

Meeting No. 11  
July 11, 2005  
Hamburg Town Board Meeting  
S-6100 South Park Avenue  
Hamburg, New York 14075

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

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

Also Present:	Catherine Rybczynski	Town Clerk
	Gerard Kapsiak	Town Engineer
	Richard Boehm	Deputy Town Attorney
	Joseph Coggins	Police Chief
	Robert Brown	Sr. Account Clerk
	Tim Ellis	Traffic Safety Coordinator
	Drew Reilly	Planning Consultant
	Martin Denecke	Director of Recreation
	Kurt Allen	Supervising Code Enforcement Officer

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

**I.**

**RESOLVED**, that the Town Board approve the minutes of the following meeting:

June 27, 2005          Town Board Meeting

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

**II.**

**WHEREAS**, the building located at 1975 Lakeview Road (Hasbrouck Plastics) was left in an abandoned state.

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

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

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

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

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



**VI.**

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

1. Hojnacki, Dave	P/T Laborer	06/28/2005	Terminate
2. Hojnacki, Dave	Seasonal Laborer	06/29/2005	\$7.00
3. Switzer, Matt	Seasonal Laborer	07/01/2005	\$7.00
4. Crawford, Mike	Crew Leader (Temp)	05/05/2005	Terminate
5. Crawford, Mike	Special Laborer (Temp) (To correct classification)	05/05/2005	\$20.90

Moved: Quatroche

Seconded: Hochul

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

**VII.**

**BE IT RESOLVED**, that the Town Board approve the request of Richard Lardo, Robert Mueller, Michael Taylor and Bob Hutchison to attend a free seminar presented by Bergmann Associates called Implementing Geographic Systems within Fire Districts. The seminar is being held in Buffalo on August 11<sup>th</sup> from 10:00 am until 12:00 pm. Use of a town vehicle is requested.

Moved: Kesner

Seconded: Cavalcoli

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

**VIII.**

**BE IT RESOLVED**, that the Town Board has determined that Gerald Scheffler, a member of the CSEA Blue Collar Unit, and who resigned from Town employment for the purposes of retirement effective no later than December 31, 2005, shall be paid the monetary value of the vacation time that the employee earned and accrued in 2005 and would otherwise have been available for use in the 2006 calendar year.

**BE IT FURTHER RESOLVED**, that the CSEA and the Town of Hamburg agree that this payment of vacation accruals to Gerald Scheffler should not be considered as setting a precedent for this same action to be taken with respect to any future retirees whose retirement takes effect no later than December 31<sup>st</sup>, the last day of the calendar year.

Moved: Hoak

Seconded: Cavalcoli

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

**IX.**

**WHEREAS**, the Town of Hamburg Code Review Committee has researched and developed modifications to the code of the Town of Hamburg, which are in accordance with the Town of Hamburg 2010 Comprehensive Plan, and

**WHEREAS**, the Code Review Committee has recommended the following code changes to the Town Board for consideration for adoption:

1. Amendment to the R-A (Residential-Agricultural) Zoning District, Section 280-17 to allow home occupations.
2. Amendment to the R-2 (Single-Family Residence - Attached District), Section 280-41 to revise the side yard minimum to ten (10) feet.
3. Amendment to the Cluster Housing and Townhouse regulations, Section 280-171 to allow clusters in the R-E, Residence Estate Zoning District, and to increase the minimum separation between dwelling units to 15 feet.
4. Amendment to Section 168 which regulates accessory building sizes in residential districts. The changes allow for larger accessory buildings depending on lot sizes.
5. Amendment of Chapter 145, junk vehicles.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board sets the Public Hearing on these code amendments for August 8<sup>th</sup>, 2005 at 7:15 p.m. at the Hamburg Town Hall, and

**BE IT FURTHER RESOLVED**, that the Hamburg Town Board requests Lead Agency status under the State Environmental Quality Review Act, SEQRA, and authorizes the Planning Department to perform the coordinated review and required 239-M referral to the County.

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

**X.**

**RESOLVED**, that the Town Board authorize the request for the STAR Swim Club to use Hamburg Beach for a competitive open water swim on August 14, 2005. The event, part of an Eastern Zone meet, would run from 7am - 9am as not to interfere with public use of the facility.

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

**XI.**

**RESOLVED**, that the Town Board authorize the request for an alcohol waiver for Lake Shore Little Leagues use of William D. Williams Park for their 50<sup>th</sup> anniversary celebration. The adult event is scheduled Saturday July 16, 2005 from 4 - 11pm.

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

**XIII.**

**RESOLVED**, that the Town Board authorize the request for alcohol waivers for the following August 2005 Taylor Road rentals:

8/01/05	8/16/05	8/31/05
8/02/05	8/17/05	
8/03/05	8/18/05	
8/04/05	8/19/05	
8/05/05	8/20/05	
8/06/05	8/21/05	
8/07/05	8/22/05	
8/08/05	8/23/05	
8/09/05	8/24/05	
8/10/05	8/25/05	
8/11/05	8/26/05	
8/12/05	8/27/05	
8/13/05	8/28/05	
8/14/05	8/29/05	
8/15/05	8/30/05	

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

**XIV.**

**WHEREAS**, Donald J. Braasch Construction, Inc. is currently completing work on their contract with the Town of Hamburg for the construction of a waterline replacement project at five locations in the Town of Hamburg; and

**WHEREAS**, during the course of their work on this project, Braasch Construction performed various items of extra work that resulted in additional costs to their contract, which are summarized as follows:

- (1) As part of the replacement of the Hampton Brook creek crossing, a bypass piping system was necessary to be installed in order to avoid a lengthy shutdown period for nearly 400 properties affected by the work (cost = \$15,350).
- (2) The Hampton Brook creek crossing also necessitated the installation of two concrete anchor collars in order to properly restrain each end of the existing pipe that the replacement piping was connected to (cost = \$3,000).
- (3) As part of the replacement of the waterline along Seabreeze Avenue, it was necessary to install a new water service to one of the properties, due to the inability to locate the existing water service to the property (cost = \$2,355).

**WHEREAS**, Nussbaumer & Clarke, Inc. and the Town Engineer have reviewed this request, determined it to be reasonable and acceptable, and recommended that it be approved by the Town Board.

**THEREFORE BE IT RESOLVED**, that the Supervisor is authorized to sign Change Order No. 1 for this project, approving a total increase of \$20,705 in the contract amount of Donald J. Braasch Construction, Inc. Funds for this increase are available in the budgets of the water districts within which the associated work was performed.

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

**XV.**

**RESOLVED,** that the Town Board authorize the Finance Department to transfer \$5,500 from the Trust and Agency account (cash in lieu of land) to H227020.206- Capital Playground Equipment Fund. The funds will be used for installation of two playground structures( White Oak Way and Juno Drive).

Moved: Quatroche

Seconded: Cavalcoli

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

Noes: None

Carried

**XVI.**

**RESOLVED,** that the Town Board approve the membership of the following into the Newton Abbott Fire Company, Inc:

George R. Sanders  
4598 Milestrip Road  
Blasdell, N.Y. 14219

Moved: Kesner

Seconded: Quatroche

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

Noes: None

Carried

**XVII.**

At a regular meeting of the Town Board of the Town of Hamburg, Erie County, New York, held at the Hamburg Town Hall, 6100 South Park Avenue, in Hamburg, New York, in said Town, on July 11, 2005, at 7:00 o'clock, P.M., Prevailing Time.

The meeting was called to order by Supervisor Hoak, and upon roll being called, the following were

PRESENT:	Patrick Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

ABSENT:

The following resolution was offered by Councilwoman Kesner, who moved its adoption, seconded by Councilman Cavalcoli, to-wit:

RESOLUTION DATED July 11, 2005.

A RESOLUTION CALLING A PUBLIC HEARING ON THE ISSUANCE OF A \$1,800,000 OBLIGATION BY NEWTON-ABBOTT FIRE CO., INC. IN THE TOWN OF HAMBURG, ERIE COUNTY, NEW YORK, TO FINANCE PART OF THE \$2,300,000 COST OF THE CONSTRUCTION OF A NEW FIRE STATION, INCLUDING INCIDENTAL EXPENSES IN CONNECTION THEREWITH.

WHEREAS, Newton-Abbott Fire Co., Inc. (the "Fire Company"), a not-for-profit volunteer fire company serving a portion of the Town of Hamburg, Erie County, New York (the "Town") has determined to proceed with the issuance of an obligation, not to exceed \$1,800,000 in principal amount, of said not-for-profit corporation (the "Obligation") to finance part of the cost of the construction of a new fire station, including incidental expenses in connection therewith, at a maximum estimated cost of \$2,300,000; and

WHEREAS, the Obligation will be a "volunteer fire department" obligation within the meaning of Section 150(d) of the Internal Revenue Code of 1986 (the "Code") and a "private activity" obligation within the meaning of Section 141 of the Code; and

WHEREAS, Section 141(f) of the Code requires that obligations which are "private activity" obligations be approved by the governmental unit issuing such obligations, or, as is the case with regard to this Obligation, responsible for overseeing the issuance of such obligations by volunteer fire departments, after a public hearing following reasonable public notice, in order for interest on the Obligation to be excludable from gross income of the owners thereof for federal income tax purposes; and

WHEREAS, the Town Board now desires to call a public hearing on the proposed issuance of the Obligation by said Fire Company, which Obligation shall not constitute indebtedness of said Town; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Hamburg, Erie County, New York, as follows:

Section 1. A public hearing will be held at Hamburg Town Hall, 6100 South Park Avenue, in Hamburg, New York, in said Town on August 8, 2005, at 7:00 o'clock P.M., Prevailing Time, on the question of whether a \$1,800,000 obligation should be issued by the Fire Company to finance part of the cost of the construction of a new fire station, including incidental expenses in connection therewith, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the Hamburg Sun and the Front Page, the newspapers hereby designated as the official newspaper for this purpose and one having general circulation in, and available to residents of, the Town, such publication to be made not less than fourteen (14) days before the date designated for the hearing. The Town Clerk is hereby further authorized and directed to cause a copy of such Notice of Public Hearing to be posted in such places as he or she deems appropriate under the circumstances, such posting to be done not less than fourteen (14) days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached:

NOTICE OF PUBLIC HEARING

TOWN OF HAMBURG, ERIE COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Hamburg, Erie County, New York, will meet at Hamburg Town Hall, 6100 South Park Avenue, in Hamburg, New York, in said Town, on August 8, 2005, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the question of whether an obligation should be issued by Newton-Abbott Fire Co., Inc. (the "Fire Company") in the Town of Hamburg, Erie County, New York (the "Town"), to finance the cost of the construction of a new fire station for use by the Fire Company, including incidental expenses in connection therewith, to be located at S-3926 Abbott Road, in Hamburg, New York. The maximum estimated cost of said acquisition has been determined to be \$2,300,000, for which the issuance of a \$,1800,000 obligation (the "Obligation") of the Fire Company will be authorized by the Fire Company. The Fire Company will be the owner and beneficial user of said property, currently intended for use as a fire station.

The maximum aggregate face amount of the Obligation to be issued is \$1,800,000 and the Obligation shall not constitute indebtedness of the Town itself.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Hamburg, New York  
July 11, 2005

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HAMBURG,  
ERIE COUNTY, NEW YORK

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Catherine Rybczynski, Town Clerk

Section 4. This resolution shall take effect immediately.

Supervisor Hoak comments that there is no obligation on the part of the Town of Hamburg on this.

The Town acts as Lead Agent in order for them to get serial bonding.

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

Patrick Hoak, Supervisor	VOTING	Aye
D. Mark Cavalcoli, Councilman	VOTING	Aye
Kathleen Hochul, Councilwoman	VOTING	Aye
Joan A. Kesner	VOTING	Aye
Thomas J. Quatroche, Jr. Councilman	VOTING	Aye

The resolution was thereupon declared duly adopted.

\* \* \* \*

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF ERIE         )

I, the undersigned Clerk of the Town of Hamburg, Erie County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on July 11, 2005, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
The Hamburg Sun	Published July 14, 2005
The Front Page	Published July 13, 2005

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)  
of posted notice \_\_\_\_\_

Date of Posting

Town Clerk Sign Board

July 13, 2005

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on July 12, 2005.

\_\_\_\_\_  
Town Clerk

(CORPORATE  
SEAL)



## **Reports From Town Board Members and Department Heads**

Councilman Cavalcoli wants to remind the public that July 12<sup>th</sup> from 7:00 pm - 8:30 pm at the Big Tree Elementary School auditorium there will be a public information night on the Garbage Refuse District that the Town Board is offering a referendum vote on which will be held on July 19<sup>th</sup>. This is a public information night and he and Mr. Kapsiak will be present to answer questions. They will have a hand-out and an agenda. They will make a brief presentation to answer any questions and to give enough information so that the residents can make an intelligent vote. The actual referendum vote will be held July 19<sup>th</sup> at Hamburg Town Hall and Lake View Fire Hall. Those people who are eligible to vote are people who are property owners.

