

Meeting No. 18
September 22, 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
	Drew Reilly	Planning Consultant
	James Connolly	Highway Superintendent
	Mathew Czerwiec	Police Chief
	Kurt Allen	Supervising Building Inspector
	Tim Ellis	Traffic Safety Coordinator
	Robert Hutchison	Town Assessor
	Tim Willard	Asst. Director of Community Development
	Richard Tripp	Director of Recreation
	Robert Mars	Receiver of Taxes

The Pledge of Allegiance is recited.

Information on Fire Exits is provided.

7:00 p.m. Public Hearing to provide for changes in the Fire Protection contracts for 1998.

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

PLEASE TAKE NOTICE that the Town Board of the Town of Hamburg will hold a public hearing on September 22, 1997, at 7:00 p.m. (Local Time) at the Hamburg Town Hall, S-6100 South Park Avenue, Hamburg, New York, in accordance with Section 184 of the Town Law, to provide for changes in the fire protection contracts as follows:

<u>NAME OF COMPANY</u>	<u>1997 CONTRACT</u>	<u>REQUESTED 1998 CONTRACT</u>
Armor Volunteer Fire Co., Inc.	\$153,000	\$165,000
Big Tree Volunteer Fire Co., Inc.	\$358,750	\$367,150
Lake Shore Volunteer Fire Co., Inc.	\$430,300	\$430,300
Lake View Fire District (Town wide fire protection district)	\$ 31,000	\$ 31,000
Newton Abbott Volunteer Fire Co., Inc.	\$342,350	\$337,350
Scranton Volunteer Fire Co., Inc.	\$328,450	\$323,750
Village of Hamburg Volunteer Fire Co., Inc. (Town wide fire protection district)	\$114,577	\$116,000
Woodlawn Volunteer	\$325,600	\$325,600

These contracts provide for fire protection and ambulance service within and/or outside the boundaries of the respective districts. The term of the above contracts shall be for a period of one (1) year with a privilege of renewal for four (4) additional year terms, as provided in and under the conditions stated in each contract. Full opportunity to be heard will be given to all citizens and parties interested.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG

Dated: July 14, 1997

GEORGE DANYLUK
Town Clerk
Town of Hamburg

George Danyluk explains that correspondence was received from various Fire Companies giving a breakdown of their perspective Budgets.

Supervisor Hoak comments that this has been one of the most active and involved years for the Fire Companies. The Fire Companies now have a chance to share the breakdown of there budget.

Gerry Pohle, Financial Secretary, Armor Volunteer Fire Company, comments that their budget shows an increase due to an update in equipment, particularly their vehicles. There are also extra dollars associated with the mandates from the State and County.

Dave Patton, President, Big Tree Volunteer Fire Co., explains that their increase is due to the utilities, maintenance, and they are looking into replacing a 1972 truck.

Jim Pryzbyl, President, Lake Shore Volunteer Fire Company, comments that they have kept their budget the same as last year.

John Wicka, Lake View Fire District, explains that they are remaining status quo for the third year in a row. They have decreased their budget overall by about \$32,000, through lower payments on their bond principal and interest and lower insurance costs.

William Taylor, Chief, Newton Abbott Volunteer Fire Co., comments that their budget has decreased by \$5,000, they have initiated the use of a commercial ambulance service to provide paramedic care. They reduced their EMS budget by 1/3 to return something back to their residents.

Skip Dougherty, President, Scranton Volunteer Fire Co., states that he is proud to announce that by unanimous decision they decided to cut their budget this year. The Budget is divided into two divisions, Administrative and Operational. On the Administrative they had the increases in insurance, but they were able to take a realistic approach and review what they were actually spending. Robert Paas, Chief, on the Operational end, states that, like Newton Abbott, they are using the commercial ambulance service, they are not using as many supplies, gas, etc. and were able to cut their EMS Budget by \$5,000.

John Kolb, Woodlawn Volunteer Fire Co., explains that with the new addition and the arrival of a new aerial piece next year they had to take a long hard look at the 1998 Budget. They are proud to announce that the Budget will remain the same.

Steve Strnad, wants to commend the Fire Companies for holding the line and reducing their Budgets.

Supervisor Hoak thanks all the representatives from the Fire Companies for being there and for all their efforts.

I.

RESOLVED, that the Town Board table 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 to consider the establishment of Extension No. 2 (Shannon Heights Subdivision) to Hamburg Master Sewer District.

Supervisor Hoak comments that this is for establishment of a Sewer District for the Shannon Heights Subdivision.

