

October 20, 1997
Special Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

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| Roll Call: | Patrick H. Hoak | Supervisor |
| | James Connolly | Councilman |
| | D. Mark Cavalcoli | Councilman |
| | Kathleen C. Hochul | Councilwoman |
| | Thomas Quatroche, Jr. | Councilman |

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| Also Present: | George Danyluk | Town Clerk |
| | Gerard Kapsiak | Town Engineer |
| | Richard Smith | Assemblyman |
| | Phil Manley | Representing Sen. Volker |
| | Ed Kuwik | County Legislator |
| | Tom Wentman | Malcolm Pirnie |

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

7:00 p.m. Public Hearing in the matter of establishment of Highland Acres Sanitary Sewer District.

Supervisor Hoak inquires if any correspondence has been received on this.

George Danyluk, Town Clerk reads a letter from the Village of Blasdell Dated October 20, 1997. (See attached)

Supervisor Hoak responds that the Village of Blasdell has scheduled a meeting for Wed. October 22 at 7:00 p.m. at the Big Tree Elementary School on Bayview Road. Councilman Cavalcoli and Town Engineer Kapsiak will be present.

Trustee Kathleen Cole is present from the Village of Blasdell.

Mr. Kapsiak comments that there are handouts in the back of the room. He explains that they had a public information meeting on July 30th at the Big Tree Fire Hall where a presentation was made. A petition was presented at that meeting by the Town which has to date been signed by property owners representing 59% of the districts total assessed value. This is the criteria that they have to go by to indicate that there is a favorable opinion concerning this. He wants to thank Jim Ryan and Peggy Gawlak for their assistance in getting petition signatures. The petition stated that the property owners are in favor of forming the district and installing the sewers at a maximum cost of 2.5 million dollars for which at least 75% grant funding would be received through the State Bond Act. This would result in an average cost of \$482. per year for the typical home, which is comprised of the local share of the debt on the bond, the sewage treatment charges and the cost for operation and maintenance of the sewer system. Based on this favorable response the Town Board called for this public hearing being heard tonight. He points out the map in the handout showing the boundaries of the sewer district. There are 190 parcels total within the proposed sewer district, 148 are currently developed, 42

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are vacant. Of the 148 developed, 120 are single family homes. The area proposed to be initially started is shown on the next map in the handout. The others are proposed future phases. The center map shows a large detail of the sewer district and points out that the flows from West Highland could go two ways. The first is gravity to the north, which takes it to the Town's Electric Ave. Pump Station, then pumps it to the Village of Blasdell's Sewage Treatment Plant. The second is for a pump station to be installed at the end of West Highland Parkway which would pump the flows across Rush Creek, across the railroad track and into the Steelton area of the Hamburg Master Sewer District which would then convey the flows to the Erie County Southtowns Plant for treatment. They looked at both ways at the request of the property owners at the public information meeting. The one thing that was brought up at the July 30th meeting was taking the flows across the thruway to the County interceptor that borders the eastern side of the thruway that proved not to be feasible due to the grade of Highland Acres going down hill toward Rush Creek. The two alternatives have been analyzed by Malcom Pirnie and they did receive a separate resident initiated petition which was submitted to the Town in early September which requested that the sewers go to Southtowns instead of Blasdell. This petition was signed by 88 people which represented about 4.9 million total assessed value, which is about 44% of the total assessed value of the district. The cost analysis performed by Malcolm Pirnie is the last page of the handout, the cost to go to Blasdell is on the left (\$2.5 million) and the cost to go to Southtowns is on the right (\$2.76 million) the reason for the additional cost is that a pump station would be required to pump the flows across Rush Creek. The analysis was then performed and the cost, per typical household, to go to Blasdell would be \$482 verses \$489 to go to Southtowns. The numbers are equivalent. He then states that they have met with both the County of Erie on the Southtowns alternative and also the Village of Blasdell. The officials from both have expressed interest and have said that they could handle the flows from Highland Acres. Blasdell has sent out a letter offering a 10% decrease if Highland Acres agreed to go to Blasdell. The cost as presented is within the \$687 per year affordability limit as set by the State Audit and Control. It is the responsibility of the property owners to install their sewer lateral from the house to the sewer main fronting the property. This is a private cost and public funds cannot be used for this purpose. This cost would vary approximately \$1,500 to \$2,000 for the average property. They did apply for funding from the state and have been informed that this is in the top twenty priority list for receiving a grant due to the impact that this has on Woodlawn Beach. The State has indicated that the grants are expected to be awarded at the end of the year. If they do receive the grant at the end of the year they should be into construction by May or June 1998. They did prepare a sheet for the public to fill out stating whether they want to go to Blasdell or Southtowns.

Councilman Cavalcoli clarifies that the charge, per resident, for hooking into the sewer is a one time fee and could be reduced by bulk bidding on the project. He also calls attention to the fact that the Village will make a 10% reduction, the revised total would be \$453. to go to Blasdell, Southtowns would remain the same at \$489. leaving a difference of \$35. savings to go to Blasdell.

John Ryan, Highland Pkwy., questions if the new houses being put in behind him can be put into the sewer district. Mr. Kapsiak responds yes these would be included in the district and would help to cut the cost. Mr. Ryan then states that he knows a resident who is in the Blasdell Sewer district and his rates have jumped 100% from 1984 to 1990.

