

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 9th day of February 2015.

2.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board adjourn Executive Session at 7:23 pm and move into the regular meeting.

ROLL CALL: Steven J. Walters Supervisor
 Michael Quinn, Jr. Councilman
 Cheryl Potter-Juda Councilwoman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk
Walter Rooth III, Town Attorney; Mary Dosch, Sr. Account Clerk; Gerard Kapsiak, Town Attorney; Michael Williams, Police Chief; Marty Denecke, Director of Youth, Recreation and Senior Services; Tom Best Sr., Highway Superintendent; Kurt Allen, Supervising Code Enforcement Officer; Sean Crotty, Coordinator of Emergency Management Team; Amy Ziegler, Deputy Supervisor

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

3.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

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

01/26/2015 Work Session
01/26/2015 Town Board Meeting

4.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board approve the following changes to the HAMBURG EMERGENCY MANAGEMENT TEAM for 2015:

Fire Dept. Liaisons: Remove: Mike Guadagno (D2-1)
 Add: Matt Giacomini (D2-1)

Support: Add: Dr. Brian Clemency
 Add: John Carlin

5.

On a motion of Councilwoman Potter-Juda, seconded by Councilman Quinn, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

WHEREAS, the Town of Hamburg received a request from Gardner & Patricia Low to rezone a portion of property located at 5523 Rogers Road from R-A (Residential - Agricultural District) to R-2 (Single-Family Residence, Attached 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.

NOW, THEREFORE BE IT RESOLVED, that Hamburg Town Board approve Jessica Reid of Simply Gourmet to operate the Hamburg Public Library Coffee Shop Concessions and authorize the Town Legal Department to finalize a contract agreement for the lease amount of \$416.67/month for a three-year term commencing the date of completion of the Hamburg Public Library Renovation and Addition Project;

8.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes	2	Walters, Potter-Juda
	Noes	1	Quinn

WHEREAS, the Town of Hamburg received a request from Glenn Wetzl to rezone 29.29 acres of vacant land located on the northeast corner of Boston State Road and McKinley Parkway from R-A (Residential-Agricultural District) to PRD (Planned Residential Development District); and

WHEREAS, on June 23, 2014 the Hamburg Town Board referred this rezoning request to the Planning Board for its review and recommendation; and

WHEREAS, over the last six months, the applicant made numerous changes to the project based upon input received from the Planning Board and the public, and asked that the project be tabled by the Planning Board several times as he continued to work on concerns raised by the public; and

WHEREAS, on January 7, 2015 the Hamburg Planning Board recommended that the Town Board initiate the SEQRA Coordinated Review process.

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board authorizes the Planning Department to perform the required mailings to the Involved and Interested Agencies to initiate the SEQRA Coordinated Review Process.

Richard Lawrence comments that he knows they have to go through the SEQRA process, but that will cost taxpayer dollars and no one wants that property rezoned. Why would they go forth, spending taxpayer dollars on something that shouldn't go forth anyway?

Supervisor Walters responds that they cannot base a decision on whether or not the neighbors are in support or in opposition to a rezoning. New York State law requires that the Town allows an applicant to go through a process which is what is going on. They cannot simply say that because there is strong opposition to this rezoning that they will not even allow the developer to go through the process. The Town Board allowing a developer/owner to go through the process does not say that they are for or against the project. By Law they cannot form an opinion until all the SEQRA documents are complete.

Mr. Lawrence questions how much will the SEQRA process cost the taxpayers?

Supervisor Walters responds that the developer is required to incur most of the costs of the SEQRA process. There is a Town Planner that will have to put hours into this process and the Town will then bill the developer for their time. There are other agencies that they have to give the opportunity to respond. He cannot tell him how much time and resources will be required to review it. With any request for a rezoning there is a cost to the taxpayer. There are State, County and Local Agencies that have an opportunity to respond and sometimes there are Federal Agencies as well. The Town Board cannot say that they are not allowing the developer to go through the process.

Mr. Lawrence comments that it just seems like the people around the development would have the biggest say. He bought his property based on the present zoning which only allows for 2 acre lots.

Supervisor Walters responds that there are provisions that are built into the law that give weight to the residents. One of those provisions has already been triggered. A sufficient number of residents have submitted petitions that would require a super majority vote of the Town Board. There are provisions in the law that protects the residents, but there are also provisions in the law that protects the property owner. They as the Town Board are required to let the process play out and then make a decision based upon all the information provided at the end of the process.

Councilman Quinn questions if the Town is required to have them do it this way, why are they voting on it?

Supervisor Walters responds that they are authorizing the SEQRA to start. The first step from the Town Board standpoint is that they vote to send it to the Planning Board. Then the Planning Board has to review the project and identify areas of concern and then it has to go through the SEQRA process. A vote is required to bring it to the next step.

Councilwoman Potter-Juda comments that once the SEQRA process is complete it is not set in stone that they have to move forward. It will just point out if it is environmentally safe or not and then they can vote on it.

