

Meeting No. 14  
June 23, 1997  
Hamburg Town Board Meeting  
S-6100 South Park Avenue  
Hamburg, N.Y. 14075

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

Also Present:	George Danyluk	Town Clerk
	Richard Boehm	Deputy Town Attorney
	James Spute	Finance Director
	Gerard Kapsiak	Town Engineer
	Drew Reilly	Planning Consultant
	Richard Whipple	Planning Consultant
	Martin Denecke	Assist. Director of Recreation
	Kurt Allen	Supervising Building Inspector
	James Connolly	Highway Superintendent
	Christopher Hull	Director of Community Development
	Fred Kingsbury	Real Property Appraiser
	John Farrell	Director of Senior Services
	Joseph Coggins	Assist. Police Chief
	Robert Mars	Receiver of Taxes
	Richard Crandell	Planning Board Chairman

Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Councilman Quatroche introduces Martin Denecke.

Martin Denecke states that he is representing the Niagara Frontier Recreation and Park Society, which is an organization that covers the Western New York Region of Recreation and Parks Professionals. They look at projects and individuals within the field who do an outstanding job. One of the members, Pat Buholey, who is the Recreation Supervisor at Hopevale, nominated the Shoreline Revitalization Committee, specifically, Councilman Quatroche and Councilman Cavalcoli. The name of the award is the Outstanding Facility Award (referring to the Town Park and Boat Launch Facility). Mr. Denecke presents the award to Councilman Quatroche.

Councilman Quatroche comments that the real work was done by the Committee who put a lot of hard work and years into this project. Mr. Kapsiak should be commended also. He also thanks Richard Smith, previous Highway superintendent, for all his help on this project.

Supervisor Hoak asks Christopher Hull, John Farrell and James Connolly to come forward. Supervisor Hoak explains that these three gentlemen were the leading advocates for the Adult Day Care Center. He shares what they say nationally about this project. "Congratulations you have been selected as a winner of the first John J. Gunther Blue Ribbon Best Practices in Community Development Award." He then reads the proclamation that goes with the award, stating that the senior population has increased by 40%. He then thanks them for an outstanding job.

7:00 p.m. Public Hearing for proposed local law #5, 1997 which provides for an amendment of Local Law #1, 1992, Chapter 191, Article II, "Transient Merchants".

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

**PLEASE TAKE NOTICE** that there has been presented to the Town Board of the Town of Hamburg on June 9, 1997, pursuant to the Municipal Home Rule, a proposed local law to be known as local law #5, 1997; said local law provides for the amendment of Local Law #1, 1992, Chapter 191, Article II, "Transient Retail Merchants" and provides substantially as follows:

Section 191-19 License required; fee.

A. No person shall engage in business as a transient merchant unless he shall first obtain a license to do so from the Town Clerk no later than **fourteen** business days before the first date of business.

B. The fee for a transient merchant's license shall be at the rate of **\$500** per day.

C. Any honorable discharged member of the United States Armed Forces who has procured a license under Article 4 of the General Business Law of the State of New York shall obtain a license under this law but shall be exempt from the fee.

D. All license applications of Transient Retail Merchants shall require the approval of the Town of Hamburg Police Department, Legal Department and Building Inspector.

Section 191-20 License application.

B. The firm or firms represented, together with copies of documents establishing the firm's state or county, form of organization, ownership, qualifications to do business in the State of New York, including but not limited to, Doing Business As Certificates, Certificates of Incorporation, Certificate of Authority from the New York State Sales Tax Department, Disability and Workers Compensation Insurance and the exact relationship between the firm and the transient merchant.

Section 191-21 Exemptions.

E. Delete

Renumber old paragraph F and G as paragraphs E and F

Section 191-122 Compliance

The Laws of the Town of Hamburg including, but not limited to, Zoning Ordinance of the Town of Hamburg, shall apply to all licenses granted under this Article. The Town reserves the right to revoke any license which violates such Laws of the Town of Hamburg.

**THEREFORE**, pursuant to the statues and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a Public Hearing on the 23rd day of June, 1997, at 7:00 p.m. local time, at which all interested persons may be heard.

