

A regular Town Board meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, 6100 South Park Avenue, Hamburg, New York on the 25th day of January 2016.

2.

On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

RESOLVED, that the Town Board adjourn Executive Session at 7:00 pm and move into the regular meeting.

Supervisor Walters comments that a faithful servant of the Town of Hamburg, Angelo Butera, passed away over the weekend. He had the privilege to work with Angelo for the ten years he has been with the Town. He was a class person, a family man and a good cop. He will be missed.

Councilman Best comments he was a good cop, a great friend, and he will be dearly missed by all his friends and the people close to him.

Supervisor Walters asks for a moment of silence for Angelo Butera.

ROLL CALL:	Steven J. Walters	Supervisor
	Michael Quinn, Jr.	Councilman
	Thomas Best, Jr.	Councilman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk
Walter Rooth III, Town Attorney; Joseph Collins, Deputy Town Attorney; Mary Dosch, Sr. Account Clerk; Orest Ciolko, Engineering Consultant; Gregory Wickett, Police Captain; Joseph Wenzel, Assistant Director of Recreation; Jay Collard, Deputy Highway Superintendent; Christopher Hull, Director of Community Development; Kurt Allen, Supervising Code Enforcement Officer; Ted Casey, Traffic Safety Coordinator

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

3.

On a motion of Councilman Best, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

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

- 12/14/2015 Work Session
- 12/14/2015 Town Board Meeting
- 12/30/2015 Year End Meeting
- 01/11/2016 Organizational Meeting
- 01/20/2016 Special Meeting

The following spoke concerning resolution #3: Amy Ziegler, Catherine Rybczynski

4.

On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board approve the membership of the following into the Newton Abbott Fire Company, Inc.:

Samuel Sabato
23 Susan Lane
Buffalo, N.Y. 14220

5.

On a motion of Councilman Quinn, seconded by Councilman Best, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that the Speed limit on Big Tree Road, from Big Tree and Bayview intersection to Route 75, be reduced from 45 MPH to 40 MPH. Speed limit signs reflecting the change shall be erected and maintained by the Buildings and Grounds Department in accordance with the New York State Manual of Uniform Traffic Control Devices.

6.

On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, the Town of Hamburg received a request from Benderson Development Company, LLC to rezone property located at 4910, 4950 and 4990 Camp Road from M-2 (Light Industrial District) to C-2 (General Commercial District), and

WHEREAS, the Code Review Committee reviewed the application and found merit in the rezoning of this property;

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby refers this rezoning request to the Planning Board for its review and recommendation and to Erie County in accordance with General Municipal Law section 239-m; and

BE IT FURTHER RESOLVED that the Hamburg Town Board, pursuant to the statutes and the provisions of the Municipal Home Rule Law, hereby sets a Public Hearing on the proposed rezoning and that such hearing shall take place at the Hamburg Town Hall located at 6100 South Park Avenue, Hamburg, NY at 7:00 pm on February 22, 2016.

7.

On a motion of Councilman Best, seconded by Councilman Quinn, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, the Town of Hamburg received a request from Zak Management to rezone property located at 4090 Jeffrey Boulevard from M-1 (Industrial Park – Research and Development District) and M-2 (Light Industrial District) to PUD (Planned Unit Development District), and

WHEREAS, the Code Review Committee reviewed the application and found merit in the rezoning of this property;

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby refers this rezoning request to the Planning Board for its review and recommendation and to Erie County in accordance with General Municipal Law section 239-m. (documentation attached)

8.

On a motion of Councilman Best, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, the Hamburg Town Code contains and specifies the local laws, and ordinances of the Town of Hamburg; and

WHEREAS, the Hamburg Code Review Committee has evaluated these regulations as they relate to the PUD zoning district based on issues raised by property owners and the Building Department, and

WHEREAS, the Hamburg Code Review Committee has determined that the existing uses in the PUD district do not reflect the vision of the Town and existing conditions in the Town and has directed the drafting of amendments to the PUD zoning district and has now recommended them to the Town Board, and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Hamburg Town Code as follows (full copies attached):

Amend Chapter 280 (Zoning), “Article XXII. PUD Planned Unit Development District”, by adding an Intent section, amending and deleting certain sections and adding a Procedure/Process section as shown in the attached full copy of the amendments, and

WHEREAS, the Town Board would like to start the process of considering these zoning revisions by referring these proposed code revisions to the Hamburg Planning Board and to Erie County in accordance with General Municipal Law section 239-m.

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board authorizes the referral of these amendments to the Hamburg Planning Board and Erie County, and sets a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on February 22, 2016.

