

Meeting No. 17
September 8, 1997
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:	George Danyluk	Town Clerk
	Richard Boehm	Deputy Town Attorney
	James Spute	Director of Finance
	Gerard Kapsiak	Town Engineer
	Andrew Reilly	Planning Consultant
	Martin Denecke	Ass't. Director of Recreation
	Richard Tripp	Director of Recreation
	Kurt Allen	Supervising Building Inspector
	Thomas Best	Captain of Detectives
	Robert Mars	Receiver of Taxes
	Robert Hutchison	Town Assessor
	Tim Ellis	Traffic Safety Coordinator

Pledge of Allegiance was recited.

Information on Fire Exits was provided.

7:00 p.m. Public Hearing for the adoption of an amendment to said Zoning Code for land located at 4882 Southwestern Blvd.. The property is to be rezoned from R-2 (Single Family Residence, Attached District) to C-1 (Local Retail Business District).

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

PLEASE TAKE NOTICE that there has been presented to the Town Board on August 4, 1997, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #9, 1997; 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 land located at 4882 Southwestern Boulevard. The property is to be rezoned from R-2 (Single Family Residence, Attached District) to C-1 (Local Retail Business District).

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. Fourteen (14), Township nine (9), Range eight (8) of the Holland Land Company Survey, and being further described as follows:

BEGINNING, at a point in the northwesterly line of Southwestern Boulevard, two hundred forty-four and 6/10 (244.6) feet northeasterly from its intersection with the easterly line of lands heretofore conveyed to Aaron Parker by deed recorded in Liber 19 of Deeds at page 139, Erie County Clerk's Office; thence northwesterly at right angles to the last mentioned course, three hundred fifty-seven and 68/100 (357.68) feet to the said easterly line of lands heretofore conveyed to Aaron Parker; thence northerly along the easterly line of lands so conveyed to Aaron Parker, one hundred twenty-one and 20/100 (121.20) feet to a point; which point is two hundred (200) feet southerly from the southwest corner of lands heretofore conveyed to Samuel Saunders by deed recorded in Liber 46 of Deeds, at page 135, Erie County Clerk's Office; thence southeasterly four hundred fifty-nine and 2/10 (459.2) feet to a point in the said northwesterly line of Southwestern Boulevard at a point which is one hundred (100) feet northeasterly from the point of beginning; thence southwesterly one hundred (100) feet along the northwesterly line of Southwestern Boulevard, one hundred (100) feet along the northwesterly line of Southwestern Boulevard, one hundred (100) feet to the point of beginning, containing eight tenths (0.8) acres more or less.

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, 1997 at 7:00 p.m. (Local time), at which time all interested persons may be heard.

Dated: August 4, 1997
GEORGE DANYLUK
Town Clerk
Town of Hamburg

George Danyluk states that there is no correspondence associated with this.

At this time Drew Reilly, Planning Consultant, gives an overview of the property.

Councilwoman Hochul questions what the applicant plans to do with this property.

Drew Reilly explains that the applicant approached them about a year and at that time they asked the applicant to table his request until the Town finished the Master Plan. In the Master Plan this is one of the few areas listed as an other Commercial area. He then describes C-1 zoning, which allows for small retail sales, dry-cleaning establishments, eating or drinking establishments (provided there is no entertainment), Hotels, Motels, Drive-in Banks, Nursery Schools and Day Care establishments.

Mr. Woch, applicant, responds that he hopes to sell the property after it is rezoned. No one is interested in this for residential. He states that he has a petition signed by his neighbors who are in favor of rezoning this entire area.

Councilwoman Hochul states that she is uncomfortable with the fact that this is not being rezoned with a specific business purpose in mind.

Mr. Woch states that the way he understands it the person who purchases the lot would still have to come before the Planning Board for approval.

Councilman Cavalcoli states that it is the Planning Board's intention that, through the Master Plan, this area will eventually be rezoned to commercial.

Supervisor Hoak questions if this falls in line with the Southwestern overlay. Councilman Cavalcoli states that yes this does fit into that.