Mr. Willard explains that the Shannon Heights project consists of 23 units, single family homes, their will be subsidies involved for all the people who qualify for a lottery that will be held October 1, 1997. This lottery will be conducted at 7:00 p.m. in this room. The price range for the houses is between \$85,000 and \$90,000. They had approximately 550 applicants for 23 homes, half were Hamburg residents.

Eileen Eich questions who will inspect the Sewer to make sure everything is up to code. Mr. Kapsiak responds that the Engineering Department will be responsible for this. He also comments that the reason for the public hearing is to extend the Sewer District. Everything has been reviewed and excepted by the Erie County Department of Environment and Planning.

Tim Willard explains that the funding for this Sewer Extension comes from HOME funds and some CDBG money.

Mr. Garcia, questions if the developer is paying for any portion of this project. Tim Willard explains that the Town of Hamburg is receiving HOME funds from the County to pay for this.

III.

RESOLVED, that the Town Board approve the minutes from the following Meetings:

September 8, 1997 Town Board Meeting

September 15, 1997 Work Session

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried

IV.

BE IT RESOLVED, that the Town Clerk be authorized to advertise for a public hearing on the 1998 Town of Hamburg Budget. The hearing is scheduled for November 3, 1997 at 7:00 p.m. local time.

BE IT RESOLVED, that the Town Clerk be authorized to advertise for a public hearing on the Capital Improvements Program. The hearing is scheduled for November 3, 1997 at 7:15 p.m. local time.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

V.

RESOLVED, that the Town Board approve the appointment of TIMOTHY J. REGAN to the permanent position of COMMUNITY DEVELOPMENT AIDE, selected from Erie County Civil Service eligible list established 8/5/97, Exam No. 61557. Appointment effective immediately, salary per CSEA White Collar Contract.

Moved: Kesner

Seconded: Hochul

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

Noes: None

Carried

VI.

BE IT RESOLVED, that the Town Board grant permission to the Hamburg Court Clerks to attend the NYS Association of Magistrates Court Clerks Fall Conference in Buffalo, New York on September 28th through 30th, 1997.

Money is available for meals in account A1110.492.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

VII.

WHEREAS, the Town of Hamburg will receive federal Community Development Block Grant and HOME Investment Partnership funds for use in the 1998 program year, and

WHEREAS, citizen participation is requested in the development of community needs and to review program performance, and

WHEREAS, citizen participation is best achieved through public hearings.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board authorize public hearings on Community Development and HOME needs and funding to be set for Wednesday, October 15, 1997 at 7:00 p.m. and Wednesday, November 12, 1997 at 6:30 p.m. and that the appropriate notices be published.

Moved: Kesner

Seconded: Quatroche

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

Noes: None

Carried

VIII.

BE IT RESOLVED, that the Town of Hamburg enter into a contract with the County of Erie for a Traffic Safety Grant (GTSC) in the amount of \$1500, for the period January 1, 1997 thru September 30, 1997.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the contract on behalf of the Town.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

Councilwoman Hochul questions what the curb cut is for and if it should be approved through the Traffic Safety Board.

Mr. Kapsiak responds that this is to put a new driveway in for truck traffic from Buffalo Crushed Stone with the purpose of directing traffic away from Woodlawn Beach. The driveway will come out directly on to Route 5 just south of the existing traffic signal at the Bethlehem Steel gate and there will be a traffic signal at this gate that will be timed with the other signal.

Supervisor Hoak explains Assemblyman Smith has been working on getting truck traffic off Route 5 and this is the first phase of that plan.

IX.

BE IT RESOLVED, that the Town Board authorize Niagara Mohawk Power Corporation to relocate the existing street light fixture on Pole No. 3147 on Lake Shore Road, to nearby Pole No. 3133 on Lake Shore Road, in order to facilitate the construction of a new driveway curb cut for Buffalo Crushed Stone, Inc. This street light relocation is to be performed by Niagara Mohawk, at no cost to the Town.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department, for transmittal to Niagara Mohawk.

