

Meeting No. 2
February 10, 2003
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

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

Roll Call	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	Richard Boehm	Deputy Town Attorney
	James Spute	Finance Director
	Gerard Kapsiak	Town Engineer
	Martin Denecke	Director of Recreation
	Drew Reilly	Planning Consultant
	Joseph Coggins	Police Chief
	Robert Hutchison	Town Assessor
	Judy Neiman	Domestic Violence Advocate
	Kurt Allen	Supervising Building Inspector

The Pledge of Allegiance was recited.

Information on Fire Exits was provided

Supervisor Hoak comments that at this time he will defer to Councilwoman Hochul on a matter that hits home for many people in attendance concerning the news of the cut in benefits for the retirees and they as a Town Board want to address this.

Councilwoman Hochul comments that shock waves went through our community when we read that 3-4 thousand residents of the Town of Hamburg are at risk to lose their health benefits and life insurance benefits as a result of the acquisition of Bethlehem Steel by ISG. She wants to say that they are pleased that Bethlehem has been acquired by this Company, it will keep some facilities open which is good news for the people still working there. However, it is the retirees and their beneficiaries that they are very concerned about. The Board members have agreed that this is something that the Federal Government has the responsibility to address. She then reads the following resolution.

I.

WHEREAS, the acquisition of Bethlehem Steel by the International Steel Group (ISG) will result in the termination of health and life insurance benefits for approximately 95,000 workers nationwide; and

WHEREAS, this loss of benefits will be devastating to the 12,000 local retirees and their beneficiaries who have toiled for years under harsh conditions to build the industrial base of Western New York; and

WHEREAS, an estimated 3,000 to 4,000 Bethlehem retirees who reside in the Town of Hamburg, will be forced to endure severe economic and physical hardships as they seek to find affordable coverage for health care and prescription drug benefits; and

WHEREAS, it is the responsibility of the federal government to protect workers and retirees who have been victimized by unfair trade practices in the foreign steel industry; and

WHEREAS, in May 2002, the U.S. Senate failed to act on an amendment to the Trade Adjustment Act, as part of the Senate Trade Promotion Authority bill, which would have provided at least partial coverage of health care benefits for steelworker victims of unfair trade practices,

NOW THEREFORE BE IT RESOLVED, that the Town of Board of the Town of Hamburg supports the establishment of a federal fund dedicated to providing health care benefits and prescription drug coverage for steelworker retirees and their beneficiaries who lose their coverage as a result of bankruptcy proceedings, sale of corporate assets, unfair trade practices, or foreign competition.

Moved: Hochul

Seconded: Unanimous

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

Noes: None

Carried

Councilwoman Hochul then comments that this is something that she feels is the responsibility of the Federal Government, there was action last spring but the U.S. Senate failed to act on it which she finds unconscionable. She has asked other Town Boards to enact similar legislation. Her goal is to have every Town Board, throughout Western New York, to enact something similar and send it to their Federal Legislators. She does believe that Senators Schumer and Clinton are on board with this project but it is very important to take this to Washington and see that their constituents are behind this. We can't let this happen without a fight. She appreciates the support of her Town Board for the many people of Western New York that we need to support in their time of need.

Supervisor Hoak then comments that the next presentation is something that the Town Board is very appreciative of and that we are the only Town in New York State to be able to make this claim. This is the highest governmental finance reporting achievement the Town can receive. For the twentieth consecutive year the Town is receiving the highest GFOA award that is eligible to be presented. This is under the leadership of James Spute and his staff. He thanks Jim for his excellent work and asks him to thank his staff.

II.

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

January 27, 2003

Town Board Meeting

February 3, 2003

Work Session

Moved: Hochul

Seconded: Kesner

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

Noes: None

Carried

VI.

A meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 10th day of February 2003.

PRESENT:

Hon. Patrick H. Hoak, Supervisor
D. Mark Cavalcoli, Councilperson
Kathleen Courtney Hochul, Councilperson
Joan A. Kesner, Councilperson
Thomas J. Quatroche, Jr., Councilperson

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In the Matter

of the

Establishment of Engel Drive Sewer
District in the Town of Hamburg,
County of Erie, New York, pursuant to
Article 12-A of the Town Law.

