

Meeting No. 15
September 8, 2003
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

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
	James Spute	Finance Director
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	James Connolly	Highway Superintendent
	Joseph Coggins	Police Chief
	Robert Hutchison	Town Assessor
	Drew Reilly	Planning Consultant
	Martin Denecke	Director of Recreation
	Kurt Allen	Supervising Building Inspector

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Councilwoman Hochul comments that in her role as Chairperson of the Town Rejuvenation Project it is her honor to seek out and recognize the businesses that have done an outstanding job with their property. We pride ourselves on how Hamburg looks and it often starts with private business people and organizations taking steps to beautify their property. That is what this annual ceremony is about. It is a privilege to recognize the following individuals and their organizations: Mike Webster for Braymiller Builders on Lake Street, they have made a beautiful upgrade to that property, Brian Burns of Buck Motors on the corner of McKinley and Clark Street did a wonderful job of renovating their building, Tim and Isabelle Kowski of Hamburg Honda on Camp Road came to the Hamburg IDA for assistance and did a great job fixing up their property. Our Lady of Perpetual Help in Lake View is a stunning building designed by architect Jake Schneider, the church is represented by Sister Sharon Erickson, the Amvets Post #897 in Blasdell did a wonderful renovation and they are represented by Bill Coffey, Chuck Marcilla and Brian Lewandowski. OSEA on South Park Avenue, Jeanna Coniglio took over a vacant building and did a great job. She asks that the recipients come forward for their awards.

Councilwoman Hochul comments that now she will present the every other month award for Character First recognition. The Character for the summer months was Vigilance which is being aware of your surroundings to insure safety for your community, focus your attention diligently. The recipients are Captain John Conlon for his work with the neighborhood watch and National Night Out in Blasdell and Jim Spute for his work as the Emergency Management Director and Tom Moses for his many years of involvement with the Hamburg Volunteer Fire Company and especially his role in the "Blast on the Beach" coordinating the Police, Fire Police, buses and parking at Rogers Road.

7:00 p.m. Public Hearing for proposed local law #7, 2003 which provides for an amendment to the Zoning Code for property located at 5310 Southwestern Blvd to be rezoned from R-3 to C-1.

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

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on August 4, 2003, pursuant to the Municipal Home Rule Law, a proposed law to be known as proposed local law #7, 2003; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property located at 5310 Southwestern Boulevard. The property is to be rezoned from R-3 (Multi-Family District) to C-1 (Local Retail District) and further 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. 21, Township 9, Range 8 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the northwesterly line of Southwestern Boulevard one hundred (100) feet wide where the same intersects the northerly line of lands of Gerhard Moddick conveyed to him by deed from William Schreiner and wife under date of March 21, 1898 recorded in Erie County Clerk's Office in Liber 854 of Deeds page 20 on March 24, 1898; thence southwesterly along said line of Southwestern Boulevard one hundred forty-five and eighteen hundredths (145.18) feet; thence westerly on a straight line four hundred forty and forty one hundredths (440.41) feet to the westerly line of said lot No. 21 to a point eighty-seven and fifty-five hundredths (87.55) feet southerly from said Moddick's north line measured along the said west line of said Lot No. 21; thence northerly along said west line of said Lot No. 21, eighty-seven and fifty-five hundredths (87.55) feet to said Moddick's north line; thence easterly along said Moddick's north line five hundred fifty-four and eighty hundredths (554.80) feet to said Southwestern Boulevard, the point of beginning, containing one (1) acre of land.

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 September 8, 2003 at 7:00 p.m. (Local time) at which time all interested persons may be heard.

Dated: August 4, 2003

Catherine Rybczynski
Town Clerk
Town of Hamburg

There is one letter of correspondence from the Planning Board forwarding a favorable recommendation to the Town Board from R-3 (Multi-family) to C-1 (Local Retail) as this is an effective use of the property: an existing business is there, and the applicant will be allowed to live on the premises as this is a legal, non-conforming use that is grandfathered.

