

A regular Town Board Meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York on the 28th day of January 2008.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Thomas M. Best, Sr.	Councilman
Joan A. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman
Kevin Smardz	Councilman

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; James Connolly, Highway Superintendent; Timothy Ellis, Traffic Safety Coordinator; Ken Farrell, Town Attorney; Marin Denecke, Director of Recreation; Carmen Kesner, Chief of Police; Kurt Allen, Supervising Code Enforcement Officer; Drew Reilly, Planning Consultant; Gerard Kapsiak, Town Engineer

Pledge of Allegiance was recited.

Information on fire exits was provided.

Supervisor Walters reports the unfortunate news that a member of the Hamburg Volunteer Fire Company, Robert Newell, passed away suddenly at his home this past Tuesday. In honor of Bob, Supervisor Walters asks for a moment of silence.

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

7:00 p.m. Public Hearing concerning the revision of certain Town imposed fees, namely building and sewer permit fees as listed in Chapter 76, Section 76-8, 76-19 and Town Park use and boat permit fees as listed in Chapter 188, Article II, Section 188-19 and 188-23.

LEGAL NOTICE TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that there has been presented to the Town Board on December 17, 2007 pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law #1, 2008; said local law provides for amendments to the Code of the Town of Hamburg, The amendments can be described as follows:

-AMENDMENT to Chapter 76, Section 76-24, Plumbing and Site Utility Work Administrative Rules and Regulations

Amend Paragraph C(2) to read as follows:

Insurance Requirements: The applicant shall file with the Code Enforcement Department proof of insurance with limits of \$1,000,000 for Bodily Injury and Property Damage, naming the Town of Hamburg as an Additional Insured and clarification that the contractor's coverage is Primary and Non-Contributory. The applicant shall also file evidence of Workers' Compensation coverage in accordance with State requirements.

Delete Paragraphs O in its entirety

Delete Paragraph Q in its entirety

Paragraph P, **delete** the words Erie County Sewer District No. 2

-AMENDMENT to Chapter 188, Section 188-19 Issuance of use permit: fee; exemption Residents of the Town of Hamburg may obtain use permits at a fee to be determined from time to time by resolution of the Town Board of the Town of Hamburg at a public meeting. Permits may be obtained at the Office of the Town Clerk at Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York and the Town of Hamburg Fitness Center, located at the Hamburg Town Park. Such permits shall be issued to and used by residents of the Town of Hamburg only. Only grantees of the Locksley Park Company shall be exempt from paying the use permit fee.

-AMENDMENT to Chapter 188, Section 188-23 Issuance of boat permit; fee Residents of the Town of Hamburg may obtain a boat permit at a fee to be determined from time to time by resolution of the Town Board of the Town of Hamburg at a public meeting. Permits may be obtained at the Town of Hamburg Fitness Center located at the

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

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

January 7, 2008 Reorg Meeting
January 14, 2008 Work Session

3.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, during the review and approval of the Wal-Mart project on Southwestern Boulevard the zoning of the adjoining property to the east of the site, 5334 Southwestern Boulevard, was questioned, and

WHEREAS, this site was considered for rezoning when the adjoining lot was rezoned to commercial several years ago, and was further contemplated and recommended during the Wal-Mart approval process, and

WHEREAS, the current owners of the property have requested that the property be rezoned to commercial, and

WHEREAS, the rezoning of this property to commercial would be in conformance with the Town’s Comprehensive Plan, and

WHEREAS, the Code Review Committee has issued a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby schedules a public hearing on this rezoning to be held on February 25, 2008 at 7:00 PM. And also requests that the Planning Board give additional input on this rezoning to the Town Board.

Councilman Smardz requests that Drew Reilly explain where the property is located.

Drew Reilly explains that the property is just to the east if you’re facing the Wal-Mart site, to the right of it. There is a house there and the owner has questioned why his property is still residential.

4.

