

TOWN BOARD MEMBERS PRESENT:

Steven J. Walters	Supervisor
Michael Quinn	Councilman
Cheryl Potter-Juda	Councilwoman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk;
Walter Rooth III, Town Attorney; Robert Hutchison, Town Assessor; Drew Reilly, Planning Consultant

Supervisor Walters calls the meeting to order at 6:00 pm

Chris Zak, Assistant Chief Big Tree Fire Company, comments that he is accompanied by Mark Dean (Architect), Ron Klimowicz, Attorney, David Blackman, and Stan Figiel (Chairman of Committee to modernize the Big Tree Fire Company Facility). Big Tree Fire Company has been around for about 75 years and has been located out of their current station for the majority of that time period. They are looking to modernize their facility. Make it safer, larger and more efficient. He then gives a history of the existing fire station. In 2005 they formed a Capital Projects Committee. They did a needs analysis for the Fire Service, both present and moving forward for the next 75 years, and looked at the feasibility of consolidating into one facility, keeping their two facilities, renovating the existing or constructing a new facility. They decided that they should abandon what they have, find a new location, and build. In 2006 they hired their architect, Mark Dean, and they also did an analysis of available properties, within their fire district, looking for central location, easy access, size, etc. In 2007 they found that property and they were able to purchase that property for \$310,000. They cleaned up the property in 2009. Then did a wetlands delineation study, topographic survey, looked at designs to build and looked at financing in 2010. In 2014 they fine-tuned the financial analysis and interviewed and selected firms to sell their existing buildings. They settled on Northwest as their banking institution. One of their big problems is the size of apparatus. When the building was originally built the equipment was much smaller. They have safety issues being located on South Park Avenue. Manpower is dwindling and rather than split between two stations it would be better to centralize into one location. This would also eliminate, double utilities, double landscaping and double insurance. They feel they could improve their response time as well as reducing cost. The infrastructure is aging and costly to maintain. The parcel that they have purchased is at 4112 Big Tree Road which is near South Park Ave. The majority of the property is vacant, wooded and has significant wetlands issues. They did conduct drive time analysis to make sure the location made sense. They engaged the service of the Army Corp of Engineers to do a wetlands delineation. He explains where it is located on a map. They would like to be able to clear the site for the project prior to May 2015 which would allow them an additional two years to complete the project. He discusses the proposed plan for the project. The current construction estimates are a little over three million dollars. That includes site work, clearing, grading, drainage, utilities, paving and the construction of the building. Other costs that would not be in there are furniture, window treatment, appliances, moving expenses, permits and inspections. He then discusses the financing requirements. They have a little over 1.1 million dollars in reserve funds to go to this project.

They will fund this in thirds with one third from reserve funds, one third through the sale of the existing buildings and one third through a mortgage. Something they didn't calculate into the financial analysis is that they have projected some cost savings. They have met with their insurance company and they said that to insure the new building as opposed to the two older buildings they could save \$10,000 and, when they look at budget lines, plowing will go down, along with building maintenance, sanitation, landscaping, utilities. There will be improvements in energy efficiency and they will save quite a bit of money. The approximate amount they need to borrow would be 1.1 million dollars, which is after using the reserve funds and the sale of the properties. This could fluctuate and they would like to get this moving as quickly as possible to lock in the cost. The bank has agreed to lend them 1.9 million dollars based on their balance sheet, however they would like to keep the amount as low as possible. They are eligible for a tax exempt rate, being a Volunteer Fire Company. That rate would be 2.275% during the construction phase and when it goes to a locked in mortgage it would be 2.9%. That would be locked for 10 years but would be a 20 year amortization. The annual payment would be \$75,748.00 going to debt service and the initial mortgage length is 10 years and the bank is Northwest. They would like to hold a public hearing in September, get their engineering documents to the Planning Board and ZBA for their approval. They would like to bid the project beginning of next year and award the bid sometime in Feb. or March, start the work in the spring and finish the inside work over next winter and make the final move in early 2016.

Supervisor Walters comments that he mentioned that they are authorized for 1.9 million dollars from Northwest and in the financial calculations they are looking at just over one million dollars for the sale of the buildings. They would not be able to move out of the old buildings until the new one was ready. Therefore they would have a gap in financing during the construction period.

