

Meeting No. 15
July 14, 1997
Town Board Meeting
S-6100 South Park Avenue
Hamburg, N.Y. 14075

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

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Also Present:	George Danyluk	Town Clerk
	James Spute	Finance Director
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	Drew Reilly	Planning Consultant
	Richard Crandall	Planning Board Chairman
	Kurt Allen	Supervising Building Inspector
	Robert Mars	Receiver of Taxes
	Joseph Coggins	Assist. Police Chief
	Robert Braman	Police Officer
	James Connolly	Highway Superintendent
	Timothy Willard	Assist. Director of Community Development
	Robert Hutchison	Town Assessor
	Kurt Herrmann	Recreation Supervisor

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Hoak announces that the Friends of Cazenovia Manor are working with the State and the Sisters of Charity/Hopeful looking for a potential site for homes for addicted women with children. The three major sites they are looking at are New Beginnings in Buffalo, The Cazenovia Manor on South Legion and the Turning Point in Eden. He then introduces Dennis Sphink, head of the Board of Directors of Cazenovia Manor.

Mr. Sphink gives an overview of the history of the Agency and their intentions in the Town of Hamburg. They have helped people with every addiction that is out there. They propose to take over a parcel of the Sisters of Charity property which amounts to three buildings and two garages. They would operate out of this which is right next to the Hopevale Behavior Modification School. After many discussions they decided this would be a good place for addicted women with children. He explains that he brought with him someone who lives next door to their facility in Eden. The location in Hamburg is not close to any residential areas, it is a 64 acres sub-community. They would have a total of 48 persons (women and children). There is no other facility in the State of New York where mothers can go and receive addiction treatment and bring their children. He then explains the program.

Steve Strnad questions if they are a private enterprise, how many people will be working at the facility.

Mr. Sphink explains that they are private, not for profit, funded through the State and the County. There will be 25 employees.

Supervisor Hoak states that one of the areas of concern, brought up in the past, is security in the neighborhood.

Mr. Sphink explains that all the facilities have 24 hour staff, which includes 5-6 night time staff specifically, registered nurses, practical nurses, and security people. There are alarms on the doors. In Eden, in the last six years, there have been no escapees. Most people who want to leave request to be taken out of the program.

Councilwoman Kesner says that her concern is that spouses will come there and try and take away the children.

Mr. Sphink explains that 80% of the women there are the abusers, because of the chemicals they have ingested. This is not a domestic violence situation and in the past they have not had that problem.

Councilman Cavalcoli questions if this is a behavior modification program that helps them to go off the substance and back into a "normal" lifestyle where they will be responsible for their children and their own lives.

Mr. Sphink says absolutely, what they have done with this program is provided a next level which is called supportive living, which is apartment style living for recovering people who have graduated from this program.

Steve Strnad questions where the people go that walk away from the program.

Mr. Sphink explains that if they walk away they have several choices. First is to be taken to their family, second is to be taken to the Salvation Army or City Mission.

Steve asks if these are Hamburg resident. Mr. Sphink answers that Hamburg residents will be given preference.

Steve asks what their rate of success is. Mr. Sphink replies that with their most recent outcome study 67% of the people go on to a productive lifestyle.

Steve questions what his total operating budget is. Mr. Sphink answers that annually he puts in for \$550,000.

Fred Garcia questions what the security is like during the day. Mr. Sphink replies that they do a bed check in each room. People walking around in the neighborhood is relatively unheard of.

Councilwoman Kesner states that she wants to be sure there will be good security measures in place, not to mention they will be taxing our Police Department.

7:00 p.m. Public Hearing for proposed Local Law #7, 1997 which provides for an amendment to Local Law #3, 1965, Chapter 100, Section 100-5 Redemption; Impoundment Fees.

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 23, 1997, pursuant to the Municipal Home Rule Law, a proposed Local Law #7, 1997; said proposed local law provides for the amendment of Local Law #3, 1965, Chapter 100, Section 100-5 Redemption; Impoundment Fees, and provides substantially as follows:

Section 100-5 Redemption; Impoundment Fees

A. Any dog found to be at large and seized by any dog control officer or peace officer shall be held for the redemption period and may be redeemed by the owner within the time and in the manner prescribed by Section 118 of Article 7 of the Agricultural and Markets Law of the State of New York, provided that the owner pays the following impoundment fees and said owner shows due proof that said dog is duly licensed or that said owner thereupon properly licenses said dog:

(1) Twenty-Five dollars (\$25) for the first day of impoundment of any dog owned by that person, and;

(2) Ten dollars (\$10) for each and every day of impoundment thereafter of any dog owned by that person.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a Public Hearing on the 14th day of July, 1997, at 7:00 p.m. local time, at which time all interested persons may be heard.

Dated: June 23, 1997

George Danyluk
Town Clerk

George Danyluk states that there was no correspondence in reference to this public hearing. However, the reason this was brought up was because they received a letter from Dr. Tillou's Office stating that there are people who are leaving their dogs for too long and taking advantage of the system in that more money was going out than coming in. The new law should eliminate any losses by the Town on impoundment fees.