Drew Reilly, Planning Consultant, gives a presentation using an overhead projector. He shows the property on a map and explains surrounding properties. They approached the Planning Board and asked what they would recommend as a zoning and the Planning Board recommended a C-1 zoning. They didn't want to go as high as a C-2 and felt that the C-1 would be complementary to the area and would act as a transition between the C-2 and the apartment complex. This application has been around for about a year. When Canine Capers opened there, the site had commercial businesses on it for the past 20 years. The applicant moved in and got an approval under an existing non-conforming use transferring to another business. The applicant has been successful in their business and has asked to expand the business at that location. Unfortunately, under a non-conforming use you are limited to 25% expansion. They looked at getting a variance on that 25% and they could not. They looked at the type of rezoning and the different uses that were on the site and after long discussions the recommendation was for a C-1 zoning. With that, the applicant can still have a residence there and so that is where they are today. They did talk to the adjoining property owner and he expressed no problem with this. They have received letters on this but they cannot be entered into correspondence unless they are signed.

Supervisor Hoak comments that no action will be taken this evening with the earliest action to be taken in two weeks giving anyone who might want to contact Board members, or send in correspondence, time to do that. He opens the public hearing for discussion. No comments are made.

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

7:15 p.m. Public Hearing for proposed local law #6, 2003 which provides for an amendment to the Zoning Code for vacant land located on North Creek Road from C-2 to N-C.

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

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on August 4, 2003, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #6, 2003; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for vacant land located on North Creek Road. The property is to be rezoned from C-2 (General Commercial District) to N-C (Neighborhood Commercial District) and further 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 Number 43, Township 9, Range 8 of the Holland Land Company's Survey and more particularly described as follows:

BEGINNING at the point of intersection of the center line of North Creek Road (formerly Lakeview Road) at its intersection with the east line of lands conveyed to Theodore E. Sawdey and Mary, his wife, by deed recorded in the Erie County Clerk's Office in Liber 3767 of deeds at page 62; running thence northerly and along the east line of said Sawdey's lands, 584.79 feet to the southeasterly line of Southwestern Boulevard, said point also being the northeast corner of said Sawdey's land; running thence southwesterly along the southeasterly line of Southwestern Boulevard, 210.51 feet, more or less to a point in the southeasterly line of Southwestern Boulevard at the northeast corner of lands appropriated by the State of New York for highway purposes, being Map Number 54, Parcel Number 58 as shown in Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 6370 of deeds at page 571; running thence southwesterly and along the southeasterly line of Map Number 54, Parcel Number 58 to a point, being the most northerly corner of lands conveyed to Robert W. Falcone and Johanna F., his wife, by deed recorded in the Erie County Clerk's Office Liber 7281 of deeds at page 59; running thence southeasterly and parallel to the center line of North Creek Road, 186.50 feet to a point; running thence southerly and parallel to the easterly line of lands conveyed to Theodore E. Sawdey and Mary, his wife, by deed aforesaid, 223.82 feet to the center line of North Creek Road; running thence southeasterly and along the center line of North Creek Road 109.10 feet to the point or place of beginning.

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 September 8, 2003 at 7:15 p.m. (Local time), at which time all interested persons may be heard.

Dated: August 4, 2003

Catherine Rybczynski
Town Clerk
Town of Hamburg

There is one item of correspondence from the Planning Board forwarding a favorable recommendation to the Town Board to change the zoning for the Hiller property to N-C for a single family dwelling contingent on subdivision approval at a later time.

Drew Reilly, Planning Consultant, gives an overview of the property using an overhead projector. He points out the property explaining surrounding properties. He then explains that, because of the zoning of surrounding properties, they did not want to change the zoning to R-1. They wanted them to be able to build a residential house but leave the area in it's commercial nature so they recommended N-C zoning. This is the only zoning that allows small businesses and also allows single family homes. The property wasn't big enough to allow R-A and they didn't go to R-1 because they didn't want to bring that across the street so they picked the N-C to downsize the commercial and make it more restrictive.

Supervisor Hoak comments that no action will be taken for at least two weeks and he turns it over to Councilman Cavalcoli for comment.

Councilman Cavalcoli comments that after sitting through many Planning Board meetings and looking at this and considering the Lake View area, it is very important that they try and retain whatever commercial parcels that they have and since that corner and intersection is already commercial it is important to not introduce residential at that site. This precipitated the decision to recommend to the applicants that they look at the N-C. They are trying to remain consistent and not change the commercial and residential zoning in the Lake View area.