Supervisor Walters comments that the SEQRA process takes a long time. This will take more than a month. All the residents in the area will be able to review the initial submissions by the developer, ask questions, point out flaws in the initial proposal and then the developer is required to answer those concerns and questions. This is a long process but this is something they are legally obligated to perform as part of their duties of the Town Board.

9.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

BE IT RESOLVED, that the Town Board approve the Out-of-Town travel request for the following Buildings & Grounds Department employees to attend the New York State Turfgrass Association Conference on March 2, 2015 at the Millenium Hotel in Cheektowaga, N.Y.

EMPLOYEE	COST
Garry Nelson	\$85.00
Ray Pawlowski	\$75.00
James Brand	\$120.00
Total Cost:	\$280.00

Use of a Town vehicle is requested; funds are available in Account A.1970.492.

10.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

BE IT RESOLVED, that the Town Board authorize Martin Denecke, Director of Recreation, to sign a 3 year lease to buy contract with Real Lease (Representing G & G Fitness) for three pieces of Fitness Equipment for the Hamburg Town Fitness Center. The equipment is available through NYS contract. Annual payout will be approximately \$3,458. At the end of the lease the equipment will be available for purchase for \$1.00. Funds are available in account ET7180.206.

11.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

BE IT RESOLVED, that the Town Board authorize Mary Dosch, Finance Director, to transfer the balance of the 2014 Adult Day Services Donation Fund in the amount of \$3,053.35 to the 2015 budget (account # A6780.486) This fund is made up of donations and is used to sponsor activities and entertainment for the Adult Day Services participants.

Supervisor Walters comments on resolution No. 11, on the Agenda, pertaining to the Property Tax Freeze Credit Program. He explains that some questions came up Friday and he was hoping to have them resolved, but unfortunately they haven't been resolved and he is withdrawing the resolution and hopes to have it back on the Agenda by the next meeting.

12.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

WHEREAS, the Town of Hamburg Public Safety Dispatch provides a service relating to surveillance of fire/burglary alarm systems installed by various property owners for the purpose of better protection in case of fire/burglary or other emergency, and

WHEREAS, Newton Abbott Fire Company, Inc. has requested the Fire Alarm System for the Newton Abbott Fire Station located at 3426 Abbott Road be monitored by the Town of Hamburg Public Safety Dispatch,

NOW THEREFORE BE IT RESOLVED that the Town Board authorize the Town to enter into an Agreement with Newton Abbott Fire Company, Inc. for the service provided by the Town of Hamburg Public Safety Dispatch, and

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the agreement on behalf of the Town. This agreement shall continue until December 31, 2015, and the term of the agreement, including renewals, shall not exceed five (5) years from January 1, 2015 to January 1, 2020. The annual service charge is determined from time to time by resolution of the Hamburg Town Board, and is currently set at \$150.00.

13.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, The Town Board authorize PSD Patricia L. Bissonette to attend “APCO” Communications Training Officer Course, March 4, 2015 via the Virtual Academy on the Web. This is a five (5) week course on the Internet. Cost of Seminar is \$399.00 per student and monies are available in Account A3020.492.

14.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

RESOLVED, The Town Board authorize PSD Nicholas B. Pikul to attend “APCO” Communications Training Officer Course, March 18, 2015 via the Virtual Academy on the Web. This is a five (5) week course on the Internet. Cost of Seminar is \$399.00 per student and monies are available in Account A3020.492.

15.

On a motion of Councilman Quinn, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

BE IT RESOLVED, that the Town Board appoint, as temporary prosecutor, Brian Attea, current Village of Hamburg prosecutor.

BE IT FURTHER RESOLVED, that the Town Board appoint Attorney James Nash as Town of Hamburg Prosecutor.

BE IT FURTHER RESOLVED, that the authority of the temporary prosecutor will cease upon review and authorization of James Nash by District Attorney Frank Sedita.

16.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

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

TOWN BOARD
AUDIT OF CASH DISBURSEMENTS February 9, 2015

	VOUCHER #'S		
OPERATING FUND:			
BATCH #20	\$95,822.96	73919-73970	
BATCH #21	\$9,662.00	73971	
BATCH #22	\$121,955.16	73974	
BATCH #23	\$36,765.29	73975-73996	
BATCH #24	\$682,158.76	73997-74075	
BATCH #25	\$201,828.52	74076-74120	
TOTAL OPERATING FUND DISBURSEMENTS:			\$1,148,192.69
TRUST & AGENCY:			
TOTAL TRUST & AGENCY DISBURSEMENTS:			\$0.00
CAPITAL FUND DISBURSEMENTS:			
BATCH #4	\$573.70	73972-73973	
BATCH #5	\$63,246.84	74121-74122	
TOTAL CAPITAL FUND DISBURSEMENTS:			\$63,820.54
PAYROLL:			
PR #P/R #3	\$807,114.45		
TOTAL PAYROLL DISBURSEMENTS:			\$807,114.45
PETTY CASH			\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$2,019,127.68

