

IV.

RESOLVED, that the Town Board authorize the Supervisor to sign the memorandum of agreement, between the Town of Hamburg and Local 2478 International Association of Fire Fighters, AFL-CIO-CLC, resolving the Town of Hamburg takeover of the dispatching duties for the Village of Hamburg.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

V.

BE IT RESOLVED, that proposed Local Law #7, 1997, that will amend Local Law #3, 1965, Chapter 100, Section 100-5 Redemption; Impoundment Fees, be removed from the table;

BE IT FURTHER RESOLVED, that the local law be adopted 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 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.

Moved: Hochul

Seconded: Quatroche

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

Noes: None

Carried

VI.

RESOLVED, that the Town Board approve the travel request for William Dash and David Miller to travel to Buffalo on August 5, 1997 to attend the OSHA Inspection Procedures seminar hosted by Compliance Management, Inc. The approximate cost is \$60.00 and the funds are available in accounts A5010.492 and A7140.492. The use of a Town vehicle is requested.

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

VII.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board that R1-1 “STOP” signs be erected at the following locations within the Town of Hamburg:

- 1) on Meadow Lane at the intersection with Best Street
- 2) on Holly Lane at the intersection with Best Street

in accordance with the New York State Manual of Traffic Control Devices.

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

VIII.

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

1. Schifferli, Adam (#2983)	Van Cleaner	06/02/97	\$5.00
2. Bushardt, Kenneth (#3045)	Wheelchair Van Driver	07/07/97	\$6.00
3. Amrozowicz, Scott (#3053)	Fitness Instructor	07/17/97	\$7.25
4. Schmidt, Adeline (#2931)	Resigned	02/21/97	

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

X.

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

From: Office Equipment	A5010.203	\$5,500.00
To: Water	A5132.465	\$5,500.00

To properly classify accounts for the B & G garage now in operation.

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

Seconded: Cavalcoli

XI.

RESOLVED, that the Town Board approve the refund of \$35.00 for a plumbing fee to:

Western New York Plumbing
3125 Walden Avenue
Depew, New York 14043

The plumber is not doing the work at 4723 McKinley Parkway (Permit No. 97-00440).

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

Seconded: Kesner

XII.

RESOLVED, that the Town Board set a Public Hearing for the Henry Woch rezoning petition located at 4882 Southwestern Blvd. From R-2 to C-1 on September 8th, at 7:00 p.m.

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

Seconded: Quatroche

XIII.

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

From: Contingency	B1990.419	\$747.00
To: Police - Arb. & Neg.	B3120.477	\$747.00

To fund for legal expenses incurred from Denall, Vitrano & Assoc., and NYS Public Employment Relations Board.

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

Seconded: Hochul

XIV.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board that W7-5 (playground signage) be erected in the proper locations on Clarice Drive, according to the criterion established in the New York State Manual of Traffic Control Devices.

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

Seconded: Kesner

XV.

WHEREAS, the Town of Hamburg has received a rezoning application from the 9274 Group, Inc., the contract purchaser of property (3 parcels) located at S-5088 Orchard Ave., and

WHEREAS, the applicant has requested that the property be rezoned from R-2 (Single-Family Residence, Attached District) to NC (Neighborhood Commercial General Residence District), and

WHEREAS, the Town Board and Planning Department have reviewed the application with respect to the Town's 2010 Comprehensive Plan (1997 Master Plan Update), adopted June 1997, and

WHEREAS, the Town of Hamburg finds the application wholly not in conformance with the Town's Comprehensive Plan for the following reasons:

1. The Lakeshore Road corridor in the "Planned Unit Development" area of the Plan states that development along this route should take into account the important scenic, architectural, aesthetic, natural, and historical features of this area (i.e. a small-town lakefront community flavor).
2. This area is designated as part of New York State's Seaway Trail and is included in the Natural Scenic By-ways Program.
3. The Plan proposes limitations on building sizes and the importance of the relation to adjacent properties.
4. Consideration must be given to development proposals and their compatibility with surrounding uses, and the predominant land use along Orchard Avenue is residential (much of the existing commercial uses in the area are non-conforming uses).

THEREFORE BE IT RESOLVED, that the Hamburg Town Board in accordance with the Town's newly adopted Comprehensive Plan, will not entertain the applicants rezoning request and directs the Planning Department to return the application to the 9274 Group, Inc.