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**ORDER CALLING PUBLIC
HEARING TO BE HELD ON
FEBRUARY 24, 2003**

WHEREAS, the Town Board of the Town of Hamburg (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law Article 12-A, caused R & D Engineering, Inc., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Engel Drive Sewer District (the "District"), in the Town, consisting of the construction of a sanitary sewage transmission system of approximately 1,200 LF of eight (8) inch gravity pipe, 600 LF of six (6) inch gravity pipe, 400 LF of four (4) inch forcemain pipe, including land or rights in land, original furnishings, equipment, machinery, apparatus and other improvements and costs incidental thereto, (the "Sewer Improvement"), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the proposed District is bounded and described as follows:

LEGAL DESCRIPTION OF PROPOSED
ENGEL DRIVE SEWER DISTRICT

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 18, Township 9, Range 8 of the Holland Land Company's Survey, and further described as follows:

BEGINNING at a point on the north line of Old Lakeview Road, the said point also being on the east line of Engel Drive; thence easterly along the north line of Old Lakeview Road, a distance of 118 feet more or less to the southeast corner of Parcel No. 195.03-2-8; thence northerly along the east line of said parcel, a distance of 186 feet more or less to the northeast corner of said parcel; thence westerly along the north line of said parcel, a distance of 53 feet more or less to the northeast corner of Sublot No. 1, Map Cover 1761 as filed in the Erie County Clerk's Office; thence northerly along the east line of said Map Cover and extension thereof, a distance of 495 feet more or less to the northeast corner of Parcel No. 195.03-2-2.1; thence westerly at a right angle, a distance of 256 feet more or less to the west line of Engel Drive; thence northwesterly along a curve to the left and along the Engel Drive right-of-way, a distance of 129 feet more or less to the east line of Sublot No. 7, Map Cover 1761; thence northerly along the east line of said Sublot No. 7, a distance of 3 feet more or less to the northeast corner of said Sublot No. 7; thence westerly along the north line of said Sublot No. 7, a distance of 290 feet more or less to the northwest corner of Sublot No. 7, Map Cover 1761; thence southerly along the west line of Map Cover 1761, a distance of 829 feet more or less to the southwest corner of Sublot No. 13, Map Cover 1761; thence easterly along the south line of said Sublot No. 13, a distance of 79 feet more or less to the northwest corner of Parcel No. 195.03-2-11; thence southerly along the west line of Parcel No. 195.03-2-11, a distance of 394 feet more or less to the north line of Old Lakeview Road; thence easterly along the north line of Old Lakeview Road, a distance of 656 feet more or less to the point or place of beginning.

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, the Town Board has given due consideration to the impact that the District and the Sewer Improvement may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by such District and the Sewer Improvement, and therefor has duly issued a negative declaration and/or other applicable documentation, which has been filed in the office of the Town Clerk; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is estimated to be \$176,250 which is planned to be financed by the issuance of a like amount of serial bonds of the Town, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and
Now, therefore, be it

DETERMINED AND STATED that individual property owners will be required to provide service from their homes to the highway right-of-way, at an estimated cost of \$2,000 per home; the approximate cost of hook-up fees is that each property owner of a vacant undeveloped lot will be required to pay a one-time equity charge of \$1,500 to Erie County Sewer District No. 3 upon construction of a home on the lot and connection to the sewer system; and the estimated cost of the District to the Typical Property (as defined in the Town Law) is \$1,255; and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the District to such Typical Property is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller; and be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, in the Town, on the 24th day of February, 2003, at 7:00 o'clock P.M. (Prevailing Time) 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 the "SUN AND ERIE COUNTY INDEPENDENT" and the "FRONT PAGE", two (2) newspapers 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 copy of this Order, certified by said Town Clerk, 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, and mail by first class mail to each owner of the taxable real property in the District, a notice of such public hearing in substantially the form attached hereto designated Exhibit "A"; and be it

FURTHER ORDERED, that the Town Clerk file a copy of this Order with the State Comptroller on or about the date of the publication of a copy of this order.