Moved: Hochul

Seconded: Cavalcoli

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

Noes: None

Carried

PLUMBING WORK

<u>Bidder</u>	Base Bid	Alt.#P2	Alt.#P3	Alt.#P4	Alt.#P5
A. Gareleck	\$68,350	\$4,905 No Change	\$19,900	\$24,400	
MKS Plumbing	\$74,788	\$5,381 No Change	\$19,538	\$21,505	
Numarco	\$83,000	\$7,800 No Change	\$23,600	\$29,300	
W.T. Spaeder	\$65,000	\$4,500 No Change	\$20,500	\$24,500	
John Danforth	\$78,000	\$6,900 No Change	\$28,000	\$31,000	
R.G. Rechin	\$55,915	\$3,703 No Change	\$20,064	\$24,677	
J. Nagowski	\$57,126	\$2,150 \$1,250	\$21,900	\$22,795	

MECHANICAL WORK

<u>Bidder</u>	Base Bid	Alt.#M2	Alt.#M3	Alt.#M4	Alt.#M5
BH Mechanical	\$120,800	\$1,800 No Change	No Change	\$ 900	
Bflo. Sheet Metal	\$104,000	\$1,900 \$ 300	No Change	\$3,200	
RP Mechanical	\$120,661	\$2,100 No Change	No Change	\$3,500	

ELECTRICAL WORK

<u>Bidder</u>	Base Bid	Alt.#E2	Alt.#E3	Alt.#E4	Alt.#E5
Goodwin Electric	\$42,625	\$4,285 \$6,592	\$4,940	\$2,385	
Gr. Island Electric	\$45,554	\$3,965 \$6,324	\$4,245	\$2,784	
Industrial Power	\$54,800	\$4,000 \$2,900	\$4,500	\$3,000	
Tunney Electric	\$49,700	\$2,700 \$8,300	\$3,700	\$2,000	
Warrens Electric	\$45,667	\$4,473 \$8,325	\$3,752	\$2,204	
Weydman Electric	\$51,146	\$4,471 \$5,034	\$5,304	\$3,220	

WHEREAS, the bids have been reviewed by Ronald C. Hosken, Architect, and based upon said review is recommending that contract be awarded to the following lowest responsible bidders in the amounts indicated:

GENERAL CONSTRUCTION

Picone Construction Corp.
Base Bid and Total Contract Amount \$299,485

PLUMBING WORK

R. G. Rechin, Inc.
Base Bid and Total Contract Amount \$ 55,915

MECHANICAL WORK

Buffalo Sheet Metals, Inc.
Base Bid and Total Contract Amount \$104,000

ELECTRICAL WORK

Goodwin Electrical Corp.

Base Bid and Total Contract Amount \$ 42,625

NOW THEREFORE BE IT RESOLVED, that the contracts be awarded for the Town of Hamburg/Recreation Center Building Rehabilitation, Bid package #2 in accordance with the following:

General Construction Work	Picone Construction Corp.	\$299,485
Plumbing Work	R. G. Rechin, Inc.	\$ 55,915
Mechanical Work	Buffalo Sheet Metals, Inc.	\$104,000
Electrical Work	Goodwin Electrical Corp.	\$ 42,625

BE IT FURTHER RESOLVED, that the Architect be authorized to issue the Notice of Award and Notice to Proceed at the appropriate times, and

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

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

Supervisor Hoak explains that we cannot go over the Bonded amount approved in the Spring. Therefore, these amounts are within the Budget for this project. He thanks Dick Crandall for his experience and countless hours involved in this.

XVI.

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

- | | | | |
|------------------------------|-----------------------|---------|----------|
| 1. Herr, Michael
#2930 | Fitness Instructor | 9/15/97 | Resigned |
| 2. Willcox, Richard
#2203 | Wheelchair Van Driver | 9/15/97 | Resigned |
| 3. Costantino, Mark
#2482 | Van Dispatcher | 9/15/97 | Resigned |
| 4. Doody, Joseph
#3055 | Fitness Instructor | 9/8/97 | \$7.25 |

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

Councilman Cavalcoli states that for the past 2-3 months they have been discussing the formation of a Sanitary Sewer District in the Central part of Hamburg. In order to do this they had to have signatures from 50% of the homeowners in that area. At this date they have 59% of the signatures required to form the Sewer District. The following resolution is to call for a public hearing to discuss whether it will be directed towards Blasdell or Southtowns.

Steve Strnad questions the fact that the application for funding is due October 20th and this is the date of the Public Hearing.

Mr. Kapsiak responds that they will send in the application stating that the public hearing will be scheduled for October 20th and that further information will be coming as the Sewer District is formed.

Councilman Cavalcoli comments that the critical part is having the 50% of signatures before the application was sent.

Mr. Kapsiak clarifies that the 59% of signatures are on the original Town petition, he wants to thank Jack Ryan and Peggy Gawlak for going door to door and explaining to the people the purpose of the project and getting additional signatures.