Dated: June 9, 1997

George Danyluk  
Town Clerk  
Town of Hamburg

Councilwoman Hochul explains that the genesis of this local law was from complaints received by local merchants following Easter weekend and Mother's Day. This was discussed by the Code Review Committee, who were in touch with other communities to see how this was handled. She feels this is a tough law, which is necessary under these circumstances. The new law gives the Town fourteen days for review. This will be made available to the two Villages if they would like to model this.

David Chamblin, 4231 South Park Ave., doesn't feel that this is fair to go after the little guy when the Supermarkets are selling plants also. He is opposed to it.

George Lee, Blasdell Trustee, comments that they have been discussing this and they are going to adopt this law.

**I.**

**RESOLVED**, that the Town Board close the Public Hearing.

Moved: Hoak

Seconded: Hochul

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

Noes: None

Carried

7:15 p.m. Public Hearing on proposed local law #6, 1997 which provides for an amendment to Local Law #10, 1986, Chapter 280-Zoning for property located on McKinley Parkway, approximately 550 feet north of Big Tree Road. The property is to be rezoned from R-2 (Single Family Residence, Attached District) to C-2 (General Commercial District).

Councilman Cavalcoli Comments that this public hearing is the second, with the first public hearing held May 1996. In the meantime, the developer has made changes in the plans, and has come back before the Planning Board with these changes.

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

**PLEASE TAKE NOTICE** that there has been presented to the Town Board on June 9, 1997, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #6, 1997; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to Zoning Code for property located on McKinley Parkway, approximately 550 feet north of Big Tree Road. The property is to be rezoned from R-2 (Single Family Residence, Attached District) to C-2 (General Commercial District) described as follows:

**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 No. 56, Township 9, Range 7 of the Holland Land Company's Survey and further distinguished as part of Subdivision Lot No.'s 46, 45 and 44 as shown on a certain Subdivision Map entitled "Highland Acres" made by White & Getman, Engineers and filed in the Erie County Clerk's Office under Cover No. 925, bounded and described as follows:

**BEGINNING** at a point at the southeast corner of Subdivision Lot No. 46; thence northerly along the east line of Subdivision Lot No. 46, a distance of 104 feet; thence west along the north line of Subdivision Lot No. 46, a distance of 247; thence south and parallel with the east line of Subdivision Lot No. 46, a distance of 104 feet; thence east and parallel with the north line of Subdivision Lot No. 46 to a point intersected by a line two hundred twenty-five and forty three hundredths (225.43) feet from the westerly line of lands conveyed by Charlotte Abbey to the County of Erie by deed recorded in the Erie County Clerk's Office in Liber 2708 of Deeds, page 127, said line being the westerly line of McKinley Parkway; thence southerly parallel with the easterly line of Burke Parkway, a distance of one hundred and four (104.00) feet to a point intersecting the northerly line of Subdivision Lot No. Forty-four (44); thence westerly along the extended northerly line of Subdivision Lot No. Forty-four (44) a distance of ten (10) feet to a point; thence southerly a distance of fifty-two and five tenths (52.5) feet to a point; thence easterly at ninety (90) degrees, two hundred thirty-eight and seventy hundredths (238.70) feet to a point intersecting the westerly line of McKinley Parkway; thence following the westerly line of McKinley Parkway, a distance of one hundred fifty-six and fifty three hundredths (156.53) feet to a point intersecting the southerly line of Subdivision Lot No. Forty-six (46); thence easterly parallel to the north line of Subdivision Lot No. Forty-six (46) to the point of beginning.

**THEREFORE**, pursuant statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on June 23, 1997 at 7:15 p.m. (Local time), at which time all interested persons may be heard.

