company, Inc.	\$2,546,760

WHEREAS, the bids have been reviewed by Nussbaumer & Clarke, Inc., who determined that Visone Construction is a qualified and responsible contractor, and recommend that the contract be awarded to them,

THEREFORE BE IT RESOLVED, that the contract for this project is awarded to Visone Construction, Inc. of Depew, New York in the amount of \$2,202,475, and that the Town Engineer is to issue a Notice of Award to them. Funding for this purpose is to be from the issuance of bonds, as authorized by the bond resolution for this project adopted by the Town Board on June 21, 2004, as well as from funds previously included in annual budget appropriations of the Wanakah Water District.

Moved: Cavalcoli

Seconded: Hochul

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

Councilman Cavalcoli comments on the next resolution that because of time constraints and limited staff availability, they need to contract to outside sources for inspection services for the waterline replacement project.

V.

WHEREAS, Nussbaumer & Clarke, Inc. has previously been retained by the Town of Hamburg for providing engineering services associated with the Town's Lake Shore Road Waterline Replacement Project; and

WHEREAS, due to the size and complexity of this project, as well as the Town Engineering Department's heavy construction inspection workload during the coming months, the Town Engineer requested a proposal from Nussbaumer & Clarke for providing inspection services during construction. Their proposal has been reviewed by the Town Engineer, who has determined it to be reasonable and acceptable for the services to be provided,

THEREFORE BE IT RESOLVED, that the contract of Nussbaumer & Clarke, Inc. is amended to include inspection services associated with this project, at a rate of \$52.00 per hour. The Town Supervisor is authorized to sign their June 3, 2004 proposal letter/agreement in this regard. Funding for these services is to be from the issuance of bonds, as authorized by the bond resolution for this project adopted by the Town Board on June 21, 2004, as well as from funds previously included in annual budget appropriations of the Wanakah Water District.

Moved: Cavalcoli

Seconded: Quatroche

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

Councilman Cavalcoli states that he wants to compliment Mr. Kapsiak and the services of Nussbaumer & Clark for the amount of work that has gone into this. Also the time spent in trying to come up with the lowest price possible in that this is a very large project. Thanking Mr. Kapsiak for keeping the Erie County Water Authority at bay for the last couple of years, because they didn't do this project. Now we are at the end of the line and we have to do it and he thanks him and his Department for all their hard work.

V.

RESOLVED, that the Town Board adjourn back into Executive Session at 7:45 p.m. with Police and Personnel.

Moved: Hoak

Seconded: Kesner

Roll Call:

Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Catherine Rybczynski, Town Clerk