

Meeting No. 15  
October 24, 2005  
Hamburg Town Board Meeting  
S-6100 South Park Avenue  
Hamburg, N.Y. 14075

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

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	James Spute	Finance Director
	Richard Boehm	Deputy Town Attorney
	Joseph Coggins	Police Chief
	Drew Reilly	Planning Consultant
	Robert Hutchison	Town Assessor
	Tim Ellis	Traffic Safety Coordinator
	John Farrell	Director of Senior Services
	Martin Denecke	Director of Recreation
	Dave Boswell	Working Crew Chief
	Sean Fanning	Working Crew Chief
	Kurt Allen	Supervising Code Enforcement Officer

The 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 property located at 3855 McKinley Parkway.

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

LEGAL NOTICE  
TOWN OF HAMBURG

**PLEASE TAKE NOTICE** that there has been presented to the Town Board on September 12, 2005, pursuant to the Municipal Home Rule Law, a proposed local law #4, 2005; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-entitled Zoning, and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property located at 3855 McKinley Parkway. The property is to be rezoned from R-2 (Single Family Residence, Attached District) to H-C (Hamburg Commercial District) described as follows:

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York being parts of Lots Numbers forty-eight (48) and fifty-six (56), Township nine (9), Range seven (7) of the Holland Land Company's Survey and further distinguished as part of Subdivision Lot Number seventy-eight (78) as shown on a map filed in Erie County Clerk's Office under Cover 925 and being more particularly described as follows:

BEGINNING at an iron pipe on the southerly line of Highland Parkway, having a right of way width of 100.00 feet and distant easterly 56.08 feet from the northwesterly corner of Sublot 78 as shown on map filed under Cover Number 925, in the Erie County Clerk's Office; said point also being 60.00 feet easterly as measured along the southerly line of Highland Parkway from the centerline of McKinley Parkway, which iron pipe is the true place of point of beginning on the land being herein described; thence easterly along the southerly line of Highland Parkway 32.35 feet to a point thence along the arc of a 4 degree 00 minutes curve having a radius of 1432.68 feet, 37.65 feet to a point; thence southerly and parallel with the easterly line of McKinley Parkway 60.00 feet to an iron; thence easterly and parallel with the southerly line of Sublot 78, 116.00 feet to an iron set on the easterly line of Sublot 78 and distant southerly 51.00 feet from the southerly line of Highland Parkway; thence southerly along the easterly line of Sublot 78, 84.00 feet to a point; thence at a right angle westerly and parallel with the southerly line of Sublot 78, 184.19 feet to an iron on the easterly line of McKinley Parkway, thence northerly along the easterly line of McKinley Parkway 143.82 feet to the place or point of true 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 October 24, 2005 at 7:00 p.m. (Local time), at which time all interested persons may be heard.

Dated: September 12 2005

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

The Town Clerk states there were two pieces of correspondence received.

The first is from the Planning Board forwarding a favorable recommendation for this rezoning because it is compatible with the Master Plan.

The second is from John Guadagno, 4412 East Highland Parkway, stating he and other homeowners on Highland Parkway are unable to safely make a left turn onto McKinley due to increased traffic on McKinley and accessing and leaving the plaza on the northwest side of Highland with no traffic signal to regulate the flow of traffic. They are opposed to the re-zoning as it would enable further commercial enterprises at the head of their street which is already in an unsafe condition and produces excess commercial traffic on their street as consumers use it as a turn around. Asking that the Town Board preserve the present zoning.