On a motion of Councilman Smardz, seconded by Councilman Quatroche the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

Whereas, Wal-Mart has requested that the Town rezone its property located at 4255 McKinley Parkway (Seven Corners) from C-1 to C-2, and

Whereas, when the Wal-Mart store was constructed, the land was zoned C-1 and subsequently the Town changed the C-1 zoning code to limit the size of retail structures to 15,000 sq.ft., and therefore the existing use of the site was made non-conforming to the Town Code, and

Whereas, Wal-Mart is attempting to re-market the building and requests that the zoning be changed to C-2 so the building is in conformance with the Town Code, and

Whereas, the Town's Comprehensive Plan calls for that area to be regional commercial and the change to the Code has created a non-conformity with the Comprehensive Plan through no fault of Wal-Mart, and

Whereas, on November 21, 2007 the Town of Hamburg Planning Board did issue a positive recommendation to the Town Board regarding this rezoning and the Planning Department stated that the Town should consider rezoning the Tops site to C-2 also;

Now, Therefore, Be It Resolved, that the Hamburg Town Board hereby schedules a public hearing to be held on February 25, 2008 at 7:00 P.M.

Supervisor Walters notes that this is changed from 7:15 to 7:00 p.m. because the Legal Department informed them that they can hold a Public Hearing later than listed but not earlier. Therefore, all Public Hearings will be called for at 7:00 p.m.

5.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

Be It Resolved, that the Stephen Dolber request for rezoning be removed from the table.

6.

On a motion of Councilman Smardz, seconded by Councilman Quatroche, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

Whereas, the Town of Hamburg received a rezoning application from Stephen Dolber for a parcel of land located at 5363 Southwestern Boulevard to be rezoned from R-2 to C-2; and

Whereas, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has reviewed this rezoning request; and

Whereas, the rezoning of the property will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic consideration;

Now, Therefore, Be It Resolved, that the Town of Hamburg has determined that the proposed rezoning is not anticipated to result in any significant effect on the environment and that a Negative Declaration is hereby issued.

Be It Further Resolved, that the Supervisor be authorized to sign the Environmental Assessment Form.

7.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

Whereas, the Town of Hamburg received a rezoning application from Stephen Dolber for a parcel of land located at 5363 Southwestern Boulevard from R-2 to C-2, and

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

Whereas, the Hamburg Town Board did refer this rezoning request to the Planning Board for its review and recommendation; and

Whereas, on October 17, 2007 the Hamburg Planning Board did issue a positive recommendation to the Town Board with conditions regarding this request; and

Whereas, on November 19, 2007 the Town of Hamburg Town Board held the required public hearing and received comments from the public; and

Whereas, the requested rezoning is in compliance with the Town of Hamburg Comprehensive Plan; and,

Whereas, the Hamburg Town Board has issued a Negative Declaration;

Now, Therefore, Be It Resolved, that the Town Board of the Town of Hamburg hereby rezones the parcel located at 5363 Southwestern Boulevard from R-2 to C-2 with the following conditions:

1. There will be no vehicular access to Abel Road.
2. No automotive uses will be allowed on the property, including sales, services, and gasoline stations.
3. An appropriate landscaped buffer will be provided along Abel Rd. and along the side of the property abutting the residential property to the southwest (to be approved during Site Plan Approval).

Be it Further Resolved, that the zoning code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986 of the code of the Town of Hamburg entitled "Zoning" to provide for a change in the boundary of the zoning map whereby the zoning is changed from R-2 to C-2 for property located at 5363 Southwestern Blvd. and further 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 29, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the southeast corner of Lot 29 in Able Road;

Thence westerly along the south line of Lot 29 a distance of 417.8 feet;

Thence northwest at right angles to Southwestern Boulevard 148.0 feet to the southeast line of Southwestern Boulevard;

Thence N 53 23' 28" E along the southeast line of Southwestern Boulevard 448.86 feet;

Thence N 53 23' 18" E along the southeast line of Southwestern Boulevard 193.0 feet to the east line of Lot 29;

Thence southerly along the east line of Lot 29 a distance of 502.55 feet to the point of beginning.