Article XXII

Amend Article XXII. PUD Planned Unit Development District as follows:

Add a new section at the beginning of the Article:

§280 – XXX Intent

It is the intent of the PUD (Planned Unit Development District) to provide greater flexibility and opportunity for the development of mixed uses in specific areas of the Town. Innovative design and creative mixes of uses are encouraged to offer the potential for a sustainable development that can provide economic opportunities, residential housing and jobs and service bases consistent with the objectives of the Hamburg Comprehensive Plan. There are no prescribed combinations of uses or specific quantities of elements that are required. It will require the applicant to demonstrate to the Town of Hamburg how their proposed project meets the objectives of the Hamburg Comprehensive Plan and the needs of the citizens and businesses of the community, without harming the character of the area.

Amend and renumber Section 280-144 Permitted Uses and Structures:

A. Principal Uses and Structures

(1) Principal uses and structures permitted in all Hamburg Zoning Districts except that uses first allowed in the M-3 District shall be prohibited.

(2) Permitted uses shall be mixed to provide for a variety of use types and services that are coordinated within a designated area, subject to approved concept and development plans for the entire site. If approved, the concept/development plan and any conditions placed on the approval shall act as the zoning of the site.

(3) Special uses as regulated in the Town’s Zoning Districts.

Delete existing Sections 280-148, 280-149 and 280-150.

Add the following new Section:

Section 280 – YYY Procedure/Process

A. Creation of a PUD shall follow the same procedures and processes for a rezoning of a site as outlined in Article XLVIII.

B. The rezoning application must include a concept/development plan which, if approved, will represent the Zoning of the site. Any conditions placed on the rezoning shall also be incorporated into the PUD Plan and enforced in any future approvals by the Planning Board.

C. Any amendments to an approved PUD shall follow the same procedures and processes as a new PUD zoning designation.

D. Upon approval of the PUD Zoning designation by the Town Board, the project will need to proceed to Site Plan and if necessary subdivision approvals with the Town Planning Board, prior to any construction or building permits being issued.

9.

On a motion of Councilman Best, seconded by Supervisor Walters, the following resolution was ADOPTED

Ayes 3 Walters, Best, Quinn
Noes 0

WHEREAS, the New York State Department of Transportation (NYSDOT) is planning a bid opening for the reconstruction of the intersection of South Park Avenue and Sowles Road into a roundabout; and

WHEREAS, it is anticipated that Town-owned street lights within the highway right-of-way in the project area will require relocation or adjustment as a result of the NYSDOT highway project; and

WHEREAS, Subdivision 24 of Section 10 of State Highway Law enables NYSDOT to provide for the relocation or adjustment of municipally owned utilities at the expense of the State, when such work is necessary as a result of State highway work,

THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to enter into an agreement with NYSDOT in this regard, granting the State of New York authority to perform required utility relocations or adjustments as part of the project and at no cost to the Town of Hamburg, and agreeing that the Town will resume maintenance of such relocated or adjusted facilities via state-let contract, following the completion and acceptance of the construction work associated with the NYSDOT project.

12.

On a motion of Councilman Quinn, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

BE IT RESOLVED that the Hamburg Town Board authorize the Town Attorney to send out a Request for Proposals entitled:

TOWN OF HAMBURG, ERIE COUNTY, NEW YORK
REQUEST FOR PROPOSALS
FOR PROFESSIONAL ENGINEERING AND CONSULTING SERVICES

Request for Proposals are to be submitted to the Town Clerk no later than March 14, 2016 at 11:00 a.m.

The Following spoke concerning resolution #12: Donald Wiess, Supervisor Walters

13.

On a motion of Councilman Quinn, seconded by Councilman Best, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

BE IT RESOLVED, that the Town Board appoints Robert Hutchison to the Board of Assessment Review, for a five year term, beginning October 1, 2015 and ending September 30, 2020.

14.

On a motion of Councilman Quinn, seconded by Councilman Best, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that former Councilwoman Cheryl Potter-Juda be removed from the Town of Hamburg Ethics Board and replaced by Thomas Brown commencing 01/01/2016 and ending 12/31/2016.

15.

On a motion of Councilman Quinn, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the layoff notices given in Highway and Buildings and Grounds Departments are hereby rescinded.

16.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board approve the membership of the following into the Lake Shore Volunteer Fire Co., Inc.:

Zackary Clifford
5069 Mt. Vernon Blvd.
Hamburg, N.Y. 14075

17.