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

Councilman Cavalcoli comments that after the adoption of the new Master Plan Update the Board has the right to refuse to entertain an application for a rezoning if it is not in conformance with the Master Plan. However they must be able to justify that there are circumstances that prohibit the rezoning from taking place. Therefore by listing the 4 items they are stating the reasons why the rezoning is not in conformance with the Master Plan.

Councilman Quatroche states that the Lakeshore area is an area that they are working very hard to preserve.

Steve Strnad questions what recourse the applicant has in response to this.

Councilman Cavalcoli states that the applicant has one recourse and that is to accept this. The other choice is to bring litigation and say that they contest the Board's decision. If this takes place and the courts reverse the decision, the Town would have to entertain the rezoning. However, they would not have to exceed to the rezoning.

Councilman Hochul states that this is the first real test of the new Master Plan, they are sending out a message with this decision, in that they want to preserve the character of this area.

XVI.

RESOLVED, that the Town Board approve the membership of the following into the Lake Shore Volunteer Fire Co., Inc.:

Lisa Staffeldt
4883 Kennison Pkwy.
Hamburg, N.Y. 14075

Moved: Kesner

Seconded: Quatroche

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

XVII.

BE IT RESOLVED, that Kristen E. Burke, 125 Midshore Drive, be appointed to the position of part-time secretary in the Drug Education Office on a probationary basis at the rate of \$6.00 per hour. The position has been vacant since June 3, 1997 and funds are both budgeted and available in account #4212.100. The effective date is September 2, 1997 coinciding with the start of the 1997-98 school year for Elementary and Middle School classes of the Drug Abuse Resistance Education (D.A.R.E.) School curriculum.

Moved: Hoak

Seconded: Kesner

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

XVIII.

BE IT RESOLVED, upon the recommendation of the Town of Hamburg Traffic Safety Advisory Board, that a W2-3 (RT) signage be erected on Knab Drive prior to High Street and that a W1-1 "ARROW with 15 M.P.H. ADVISORY" be erected on the south side of Best Street near the intersection of South Abbott Road in accordance with the New York State Manual of Traffic Control Devices.

Moved: Hochul

Seconded: Cavalcoli

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

XIX.

WHEREAS, under various statutes and regulations, local governments and/or their officers and employees are from time-to-time required to receive, retain, and/or produce for examination cancelled checks drawn upon the account of said local government; **and**

WHEREAS, Section 99-b of the New York General Municipal Law, as amended by Chapter 140 of the Laws of 1996, now permits local governments, their officers or employees, if so authorized by the governing body of the local government, to receive, retain, and/or produce proper alternative documentation in the form of check images supplied by the payor bank or trust company in lieu of cancelled checks drawn on the accounts of the local government; **and**

WHEREAS, said statute requires that the check images show both sides of each check and shall be considered the equivalent of original cancelled checks for purposes of record-keeping and auditing requirements; **and**

WHEREAS, it is the Town of Hamburg’s understanding that Evans National Bank (“Bank”) has implemented a process whereby check images are produced and supplied to customers which satisfies the requirements of Section 99-b of the New York General Municipal Law; **and**

WHEREAS, the Town of Hamburg wishes to authorize the Evans National Bank and its officers and/or employees to receive, retain, and/or produce such check images in lieu of cancelled checks, as the same is facilitated by the process which has been implemented by the Bank.

NOW, THEREFORE, BE IT RESOLVED:

1. That the officers and/or employees of the Town of Hamburg be and are hereby authorized to receive, retain, and/or produce alternative documentation in the form of check images supplied by the Bank in accordance with the system which has been implemented by said Bank; **and be it further resolved**
2. That this authorization is intended to satisfy the requirements of Section 99-b of the New York General Municipal Law amendment by Chapter 140 of the Laws of 1996; **and be it further resolved**
3. That the Town of Hamburg and/or authorized officers or employees be and hereby are authorized to take any and all further measures necessary to accomplish the intent of the provisions herein.

TOWN OF HAMBURG

Authorized Signature(s) and Title(s)

August 4, 1997

Supervisor

Councilman

Councilman

Councilman

Councilman

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

XX.

