

Meeting No. 12
August 8, 2005
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

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

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

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

The Pledge of Allegiance was recited.

Information on fire exits was provided.

Supervisor Hoak comments that they will have a special presentation this evening. This gentleman has been working with the Town for over thirty years in the Building and Grounds Department where he helped take care of all the recreational sites making them available to our youth. He is retiring and he asks Councilman Quatroche to give his presentation.

Councilman Quatroche comments that one of the things that makes this a great Town, in addition to our residents, is our employees. We have many dedicated employees to this Town and their professions and Mr. Scheffler is an example of that. He was recently presented with the Lawrence R. Martin Parks Management Award from the Niagara Frontier Recreation and Parks Society. This award was honoring him for his work in the Recreation center which is commonly known as the Nike Base. He worked on the maintenance of the ice arena and all the beautiful ball diamonds, soccer fields, Lacrosse fields, BMX racing track, the model airpark and the recreation offices. Through the years he did his work with a sense of pride and, on behalf of the Recreation Department and the Town Board, he presents the award to Mr. Scheffler.

7:00 Public Hearing on the issuance by Newton-Abbott Fire Co., Inc. of a part obligation to finance the construction of a new fire station.

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

NOTICE OF PUBLIC HEARING
TOWN OF HAMBURG, ERIE COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Hamburg, Erie County, New York, will meet at Hamburg Town Hall, 6100 South Park Avenue, in Hamburg, New York, in said Town, on August 8, 2005, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the question of whether an obligation should be issued by Newton-Abbott Fire Co., Inc. (the "Fire Company") in the Town of Hamburg, Erie County, New York (the "Town"), to finance the cost of the construction of a new fire station for use by the Fire Company, including incidental expenses in connection therewith, to be located at S-3926 Abbott Road, in Hamburg, New York. The maximum estimated cost of said acquisition has been determined to be \$2,300,000, for which the issuance of a \$1,800,000 obligation (the "Obligation") of the Fire Company will be authorized by the Fire Company. The Fire Company will be the owner and beneficial user of said property, currently intended for use as a fire station.

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

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

Dated: Hamburg, New York
July 11, 2005

BY ORDER OF THE TOWN BOARD

Supervisor Hoak comments that this is for a new building for the Newton-Abbott Fire Company at a cost of 2.3 million dollars. The Town is not involved in the finances, they are only the vehicle for Newton-Abbott to go out and receive this kind of bonding.

Paul Rudnicki announces that he is the attorney for Newton-Abbott Fire Company, Inc and also present are Tom Partridge, Vice President and Paul Uzar, Chief. The necessity for a new fire station is due to the fact that the present building is over fifty years old. The utility costs are horrendous and it is the type of building that does not lend itself to any type of reconstruction. This is not an obligation to the Town.

Joe Kilian, United Council of Hamburg Taxpayers, questions if the fire district is concurring cost to do this. Mr. Rudnicki responds that they are not increasing their budget. They have put the plan in motion and are able to set the financing with the money that they have at this time.

I.

RESOLVED, that the Town Board close the public hearing at this time.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

At a regular meeting of the Town Board of the Town of Hamburg, Erie County, New York, held at the Hamburg Town Hall, 6100 South Park Avenue, in Hamburg, New York, in said Town, on August 8, 2005, at 7:00 o'clock P.M., Prevailing Time.

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

PRESENT: Councilmember Cavalcoli
Councilmember Hochul
Councilmember Kesner
Councilmember Quatroche

ABSENT:

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

II.

RESOLUTION DATED AUGUST 8, 2005.

RESOLUTION APPROVING THE ISSUANCE BY NEWTON-ABBOTT FIRE CO., INC. OF AN \$1,800,000 OBLIGATION TO FINANCE PART OF THE \$2,300,000 ESTIMATED COST OF THE CONSTRUCTION OF A NEW FIRE STATION, INCLUDING INCIDENTAL EXPENSES IN CONNECTION THEREWITH.