DATED: February 10, 2003

TOWN BOARD OF THE
TOWN OF HAMBURG

(SEAL)

Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Hamburg, in the County of Erie, State of New York, will meet at the Town Hall, in the Town, at 7:00 o'clock P.M. (Prevailing Time), on February 24, 2003, for the purpose of conducting a public hearing to consider the establishment of the Engel Drive Sewer District, consisting of the construction of a sanitary sewage transmission system encompassing both gravity and forcemain sewer lines, including land or rights in land, original furnishings, equipment, machinery, apparatus and other improvements and costs incidental thereto, (the "Sewer Improvement"), in the Town, at the estimated maximum cost of \$176,250. Individual property owners will be required to provide service from their homes to the highway right-of-way, at an approximate cost of \$2,000 per home. The estimated cost of hook-up fees is that each property owner of a vacant undeveloped lot will be required to pay a one-time equity charge of \$1,500 to Erie County Sewer District No. 3 upon construction of a home on the lot and connection to the sewer system. The estimated cost of the District to the Typical Property (as defined in the Town Law) is \$1,255.

At said public hearing, the Town Board will hear all persons interested in said subject matter thereof.

Dated: February 10, 2003
Hamburg, New York

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF HAMBURG, COUNTY OF ERIE,
STATE OF NEW YORK

STATE OF NEW YORK)
 :SS:
COUNTY OF ERIE)

I, CATHERINE A. RYBCZYNSKI, Town Clerk of the Town of Hamburg, in the County of Erie, New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 10th day of February, 2003, 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 ____ day of February, 2003.

(SEAL)

Town Clerk

IX.

At a regular meeting of the
Town Board of the Town of
Hamburg in the County of
Erie, New York, which was held
at the Town Hall, S-6100 South
Park Avenue, Hamburg, New York
on the 10th day of February, 2003.

PRESENT:

- Hon. Patrick H. Hoak, Supervisor
- D. Mark Cavalcoli, Councilperson
- Kathleen Courtney Hochul, Councilperson
- Joan A. Kesner, Councilperson
- Thomas J. Quatroche, Jr., Councilperson

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In the Matter	:
	:
of the	:
	:
	: ORDER CALLING
Proposed Establishment of Extension No. 1	: PUBLIC HEARING
to Knab-Lilydale-Benz Water District in the	:
Town of Hamburg, County of Erie, New York,	: MARCH 10, 2003
pursuant to Article 12 of the Town Law	:
	:

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WHEREAS, the Town Board of the Town of Hamburg (herein called the "Town Board" and "Town", respectively), in the County of Erie, New York, has received a petition, dated January 2, 2003, pursuant to Section 191 of the Town Law, for the Establishment Extension No. 1 to Knab-Lilydale-Benz Water District, (hereinafter called the "Extension" and the "District", respectively) which petition was signed by the sole owner of taxable real property situate in the proposed Extension, owning all of the taxable real property within the proposed Extension, as shown upon the latest completed assessment-roll of said Town, and was accompanied by a map, plan and report, dated December, 2002, prepared by Metzger Civil Engineering, PLLC, engineers duly licensed by the State of New York, for the creation of such extension to such water district by the acquisition by gift of the water main system to be constructed by Abbott Pines, LLC (the Developer), to provide water line service to prospective homeowners within the proposed extension, consisting of the construction and installation of approximately 2,050 linear feet of 8-inch PVC waterline along with appurtenant valves and fire hydrants including land or rights in land, original equipment, machinery, furnishings and apparatus required therefor pursuant to the specifications of the Town of Hamburg Engineering Department, Erie County Water Authority and all governmental authorities having jurisdiction over water line construction, all in the proposed Extension, which map, plan and report have

been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the Extension may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such Extension; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, constituting Article 8 of the Environmental Conservation Law and, in connection therewith, the duly processed negative declaration and/or other applicable documentation has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the acquisition of such water system, when constructed, in the proposed Extension; and

WHEREAS, said petition described the boundaries of the proposed Extension in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioner and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed Extension is bounded and 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 Farm Lot 44, Township 9, Range 7 of the Holland Land Company's Survey, and being more particularly bound and described as follows:

BEGINNING at a point in the southeast corner of lands now or formerly owned by Matthew L. Vogt and Ruth L. Vogt, his wife, by deed recorded in the Erie County Clerk's Office in Liber 4389 of deeds at Page 145 and the centerline of Abbott Road; running thence southerly along a line bearing S 00°-24'-00" E and also being the centerline of Abbott Road, 1599.0 feet; thence northwesterly along a line bearing N 56°-47"-00" W, a distance of 483.91 feet to a point; running thence northeasterly along a line bearing N 33°-13'-00" E, 60.05 feet to a point; thence northwesterly along a line bearing N 62°-22'-46" W, 205.58 feet to a point; thence northwesterly along a line parallel to the southwest line of lands of Henry Knab by deed recorded in Liber 162 of deeds at page 614, and bearing N 56°-47"-00" W, 100.0 feet to a point; thence northerly along a line bearing N 10°-47'-45" E, 136.90 feet to a point; thence northwesterly along the northerly line of lands of Estelle C. Amborski by deed recorded in Liber 5041 of Deeds at page 453 bearing N 56°-47'-00" W, 578.40 feet to a point; thence northeasterly along a line bearing N 33°-19'-00" E, a distance of 576.45 feet to a point; thence northwesterly along a line bearing N 27°-39'-00" W, a distance of 219.26 feet to the southwesterly corner of lands conveyed to Matthew L. Vogt and Ruth L. Vogt, his wife, by deed first above mentioned; thence easterly along the southerly line of said Vogts' lands a distance of 871.2 feet deed = 870.0 feet measured to the point or place of beginning, containing 24.31 acres of land, more or less.

WHEREAS, said water system, hereinabove described, is to be constructed and the expense of creating the Extension is to be paid for by the Developer and acquired by gift at no cost to the Town, the District or the Extension, and the expense of the maintenance of the Extension shall be paid by the assessment, levy and collection of special assessments upon the several lots and parcels of land within the Extension in the same manner and at the same time as other Town charges;

Now Therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 6100 South Park Avenue, Hamburg, New York, on the 10th day of March, 2003 at 7 o'clock P.M. (Prevailing Time), to consider the establishment of the proposed Extension, as herein referred to, 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 the "HAMBURG SUN AND ERIE COUNTY INDEPENDENT", a newspaper published in the Village of Hamburg, New York, and in the "FRONT PAGE", a newspaper published in the City of Lackawanna, New York, and designated as the official newspapers of the Town for this publication, post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing, and mail notice to all property owners in the proposed Extension; and be it

FURTHER ORDERED, that the Town Clerk file a certified copy of this Order with the Comptroller of the State of New York on or about the date of publication of this Order.

DATED: February 10, 2003

TOWN BOARD OF THE TOWN OF HAMBURG

(SEAL)

Moved: Cavalcoli

Seconded: Quatroche

Roll Call Vote:

Supervisor Hoak	aye
Councilman Cavalcoli	aye
Councilwoman Hochul	aye
Councilwoman Kesner	aye
Councilman Quatroche	aye

Noes: None

Carried

XVII.

RESOLVED, that the Town Board approve the Out-of-Town Travel Request for Dispatcher Michael Taylor to travel to Streetsboro, Ohio on March 9-12, 2003 to attend an APCO Institute Communications Officer Training Course. This course will train Dispatcher Taylor to provide one on one on-the-job training for new hires. It will provide documentation of trainees progress and performance in a way that is court-defensible and EEOC consistent. The estimated cost is \$675.00 and funds are available in account A3020.492.

Moved: Kesner

Seconded: Cavalcoli

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

Noes: None

Carried

XVIII.

RESOLVED, that the Town Board grant permission to the Police Department to advertise for Police Uniforms and Equipment, to include Public Safety Dispatch and Dog Control Officer Uniforms and Equipment.

Moved: Hoak

Seconded: Quatroche

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

Noes: None

Carried

XIX.

At a meeting of the Town Board
of the Town of Hamburg, held at
the Town Hall, S-6100 South
Park Avenue, Hamburg, New York
on the 10th day of February, 2003.

PRESENT: PATRICK H. HOAK,	Supervisor
D. MARK CAVALCOLI,	Councilmember
KATHLEEN COURTNEY HOCHUL,	Councilmember
JOAN A. KESNER,	Councilmember
THOMAS J. QUATROCHE, JR.	Councilmember

ABSENT:

On a motion of Councilman Cavalcoli, seconded by Councilman Quatroche
the following resolution was proposed:

WHEREAS, JAMES F. CONNOLLY, Superintendent of Highways, states that
all those parts of certain Town highways hereinafter designated have not been opened or worked
for more than six (6) years last past, and have not been traveled, or have been abandoned by the
public and have never been used as a public highway to wit:

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 13, Township 9, Range 8 of the Holland Land
Company's Survey, and more particularly described as follows:

BEGINNING at the northeast corner of Sublot No. 2107, Block 21, as shown on Map
Cover No. 712 filed in the Erie County Clerk's Office, the said point also being on the south line
of Cornell Street (unimproved); thence westerly along the south line of Cornell Street, a distance
of 211.94 feet to the east line of Camp Road; thence northerly along the east line of Camp Road
to the north line of Cornell Street; thence easterly along the north line of Cornell Street, a
distance of 242.98 feet to a point; thence southerly, a distance of 60.0 feet to the point or place of
beginning.