Dated: June 9, 1997

GEORGE DANYLUK  
Town Clerk  
Town of Hamburg

## Correspondence

George Danyluk reads correspondence from the Planning Board dated February 19, 1996. (This was read at the first public hearing held in May 1996.) This states that the Planning Board made a favorable recommendation for the following reasons:

1. The property is immediately adjacent to property presently zoned C-2.
2. That the Town Board consider approval with the conditions to limit use under C-2 zoning.
3. The proposed use is compatible with the adjacent area.
4. Final site plan will be subject to Southwestern Overlay one requirements.
5. The issue of the number of driveways exiting and entering the property to be determined by the Planning Board at time of review.

At this time, Planning Consultants, Drew Reilly and Richard Whipple, give an overview of the area on the overhead projector. He explains that the applicant has asked the Board to take this off the table. In the Master Plan this has been rezoned to a new type of commercial, which is the Hamburg Commercial Zone. The Town is very concerned with the aesthetics of McKinley Parkway. The residents who live there are concerned about the traffic in that area. There is a proposal to do an improvement to the intersection, the applicant is going to work with the DOT and the County on this. Proper buffering must be made for residents who live behind this.

Councilman Cavalcoli comments that even after the New Master Plan takes affect there will still be rezoning happening along McKinley that will be in conformance with the new Hamburg Commercial Zone, that will protect the residents and also the integrity of the commercial area.

Supervisor Hoak comments that Tony Batista, who represents the developer, has some drawings to share with the audience. He also asks that Mr. Batista be present in the conference room after the public hearing to answer any questions.

Mr. Batista comments that they also wanted this public hearing set. They want the neighbors input. They feel that they have come up with something that the Town can be proud of and will set a precedent in terms of design and architecture. He shows the audience the drawings. Sears is putting in a new upscale tire and battery center. It is not your typical automotive building.

Councilman Cavalcoli points out that these drawings are strictly conceptual drawings that have not gone through site plan review. The only thing being commented on tonight is the rezoning of this property.

Shirley Collins comments that she lives right next to where this is going up and her house is up for sale. She is concerned about her property value. She asks if her real estate agent can advertise her property as commercial.

Councilman Cavalcoli answers that this cannot be advertised as commercial, however, if anyone is interested in the property they can apply for a rezoning.

Steve Strnad wants to clarify if it is on the same side as Dunn Tire or across the street.

Drew Reilly explains that it is across the street.

Gary Jabczynski comments that since the site plan has changed since last year why wasn't the Planning Board given the chance to make a recommendation on this.

Drew Reilly comments that the application has not changed. The Town Board has worked with the developer to meet the conditions listed last year the only changes are in aesthetics.

Gary reads a section of the Master Plan concerning McKinley Pkwy. in the area of this development stating that it should be zoned within the new commercial zoning rules.

Councilman Cavalcoli responds that until this new zoning is written they will request individually all the requirements, which are some of the things they have requested for this zone.

Mr. Batista makes some points that there will be some green space, they will repair the fence and last, they have placed restrictions on the auto service. There will be no gasoline, no changing of oil and tires will be contained inside until picked up.

Gary Jabczynski questions what benefits will there be to the community if this is rezoned. Mr. Batista comments that this is a good example of the Town and Developer working together toward a satisfying goal. Plus all the things offered, such as landscape buffers, restrictions on the automotive and mainly the aesthetics.

Gary questions the fact that they are rezoning this to C-2 which doesn't go along with what is in the Master Plan. He also states that he is concerned about the area on McKinley South of Route 20.

Councilman Cavalcoli replies that the Board is in agreement that they will not accept any rezonings for the area south of Route 20. As for the C-2 rezoning, this may not be the specific zone that they want, but they haven't had the time to prepare for this. Whether the label of the zoning is or isn't as precise as they want it, the outcome is what is important in that they have met the goals of the Master Plan.

Councilwoman Hochul comments that she did not want to see a tire store at that intersection. She feels that what they have come up with is aesthetically what they want in this area and will keep this from becoming the typical strip mall effect.

Gary questions when the traffic on this corner will be addressed.

Councilwoman Hochul answers that she will be meeting with the State DOT on July 3rd and that will be her first question and she will report to him at the next meeting.