Councilwoman Kesner questions if the questions they had to discuss this matter was in reference to the type of business that would be going in.

Drew Reilly notes that the applicant said something about daycare when they first approached them.

Peter Sorgi, attorney for the new property owner, they do not have a proposed user for the site.

Councilwoman Kesner notes that she always likes to know especially that it backs up to a residential neighborhood.

Mr. Reilly notes that it's one of the reasons why there are restrictions put in place.

Mr. Sorgi notes that they are aware they will have to go through site plan approval for whatever they propose.

Councilwoman Kesner responds that a couple of her concerns were addressed with the no vehicle access to Able and the buffer to the resident.

Mr. Reilly notes that the Planning Board and Planning Department has recommended that even her property in the future, if she wants it, be rezoned to commercial.

Councilwoman Kesner notes that it is a thin strip and a concern of hers is that there will be dumpsters lined up along the back.

Mr. Sorgi notes that will be addressed during the site plan.

Drew Reilly responds that as soon as they get an application, they will put it in the file and a copy sent to Councilwoman Kesner's office.

Councilwoman Kesner notes that most of her concerns were addressed here but she was hoping they would have a better handle on what was going to be put there.

8.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve Tamara Franz, along with four youth, to attend the 2008 Youth Leadership Forum and Legislative Breakfast on February 11th and 12th. The forum will be no cost to the town.

9.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, the Town Board authorize the Finance Department to increase Account B599 through Appropriation Fund Balance in the amount of \$3,645.00.

This was unexpended Grant monies received in December 2007. This money is to be used to reimburse account to pay for Video Recording Equipment for the Police Department.

10.

On a motion of Councilman Smardz, seconded by Councilman Quatroche, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

BE IT RESOLVED, that the Town Board authorize the Finance Department to increase appropriation account A6780.486 HADC (Hamburg Adult Day Care) Council Fund in the amount of \$1,817.13. This will be funded through the A599 Appropriated Fund Balance.

These monies are part of the unexpended balance of donations received by HADC from previous years.

11.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, Under Title 19 NYCRR, Part 434 The Department of the State Codes Division requires each Code Enforcement personnel to receive a minimum of 24 hours of in service training on an annual basis and,

WHEREAS, the Niagara Frontier Building Officials Association periodically sponsors education training conferences, which can be attributed toward the State mandated in-service training and,

WHEREAS, in order that the seven Town employed Code Enforcement Officials, namely, Jeffrey Adrian, Kurt Allen, Walter Bratek, James Eberhardt, Roger Gibson, Don Sickau and Tim Willard be eligible to attend such training seminars, they must be active members of Niagara Frontier Building Officials.

NOW, THEREFORE BE IT RESOLVED, that Town Board approve the annual membership renewal for the Town's seven Building Inspectors at an annual cost of \$40.00 per Inspector with the total cost to the Town being \$ 280.00. Money is available in account A 3620.492 seminars.

BE IT FURTHER RESOLVED, that the Town Board authorized travel requests for Building Inspectors Kurt Allen, Walter Bratek, Roger Gibson, Don Sickau and Tim Willard, Jeffrey Adrian and James Eberhardt to attend the Niagara Building Officials Association sponsored Annual Educational Conference on Monday, January 28, 2008 through Wednesday, January 30, 2008. This program is to be held at the Buffalo/Niagara Marriott, 1340 Millersport Highway in Amherst, New York. The New York State Department of State Codes Division will apply 18 hours of in-service credit toward each of the attendees continuing educational needs.

The total cost to the Town for the three-day seminar will be \$ 1,750.00. Use of Town vehicles will be required. Money is also available in account A 3620.492 seminars.

12.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the termination of personnel in the Buildings and Grounds Department as follows:

- 1. Kieber, Daniel Laborer, P/T 01/26/08 Terminate B&G

13.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the hiring of personnel in the Legal Department as follows:

- 1. McLeod, Marie Clerk, P/T 01/28/08 \$8.55

14.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the termination of personnel in the Buildings and Grounds Department as follows:

- 1. Wickett, Thomas Laborer, P/T 01/04/08 Terminate

15.