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

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

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

WHEREAS, by resolution dated July 11, 2005, the Town Board called a public hearing on the proposed issuance of the Obligation by said Fire Company, which Obligation shall not constitute indebtedness of said Town, and notice of said hearing was published in The Front Page and The Sun, designated as official newspapers of the Town, on July 13 and 14, 2005;

NOW, THEREFORE, BE IT

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

Section 1. On August 8, 2005 at 7:00 o'clock P.M., Prevailing Time, the Town Board met at the Hamburg Town Hall, 6100 South Park Avenue, in Hamburg, New York, in said Town, and conducted a public hearing on the question of whether an obligation should be issued by the Newton-Abbott Fire Co., Inc. to finance part of the cost of the construction of a new fire station, including incidental expenses in connection therewith, as described in the notice of the aforesaid hearing. The maximum aggregate face amount of the obligation to be issued with respect to such acquisition will not exceed \$1,800,000 (the "Obligation"). The Obligation will not constitute debt of the Town. For the sole purpose of qualifying the interest payable on the Obligation of the Fire Company for exclusion from gross income for federal income tax purposes, as required pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, we do hereby approve the issuance of the Obligation.

Section 2. This resolution shall take effect immediately.

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

Supervisor Hoak	VOTING	AYE
Councilmember Cavalcoli	VOTING	AYE
Councilmember Hochul	VOTING	AYE
Councilmember Kesner	VOTING	AYE
Councilmember Quatroche	VOTING	AYE

The resolution was thereupon declared duly adopted.

* * * *

Councilwoman Kesner comments that she saw the plans and was very impressed. She wishes them the best and anything else they can do to help please feel free to call on the Town Board.

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

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

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on August 8, 2005, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

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

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

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

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

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

Designated Location(s)
of posted notice _____

Date of Posting

official Town Clerk Sign Board
in Town Clerk's Office

July 13, 2005

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on August 8, 2005.

Town Clerk

(CORPORATE
SEAL)

7: 15 Public Hearing on proposed local law #3 for modifications to the Code of the Town of Hamburg.

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

LEGAL NOTICE TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that there has been presented to the Town Board on July 11, 2005, pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law #3, 2005; said local law provides for modifications to the Code of the Town of Hamburg, which are in accordance with recommendations of the Town of Hamburg 2010 Comprehensive Plan. The modifications can be described as follows:

-**AMENDMENT** to the R-A (Residential Agricultural Zoning District), Section 280-17 to allow Home Occupations

-**AMENDMENT** to the R-2 (Single Family Residence – Attached District), Section 280-41 to revise the side yard minimum to ten (10) feet

-**AMENDMENT** to the Cluster Housing and Townhouse Regulations, Section 280-171 to allow clusters in the R-E, Residence Estate Zoning District, and to increase the minimum separation between dwelling units to 15 feet

-**AMENDMENT** to Section 168, which regulates accessory building sizes in residential districts. The changes allow for larger accessory buildings depending on lot sizes

-**AMENDMENT** of Chapter 145, Junk Vehicles

A detailed copy of the proposed modifications will be available, for public review, during regular business hours at the following locations:

HAMBURG TOWN HALL (Town Clerk's Office)
DEPARTMENT
6100 South Park Avenue
Hamburg, New York 14075

HAMBURG PLANNING
6122 South Park Avenue
Hamburg, New York 14075

And may also be found at the Town's website: www.townofhamburgny.com
Click on Legal Notices & Bid

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 August 8, 2005, at 7:15 p.m. (local time), at which time all interested persons may be heard.

Dated: July 11, 2005

Catherine Rybczynski
Town Clerk
Town of Hamburg

There was no correspondence received.

Supervisor Hoak comments that there will be no action taken this evening. This gives residents the opportunity to contact Board members, the Planning Department or Building Inspection with any questions they may have. The next Board meeting will be held on September 12th at which time this could be acted on. He asks if there are any questions or comments.