Councilwoman Hochul thanks George for his leadership on this.

I.

RESOLVED, that the Town Board close the Public Hearing and table it for at least two weeks.

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

Seconded: Quatroche

7:15 p.m. Public Hearing for proposed Local Law #8, 1997, providing for Retirement Incentive for Targeted Town Employees in accordance with Chapter 41 of the Laws of 1997.

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

PUBLIC NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Hamburg, proposed Local Law #8, 1997, providing for Retirement Incentive for Targeted Town Employees in accordance with Chapter 41 of the Laws of 1997.

Pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on said proposed local law in the Town Hall, S-6100 South Park Avenue, Hamburg, New York at 7:15 p.m. (Local time) on July 14, 1997.

The proposed local law provides in substance as follows:

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HAMBURG
PROPOSED LOCAL LAW #8, 1997**

SECTION 1 Eligibility

A) The employee must be at least age 50 on or before December 31, 1997, and otherwise eligible for a service retirement benefit in his/her respective tier, and

B) The employee must be employed as of February 1, 1997 and continue in active service to the first day of the employer's open period.

C) The incentive plan is designed to save 50% in salaries over a two-year period for employees designated by the Town Board as eligible.

SECTION 2 Effective date and open period

An eligible employee must submit in writing an election to retire no later than October 3, 1997 to be eligible for the retirement incentive herein. Such employees must actually retire between October 3, 1997 and December 31, 1997.

SECTION 3 Retirement incentive benefit description

Eligible employees will receive an additional 1/12 of a year service for each year of retirement service credited as of the date of retirement up to a maximum of three years additional retirement credit.

This local law shall take effect immediately.

FURTHER NOTICE IS HEREBY GIVEN that at such hearing all interested parties will be afforded an opportunity to be heard in favor of or in opposition to the proposed local law.

Dated: June 23, 1997

GEORGE DANYLUK
Town Clerk
Town of Hamburg

Supervisor Hoak explains that this is very similar to the Retirement Incentive offered last year. By law they must show a 50% savings over two years. There are approximately 12-15 employees who are eligible for this.

Ron Martin asks how much research has been put into this. From what he understands some of the early retirement incentive programs are not working and are very costly.

Supervisor Hoak explains that with this you must show a 50% costs savings. In the Town's past record this has worked out very well.

Councilman Cavalcoli explains that no one may take advantage of this, but it must at least be in place in order to offer it. Jim Spute responds that the State will not even send the list of eligible employees without this being in place.

II.

RESOLVED, that the Town Board close the Public Hearing.

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

Seconded: Cavalcoli

III.

BE IT RESOLVED, that the Hamburg Town Board enact proposed local law #8, 1997, providing for a Retirement Incentive Program for Town Employees as outlined in the Local Law as followed:

Section 1 Eligibility

A) The employee must be at least age 50 on or before December 31, 1997, and otherwise eligible for a service retirement benefit in his/her respective tier, and

B) The employee must be employed as of February 1, 1997 and continue in active service to the first day of the employer's open period.

C) The incentive program is designed to save 50% in salaries over a two-year period for employees designated by the Town Board as eligible.

Section 2 Effective Date and Open Period

An eligible employee must submit in writing an election to retire no later than October 3, 1997 to be eligible for the retirement incentives herein. Such employees must actually retire between October 3, 1997 and December 31, 1997.

Section 3 Retirement incentive benefit description

Eligible employees will receive an additional 1/12 of a year of service for each year of retirement service credited as of the date of retirement up to a maximum of three years additional retirement credit.

This local law shall take effect immediately.

BE IT FURTHER RESOLVED, that Supervisor Hoak be authorized to sign the Affidavit pursuant to the 1997 Retirement Incentive Program, Chapter 41 of the Laws of 1997.

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

Seconded: Cavalcoli

IX.

RESOLVED, that the Town Board approve the transfer of appropriations, within the 1997 Budget, as follows:

From: Contingency	B1990.419	\$7,229.00
To: Police-Arbitration & Neg.	B3120.477	\$7,229.00

To fund for May Legal Services rendered. Hodgson, Russ, Andrews, Woods & Goodyear.

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

Steve Strnad questions if this is the same as last year and why must they hire out for this.

Supervisor Hoak explains that the Police were not negotiating last year. If the Legal Department were to handle the negotiations there could be a conflict of interest and also they are not trained to do this, the outside legal consultants specialize in this area.

X.

RESOLVED, that proposed Local Law #6 of 1997, concerning the rezoning petition of Benderson, Inc. for the property located at McKinley & Big Tree, to be rezoned from R-2, single Family Residence, attached District to C-2, General Commercial District be removed from the table.

Moved: Cavalcoli Seconded: Quatroche
 Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Quatroche
 Noes: Kesner
 Carried

XI.