On a motion of Councilman Quatroche, seconded by Councilman Smardz, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the hiring of personnel in the Town Clerk’s Department as follows:

- 1. Allen, Jacqueline Clerk, P/T 01/29/08 \$8.55

16.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

BE IT RESOLVED, that the Town Engineer’s report on the completion and acceptance of the SHOREHAM WOODS PART 4 SUBDIVISION street light installation work performed under Public Improvement Permit No. 913 be received and accepted, and that the Supervisor is authorized to sign the report.

BE IT FURTHER RESOLVED, that the Town Board authorize National Grid to connect two 70-watt high pressure sodium luminaries in accordance with the existing rate tariff, and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to National Grid, and that this resolution becomes effective on the day the report is signed by the Supervisor.

17.

On a motion of Councilman Quatroche, seconded by Councilwoman Kesner, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the alcohol waivers for the month of February for Taylor Road rentals as follows:

- 02/02/08 02/17/08 02/24/08
- 02/16/08 02/23/08

18.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

BE IT RESOLVED, that the Town Board authorize the Highway Superintendent to advertise for bids to provide trash pick up services for residents of the Town outside of the villages of Hamburg and Blasdell.

19.

On a motion of Councilman Smardz, seconded by Councilman Quatroche, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the hiring of four (4) and terminations of six (6) personnel in the Senior Services/Adult Day Services department as follows:

1. Kelly, Jillian	Rec. Attd P/T	01/07/08	\$7.47
2. Fihry, Karen	Rec. Attd P/T	12/31/07	Resigned
3. Schultz, Zora	Rec. Attd P/T	01/09/08	Resigned
4. Wyler, Cheryl	Clerk Typist Seas P/T	01/11/08	\$10.84
5. Wyler, Cheryl	Clerk Typist P/T	01/11/08	\$10.84
6. Doody, Joseph	Rec. Attd Seas. P/T	01/14/08	Terminate
7. Doody, Joseph	Rec. Attd P/T	01/14/08	\$10.85
8. McAndrews, William	Van Driver P/T	12/31/08	Resigned
9. Harms, Frances	Clerk Typist, P/T	01/28/08	Terminate
10. Harms, Frances	Clerk Typist Seas. P/T	01/28/08	\$9.70

20.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board accept the low bid of \$141,888.00 from DeLacy Ford, Transit Road in Elma for eight (8) new and unused 2008 Police vehicles.

BE IT FURTHER RESOLVED, that the Town Board approve the transfer of \$15,000.00 from Contingency Account B1990.419 to B3120.202

21.

On a motion of Councilman Quatroche, seconded by Councilwoman Kesner, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board authorize the Recreation Department to advertise for bids for a golf cart lease agreement.

22.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board authorize the Recreation Department to advertise for bids for the golf course concession contract.

23.

On a motion of Councilman Quatroche, seconded by Councilman Smardz, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz

Noes 0

RESOLVED, that the Town Board approve the following rates for the Recreation Department as follows:

Facility: TOWN OF HAMBURG GOLF COURSE

Rental Fees	TYPE	Rate Last Raised	Raised From	Current Fees	Rec. Proposed	RAB Proposed	Tn. Bd. Approved
	Power Carts/9 holes	2007	11.00	12.00	13.00	13.00	
	Power Carts/18 holes	2007	18.00	20.00	21.00	21.00	
	Hand Carts			3.00	3.00	3.00	
	Golf Clubs		Sec.De p.	5.00	5.00	5.00	
	Locker Rentals	2007	25.00	30.00	30.00	30.00	
	Closed Tourn/9 holes	Est.2000		25.00	25.00	25.00	
	Closed Tourn/18 holes	Est.2000		33.00	33.00	33.00	

Comments:

User Fees	TYPE	Rate Last Raised	Raised From	Current Fees	Rec. Proposed	RAB Proposed	Tn. Bd. Approved
	Greens Fees						
RY	(9) Mon-Fri	2007	7.50	8.50	9.00	9.00	
NR Y	(9) Mon-Fri	2007	12.00	13.00	14.00	14.00	
RA	(9) Mon-Fri	2007	8.50	9.50	10.00	10.00	
NRA	(9) Mon-Fri	2007	12.00	13.00	13.00	13.00	
RSr.	(9) Mon-Fri	2007	7.50	8.50	9.00	9.00	
NR Sr.	(9) Mon-Fri	2007	12.00	13.00	13.00	13.00	

RY	(18) Mon-Fri	2007	11.50	13.00	14.00	14.00	
NR Y	(18) Mon-Fri	2007	21.00	23.00	23.00	23.00	
RA	(18) Mon-Fri	2007	13.00	15.00	16.00	16.00	
NRA	(18) Mon-Fri	2007	21.00	23.00	23.00	23.00	
RSr.	(18) Mon-Fri	2007	11.50	13.00	14.00	14.00	
NRSr.	(18) Mon-Fri	2007	21.00	23.00	23.00	23.00	
User Fees	Greens Fees Cont'd	Rate Last Raised	Raised From	Current Fees	Rec. Proposed	RAB Proposed	Tn. Bd. Approved
RY	(9) Sat/Sun/Hol	2007	9.50	10.50	10.50	10.50	
NR Y	(9) Sat/Sun/Hol	2007	12.00	13.00	13.00	13.00	
RA	(9) Sat/Sun/Hol	2007	9.50	10.50	10.50	10.50	
NRA	(9) Sat/Sun/Hol	2007	12.00	13.00	13.00	13.00	
RSr.	(9) Sat/Sun/Hol	2007	9.50	10.50	10.50	10.50	
NRSr.	(9) Sat/Sun/Hol	2007	12.00	13.00	13.00	13.00	
RY	(18) Sat/Sun/Hol	2007	14.00	16.00	17.00	17.00	
NR Y	(18) Sat/Sun/Hol	2007	21.00	23.00	23.00	23.00	
RA	(18) Sat/Sun/Hol	2007	14.00	16.00	17.00	17.00	
NRA	(18) Sat/Sun/Hol	2007	21.00	23.00	23.00	23.00	
RSr.	(18) Sat/Sun/Hol	2007	14.00	16.00	17.00	17.00	
NRSr.	(18) Sat/Sun/Hol	2007	21.00	23.00	23.00	23.00	

Comments:

User Fees	TYPE	Rate Last Raised	Raised From	Current Fees	Rec. Proposed	RAB Proposed	Tn. Bd. Approved
	SEASON PASS						
RY	Season Pass	2007	250.00	275.00	300.00	300.00	

NRY	Season Pass	2007	525.0 0	550.00	575.00	575.00	
RA	Season Pass	2007	325.0 0	350.00	375.00	375.00	
NRA	Season Pass	2007	525.0 0	550.00	575.00	575.00	
RSr.	Season Pass	2007	275.0 0	300.00	325.00	325.00	
NRSr.	Season Pass	2007	525.0 0	550.00	575.00	575.00	
FAMILY PASS							
RO	Two Individuals	2007	250.0 0	600.00	650.00	650.00	
RO	Each Additional	2007	210.0 0	235.00	260.00	260.00	

Comments:

Program Fees	TYPE	Rate Last Raised	Raised From	Current Fees	Rec. Proposed	RAB Proposed	Tn. Bd. Approved
RY	Start Smart Golf	2007	35.00	45.00	50.00	50.00	
NRY	Start Smart Golf	2007	45.00	55.00	65.00	65.00	
RY	Tee-Level (HAKOG)	2007	110.00	135.00	140.00	140.00	
NRY	Tee-Level (HAKOG)	2007	135.00	160.00	165.00	165.00	
RY	Green Level (HAKOG)	2007	30.00	40.00	45.00	45.00	
NRY	Green Level (HAKOG)	2007	40.00	50.00	55.00	55.00	
RY	Challenge Level League	2007	55.00	75.00	80.00	80.00	
NRY	Challenge Level League	2007	75.00	95.00	100.00	100.00	
RY	Lessons/Summer	2007	30.00	45.00	50.00	50.00	