## II.

**RESOLVED**, that they close the public hearing for at least two weeks.

Moved: Hoak

Seconded: Quatroche

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

## III.

**RESOLVED**, that the Town Board approve the minutes from the following meetings:

June 9, 1997

Town Board Meeting

June 16, 1997

Work Session

Moved: Cavalcoli

Seconded: Quatroche

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

## IV.

**BE IT RESOLVED**, that the Town Clerk be authorized to advertise for a public hearing to consider the adoption of proposed local law #7, 1997. The proposed local law would amend Local Law #3, 1965, "Dogs", more particularly Section 100-5 Redemption; Impoundment Fees.

The public hearing is scheduled to be held July 14, 1997, at 7:00 p.m. local time.

Moved: Hochul

Seconded: Kesner

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

**V.**

**I, SUPERVISOR PATRICK HOAK**, hereby introduce a proposed Local Law for the year 1997, providing for a Retirement Incentive Program for Town Employees, as determined by the Town Board, pursuant to Chapter 41 of the Laws of 1997.

**MOTION** by Supervisor Hoak, seconded by Councilman Quatroche, to hold a public hearing on said proposed Local Law at 7:15 p.m. (Local time) on July 14, 1997 at the Town hall, S-6100 South Park Avenue, hamburg, New York;

**THAT** the Town Attorney prepare and provide for publication and posting of a notice of said public hearing as required by law;

**THAT** the proposed local law has been referred to:

1. Town Attorney
2. Town Clerk
3. Town Board

for comment to or at the public hearing.

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

**VI.**

**BE IT RESOLVED**, upon the recommendation of the Traffic Safety Advisory Board, that the following signs be erected in accordance with the criterion established in the New York State Manual of Traffic Control Devices, on the following town highways:

- 1) a TH-1 "BE A GOOD NEIGHBOR" sign be installed on
  - . ROANOKE DRIVE (at the intersection with Clifton Parkway)
  - . CLIFTON PARKWAY (at the entrances from Lakeshore Road)

and that

- 2) an R1-1 "STOP" sign be installed on ROANOKE at CLIFTON PARKWAY

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

**VIII.**

**BE IT RESOLVED**, upon the recommendation of the Traffic Safety Advisory Board, that a TH-1 "BE A GOOD NEIGHBOR" sign be erected, in accordance with the criterion established in the New York State Manual of Traffic Control Devices, on HICKORY ROAD in the Town of Hamburg.

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

**IX.**

**RESOLVED**, that Detective James Koch and Officer Thomas Best, Jr. be allowed to attend DEA Narcotics Investigator Course being conducted from July 14 thru July 25, 1997 at the Chatauqua County Sheriffs Academy. Officers are required to stay overnight due to simulated exercises that will be executed during the night time hours.

Unmarked Police car to be used for transportation.

10 days - 2 Officers - Lodging approximately	\$1,000.00
10 days - 2 Officers - Meals approximately	<u>760.00</u>
Total	\$1,760.00

Money is funded in account B3120.492.

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

**X.**

**RESOLVED**, that the Town Board approve the membership of the following into the Big Tree Volunteer Firemen's Co., Inc.:

Robert Thompson  
4115 Hudson Street  
Blasdell, N.Y. 14219

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

**XI.**

**BE IT RESOLVED**, that the Town Board approve the appointment of JOHN E. RAHILL, to the Zoning Board of Appeals for a 5 year term commencing June 30, 1997 and ending June 30, 2002.

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

**XII.**

**RESOLVED**, that the Town Board approve the hiring & termination of personnel for the Buildings and Grounds Department as follows:

- |                   |                  |          |           |
|-------------------|------------------|----------|-----------|
| 1. Ed Ellis       | Seasonal Laborer | 06/16/97 | Terminate |
| 2. James Sullivan | “ ”              | 06/18/97 | \$5.00    |
| 3. John Delmonte  | “ ”              | 06/19/97 | \$5.00    |

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

**XIII.**

**WHEREAS**, the Hamburg Town Board has authorized the production of a Comprehensive Plan Update, and the document entitled “Town of Hamburg 2010 Comprehensive Plan (1997 Master Plan Update)” has been completed, and

**WHEREAS**, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Town Board, acting as Lead Agency, conducted a coordinated SEQRA review for this Type I Action, and

**WHEREAS**, the Town Board received input from the public, through many public meetings and hearings, and other involved and interested agencies, and have taken a hard look at the social, economic and environmental aspects of the plan.