WHEREAS, in compliance with the guidelines of 6 NYCRR Part 617 (SEQR) for an unlisted action, the Hamburg Town Board has performed SEQR review of the Benderson Rezoning request, and

WHEREAS, the project will not adversely affect the natural resources of the State and or the health, safety, and welfare of the public, and is consistent with social and economic considerations,

THEREFORE, BE IT RESOLVED, that the Town Board has determined that the project is not anticipated to result in any significant adverse impacts on the environment and that a Negative Declaration is hereby issued based on the following reasons:

1. No substantial adverse impacts on air quality, energy usage, or noise levels is anticipated as a result of this action.
2. During construction, there will be increased dust and minor traffic disruptions, however, these will be felt in small to moderate impacts of limited duration.
3. Due to the nature (previously disturbed) and location of the proposed action, no significant adverse effects on agricultural, archaeological, historic or other natural or cultural resources are expected.
4. Review of the parcel characteristics indicates that this use will not effect any significant wildlife, plant or fish habitats.
5. Effects on transportation were minimized through proper design, shared access to adjoining properties, limits on curb cuts and restrictions on locations.

6. Proper design will mitigate any potential for adverse impacts to erosion, flooding and drainage.
7. Impacts to aesthetics and character of the community were addressed through upscale designs and meeting Town site plan and overlay district requirements.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the Environmental Assessment Form.

Moved: Cavalcoli

Seconded: Hochul

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

Noes: Kesner

Carried

Mr. Garcia questions if they looked at the traffic flow so that no left-hand turns could be made from this site. Councilman Cavalcoli explains that this was reviewed by the Traffic Safety Advisory Board and the State DOT and they feel the plan they came up with is satisfactory.

Jim questions that if this turns out to be a traffic problem can it be changed later. Councilman Cavalcoli responds that the State will be upgrading this area within their five-year plan.

Phil Best questions if a Traffic Study has been done on this.

Drew Reilly responds that the Developers did a traffic study and presented it to the DOT, to the County and to the Town.

Mr. Best asks who performed the Traffic Study. Mr. Reilly responds EMS Traffic Consultants.

XII.

WHEREAS, the petition of Benderson for the rezoning of property located at McKinley & Big Tree from R-2, Single Family Residence, Attached District to C-2, General Commercial Business should be approved for the following reasons:

1. It is in accordance with the concepts of the Master Plan update, which calls for commercial zoning in this area (C-2 zoning to be located in the area of the present C-2 zoning at the Seven Corners).
2. There will be no significant adverse environmental impacts and a Negative Declaration has been made.
3. The rezoning of this small area will square off the C-2 zoning with the area across the street.
4. Site plan designs worked out for this rezoning will bring the entire design into conformance with the requirements of commercial zoning in this area. Improve aesthetics, limits on egress, & landscaped buffers).

NOW, THEREFORE BE IT RESOLVED, that the zoning code of the Town of Hamburg be amended as follows & with the following conditions:

1. The site plan will include the upscale designs (brick exteriors) as presented to the Town Board at the Public Hearing in June.
2. The plan will meet the intent of the Southwestern Blvd. Overlay, with increased parking setbacks and required landscape features.
3. Entrances to the site will be as presented at the Public Hearing and shared means of egress will be provided to adjacent properties.

4. No Automotive uses on the remainder of the site from the Rezoned parcels to the Seven Corners intersection.

To amend Local Law #10 of the year 1986 (Chapter 280) of the Code of the Town of Hamburg entitled "Zoning" to provide for a change in the boundaries of the zoning map whereby the zoning is changed from R-2, Single Family Residence, Attached District to C-2, General Commercial for the following property located on McKinley Parkway as 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 48, 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 feet; 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. (46) to the point of beginning.

Moved: Cavalcoli

Seconded: Hochul

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

Noes: Kesner

Carried

Councilwoman Hochul wants the assurance that the design of the building that will go on this site is based on the Walker Center as discussed at the public hearing.

Tony Battista responds that this is the design that is being submitted to the Planning Board and he will leave a copy of the renderings for the record.

Councilman Quatroche comments that he wants to thank Councilwoman Hochul and Councilman Cavalcoli for all their efforts in seeing that this will be an aesthetically pleasing site and for working so hard on the traffic safety issues.

Ron Martin voices a concern that Benderson Development has vacant buildings all over Hamburg and he should be trying to fill those instead of building a new building that he doesn't have tenants for.

Councilman Quatroche comments that Benderson had every right to put in an oil change or tire center on that corner. The reason this was done was to avoid that. This is a case of give and take between the Developer and the Town.

Tony Battista comments that Sears is their tenant, and they have been patient in waiting for a year now.

Councilman Cavalcoli comments that this will definitely improve the look of that corner and helps with the tax base.

Phil Best questions if the restrictions place on the property are in the form of deed restrictions.

XVII.

RESOLVED, that the Town Board approve the transfer of appropriations within the 1997 Budget as follows:

From: Police Service Contracts	B3120.423	\$1,000.00
To: Jail - Miscellaneous	B3150.451	\$1,000.00

To Balance Account.

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

Seconded: Quatroche

XVIII.