NRY	Lessons/Summer	2007	40.00	55.00	60.00	60.00	
RA	Lessons/Spr.-Sum.	2007	35.00	45.00	50.00	50.00	
NRA	Lessons/Spr.-Sum.	2007	45.00	55.00	60.00	60.00	
	Adult Playing Lesson	2007	10.00	20.00	20.00	20.00	

Comments:

24.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the hiring of four (4) personnel in the Recreation Department as follows:

- | | | | |
|--------------------------|--------------------|----------|---------|
| 1. Wenzel, John | Rec. Attd Perm P/T | 01/29/08 | \$7.92 |
| 2. Sausner, Bryan | Rec. Attd P/T | 01/29/08 | \$7.15 |
| 3. Sadowski, Christopher | Rec. Attd P/T | 01/29/08 | \$7.69 |
| 4. Zdrojewski, Thomas | Rec. Attd Seas P/T | 01/29/08 | \$10.32 |

25.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the out-of-town travel request of Tom Best and Kevin Smardz, Town Councilmen, to attend the New York State Association of Towns Training School and Annual Meeting in New York City from February 17 through February 20, 2008. As part of their attendance, they will be attending sessions pertinent to the functions of Town Council, for which Continuing Education/Professional Development credit hours are given. The estimated costs are as follows:

Airfare	(2)	=	\$ 377.60
Hotel	(2)	=	\$1871.36
Meeting Registration	(2)	=	\$ 200.00
Ground Transportation	(2)	=	\$ 200.00
Meals (4 days @ 70.00)	(2)	=	\$ 560.00

Joan A. Kesner , Councilperson
Thomas J. Quatroche, Jr. , Councilperson
Thomas M. Best, Sr. , Councilperson
Kevin Smardz, Councilperson

In the Matter
of the
Increase and Improvement of Facilities of the
Mount Vernon Sewer District, in the Town of Hamburg,
in the County of Erie, New York, pursuant to
Section 202-b of the Town Law

Offered by: Councilperson Smardz
Seconded by: Councilman Quatroche

ORDER CALLING FOR A PUBLIC
HEARING TO BE HELD ON
FEBRUARY 25, 2008

WHEREAS, the Board of Commissioners of the Mount Vernon Sewer District (herein called the “District”) in the Town of Hamburg (herein called the “Town”), in the County of Erie, New York, by petition heretofore filed with the Town Clerk of the Town, has requested that the Town Board undertake proceedings pursuant to Section 202-b of the Town Law for the increase and improvement of facilities of the District, consisting of (I) removal and replacement of approximately 2,502 linear feet of sanitary sewer on Lake Shore Road (NYS Route 5), and connection to approximately 119 linear feet of new sanitary sewer installed by the NYSDOT over Berricks’s Creek in conjunction with the NYS Route 5 Bridge Replacement Project; and (ii) removal and replacement of approximately 298 linear feet of sanitary sewer on Clifton Parkway North (west side); all of the foregoing to include any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith; and

WHEREAS, a map, plan and report dated February 2000, including Amendment No. 2 thereto dated January 2008, have been prepared by Nussbaumer & Clarke, Inc., engineers duly licensed by the State of New York (herein called the “Engineer”), for such increase and improvement of facilities of the District and the cost thereof has been estimated to be \$1,050,000; and

WHEREAS, it is expected that approximately \$750,000 of such cost shall be paid from New York State grant funds received or to be received and, in addition, approximately \$37,000 in other Town funds are available to pay a part of such cost; and

WHEREAS, although a portion of the cost of the project is expected to be paid from grant funds and other Town funds, the Town Board intends to authorize the issuance of bonds in the principal amount of \$1,050,000 to finance the full cost of the project to provide financing in the event the grant funds are not received in time to pay construction and other costs as needed; and