Mr. Zak responds that the realtors told them that the property would take 12 to 18 months to sell. They would only take draws on the money to move them through the construction phase and that will give them some time. If they need to they have other reserve funds to pay the higher mortgage until such time as the buildings sell. Once they sell the buildings they would reimburse that reserve fund.

Councilman Quinn questions if the real estate company gave them any prospective buyers.

Stan Figiel responds that there are a group of professionals interested in Station two and the building on South Park is very attractive because of the visibility and the amount of traffic that goes by.

Councilman Quinn questions if they are going to use companies that follow the apprenticeship law for the construction of the building.

Mr. Zak responds that they haven't specifically thought of that. They have discussed that they want to support local businesses from the Town of Hamburg. They will discuss the use of the apprenticeship program for the project.

David Blackman states that a copy of a resolution calling for a public hearing to approve the Financing for this project to be held on September 9th was submitted to the Town Attorney.

Councilman Quinn questions if they are looking for a loan from the Town.

Supervisor Walters responds that the Town's only roll is to authorize them to get the loan. Their loan would have no effect on our books. That would be part of their budgeting process in their request to the Town for their annual budget to be approved.

Mr. Zak comments that they are not asking for any additional money, in their budget, for this project. That was their goal and objective.

Mark Dean, Architect, comments that they worked very hard to pare down this project to get it to the present budget that it is now. There has been substantial consideration made by the fire company to help move the project forward and keep it within the reigns of their budget constrictions.

Mr. Reilly questions if there are any zoning issues with the new proposed site.

Mr. Blackman responds that they do have a Zoning Board of Appeals issue with regards to the parking lot in proximity to Bristol. They are encroaching on a 35 ft side yard setback so they will go through the ZBA process for that. Otherwise it is zoned correctly.

Mr. Zak comments that in regards to the wetlands their goal is to keep impact to a minimum or not at all. That is why they positioned the building in such a way that it is closer to the street.

Devon Franklin and Joe Smith, third year Law Students at U.B., are present to talk as members of the animal law pro-bono project. The project started in 2013. It is a group of students and faculty from the law school as well as pro-bono attorneys from the community. They are trying to help municipalities deal with their legal needs when they are pursuing projects related to animal welfare issues. One of their goals is to make Western New York T.N.V.R. (trap, neuter, vaccinate and return) friendly. It is a humane and effective way to deal with community cats in the area. In June 2014 the Common Council did pass a law that did encourage T.N.V.R. in the City of Buffalo. They would like to encourage other communities in Erie County to adopt T.N.V.R. ordinances. They have created a model ordinance that can be applied to any Town that would like to adopt it. This ordinance does not require funds to be put aside, it does not require a specific program be created, it basically is a declaration that the municipality supports and encourages T.N.V.R. and discourages the catch and kill which does not address the underlying issue.

Joe Smith comments that every Town and Village has community cats. The ordinance deals with both stray and feral cats. The Humane Society of the United States and the International City County Management Association have both endorsed T.N.V.R. as the best way to manage community cats. The Erie County S.P.C.A. has endorsed this program as well. This program is financially more responsible than catch and kill. In Western New York, in the Town's that have done T.N.V.R., it costs \$60.00 or less per cat. To euthanize it is around \$100.00.

The Animal Control Officer would handle the euthanization and therefore the cost would be to the Town. The T.N.V.R. program is done with no funding from the Town. It is done through private individuals that have their own funds to do this. This is a good thing for the Town and for the cats.

Supervisor Walters questions who the private individuals are that would handle this and if there was a problem in a specific area of the Town who should be contacted.

Ms. Franklin responds that the ordinance states that it is all on a volunteer basis. So that people that want to get involved in this will.

Councilman Quinn asks Dog Control Officer, R.J. Stoberl to comment on this.

Mr. Stoberl comments that according to the Erie County S.P.C.A. cats are private property. He can see their point, but they are not solving the problem. They are neutering and vaccinating them but then releasing them back into the community. The complaints that he gets is that they are defecating in flower beds or sleeping on or in cars. He is strictly a Dog Control Officer. In the Town of Hamburg there are a lot of cats that have owners but are allowed to run free.

Supervisor Walters questions what is the liability if a privately owned cat was picked up and was spayed or neutered and released and the owner did not want that.

Mr. Smith introduces Law Professor Diana Connolly and an Attorney working on the project with them, Peter Reese.