WHEREAS, the Town Building Inspector and the Chief of the Scranton Fire Department have determined that an additional fire hydrant is required, in order to provide improved fire protection on the west side of Camp Road for the proposed new Hamburg Dodge site and for adjacent buildings at 5110 and 5140 Camp Road and,

WHEREAS, the town of Hamburg is responsible for paying a hydrant rental fee to the Erie County Water Authority (ECWA) for the maintenance and repair of hydrants, which is currently \$216.00 per year for each hydrant located within the ECWA direct service areas;

THEREFORE BE IT RESOLVED, that the Town Board approves the installation of one hydrant in front of the Hamburg Dodge site, and agrees to pay the annual fee associated with such,

BE IT FURTHER RESOLVED, that Hamburg Dodge is responsible for the payment of any additional costs associated with this installation, and that a certified copy of this resolution be sent to the Erie County Water Authority.

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

Seconded: Kesner

XIX.

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

Michael J. Biesiada
30 Bedford Avenue
Lackawanna, N.Y. 14218

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

Seconded: Cavalcoli

XX.

RESOLVED, that former National Academy F.B.I. graduates, Det. Sgt. Robert Williams and Det. Michael Sauer be permitted to attend an F.B.I. Conference Overview in Burlington, Ontario July 14th thru July 15, 1997 at no cost to the Town.

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

Seconded: Quatroche

XXI.

BE IT RESOLVED, that the Town of Hamburg Building Board be authorized to advertise for the Site Utility Contractor's Plumber's License examination. The examination is scheduled to be given on Tuesday, August 5, 1997 at 6:30 p.m. local time.

The legal notice advertising the examination will be published in the Front Page and The Sun on July 16, 1997 and July 17, 1997, respectively.

Moved: Hochul

Seconded: Kesner

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

Noes: None

Carried

XXIII.

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

Christopher P. Zak
4591 Southwestern Blvd.
Apt. #1-7
Hamburg, N.Y. 14075

Moved: Kesner

Seconded: Quatroche

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

Noes: None

Carried

XXIV.

WHEREAS, during the construction of the Town's 1996 Waterline Replacement Project within the Wanakah Water District, it was necessary to perform additional work which was not part of the original contract for this project, summarized as follows:

Change Order No. 2 - Relocation of fire hydrant previously installed along Morgan Pkwy. near Mt. Vernon Blvd., due to concerns received from residents regarding the location of the hydrant. This resulted in an increased cost of \$1,000 for the additional labor, equipment, and materials required for this work.

Change Order No. 3 - Removal and replacement of an incompatible pre-existing valve during the interconnection at Morgan Pkwy. and Mt. Vernon Blvd. This resulted in an increased cost of \$1,236 for the additional labor, equipment, and materials required for this work.

WHEREAS, TVGA Engineering and the Town Engineer have reviewed these change order requests, and recommend that they be approved by the Town Board; and

WHEREAS, Change Order No. 4 has been prepared as a final contract close-out change order, adjusting the contract quantities to the actual installed amounts. This has resulted in a final total contract amount of \$332,795.24, which represents an overall decrease of \$12,099.01 in the original contract amount of Triple R Development of WNY, Inc., the contractor for this project; and

WHEREAS, the Town Engineering Dept. and Erie County Water Authority have inspected the completed work and determined it to be acceptable and in accordance with the plans and specifications for this project, and all contract close-out submittal requirements have been complied with,

THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign these change orders, and that the Town Board hereby accepts this contract as complete, and approves the release of final payment (including retention) to Triple R Development, in the amount of \$45,790.27.

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

Phil Best questions what concerns were addressed by the residents as to the location of the hydrant.

Mr. Kapsiak responds that the hydrant had been placed in a fairly vacant area that was used for a football field by children. The parents were concerned that it could be a hazard if they were playing and ran into it.

XXV.

RESOLVED, that the Town Board authorize the Buildings and Grounds Department to transfer \$9,803.87 from TR37 (Trust & Agency) to A7140.303 to fund the purchase of a Tot Lot Playground from Game Time.

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

Steve Strnad questions what the Trust and Agency Account is.

Supervisor Hoak responds that when a new house is built \$600.00 is charged as a Recreation Fee and put into this account. Then it is used for conservation, open greenspace or recreation usage. The term came from NYS Audit and Control.

Steve Strnad questions what playground this will go to. Mr. Connolly responds that this will go to the area where the Little Loop Lakeshore diamonds are. There are hundreds of people there at one time, watching baseball and this will give the little ones a place to play.

In reference to resolution XXVI., Mr. Kapsiak comments that this is an abandonment of paper streets located off Sheldon Rd. Which was requested by Steve Hollis of Hollis Development for his proposed seven lot subdivision off Sheldon Road. In parcel #1 a portion of Penhurst and Pembroke Parkway is being abandoned but they are also providing a realigned paper street in replacement. Parcel #2 is a portion of the Highland Pkwy. paper street that comes into Sheldon where it curves. This will never be needed because Brompton Drive took the place of Highland Pkwy. being necessary in this portion.

XXVII.