Councilman Quatroche questions what about the new Hamburg commercial being considered for this. Drew Reilly states that they looked at that but they are trying to use that in areas where the property directly abutted to residential properties. This property is much deeper and allows opportunity for buffering to the residential properties.

Drew Reilly states that reasonable conditions can also be attached to this.

Supervisor Hoak asks that Mr. Woch present the signatures from his neighbors to the Town Clerk so they become public record.

James Burr, 3757 Dogwood, states that he lives directly behind this property and the majority of the residents on Dogwood are against this rezoning. He has a petition signed by these residents containing 40 names. Supervisor Hoak asks him to present the petitions to the Town Clerk for public record. Councilman Quatroche questions if the residents are against any type of commercial, such as offices, or are they more concerned with retail businesses. Mr. Burr responds that he wasn't that specific, at this point in time it is any commercial business.

Eugene Ulatowski, 3761 Dogwood Lane, states that he abuts to the property in question, he works in the capacity of long range planning and has for eighteen years. He has a lot of experience in zoning, ordinances, variances, etc. In his experience most of the zoning ordinances have been established for the benefit of residences. He moved into this area in 1982, based on the fact that it was all residential. He is fearful that the area was built with an infrastructure that is designed for the current zoning of residential. This would put a heavy drain on this infrastructure and then they will be coming to the taxpayer to update this infrastructure.

Blanche Hermann, 3933 Washington Ave, she owns a piece of property along that strip, her mother owns a home there, this spring she went to a local Real Estate Agent to put this property up for sale and was told that she would never be able to sell this while it is listed as residential because of the commercial section across the street. Councilman Quatroche asks how long the other side of the street has been zoned commercial. Drew Reilly responds that he will do research on this.

Eugene Ulatowski questions whether the Town will require a buffer zone. Supervisor Hoak states that in the site plan and review process it would have to be approved by the Planning Board and enforced by the Town. At the Planning Board level this could be made as a condition of the rezoning so that it would go as a deed restriction on the property. He points out the increase in noise and traffic along Southwestern if this is rezoned.

Mr. Woch wants to point out that there is a buffer between the residential properties and his property.

Richard Kiley, 3755 Dogwood, states that he moved here for the residential aspect for his children. Rezoning Southwestern will make this a total commercial strip just like Cheektowaga or Williamsville, with all the added traffic problems.

I.

RESOLVED, that the Town Board table the Public Hearing with no action to be taken for at least two weeks.

Moved: Hoak

Seconded: Cavalcoli

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

II.

RESOLVED, that the Town Board approve the minutes of the following meeting:

August 4, 1997

Town Board Meeting

Moved: Cavalcoli

Seconded: Quatroche

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

III.

BE IT RESOLVED, that Det. Sgt. Thomas Biersbach, who is assigned as the Police Departments Juvenile Officer, be permitted to attend the State of New York Police Juvenile Officers Association 22nd Annual Training Conference at Poughkeepsie, New York from August 25-29th, 1997.

Registration	\$140.00
Lodging and Meals	<u>\$411.00</u>
Total Cost	\$551.00

Money is funded in account B3120.492 and an unmarked Police car is requested for transportation.

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

Seconded: Cavalcoli

IV.

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

James and Janet Buck
86 Madison Avenue
Blasdell, N.Y. 14219

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

Seconded: Cavalcoli

V.

BE IT RESOLVED, upon the recommendation of the Town of Hamburg Traffic Safety Advisory Board, and due to changing traffic conditions in the area, that an R1-1 "STOP" sign be erected on Riggs Street at the intersection with Bayview Road, in accordance with the criterion 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

VI.

BE IT RESOLVED, that the Police Department be permitted to purchase a used 1996 Chevrolet Corsica with less than 25,000 miles, per bid specifications including the trade of a 1990 Crown Victoria with approximately 85,000 miles from West-Herr Ford for \$8,300.00. West-Herr Ford was the lone bid submitted. Money is funded in account B3120.494.

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

Seconded: Hochul

VII.

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

Thomas P. English
3712 Marlowe Avenue
Blasdell, N.Y. 14219

Moved: Kesner

Seconded: Hochul

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

VIII.