Drew Reilly, Planning Consultant, explains where the property is located using an overhead projector. He then explains the zoning of the surrounding properties. The Town Board has the power to rezone properties and they did a Comprehensive Plan, which is what they base their zoning decisions on. Most of the rezonings that come to the Town never reach this far. They look at the Comprehensive plan and state that the Plan doesn't allow for that zoning in that area. So far this year they have had zero rezonings. So why are they considering this? The comprehensive plan says that the east side of the street should be commercial, but should not be a C-2 or C-1. They didn't want the continuation of the heavy commercial that is north of there. They created a new zoning district which is Hamburg Commercial and started applying it in those areas. They agree with the residents in the area that they wouldn't want to see heavy commercial on that side of the road. The Hamburg Commercial zoning allows small businesses, less than 6,000 square foot, basically things like insurance, legal, architectural, engineering offices, specialty food shops like a small coffee shop. There would be no drive-throughs allowed. No truck terminals allowed, this is only for small scale commercial development. This is a difficult area because behind this is all residential. It is surrounded by heavy commercial, but because of the nearby residential they recommended H-C.

Supervisor Hoak comments that in the past they had hoped that there would be no more commercial development from the Mall to seven corners. A developer didn't agree with them and took the Town to court and the Town lost. Since that time, they have been concerned that it could just keep expanding like that. Now they have the Hamburg Commercial, which is for smaller retail, in place and although they are still concerned they are open to discussion.

Councilwoman Kesner questions if any traffic studies have been done, especially with the expansion of Wegmans. Drew responds that there have been traffic studies done and he agrees with the residents, no one can make a left hand turn onto McKinley at an un-signalized intersection. Councilwoman Kesner questions if there is a count on that. Drew responds that McKinley Parkway is considered a level service "F" which means the volume of traffic does not allow for easy movement. Councilwoman Kesner comments that she is concerned that there is no traffic signal, this is also a cut-through for Bill's games. Drew comments that is a good point, but the State and County say that there is nothing they can do or design to handle the Bill's traffic, they just need to handle it. McKinley in this location is a County Highway.

Councilwoman Hochul questions the owner what he plans to do with this property. Mr. Matusick responds that he is an attorney and he wants to open a law office. They wouldn't get that many clients to worry about traffic. In reference to that location, there are four corners in this intersection and this is the only one zoned residential. All the others have commercial.

Councilman Quatroche questions why they went with Hamburg Commercial instead of neighborhood commercial. Drew responds that they Master Plan stated they needed to come up with a specific zoning for this area. Neighborhood Commercial was created for a residential area and McKinley is not a residential area. The intent of the Hamburg Commercial is a high commercial area that has residential property abutting it. Neighborhood commercial is supposed to be in the middle of a purely residential area where they would allow real small businesses that are mom and pop size. McKinley is a heavily traveled, highly commercial area and so they created the Hamburg Commercial district specifically for this area, something that takes the residential areas into account.

Councilwoman Hochul comments that Hamburg Commercial was created with McKinley Parkway in mind. They sat down a number of years ago to identify an alternative to having traditional commercial because of the lawsuit and if they continued to lose in court the entire strip could be heavy commercial all the way down. They are trying to do everything they can to avoid that. The paramount concern on their mind is the residents that live behind and adjoining. This is viewed as compromise. Drew comments that if this went to court the court would say they couldn't keep it residential, that no one would build a residence on McKinley Parkway from East Highland down to seven corners. They will be setting the tone for the area as Hamburg Commercial, not residential or heavy commercial.

Skip from the McKinley Taxpayers Association questions if there is an existing house that they will tear down and put a building on. Mr. Matusick comments that they will probably remodel the existing structure.

Ed Barrio, 4464 East Highland Parkway, questions if this is for 3855 McKinley Parkway only, there are three parcels there. Drew Reilly comments that Mr. Matusick only made application for the property at 3855 McKinley and that is all they are considering at this time. Mr. Barrio questions if he needs to rezone this property to hang a sign on the door that says law office. Mr. Reilly responds that yes he does need to rezone this. In a home occupation, in a residential district, you cannot hang a sign out front. Councilwoman Hochul questions, for the future, can they put it in the deed restriction to limit it to the exact house that is there now. Drew comments that they created this zoning specifically for this area and Mr. Matusick is already restricted by the size of his property. The Hamburg Commercial zoning is set up in a way that it will control the uses. This specifically excludes major discount stores, etc. and eventually they may put three properties together and put up something bigger, but maybe not. He doesn't feel they need those restrictions because that is why they have this zoning.