Councilwoman Hochul questions if there was any thought in looking at the surrounding corner parcels and making them N-C as well. Mr. Reilly comments that he would have to contact the residents in that area. The homes in that area are technically legal non-conforming uses and if they burned down they could not be re-built. Councilwoman Hochul comments that she would like them to contact the people in that area and tell them if they would like to maintain that flavor it is in their interest to downsize the C-2 zoning. Because if one person decides to live there forever in a nice home, their neighbor could put in an oil change and there isn't anything they could do about it. We don't want to see that kind of development in Lake View. So to protect the people that are there they should make the effort to go out there and say this rezoning is happening and the Town would like them to be included to protect them. Drew comments that he will get the addresses of the residents and contact them, they may not even be aware that they are zoned C-2.

Councilman Cavalcoli comments that in the interest of timeliness that they didn't pursue that because they felt that would be the next step. He would make a recommendation to the Planning Board that they look at the whole intersection before they made any strong recommendations to the residents there.

Councilwoman Hochul comments that there are already a lot of accidents there and if that did shift over to commercial it would be a problem area.

Supervisor Hoak opens it up for public comment.

Christine Pietrocario, 2136 N. Creek, questions what the frontage is on North Creek. Drew Reilly comments that there is 109 feet. She then comments that she was under the impression that they needed 200 feet. Drew responds that would be for the R-A zoning.

George Verbanoff, 2097 North Creek Road, comments on problems he has with his property.

Councilman Cavalcoli sums up his complaints commenting that he has a serious complaint about the drainage, he has a concern about the size of the property and whether or not it has a basement and he is also concerned that whatever ditch is in front of other houses is blocked off and so there is not a proper flow and he ends up with a lot of water. He then comments that as part of the public hearing they listen to concerns and then look into those concerns prior to making any decision. He then comments that he will have Mr. Allen from the Building Inspection Department go out and inspect the site, take down all his information and find out what his issues are and bring it back to the Town. If we need to involve Engineering they will do that and then get back to him. Councilman Cavalcoli then comments that if the project is properly designed they may be able to relieve his flooding problems.

Bob Reynolds, 4301 Rushford, questions if there are sanitary sewers in that area or if they have

33. Kiser, Kristina	“	”	Terminate
34. Kloth, Jennifer	“	”	Terminate
35. Kull, Joseph	B7310(320)	08/25/2003	Terminate
36. Kumiega, Renee	“	”	Terminate
37. Kurczewski, Jeff	“	”	Terminate
38. Lantzy, Emily	“	”	Terminate
39. Lardo, Jennifer	“	”	Terminate
40. Larson, Andrea	“	”	Terminate
41. Lederman, Susanne	“	”	Terminate
42. LoVullo, Megan	“	”	Terminate
43. Meyer, Megan	“	”	Terminate
44. Michalek, Jennifer	“	”	Terminate
45. Michalek, Mary Kathleen	“	”	Terminate
46. Motz, Amy	“	”	Terminate
47. Nelson, Gay Lynn	“	”	Terminate
48. Nelson, Shay	“	”	Terminate
49. Newton, Kelly	“	”	Terminate
50. Nicholas, Lisa	“	”	Terminate
51. Orcutt, Kimberly	“	”	Terminate
52. Pasquale, Lori	“	”	Terminate
53. Pasquarella, Michael	“	”	Terminate
54. Poliseno, Jessica	“	”	Terminate
55. Portka, Meghan	“	”	Terminate
56. Prucnal, Kathryn	“	”	Terminate
57. Redmond, Rebecca	“	”	Terminate
58. Rice, Brady	“	”	Terminate
59. Riggs, Jonathan	“	”	Terminate
60. Ryan, James	“	”	Terminate
61. Ryan, Wendy	“	”	Terminate
62. Sabatini, Jeffery	“	”	Terminate
63. Saunders, Katie	“	”	Terminate
64. Schulz, Elizabeth	“	”	Terminate
65. Schulz, Susan	“	”	Terminate
66. Scime, Sara	“	”	Terminate
67. Silverman, Scott	“	”	Terminate
68. Smith, Kevin	“	”	Terminate
69. Smolarek, Kristin	“	”	Terminate
70. Springer, Lindsay	“	”	Terminate
71. Suffoletto, Christopher	“	”	Terminate
72. Szcur, Celia	“	”	Terminate
73. Thiry, Donald	“	”	Terminate
74. Tollar, Kimberly	“	”	Terminate
75. Urban, Jonathan	“	”	Terminate
76. Vacanti, Keara	“	”	Terminate
77. Gallardo, Nicholas	“	”	Terminate
78. Gallardo, Nicholas	“	”	\$7.00 P/T
79. Biellak, Paul	A7265(230)	“	Terminate
80. Biellak, Paul	A7265(230)	“	\$5.85 P/T
	Rec. Attendant		
81. Revezzo, Adam	“	”	Terminate
82. Revezzo, Adam	“	”	\$5.75 P/T
83. Hillery, Brian	“	”	Terminate
84. Shea, Daniel	“	”	\$7.00 Seas. P/T
85. MacNeil, Dylan	B7310(320)	“	Terminate
86. Ede, Eric	A7265(230)	08/25/2003	Terminate
87. Ede, Eric	A7265(230)	“	\$6.50 P/T
	Rec. Attendant		
88. Bates, Edward	B7310(320)	“	Terminate
89. Bates, Edward	A7180(215)	“	\$7.75 P/T
	Rec. Attendant		
90. Gibson, Michael	ER7251(225)	”	Terminate
91. McFeely, Maria	“	”	Terminate
92. Pokigo, Matthew	“	”	Terminate
93. Sigeti, Andrew	“	”	Terminate
94. Waklee, Robert	“	”	Terminate

