

Meeting No. 22  
November 24, 1997  
Hamburg Town Board Meeting  
S-6100 South Park Avenue  
Hamburg, New York 14075

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

Roll Call:	D. Mark Cavalcoli Kathleen C. Hochul Joan A. Kesner Thomas Quatroche, Jr.	Deputy Supervisor Councilwoman Councilwoman Councilman
Absent:	Patrick H. Hoak	Supervisor
Also Present:	George Danyluk Richard Boehm Gerard Kapsiak James Spute James Connolly Drew Reilly Robert Hutchison Martin Denecke Tom Best Richard Crandall	Town Clerk Deputy Town Attorney Town Engineer Finance Director Highway Superintendent Planning Consultant Town Assessor Asst. Director of Recreation Police Captain Planning Board Chairman

The Pledge of Allegiance was recited.

Information on Fire Exits was provide.

7:00 p.m. Public Hearing for the establishment of Extension No. 5 to Central Hamburg Water District.

Mr. Kapsiak states that this Water District Extension is for a 68 lot single family subdivision which is located on the south side of Howard Road across from Heatherwood Drive. It occupies an area of 29 acres. It is being developed by Eaglecrest Estates as the Creekview Subdivision. The waterlines will be installed by the developer at no cost to the Town. Future maintenance will be performed by Erie County Water.



**VI.**

**BE IT RESOLVED**, that the Town Engineer's report on the acceptance of the QUEENS LANE SUBDIVISION work done under Public Improvement Permit Nos. 625 & 626 be received and accepted, and that the Supervisor is authorized to sign the report.

**BE IT RESOLVED**, that this resolution becomes effective on the day the report is signed by the Supervisor.

Moved: Cavalcoli

Seconded: Kesner

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

Noes: None

Carried

**VII.**

**WHEREAS**, the Town Board has previously authorized the sale of surplus Town Water District Property; and

**WHEREAS**, an offer has been received from Brian M. Gifford, for the purchase of the property on Coachman's Lane, owned by the Wanakah Water District, for the sum of \$7,000, dated November 12, 1997, with said premises described as follows:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot 34, Township 9, and Range 8 of the Holland Land Company's Survey, and being more particularly bounded and described as follows:

**BEGINNING** at the southwest corner of Sublot 105 as shown on Map Cover 2543 as filed in the Erie County Clerk's Office, which point is also located along the easterly highway boundary of Coachman's Lane in the Amsdell Park Subdivision; thence easterly at right angles to said highway boundary, a distance of 25 feet to a point; thence northerly at right angles and parallel to said highway boundary, a distance of 35 feet to a point; thence easterly at right angles, a distance of 100 feet to a point along the east line of the land subdivided under said Map Cover 2543; thence southerly at right angles, a distance of 100 feet to a point along said east line of said Map Cover 2543; thence westerly at right angles, a distance of 100 feet to a point; thence northerly at right angles along a line which is parallel to said highway boundary of Coachman's Lane, a distance of 35 feet to a point; thence westerly at right angles, a distance of 25 feet to a point along said highway boundary, said point also being the northwest corner of Sublot 104 as shown on said Map Cover 2543; thence northerly at right angles, a distance of 30 feet to the point or place of beginning, and containing an area of 0.247 acres.

Said parcel comprises the parcel of land which is identified as Account No. 181.12-3-8 in the office of the Assessor of the Town of Hamburg.

**WHEREAS**, this offer is in excess of the \$4,600 assessed value of the property, and is considered by the Town Assessor as being representative of current market conditions for similar vacant parcels;

**THEREFORE BE IT RESOLVED**, that the offer is accepted by the Town Board, and the Town Supervisor is authorized to sign the contract of sale (subject to review and approval of the Town Attorney), as well as the deed and other documents necessary for the closing of the sale, and that the Town Attorney is to undertake preparation of other required closing documents.

**BE IT FURTHER RESOLVED**, that the proceeds from the sale be returned to the fund account utilized for the demolition of the water tower which was previously on this property.

Moved: Hochul

Seconded: Kesner

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

Noes: None

Carried

Joe Kelly, Coalition of Lakeshore Taxpayers, questions where the money goes. Mr. Boehm responds that the money goes back to the Wanakah Water District. Mr. Kelly asks if this is subject to permissive referendum. Deputy Supervisor Cavalcoli responds that there was a public hearing on this and it was subject to permissive referendum but no one called for one.

**VIII.**

**WHEREAS**, the Town Highway Department opened bids on November 17, 1997 for 2-1998 New and Unused Wheel Loaders and the following bids were received:

Mecca Krull Corp. Rte 240, Orchard Park, N.Y.	Net Bid \$17,000
George & Swede 7155 Big Tree Road Pavillion, N.Y.	Net Bid \$35,000
Monroe Tractor Buffalo, N.Y.	No Bid

**THEREFORE BE IT RESOLVED**, that the Town Board authorize James Connolly Highway Supt., to accept the low bid of Mecca Krull Corp. in the amount \$17,000.00 which includes the trade-in allowance for 2-1995 John Deere 544G Loaders.