RESOLVED, that the Town Board authorize the Supervisor to sign an agreement with Generators Plus, P.O. Box 246, Athol Springs, New York 14010, to maintain the Town Hall’s two emergency power generators. The cost of the maintenance agreement is a total of \$611.00. This is the same as the last agreement. Funds are available in account A1650.423. Agreement takes effect September 1, 1997 and runs to August 31, 1998.

Moved: Hoak

Seconded: Cavalcoli

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

Mr. Garcia asks how many times they come out and service the generators. Supervisor Hoak responds that they will look into this and get back to him.

IX.

RESOLVED, that the Town Board approve the use of ten (10) voting machines to be used by the Local 897 UAW for a Special Election to be held October 16th and 17th with a run-off election, if needed, to be held October 23rd and 24th.

Moved: Hochul

Seconded: Kesner

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

X.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that TH-1 BE A GOOD NEIGHBOR signage be erected on the east and west sides of Appollo Drive at the proper locations.

Moved: Kesner

Seconded: Quatroche

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

XI.

BE IT RESOLVED, that Officer Norbert Schnorr, a member of the Police Departments Emergency Response Team Tactical Unit be permitted to attend the F.B.I. Tactical Sniper School at the Niagara Falls Air Force Base from August 31, 1997 through September 5, 1997. All attendees must be housed at the Niagara Falls Air Force Base at the cost of \$8.00 per night.

Lodging	\$ 48.00
Meals (\$40.00/day x 6)	<u>\$240.00</u>
Total Approximate cost	\$288.00

Money is funded in account B3120.494.

Moved: Hoak

Seconded: Hochul

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

XVI.

RESOLVED, that the Town Board approve the travel request for Robert E. Hutchison, Jr., IAO to travel to the Erie County Fairgrounds, Hamburg, N.Y. on September 18, 1997 to attend a Seminar entitled "Agriculture and Farmland" sponsored by the Erie County Department of Environment and Planning. The approximate cost is \$15.00 and the money is available in account A1355.492 (Seminars).

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

XVII.

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

From:	Contingency Acct.	B1990.419	\$1,000.00
	Contingency Acct.	B1990.419	\$5,177.00
To:	Police - Arbitration & Neg.	B3120.477	\$1,000.00
	" " "	B3120.477	\$5,177.00

\$1,000.00 to cover expense incurred on 5-22-97 for Denall, Vitrano & Assoc. and \$5,177.00 for June 1997 invoice from Hodgson, Russ, Andrews, Woods & Goodyear.

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

Steve Strnad questions what the total amount is that has been taken out of Contingency since January to go to Police Arbitration. Also, how much is the budgeted amount for Arbitration & Negotiation. James Spute responds that he get will him that information.

XVIII.

BE IT RESOLVED, that the Town Engineer's report on the acceptance of the Princeton Square-Phase 2 street lighting installed under Public Improvement Permit No. 500 be received, and that the Supervisor is authorized to sign the report.

BE IT FURTHER RESOLVED, that the Town Board authorize Niagara Mohawk Power Corporation to install one 70 watt high pressure sodium fixture with cable, in accordance with the existing rate tariff, and

BE IT FURTHER RESOLVED, that certified copies of this resolution be provided to Niagara Mohawk and the Engineering Department, and that this resolution becomes effective on the day the report is signed by the Supervisor.

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

XIX.

RESOLVED, that the Town Board approves permission for Daniel Banks, a student at West Seneca West High School, in the BOCES Program, to do Internship in the Police Department, at no cost to the Town.

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

XX.

BE IT RESOLVED, that the Hamburg Snowmobile Club be authorized to traverse Electric Avenue Playground and the dedicated recreation land commonly referred to as “Sixty-Five Acres” between 11/1/97 and 04/1/98 as part of their trail system. Permission granted upon meeting the Town insurance requirements.

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

Councilman Cavalcoli requests that Superintendent Connolly should also review this before permission is granted.

XXI.

BE IT RESOLVED, that the Town of Hamburg enter into a Contract of Sale with William & Patricia Janik, for the purchase of 97 Evans Street, for a sum of \$200,000.