XXIX.

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

1. Voltz, Cathy	B7310(320)	09/05/2003	\$6.50
2. Williams, Melissa	A7270(238)	09/18/2003	Terminate
3. Williams, Melissa	B7310(320)	09/18/2003	\$7.50
	Rec. Attendant		
4. Giacomini, Matthew	B7310(320)	09/18/2003	Terminate
5. Giacomini, Matthew	B7310(320)	09/18/2003	\$6.00
	Rec. Attendant		
6. Domanowski, Matthew	B7310(320)	09/18/2003	Terminate
7. Haggerty, Ryan	“	”	Terminate
8. Revezzo, Adam	“	”	Terminate
9. Hillery, Brian	“	”	Terminate
10. Bermingham, James	A7180(215)	09/22/2003	Terminate
11. Bermingham, James	A7180(215)	09/22/2003	\$8.75
	Rec. Attendant		
12. Thiry, Donald	B7310(320)	09/08/2003	\$7.35
	Rec. Attendant		

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

XXX.

WHEREAS, in compliance with the guidelines for 6NYCRR Part 617 pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Town of Hamburg has prepared a Full Environmental Assessment Form (EAF) for the construction of an Industrial Access Road between Lake Avenue and Milestrip Road,

THEREFORE BE IT RESOLVED, that the Town Board, as Lead Agency for this Unlisted Action, has determined that the project is not anticipated to result in any significant adverse impacts on the environment, and that a Negative Declaration is therefore issued, based on the following:

- (1) The road is part of an overall plan for creating a highway network which is intended to reduce truck traffic and related congestion in the Woodlawn and Blasdell areas. It will provide a direct route for improving truck access between area industries and the Route 179 Milestrip Expressway.
- (2) Impacts to the area of the project will be minor and only short-term during the construction activities. No substantial adverse changes in existing air quality, water quality, fish and wildlife, solid waste production, traffic patterns, or noise levels are anticipated as a result of this action.
- (3) No significant adverse effects on aesthetics, agricultural, archaeological, historic, or other natural or cultural resources are expected.
- (4) Appropriate sedimentation and erosion control measures will be undertaken during and after construction, in order to prevent soil erosion, loss of embankments, and siltation into area drainage systems and Rush Creek.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to sign the Environmental Assessment Form, which includes the determination of no significant adverse environmental impacts associated with this project, and that three certified copies of this resolution be provided to the Engineering Department for transmittal to the New York State Department of Transportation and the Village of Blasdell.

Moved: Cavalcoli

Seconded: Hoak

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

Noes: None

Carried

XL.