**THEREFORE, BE IT RESOLVED**, that the Town Board has determined that the proposed action, the preparation of the “Town of Hamburg 2010 Comprehensive Plan (1997 Master Plan Update)”, will not have a significant effect on the environment and that a draft Environmental Impact Statement will not be prepared, based on the Notice of Determination of Non-Significance, and

**BE IT FURTHER RESOLVED**, that the Town Board recognizes the fact that the acceptance of the Master Plan Update incurs no direct impacts and the implementation actions under this plan, and other matters affecting the physical development of the Town, may require additional SEQRA review, and

**BE IT FINALLY RESOLVED**, that the Town Board authorizes the Planning Consultant to file this determination in accordance with SEQRA requirements for Type I Actions.

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

**XIV.**

**WHEREAS**, the Town of Hamburg's 2010 Master Plan, entitled "A guide for Future Town Development", which was prepared in March of 1983, has reached its halfway point, and it was considered necessary that it be updated and refined to incorporate the changes which occurred since 1983, and

**WHEREAS**, the Town of Hamburg desired to re-orient the Town's direction for the next fifteen years and provide implementation strategies for reaching the Town's Goals and Objectives, and

**WHEREAS**, the Town Board authorized the hiring of a consultant, WENDEL, to assist with the production of a 2010 Master Plan Update, and, as a result of a unified effort on the part of the citizens of Hamburg working together with their elected and appointed officials and the consultant, a Master Plan Update was completed, entitled "Town of Hamburg 2010 Comprehensive Plan (1997 Master Plan Update)", and

**WHEREAS**, the Town Planning Board has reviewed the document, held a public hearing (on 9/12/96 and 10/30/96) and recommended the Plan Update to the Town Board on 3/19/97, and the Hamburg Town Board has reviewed the document, held a public hearing (on 4/19/97 and 4/21/97) and directed the amendment of the plan in response to input from the public, Town departments, committees, other groups, and other Local, State, County and Federal agencies, and

**WHEREAS**, the Hamburg Town Board acting as Lead Agency in accordance with the State Environmental Quality Review Act (SEQRA) has issued a Negative Declaration regarding the adoption of the Plan Update.

**NOW THEREFORE BE IT RESOLVED**, that the Hamburg Town Board, on behalf of all of its committees, departments, Boards and the citizens of Hamburg, accepts the document entitled "Town of Hamburg 2010 Comprehensive Plan (1997 Master Plan Update)", and that the Town Board finds the Plan in accordance with Chapter 209, Section 272-a of New York State Law, and

**BE IT FURTHER RESOLVED**, that the Hamburg Town Board hereby adopts the document entitled "Town of Hamburg 2010 Comprehensive Plan (1997 Master Plan)" as the official Comprehensive Plan for the Town of Hamburg, Erie County, New York, and

**BE IT FURTHER RESOLVED**, that all matters affecting the physical development of the Town of Hamburg including but not limited to land use regulation/zoning, infrastructure development, and public and private investment, shall be in accordance with the Comprehensive Plan, and

**BE IT FURTHER RESOLVED**, that the Comprehensive Plan be on file at the Town Planning Department, Town Engineering Department and the Town Clerk's Office, and

**FINALLY BE IT RESOLVED**, that in accordance with the Comprehensive Plan, the Town Board authorizes the formation of a Master Plan Committee which shall review the Plan as necessary, but at least yearly, make recommendations for any revisions and assist with the prioritization of the implementation items.

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

Councilman Cavalcoli thanks his colleagues, each of the Department Heads, all the volunteer groups and the citizens of Hamburg.

Steve Strnad comments that this is a job well done. He questions how much it cost to put this all together.