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the contract on behalf of the Town and that this resolution is subject to permissive referendum.

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

Steve Strnad questions the size of the lot and what the assessment is. Supervisor Hoak explains that this is the old Highway Department Garage on Evans Street. The Highway Department has been relocated out to Lakeview Road. The money from the sale of this property is intended to go into replacing the gas docks and locating them on Lakeview Road and/or putting an overhead crane in the Highway or B & G garage. The assessment was for \$206,000. This was the highest of three bids and the owners are not looking for a tax abatement. Mr. Hutchison, Town Assessor states that he reviewed the property and valued it at \$195,000.

Mr. Garcia asks what the use of the building will be. Mr. Boehm responds that they own a paving company and will be storing their trucks there.

XXII.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that P1-1 NO PARKING ANYTIME signage be erected on the north and south sides of Commerce Place.

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

XXIII.

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

1. Michelsen, Laura	B7310(320)	07/01/97	Terminate
2. Motz, Lisa	“	”	Terminate
3. O’Shei, Tim	B7310(320)	08/14/97	\$6.00
	Rover/Youth Center		
4. Michelson, Laura	B7310(320)	09/08/97	\$7.25
	Town Tot Supervisor		
5. Motz, Lisa	B7310(320)	09/08/97	\$7.50
	Town Tot Supervisor		

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

XXIV.

RESOLVED, that the Town Board approve the Out-of-Town travel request for D.A.R.E. Police Officers, Joseph Muldowney and Bruce Reid, to travel to Binghamton, N.Y. on September 7th & 8, 1997 to attend a summer conference sponsored by the New York State D.A.R.E. Officers Association. The cost is \$250.00 and the money is available in account A4212.476 - Training.

Moved: Hoak

Seconded: Cavalcoli

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

XXV.

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

1.	Bastedo, Michael	Seasonal Laborer	08/04/97	Termination
2.	LaRosa, Nick	“ ”	08/04/97	Termination
3.	McLaughlin, Sean	“ ”	08/06/97	Termination
4.	Commerford, Robert	“ ”	08/15/97	Termination
5.	Fathey, Nicholas	“ ”	08/19/97	Termination
6.	Huss, Kenneth	“ ”	08/15/97	Termination
7.	Lafferty, Sean	“ ”	08/15/97	Termination
8.	Nicosia, Chris	“ ”	08/15/97	Termination
9.	Platt, Jeff	“ ”	08/15/97	Termination
10.	Cieslica, Russell	“ ”	08/22/97	Termination
11.	Delmonte, John	“ ”	08/29/97	Termination
12.	Favata, Chris	“ ”	08/29/97	Termination
13.	Gates, Brian	“ ”	08/29/97	Termination
14.	Kaminski, Keith	“ ”	08/19/97	Termination
15.	Klein, Donald	“ ”	08/27/97	Termination
16.	Leavelle, Leroy	“ ”	08/29/97	Termination
17.	Machulsky, William	“ Guard	09/02/97	Termination
18.	Nueman, Steven	“ Laborer	08/20/97	Termination
19.	Parker, Jeff	“ ”	08/29/97	Termination
20.	Quinn, Ryan	“ ”	08/31/97	Termination
21.	Scharlock, Mark	“ ”	08/27/97	Termination
22.	Scott, Brendan	“ ”	08/13/97	Termination
23.	Suffoletto, Peter	“ ”	08/29/97	Termination
24.	Surdyk, Mike	“ ”	08/28/97	Termination
25.	Thompson, Bill	“ ”	08/26/97	Termination
26.	Ziobro, Scott	“ ”	08/22/97	Termination
27.	Puleo, Sheri	Seasonal Clerk Typist	08/29/97	Termination

Moved: Quatroche

Seconded: Cavalcoli

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

XXVI.