WHEREAS, the Town Board has previously resolved that the County of Erie conduct a traffic engineering study to determine if traffic signal warrants, from the New York State Manual of Uniform Traffic Control Devices, are met at the intersection of Legion Drive/Division Street; and

WHEREAS, the intersection of Legion Drive and Division Street was considered a candidate project for funding qualifications under the Federal Congestion Mitigation Air Quality (CMAQ) Program; and

WHEREAS, a signalized traffic control device at an intersection must be warranted and provide an air quality improvement through delay reduction to qualify for CMAQ funding; and

WHEREAS, the traffic engineering study conducted by the County of Erie revealed that a traffic signal at the intersection of Legion Drive/Division Street is not warranted by existing traffic volumes and increased delay, therefore disqualified any application of CMAQ funding.

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg requests that the County of Erie permit a pedestrian activated signalized control device at the intersection of Legion Drive/Division Street, to be funded on an equal formula between the Town of Hamburg, the Village of Hamburg and the County of Erie through County Legislator Jeanne Chase and maintained by the Town of Hamburg constituting municipal obligation on a County Highway such as Legion Drive. Certified copies of this resolution are to be forwarded to the Village of Hamburg, Erie County Highway Department and Erie County Legislator Jeanne Chase.

Moved: Hochul

Seconded: Unanimous

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

Noes: None

Carried

Councilwoman Hochul comments that this has been going on so long, it started when she had a child in grade school and now she is in High School. It has been a lot of years of dangerous crossings at this intersection. For a number of years they have been delayed because they were hoping for the County to fund this under the CMAQ. When they received word that it was not eligible the option was to do nothing or come up with funding. They had a meeting and decided to share this equally. Given that the County does not fund signals on County Roads, they feel that this is the best option for the safety of not only the kids who cross, but also the buses and parents. They believe that a pedestrian activated signal is the right solution, they want to maintain the flow of traffic on Legion, particularly when they have the reconstruction to line up Legion with Clark Street, they want to make sure there are no delays. There are key times during the day, morning and school dismissal time, that it is critical for kids to cross the street safely. She is working with the County Highway Department and Jeanne Chase to find equipment that is not brand new and the cost will be split three ways.

Joe Kilian asks if there is any way to fund a round-about there. Councilwoman Hochul comments that she is not convinced that a round-about is the safest way to cross. Joe Kilian disagrees. She then comments that she has studied round-abouts and this has not been proposed by the school district and it is also a County Road.

Correspondence

Letter #109 - Supervisor Hoak comments that this is from Elizabeth Breindel who submitted petitions to upgrade a playground and he asks that Mr. Denecke and Mr. Connolly get together to discuss this for the Budget of 2004.

Elizabeth Breindel is present and comments that she is one of many parents in that area that are very concerned about the equipment at that playground. Supervisor Hoak comments that her timing is good and this should be a priority for the 2004 Budget. Councilman Quatroche thanks Elizabeth, 240 signatures is no small feat. Thank you for bringing it forward in this manner. Elizabeth comments that she submitted pictures as well. She comments that Mr. Denecke has been a great help already. Supervisor Hoak comments that the Town has invested hundreds of thousands of dollars in the playgrounds and they get cyclical use. At one time, Osborne - Sagamore was a thriving activity of recreation and then as the kids grew up it wasn't popular anymore. Now we are on a new upswing and it is time to re-invest. Elizabeth comments that the parents need to know what direction they should go in and if the Town needs help with this.

Letter #110 - Supervisor Hoak comments that it is really nice to get a letter like this. It is from Elderwood Senior Care commenting on how wonderful our Senior Van Service is. We are the largest Van service in Erie County and we are very proud of this.

Letter #111 - Supervisor Hoak comments that this is complementing the Town and Community Development Department on their 2002 Program year and this is also nice to hear.

Letter #112 - Supervisor Hoak comments that this is from Victor Tomasulo thanking the Town for erecting a safety fence around the Burke Road playground. This took a while, but special kudos go to Marty Denecke and Jim Connolly for bringing this together. Thanks also to Councilman Quatroche.

Letter #117 - Supervisor Hoak comments that this is from Jim Banko complementing the golf course. Councilman Quatroche commends Mr. Denecke and staff stating that this is the first year that he didn't receive any complaint calls. Mr. Denecke really trained his staff well and he should be commended on that as well.