WHEREAS, The Town of Hamburg Department of Community Development in conjunction with the Community Development Advisory Committee initiate the review of Community Development Block Grant funds on a yearly basis to determine the most effective use of funding available to the Town; and

WHEREAS, appointments to the Community Development Advisory Committee are made from areas representing the Town of Hamburg, including the Villages of Blasdell and Hamburg; and

WHEREAS, the jurisdictions appoint their representing members to the committee annually or as needed when vacancies arise.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board appoint Cindy Sullivan, 4528 Roundtree Rd., Hamburg, N.Y., to the Community Development Advisory Committee representing the Town of Hamburg. Term shall be effective immediately and shall expire on December 31, 1997.

Moved: Kesner

Seconded: Quatroche

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

Noes: None

Carried

XXI.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board that R2-3 "AREA SPEED LIMIT 30" sign be erected on the south side of Countryside Lane in proximity with the intersection with Abel Road in accordance with the criterion established in the New York State Manual of Traffic Control Devices.

Moved: Hochul

Seconded: Cavalcoli

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

Noes: None

Carried

XXII.

WHEREAS, the Town of Hamburg is committed to decent, safe and sanitary housing for all persons and especially those persons with low or moderate incomes; and

WHEREAS, the Town of Hamburg has recognized the fact that home ownership and home ownership opportunities for persons with low or moderate incomes has and is becoming unobtainable; and

WHEREAS, to further expand the home ownership opportunities for low and moderate income persons, the town has developed its Hometown Housing Program; and

WHEREAS, Omega Homes, Inc., has been designated by the Hamburg Town Board as the developer for the Shannon Heights Hometown Housing Project which will provide home ownership opportunities for low and moderate income persons; and

WHEREAS, the Department of Community Development and Town Attorney's office has reviewed and approved the developers agreement between Omega Homes, Inc. And the Town of Hamburg.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board authorize the Supervisor to sign the developers agreement between the Town of Hamburg and Omega Homes, Inc. Pertaining to the Shannon Heights Hometown Housing Project.

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

XXIII.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that TH-1 “BE A GOOD NEIGHBOR” signs be erected on the following Town highways:

- 1) North side of Sheldon between Lynn Drive and Teachers Lane and the south side of Sheldon in proximity to the intersection with Brompton.
- 2) North side of Lincoln at Scranton and south side of Lincoln at Ontario.

Moved: Hochul

Seconded: Kesner

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

Noes: None

Carried

At this time the next prefiled resolution, concerning replacing an existing deficient watermain along the full length of Fairgrounds Road, is being withdrawn for the second time. Councilman Cavalcoli explains that this is happening because the developer and owner of the property cannot come to an agreement. Until they come to this agreement the resolution cannot be moved. The Town is mandating that they get the 1/3 payment from the developer towards the waterline work. This must be in place in September for budgetary reasons if the work is to be performed next year.

Steve Strnad questions that if they don't come to an agreement will this be delayed past next year.

Councilman Cavalcoli responds that is correct. Unless they can get funding, this project will not proceed if they must burden the taxpayers.

Mr. Kapsiak comments that the Water Authority will proceed with the pump station upgrade and with Scranton Road replacement and that will increase the pressure in the Scranton, Maelou, Quinby area. They will valve off the Fairgrounds Road area so they will not get the increased pressure.

XXIV.

BE IT RESOLVED, upon the recommendation of the Town of Hamburg Traffic Safety Advisory Board, that R1-1 “STOP” sign be erected at the following locations:

- 1) North side of Dorchester at the intersection with Burke Parkway
- 2) South side of Countryside Lane at the intersection with Creekview

in accordance with the New York State Manual of Traffic Control Devices.

Moved: Hochul

Seconded: Quatroche

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

Noes: None

Carried

XXV.