RESERVING, however, to the Town of Hamburg, a utility easement more particularly
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 13, Township 9, Range 8 of the Holland Land
Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the northeast line of Camp Road (NYS Route No.
75)(Athol Springs-Hamburg State Road) as now monumented and the north line of Cornell Street
(60.0' wide) (unimproved) thence easterly along the north line of Cornell Street, a distance of
242.12 feet to a point; thence southerly, at right angles, a distance of 40.00 feet to a point; thence
westerly, at right angles, parallel with the first mentioned line, a distance of 190.28 feet to a
point; thence southwesterly, a distance of 27 feet more or less to the intersection of the northeast
line of Camp Road and the south line of Cornell Street; thence northwesterly, along Camp Road,
a distance of 69' more or less to the point of beginning. Containing 9,532 square feet more or
less.

BE IT RESOLVED that the members of the Town Board, constituting the whole thereof,
consent to the making and filing of the necessary certificate that this highway be and hereby is
abandoned, pursuant to Section 205 of the Highway Law, and

BE IT FURTHER RESOLVED that the certification be subscribed by all members of the
Town Board of the Town of Hamburg.

Councilwoman Hochul asks who proposed this. Councilwoman Kesner comments that this was
proposed by Mike Bartlett by the people who own and are expanding the hot dog stand.

ROLL CALL

Supervisor Hoak
Councilmember Cavalcoli
Councilmember Hochul
Councilmember Kesner
Councilmember Quatroche

VOTING

Aye
Aye
Aye
Aye
Aye

The foregoing certification was duly adopted at said Town Board meeting.

Catherine Rybczynski
Town Clerk

ACKNOWLEDGMENT

STATE OF NEW YORK) SS
COUNTY OF ERIE)

I, CATHERINE RYBCZYNSKI, DO HEREBY CERTIFY that I am the Town Clerk of the Town of Hamburg, Erie County, New York; that the foregoing is a true and exact copy of a resolution adopted at a meeting of the Town Board held on the 10 th day of February, 2003; and

I DO FURTHER CERTIFY that said meeting was called and held, and a quorum was present thereat.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg this 10 th day of February, 2003.

CATHERINE RYBCZYNSKI
Town Clerk
Town of Hamburg

CERTIFICATION

I, THE UNDERSIGNED, JAMES F. CONNOLLY, Superintendent of Highways of the Town of Hamburg, in the County of Erie, State of New York, hereby certify that all those parts of certain Town highways hereinafter designated have not been opened or worked for more than six (6) years last past, and have not been traveled, or have been abandoned by the public and have never been used as a public highway to wit:

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 13, Township 9, Range 8 of the Holland Land Company's Survey, and more particularly described as follows:

BEGINNING at the northeast corner of Sublot No. 2107, Block 21, as shown on Map Cover No. 712 filed in the Erie County Clerk's Office, the said point also being on the south line of Cornell Street (unimproved); thence westerly along the south line of Cornell Street, a distance of 211.94 feet to the east line of Camp Road; thence northerly along the east line of Camp Road to the north line of Cornell Street; thence easterly along the north line of Cornell Street, a distance of 242.98 feet to a point; thence southerly, a distance of 60.0 feet to the point or place of beginning.

RESERVING however, to the Town of Hamburg, a utility easement more particularly 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 13, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the northeast line of Camp Road (NYS Route No. 75) (Athol Springs-Hamburg State Road) as now monumented and the north line of Cornell Street (60.0' wide) (unimproved) thence easterly along the north line of Cornell Street, a distance of 242.12 feet to a point; thence southerly, at right angles, a distance of 40.00 feet to a point; thence westerly, at right angles, parallel with the first mentioned line, a distance of 190.28 feet to a point; thence southwesterly, a distance of 27 feet more or less to the intersection of the northeast line of Camp Road and the south line of Cornell Street; thence northwesterly, along camp Road, a distance of 69' more or less to the point of beginning. Containing 9,532 square feet more or less.