Letter #118 - Supervisor Hoak comments that this is from John Wicka thanking Councilwoman Kesner and the Town Board for sponsoring the firefighters golf outing. He also mentions the tax credit for volunteer firefighters that Councilwoman Kesner spear-headed which was a pleasure for the entire Board to support. We are so fortunate to have all these volunteers.

Letter 119 - Supervisor Hoak comments this is from the GASB concerning the implementation of their statement and he and Mr. Spute had a Budget meeting on Thursday at the Sheraton with all the other Supervisor's throughout Western New York and we are definitely the only town in the County to complete the GASB Statement and possibly the only Town in the State of New York to complete it. Every asset in the Town had to be accounted for, Mr. Kapsiak and Mr. Connolly were also involved in this, we completed this one year in advance. This is very unusual for them to send out a letter like this stating that they are extremely pleased and impressed on the Town's ability to produce this in such a timely fashion. Great job thanks to Mr. Spute, Mr. Brown and Ms. Dosch.

Late Correspondence

120A - To the Town Board from Nancy & Robert Wood, 5823 Shoreham Dr., bringing to their attention a dangerous situation at the corner of Pinehurst Ct. and Shoreham Dr. concerning a fence and logs adjacent to the fence that are too close to the pavement and in violation to the Town Building Codes. Supervisor Hoak comments that Building Inspection and Highway have been copied on this. He asks that this be looked into. Councilman Quatroche comments that they are continuing to work on this.

Reports From Town Board Members and Department Heads

Councilman Cavalcoli comments that residents of Stilwell and Rogers Road should be made aware that construction will begin on September 15th to deal with the drainage and sewer issues in that area. Mr. Kapsiak sent a letter notifying them of this. He also asked Mr. Kapsiak to give a brief update on the various projects that will be underway shortly.

Mr. Kapsiak comments that the sewer replacement project he mentioned is 3100 feet along Stilwell and about 1100 along Rogers Road which is replacing a defective portion of the sewer system that had resulted in sewer back-ups into peoples basements and problems that they don't like to have. The construction is scheduled to begin on September 15th and be complete by the end of November. We also have the Highland Acres sewer extension and the Big Tree and South Park sewer which has been going on since early July and is scheduled to be completed by mid November. The Engle Drive sewer extension project, the plans and specs were completed and submitted to the State for their review in late July, he talked to them last week and they said they anticipate getting review comments to them soon. Hopefully they can respond to them quickly and get it out to bid. They are shooting for construction before the end of the year, but if it does drag on they will start next spring. They are also doing sewer system studies, at the request of the NYSDEC, they are in the process of performing the studies through flow monitoring, televising, smoke testing, dye testing and manhole inspections to identify the sources of water leakage into the sewer system. This is in accordance with the 5 year plan that the Town has developed, these areas include those which are tributary to the Blasdell Treatment Plant downstream of the Highland Acres area and in the Windom area of the Town.

We also have a sewer extension project planned for the South Park and Bayview Road within the Hamburg Master District, plans and specs for that were completed and submitted for County and State review in March. However, the State DEC is holding up the approval until the downstream sewer study is completed, which is around April of next year. At that time they will go out to bid on that project which will service about 20 homes in that area.

Councilman Cavalcoli comments that the report was helpful to everyone, when you drive down South Park and see all the sewer work going on and other places throughout the Town.

Councilwoman Kesner thanks Mr. Denecke and staff for making the golf outing for the volunteer firefighters a huge success. There were seventeen teams that participated. She also wants to thank her colleagues on the Board, Mr. Connolly, Cathy Rybczynski for contributing for the barbeque afterwards. She is going to call an EMS meeting of the old Town EMS committee along with the EMS captains and chiefs to sit down and assess the delivery of their service. Everything seems to be going along great, they review the reports monthly and there is no problem, it is just that the contract is up every year and she feels it is good business to come together at the table to see if they can strengthen that partnership. They will be calling that meeting in about 2 weeks.