Councilman Cavalcoli comments that they came up with the HC to modify the type of commercial in that area. They set limits within the HC in terms of size of buildings, set backs and types of businesses that could go in there. He agrees with Mr. Matusick in that he is complying with the type of zone that they have requested for that area to mitigate the impact on the residents. They have the control, if someone wants to lump two or three properties together at that location, at that time they can deal with that. It will have to fall within the requirements of the HC zone. Drew comments that they have such restrictions in the HC zone that if Mr. Matusick were to tear down the building he would have to replace it with the same size. The HC zoning has a setback requirement.

Councilman Cavalcoli questions Mr. Matusick if he could put the driveway onto Highland rather than McKinley to ease traffic problems. Mr. Matusick comments that McKinley would be easier to get in and out of. Drew comments that this will be tabled this evening and he will refer this to the Traffic Safety Advisory Board. This issue will come up under the Site Plan review.



**III.**

**RESOLVED**, that the Town Board approve the minutes of the following meetings:

September 12, 2005	Town Board Meeting
September 19, 2005	Work Session
October 3, 2005	Work Session
October 17, 2005	Work Session

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

**IV.**

**RESOLVED**, that the Town Board approve the Out-of-Town travel request for Randall Hoak, Senior Citizen Supervisor; to travel to Buffalo, NY on November 9, 2005 to attend the 25<sup>th</sup> Annual Meeting and Conference of the Network in Aging of WNY Inc. The Conference will highlight the new direction that aging services will be taking. The estimated cost is \$50.00 and Funds are available in A6772-451.

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

**V.**

**RESOLVED**, that the Town Board grant permission for Robert Smith, a Criminal Justice student at Hilbert College, to do Internship in the Police Department for the Spring of 2006, at no cost to the Town, and

**BE IT FURTHER RESOLVED**, that the Town Board grant permission for Greg Van Remmen, a Criminal Justice student at SUNY, to do Internship in the Police Department for various times during the years 2005 and 2006, at no cost to the Town.

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

**VI.**

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

- |                 |                  |            |           |
|-----------------|------------------|------------|-----------|
| 1. Reid, Savana | P/T Laborer      | 10/11/2005 | Terminate |
| 2. Scinta, Mike | Seasonal Laborer | 10/18/2005 | Terminate |

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

**VII.**

**RESOLVED**, that the Town Board approve the use of six (6) voting machines for Hamburg Central School District to be used at the Special District Meeting and Vote on Tuesday, December 6, 2005.

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

**VIII.**

**RESOLVED**, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following November 2005 Taylor Road rentals:

11/18

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

**IX.**

**BE IT RESOLVED**, that the Town Board authorize the Finance Department to increase appropriation account A1355.203 Office Equipment in the amount of \$525.00. This will be funded through the A599 Appropriated Fund Balance (STAR funding), and

**BE IT RESOLVED**, the Town Board authorize the purchase of digital drawing software, to supplement the RPS system, from APEX Software at a cost of \$525.00 Funds are available in account A1355.203.

Moved: Kesner

Seconded: Hochul

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

Noes: None

Carried

**X.**

**WHEREAS**, the Code Enforcement Department is in need software program to track zoning and property maintenance complaints and violations, and

**WHEREAS**, after lengthy qualitative and quantitative evaluations of several software proposals it was determined that Niagara Business Solutions, Inc. provides the most appropriate system for the needs of the Town's Code Enforcement Department.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board authorize the purchase of Violation Base System from Niagara Business Solutions, Inc. The total cost of the software is \$2,800.00 inclusive of installation and training.

**BE IT FURTHER RESOLVED**, the Town Board authorize the purchase of three (3) HP iPAQ h6300 Pocket PC,s complete with LinkSys wireless network adapter and Pocket PC software application which is compatible to the Department's current software program, also from Niagara Business Solutions, Inc. This system will allow the Town's Code Enforcement Officials to directly input the results of their inspections while in the field. The total cost will be \$ 3,207.00.