BE IT RESOLVED, that the report on the acceptance of the street lighting for BERKLEY SQUARE SUBDIVISION PART 6 installed under Public Improvement Permit Nos. 510 and 567, and for BERKLEY PLACE APARTMENTS installed under Public Improvement Permit No. 555 be received, and that the Supervisor is authorized to sign the report,

BE IT FURTHER RESOLVED, that the Town Board authorize New York State Electric & Gas (NYSEG) to connect one (1) 70-watt high pressure sodium luminary on Berkley Place, three (3) 70-watt high pressure sodium luminaries on Tisbury Lane, two (2) 70-watt high pressure sodium luminaries on Middleham Park, and three (3) 70-watt high pressure sodium luminaries on Chatham Drive, in accordance with Rate 2 of the P.S.C. Tariff. In that the poles and fixtures are of a non-standard decorative type, any repairs or maintenance that the Town or NYSEG may require for the poles and fixtures have been agreed to be paid for by the Berkley Square Homeowners Association. Should the Homeowners Association not act in a proper and timely manner, the Town may remove or replace any affected street lighting equipment with a standard type installation, at its discretion,

BE IT FURTHER RESOLVED, that certified copies of this resolution be provided to NYSEG and the Engineering Department, and that this resolution becomes effective on the day the report is signed by the Supervisor.

Moved: Hochul

Seconded: Quatroche

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

Noes: None

Carried

XXVII.

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

From: Contingency Account	B1990.419	\$725.00
To: Planning Board - Consulting Fees	B8020.456	\$725.00

For Professional Services rendered from Wendel Engineering regarding Zoning Amendments.

Moved: Hoak

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli,

Noes:

XXVIII.

WHEREAS, in order to alleviate existing low water pressures and fire flows in portions of the Central Hamburg Water District, the Erie County Water Authority has agreed to install a higher capacity pumping system in their pump station on Southwestern Blvd. near Camp Road, provided that various water system improvements are made by the Town of Hamburg so that the system will be able to properly handle the increased flows and pressures; and

WHEREAS, part of the required improvements involve the replacement of the existing deficient watermain along the full length of Fairgrounds Road, at a total estimated construction cost of \$243,940; and

WHEREAS, the Richwood Acres Subdivision is currently proposed to be developed in areas which are located adjacent to part of Fairgrounds Road, and the Erie County Water Authority will not approve the development unless the required water system improvements are undertaken; and

WHEREAS, discussions have been held between the developer (A & D Enterprise Partnership) and the Town of Hamburg relative to sharing the costs of the required improvements along Fairgrounds Road, which have resulted in a proposed agreement whereby the developer will install part of the improvements valued at \$63,500, and contribute \$17,000 in funds toward a portion of the work to be undertaken by the Town. This results in a total developer share of \$80,500, which represents 33% of the total estimated construction cost, with the remainder to be paid by the Central Hamburg Water District,

THEREFORE BE IT RESOLVED, that the Town Board approves the proposed agreement, and that the Supervisor is authorized to sign the agreement on behalf of the Town of Hamburg and the Central Hamburg Water District.

Moved: Cavalcoli

Seconded: Kesner

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

Noes: None

Carried

Councilman Cavalcoli explains that this has been in the works for many months, this area has had a lot of water pressure problems and this is one of the ways the County has agreed to alleviate that problem. However, it requires a change and repair in waterlines in that area.

Steve Strnad comments that he heard that the developer may be backing out on this.

Councilman Cavalcoli responds that there has been a change in the developer. The developer contracted to do the work is now A & D Enterprise partnership, the old developer was not able to meet the contract.

Steve Strnad states that the taxpayers are concerned that once the Scranton line is replaced and full pressure will be going down the laterals and the side road lines will be bursting. Are there any figures on replacing those lines. Mr. Kapsiak responds that the only thing proposed for replacement is Scranton Road. If additional work is required because of breakage along the side streets they will have to look into including that in future work.

XXIX.

RESOLVED, that the Town Board grant permission to the Hoover Beach Ladies Auxiliary to hold its' 3rd annual Hoover Beach Community Fall Bonfire and Potluck on September 27, 1997 at the park areas on Hoover Beach. An alcohol waiver is also requested.

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

Mr. Kapsiak explains that about 2/3 of the Shannon Heights Subdivision isn't currently in a Sanitary Sewer District, that is why this action is being taken.

XXXI.