WHEREAS, the architect for the Hamburg Recreation Center Building Rehabilitation has received and reviewed quotations for extra work to the Mollenberg-Betz, Inc., Skating Rink Work Contract, and

WHEREAS, the architect and the Recreation Department are recommending that a change order to the Mollenberg-Betz, Inc., contract be authorized,

NOW THEREFORE BE IT RESOLVED, that an add change order in the amount of \$2,138.00, to include the following items:

- 1. Provide one additional 3'-0" gate in the south board section and relocate the existing gate:

Add \$576.00
 - 2. Provide two, 2'-6" additional gates, one each, at the rear east and west corners of the timers box:

Add \$862.00
 - 3. Provide 8" return refrigeration pipe as described as a substitution in the bid proposal:

Add \$700.00
- TOTAL \$2,138.00**

be authorized, and

BE IT FURTHER RESOLVED, that the architect be authorized to issue said change order designated as Change Order No. 1 in the amount of \$2,138.00 to Mollenberg-Betz, Inc. covering the foregoing items, and

BE IT FURTHER RESOLVED, that funding for Change Order No. 1, be from the 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

XXVI.

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

- 1. Robert Muller Seasonal Laborer 06/16/97 \$5.00

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

XXVII.

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

- 1. Russell, Erin A7265(230) Day Camp Counselor 06/16/97 \$7.15

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

Carried

XXVIII.

WHEREAS, the Town of Hamburg is currently undertaking a sanitary sewer rehabilitation project within the Town Sewer districts which are tributary to the Village of Blasdell wastewater treatment facility; and

WHEREAS, the New York State Department of Environmental Conservation has directed that all remaining flows following completion of the rehabilitation work be conveyed to the Blasdell treatment facility, in order to eliminate wet weather overflows which presently discharge to Rush Creek at the Electric Avenue Pump Station and adversely affect water quality at Woodlawn Beach State Park; and

WHEREAS, it is necessary that monitoring be performed of the flows tributary to the pump station, in order to determine if the Village of Blasdell is able to properly handle and treat the additional flows, and any modifications which may be necessary to the treatment processes for such; and

WHEREAS, Malcolm Pirnie, Inc., the Town's engineering consultant for the sewer rehabilitation project, has submitted a proposal for providing the flow monitoring and analysis services over a four month period, including the purchase of a flow metering system which will be turned over to the Town for continued use after the monitoring period is completed; and

WHEREAS, the Town Engineer has reviewed the proposal and considers it to be acceptable for the services being provided,

THEREFORE BE IT RESOLVED, that Malcolm Pirnie is awarded a contract in this regard, at a total lump sum fee of \$14,855.00, and that the Supervisor is authorized to sign their 7/28/97 proposal letter/agreement in this regard. Payment for 85% of this amount is to be from the previously granted State Clean Water/Clean Air Bond Act funds, with the remaining 15% local share to be charged to the Town sewer districts which are tributary to the Electric Avenue Pump Station.

Moved: Cavalcoli

Seconded: Hochul

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

Noes: None

Carried

Councilman Cavalcoli explains that this will amount to about \$2,100.00 for the residents share.

Mr. Kapsiak comments that after the current sewer rehab work is completed, the State DEC has directed that all flows remaining in the system be directed to the Blasdell plant as opposed to overflowing them to Rush Creek, which effects the Woodlawn Beach situation.

Councilman Cavalcoli wants to clarify that his has nothing to do with the Highland acres situation.

George Komenda asks if they could summarize this in a letter to the Osborne Sagamore Taxpayers Association.

XXIX.

WHEREAS, the furnishing of landscaper plantings for installation by the Town of Hamburg under Contract G-7A of the Hamburg Family Recreational Facility project has been certified by the Town Engineer as having been satisfactorily completed in accordance with the requirements of the plans and specifications for this project, and all contract close-out submittal 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 \$1,587. The total amount paid under this contract is \$15,870.00, which is the originally authorized contract amount of Birch Grove Landscaping & Nursery, Inc., the contractor for this project.

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

Steve Strnad questions what the total cost for this project will be and when it will be completed.

Mr. Kapsiak comments that the cost is 2.25 million which is what they had previously discussed.

Councilman Quatroche comments that this probably will not open for the fall season because they do not want to rush this, they have spent too much time and money to take a chance.

Steve Strnad requests that when the project is completed he would like a complete breakdown of the cost including what was saved by using the operating engineers and the Buildings and Grounds Department.

XXX.

RESOLVED, that the Town Board approve the travel request for Richard R. Krautsack to travel to Cattaraugus County on September 9, 1997 to attend a Roadway and Roadside Drainage Workshop conducted by Cornell Local Roads Program. The estimated cost is \$25.00 and the funds are available in account A5010.492. The use of a town truck is requested.