**BE IT FURTHER RESOLVED**, the Town Board approve the transfer of \$6,007.00 from account B3620.440 (Contracted Personal Services) to account B 3620.423 (Service Contracts Business - Management Systems) in order to appropriate the necessary funding for this request.

Moved: Quatroche

Seconded: Hochul

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

Noes: None

Carried

**XI.**

**WHEREAS**, the Town of Hamburg began an Environmental Impact Statement process for the proposed rezoning and subsequent development of a Tops Supermarket facility on Milestrip Rd., across from the Thruway entrance in 2003, and

**WHEREAS**, the Town Board acting as Lead Agency accepted as complete a DEIS for this project dated August 2003, and held the appropriate Public Hearing, and

**WHEREAS**, the applicant after the Public Hearing asked for the project and process to be put on hold, and

**WHEREAS**, the applicant, Benderson Development Co., would like to restart the process for a modified project that does not include a supermarket but a retail development including “Best Buy” of approximately the same size building as the previous proposal, and

**WHEREAS**, the applicant has submitted a Supplemental Draft Environmental Impact Statement (SDEIS) identifying the changes in the project, and

**WHEREAS**, the Planning Department has reviewed this SDEIS and has recommended that the SDEIS and referenced DEIS are complete and in accordance with the scoping document.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board has determined that the SDEIS and referenced DEIS are complete and adequate for public review (this does not mean that the Town agrees with the conclusions of the document or that we have completed our technical reviews), and

**BE IT FURTHER RESOLVED**, that a Public Hearing be scheduled for this SDEIS on December 5, 2005 at 6:30 p.m., and

**BE IT FURTHER RESOLVED**, that this Public Hearing also represents the public hearing required under the Rezoning Process, and

**BE IT FINALLY RESOLVED**, that the Planning Department perform all the required mailings, filings, and modifications required under the SEQR regulations, and the Town Clerk and Legal Department perform the required notifications and publications required for rezoning.

Moved: Cavalcoli

Seconded: Quatroche

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

Noes: None

Carried



**BE IT RESOLVED**, that the Town Board approve the purchase of a software maintenance agreement with ESRI Inc. for ArcGIS, GIS software for the following departments:

Department	Cost	Account
Assessing	\$400	A1335.440
Dispatch	\$300	A3020.460
Engineering	\$300	A1440.456
Building Inspection	\$300	B3620.423
Highway	\$300	SS50 8120.413
Emergency Management	\$300	A8760.201
Total Cost	\$1,900	

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the Supervisor to sign the agreement authorization.

Moved: Kesner

Seconded: Quatroche

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

Noes: None

Carried

At a meeting of the Town Board

Of the Town of Hamburg, held at  
the Town Hall, S-6100 South  
Park Avenue, Hamburg, New York  
On the 24th day of October 2005.

PRESENT: PATRICK H. HOAK,	Supervisor
D. MARK CAVALCOLI,	Council member
KATHLEEN COURTNEY HOCHUL,	Council member
JOAN A. KESNER,	Council member
THOMAS J. QUATROCHE, JR.,	Council member

On a motion of Councilmember Cavalcoli, seconded by Councilmember Kesner the following resolution was proposed:

WHEREAS, JAMES F. CONNOLLY, Superintendent of Highways, states that all those parts of certain Town highways hereinafter designated have not been opened or worked for more than six (6) years last past, and have not been traveled, or have been abandoned by the public and have never been used as a public highway to wit:

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 443, Township 10, Range 7 of the Buffalo Creek Reservation, and being further described as follows:

BEGINNING at the center line of Eliot Street and the east line of Sublot No. 11, Block B, extended as shown on Map Cover 662, as filed in the Erie County Clerk's office; thence westerly along the center line of Eliot Street terminating at the west line of Sublot No. 19, Block C, extended as shown on Map Cover 662, being the center line of a 50 feet wide paper street right-of-way to be abandoned.