Councilwoman Hochul reports that she would like to invite the public to a meeting on the Wanakah Water Works building in Room 7 on Wednesday. This will be a loose, brainstorming session, and she went looking for creative, positive people who have ideas to work with them and develop. There is a member of the Board of Trustees for the Seaway Trail who lives in Hamburg who is offering his services to them. She is planning a road trip up to Sacketts Harbor to see what they have at the Northern Seaway Trail Visitors Center. The funding is finally in place, construction is starting shortly and we are hoping to have a really special facility starting next summer. Now we need involvement to help us promote our regional assets, they have a lot of ideas and they need to pull this together.

Councilman Quatroche comments that the LWRP will be done at the end of the month and they will be having a Shoreline Revitalization Committee meeting to look at that document and bring it to the Board for final approval. In conjunction with that announcement, Norm Masse has stepped down as the Chairman of the Revitalization Committee and Larry Gobado has taken over that position and he welcomes his leadership on that Board. He has a lot of creative ideas and a lot of energy. Mr. Kapsiak and other town officials have been busy with the County looking at Old Lakeshore Road, there are some problems and dangerous situations and he thanks Mr. Kapsiak for his time. Hopefully the County will be moving very shortly with regard to correcting those immediate problems and in the long term we will need to look at some funding for a permanent solution. Mr. Kapsiak responds that, on Old Lakeshore Road, the County has installed 3700 feet of new guard rail between Truscott Terrace and Lakeview Terrace.

Supervisor Hoak announces that tomorrow is Primary Day. Thursday is remembrance day for 9-11. Rick Adamczak of the Hamburg Sun is moving to Baltimore and he asks for a round of applause and wishes him well. Councilwoman Hochul adds that Rick's advocacy for issue has really helped us, whether it was Route 20 or Route 5, whatever they were working on, his editorial support or his coverage was just great. He not only covered for the community he was part of the community. He always put Hamburg in a positive light. He will be sorely missed.

Catherine Rybczynski, Town Clerk, comments that her office has been selling conservation licenses for the past couple of weeks and she is pleased to say that all the bugs are out of the DECALS system and everything is going along smoothly. August was the first month that we processed passport applications and she is pleased to say that we sold 20 passports which is \$600.00 of brand new revenue coming into the Town.

Mr. Denecke announces that the Hamburg Town Arena will open for ice activities on Monday September 22nd. This year they are forming a partnership with Skate Great Inc. For the Learn to Skate Program, they have highly qualified instructors and will allow them to serve more families. They will celebrate the one year anniversary of our Skate Park on Friday September 19th. All the Skate Boarders, BMX bikers and rollerbladers are welcome to join them for music and refreshments and a demonstration by the phat man skate team.

Mr. Connolly comments on the power outage in the Northeast. He wants to point out, in light of the cooperative effort with the County and State, a few years ago we got funding from Legislator Kuwik that allowed him to go out and retrofit all the Street Lights in the Town so that you could step up to it with a small generator and plug it in. This would allow them to restore service immediately. He never thought we would need it for every light in the Town. We will have to refine this process as to how to handle it, but the Police and Dispatch did a great job as to assigning people from B & G, Highway and the volunteer firemen. He wants to congratulate the Police and Dispatch on how they handled this. Councilwoman Kesner comments that she talked to a couple of the fire chiefs and they really were pleased with that operation and said they didn't know how they would have handled that long time frame of the power outage without that assistance. He also congratulates Rick on his successful career at the Hamburg Sun. He really raised the level of professionalism. He did a great job and he will be missed. Councilman Cavalcoli comments that, during that power outage, he called into emergency dispatch and they were very busy so he stopped in and it was running very smoothly and he drove through the Town and everything was going along great. He drove through other communities and there wasn't the level of efficiency. He was very proud to know that our Town rose to the occasion. He cannot stress enough the importance of our volunteer firefighters, auxiliary police and police officers.