Christopher Hull responds that after all the amendments for additional public copies and after the change orders it will be close to about \$42,000.00. Drew Reilly responds that the original authorization was \$32,900.00, then there was the rapid request for the document, plus the Town purchased GIS Data from the Erie County Water Authority. He comments that there were no additional change orders from Wendel.

Councilman Cavalcoli thanks Christopher Hull for his roll in this and asks him to explain the major funding from his department. Mr. Hull explains that the funding is provided through the Community Development Block Grant Program, Planning and Administrative Line.

Councilman Cavalcoli explains that there will be resolutions coming authorizing additional payment to Wendel in the amount of about \$2,000.00. Drew responds that this is for rewriting a rezoning ordinance for the Town that was not part of the original contract.

Councilwoman Hochul commends Councilman Cavalcoli and comments that she spent four days at the Chautauqua conference on Mutual Government and talked to many Towns, such as Amherst and Clarence who said they didn't have a Master Plan and it is something they should be thinking about. She was proud to say that we have one in place and are working on updating it.

Councilman Quatroche states that development is always an emotional issue. The fact that Councilman Cavalcoli took the time to build consensus and get compromise shows that he is a true Statesman.

Councilman Kesner comments that she has only been on the Board for five months and is amazed at the demand for growth in this Town. For taking the initiative to put together a tool to guide us is good business and good for the citizens in taking our future growth into the next millennium, she thanks Councilman Cavalcoli and the Board.

Supervisor Hoak comments that the passing of this Master Plan is important for our children and many years to come.

Councilman Cavalcoli thanks Dick Crandall, Drew Reilly and Terry Dubey of the Planning Department for putting in many hours of her own time.

Drew Reilly comments that now that this is passed it will take about 2-3 weeks before the 100 copies are received. He commends the Board for going through the effort and all the controversy because this is for the good of the Town.

**XV.**

**RESOLVED**, that the Town Board authorize the Recreation Department to purchase a 20' x 40' tent to be utilized for Day Camp Friendship and Special Events. Funds are available in account A7265.412.

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

**XVI.**

**WHEREAS**, the Town Board held a public hearing on April 28, 1997, to determine whether or not to approve the sale of surplus property in the Wanakah Water District located on Coachman's Lane, and

**WHEREAS**, this matter was tabled at that time,

**NOW THEREFORE BE IT RESOLVED**, that this matter be removed from the table, and

**BE IT FURTHER RESOLVED**, that the Town Board approve the sale of the property to be sold as a non-buildable lot, with a minimum bid of \$7,000. Sealed bids are to be received by the Town Clerk, by no later than 2:00 p.m. on July 30, 1997.

Moved: Hochul

Seconded: Kesner

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

Noes: None

Carried

Steve Strnad wants an explanation as to why they are asking money for this property and when they abandon a road it is given to the developer with no money involved.

Supervisor Hoak explains that one is a road, which has been the practice of the Town for decades, where it is abandoned because there is no use for it. This is a lot, it is property which will increase the value of the surrounding properties if put out for bid.

Councilman Cavalcoli comments that this is owned by the Wanakah Water District, not the Town, they are the Managers of the District and as a result this property cannot be given away. It has to be sold with the money going to that Water District.

**XVII.**

**WHEREAS**, in accordance with Chapter 165 - Mobile Home Courts Local Law #1, 1991 under Administration Fees 165-10-(C). Fees for licenses, applications, renewals, permits and such other authorization by the Town of Hamburg, as provided for in this local law, shall be established by the Town Board by type and amount,

**THEREFORE BE IT RESOLVED**, that the Town board allow the Building Inspector permission to charge the Annual Renewal Fee of \$10.00 per unit for permanent units and \$5.00 for temporary units and a \$10.00 filing fee for each mobile home park.

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

Seconded: Cavalcoli

**XVIII.**

**RESOLVED**, that the Town Board approve the use of a voting machine, to be used by the League of Women Voter's of the Greater Buffalo Area, at the Erie County Fair August 6 through 17, 1997.

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

Seconded: Hochul

**XIX.**

**BE IT RESOLVED**, that the Town Board enter into an agreement with the Village of Blasdell to allow defendants appearing before Village Justices the option to attend the Driver Training and Point Reduction School by the Town of Hamburg under the general authority of the Town of Hamburg Police Department.