Councilman Cavalcoli states that the Board must remain neutral on this. The Blasdell Officials asked that the public be informed so that they can make a decision one way or the other. They want to make sure that everyone sees the numbers and make a clear choice, based on the facts.

Mr. Ryan states that he talked to the people at the sewer plant and they said if they took in Highland Acres they would have to go to phosphorous. Would this be the same price? Ron Sporasz responds that phosphorous would not be necessary at this time. Mr. Ryan responds that 400 new homes are going in behind him. Mr. Sporasz states the Village of Blasdell feels that with half the cost being assessed to the builders that it would defer any increase to highland residents.

Supervisor Hoak reminds the public that this is subject to a referendum. He asks that everyone be open for this decision making process, to hear both sides before a decision is made.

Councilman Cavalcoli comments that if they do establish the sewer district there is still no commitment as to which direction it will go in.

Ray Kozlowski comments that the problem they have, is that they have been talking to people

in the Osborne-Sagamore sewer district. They have no guarantee that they will have a voice, the Village wants to give them a deduction now, but what happens over the long term. If the Village was sincere in what they are saying, they would open their books and they would have a Taxpayer Rate Board. He feels he is willing to pay more now so that in the long term he will not get charged with a major expense. He questions if there was a study done on gravity feed to Southtowns. Mr. Kapsiak comments that there was a study done and it would cost about 1 million dollars to do that.

Ron Sporasz comments that the concerns that Mr. Kozlowski has addressed has been something that the current administration has looked at and they can understand his concern because no one has had a say in it. The thought of having a Board for Osborne-Sagamore and Highland Acres has been discussed and he recommends they attend the meeting Wednesday night. Each district will have a representative.

Ray Kozlowski comments that he wasn't interested in an advisory board he was looking for a board who would set the rates, who would have the final say in whether the rates should be increased. Councilman Cavalcoli states that the Village Board is opening the door to discussion on Wednesday night, he strongly advises that people like himself be there to see how this will work.

Dick Krautsack, Osborne-Sagamore, comments that they asked for an audit of the sewer plant and at one point they said yes and then they said no. This is the first year that they have guaranteed that the rates will not go up, after that they can go up.

Mayor Jewett comments that he cannot speak for past administrators, but when he became the Mayor he thought they went above and beyond, they have showed a 12% decrease. Mr. Krautsack, the books are public knowledge and he is more than welcome to come in and look at them. They are willing to work with you.

John Princeton, Erie County Public Health, comments that the problems with Highland have been going on for many years. Over the years they have had a problem with the Health Department. They have had some latitude to the way they handled these problems due to size of lots, etc. They tried to save the people money because there was no alternative. They now have a viable alternative, if this alternative is turned down, they will not feel they are under any obligation to cut anybody any slack. They will be looking at strictly enforcing the regulations. They will check homes whenever there is a property transfer and if it doesn't meet regulations they will be forced to put in a new system at between \$8,000 and \$12000. They will also follow up on any complaints that are made. The County Health Department is not looking the other way anymore.

Samira Khatib, 4460 South Park Ave., states that she doesn't appreciate being threatened.

George Kales, questions what they will do if the State doesn't come through with the money. Supervisor Hoak responds that they are on the verge of getting a Sewer District, the State seems more than willing to make this a doable project.

Mr. Princeton says that if the State money doesn't come though, they will be looking at putting in systems that will work over a 20 year period. This is a repetitive cost, the nice thing about a Sewer system is that there is a one time cost to tap in and after that the cost is shared.

Councilman Quatroche comments that the State has been very encouraging as far as the funding is concerned. If the funding doesn't come through we can deal with these issues then.

Assemblyman Smith states that he lived in Highland Acres and he knows how they feel. He comments that the District must be formed in order to get the funding. He thanks the Town Board for all their efforts in getting this going.

Cheryl Smolinski states she has been living on Highland Pkwy. for 19 years and paying sewer taxes where has that money gone. Mr. Kapsiak comments that he would have to see the tax bill because there shouldn't be anything on there for sewer taxes.

Councilman Cavalcoli states again, please come to the meeting on Wednesday.

I.

RESOLVED, that the Town Board close the public hearing and table it for at least 2 weeks.

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

George Danyluk, Town Clerk

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EXTRACT OF MINUTES

Meeting of the Town Board of the
Town of Hamburg, in the
County of Erie, New York

October 20, 1997

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A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, in said Town, on October 20, 1997, at 7:00 o'clock P.M. (Prevailing Time).

There were present: Hon. Patrick H. Hoak, Supervisor;
and

Councilpersons: D. Mark Cavalcoli
Kathleen Courtney Hochul
Joan A. Kesner
Thomas J. Quatroche, Jr.

There were absent:

Also present: George Danyluk, Town Clerk
Richard G. Boehm, Deputy Town Attorney

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The Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Erie, New York, at 7:00 o'clock P.M. (Prevailing Time) to consider the proposed establishment of Highland Acres Sanitary Sewer District, in said Town. The Town Clerk presented affidavits showing that certified copies of the Order Calling

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said Public Hearing had been published, posted and filed pursuant to the provisions of Article 12-A of the Town Law.

The Supervisor stated that the Public Hearing on the proposed establishment of said Highland Acres Sanitary Sewer District, in the Town of Hamburg, was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the proposed establishment of said District:

The following persons appeared in opposition to the proposed establishment of said District:

The Town Clerk reported that the following pertinent written communications had been received:

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the Public Hearing closed.

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