Drew Reilly, Planning Consultant, comments that he has copies available of all the local law changes. In the Town of Hamburg only one residential district doesn't allow home occupations, this was probably left out by accident, so they added it into the R-A District. Also, another thing that has come up over the last year is that the fire companies have requested that they change the distance between buildings for easier access in case of fire. The R-E District was one that was left out of allowing for cluster development so they included that and they also increased the distance between them. The Zoning Board came to them and said that most people asking for variance requests had to do with the size of accessory buildings, for example garages. So they increased the size allowance dependent on the size of the property. Before it was just a set 750 sq. ft. He then asks Kurt Allen, Supervising Code Enforcement Officer to speak on Junk Vehicles.

VII.

RESOLVED, that the Town Board approve the hiring of personnel for the Justice Court as follows:

1. Wood, Anne Part-Time Clerk Typist 06/28/2005 \$9.98

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

VIII.

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

1. Wheelock, Patricia P/T Seasonal Rec. Attendant 07/18/2005 Terminate
2. Wheelock, Patricia P/T Rec. Attendant 07/18/2005 \$9.26

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

IX.

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

1. Ciaravino, William Part-Time Cleaner 07/20/2005 \$9.39

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

X.

RESOLVED, that the Town Board authorize Robert Brown as designee for James Spute to review and release checks during the summer months due to the reduced Town Board meeting schedule, effective July through September 6, 2005.

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

XI.

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

Teresa Neaverth	Joseph J. Casper IV
4425 Willowlane	3074 Milford Terrace
Hamburg, N.Y. 14075	Hamburg, N.Y. 14075

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

XII.

the thruway and there have been some close calls. She feels it is only right that they warn motorists to be aware of tractors. Councilman Cavalcoli commends her on this, he travels this road quite frequently and has seen many farm vehicles. Councilwoman Kesner thanks Mr. Ellis, Traffic Safety Coordinator, for his help on this.

XXIII.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that TH-1 (BE A GOOD NEIGHBOR...) Signs be erected and maintained by the Building and Grounds Department at the following locations:

Hoover Road: north and south sides at the intersections with Bayview Road and Big Tree Roads

Richmond Avenue: north and south sides at the intersections with Abbott Road and Horton Avenue.

Briercliffe Drive: north and south sides in the vicinity of 5148 and 5249, and

BE IT FURTHER RESOLVED, that W7-6 (modified) HANDICAPPED CHILD AREA signs be erected and maintained by the Building and Grounds Department on NYMUTCD specified locations on **Dover Road** in the vicinity of 5862.

Moved: Hochul

Seconded: Kesner

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

Noes: None

Carried

XXIV.

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

Alfonso A. Annunziata

5398 Lake Avenue

Orchard Park, N.Y. 14127

Moved: Kesner

Seconded: Cavalcoli

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

Noes: None

Carried

Peter Reszka, 3615 Lake Avenue, comments that he was asked to bring a matter to the Town Board by three property owners on Old Lake View Road on their behalf. Mrs. Pat Kelly at 3054 Old Lake View Road and Mr. & Mrs. Stan Jennings at 3062 Old Lake View Road. In May of 2004 they requested that the drainage ditch at their house be replaced with piping. They contacted the proper officials, got a price and as of August 2005 it is still not taken care of. They have written several letters and had no response so they would like the Town Board to look into getting it done. In addition Mr. Casper Mendola at 3053 Old Lake View Road has requested that his drainage ditch be cleaned out. Supervisor Hoak comments that they will follow up on that.

Calvin Calvert, 5934 Camp Road, comments that he would like to meet with the Town Board on the Junk Vehicle law. The way it is written, it pertains to him and his wife and their business. He was taken to court. Councilman Cavalcoli comments that he will be given a chance to voice his opinion on this.

Joy Calvert, 5934 Camp Road, comments that there has been Police involvement and this has been scary for them. She wants some of the wording defined.