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

Seconded: Hochul

**IX.**

**WHEREAS**, the architect for the Hamburg Recreation Center Building Rehabilitation has received and reviewed quotations for extra work to the Picone Construction Corp. General Construction Work Contract, and

**WHEREAS**, the architect and the Recreation Dept. are recommending that a change order to the Picone Construction Corp. contract be authorized,

**NOW THEREFORE BE IT RESOLVED**, that an add change order in the amount of \$1,780.00 to provide glazed wall finish in toilet rooms Nos. 133 & 134 be authorized, and

**BE IT FURTHER RESOLVED**, that the architect be authorized to issue said change order designated as Change Order No. 1 in the amount of \$1,780 to Picone Construction Corp. covering the foregoing, and

**BE IT FURTHER RESOLVED**, that funding for Change Order No. 1, be from the Bond Resolution adopted by the Town Board, dated May 5, 1997.

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

Seconded: Hochul

**X.**

**WHEREAS**, the architect for the Hamburg Recreation Center Building Rehabilitation has received and reviewed quotations for extra work to the Mollenberg-Betz, Inc. Skating Rink Work Contract, and

**WHEREAS**, the architect and the Recreation Dept. Are recommending that a change order to the Mollenberg-Betz, Inc. contract be authorized,

**NOW THEREFORE BE IT RESOLVED**, that an add change order in the amount of \$1,910.40 to provide a bar stop on the refrigerator trench frame and ½ inch thick checkered plate trench covers at the Zamboni entrance and at the east vehicle entrance to the rink be authorized, and

**BE IT FURTHER RESOLVED**, that the architect be authorized to issue said change order designated as Change Order No. 3 in the amount of \$1,910.40 to Mollenberg-Betz, Inc. covering the foregoing and

**BE IT FURTHER RESOLVED**, that funding for change order No. 3 be from the Bond Resolution adopted by the Town Board, dated May 5, 1997.

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

Seconded: Kesner

**XI.**

**WHEREAS**, the architect for the Hamburg Recreation Center Building Rehabilitation has received and reviewed quotations for extra work to the Picone Construction Corp., General Construction Work Contract, and

**WHEREAS**, the architect and the Recreation Dept. are recommending that a change order to the Picone Construction Corp. contract be authorized,

**NOW THEREFORE BE IT RESOLVED**, that an add change order in the amount of \$190.00 to extend the length of the metal toilet partitions in toilet room No. 134 be authorized, and

**BE IT FURTHER RESOLVED**, that the architect be authorized to issue said change order designated as Change Order No. 2 in the amount of \$190.00 to Picone Construction Corp., covering the foregoing, and

**BE IT FURTHER RESOLVED**, that funding for Change Order No. 2 be from the Bond Resolution adopted by the Town Board, dated May 5, 1997.

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

Seconded: Hochul

**XII.**

**WHEREAS**, the Architect for the Hamburg Recreation Center Building Rehabilitation has received and reviewed quotations for extra work to the Mollenberg-Betz, Inc. Skating Rink Work Contract, and

**WHEREAS**, the architect and the Recreation Dept. are recommending that a change order to the Mollenberg-Betz, Inc. contract be authorized,

**NOW THEREFORE BE IT RESOLVED**, that an add change order in the amount of \$14,194.96 to provide additional manpower as necessary to accelerate the completion of the floor piping and floor slab be authorized, and

**BE IT FURTHER RESOLVED**, that the architect be authorized to issue said change order designated as Change Order No. 4 in the amount of \$14,194.96 to Mollenberg-Betz, Inc. covering the foregoing, and

**BE IT FURTHER RESOLVED**, that funding for Change Order No. 4, be from the Bond Resolution adopted by the Town Board, dated May 5, 1997.

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

**XIII.**

**BE IT RESOLVED**, that the Town Board approve the out of town travel request for James Spute, Robert Brown and Mary Dosch to Buffalo, NY on December 3, 1997, to attend the New York State Government Finance Officers Association Western Region Seminar. Estimated cost is \$120.00 and funds are available in Account #A1310.492.

Moved: Cavalcoli

Seconded: Hochul

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

Noes: None

Carried

**XIV.**

**WHEREAS**, Bell Atlantic has recently finalized an agreement for Local Usage Discount Plan with the New York State Office of General Services, and

**WHEREAS**, through this arrangement, OGS has the authority to pass on this discounting to the Town of Hamburg under contract #77011, and

**WHEREAS**, this discount plan provides for the Town of Hamburg a discount of up to 24% off Bell Atlantic Local Usage Calls based on our volume for the last year.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board authorize the Supervisor to sign this agreement. Contract runs until February 2001, or the Town can cancel anytime before with a 60 day notice.

Moved: Quatroche

Seconded: Kesner

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

Noes: None

Carried

Deputy Supervisor commends Mr. Spute and Mr. Brown for bringing this to their attention. Asks Mr. Spute to explain this. Mr. Spute responds that this is a discount that is offered to large Corporations and with this they should be able to save about \$6,000 per year.