Moved: Quatroche

Seconded: Cavalcoli

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

Noes: None

Carried

XXXI.

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

OPERATING FUND:

BATCH # 94	\$1,171,000.00
BATCH # 95	\$ 55,824.53
BATCH # 96	\$ 77,227.19
BATCH # 97	\$ 775,000.00
BATCH # 98	\$ 155.67
BATCH # 99	\$ 180,316.21
BATCH #100	\$ 100,000.00
BATCH #101	\$ 543,444 55
PRTRN # 15	\$ 486,699.63

TOTAL OPERATING FUND DISBURSEMENTS: \$3,389,667.78

TRUST & AGENCY

BATCH # 36	\$ 95,596.98
BATCH # 37	\$ 396,217.11
BATCH # 38	\$ 11,986.67

TOTAL TRUST & AGENCY DISBURSEMENTS: \$ 503,800.76

CAPITAL FUND DISBURSEMENTS:

BATCH # 38	\$ 150,000.00
BATCH # 39	\$ 3,859.00
BATCH # 40	\$ 150,000.00

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 303,859.00

PAYROLL:

PR # 15	\$ 452,331.16
---------	---------------

TOTAL PAYROLL DISBURSEMENTS: \$ 452,331.16

PETTY CASH:

JUNE	\$ 44.33
------	----------

TOTAL PETTY CASH: \$ 44.33

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$4,649,703.03

Moved: Hoak

Seconded: Hochul

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

Noes: None

Carried

XXXII.

WHEREAS, a 470 linear feet long sanitary sewer extension is proposed to be installed along Lake Shore Road, immediately south of the Ford Plant, by and at the expense of the property owners that will be receiving service from the sewer extension,

THEREFORE BE IT RESOLVED, that the Town Board, as Commissioners of the Hamburg Master Sewer District (SS-21), approve and execute Fringe Customer Agreements for providing sewer service to the following properties:

SBL No. 159.00-2-5 (Vacant Parcel) Lakeshore Road, Cloverbank Construction, Inc. property owner of record.

SBL No. 159.00-2-6, S-3741 Lakeshore Road, Roy C. Waas property owner of record.

SBL No. 159.00-2-7, S-3747 Lakeshore Road, 24 Karat Solid Gold, Inc. property owner of record.

SBL No. 159.00-2-8, S-3751 Lakeshore Road, Mr. & Mrs. Michael Kobiolka property owner of record.

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

Mr. Kapsiak comments that these properties now have septic systems, which are tributary to a ditch that ultimately goes to Woodlawn Beach, so this will help contribute towards solving some of the Woodlawn Beach problem.

XXXIII.

BE IT RESOLVED, upon the recommendation of the Town of Hamburg Traffic Safety Advisory Board and the Town of Hamburg Police Department that a P1-5 (NO STANDING ANYTIME) signage be erected on THE NORTH AND SOUTH SIDES OF BAYVIEW ROAD between POLLY LANE AND BERKLEY DRIVE IN THE IMMEDIATE VICINITY OF THE FRONTIER CENTRAL SCHOOL DRIVEWAYS in accordance with the criterion in the New York State Manual of Traffic Control Devices.

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

XXXIV.

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

- | | | | |
|------------------|------------------|----------|------------|
| 1. Amy Miller | Seasonal Cleaner | 07/11/97 | \$7.33 |
| 2. John Gerken | Seasonal Laborer | 07/10/97 | Terminated |
| 3. John Taberski | “ ” | 07/18/97 | Terminated |

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

Correspondence

Letter #108 & 109, concerning the golf dome, Supervisor Hoak comments that this did not appear in front of the Town Board, it went to the Planning Department and the Zoning Board of Appeals. However, they are in agreement that the golf dome should be disassembled and this is in court right now for that purpose. Councilman Cavalcoli comments that all the letters concerning the golf dome have been passed on to the Planning Department.

Letter #110 from Adelpia Cable, Supervisor Hoak states that this is good news in that they will be installing state of the art technology throughout the Town.

Letter #111 from Wayne Cole, Bristol Woods, wanting to thank Kurt Allen and Gerry Kapsiak for all their help and cooperation while he was in business. Supervisor Hoak wants them to be recognized and a copy of the letter put in their personnel files.