On a motion of Supervisor Walters, with a unanimous second, the following proclamation was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0



Town of Hamburg

Office of Supervisor

IN RECOGNITION OF PRINCIPAL JUDITH MACDONALD

WHEREAS, in 2001 Buffalo native Tim Russert, whose life was impacted by Catholic education, initiated the *Sister Lucille Socciarelli/Father John Sturm Making a Difference Award*, a prestigious award to outstanding teachers for their dedication and service to Catholic education and the students they serve; and

WHEREAS, Mrs. Judith MacDonald, Principal of Southtowns Catholic School has been named the 2016 recipient of this award from the Diocese of Buffalo; and

WHEREAS, Mrs. MacDonald has been dedicated and continues to dedicate her professional career to the education of students, serving in various roles such as Director of Catholic Elementary Schools for the Diocese of Buffalo, adjunct professor in non-public school administration at Canisius College, principal of Ss. Peter & Paul School of Hamburg, and Art teacher at Immaculate Conception School in Eden; and

WHEREAS, Mrs. MacDonald continues to be a role model for students of every age, and has given an invaluable contribution to the whole community through the education and development of students as a contributing member of Church and society; and

WHEREAS, Mrs. MacDonald has helped hundreds of students who suffer economic hardships to receive a quality Catholic education as she treats each child as if he/she were the most important person in the world with her smiles and calm reassurance;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg congratulates Mrs. Judith MacDonald, Principal of Southtowns Catholic School, for dedicating her life to Catholic Education and being the recipient of the 2016 *Sister Lucille Socciarelli/Father John Sturm Making a Difference Award* by the Diocese of Buffalo and proclaim January 29, 2016 Mrs. MacDonald Day in the Town of Hamburg. The children of the Town of Hamburg thank you for your selfless dedication to education.

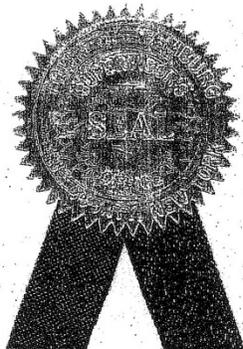
IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 22nd day of January 2016.

Steven J. Walters, Supervisor

Town of Hamburg

Thomas Best, Jr., Councilman

Michael Quinn, Councilman



18.

On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

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

TOWN BOARD
 AUDIT OF CASH DISBURSEMENTS January 25, 2016

	VOUCHER #S
OPERATING FUND:	
BATCH #1 \$248,276.20	80496-80606
BATCH #2 \$48,443.59	80607-80653
BATCH #3 \$14,418.72	80654
BATCH #4 \$75,000.00	80655
BATCH #5 \$31,457.35	80656-80701
BATCH #6 \$317,057.66	80706-80704
BATCH #7 \$29.40	80765
BATCH #8 \$698,492.05	80774-80838
TOTAL OPERATING FUND DISBURSEMENTS:	\$1,433,174.97
TRUST & AGENCY:	
TOTAL TRUST & AGENCY DISBURSEMENTS:	\$0.00
CAPITAL FUND DISBURSEMENTS:	
BATCH #1 \$919.00	80766
BATCH #2 \$2,562.22	80767-80771
BATCH #3 \$33,063.00	80772-80773
TOTAL CAPITAL FUND DISBURSEMENTS:	\$36,544.22
PAYROLL:	
PR #P/R 1 \$647,133.19	
TOTAL PAYROLL DISBURSEMENTS:	\$647,133.19
PETTY CASH	\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:	\$2,116,852.38

Reports from Town Board Members and Department Heads

Councilman Quinn – no report

Councilman Best thanks the department heads he has been meeting with over the past couple of weeks so he can get a better understanding of what is going on within their departments.

Supervisor Walters – no report

Catherine Rybczynski, Town Clerk, reports that tax bills have been mailed and tax collection began about two weeks ago.

Christopher Hull, Director of Community Development, reports that they will be holding a public hearing on Wednesday night in the Public Lobby at 7:00 pm for their 2016 Draft Action Plan.

Joe Wenzel, Assistant Director of Recreation, wants to remind everyone that the surveys for the Master Plan are due at the end of this month. A copy of the survey is available on-line at their department website.

Chief Wickett recognizes two of his officers that are retiring, Ron Braun and Det. Sgt. Glenn Zawierucha. They are retiring this month with over sixty years of combined service. He echoes the Board on their comments about Angelo Butera, he was a great Police Officer and a great friend.

Business from the Floor

Barbara Rogers comments that in November the Town of Hamburg residents voted to upsize the Town Board. Advocacy groups have joined together to send a letter to all of our State legislators asking for Comprehensive Ethics Reform. This would include limits on outside income, accountability for in-house spending, elimination of the LLC loophole and a permanent Independent Advisory Board. We employ them when we elect them. This is a priority issue and if they can't get it done they will have to answer to the voters in November.

Mike Welch comments on the decision of the Supervisor and a former Councilmember to force the vote, 12/14/2015, on a parcel on the southeast corner of Hamburg, currently owned by Greenacres under contract to Glenn Wetzl. They voted yes despite the recommendations against the project by the Planning and Conservation Boards as well as the Town Attorney. The Town will be served with a lawsuit on this probably tomorrow.

19.

On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board move into Executive Session at 7:31 pm to discuss labor negotiations and a personnel matter on a specific person in a specific department.

20.

On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board adjourn at 8:40 pm.

Catherine A. Rybczynski, R.M.C.
Town Clerk