WHEREAS, as part of the construction of the new docks at the Hamburg Town Boat Launch, the Town requested that the contractor paint the 12 pipe piles installed as part of the project. In that this work was not included in the original contract, it resulted in an increased cost of \$675 for the additional labor and materials necessary; and

WHEREAS, the Town Engineer has reviewed this change order and recommended that it be approved by the Town Board; and

WHEREAS, the overall project has been completed and the contract quantities have been adjusted to the actual installed amounts, resulting in a final contract amount (including change orders) of \$58,916, which represents a decrease of \$4,984 in the original contract amount of Kirst Construction, Inc., the contractor for this project; and

WHEREAS, the Town Engineering Department inspected the work during construction and has determined it to have been acceptably performed and completed in accordance with the plans and specifications for the project, and all contract close-out submittal requirements have been complied with,

THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign the above change order, and that the Town Board hereby accepts this contract as complete, and approves the release of final payment to Kirst Construction, in the amount of \$58,916.

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

Councilman Quatroche comments that this project completes the boat docks down at Hamburg Beach. They are planning on putting in some extensions on the side to make it easier for people to get into their boats. This project did come in under cost. Thanks Councilwoman Kesner for her Christening of the dock.

Councilwoman Hochul applauds Councilman Quatroche on seeing this project through to its completion and for coming in under cost.

Phil Best questions how many bids were received on the docks. Councilman Quatroche states that three bids were received. Mr. Best asks how many bids were received for the painting portion. Councilman Quatroche explains that they received one bid for the painting, but with the project already under cost they felt that it should be completed.

XXXII.

RESOLVED, that the Town Board approve the permanent appointment of SHARON POTTER to SENIOR ACCOUNT CLERK, a non-competitive promotion, in the Buildings and Grounds Department. Erie County Department of Personnel has approved her appointment based on Rule 52.7 of the New York State Civil Service Law and her appearing on Erie County Examination #62-202, Senior Account Clerk. Salary \$15.12 hourly per CSEA White Collar contract; funds available in A7140.100.

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

Phil Best questions if this is a new position. Councilman Quatroche states that this is a promotion. Mr. Best questions if they consolidated Highway and Buildings and Grounds and if it is necessary to have two Senior Account Clerks. Supervisor Hoak explains that the consolidation was at the top level. You cannot eliminate the everyday workers who do the daily routine, you can have one person Supervising them. Mr. Best questions if you need two individuals doing accounting. Supervisor Hoak explains for these separate Departments yes. Councilman Cavalcoli explains that there is a misconception, they didn't consolidate the two Departments. There are two separate departments and they run separately but they are managed by one person now instead of two people.

XXXIII.

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

OPERATING FUND:

BATCH # 102	\$ 1,500.00
BATCH # 103	\$ 39,119.75
BATCH # 104	\$100,000.00
BATCH # 105	\$109,642.95
BATCH # 106	\$800,000.00
BATCH # 107	\$513,375.00
BATCH # 108	\$ 45,827.54
BATCH # 109	\$600,000.00
BATCH # 110	\$147,909.76
BATCH # 111	\$301,785.55
BATCH # 112	\$386,000.00
BATCH # 113	\$ 22,516.99
BATCH # 114	\$275,000.00
BATCH # 115	\$235,847.59
PTRN # 16	\$487,100.63
PTRN # 17	\$473,169.19
PTRN # 18	\$439,977.20

TOTAL OPERATING FUND DISBURSEMENTS: \$4,978,772.15

TRUST & AGENCY:

BATCH # 39	\$ 84,002.06
BATCH # 40	\$396,212.94
BATCH # 41	\$ 84,271.97
BATCH # 42	\$384,288.96
BATCH # 43	\$ 11,960.22
BATCH # 44	\$ 80,348.45
BATCH # 45	\$349,266.85

TOTAL TRUST & AGENCY DISBURSEMENTS: \$1,390,351.45

CAPITAL FUND DISBURSEMENTS:

BATCH # 41	\$ 52,897.65
BATCH # 42	\$ 280,000.00
BATCH # 43	\$1,315,000.00
BATCH # 44	\$ 19,882.86
BATCH # 45	\$ 120,000.00

TOTAL CAPITAL FUND DISBURSEMENTS: \$1,787,780.51

PAYROLL:

PR # 16	\$452,788.57
PR # 17	\$439,957.57
PR # 18	\$409,042.81

TOTAL PAYROLL DISBURSEMENTS: \$1,301,789.17

PETTY CASH:

AUG.	\$ 142.06
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TOTAL PETTY CASH: \$ 142.06

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$9,458,835.34

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

Correspondence

Letter #118 Supervisor Hoak asks that a copy of this be put in Detective Koch's personnel file.