**BE IT FURTHER RESOLVED**, that the Supervisor is authorized to sign the agreement.

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

Seconded: Cavalcoli



**XXIII.**

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

1. Sutton, Helen	B7310(320) Cheerleading Supv.	06/30/97	\$8.10
2. Meyer, Joseph	B7310(320) Bus Monitor	“	\$5.00
3. Baum, Eric	B7310(320) Playground Leader	“	\$5.25
4. Clouden, Joseph	B7310(320) Swim Instructor	“	\$6.00
5. Fennell, Shannon	B7310(320) Cheerleading	“	\$5.15
6. Fite, Melissa	B7310(320) Cheerleading	“	\$5.00
7. Badens, Michael	ER7251(225) Golf Instructor/cashier	06/20/97	\$5.00
8. Gier, Brad	A7265(230) Day Camp	“	\$7.15

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

**XXIV.**

**WHEREAS**, in an effort to insure that it is receiving the best insurance value for its dollars, the Town requested proposals for its General Insurance Self Insured Retention for coverage effective July 1, 1997.

**WHEREAS**, those proposals were received and reviewed by the Town's Insurance Advisor, James Hood, of Holforth Risk Management, and following the recommendations of James Hood and Town Attorney, Vincent J. Sorrentino, be it resolved:

1. That the Town's Property coverage, General Liability coverage, Law Enforcement Liability, Auto Liability and Physical Damage coverage, and Crime coverage be switched to Golf Insurance through the Lawley Agency for the following premiums:

A. Property	\$14,995
B. General Liability and Law Enforcement	\$44,005
C. Auto Liability and Physical Damage	\$36,611
D. Crime	\$ 725

and the above premiums representing a savings of approximately \$58,000 over the expiring premiums paid by the Town for the Coregis program.

2. That the Excess Liability coverage be switched to Gulf Insurance company through the Lawley Agency and that the limit be increased from \$5,000,000 to \$10,000,000 for a total premium of \$43,000 at a savings of about \$28,000 over the cost of the expiring premium for the lower limit through Coregis.

3. That in lieu of the Town's good loss experience and favorable additional premium credits, that the Town increase the Liability Self Insured Retention level from \$60,000 per claim to \$100,000 for a savings of approximately \$13,000 per year.

4. That the Town renew its Boiler and Machinery coverage with Kemper Insurance Co. through the Gallagher Agency for about the same \$3,700 that it has been paying.

5. That the Supervisor be authorized to sign a three year contract for the Towns' Liability claims handling service with Allied claims at a fee of \$6,420 per year including service on up to 30 open runoff claims from Gallagher Bassett.

That the Supervisor be authorized to sign a contract for the Town's Liability Loss control Service to Osborn Service at a fee of \$4,000 per year (for up to four days of loss control service assistance).

These two above changes generate a savings of over \$10,000 per year over the cost previously paid to Gallagher Bassett for these services.

6. That the Town switch its Excess Workers Compensation and Employers Liability coverage from US Fidelity and Guarantee Co. To Employers Reinsurance through the Gallagher Agency for a savings of approximately \$11,000.00

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

Supervisor Hoak explains that our track record from 1989 to present has been excellent. So they decided to go out and market to other insurance companies. We were insured up to \$60,000 and now we are liable up to \$100,000 for each claim. Our ceiling goes from \$5,000,000 to \$10,000,000. We are getting more for less. The total savings for a three year period is \$373,305.00.

Jim Hood, Insurance consultant, comments that the Town's savings surprised even him, and it is to the Town's credit that the carriers knew over the last nine years that they had to give it their best effort and the Town is to be commended.

Steve Strnad questions how much money is paid to Mr. Hood as our insurance consultant.

Mr. Hood explains that he does continuing work over the year for the Town and it is approximately \$25,000 per year.

Steve Strnad asks for a copy of this resolution.

### **Correspondence**

Letter # 83 - Supervisor Hoak asks that a copy be placed in Lt. Conlon's personnel file.