WHEREAS, the District, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project constitutes an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617 and the Board of Commissioners of the District and the Town Board have reviewed a Full Environmental Assessment Form prepared by the Engineer and the District has determined that the project will not result in any significant adverse environmental impacts and a negative declaration has been adopted by the Board of Commissioners of the District;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, on the 25th day of February, 2008 at 7:00 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in summary, in "THE SUN" and "FRONT PAGE," hereby designated as the official newspapers of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing certified by said Town Clerk, in substantially the form attached hereto in Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: January 28, 2008

TOWN BOARD OF THE TOWN OF HAMBURG

(SEAL)

The adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Steven J. Walters	voting <u>Aye</u>
Councilperson Kesner	voting <u>Aye</u>
Councilperson Quatroche	voting <u>Aye</u>
Councilperson Best	voting <u>Aye</u>
Councilperson Smardz	voting <u>Aye</u>

The Order was declared adopted.

* * * * *

CERTIFICATE

I, Catherine A. Rybczynski, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling for a Public Hearing with the original thereof filed in the office of the Town Clerk on the 28th day of January, 2008, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 28th day of January, 2008.

(SEAL)

Catherine A. Rybczynski, Town Clerk

Town of Hamburg

Joe Killian questions if this is the last to turn over to Erie County.

Supervisor Walters responds that there are two, Woodlawn and Mount Vernon.

Gerard Kapsiak notes that Mt Vernon is in discussions with the County and that's all he's heard.

Supervisor Walters notes that this is just calling for the Public Hearing.

28.

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

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz

Noes 0

A Proclamation honoring James J. Prowse for his achievement of Eagle Scout.

29.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

TOWN BOARD JANUARY 28, 2008
 AUDIT OF CASH DISBURSEMENTS

VOUCHER #'S

OPERATING FUND:

BATCH # 6	\$114,423.35	24027-24103
BATCH # 7	\$589,778.80	24104-24105
BATCH # 8	\$4,000,000.00	24201
BATCH # 9	\$55,063.00	24107-24200
BATCH # 10	\$388.19	24208-24209
BATCH # 11	\$448,660.32	24214-24330
BATCH # 12	\$53,190.57	UNPROCESSED
BATCH #		

TOTAL OPERATING FUND DISBURSEMENTS: \$5,261,504.23

TRUST & AGENCY:

BATCH # 3	\$200,000.00	9920092
BATCH # 4	\$47,964.66	
BATCH # 5	\$550,259.16	
BATCH #		

TOTAL TRUST & AGENCY DISBURSEMENTS: \$798,223.82

CAPITAL FUND DISBURSEMENTS:

BATCH # 3	\$600,000.00	24106
BATCH # 4	\$1,029,094.98	20202,
BATCH # 5	\$3,147.62	24210-24213
BATCH #	\$43,441.00	UNPROCESSED
BATCH #		

\$1,675,683.60

TOTAL CAPITAL FUND DISBURSEMENTS:

PAYROLL:

PR # 2 \$520,839.11

PR #

TOTAL PAYROLL DISBURSEMENTS: \$520,839.11

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$8,256,250.76

Reports from the Town Board

Councilwoman Kesner notes wants to publicly congratulate the Scranton Volunteer Fire Co. for achieving 75 years of service to the Town. She thanks them because she was made an honorary member of that fire company and she is very proud of that.

Supervisor Walters notes that there was an article in the paper regarding the behavior at the town boards throughout the County and how the behavior is getting out of control. He notes that they have never had any problems at the board meetings. The residents are to be commended for that.

Reports from Department Heads

Catherine Rybczynski, Town Clerk, reminds everyone that County and Town Tax Bills are out and they are due February 15, 2008 without penalty. We are now accepting debit cards at both departments as well as credit card. Online you can pay by credit card and e-check, there are fees associated with those payments and payments can be made at any one of the three M&T branches in the Town. People are taking advantage of that too.

Ken Farrell, Town Attorney, requests to move into Executive Session to discuss two matters of current litigation.