Letter #130 Supervisor Hoak wants to thank Rosemary McMannus for her efforts at Hopevale during the United Way Day of Caring.

Letter #129 residents of Highland Acres Sewer District requesting that their sewers go to the Southtowns Sewer Facility and not Blasdell. Supervisor Hoak gives an update that petitions have been signed and they are up to 42.5% of the assessed valuation. They can state that at this time, studies have come out that it is very competitive as far as cost. Hopefully within the next few weeks they will have a decision. No commitment has been made at this time. Mr. Kapsiak comments that they reviewed the list of names on the petition, on tonight's agenda, and there are another 20% on it who have not signed the original petitions. He then states that he just received the application material for the Bond Act Grants and attended a work shop that the State DEC sponsored on it. The deadline for the filing of the applications is October 20th. He adds that Jack Ryan is in the audience today and he called him to offer to go door to door to solicit additional petition signatures.

George Komenda, asks if there is any chance of Sagamore Osborne Sewer District going to Southtowns with Highland Acres. Supervisor Hoak states that there are legal matters involved and he is not an attorney, however what they are discussing tonight is only for Highland Acres.

Steve Strnad questions what if the 20% of people who signed for Highland Acres to go to Southtowns back out if for some reason it goes to Blasdell. Mr. Kapsiak explains that they will be soliciting for more signatures anyhow and this is also subject to permissive referendum.

Letter #s 115, 116 & 127 Councilwoman Kesner reports that the FCC has approved their license for another year. They have a committee that has been meeting every three weeks and already they have brought the cost down to about 1/3 of what they originally looked at. They are now looking at options to lease to buy and, if the County joins with them, they will reimburse the Town for any cost incurred for implementing the system if we lend them our band.

Letter 122 and 123 announcing the total of \$100,000 in grant money that Councilwoman Kesner had the privilege of coordinating for these projects.

Councilwoman Hochul thanks Councilwoman Kesner and states that on behalf of the Police and the Youth of this Town she is glad to have her on the Board. Letter 125 - she thanks Steve Strnad for his letter thanking Tim Ellis and Kurt Allen for their help on a traffic safety issue.

Reports From Town Board Members

Councilman Cavalcoli reports on letter # 119 and responds that at the last Planning Board meeting they determined that there would be significant impact on the site and location if this project goes forward. In response to that there has to be a scoping session, at that scoping session information received in writing and verbal information from residents is presented. Mr. Reilly and Mr. Crandall are putting together a composite picture of what goes into the scoping session. The developer states items he wants brought up and the public states items to be reviewed. The Planning Board will meet a week from this Wednesday to discuss the scoping items. The developer will have to review all these items and will have the opportunity to respond. Also comments on letter # 117 from Lakeshore Taxpayers regarding denying an application for a Rite Aid Store to go in place of the Wanakah Pharmacy. This project was clearly not in conformance with the Master Plan.

Councilwoman Kesner states that as liaison to Public Safety and the Volunteer Fire Companies she plans on implementing a new program recognizing a Volunteer Firefighter of the Month. She will actively seek names from the Chiefs and Presidents, and she will personally purchase a plaque and each month they will put the names on the plaque and display it in the front foyer so that the public can also see the unsung heroes of our community.

Councilwoman Hochul states that representatives from the Seaway Trail visited Route 5. Route 5 is designated as the Seaway Trail and also as a United States Scenic Highway (we are only one of 20 highways recognized for this). This helps when she goes to the State to negotiate concerning the high volume of truck traffic. When they go down to the Donovan Building they can present the fact that this is not just any highway, the speed limit should be lowered and no semi trucks should be allowed. She also invited an individual from NYS Office of Historic Preservation.