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

- | | | | |
|-----------------------|--------------------------------------|----------|--------|
| 1. Cavanaugh, David | B7310(320)
Plgd. Assist. | 07/07/97 | \$5.00 |
| 2. Russell, Megan | “ ” | | \$5.00 |
| 3. Farrell, Jeanne | “ ” | | \$5.00 |
| 4. O’Connell, Michael | A7265(230)
Day Camp | “ | \$7.00 |
| 5. Stahl, Patricia A. | ER7251(225)
Cashier - Golf Course | 07/09/97 | \$5.25 |

Moved: Quatroche

Seconded: Kesner

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

XXVIII.

WHEREAS, bids were opened on July 9, 1997 for the reconstruction and improvement of the Howard Road Curve, with four bids received, summarized as follows:

- | | | |
|-----|---|-------------|
| (1) | Joseph Kelly Blacktop, Inc.
West Seneca, New York | \$61,589.25 |
| (2) | C. Destro Development Co., Inc.
West Seneca, New York | \$74,999.00 |
| (3) | Greenauer Blacktop, Inc.
West Seneca, New York | \$84,850.00 |
| (4) | American Paving & Excavating, Inc.
Clarence Center, New York | \$96,227.00 |

WHEREAS, the bids have been reviewed by Nussbaumer & Clarke, Inc., the Town’s consulting engineer for this project, who determined that Joseph Kelly Blacktop is the lowest qualified and responsible bidder, and that their bid is less than the Engineer’s Estimate for this project (\$78,655), and recommended that the contract be awarded to them,

THEREFORE BE IT RESOLVED, that Joseph Kelly Blacktop is awarded the contract for this project, and that the Town Engineer is to issue the Notice of Award and Notice to Proceed at the appropriate times. Funding for this project is to be through the utilization of Consolidated Highway Improvement Program (CHIPS) funds which are anticipated to be allocated to the Town Highway Department, under Account No. DB-5112.210.

Moved: Quatroche

Seconded: Cavalcoli

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

XXIX.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that W7-6 signage with HANDICAPPED CHILD AREA legend, be erected in the vicinity of 4799 Chapman Parkway, in accordance with the criterion established in the New York State Manual of Traffic Control Devices.

Moved: Hoak

Seconded: Hochul

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

XXX.

WHEREAS, during the construction of the Recreation Center Building (Contract G-6) which is part of the Hamburg Family Recreational Facility Project, the contractor (All State Development, Inc.) has encountered various delays which have been due to circumstances beyond the contractor's control; and

WHEREAS, the contractor has requested an extension of time and additional compensation for increased costs for labor, materials, bonds, and insurance affected by the delays; and

WHEREAS, the length of the time extension and amount of increased costs have been negotiated between the Deputy Town Attorney, Town Engineer, and the contractor's representatives, and a mutually acceptable settlement has been agreed upon as fair and reasonable, and recommended to the Town Board for approval,

THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to sign Change Order No. 1 to Contract G-6 in the amount of \$14,000, with an extension of time for completion until November 15, 1997. This increases All State Development's total contract amount to \$144,000.

BE IT FURTHER RESOLVED, that \$12,000 of this additional amount is to be due and payable to All State Development upon satisfactory completion of the associated items of work, with the remaining \$2,000 to be due and payable within one year following overall contract completion and acceptance by the Town Board.

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

Councilman Quatroche explains that this is part of the Golf Course project and due to the time the Operating Engineers took to complete their portion, this Contractor was not able to go in and finish this work. It was great to have the Operating Engineers, they saved us a lot of money in providing there service.

XXXI.

RESOLVED, that the Town Board approve the recommendation of the Chief of Police in appointing:

TIMOTHY CRAWFORD	CHRISTOPHER P. MONACO
4601 Lakeshore Road	3027 Bender Court
Hamburg, N.Y. 14075	Hamburg, N.Y. 14075

to the two (2) vacant positions of POLICE OFFICER (probationary) with the Town of Hamburg Police Department. Both Mr. Crawford and Mr. Monaco are on the current Erie County Civil Service list for Police Officer established March 14, 1997, Exam No: 062346. Appointment effective August 3, 1997, pending results of physical examinations administered by Erie County; salary: \$17.18 per hour; funds available in B3120.100.

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

Supervisor Hoak announces that these two individuals are local Frontier graduates and he introduces them to the audience.

XXXII.

RESOLVED, that the Town Board authorize the Supervisor to sign Section 6 of the PO-17 Form requesting Erie County Department of Personnel to complete Section 7 for the classification upgrade of a Blue Collar position in the Buildings and Grounds Department.

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

Ron Martin questions what the salary will be.

Councilman Quatroche responds that they have to request to create the position before salaries are discussed. Mr. Spute comments that with the PO-17 you give the County the job description and they give you the title of the job.

Steve Strnad questions why they are creating a new position. Councilman Quatroche explains that it is an upgrade for a present employee. The employee will be upgraded to do more specific skills so that they can save on contracting outside of the Town.

XXXIII.