As a condition of this transfer, Grantee acknowledges and Grantor hereby declares that all utilities that may presently have installations upon the above-described premises are hereby deemed to have a permanent easement for occupation, access, operation and maintenance of their existing facilities in their current locations.

BE IT RESOLVED that the members of the Town Board, constituting the whole thereof, consent to the making and filing of the necessary certificate that this highway be and hereby is abandoned, pursuant to Section 205 of the Highway Law, and

BE IT FURTHER RESOLVED that all members of the Town Board of the Town of Hamburg subscribe the certification.

<u>ROLL CALL</u>	<u>VOTING</u>
Supervisor Hoak	Aye
Councilman Cavalcoli	Aye
Councilwoman Hochul	Aye
Councilwoman Kesner	Aye
Councilman Quatroche	Aye

The foregoing certification was duly adopted at said Town Board meeting, unanimously.

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Catherine Rybczynski, Town Clerk

ACKNOWLEDGMENT

STATE OF NEW YORK) SS  
COUNTY OF ERIE )

I, CATHERINE RYBCZYNSKI, DO HEREBY CERTIFY that I am the duly elected and acting Town Clerk of the Town of Hamburg, Erie County, New York; that the foregoing is a true and exact copy of a resolution adopted at a meeting of the Town Board held on the 24th day of October, 2005; and

I DO FURTHER CERTIFY that said meeting was called and held, and a quorum was present thereat.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg this 24th day of October 2005.

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CATHERINE RYBCZYNSKI  
Town Clerk  
Town of Hamburg

CERTIFICATION

I, THE UNDERSIGNED, JAMES F. CONNOLLY, Superintendent of Highways of the Town of Hamburg, in the County of Erie, State of New York, hereby certify that all those parts or certain Town highways hereinafter designated have not been opened or worked for more than six (6) years last past, and have not been traveled, or have been abandoned by the public and have never been used as a public highway to wit:

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 443, Township 10, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at the center line of Eliot Street and the east line of Sublot No. 11, Block B, extended as shown on Map Cover 662, as filed in the Erie County Clerk's office; thence westerly along the center line of Eliot Street terminating at the west line of Sublot No. 19, Block C, extended as shown on Map Cover 662, being the center line of a 50 feet wide paper street right-of-way to be abandoned.

As a condition of this transfer, grantee acknowledges and Grantor hereby declares that all utilities that may presently have installations upon the above-described premises are hereby deemed to have a permanent easement for occupation, access, operation and maintenance of their existing facilities in their current locations.

ALSO, we the undersigned members of the Town Board, constituting the whole thereof, do hereby consent to the making and filing of this certificate and do hereby execute the same.

THEREFORE, pursuant to Section 205 of the Highway Law, said highway is declared to be and hereby is discontinued.

Dated: October 24, 2005

\_\_\_\_\_  
JAMES F. CONNOLLY  
Superintendent of Highways

TOWN BOARD OF THE TOWN OF HAMBURG  
BY:

\_\_\_\_\_  
PATRICK H. HOAK, Supervisor

\_\_\_\_\_  
D. MARK CAVALCOLI, Councilman

\_\_\_\_\_  
KATHLEEN HOCHUL, Councilwoman

\_\_\_\_\_  
JOAN A. KESNER, Councilwoman

\_\_\_\_\_  
THOMAS J. QUATROCHE, JR., Councilman

ACKNOWLEDGMENT

STATE OF NEW YORK) SS  
COUNTY OF ERIE )

I, Catherine Rybczynski, DO HEREBY CERTIFY that I am the duly elected and acting Town Clerk of the Town of Hamburg, Erie County, New York; that the foregoing is a true and exact copy of a resolution adopted at a meeting of the Town Board held on the 24th day of October, 2005; and

I DO FURTHER CERTIFY that said meeting was called and held, and a quorum was present thereat.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg this 24th day of October 2005.