Reports from the Town Board and Department Heads

Councilwoman Potter-Juda – no report

Councilman Quinn – no report

Supervisor Walters reports that Tuesday, February 17th is the Official Grand Opening of the Town's new Senior Center. This is a project that has been on-going for some time. Due to the moving of the phones, etc. the Senior Center will be closed on Thursday and Friday. The Annual Association of Towns Meeting is scheduled for next week. Councilwoman Potter-Juda will be the Town's representative at the conference. This conference is a great way to see what other

Towns are doing to save some money. He received a letter from a Lucy Wargo complementing the work of the Town Highway Department in regards to snow removal. The Highway Department usually only gets calls to complain so it is nice to receive something positive. The Town has gotten an extraordinary amount of snow this season and the work of the Highway Department should be commended. He refers to another letter regarding the Fitness Center. She states that cars are going the wrong way down the one-way street. She asks that additional signage be done to try and prevent that.

Tom Best Sr. responds that he received that letter as well and it has been taken care of already.

Catherine Rybczynski, Town Clerk, reports that Thursday, February 12, 2015, County Clerk Jacobs and his staff will be at Town Hall at 9:00 am to do the Thank a Vet Program. Any Erie County resident that has been honorably discharged from the Military can come in and receive their Thank a Vet card. Also, extended hours will start tomorrow for tax collection. The office will be open from 8:00 am to 6:00 pm for the last 5 days of tax collection.

Gerard Kapsiak, Town Engineer, reports that following the approval action by the Town Board at the last meeting they sent the signed contract and notice to proceed to Erdman Anthony Engineers which gave them the okay to start the preliminary engineering design services for the additional Quiet Zone locations at the Bayview Road, Pleasant Ave and Lakeview Road crossings.

Martin Denecke reports that during the School holiday break they have open gym scheduled at the Hub, at the Wesleyan Church, registration information is available at the Recreation Office. They will also have public skates available and residents can contact the Recreation Office for more information.

Sean Crotty, Coordinator of emergency Services Program, reports that they had a great meeting with FEMA last week. Through the efforts of the Finance, Highway and Police Departments they are getting all the numbers in order and ready to submit and hopefully will satisfy the requirements.

Michael Williams, Police Chief, states that everyone should be careful pulling out of driveways; it has become difficult with the snow piling up. He wants to inform everyone that after 35 years of service, March 20th will be his last day of work. He appreciates everything the Town has done for him. He loves this Town but has some other plans he wants to pursue.

Tom Best Sr., Highway Superintendent, thanks the residents of the Town for their patience and understanding with the bad weather.

Business from the Floor

John McKendry comments that it appears that the firing of weapons has begun again on the Operating Engineers' property. This is a public safety issue. The people firing the weapons

should be required to belong to a gun club.

Supervisor Walters comments that this is a Police matter and he asks the Chief to look into this.

Chief Williams responds that they will reach out to the Operating Engineers tomorrow.

Scott Chismar comments that he has been in Lake View for 25 years. He is concerned about the infra-structure in his neighborhood. A lot of the storm drains have holes. There are numerous street lights that are out. The street light poles are peeling and need to be painted. The sidewalks are impassible all year round because people are continuously blocking them with cars. He asks that they take a look at that. He is concerned about home values, aesthetics and safety, with safety being the biggest issue. There is only one fire hydrant that is accessible. He would like to know who is responsible for that and what they need to do to get that taken care of.

Supervisor Walters asks Mr. Crotty who is responsible for the fire hydrants.

Mr. Crotty responds that typically it is encouraged that the residents that have fire hydrants close to their residences, work together to help keep them cleaned out. There are hundreds of fire hydrants in each district and would be difficult for the Volunteer Firemen to do it.

Mr. Chismar comments that he doesn't mind helping out but there are a number of fire hydrants in his neighborhood that have not been cleared and someone needs to talk to those residents about keeping them cleared.

Joe Clauss comments that he lives close to the proposed PRD Development and requests that Councilwoman Potter-Juda be energetic about following the SEQRA process and be a strong liaison between the Planning Board and the Town Board so that the Town Board is well informed of the progress and the details of the SEQRA process, representing the people of the Town of Hamburg.

Councilwoman Potter-Juda responds that is what she is there for. She has his letter and stacks of them from his neighborhood. She appreciates what they are doing and is glad they are sticking together and are on top of what is going on. The fact that it is going through the SEQRA process does not mean it is a done deal. It is an environmental report and will let the Town know whether the property is acceptable the way it is or if things need to be changed environmentally. Please feel free to contact her at any time.

David Grosso questions what would happen if they voted no to the SEQRA process.

Supervisor Walters responds that the developer would sue the Town and win. Each step has to be voted on and if they stop the process from moving on the Town is subject to legal action. The Planning Board did pass the matter back to the Town Board which now required the Town Board to initiate the next step, which is what they did this evening.

17.

RESOLVED, that the Town Board adjourn at 8:04 pm.

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