Gerard Kapsiak, Town Engineer, reports that they will be advertising for bids for the Rogers Rd. sewer rehabilitation project and the South Park Ave. sewer extension between Sowles and Beetow. Bid openings will be the end of February for both projects so construction should start late March, early April.

Kurt Allen, Supervising Code Enforcement Officer, reports that the Armor Inn project will be renewing their permits and will be under construction in the near future.

Jim Connolly, Highway Superintendent, reports the public works department achievements at the direction of the Town Board over the years. The energy usage has decreased from 2004 to 2007 by 21,000 gallons. Heat, light and power the total 2006 utility bill was 278,000 and in 2007

304,000 that approximately a 9% increase. On the labor side, in overtime for Buildings & Grounds department from 2005 to 2007, the overtime was reduced by 34%. The part time and seasonal staffing from 2005 to 2007 was reduced by 68%.

Councilman Quatroche notes that as the former liaison to the department, he would sit down during budget time every year and remind him of how he got there. He notes how fortunate the Town is to have Mr. Connolly.

Carmen Kesner, Chief of Police, notes that under the direction of Detective Sergeant Scully, the first Police Academy is about half over.

Reports from the Public

Jim Smolinski, resident and Administrative Manager of the Operating Engineers, asks the board to continue supporting the apprenticeship laws. Many apprentices have come through that program and have gone on to good careers.

Dr. Kathleen Nowak, notes her concerns with the proposed Walgreens on the corners of Legion, Buffalo and Walker. She saw an article where Walgreens was looking at going in on the northeast corner of the village at that location. She would like to know what changed from when she addressed the board on this last year.

Supervisor Walters responds that they said they would look very unfavorably upon any kind of rezoning in that area to a commercial. Walgreens found a loop hole with a property that didn't need rezoning.

Drew Reilly, Planning Consultant, responds that when Walgreens first inquired, the Town Board responded that they would not rezone property in a residential neighborhood to accommodate that sort of business. Walgreens has approached the village and it's zoned for that type of use. It's up to the village as to whether they will approve it or not. There is a piece that will be in the Town and it's zoned properly.

Dr. Nowak replies that Benderson doesn't own that property, he's going to buy.

Mr. Reilly notes that they have to have control of the property before they can apply.

Jack Keibler, resident, ask that the board address the new Town plan for zoning. Take a very close look at McKinley between the mall and Route 20. He would like a way to develop his property. There are too many restrictions for the HC zoning.

Ken Delman, resident of Blasdell, notes that he would like the language kept for the Operating Engineers apprenticeship. There are a lot of people losing their jobs around here.

Tom Kroll, resident, notes that at the Woods of Versailles development there was going to be a 15 foot buffer between this phase and the phase behind them. Ryan Homes began building the second phase behind them and cleared old trees out. He is here tonight because Ryan Homes has taken the position that everything is set forth in the contract and they have no responsibility or liability. Ryan is pointing the finger at the Town of Hamburg Planning Department saying they didn't approve their site plan.

Supervisor Walters asks if Mr. Kroll will forward a copy to Mr. Reilly.

Ferd Garcia notes the he was looking through the budget and understands there's a position that's been filled in the Finance Department by one of the former employees. He retired and is now a consultant.

Supervisor Walters responds that there was some major restructuring in that department last year.

Because there was such a major restructuring basically three people were removed from the department and brought in an outside consulting firm to handle some of the more difficult and larger tasks. However, a lot of the day to day stuff is still there and they are in the process of transferring a lot of that over to the current staff. Getting that transfer to where they want it, it will take some time. Bob Brown was asked to stay on for a while so he could help with that transition.

Matt Hillman, resident, would like to ask the Town to support Local 17 apprenticeship.

30.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board motion to adjourn to Executive Session on a Legal Matter at 8:00 p.m.

31.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board close Executive Session at 8:45 p.m.

32.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED: Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board adjourn at 8:45 p.m.

Catherine A. Rybczynski, Town Clerk