Mr. Reese comments that there are a couple of organizations, Feral Cat Focus has been in operation for 7-8 years and they actively encourage T.N.V.R. They have approached communities that say they do not have a problem with this and it is because this group is out there already doing it. Feral Cat Focus will assist people with unwanted cats on their property. They know how to do that. Their website is FCS.org. There is also an organization called Operation Pets, operationpets.org, and they would provide low cost spay/neutering for Feral Cat Focus. When there is a situation where they have to go in and do the trap they send out notices to people to let them know this is going on in the community and if they have a cat that is running free to secure it and make sure it is inside. His guess is that people who have cats have already had them spayed or neutered and if they pick up a cat that has an owner it will be returned to them.

Dog Control Officer Stoberl comments that he gets very few phone calls for this problem.

Joe Smith comments that if they would like further information they can come back. They wanted to introduce them to the topic and hope for a future discussion.

Laura Hahn, Rejuvenation Committee, comments that they just finished the 15th Annual Blast on the Beach which was their best year so far. The additional support and cooperation from the Town of Hamburg Departments is crucial to her Committee and it has come to her attention that the expenses for the portable toilets would be the responsibility of the Rejuvenation Committee.

The Committee has never been responsible for this payment in the past. She would like to explain why the Committee should not be responsible for this expense. She submits a letter as follows:



Hamburg Rejuvenation Project

Working today for a better Hamburg tomorrow.

August 11, 2014

Dear Hamburg Town Board:

The Hamburg Rejuvenation Committee has just finished Blast on the Beach – the 15th annual and best year so far. As you know, additional support and cooperation from the Town of Hamburg and its departments is crucial. It has come to our attention the expenses for the portable toilets will be the responsibility of the Rejuvenation Committee. The Rejuvenation Committee has never been responsible for this payment in the past.

I would like to explain why we feel the Hamburg Rejuvenation Committee should not be responsible for this expense.

The Rejuvenation Committee is an **ALL VOLUNTEER** group supported by the Town of Hamburg. We work all year to sponsor three events – Town Wide Clean Up, Blast on the Beach & Christmas at the Cabin.

Town Wide Clean Up – our volunteers not only work the day of the event which is 8am – 1pm we plan and pick up supplies on our own time.

Blast on the Beach – our volunteers not only work the day of the event - **11am – 11pm** - at our hot dog stand (which 100% of the proceeds go to Blast on the Beach expenses) we work diligently to raise money to meet our expenses. Example – In February/March the Rejuvenation Committee asked Supervisor Walters for additional support of \$3500 for the Blast on the Beach in case we could not raise enough money through sponsors etc. Without hesitation he agreed. We could have easily not tried and taken the money. I'm happy to report and very proud to say through hard work and determination we have raised enough money and do not need the additional support.

Christmas at the Cabin – our volunteers not only work the event 10am – 5 pm we have countless hours in planning and picking up supplies etc all on our own time.

We know that everyone can appreciate how hard it is to find and keep volunteers. I'm here before the Hamburg Town Board to ask your help with this expense. We have never been expected to pay this in prior years and ask that this burden not be placed on the Hamburg Rejuvenation Committee now or in the future.

Sincerely,

Laura M. Hahn
Co-Chairperson
Hamburg Rejuvenation Committee

Chief Williams introduces Christopher Schreiber and Joseph Cutolo, two new Police Officers on the Agenda to be hired.

Supervisor Walters comments that they were highly recommended by Chief Williams and Captain Trask and he welcomes them to the Town of Hamburg.

Councilman Quinn comments that he reviewed their resumes and agrees that they are outstanding candidates and welcomes them as well.

Councilman Potter-Juda comments that she has heard great things about them from Police Officers in the surrounding communities.

Drew Reilly comments that the Town is dealing with the Sherwood Meadows project, a controversial project, where the homeowners have negotiated a deal with the developer. They have requested that the Town enforce construction routes of truck traffic. He then comments that Town Code Enforcement would not be in charge of this.

Chief Williams comments that the Police could not enforce that. They could only enforce violations such as speeding, etc.

Walt Rooth, Town Attorney, responds that if it is a private agreement between the homeowners and the developer the Town would not be involved.

Mr. Reilly, Planning Consultant, reviews the items on the agenda from the Planning Department.

The Town Board discusses whether to pass the resolutions calling for public hearings for Woodlawn Volunteer Fire Company on financing for renovations to their fire hall and Big Tree Volunteer Fire Company for financing for a new fire hall. They agree to pass them as late resolutions.