RESOLVED, that the Town Board approve the Out-of-Town travel request for Two Public Safety Dispatchers (named later depending on availability) to travel to NYS Fire Academy, Montour Falls, N.Y. on September 21 through 26, 1997 to attend the Advanced Public Safety Dispatcher Training course. The estimated cost is \$450.00 and the money is available in account A3020.492. The use of a Town Vehicle is requested.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

XXXIV.

WHEREAS, the dismantling and removal of the Amsdell Park Water Tank has been certified by the Town Engineer as having been satisfactorily completed in accordance with the plans and specifications for this project, and all contract close-out requirements have been complied with,

THEREFORE BE IT RESOLVED, that the Town Board hereby accepts this contract as complete, and approves the release of final payment (including retention) in the amount of \$1,500. The total amount paid under this contract is \$17,200, which is the originally authorized contract amount of Donald J. Braasch Construction, Inc., the contractor for this project.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

XXXV.

RESOLVED, that the Town Board approve permission for the Police Department to advertise for the following vehicle:

One (1), Ford Contour or Chevy Corsica, Demo or Lease Vehicle, 1996 or newer model, with less than 25,000 miles.

Vehicle to be used for Undercover Drug Investigation.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

XXXVI.

RESOLVED, that the Town Board approve the transfer of appropriations for the Finance Department within the 1997 Budget as follows:

From: Contingency Acct.	A1990.419	\$400.00
To: Taxes & Assess. Mun. Prop.	A1950.417	\$400.00

Cloverbank (Back Taxes).

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

XXXVII.

BE IT RESOLVED, that proposed Local Law #5, 1997, providing for an amendment to Local Law #1, 1992, Chapter 191, Article II, entitled "Transient Retail Merchants" be removed from the table,

AND BE IT FURTHER RESOLVED, that Local Law #5, 1997, providing for an amendment to Local Law #1, 1992, Chapter 191, Article II, entitled "Transient Retail Merchants" be adopted 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.

Moved: Hochul

Seconded: Kesner

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

Noes: None

Carried

Phil Best questions if the Exemption for Veterans is something they have to put in.

Councilwoman Hochul explains that this existed in the current law, however they have tightened it up by making them comply with all the new regulations.

XXXVIII.

WHEREAS, the New York State Seaway Trail stretches 454 miles from the international bridge at Massena to its Pennsylvania link near Ripley, New York, connecting 10 counties and 78 municipalities, including the Town of Hamburg, and

WHEREAS, the Seaway Trail has been designated as a “National Scenic Byway”, and

WHEREAS, the benefits of being designated a “National Scenic Byway” includes higher priority on grant awards given to nationally designated routes, increase in tourism which will stimulate local economies and the marketing of the Seaway Trail nationally as a regionally significant and outstanding byway, and

WHEREAS, the Seaway Trail is the only New York State Scenic Byway to seek designation this year, and the application for nomination was unanimously endorsed by the New York State Scenic Byways Advisory Board,

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg apply for membership to the Seaway Trail, Inc, at an annual fee of \$250. Funds are available in Account Number A1010.451.

Moved: Quatroche

Seconded: Hochul

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

Councilman Quatroche comments that he and Councilwoman Hochul have been working diligently on Route 5 to lower speed limits and get money to preserve the character of this area. This will help them to get grant money for the shoreline and also for the roadway.

XXXIX.

RESOLVED, that the Town Board approve the membership of the following into the Scranton Volunteer Fire Company, Inc.:

David Stratton
5660 South Park Ave.
Hamburg, N.Y. 14075

Jason Jabcuga
P.O. Box 247
Athol Springs, N.Y.

Moved: Kesner

Seconded: Cavalcoli

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

XXXX.

WHEREAS, the architect for the Hamburg Recreation Center Building Rehabilitation has recommended providing an accent color on the main steel frames in the rink area as an add change order to the contract of N. Choops Painting, Inc., the prime painting contractor,

NOW THEREFORE BE IT RESOLVED, that an add change order in the amount of \$2,600, for additional painting to provide an accent color on the main steel frames in the rink area, be authorized to the contact of N. Choops Painting, Inc. The adjusted contract sum with the addition of change order #1 is \$20,400 (\$17,800-original contract sum + \$2,600 change order #1 = \$20,400), and

BE IT FURTHER RESOLVED, that funding is available through Bond Resolution adopted by the Town Board, dated May 5, 1997.

Moved: Quatroche

Seconded: Kesner

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

Councilwoman Kesner adds that she encourages the public to join with their neighborhoods on the National Night Out. Lieutenant John Conlon has done an excellent job in the Town and also Trustee George Lee in Blasdell has planned festivities in their firemen's park.

XXXXII.

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

OPERATING FUND:

BATCH #87	\$300,000.00
BATCH #88	\$250,000.00
BATCH #89	\$651,600.09
BATCH #90	\$ 1,640.64
BATCH #91	\$132,000.00
BATCH #92	\$166,300.15
BATCH #93	\$149,462.70 unprocessed
PRTRN #14	\$454,965.60

TOTAL OPERATING FUND DISBURSEMENTS: \$2,105,969.18

TRUST & AGENCY:

BATCH #34	\$ 93,588.35
BATCH #34	\$361,836.52

TOTAL TRUST & AGENCY DISBURSEMENTS: \$ 455,424.87

CAPITAL FUND DISBURSEMENTS:

BATCH #36	\$ 1,375.36
BATCH #37	\$329,000.00

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 330,375.36

PAYROLL:

PR #14	\$422,864.78
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TOTAL PAYROLL DISBURSEMENTS: \$422,864.78

PETTY CASH:

JUNE	\$ 44.33
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TOTAL PETTY CASH: \$ 44.33

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$3,314,678.52

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

Supervisor Hoak comments that resolution XXXXIII. is funding for Bonding for Capital Projects, which is additional bonding added to the bonding of the ice arena. This will be towards drainage, refurbishing, computers and recreation.

Ron Martin questions why they are bonding for this and not putting it in the budget. Supervisor Hoak explains that there is a Capital Budget every year. If they put it in the budget, taxes would have gone up considerably. So, in order to go ahead with capital projects they must bond at a very low interest rate.

Steve Strnad questions why they can't cut \$195,000 out of the budget somewhere, in order to add this in. Supervisor Hoak responds that they try to cut as much as they can out of the budget every year. If you have any suggestions please present it for the next budget.

Jim questions what the time is on the bond. Supervisor Hoak responds five years or less.

Councilman Cavalcoli comments that there are a lot of important projects they are addressing. The Town Engineer has recommended \$250,000 - \$350,000 in drainage projects and they are trying to do a certain amount each year. The various computer equipment is important to get into networking and updating. They have many requests for playgrounds and the improvement at Town Hall is a first step, because the new town hall was turned down, towards making it safe and usable.

George Komenda questions if some of the money will be available to help eliminate the health problem at the south end of Sagamore playground. Councilman Cavalcoli explains that that is under review by Mr. Connolly, but this money is for the Lakeshore area, from the Locksley Park area south to Wanakah Country Club, where there is continuous flooding.

Joe Vagard questions if this is an area where the State will be doing work and are we spending Town money on something the State should take care of.

Superintendent Connolly explains that the State would not do any of this drainage, it is all land that the State is not responsible for.

General Communications

Notice of Claims

#13	Richard R. Smith	04/11/97
#14	Diane M. Doster	04/14/97
#15	Vivian Ritzman	05/09/97
#16	Roger Powell	05/14/97
#17	Jacqueline DeValle	05/21/97
#18	Rose Dlugosz	05/28/97
#19	Norbert Lepsch and Estate of Patricia Lepsch	06/02/97
#20	Ellen Nowadly	06/04/97
#21	Joanne & John Dapolito	06/13/97
#22	Christine Waterman	06/25/97
#23	William V. Ciaravino	07/07/97

TOWN OF HAMBURG
QUARTERLY REPORT OF SETTLED CLAIMS
FROM 04/01/97 TO 06/30/97

CLAIMANT	LOSS DATE	KIND OF LOSS*	DATE SETTLED
Diane Doster	03/97	PD	04/97
Jeanine Ellicott	04/97	PD	04/97
Virginia Hamerski	10/96	GB	06/97

- | | |
|--|-----------------------------------|
| * AB - Auto Bodily Injury | GB - Gen. Liability Bodily Injury |
| AD - Auto Property Damage | GD - Gen. Liability Prop. Damage |
| AN - Auto No Fault | PI - Personal Injury Liability |
| AP - Auto Physical Damage
(Town Property) | RB - Building (Town) |
| PD - Property Damage Only | RC - Contents (Town) |

Correspondence

Letter #92 & #102 regarding naming the new State Forensic Center in Albany after the late Lt. Col. Henry F. Williams who was an outstanding Law Enforcement Officer within our Community.

Letter #105 Supervisor Hoak asks that this be shared with the crew from B & G which commends them for doing an excellent job with the baseball diamonds.

Letter #97 concerning indecent material at various retail establishments, the Supervisor, in working with the Police Department, has referred this to the District Attorney's Office.

Letter #94 Councilman Cavalcoli wants to publicly thank Pat Hermann for her pictures. He also comments that the Natural History Society has been doing a tremendous amount of work, in terms of fundraising, they are running tours daily and hope to put a building on this site in the next 2-3 years.

Letter #99 Councilman Cavalcoli thanks Mr. Kapsiak for attending the meeting with him and thanks Steve Strand for the good questions they asked.

Letters #95, #104, #106 & #107, in reference to the EMS services within the Town of Hamburg, particularly Big Tree Volunteer Fire Dept. Councilwoman Kesner comments that last Wed. She attended a forum at Big Tree Vol. Fire Co. addressing the concerns that the citizens have with their EMS service. She would like the public to be advised that the Town has formed a committee, with representatives from all the volunteer fire companies, addressing this issue. There are 9 Vol. Fire Companies within our town and they are experiencing problems staffing their EMS units because of all the training requirements. Two of them have gone with a paid ambulance service. They are exploring three options now, one is status quo, trying to keep it at a volunteer level, two is to utilize a private ambulance service and three would be to have a Town ambulance service. The bottom line is that all the members of the committee want to see the best level of care in a timely manner.

Steve Strnad comments that he was surprised reading the letter in that the writers are under the impression that the Town wants to do away with the volunteer EMS and that is not true.

Councilwoman Hochul wants to thank Councilwoman Kesner for her leadership on this.

Reports from Board Members and Department Heads

Councilman Cavalcoli congratulates Councilwoman Hochul, Kurt Allen, Mr. Crandall and other members of the Rejuvenation Committee on a well attended fundraiser. He also announces that this week end is the Burger Fest and invites the public to attend.

Jerry Kapsiak, Town Engineer, announces that on the subject of the Woodlawn Beach and the water quality concerns that they are in the process of forming a sanitary sewer district for the Highland Acres area. They have received indications from the State that they should be receiving funding to provide a sewer for Highland Acres. The first step is to form the district. There will be an informational meeting on Wed. July 30th at 7:00 p.m. at the Big Tree Fire Hall on South Park. The proposal will be presented and they will discuss what the funding amounts will be and how much would be the local share.

Councilwoman Kesner asks Assist. Chief Joe Coggins to tell the Street Crime Unit, Officers Tim Brown, Laurie Staley, Joe Kleinfelder and Scott Frasier that they should be very proud of the work that they have done. More than 100 arrests were made in less than a month and most of the people are from out of our Town.

Councilwoman Hochul reports that on July 3rd she attended a meeting with Mr. Ellis, Mr. Kapsiak and the NYS DOT. This was to enlighten them on concerns of the Town Board and residents about Route 5. The results are that they have agreed to do a study on reactivating the signal which is flashing yellow all the time. All DOT studies take 2-4 months. Also they will study a school speed zone in front of St. Mary's Elementary School. They will study a speed reduction of at least 5 mph and a traffic volume study. They will be meeting again on August 7th and hopefully will get some answers back on a quicker timetable than they are accustomed to.

Councilman Quatroche reports that he met with Jerry Kapsiak, Pat Hoak and Dean Messing from the County to look at Army Corps of Engineer money that is available for areas along the shoreline to be improved and enhanced.

Supervisor Hoak announces that Bill Manley, assistant to Dale Volker, is in the audience and welcomes him. He announces that the employee of the month is Shirley Anzalone, his Secretary, and he is very fortunate to have an individual like that in his office. She has a lot of patience dealing with the public. He also reports that today they had six of the largest Towns and four Cities meeting downtown at City Hall, joining him was Councilwoman Hochul and Dick Crandall. At this meeting they discussed how they can bring the region together.

Business from the Floor

Steve Strnad questions the resolution, about the Detectives attending the F.B.I. Conference Overview, at no cost to the Town. He wonders if they are attending on their own time or being paid salary to attend. He also states that there is so much in the news about consolidation in WNY, Buffalo and Erie County. He asks if there is a committee formed to keep an eye into what is happening. Supervisor Hoak comments that they don't want a duplication of committees. The Association of Towns, which consists of Supervisors of local Towns, meet monthly to discuss this subject.

Mr. Crandall comments that, at the meeting at City Hall, everyone from all political parties came together with a total commitment, not to bail anyone out, but to try and address mutual problems.

Joyce Marzullo, Garfield Ave., comments that she wrote correspondence #96 and how will this be addressed. Mr. Kapsiak responds that this has just been referred to the Engineering Dept., Planning and Highway Dept. by the Legal Department and they are in the process of researching it and will make a recommendation to Legal as to whether it can proceed. If it is favorable it will be acted on at the next Town Board meeting. The Legal Department will be in contact with her.

George Komenda wants to thank Jim Connolly for the changes in the Osborne Sagamore playground. Sagamore Osborne wants to request that they spray for mosquitos on the south end in the swamp area.

Ron Martin questions why there is such a difference in the bid amounts on resolution XXVIII. Councilman Quatroche comments that this happens quite often in the bid process. The Engineer estimated the project at \$78,655.00. Nussbaumer & Clarke reviewed the bids and the successful bidder was qualified and met all the specifications. Mr. Kapsiak comments that they spoke to the contractor and he was comfortable with his bid and also the contractor is required to furnish a performance bond which guarantees that they must finish the job as per the plans and specs.

Mr. Garcia asks if they are required to meet prevailing wages within the contract. Mr. Kapsiak responds, yes, with any government funded contract this is required.

Phil Best, Central McKinley Taxpayers Assoc., was notified today that the fence was damaged at the Four Seasons playground by a pool contractor from Gowanda. When he left the site he damaged the fencing. This is referred to Mr. Connolly. The contractor is Glamor Pools and they were working on the adjacent Krautsack property.

Councilwoman Hochul asks Mr. Manley to convey the appreciation of the Town Board to Senator Volker for his help on Route 20 and now with Route 5.

XXXXIV.

RESOLVED, that the Town Board adjourn to Executive Session at 9:35 p.m.

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

George Danyluk, Town Clerk