Letter # 112 from Marcia Seiflein, concerning CPR certification, thanking Ray Pawlowski for all his efforts. Supervisor Hoak states a copy of this should go into his personnel file.

Reports from Town Board Members and Department Heads

Councilwoman Kesner reminds the public that tomorrow night is National Night Out.

Councilwoman Hochul states that they have an upcoming meeting with the State about Route 5, the Rogers Road traffic signal, putting in School Zone signs in front of St. Mary’s and limiting the truck traffic. She spoke to Senator Volkers Office and found out that he has written to the National Registry of Historic Places and has asked for one of the experts from Washington to walk the area. This is just one of many areas they are looking into to preserve this area.

Councilman Quatroche comments that he has been talking to the Army Corps of Engineers and met with the people responsible for Advanced Measures Money. They walked the shoreline from Hoak’s to Woodlawn. This money was to be specifically used for the Mississippi flooding situation. However, they are looking into using this money to build a levy down by Woodlawn to help with the flooding and erosion.

Councilwoman Hochul reports that Tim Ellis, Traffic Safety Coordinator, received a letter from the State DOT denying the Town's request for a traffic signal at the intersection of Camp and Howard Roads. The State agreed to change the existing yield signs to Stop signs at Columbia and Dartmouth at Camp Road. Mr. Ellis reports they also changed the yield sign at Bradley and South Park.

Supervisor Hoak reports that 200 people met to discuss the Highland Acres sewer problem. Mr. Kapsiak provided an excellent presentation where he laid out the cost of the project. They are hoping to get 75-85% of the money funded. They have 35% of the residents signed on to form a sewer district. This is subject to a permissive referendum.

Councilman Cavalcoli comments that in talking to the residents who attended this meeting there was strong interest in going to the Southtowns Treatment Facility rather than going to Blasdell. They will be investigating this.

Mr. Kapsiak reports that he will be meeting with Malcolm Pirnie this Wednesday to discuss this and analyze the cost and different alternatives. One thing that came up at the meeting about going to the Southtowns Site, this was looked at back in 1980 and it was too high to go that way.

George Komenda comments that it was a very good meeting and too bad that more people didn't sign up. He asks if there are more informational booklets. Mr. Kapsiak responds that there are more available in his office.

Steve Strnad questions what percentage must sign up before they can proceed. Mr. Kapsiak responds that they need at least 50% of the assessed value to be in favor of proceeding.

Supervisor Hoak gives an update on the Ice Arena, phase one has been approved and bonded, they will be advertising through the month of August for Phase two which will be awarded in September with the completion to be in October. Also wants to commend the Recreation Department for a successful Dash and Splash. The D.A.R.E. Office also put a lot of work into this. He announces Employee of the Month is Walter Bratek, Building Inspection, they want to publicly thank him for his outstanding work.

George Danyluk announces there was a Bid due at 2:00 p.m. today for a Demo vehicle to be used by undercover detectives. We only received one bid and needs direction from the Town Board on this.

The Board agrees it can be opened with possible action at the next Town Board meeting.

Tim Ellis, Traffic Safety Coordinator, wants to thank the Police Department, especially Lieutenant Lilga for their help on the Bayview Road resolution.

Business From the Floor

Michael Petrus, Tudor Place, wants to state that he represents numerous residents who are opposed to the Theater Complex at the corner of Southwestern and South Park. They realize the Town is not the Lead Agency and they are not anti-development. They feel this is the wrong location for this. At the last Planning Board meeting they saw the Drawings with a proposed road running right through the athletic fields at Frontier Schools, which they consider totally unacceptable. The structure itself is 60 feet high which is unacceptable next to an Elementary School. 6.5 acres of the 22 acre proposed development are hydric soils (i.e. wetlands which can mean drainage problems). There are approximately 1548 parking spaces, and two intersections are dangerous now (South Park and Bayview and South Park and Southwestern). At peak period there could be 1,000 cars per hour going through these intersections, this is totally unacceptable. This is according to the DOT Traffic study. 16.5 to 20 cars per minute coming into these intersections will degrade the intersections from a level B to a level C, respectively to a level D. They have seen nothing in the Traffic Study to show that they will be able to adequately handle these issues concerning traffic. Concerning the Schools, he has heard that the developer is going to bring in a lot of tax dollars, however, he has talked to Cheektowaga Schools and they have 8 truant officers in their hallways they didn't have before Galleria Mall, costing them in excess of \$200,000 dollars a year. There are insurance issues, if a child wanders off the property to go to the pizza parlor or arcade, and gets mugged or worse, who will be responsible for this? The School Board may be held accountable. This area is zoned for 35 foot buildings. Has the Fire Department been questioned as to whether they have the equipment to handle this. Not to mention numerous other problems such as noise, gangs of people hanging around. They feel that