Letter #87 - Supervisor Hoak asks that copies be placed in the personnel files of Jerry Scheffler and Curt Herman.

Letter #84 - Councilman Cavalcoli asks Gerry Kapsiak if he replied to this. Mr. Kapsiak states that on June 11th he reviewed it and recommended that the Town go ahead with this and the Legal Department notified Mr. Hollins and asked them for a meets and bounds description. This will probably be up for action at the next Town Board meeting.

Letter #86 - Councilwoman Kesner wants to point out that there is a grant that has been submitted to the NYS Criminal Justice for Police Computers in the cars and also a new system in the headquarters.

### **Reports from Board Members**

Councilman Cavalcoli comments that there was a dedication at the Dunn House on Sunday. The Historical Society should be awarded for all their work and also Mr. Connolly for all the work that was done by his Department.

Councilwoman Hochul thanks the Town Rejuvenation Committee, which had a hand in the fund raising for the new sign in front of Town Hall. Also wants to thank Bob Bantle and Kurt Allen for helping the B & G Crew install the sign. Reports she will be meeting with the State DOT on July 3rd to discuss McKinley and Route 5.

Councilman Quatroche states that the boat docks will be installed shortly. Mr. Kapsiak reports that they did talk to the contractor about keeping one dock available at all times during construction. Councilman Quatroche says that this past week he met with the computer committee and they have to look at the system as a whole so they are spending their money wisely.

Supervisor Hoak announces that this Friday, June 26th, at 2:00 p.m. there will be a bid opening for the construction at the NIKE site. There will be a special meeting on July 2nd at 9:00 a.m. and the purpose of this meeting is to have the bond approvals for the dollars to go into construction on this.

James Connolly wants to update the Board that the road improvements are being taken care of now. They also completed putting a binder on a road out at the NIKE site to take care of a dust problem. He implemented a new program with part-time summer personnel where he front loads the Buildings and Grounds Department in the beginning of the season for lawn cutting, etc. and then when they move into more Highway projects he will shift the personnel to those jobs. He also reports that both Departments worked very hard on the Dunn House. He has also implemented a beautification effort where they take certain sites and plant flowers and do improvements.

## **Business from the Floor**

Leonard Sawicki comments that he would like the playground cleaned up behind his house. Someone has moved his fence five feet which he feels is illegal. Would Mr. Connolly please call him.

George Komenda states that he is one of many volunteers going house to house for a membership drive. Many people have complained about the Sagamore playground. He went to investigate and found that it was strewn with beer cans, plastic bottles and paper. The south side of the playground is like a swamp. Supervisor Hoak asks Assistant Police Chief Coggins to check into the beer parties that are taking place there.

Joe Yaeger, Osbourne-Sagamore states that they took out trees by 179 & 56 but the grass was not cut until June 13th. Councilman Cavalcoli responds that this is the State and they will send them a letter concerning this.

Steve Strnad comments he received a complaint that someone was playing golf at the Scranton playground and parents are concerned that their children could be hit with a golf ball. Supervisor Hoak asks Mr. Denecke to reinstruct is staff that there is no golfing permitted on the playgrounds.

John Wiencik questions how many playgrounds there are within the Town. Mr. Connolly responds that there are 33 playgrounds and 50 baseball diamonds. Mr. Wiencik questions if his staff goes to each and every playground. Mr. Connolly says that they have a roving crew that go to the playgrounds as needed. He assigned permanent personnel to the five biggest diamonds.

Leonard Sawicki wants to bring to there attention to a nuisance light. He has 260 signatures that want this light out. Councilwoman Hochul says she waited for him for a meeting they had. She says they will reschedule.

Councilwoman Hochul announces that there will be a Friends of Hamburg Rejuvenation fundraiser to be held on July 10th from 6:00 to 9:00 p.m. at Oscar's. Tickets are available through Kurt Allen, Dick Crandall and herself.

### **XXV.**

**RESOLVED**, that the Town Board adjourn to Executive Session at 9:10 p.m. to discuss a legal matter.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried