

Meeting No. 13
July 14, 2003
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, N.Y. 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	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

Also Present:	Catherine Rybczynski	Town Clerk
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	James Spute	Finance Director
	Joseph Coggins	Police Chief
	Drew Reilly	Planning Consultant
	Robert Hutchison	Town Assessor
	Martin Denecke	Director of Recreation
	Tim Ellis	Traffic Safety Consultant
	Jack Rahill	D.A.R.E. Coordinator
	James Connolly	Highway Superintendent
	Kurt Allen	Supervising Building Inspector

The Pledge of Allegiance was recited

Information on Fire Exits was provided.

Supervisor Hoak comments that before the Public Hearings they have some presentations on the Character Trait Excellence. He turns the meeting over to Councilwoman Hochul.

Councilwoman Hochul comments that every two months there is a new character trait that is launched by Character First in Hamburg. Part of our tradition is to recognize Town employees who demonstrate this trait. Excellence is effort guided by the noble purpose of trying to be the best that you can be. Always strive for determination for distinction. We obviously have a lot of excellent people in the Town of Hamburg because we had so many nominations. It was difficult to select from these nominations so they decided to give all the nominees a proclamation. The first that came in was for Gerard Kapsiak for his constant effort to be detail oriented and his follow through on all projects. Officer Bruce Reid has been named the New York State D.A.R.E. Officer of the year and we are very proud of that. Dispatcher Tom Partridge was nominated because exhibited excellence above and beyond his call of duty as a public safety dispatcher. In the Finance Department star players have served the Town of Hamburg in excess of twenty years each and their contributes range widely but all show nothing short of excellence in all phases. The nominees are Nancy Crane, Mary Dosch and Robert Brown. There are also many names from the Recreation Department for Seasonal part-time employees who are the unsung heroes of this Department. These key individuals help the Recreation Department function at a high level. The nominees are Paul Aroune, Marilou Beback, Heidi Benfanti, Jim Birmingham, Patrice Castanza, Paul Cefaly, Christine DiOrio, Tony DiOrio, Cathy Duggan, Matt Felice, George Gardner, Tim Jerome, Campbell McSkimming, Steve Otremba, Lisa Motz, Caitlin Nelson, Kelly Saunders, Christine Schmidt, Joe Steger and Tim White. Congratulations to all. The next Character Trait is Vigilance.

7:00 p.m. Public Hearing for the purpose of reviewing the applications from Adelphia for the renewal of their franchise agreement.

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

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF HAMBURG**

PLEASE TAKE NOTICE that the Town of Hamburg will hold a Public Hearing on July 14, 2003 at 7:00 p.m. for the purpose of reviewing the applications from Adelphia for the renewal of their franchise agreement.

The application from Adelphia is available for public inspection during normal business hours at the Office of the Town Clerk, Town of Hamburg, 6100 South Park Avenue, Hamburg, New York 14075 or at the Office of Adelphia, 355 Chicago Street, Buffalo, New York 14204.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG

Dated: June 23, 2003

Catherine Rybczynski
Town Clerk
Town of Hamburg

Supervisor Hoak questions if we received any Correspondence on this. The Town Clerk responds no.

Richard Boehm, Deputy Town Attorney, introduces a person who has been instrumental in helping them reaching where they are on this contract tonight, he is an employee of the State of New York Public Service Commission and his name is Steven Shea. He will address any questions regarding this franchise agreement. This franchise agreement has been under negotiations for about 2 ½ to 3 years. Obviously the filing of Adelphia for Bankruptcy protection brought up new concerns and they attended several meetings with Adelphia and there was extended negotiations. After much consideration they have reached a fair reasonable contract. Some of the highlights of the contract are that there have been a change in the definitions of gross annual receipts for the use of poles and right-of-ways franchise fees that are paid which has been expanded to include cable modem revenues. The service is a 750mghz, which is top of the line. They have also agreed, that without charge, they will install cable connections in one outlet, in each public and elementary school, each secondary school, public libraries, fire and police stations and municipal administration buildings. They will continue to make available, without charge, a one access channel for non-commercial public programming and they must provide cable service, as requested, within seven days of being requested. Those are some of the highlights.

Mr. Shea comments that there are a couple of issues that come up during cable negotiations and the typical issue is what can be done about rates. Sadly, in 1984 Congress deregulated rates and then re-regulated in 1992 and then in 1996 decided once again to deregulate. There isn't competition from hard wire cable competitors, but rather the competition comes from satellite delivered service. The bottom line on cable rates is that the Federal Government has decided that the only level of service that can be regulated is basic service and that is only regulated by formula. If they fill out the forms correctly they are entitled to rate increases as they see fit on basic service. Above that, they can price it as the market will bear. That is an issue that has been taken off the table in negotiations. There is one other area that municipal governments are concerned about and that is programming. The Federal Government also decided that you cannot require specific programming services. So when they started working on negotiations, those two items were off the table. There are issues on the table and even though Adelphia filed for bankruptcy the present contract reflects a state of the art system which is vital to the next ten years of this proposed franchise. Mr. Boehm mentioned a public channel and they are also required to provide an educational governmental channel. In the issue of franchise fee, it is a 5% of gross revenue on all facets of the revenue that they earn. On the cable modem service it will be available to the Town if the Courts decide that modem service is ultimately cable service. If it is not and is an information service then it would not be regulated and therefore would not be revenue going to the Town. In New York State, at this present time, there is not anyone getting revenue from modem service.

Councilwoman Hochul questions what about Powerlink. Mr. Shea responds that Powerlink is their name for their modem service.

Mr. Boehm comments that there is one more item he didn't mention and that is if Adelphia doesn't emerge from bankruptcy and were to in fact sell to another cable company, that cable company must honor everything in this contract for the full length of the contract.

Councilwoman Hochul questions if the equipment that they provide is subject to the franchise fee. Mr. Shea responds that equipment rental is subject to the fee. Councilwoman Hochul comments that they appreciate his advice, they are virtually a monopoly in our Town. She also thanks Mr. Boehm for all his help.

Supervisor Hoak comments that we are very fortunate to have Mr. Shea negotiating for us. Word on the Street is that he is the municipalities best friend. He questions if 5% of the gross revenue is the standard amount given. Mr. Shea responds that this is the most that can be given by Federal Law. He questions if there are other that get less. Mr. Shea responds that there are municipalities locally that get less.

Supervisor Hoak opens it up to the floor for questions.

Joe Kilian, United Council, questions the package for powerlink and the fact that in order to get powerlink you must buy the expensive package. Mr. Shea comments that there is an anti-buy through rule where any level of service you want you are able to buy the basic with that service. Councilwoman Hochul comments that she has powerlink and basic. Joe questions if there are two levels of service. It seems like anywhere in the City you can get right on Powerlink without a problem and in the outskirts there can be problems. Mr. Shea comments that there are not two levels, the traffic on the system depends on how many people on a particular node is on at the same time. So, if a lot of people in your neighborhood are on at the same time it may be a little slower. Councilman Cavalcoli comments that it may be a fact of economics and geographics. The fact that in the suburbs more people have it and therefore it is more clogged and in the City it is expensive fewer people may be on it.

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

7:15 p.m. Public Hearing on Proposed Local Law #3, 2003 for an amendment to the Town Code to provide property tax exemption for volunteer firefighters and volunteer ambulance workers.

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

LEGAL NOTICE
TOWN OF HAMBURG
NOTICE OF PROPOSED LOCAL LAW #3, 2003

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on June 23, 2003, a proposed local law to be known as proposed local law #3, 2003. This local law to provide for an amendment to Chapter 235 of the Code of the Town of Hamburg, entitled "Taxation", with the addition of a new section to provide a property tax exemption for volunteer firefighters and volunteer ambulance workers to read as follows:

Conditions for Exemption:

- (1) Section 466-c of the New York State Real Property Tax Law grants enrolled members of incorporated volunteer fire department, fire company or incorporated volunteer ambulance service, residing within the town or village served by such organization, and having a minimum of five years service, an exemption of ten percent of the assessed value of their primary residence not to exceed three thousand dollars multiplied by the latest state equalization rate.
- (2) It is the intent to extend the same exemption on a lifetime basis to members with more than twenty years active service.

THEREFORE, the Town Board of the Town of Hamburg will hold a public hearing on the aforesaid proposed law to consider final adoption thereof, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York at 7:15 p.m. local time on July 14, 2003, at which time all persons interested may be heard.

Dated: June 23, 2003

Cathy Rybczynski
Town Clerk

Supervisor Hoak asks if there is any correspondence on this

Catherine Rybczynski, Town Clerk, responds that there are two items of correspondence.

The first is from Big Tree Volunteer Firemen's Co., Inc. stating that they would like to go on record as supporting any program which would benefit the Volunteer Service. This program would assist in the recruiting and retention of Volunteer Firefighters.

The second is from Scranton Volunteer Fire Company, Inc. stating that the membership unanimously voted to send a letter in show of support for the recently proposed Town of Hamburg Property Tax Relief for Volunteer Firefighters, this correspondence should serve as that show of support.

Supervisor Hoak comments that it was twelve years ago, during the budget process, that they addressed all nine Volunteer Fire Companies in assisting them. The Volunteer Firemen over the last twelve have been unbelievably stringent on their budgets, they have kept it below inflation. Budget increases back in the eighties ranged from 4 to 10 percent. Since that time they have entertained a retirement program for these volunteers and he doesn't think anyone would question the services and the time and hours that are dedicated to the Town. He asks Mr Hutchison to share the impact on our Town if we award this to the Volunteer Fire Companies.

Councilwoman Kesner has been a strong advocate of this since it became legal.

Councilwoman Kesner comments that she is the liaison of the Volunteer Fire Companies and the Assessing Department. When they saw that the State passed this particular piece of legislation to allow the Town's to offer this package they thought it would be worth their while to join other communities in offering this package to our Volunteer Fire Companies. Working directly with many of the volunteers she knows how hard it is to recruit members. She wants to thank John Wicka for helping her with all of the research and in getting the ball moving on this as well as Dave Patton. There is no question that we are facing a lot of fiscal challenges, like all communities throughout the Country, but when you look at what the impact means to us, it works out to be pennies. We feel that for the services that the men and women in our fire companies bring to our community, it is well worth it. She is also aware many of the fire companies are working with less than fifteen active members to serve their districts. We have to look to the future and ways to bring in more members to serve our community and this is one program that is well worthwhile. The impact is about \$24,000 to the Town and that amounts to pennies. She is hoping the community joins them in offering this program and showing our support.

Mr. Hutchison, Town Assessor, comments that the exemption is pretty straight forward. For an enrolled member of a Volunteer Fire company who has been a member for at least 5 years, it will give a 10% exemption up to a maximum of \$3,000 of Assessment times the equalization rate in the Town of Hamburg which is 77.6%. This translates to a \$25 to \$30 tax savings. The volunteer fire companies will be required to provide his office with the list of the members who qualify. The exemption form will have to be received before May 1st of next year. Unlike some exemptions, this applies to special district charges, but it does not apply to special assessments. As Councilwoman Kesner said it would impact the Town \$24,000.

George Lee, Deputy Mayor Village of Blasdell, comments that this sounds like a good idea. Will there be any credit hours that would account for people who are active as opposed to people who do not put in as much time.

Supervisor Hoak comments that you must be an active member. There is a checks and balance system. Supervisor Hoak questions if this is twenty years of consecutive service. Some people may move away and move back, who have twenty years. Councilwoman Kesner responds that the law says twenty years of membership they will need to get an opinion from the Attorney General's Office.

John Wicka, Lake View Fire Department, thanks the Town Board for their support, not only on this program, but over many years of working with them. They feel that this program will be a valuable tool for recruiting new members. As the Town grows, and we have many new developments, they need to find people to come in and work with them to fulfill the obligation and provide the service that they need to do on a daily basis. This should serve as a catalyst to show people that there is something that can benefit people who join the fire service. One of the major challenges that the fire service has today, because of the many mandates that they have on training requirements, is to make sure that people who join stay with the service. A lot of time and money is invested in people and they want to make sure they stay. It will be an immediate benefit. They do offer other award programs but, members do not see benefits until retirement age.

Councilwoman Hochul commends Councilwoman Kesner for being a strong advocate on behalf of the firefighters. We are all concerned about the retention issue. Mr. Wicka made the best point and that is we don't realize how inexpensive it is to run our fire service. All you have to do is look at the City of Buffalo and the challenges they face with a paid service. We owe a great deal of gratitude to all the people who volunteer their time and this would be a small token of appreciation on behalf of the Town.

Linda Cooper, North Creek Road, comments she couldn't agree more. If you have to call in the middle of the night, and you have a fire, \$24,000 is nothing compared to having them show up to help. She commends the Board and especially Councilwoman Kesner.

Councilman Cavalcoli asks that the firefighters that are present please stand. He then comments that the clap of gratitude is not just because they are there, but because of the dedication that they give to the community.

Supervisor Hoak comments that the savings as compared to the City of Buffalo is phenomenal. He also thanks Councilwoman Kesner for bringing this to the table.

There was no correspondence received.

Councilman Cavalcoli comments that this is the result of the ongoing moratorium that was put in place at the end of January. This was a sixth month moratorium to review the subdivision code for residential properties. In doing that they came across many items which they felt were outside of the subdivision regulations but still needed to be looked at. There are some issues that they feel cannot be accomplished within the six months and those items they will continue to discuss. He thanks Councilwoman Hochul for co-chairing this moratorium, they have put in a lot of hours along with Mr. Boehm, Mr. Reilly, Mr. Crandall and Mr. Allen. They have had ongoing discussions with the Niagara Frontier Builders, some input from the Chamber of Commerce and citizens and they are at the point where they feel they have a reasonably good handle on the key items that can be accomplished within the six month period. It was the intention of the Board to stick to the six month timeline and they felt to try and defer for another six months was not reasonable. He asks Mr. Reilly to present the highlights of the items. Following the public hearing there would be no action for at least two weeks. He would anticipate no action until early September.

Mr. Reilly presents a summary of the proposed code revisions. The moratorium was supposed to be for things that had to do with subdivisions. A lot of the input came from the Planning Board. They were finding it difficult to utilize the rules and regulations in reviewing subdivisions.

The first thing discussed was Cluster Developments. A Cluster Development is basically a tool used by developers that is highly enforced in the Master Plan and within that plan it was awkward to use. They agreed that when anyone does a Cluster Development they should present a normal traditional layout first and then show the Cluster so that they could see the obvious differences and the reasons why a Cluster should be allowed.

The second item is Expiration of Approvals. We have rules in the Code but they were silent on multi-phased projects. If nothing happens in a subdivision for 2-3 years they should have to go back the Planning Board to re-review.

The third item is buffer requirements. There have been issues of buffers for railroad tracks, between the roads and the individual developments and other incompatible uses.

The fourth item is recreation requirements. We have a requirement in the Town that recreation areas have to be set aside or fees paid in lieu of but the code was silent to things like bike paths and trails so they put that in the regulations to encourage those types of things and offer credit for those types of things to be utilized.

The fifth item is overhead utility exclusions. We have three overlays in the Town that talk about aesthetics. In one subdivision they pushed aesthetics and they put in overhead utilities and it looked awful. Now they do not allow overhead utilities in the three southern overlays and they put a clause in subdivision regulations that says they would prefer not to have them anywhere in the Town. Most utility companies would rather have them underground anyway.

The sixth item is conservation easement law. This will be offered to anyone in Town that has property that they believe are environmentally important, and have no intention of developing it, so they offer it to the Town in the form of a conservation easement so that this land can be preserved. They could get a tax benefit from that for preserving that land.

The seventh item is a tree management ordinance. We have been working on that for over two years. It is very difficult to balance the rights of property owners versus the saving of trees. They tried to regulate people going in and clearing a ½ acre of trees with no approval from the Town. They tried to balance that with people who have a tree harvesting business with rules about that. This was the longest and most difficult ordinance to deal with.

The eighth item "Two Trees per Lot" deals with requiring the developer to plant two trees in the front yard and if they are requiring them to preserve existing trees it doesn't make sense. They are still requiring two trees per lot but they also give the Planning Board the power to say you don't have to plant the trees if they preserve existing trees.

The ninth item is wetlands protection. This came about due to a court decision. There are State Wetlands, which the State regulates very well, and Federal Wetlands, where the Federal government regulates but in a recent court decision they were told that certain areas are non-jurisdictional. We preserve that they be saved but they have placed stronger design requirements.

The tenth item is driveway location. The Building Inspector brought up that there were no requirement codes on the location of driveways on property. So they put some standards in the code.

The eleventh item is lot sizes and dimensions. In reviewing hundreds of subdivisions they came up with looking at problems with lot sizes and dimensions. A certain zone requires a certain sized lot or dimension. They noticed that in the RE zone that there were no minimum lot width requirements in the front. In R-1 they found out that the lot sizes were square and most of all subdivisions were not meeting the minimum and it didn't make a good layout and so they brought it to a different sized square footage for sewered lots. For unsewered lots, for all of the zoning districts, they changed from 20,000 sq. ft. to 30,000 sq. ft. because the Department of Health requires that any property that doesn't have good soil is required to have 30,000 sq ft. so our code was out of date. R-2 and R-3 they noticed that the code was changed so often over the last twenty years that the lot size requirement was bigger in R-3 than R-2 and it should be the other way around. They just flipped it over and went for standard size and they changed the lot width requirement also.

Councilwoman Hochul comments that this was a lengthy process, but a necessary process. Every Town that cares about its future needs to take some breathing room and just step back and look at where they are and where they want to go. We took advantage of the moratorium for the past six months to do just that and have a brainstorming session and look at other what are other communities doing that they admire and what are communities doing that they don't like. This invoked a lot of fear in our building community when they first proposed it, but they tried to put aside those fears and let them know that development will happen in the Town, but where and how is important to us. It is also important to use to preserve large amounts of green space. We have a Master Plan and we have identified areas that we want to preserve. Unfortunately, that is where most of the vacant space is so they want to make sure there are very stringent requirements, to preserve what we have and to offer the conservation easement to make sure there are tools available to people who want to preserve greenspace. Once it is gone, it is gone forever. There are certain areas in the Town that lend themselves to more housing and areas that do not. It is important for the Town leaders to identify those areas. We have done some of that with these revisions and there are still other issues that they couldn't finish within the time frame and they are still on the table. She feels the public will be pleased with the result.

Mr. Reilly comments that the documentation is very thick and there are 12 to 15 times that they still want to work on.

Councilman Quatroche commends Councilman Cavalcoli and Councilwoman Hochul for this, they had a very short window of time to do this, they wanted to be fair to all parties in the process while protecting the residents. They worked very hard on this process, he thanks Mr. Reilly and Mr. Crandall as well.

Councilwoman Kesner thanks Councilwoman Hochul and Councilman Cavalcoli as well, for their bold leadership in taking on this issue. This effort should prevent the problems that other communities are experiencing and will provide a vision and direction for our Town. As a member of the Southtowns Hazmat Team, this railroad buffer is extremely important. Just a few weeks ago they had a train derailment in Blasdell and this revision will provide the safe buffer we need for the people who live along the railroads in the Town. We have a very active railway going through our Town. Also the buffers, we welcome development, but we need to respect and not infringe on those already residing in our community. She couldn't have been happier when they decided to make bike paths part of the real language.

Mr. Crandall comments that he is very satisfied that they were able to keep it within the six month period. He really appreciates all the work Councilwoman Hochul and Councilman Cavalcoli did on this.

Supervisor Hoak opens it up for public comment.

Joe Kilian, United Council, questions if future clear cut development is addressed. Mr. Reilly responds that under the tree management ordinance you must come in and get a permit to clear cut which would be approved through the site plan approval process. Now the only requirement is to get a clearing permit from the Engineering Department. You can't outlaw it completely, but you can control it. Councilwoman Hochul asks if the permit is still enforced through Engineer. Mr. Reilly comments that if it is small it will go through Building Inspection, but if it is large enough it will go through Planning Board approval.

Councilwoman Hochul comments that these Departments should get the message that we don't want clear cutting, we don't want to repeat past mistakes. Mr. Reilly comments that to help the Building Inspector they look to the Conservation Board to help issue these permits.

Joe Kilian then questions if there was anything added to the Southern Overlays. Mr. Reilly comments that they just tweaked them and added the requirement of not allowing overhead utilities in those areas. They have been working on a Route 5 overlay but they put that aside until they did the Route 5 study. They will need to pick that up again. Joe comments that the Lakeshore is the gem of Hamburg and that should be addressed. Mr. Reilly comments that the Town is completing an LWRP which will control the Lakeshore area. This wouldn't be addressed through zoning or subdivision requirements because most of the area is already developed. By addressing it through the LWRP which will explain how to manage and maintain those areas, this will be ready next month.

Joe comments that his last question is if there is a cap on the number of houses per year that can be built. Councilman Cavalcoli comments that they have not come to a final discussion about a cap on building. They feel that right now the number of homes being built is not in excess of what it has been over the last few years and based on the total build out available they have not set a cap. This is one of the items that is still on the table. It will be open for public input. Joe questions if we will be like Amherst if we reach our total build-out. Councilwoman Hochul responds that one of the big differences between the Town of Hamburg and other Town's is that we don't entertain rezonings to do this. The land we have now that is green will stay that way. Councilman Cavalcoli comments that a viable community is a balance community and if you have too much on any one level it is an excess and the community will no longer be viable. Part of a viable community is to have a balance between different types of residential, rural, suburbs, townhouses, cluster development, open space, commercial and light industrial. That is what this Board is striving for.

Supervisor Hoak comments that this is ironic to be talking about this when all you read about is people leaving the Western New York area.

Mike Sender, Nussbaumer & Clarke, comments that he has to work with these developers every day and generally speaking he has no problem with 90% of the document. He applauds what they have done. He would like to make a few comments. His first concerns Cluster Developments under Chapter 280-171 F-1. In his adult life he has lived in three different homes and they each had front load garages and there are a lot of them throughout Hamburg. He is not sure why they would make them generally not acceptable, particularly on a cluster lot. You are asking for a side load garage and in Lancaster they have had problems with the side load garage with the lot width. Mr. Reilly comments that what they are trying to discourage is snout housing. A snout garage is something that sticks out in the front of the house. They realize some will be front load but they don't want them protruding out in front of the house. Councilwoman Hochul comments that they attended a class on new urbanism in the City and they showed photographs of here and in Rochester where every house was lined up and all you saw was the garage. It didn't look good aesthetically and so they brought this back to the table and said how can we control that. There is probably a distance that is too far forward and a distance that is acceptable. Drew comments that if the house is going to be close to the road they are trying to discourage this but if it is set back farther on the lot then the Planning Board could work with them on the front load garage. Mr. Crandall comments that we have two subdivisions in this Town where when you drive down the street all you can see is the garage, you can't even see the front door. That is what they are trying to avoid, he has no problem with a front load garage if it is handled properly. There are many around but garage door is not the most prominent feature, but it is still a front load garage and that is what they are trying to accomplish. We should not say no front load garage because that is too restrictive. But the design of the house should be such that you can find the front door.

Jerry Wozniak comments that they should word it so that it doesn't stick out any further than the front porch.

Mike Sender comments that his next comment is under Cluster Housing H-2 that deals with the calculation used to determine allowable density. Currently if you have a body of water or wetland, etc. you have to take that area away from the gross area to determine what is developable area. They are adding land use for detention ponds. He has a problem with that. The size of these detention ponds has been increased because of new regulations. They don't do the calculations, or know how large or deep these ponds will be until they enter final design. So what they do now is show the general area and give a rough guess as to the size, but if you are going to take that pond away from the developable area he doesn't know how he will determine

what that size will be. Drew responds that they have to do it early on and they will have to take an approximate value. What they had happen to a couple of them is that they say there is x amount of green space but then the greenspace they saved, 25% of it turns into detention basins. What they are trying to do is push the developer to minimize the pond. They prefer not to see three large ponds around a development. They felt fairly strongly that they could subtract out the size of the detention basin and still come up where the developer gets his yield plus they are not giving credit to areas being turned into detention areas. Mike comments that his final comment is that he is totally opposed to any additional wetlands regulations. They already have to deal with the State of New York and all that bureaucracy, the Army Corps of Engineers and he can't see additional Town wetlands regulations. Drew responds that they shied away from regulating the way the State and Federal government does because they felt that would be redundant. The Town's regulations are more from a design stand point and a preference not to have them filled in. They can't stop someone from doing that but there preference is to keep them. If they are going to be filled in that they will account for those as pre-wetted areas and they would act as detention basins and they must be included in those calculations. It is more of a design thing than trying to regulate. Councilman Cavalcoli comments that they will take a second look at that.

Vera Kaiser comments that she wants a verification on the amendments. Questions under R-2 the lot width. Drew comments that a single family unit would require a 70 foot lot width and if you want to put in a duplex it would be the 70 feet plus 30 more feet which would be 100 feet lot width.

Councilwoman Hochul questions Drew on the timing issue. We have a six month moratorium and they will not be voting on this in August but the very first date in September. Will an extension be needed to make this legally sound. Drew comment that they must find out the date they actually approved this and go from there. They may need a small extension. Drew comments that he has worked with other Towns on this and he thinks it is alright because the new regulations should apply to any applications received after the deadline date. Mr. Boehm comments that his legal concern is not enacting them within the moratorium time. The purpose of passing the moratorium was to do this and letting that time expire without passing them, unless they extend, concerns him. Mr. Boehm comments that what they should do is call for a public hearing August 4th to extend the moratorium until the week after the September meeting, hold the public hearing on the 4th and pass the amendments then. Mr. Crandall comments that he would like it done within the six month period but if not then they have to extend it. Councilwoman Hochul comments that because they may be changing something due to the comments this evening and therefore they need to extend it. Councilman Cavalcoli comments that in the spirit of the moratorium they have come close to doing what they need to and to fall short and end up with something they don't want for a months period of time would be foolish.

Betty Newell, Chamber of Commerce, comments that she is confused that no one was allowed to submit after January 6th. And then questions the August schedule. Councilman Cavalcoli comments that the meeting is August 4th and to have everything ready to pass then is probably a pretty tight timeline to review and get the final language ready. Betty questions if they could hold a special meeting in August. Councilman Cavalcoli comments that they could pass this on September 8th. Mr. Boehm comments that legally they should call for the public hearing and then if in fact they can discuss this in Executive Session and come up with another date in August. But if they have done all this work, with some good points being raised, so Code Review will have to meet. This will expire on August 4th so this will be only a two week extension. Councilman Quatroche comments that they should just call for the public hearing and if they have to extend then they can. Betty comments that there have been people that wanted to submit applications were not able to after January 6th. Councilman Cavalcoli comments that the fair and honest direct answer is that the moratorium would technically run from the date it was adopted by the Town Board to the date it expires six months later. Drew comments that they could call for the public hearing on extending the moratorium for August 4th and if everything goes well that night they could pass it that night and meet again in two weeks.

Tom Eichler, 6544 East Eden Road, questions on expiration of approvals, right now within a quarter mile of where he lives is a development that is five to six years old and they are still digging foundations. He and his neighbors are affected by consistent digging and building and equipment over there seven days a week. What are they doing to make sure that this doesn't happen again. What can they do to stop this long term process. Councilman Cavalcoli comments that what they are trying to do here is get a handle on the phasing of the projects and the timeline that they have to start and finish a project. Some are built in phases of so many per year and until they are built they won't start the next phase. They are trying to avoid these going on for 10 years or more without being constructed and then coming in and building them under the old regulations. On the other side of it are the people from the builders association who want

V.

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

June 23, 2003

Town Board Meeting

Moved: Hochul

Seconded: Kesner

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

Noes: None

Carried

Noes:

VI.

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

- | | | | |
|---------------------|--------------------------|------------|-----------|
| 1. Kesner, Carmen | Seasonal Part-Time Clerk | 06/10/2003 | \$7.77 |
| 2. Coggins, Michael | Seasonal Part-Time Clerk | 06/27/2003 | Terminate |
| 3. Coggins, Michael | Part-Time Clerk | 06/30/2003 | \$7.77 |

Moved: Hoak

Seconded: Hochul

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

Abstain: Kesner

Noes: None

Carried

VII.

RESOLVED, that the Town Board authorize the Finance Department to increase Revenue Account A4321.1 (Defensive Driving) and Appropriation Account A3620.440 (Traffic Safety - Contracted Personal Services) in the amount of \$375.00 for services provided by Mr. Paolini from 01/01/2003 to 03/12/2003 for paperwork be completed for the Defensive Driving Course.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

VIII.

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

- | | | | |
|----------------|------------------|------------|-----------|
| 1. John Grys | Seasonal Laborer | 06/30/2003 | \$8.80 |
| 2. Shay Nelson | Seasonal Laborer | 06/27/2003 | Terminate |

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

IX.

RESOLVED, that the Town Board authorize the Finance Department to increase Revenue Account DB 3501 C.H.I.P.S. and Appropriation Account DB 5112.210 in the amount of \$1,007.72 due to unanticipated C.H.I.P.S. funding to be received from the State.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

X.

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

1. Donovan, Cornelius	B7310(32) Rec. Attendant	06/30/2003	\$9.25
2. Jerome, Timothy	B7310(320) Rec. Attendant	07/15/2003	\$9.25
3. Lantzy, Emily	B7310(320) Rec. Attendant	06/30/2003	\$6.00
4. Polisen, Melissa	B7310(320) Reg. B7310(320) Temp.	06/30/2003	\$9.00 \$7.35
5. Smolarek, Kristin	B7310(320) Rec. Attendant	06/30/2003	\$6.00
6. Szczur, Celia	“	”	\$6.00
7. Kuhrt, Timothy	A7180(215) Lifeguard	06/30/2003	\$8.00
8. Collins, Lauren	B7310(320) Rec. Attendant	06/30/2003	\$7.50
9. Schmitt, Becky	B7310(320) Rec. Attendant	07/07/2003	\$6.75
10. Robb, James T. Jr.	ER7251(225)	07/07/2003	Terminate
11. Robb, James T. Jr.	ER7257(225) Rec. Attendant	07/07/2003	\$7.00
12. Jakubowski, Mark	B7310(320) Rec. Attendant	07/09/2003	\$6.25
13. Harris, Daniel	B7310(320) Lifeguard	07/10/2003	\$7.00

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

XI.

WHEREAS, the Town Clerk's Office provides numerous services to our residents, and

WHEREAS, the Town Clerk's office is continuing to strive to improve the services it offers to our residents and the surrounding community, and

THEREFORE BE IT RESOLVED, that the Town Board approve the Town Clerk's office to become a passport acceptance facility effective August 1, 2003.

Moved: Hochul

Seconded: Cavalcoli

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

Noes: None

Carried

XII.

RESOLVED, that the Town Board approve the Out-Of-Town Travel Request for Catherine Rybczynski, Barbara Allen and Marian Felice to travel to the Main Post Office, Buffalo, N.Y. to attend an all-day passport issuance training session to train the aforementioned employees in the Town Clerk's Office to issue passports at no cost to the Town.

Moved: Hochul

Seconded: Kesner

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

Noes: None

Carried

XVI.

WHEREAS, Nussbaumer & Clarke, Inc. was awarded a contract by the Town Board on May 19, 2003 for providing survey, design, and construction related engineering services relative to the Town's 2003 Waterline Replacement Project, under which over 20,000 linear feet of existing deficient watermain are proposed to be replaced; and

WHEREAS, the Erie County Water Authority has since requested that the engineering scope of work be increased to include the replacement of an additional 16,550 feet of watermain along Lake Shore Road (NYS Route 5) between Mt. Vernon Blvd. and Pleasant Avenue, due to the increased frequency of watermain breakage which has recently occurred along this portion of the system; and

WHEREAS, Nussbaumer & Clarke, Inc. has submitted a proposal to the Town for providing additional engineering services in this regard, which has been reviewed by the Town Engineer and determined to be reasonable and acceptable for the services to be performed,

THEREFORE BE IT RESOLVED, that the contract of Nussbaumer & Clarke, Inc. is amended to include the additional services, at a total lump sum fee of \$116,000, plus the subcontracted cost of performing soil investigation work, which is estimated to be approximately \$4,000. The Town Supervisor is authorized to sign their June 30, 2003 proposal letter/agreement in this regard. Funding for these services is available in the budget of the Wanakah Water District, within which the waterline replacement work is located.

Moved: Cavalcoli

Seconded: Kesner

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

Noes: None

Carried

Joe Kilian questions if this will increase their taxes. Mr. Kapsiak responds that these are funds that are previously budgeted. The Water Authority told them that because this section is a high priority they can use that had been budgeted for replacement of other sections in the Wanakah Water District toward the design of the Lakeshore Road portion. Right now this is just for design, we do not have the money in place to go to construction with this portion. Joe questions if the Route 5 project was in place would the State be paying for the design. Mr. Kapsiak responds yes. Councilwoman Hochul comments that this is what we have been waiting for, but we can't wait much longer, we have problems. Councilwoman Kesner comments that they are waiting for the State to make recommendation to them, it is their highway. Joe asks the Town Board to make a stand. Councilwoman Kesner comments that they are frustrated too, they have been very cooperative and have provided all the information they need to make their studies and they have attended all their meetings. What more can the Town Board do. Joe comments that there is the Budget is \$880,000 and they are spending \$116,000 for the design work and how many miles of pipe are going in. Mr. Kapsiak responds that this addition covers about 3 miles of additional replacement and the estimated construction cost is around \$1.6 million.

XVII.

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

7/7/03

7/28/03

7/29/03

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

XVIII.

RESOLVED, that the Town Board grant permission for the Senior Services Department to accept the RFP from Classic Awning & Tent Company for a mesh top for the trellis and a free standing awning for shade purposes in the outdoor recreation area of the Adult Day Care Center in the amount of \$ 4,176.00. Funds are available in Adult Day Services Capital Account H24 6780.303

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

XIX.

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

8/1/03	8/10/03	8/24/03
8/2/03	8/12/03	8/25/03
8/3/03	8/14/03	8/29/03
8/4/03	8/15/03	8/30/03
8/5/03	8/16/03	8/31/03
8/6/03	8/17/03	
8/7/03	8/19/03	
8/8/03	8/22/03	
8/9/03	8/23/03	

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

XX.

RESOLVED, that the Town Board grant permission for the Senior Services Department to accept the RFP from Valley Floor Company to replace the carpet in the Activity Room in the Adult Day Care Center in the amount of \$ 2,075.00. Funds are available in Adult Day Services Capital Account H24 6780.303

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

XXI.

RESOLVED, that the Town Board approve the Transfer of Appropriations for the Finance Department within the 2003 Budget as follows:

From: Contingency Account	B1990.419	\$30,000.00
To: Police - Arb. & Neg.	B3120.477	\$30,000.00

To fund account for legal services rendered through year end.

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

XXV.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Senior Services Department as follows:

- | | | | |
|-----------------------|------------------------------------|------------|-----------|
| 1. Briscoe, Stephanie | P/T Seasonal Rec. Attendant
ADC | 07/03/2003 | \$7.25 |
| 2. Felice, Lauren | P/T Rec. Attendant | 06/30/2003 | Terminate |
| 3. Felice, Lauren | P/T Seasonal Rec. Attendant | 06/30/2003 | \$8.46 |

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

XXVI.

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

- | | | | |
|-------------------|--------------------|------------|-----------|
| 1. Early, Cecilia | Clerk- P/T | 07/09/2003 | Terminate |
| 2. Early, Cecilia | Clerk-P/T Seasonal | 07/09/2003 | \$8.63 |

Moved: Hochul

Seconded: Quatroche

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

Noes: None

Carried

XXVII.

RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

VOUCHER #'S

OPERATING FUND:

BATCH #82	\$ 10,403.00	904614
BATCH #83	\$1,540,000.00	904615 - 904616
BATCH #84	\$ 103,578.96	904617 - 904681
BATCH #85	\$ 98,258.03	904682 - 904749
BATCH #86	\$1,000,000.00	904751 - 904752
BATCH #87	\$ 638,746.06	904753 - 904855
BATCH #88	\$ 109,233.38	904856 - 904941
BATCH #89	\$1,290,000.00	904942 - 904945
BATCH #90	\$ 122,167.51	904946 - 905017
BATCH #91	\$ 170,833.16	UNPROCESSED
PRTRN #13	\$ 527,469.17	904533
PRTRN #14	\$ 522,369.92	904750

TOTAL OPERATING FUND DISBURSEMENTS: \$6,133,059.19

TRUST & AGENCY:

BATCH #35	\$ 9,709.09	560267 - 560268
BATCH #36	\$ 4,550.59	560269 - 560280
BATCH #37	\$ 505,704.29	560281 - 560285
BATCH #38	\$ 21,318.69	560286 - 560288

TOTAL TRUST & AGENCY DISBURSEMENTS: \$ 541,282.66

CAPITAL FUND DISBURSEMENTS:

BATCH #44	\$ 120,000.00	710272
BATCH #45	\$ 398,644.62	710295
BATCH #46	\$ 26,509.82	710273 - 710280
BATCH #47	\$ 250,000.00	710281
BATCH #48	\$ 141,992.96	710282 - 710289
BATCH #49	\$ 275,000.00	710290
BATCH #50	\$ 18,268.00	710291 - 710294
BATCH #51	\$ 54,514.98	UNPROCESSED

TOTAL CAPITAL DISBURSEMENTS: \$1,230,415.40

PAYROLL:

PR # P/R 14 \$ 485,84.11

TOTAL PAYROLL DISBURSEMENTS: \$ 485,834.11

TOTAL PETTY CASH DISBURSEMENTS: \$ 0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$8,390,591.36

Moved: Hoak

Seconded: Hochul

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

Noes: None

Carried

An update on the Route 5 Athol Springs Shoreline highway protection project, one thing he learned being in government is patience, but right now it looks as though at the end of July the report will be done by the Army Corps of Engineers and we should be ready for construction in the year 2005. We submitted a grant last year for the acquisition of the Foit property and we will be continuing to look for grant funding. Mr. Allen has been looking for different types of funding with regards to FEMA. Town Park Board Launch - this is well under way, the level this year is seven inches below long term and four inches below last year at this time.

Joe Kilian comments that he mentioned a grant for Foits and comments he heard there are arrears in taxes, do they know how much. Councilwoman Kesner responds \$302,000 and the property is worth \$180,000 to \$200,000 and demolition would cost approximately \$65,000. Councilman Quatroche comments that those figures were quoted in a meeting but wants to make sure they are official. He then comments that he has been working with Mr. Kapsiak, Mr. Hutchison and Mr. Allen on this. He asks Mr. Hutchison what it would take for the County to proceed with that. Mr. Hutchison comments that the property is under bankruptcy and therefore nothing is happening, they cannot foreclose. Joe Kilian questions how a grant would help. Councilman Quatroche responds that they could approach bankruptcy court with a grant. We are pursuing all avenues.

Supervisor Hoak comments that we have visitors to area who will be with for two weeks, it is the 40th Anniversary of the Motor Home Association. There are 3,500 motor homes at the Fair Grounds, 1,500 at Ralph Wilson Stadium and the average motor home is worth \$100,000. The estimated revenue they will bring to the Western New York economy is \$10,000,000. They are a great group of people. If you see them say hello and welcome them.

Catherine Rybczynski, Town Clerk, thanks Supervisor Hoak for supporting her office in becoming a passport acceptance agency, this will provide additional revenue for the Town. She was very happy to receive a letter from the New York State Archives that we have been awarded a \$7,100 Historical records grant. Also she wants to remind everyone to attend Burger Fest, because it is run by all the civic groups and we should support them.

Business From the Floor

no comments

XXXIII.

RESOLVED, that the Town Board adjourn to Executive Session at 9:20 p.m. with Legal, Engineering and Finance.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

Catherine Rybczynski, Town Clerk

Correspondence - July 14, 2003

95 - To Supervisor Hoak from the Town Clerks Office, the Monthly Report for June 2003 with receipts totaling \$50,405.23.

96 - To the Town Board from Mark Zimmerman, 1482 North Creek Road, concerned about the proposed new subdivision in Lake View called Treehaven Estates. Stating that this area is the last large tract of natural land left between Route 5 and Old Lakeshore Road and supports an abundance of wild life species, and plant life which adds to the natural beauty of Lake View. Urging the Planning Board to consider this carefully and at the very least require a full State Environmental Quality Review.

97 - To the Town Board from Angela Rados, 9106 Boston State Road, in regards to Hobuck Flatts along 18 mile creek. Commenting that the Town should do everything they can to prevent pollution. The area is full of garbage and is disgusting.

98 - To Cathy Rybczynski, Town Clerk, from Meals on Wheels thanking her for her commitment to deliver Meals on Wheels once a month.

99 - To Supervisor Hoak from Caroline Ahl, Appointments Secretary to the Governor, thanking him for inquiring about positions on the Buffalo Fiscal Stability Authority. Stating that his letter has been forwarded to the Governor's Appointments Office for review.

100 - To the Town Board from Joe Kilian, United Council of Hamburg Taxpayers, stating that an ad placed in the Buffalo Niagara Summerlong Sensation Brochure advertised the Blast on the Beach and failed to mention that it is for Hamburg residents only. Asking that the Town be careful when advertising in the newspaper, radio or TV as this reaches outside of the Hamburg Township area.

101 - To Supervisor Hoak from Vincent Smith, NYS Office of Real Property Services stating that the Town of Hamburg has met the standards set by the State Board of Real Property Services and is eligible for a Maintenance Aid payment based on the 2002 Final Assessment Roll. A State Aid Voucher in the amount of \$46,058.00 has been forwarded to the Office of the State Comptroller for payment.

102 - To Marty Denecke, Director of Recreation, from Patrick Boyle, Secretary of Lake Shore Little League, requesting a waiver of the alcohol ban for their fourth annual end of the season "Family Baseball Day". (prefiled)

103 - To Supervisor Hoak from residents on Morgan Pkwy and Mt. Vernon Blvd. A petition containing 26 signatures requesting that the Town take immediate action to compel Mr. David Peters, 4471 Lake Shore Rd., to correct persistent code violations.

104 - To the Town Board from Eileen Eich, Chairman of the Ravenwood North Review Committee, questioning about the 200,000 sq. ft. distribution center R & P Oakhill, LLC wants to build in Ravenwood North. Stating this kind of business is not allowed in that zone according to the "Restricted Covenants" book drafted in 1992 by Monte Reifler.