**XV.**

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

OPERATING FUND:

BATCH #140	\$300,000.00
BATCH #141	\$124,221.95
BATCH #142	\$121,319.41 unprocessed

TOTAL OPERATING FUND DISBURSEMENTS: \$545,541.36

TRUST & AGENCY:

TOTAL TRUST & AGENCY DISBURSEMENTS: \$ 0.00

CAPITAL FUND DISBURSEMENTS:

BATCH #59	\$175,000.00
BATCH #60	\$219,761.84 unprocessed

TOTAL CAPITAL FUND DISBURSEMENTS: \$394,761.84

PAYROLL:

TOTAL PAYROLL DISBURSEMENTS: \$ 0.00

PETTY CASH:

OCT.	\$ 132.76
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TOTAL PETTY CASH DISBURSEMENTS: \$ 132.76

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$946,435.96

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

**XVI.**

**WHEREAS**, the Town of Hamburg has been notified that the FCC has prepared a Federal Rule titled, "Preemption of State and Local Zoning and Land Use Restrictions on the Citing, Placement and Construction of Broadcast Station Transmission Facilities", (Docket No. 97-182), and

**WHEREAS**, this proposal would drastically limit the powers of Local and State Governments to regulate the placement of these towers, and

**WHEREAS**, the Town of Hamburg takes it's Zoning and Home Rule powers seriously, and has recently updated its Comprehensive Plan and created a Local Tower Law in accordance with Federal Guidelines, and

**WHEREAS**, these laws have been effective in guiding the community and have resulted in placing Towers that, have been acceptable to the Town of Hamburg, it's citizens and the Tower Companies.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Hamburg strongly opposes any Rules by the FCC to limit these Home Rule and Zoning Powers.

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

Councilwoman Hochul explains that the genesis of this is a Buffalo News Editorial. The FCC is considering legislation which would hamper our ability to negotiate better locations for cellular towers when they come into town. It was exactly a year ago today that they passed the Telecommunications Law. She has written letters to Congressman Quinn, Congressman LaFalce and Congressman Paxon, Senator D'Amato and Senator Moynihan and also Governor Patacki who has come out in opposition to this and supporting our position.

Deputy Supervisor Cavalcoli asks if it would help if our taxpayer groups would also write in opposition to this. Councilwoman Hochul agrees that it would be helpful and the more timely the better. Councilwoman Hochul states that tomorrow she will be attending a Chatauqua conference at UB with elected officials from all over Western New York and she will be urging them to pass resolutions opposing this.

### **Correspondence**

Letter #179 - Deputy Supervisor Cavalcoli comments that when the Supervisor returns he will look into these issues and get back to Marianne Tomani.

Letter # 180 - Deputy Supervisor Cavalcoli responds that they will get in contact with the residents in that area and Mr. Woch and Mr. Reilly and they think that they may have something that meets everyone's needs.

Letter #178 - Councilwoman Hochul thanks Captain Best and asks him to pass on the thanks to the Police Department. The traffic is moving slower along Route 5 and hopefully people have gotten the message.

Letter #181 - Councilman Quatroche thanks Councilwoman Hochul for her efforts on this and asks that a copy of this letter be placed in Wally Bratek's file.

George Komenda asks that correspondence #177 be read in public.

Carol Fitzsimmons, Woodlawn Beach Taxpayers, states that she will let Marianne know that they will get back to her. They also have another concern with the back taxes at the Ford Plant. They feel Woodlawn will be hit very heavily on this. Deputy Supervisor Cavalcoli responds that this is still under negotiations and when negotiations are completed, then if there is a severe impact on Woodlawn the Town would do what they could to help.

George Komenda, asks if there has been any movement on the petition they submitted. Councilwoman Hochul responds that this has been forwarded to the State with the entire support of the Town Board.

### **Reports from Board Members and Department Heads**

Councilwoman Kesner comments that she will be the guest speaker at the Southwestern Taxpayers meeting tomorrow night and she will be talking about the EMS situation in the Town of Hamburg.

Councilwoman Hochul states that she will report back next meeting about her Chatauqua meeting. Also she has been meeting once a month with the Chamber of Commerce, talking about joint purchasing of Police Vehicles in conjunction with other Towns.

Councilman Quatroche states that he has also spoken to the Trustees about shared savings.

George Danyluk, Town Clerk, wants to notify the Board that St. Francis School will not be holding Bingo anymore because of the smoking situation. They have requested a refund on their license fee, they have 36 occasions at \$18.75 per occasion left, which works out to \$674.00 part of which goes to the State. He has tried to contact the State and there needs to be a resolution on this.

Martin Denecke, Asst. Director of Recreation, announces that the Hamburg Town Arena did open for Hockey skating on Saturday. They are operating on Saturdays and evenings. They will be open to the public on December 8th.

**XVII.**

**RESOLVED**, that the Town Board adjourn to Executive Session at 7:50 p.m. for legal reasons.

Moved: Cavalcoli

Seconded: Hochul

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

Noes: None

Carried

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George Danyluk, Town Clerk