\_\_\_\_\_  
CATHERINE RYBCZYNSKI  
Town Clerk  
Town of Hamburg

Nancy Wood accepts the following proclamation on behalf of the Frontier School Board. They want to continue the service they have with the Town of Hamburg, the shared facilities, shared services and most importantly the safety of the students. On behalf of the Frontier Board of Education she thanks them for the proclamation.



## **Correspondence**

Letter #87 - Supervisor Hoak comments that this is from Charles Alessi announcing his retirement and Supervisor Hoak wishes him well in his retirement.

Letter #88 - Supervisor Hoak asks that copies be placed in the personnel files of Marty Denecke, Tim Jerome and Marylou Beback.

Letter #94 - Supervisor Hoak asks Mr. Kapsiak if he has responded to the concerns of Mr. Coniglio in this letter. Mr. Kapsiak responds that he did review the concerns and sent a letter that addresses those concerns.

Letter #95 - Supervisor Hoak asks if this has been addressed. Mr. Kapsiak comments that he sent a letter last week responding to their request on a plan of action and they do have an extensive study planned for that area in early 2006. This will be addressed as part of a bond issue for various projects within the Hamburg Master Sewer District.

Letter #89 - Councilman Cavalcoli comments that this is a request for a rezoning of their property along South Park Avenue in the Howard Road area. They will be passing this on to the Planning Board for their consideration and will get back to them as soon as possible. It is a reasonable request and they will look at it as a Town request and therefore there will be no cost to them.

## **Reports From Town Board Members and Department Heads**

Councilwoman Kesner reports that on October 14<sup>th</sup> they had their 2<sup>nd</sup> annual fundraiser for Victims of Domestic Violence in the Town of Hamburg and she wants to thank the Citizens Advisory Committee and all the local Town Merchants, the Hamburg Chamber and the local newspapers for all their support. They raised over \$10,000 and the Town of Hamburg will be ready to assist victims, over the Holidays, which unfortunately is a busy time. Because of their efforts, she was notified by Congressman Higgins that he is hosting a roundtable forum at Town Hall the last Saturday of the month and all agencies that deal with Domestic Violence are invited. This is indicative to what they are doing in the Town of Hamburg, that communities will come in and sit and see what a local community can do to fight domestic violence. She also wants to thank the speaker that they had, Shelly Piwowar, it was one year ago that she lost her mother as a result of domestic violence. She is determined to be an advocate and help other families in this situation.

Councilwoman Hochul thanks Councilwoman Kesner for her leadership on this issue, it was an awesome evening. On two traffic safety matters, the current two-way Stop at Big Tree and Bayview Road is the site of many accidents and they have been diligent in pursuing this with the County to do a feasibility study to make that a four-way Stop. The businesses in that area report seeing many accidents there. There was an inquiry at the last Town Board meeting about banning truck traffic from Coder because of the impact on Lake Avenue and the County has been contacted on that matter. She thanks Mr. Ellis, Traffic Safety Coordinator for his efforts and they will give an update when they receive word back from them.

Councilman Quatroche also commends Councilwoman Kesner on a great event. His wife had the honor of doing the auction and it was a wonderful evening. Our Recreation Department, is always a step ahead, as stated in correspondence this evening in making sure that they keep engaged. This month they celebrated the 2<sup>nd</sup> annual youth sports month in the Town and had five events that were very well attended. The National Football League Youth Football Fund in the Buffalo Bills Youth Foundation kicked off a new program entitled Monday Night Football for the disabled. This is a beginner skills program for boys and girls between the ages of 9 and 18. He wants to commend Mr. Denecke for continuing to meet the needs of the youth in our community and to do those with alternative sources of revenue during times when revenue is tight.

Catherine Rybczynski, Town Clerk, reports that there will be voting machines for the November election, not paper ballots.

## **Business From the Floor**

Pete Resczka, Lake Avenue, he visited 3429 Dolphin Drive owned by Paul & Beverly Mendlewski, and they are still having a problem with drainage in their back yard. There is a sewer drain in the back yard that has settled and water accumulates. It is a danger and should be taken care of. Supervisor Hoak asks Dave Boswell to look into this.