the Town Board, taking this community to the next Century, should have the vision to take that property and exert their influence with the Planning Board to see that it is developed properly.

Councilman Cavalcoli responds that he is liaison to the Planning Board, and he questions if Mr. Petrus has been in discussion with the School Board and attended their meetings. Mr. Petrus responds that tomorrow night is their meeting and he has talked to Gerry Close who says that they are offering to build a Community Center, put in sidewalks and fund athletics. His only comment is get them to put the money down, in a trust account, in advance. But, ultimately they don't think this development is appropriate. Councilman Cavalcoli urges him to take a contingent group of representative taxpayers to the School Board meeting and discuss this. He also states that when it gets to the point of Planning Board review all the Fire Companies that are associated will get plans for their review and will comment on this. At that time they will find out whether or not they have the capacity. This is the reason he has not heard from the Fire Companies, it is not at that stage yet. There is clearly a serious traffic problem, the height is a problem, and there are environmental problems. The Planning Board will declare a positive environmental impact, which means that it will have significant environmental impact. All the problems will have to be addressed and mitigated in order for this project to move forward.

Councilwoman Hochul updates on the Traffic situation stating that the Traffic Safety Advisory Board met last Thursday night. Mr. Ellis, Chairman, about a month ago appointed a sub-committee of individuals to study the traffic for this project and they received the results at that meeting. It was unanimous that this was not a safe or appropriate site, in that there were too many obstacles, with respect to Traffic Safety, to overcome. What they listed in the recommendation to the Planning Board was that there would have to be, at the developers expense, a traffic signal on Southwestern and at Bayview Road. There were also other things listed that will go on record for the Planning Board meeting.

Councilman Quatroche states that he agrees that this is not the appropriate location for this type of facility. Legally they are doing everything they can to make sure it is done in an appropriate manner. They are for responsible development.

Councilman Cavalcoli states that there has been some question as to who is controlling this. There is a private development firm, which is the Cinemark Corporation that wants to put the theater in. Then there is the local developer who owns the property who is working towards this and then there is the School Board who has interest for and against aspects of the project. They must get a commitment from the School Board for or against this project.

Supervisor Hoak comments that a lot of the things he brought up were already being looked into. However, he was unaware of the truancy problem in Cheektowaga. He states that Mr. Petrus should get in contact with his office or any Board Member and they will try and get answers for all of his concerns.

Scott Surowiec, Nottingham Terrace, states that if they impose on the truck traffic down Route 5 they will resort to using Route 20, this should be looked into as part of the Traffic Study. Also, they would appreciate support from the Board in attending the meeting tomorrow night.

Councilwoman Kesner states that she lives in Roundtree and her neighborhood has the same concerns as he presented tonight. She is sure there will be a lot of people from her neighborhood joining him to voice their concerns.

Steve Strnad wants to thank Tim Ellis for taking care of a problem at the old Tops market on Scranton and Camp. Tim Ellis mentions that Kurt Allen worked with him on that as well.

Mr. Garcia is concerned about the footing and foundation at the underpass between Amsdell School and Lakeshore. The kids are walking under that on their way to school and it is deteriorating. Councilman Quatroche states that he will take care of getting in touch with the Railroad on this.

Phil Best questions what the Towns policy is on failed septic systems. Mr. Kapsiak comments that they fall under the jurisdiction of the Erie County Health Department.

XXXV.

RESOLVED, that the Town Board adjourn to Executive Session at 8:45 p.m. to discuss Legal and Personnel matters.

Moved: Hoak

Seconded: Hochul

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

Noes: None

Carried

George Danyluk, Town Clerk