Correspondence

Letter #136 & 138 regarding the Pinehurst Neighborhood watch program, Supervisor Hoak states it was a year ago that she brought to the Board's attention all the problems in her neighborhood. Due to her leadership they were able to resolve many of their problems.

Letter #132 Councilwoman Kesner comments that they are congratulating the Town's Community Development programs. She is very proud to be the liaison to this Department and read this letter outlining how well the Town is doing serving its residents. She would like a copy of this letter put in the personnel file of Chris Hull, Tim Willard and Tim Regan.

Letter #135 Councilman Quatroche asks if Mr. Connolly would please address this letter with Mr. Okerland requesting that the Scranton playground be updated. He comments that they have been updating playgrounds according to recommendations from Recreation Department. They hope to complete them all at some point, however, in the meantime Superintendent Connolly has been going around doing some things to give some of the playgrounds a facelift.

Reports From Town Board Members and Department Heads

Councilman Cavalcoli reports that the Planning Board, last Wednesday, went through the final scoping session with the Developer for Tinseltown. They presented all the various problems to be addressed. The primary problem to be addressed is the traffic situation, which must be addressed to the satisfaction of the Planning Board. In addition, the visual impact and the cultural impact. Part of the visual impact is the height problem. Drew Reilly comments that it is now up to the applicant to present the DEIS(Draft Environmental Impact Statement), once this is presented there will be a period of time for review, then there will be another public hearing.

Councilwoman Hochul questions Drew if another Traffic Safety Study will have to be done. Drew responds that they have asked for a lot larger study to be done, an area wide study. Councilman Cavalcoli comments that there was a Traffic Study done for Berkley Square and other areas and they must incorporate those items into this new Traffic Study.

George Komenda asks if there are a lot of people who would be in doubt of building in Berkley Square due to Tinseltown. Councilman Cavalcoli comments that there was a letter in the Correspondence in which she questioned whether she should invest in that area, however, it is the only letter they have received on that subject.

Tim Ellis comments that he asked Mr. Walsh at the meeting, who is the Attorney for the Developer, if they intended to do another Traffic Study and he responded no, they are not going to do another Traffic Study, they are going to incorporate all the things that they talked about, using new data from some of the existing reports as well, to respond to some of the things that were brought up. Drew said this came up at the meeting and they told them they needed new updated numbers. Councilman Cavalcoli comments that they must present new data and information.

George Komenda comments that at the meeting he attended they were going to look into future truck traffic from the Garbage Transfer Station and the build up of Berkley Square and along Jeffrey Blvd. Councilman Cavalcoli responds that he didn't go into every detail that was brought up, just so the public understands that they will be asking for an awful lot more information and they must integrate it into a much bigger picture than they presented that includes a lot more roadways and intersections.

Eileen Eich states that she thought a positive declaration meant a completely new Traffic Study. Councilman Cavalcoli responds that a positive declaration means that there will be positive negative impacts on this area. Since they had already submitted a Traffic Study what they must do is expand on it to include all the things that were not included in the original.

George Komenda questions that if it does go through will the Town get a demolition bond. Councilman Cavalcoli responds that it is his intention to not only get a demolition bond, but also a maintenance bond to take care of the property should it become vacant.

Steve Strnad states that they will receive a letter from the United Council suggesting strongly that there should be a demolition bond.

Councilwoman Kesner reports that Woodlawn held the Beach Sweep last Saturday despite the weather. They will be meeting this Saturday as well to finish up. She was happy to learn that a project she worked on as a representative of Senator Stachowski in 1987 securing a \$50,000 grant for the HEART Village Business District is still alive and well. There will be \$31,000 available for commercial facade loans.

Councilwoman Hochul reports that Wednesday she will be meeting with the State DOT about the continuing dialogue along Lake Shore Road. She will report back on the progress. She invites the public to Town Hall this Wednesday at 1:00 p.m. to participate in a major landscaping and planting effort, spearheaded by the Town Rejuvenation Project, once again the business community has been very generous starting with Key Bank who will be supplying volunteers to plant around the Town Hall sign out front. Also she wants to commend CooperRidge Nursery and Water Valley Nursery for donating about \$1,200 worth of landscaping. The spirit of the Chataqua Conference is alive and well, she attended a luncheon with the League of Women Voters and Kevin Gaughan gave a presentation about this, November 25th will be the official follow up meeting on this. She wants to commend Jim Connolly concerning the Wanakah Water Building, many people have approached her saying what an improvement there has been.