Diane Bleich, 3195 South Creek Road, comments that they are having problems with snowmobilers on their road. Basically they travel the powerline area, but on South Creek they run into 18-mile creek so they asked for permission to come down the blind road, come over the bridge and go down Old Lakeview and then hook up with the other powerline areas. They have had a lot of problems with them on the road and would like the Board to rescind the special permission granted to them.

Councilman Cavalcoli responds that he has spoken to, Mr. Boehm, Deputy Town Attorney and Mr. Allen, Supervising Code Enforcement Officer, and it is their intention to review that with the perspective of rescinding that permission based on the issues that she has presented on behalf of her neighbors. Hopefully, within the next three weeks they will have an answer. He asks that she let Mr. Allen know how to contact her.

### **XX.**

**RESOLVED**, that the Town Board adjourn to Executive Session at 8:05 p.m.

Moved: Hoak

Seconded: Kesner

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

Noes: None

Carried

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Catherine Rybczynski, Town Clerk

## Correspondence - October 21, 2005

- 86 - To Supervisor Hoak from the Town Clerk's Office, the Monthly Report for September 2005 with receipts totaling \$75,889.84.
- 87 - To Supervisor Hoak from Charles Alessi, Deputy Commissioner - Department of Environment & Planning announcing his retirement and thanking him for all his cooperation over the years. They have jointly made great progress in providing effective and efficient sanitary sewer service to the Sewer District's residents.
- 88 - To Marty Denecke, Director of Recreation, from Patrick Haefner, Lakeshore Little League Board, commending him and his department for everything they are doing in the Town. He attended the 2<sup>nd</sup> Annual Golf outing and 1<sup>st</sup> Character Coach of the Year banquet and has been caching for 20 years. Marty, Tim Jerome and Marylou Bebak are an asset to our community and events like those help promote programs and encourage parent participation.
- 89 - To the Town Board from Irene Granica, Eugene & Murielle Dlugonski, Tom Moran, Scott & Tina Pokornowski, Dan & Patricial Schizel, requesting that their properties be rezoned from C-2 to N-C for the reasons as listed.
- 90 - To the Town Board from Lake Shore Volunteer Fire Co., Inc. Thanking the Town Board for sponsoring the Town Chiefs Golf Outing, they had a great time and appreciate the golf outing.
- 91 - To the Town Board from Big Tree Volunteer Firemen's Co. Thanking the Town Board for the 6<sup>th</sup> Annual Firefighters Golf Outing.
- 92 - To Supervisor Hoak from Congressman Brian Higgins thanking him for the Town Board's resolution regarding the Buffalo Skyway.
- 93 - Copy to Catherine Rybczynski, Town Clerk from NYSDEC in reference to Ridgefield Terrace Phase III stating no New York State regulated Freshwater Wetland has been identified as mapped for this site location. However, a field inspection has not been done and they need to make a full inspection. Asking for referenced landowners to contact in order to do this inspection.
- 94 - To Gerald Kapsiak, Town Engineer from John Coniglio, 4351 Fairview Parkway concerning drainage and building code issues for new construction at 4352 Fairview Parkway asking him to review his concerns and meet to discuss it.
- 95 - To the Town Board from Ray and JoAnn Peterson, 4954 Rogers Road, concerning a sewer problem on Rogers Road and Bender Court, asking for the Town Board's help in this matter.
- 96 - To Cathy Rybczynski, Town Clerk from Hamburg Central Schools requesting the use of six voting machines on December 6, 2005. (Prefiled)
- 97 - Copy to Catherine Rybczynski, Town Clerk from the NYSDEC concerning Russo-Greenacres, Inc regarding placement of fill on property in preparation of future development of this site.
- 98 - To Drew Reily, Planning Board Consultant from the NYSDEC regarding SEQR Lead Agency designation for Debo Day Care Center, 4390 Quinby Drive. Stating concerns that the Town should look into as Lead Agent.