Ferd Garcia, Columbia Avenue, comments that he would like to thank Mr. Kapsiak and Councilman Cavalcoli for all the many hours they put into Garbage and Refuse issue. It would have benefitted the whole Town in the long run. It would have eliminated all the trash and garbage that was thrown along the roads. However, instead of looking at the facts the public were intent on believing the published half truths that the losing bidder had submitted. Councilman Cavalcoli thanks him for his comments. This was one of the few opportunities that the Board had been able to try and act in the best interests of the people. But, because of a democracy they had a right to choose to keep things the way they are and that is what they chose. They accept that democratic vote, but the effort that went into that was well spent. This would have helped the public to save money and he thanks him for his comments.

Steve Walters, 5601 Stilwell Road, wants to congratulate the entire Town for coming out to vote on the referendum. Whether you agreed with it or not, the fact that 5,000 people came out in mid July on a single issue vote is tremendous. Secondly, he has a question for the Town Board. Eric Schneider is with him this evening and Eric submitted a Freedom of Information request on Town employees. It took the Town 10 days to reply and he did not receive all the information he requested. Supervisor Hoak questions what type of information was requested. Mr. Walters responds he requested a list of Town employees, their salaries and benefits. He was given no information on the benefit packages. Supervisor Hoak responds that the list of employees and salaries is available in the Budget book but, not the benefits.

Councilwoman Hochul responds that 10% of the eligible voters in the Town of Hamburg voted. He may consider that an outstanding turn-out, she disagrees.

Joe Kilian, United Council, comments that a member in his taxpayer group asked him to comment on the watercraft coming and going at the Town Park. They create a lot of extra traffic and he would like them to stick to one side and allow the bigger crafts to come and go. Councilman Quatroche comments that he thinks it is the gentleman who came to a waterfront revitalization meeting. They are planning to bring that issue up again and will be addressing that in the near future.

XXXVI.

RESOLVED, that the Town Board adjourn to Executive Session at 8:00 p.m. on legal issues.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

Catherine Rybczynski, Town Clerk

Correspondence - August 8, 2005

- 60 - To Supervisor Hoak from the Town Clerk's Office, the monthly report for July 2005 with receipts totaling \$99,845.21.
- 61 - To the Hamburg Town Board from Lake Shore Volunteer Fire Company, Inc. stating that they approved the membership of Teresa Neaverth on June 15, 2005.(pre-filed)
- 62 - To the Hamburg Town Board from Lake Shore Volunteer Fire Company, Inc. stating that they approved the membership of Joseph J. Casper IV on June 15, 2005.(pre-filed)
- 63 - To the Hamburg Town Board from the Lake Shore Volunteer Fire Co., Inc. stating that they want to go on record in support of the capital expense request for a new Fire Dispatch Computer Aided Dispatch System for the 2006 Town Budget.
- 64 - To the Hamburg Town Board from the Woodlawn Volunteer Fire Co.,Inc. stating that they want to go on record in support of the capital expense request for a new Fire Dispatch Computer Aided Dispatch System for the 2006 Town Budget.
- 65 - To the Hamburg Town Board from the Southtowns Hazardous Materials Response Team stating that they want to go on record in support of the capital expense request for a new Fire Dispatch Computer Aided Dispatch System for the 2006 Town Budget.
- 66 - To the Hamburg Town Board from the Blasdell Volunteer Fire Co., Inc. stating that they want to go on record in support of the capital expense request for a new Fire Dispatch Computer Aided Dispatch System for the 2006 Town Budget.
- 67 - To the Hamburg Town Board from the Scranton Volunteer Fire Company, Inc. stating that they want to go on record in support of the capital expense request for a new Fire Dispatch Computer Aided Dispatch System for the 2006 Town Budget.
- 68 - To Catherine Rybczynski, Town Clerk, asking why her name did not appear on the list used for the special election on July 19, 2005.
- 69 - To the Hamburg Town Board from the Newton Abbott Fire Co. Inc. stating that they approved the membership of Alfonso A. Annunziata at their regular monthly meeting. (Pre-filed)
- 70 - To the Hamburg Town Board from Big Tree Volunteer Firemen's Co., Inc. stating that they approved the membership of Robert C. Brown and Jordan J. Lambert. (Prefiled)