If more than one name is on the deed then more than one person is eligible to vote. It will not include members of the Village of Hamburg or the Village of Blasdell. Vacant property owners are also eligible to vote. There will be a listing of all eligible voters at the polling places and will be monitored by Catherine Rybczynski, Town Clerk, by checking off the names of property owners. They have made a great effort to reach out to the public, he has spoken to the Rotary Club and Knights of Columbus, United Taxpayers, Scranton Taxpayers, COLT and Lake View Taxpayers. He has received support from Mr. Ernst of the Buffalo News and from the Hamburg Sun with the advertising and he wants to thank them for their support in getting this information out. He has a flyer available to anyone who would like one.

Councilwoman Kesner wants to publically thank him for spearheading and sponsoring this. This is a way for our residents to save money. She also wants to congratulate George Lee on the Freedom Fest. There were 30,000 people that enjoyed the fireworks. Thank you for taking on those initiatives and bringing such great quality of life programs to our families. George thanks the Police for helping out, they were busy long after the fireworks were over. Councilwoman Kesner also wants to thank Congressman Brian Higgins for visiting the Domestic Violence Office on Friday. She and Supervisor Hoak took him on a tour of the office and she sincerely believes he was impressed with the work they do and will be out there battling for the money because without that Community Development money it would be very difficult to provide that service. She knows for a fact that we are making a difference for many families in the Town of Hamburg.

Councilwoman Hochul reports that this weekend was the opening weekend for the Lake Erie Seaway Trail Visitors Center. The turnout was incredible. There were people from Tonawanda, East Aurora, Evans and all over who were curious and were impressed with what had been done to the building. She really enjoyed taking the kids through the rooms and they have a great vision for that building and they want to see it through. They had six more people volunteer and they are having volunteer training for anyone who wants to help. The volunteer training will be at 6:45 pm on July 14<sup>th</sup> at the Center. Thanks for the support of the Town Board. She also reports that the Police have been on Route 5 and they have written 216 summons in June alone and on Route 20 there were 381 tickets issued in the month of June. This indicates a strong Police presence and she commends the officers for their diligence. She then announces that the Blast on the Beach will be on held July 30<sup>th</sup> and she looks forward to seeing everyone there.

Councilman Quatroche reports that just before that event they will hold the Dash and Splash at the Beach. This raises money for a very good cause. They have been diligently taking care of the beach and he wants to thank Mr. Connolly for all the upkeep and dredging that has been done. It is a beautiful facility and he hasn't received any complaints.

Supervisor Hoak announces that Saturday, July 16<sup>th</sup> will be the Burgerfest in the Village of Hamburg. It is a great all day affair. He reiterates that the Blast on the Beach activities start at 6:00 pm for the young people on the beach and for the older people it is on the upper terrace of the Town Park. From 2:00 pm to 4:00 pm they will hold the Hamburg Idol competition and the top three will compete in the Western New York Region and you must be a teenager to qualify to be on the circuit.

## **Business From the Floor**

Ferd Garcia, Columbia Avenue, questions in regards to the abandoned property, who is the owner on record. Councilman Quatroche explains that the property on Lakeshore Road is the old Foit's property. Mr. Allen reports that property is in bankruptcy as well. Ferd questions that in regards to Mr. Scheffler's vacation, why is he receiving this benefit. Supervisor Hoak responds that in accordance with the CSEA benefit if you work a certain amount of time, in this case 2005, you are eligible to receive the benefits for 2006. He has earned all of that time. Health reasons are causing him to retire and they agreed to pay that upon retirement. This is a

negotiated issue in the contract, however they need special permission to receive it.

**XX.**

**RESOLVED**, that the Town Board adjourn to Executive Session at 7:35 p.m.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

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Catherine Rybczynski, Town Clerk

### **Correspondence - July 11, 2005**

57 - To Supervisor Hoak from the Town Clerk's Office, the monthly report for June with receipts totaling \$118,714.48.

58 - To the Town Board from Mary & Alan Frelitz, 5047 Hall Drive, commenting on the ridiculous proposal by Kevin Gaughan that City of Buffalo residents be allowed to use the Hamburg Beach. Since the closing of other beaches the beach is already crowded and should remain for Hamburg residents only.

59 - To the Hamburg Town Board from Chad Witkowski stating that the Hamburg Water Rescue Unit wants 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.