Business From the Floor

Joe Kilian, Coalition of Lakeshore Taxpayers, comments that there is a bush that needs trimming as you pull out of Wilson Farms looking towards Cloverbank. Then, across from Lake Shore Fire Department is property that goes down to the lake, is that Town property. Mr. Allen responds that it is Town property. Joe questions if that is still being looked at as an overlook park. Councilwoman Kesner comments that they are looking at it as a sight. Joe comments that they planted twenty trees there and in another five years you won't be able to see anything. Councilwoman Kesner comments that they are looking at two or three other sights that would have priority over that sight, but if they don't work out then they will look at that. The trees may have been planted for erosion. Then Joe comments that the lease for the play field between Ferndale and Orchard across from the Frontier Administration Building is up this year. Mr. Boehm comments that he will take a look at that. Joe comments that there are 83 homes being put in on Rogers Road, what sewer district will that be put in. Mr. Kapsiak Cavalcoli responds the Hamburg Master Sewer District. Joe comments his last question is how do they plan on funding the proposed waterline on Route 5. Mr. Kapsiak responds through a 20 year bond.

XLI.

RESOLVED, that the Town Board adjourn to Executive Session at 9:05 p.m. with Legal, Finance, Police, Engineering and Highway.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

Catherine Rybczynski, Town Clerk

Correspondence - September 8, 2003

108 - To Supervisor Hoak from the Town Clerk's Office, the Monthly Report for August with receipts totaling \$93,330.34.

109 - To Supervisor Hoak from Elizabeth Breindel, Osborne Heights Parents Club, petitions to improve the quality and safety of the Osborne Playground with 240 signatures (pictures included).

110 - To John Farrell, Director of Senior Services, from Michael Murphy, Elderwood Senior Care, thanking the Town for providing Van service to their elderly residents. The vans are impeccably clean and the drivers are courteous and respectful. This is a unique program and they believe the money is well spent and feel fortunate to have this service available.

111 - To Supervisor Hoak from the US Department of Housing and Urban Development congratulating the Town on the accomplishments of Community Development Departmental objectives during the 2002 Program Year. Also thanking the Town for submitting its CAPER in a timely manner.

112 - To Supervisor Hoak from Victor Tomasulo thanking all the people involved in erecting a safety fence for him and his neighbors on Burke Road. Commending the Town Board and Marty Denecke of the Recreation Department.

113 - To Cathy Rybczynski from Lake View Community Association thanking her for sponsoring their Field Day 5K Race/Family Walk on July 26th.

114 - To Catherine Rybczynski from Adelphia informing the Town of Channel Changes that will occur on September 20th in preparation of new enhancements to their digital offering coming by year end.

115 - To Catherine Rybczynski from William Ferguson, Village of Hamburg, notifying the Town of a public hearing to be held on August 26th for a Special Permit to permit propane storage and distribution at the Hamburg Car Wash, 4266 Clark Street.

116 - To Catherine Rybczynski from Barbara Brennan, Immaculata Academy, thanking her and the Town for cooperation extended to their school in their efforts to have the Immaculata Academy street light banners which are now on display. Thanking Cathy for her leadership and timeliness.

117 - To Marty Denecke, Recreation Department, from Jim Banko, 4542 Deerfield Road, complementing him and his staff on the fine job at the Hamburg Golf Course this year. Also commenting that Christine DiOrio, staff member, was always courteous and had a wonderful sense of humor, thanking her as well.

118 - To Councilwoman Kesner from John Wicka thanking her and the Town Board for sponsoring the firefighter's golf outing on August 25th. All who attended commented on the fund and pleasures of the day. Also thanking the Board for the support on the recent tax credit benefiting volunteer firefighters in the town. This is a testament to the excellent working relationship and respect that the fire departments and board members mutually share.

119 - To Supervisor Hoak from Tom Allen, Governmental Accounting Standards Board, stating that they recently received a copy of the Town of Hamburg comprehensive annual financial report for fiscal year ended December 31, 2002. The Town's early implementation of GASB Statement No. 34, is commendable and is a tribute to the director of finance & administration James Spute; assistant director of finance Robert Brown; accountant Mary Dosch and the auditors Deloitte & Touche, LLP. They were extremely pleased and impressed by the towns' ability to prepare the new financial statements in such a timely fashion.

120 - To the Town Board from Lake Shore Volunteer Fire Co., stating that at their August meeting they approved Dennis Shultz for active membership. (Prefiled)

Late Correspondence

120A - To the Town Board from Nancy & Robert Wood, 5823 Shoreham Dr., bringing to their attention a dangerous situation at the corner of Pinehurst Ct. and Shoreham Dr. concerning a fence and logs adjacent to the fence that are too close to the pavement and in violation of the Town Building Codes.