She was excited to see that they had a lot more historic buildings than she had thought. She, Mr. Ellis and Mr. Kapsiak will be meeting with the State DOT on September 24th. It is a long process and she will keep everyone informed.

Councilman Quatroche thanks Councilman Hochul for organizing this. We were one of 6 communities across New York State that were chosen to give public feedback to the Seaway Trail people. He has been in touch with the Army Corps of Engineers who will be looking at the Blasdell Creek in Woodlawn. The high water level gives us the potential for flooding. They are trying to get a levy in Woodlawn to help this situation. Commends George Lee for the National Night Out in Blasdell. George Lee comments that if it wasn't for Lt. Conlon there wouldn't be a National Night Out. Councilman Quatroche states that he attended the opening of the New building at Hilbert College and commends them on their efforts in making it into a 4 year College.

Councilwoman Hochul states that she was proud of all the taxpayers who came to talk to the Seaway Trail people and give them their input. To have all of the taxpayers there speaking about their concerns helps her to do her job.

Supervisor Hoak announces that the Employee of the Month is Marjorie Sullivan, congratulates her for her outstanding work and years of service to the Town. He announces that next Monday at the Work Session they will be awarding bids for Phase 2 of the Ice Arena. They passed a Bond for 1.2 million dollars, Phase I was for \$600,000, presently they are \$40,000 under that. If the bids for Phase 2 are over budget they will not be awarded, however, hopefully they will be under budget and, to expedite the opening of the Ice Arena, they will be awarded.

Steve Strnad, states that he got a call from a concerned party who is planning to build a home near the Ice Arena. He brought to his attention that there is a pollution problem coming from there with salt. Councilman Hochul states that Mr. Connolly met with that individual and is working on the problem. Supervisor Hoak states that when they had the demolition of the floor with the brine it was a potential problem. However, it was monitored by the DEC and it was removed accordingly.

George Danyluk, Town Clerk, makes reference to the last item of correspondence, which is the Town Clerk's report for the month of August, stating that for the very first time in his 9 1/2 years as Town Clerk we went over the \$100,000 mark.

Mr. Ellis wants to advise the Town Board that the Traffic Safety Board is considering asking permission to have a Public Hearing to extend the Stadium Parking Ban to include Manor Lane Subdivision. They are having a problem there with parking during the stadium events.

Business From the Floor

Fred Garcia, asks about the status of the Golf Dome. Councilman Cavalcoli comments that it is on hold for the moment. There is litigation between the owners of the Dome, the Landholder - South Shore Country Club and the Banks. It is in a receivership situation, Bankruptcy Court, there has been some discussion of someone taking over the Dome, including the indebtedness. They don't know this for sure. He hopes to have a report in two weeks.

Phil Best asks if the Town is levying any fines against the Dome. Councilman Cavalcoli responds that the only fines were for when it was in operation without a Certificate of Occupancy. Once it went into Bankruptcy they cannot force them to take it down or charge fines. Mr. Best reported a code violation on temporary signs that are above the limitation of 8 square feet. Mr. Allen states that the owners have ten days to respond to that and he will report back to him in the morning.

Steve Strnad asks if there is another Public Hearing scheduled for Tinsel Town. Councilman Cavalcoli responds, not at this time, the scoping session at the regular Planning Board meeting is public. Once they determine the nature of the scope of work to be done, they will identify when more Public Hearings will be held.

George Komenda, asks if there is any change in status, on the Dome, from temporary to permanent. Councilman Cavalcoli responds that it depends, if the Bankruptcy goes through and no one does anything about it, it will be taken down and removed. If another Corporation takes over and buys out the bankruptcy note, then it will have to comply with all the regulations.

XXXIV.

RESOLVED, that the Town Board adjourn to Executive Session at 8:55 p.m. to discuss legal matters regarding Union contracts.

Moved: Hoak

Seconded: Hochul

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

Noes: None

Carried

George Danyluk, Town Clerk