Councilman Quatroche comments concerning youth issues in the Lake Shore area, about a year ago they had a playground that was severely vandalized, they did recover \$7,300 for equipment plus \$1,500 for installation from the parents homeowners insurance policy for a new playground. He wants to applaud our Legal Department for their efforts on this. He met with Adelpia Cable to discuss some problems and complaints about service. They will be starting in the Blasdell area and moving South to Lakeview with the new upgrades in service. They have gotten permission to remove the beaver dam in Blasdell Creek, which will be done by the State, which could cause some severe flooding.

Steve Strnad states that it is good news that the Town won this case on vandalism, this should be made public to hopefully discourage this in the future.

Mr. Garcia asks about the status of the Town Golf Course. Councilman Quatroche responds that at present the golf course is seeded. They felt that it would be a rush to open this fall. So next spring they will look forward to opening with 18 holes.

Carol Fitzsimmons thanks Councilman Quatroche and Superintendent Connolly for fixing the fence at the playground across the street. She questions the curb cut for Buffalo Crushed Stone onto Route 5. Supervisor Hoak explains that the driveway is north of First St., in the future they want to guide the traffic across Route 5 straight through onto the Bethlehem property out to Lake Ave. and then build a road hooking up to 179, which would keep the truck traffic out of the residential neighborhoods.

George Komenda asks if the State is planning on widening 179. Supervisor Hoak comments that there have been no plans discussed to widen 179.

George Lee comments that the reconstruction of Route 179 will happen when they do the Southtown Connector.

Supervisor Hoak welcomes the students from Frontier High School.

Supervisor Hoak gives an update on the Golf Dome, the Board gave direction to the Legal Department to pursue the action to take down the Dome. There have been hearings, then the bankruptcy proceedings, they are still diligently pursuing those actions. Now they will have to go to the U.S. Bankruptcy Court. Mr. Boehm comments that the reorganization, Chapter 11, was converted to a straight bankruptcy, a Trustee was appointed who now stands in the shoes of the owner of the Golf Dome, that is who will be representing the Golf Dome now in our Local Court.

George Komenda questions if the Town is dedicated to getting rid of the Dome.

Councilwoman Hochul explains that the Town directed the Legal Department to contact the Courts and pick up where they left off. They were proceeding in Town Court and then because of a superseding action they had to sit still, and now they can continue to take action and that is what the Supervisor has directed. Mr. Boehm comments that the Trustee can still go to the Federal Bankruptcy Court and ask for protection but we will cross those bridges as they come.

Supervisor Hoak announces that on August 16, 1947 the Town Police Department was formed. This is their Golden Anniversary. This Saturday at noon they will have some Federal, State and Local proclamations recognizing this Golden Anniversary.

Supervisor Hoak explains that there will be input at the Work Session on October 20, 1997 pertaining to the 1998 Budget. The Supervisors Budget will be out by September 30th. At this time, we are being audited by the State and from various conversations every thing is very positive.

Business From the Floor

Joe Killian, Coalition of Lake Shore Taxpayers, with a petition backing the Board's decision in opposition to the Rite Aid with 500 signatures. They want to thank the Board for their actions.

Cliff Ball comments that he owns property on the lake shore and next to him, on the beach, the Bedrock Eatery was granted a permit for a fence which he feels is not in compliance with the building site plans. Kurt Allen, Supervising Building Inspector, responds that his allegations are unfounded. He did review this matter over a year ago, a certificate of occupancy was issued based on their full compliance. Councilman Cavalcoli comments that this will be looked into.

George Komenda wants to know where they are with the Sagamore Osborne Heights Sewers. Mr. Kapsiak responds that there are just two more sections left to be lined and they had to be repaired first. There are other sections called out to be replaced and they didn't get any bids on this so the lining contractor is also going to line those instead of replace them. This should be completed within the next couple of weeks.

Richard Kiley and Sharon Kiley comment that on September 8th there was a hearing concerning a rezoning on Southwestern Blvd. Has there been any decision on that. Councilman Cavalcoli responds that they are still receiving information and reviewing it. They do not anticipate action at the next meeting as well. They state that they have a letter to submit and are directed to give it to the Town Clerk for public record.

XVIII.

RESOLVED, that the Town Board adjourn to Executive Session to discuss Legal, Personnel, and Budget matters.

Moved: Hoak

Seconded: Hochul

Roll Call: Ayes: Hoak,

George Danyluk, Town Clerk