ALSO, we the undersigned members of the Town Board, constituting the whole thereof, do hereby consent to the making and filing of this certificate and do hereby execute the same.

THEREFORE, pursuant to Section 205 of the Highway Law, said highway is declared to be and hereby is abandoned.

Dated:

JAMES F. CONNOLLY
Superintendent of Highways

TOWN BOARD OF THE TOWN OF HAMBURG

PATRICK H. HOAK, Supervisor

D. MARK CAVALCOLI, Councilman

KATHLEEN COURTNEY HOCHUL, Councilwoman

JOAN A. KESNER, Councilwoman

THOMAS J. QUATROCHE, JR., Councilman

ACKNOWLEDGMENT

STATE OF NEW YORK) SS
COUNTY OF ERIE)

I, CATHERINE RYBCZYNSKI, DO HEREBY CERTIFY that I am the Town Clerk of the Town of Hamburg, Erie County, New York; that the foregoing is a true and exact copy of a resolution adopted at a meeting of the Town Board held on the 10th day of February, 2003; and

I DO FURTHER CERTIFY that said meeting was called and held, and a quorum was present thereat.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg this 11th day of 2003.

CATHERINE RYBCZYNSKI
Town Clerk
Town of Hamburg

XX.

WHEREAS, a public hearing was held on August 12, 2002, regarding proposed local law 3, 2002, which provides for the adoption of new regulations for Article XXIV, Chapter 139 through 153, of the Town Zoning Code, entitled "Sign Regulations."

NOW THEREFORE BE IT RESOLVED, that proposed local law 3, 2002, be removed from the table and adopted as follows:

ARTICLE XXIV
Sign Regulations

Section 280-139. Statement of Purpose and Legislative Intent

Sign regulations, including, but not limited to, provisions controlling the type, design, size, location, motion, illumination and maintenance thereof, are designed and enacted in furtherance of the following substantial governmental interests and purposes:

A. To protect property values, create a more attractive economic and business climate and protect the physical appearance of the community from the effects of inharmonious, bizarre and out-of-scale signs.

B. To preserve the scenic and natural beauty of designated areas and provide a more enjoyable and scenic community.

C. To reduce signs and advertising distractions and obstructions that may contribute to traffic congestion and/or accidents, while permitting adequate business identification, advertising and communication, as well as noncommercial communication.

D. To provide reasonable, yet appropriate, conditions for advertising goods sold or services rendered in business districts by relating size, type and design of signs to the type of establishment.

E. To control signs so that their appearance will be aesthetically harmonious with the overall design of the area.

F. To reduce hazards that may be caused by signs overhanging or projecting over public right-of-way.

G. To curb the deterioration of natural beauty in the community's environment.

Section 280-140. Definitions

Sign - a name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land which directs attention to an object, product, service, place, activity, person, institution, organization or business and the supporting members thereto.

Sign face area - the entire area within the single, continuous perimeter enclosing the extreme limits of writing representation, emblem or any figure or similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The supports, uprights or structures on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structures are designed in such manner as to form an integral part of the display. Where a sign has two (2) or more faces, the area of all faces be the face area of the sign.

Sign, billboard - any sign that attracts attention to an object, product, service, place activity, institution, organization or business not available or located on the lot where the sign is located.

Sign, freestanding - a sign resting upon or attached to the ground by means of an integral base or one (1) or more poles or standards. Freestanding signs include both pole signs and ground signs.

Sign, wall - sign integral with or attached to and supported by the exterior wall of a building and projecting not more than twelve (12) inches therefrom; also a permanent sign other than one limited to a trade logo or identification symbol erected or maintained on a window.

Sign, under canopy - a sign attached to the soffit or under the fascia of a structure canopy, covered entrance or walkway, awning or marquee.

Sign, fascia - a sign attached flat against the fascia.

Sign, changeable letter - a sign where the supporting frame or structure is permanent and the only letters, displays or illustrations thereon are changeable or temporary.

Section 280-141. Exceptions

For the purpose of this ordinance, the term "sign" does not include:

Signs erected and maintained pursuant to and in discharge of any governmental function.

Signs which signify the posting of property such as signs prohibiting trespassing.

Integral, decorative or architectural features of building, except letters or trademarks.

Signs not exceeding eight (8) square per face directing and guiding traffic and parking on private property and bearing no advertising. The location shall be approved as a part of the site plan or coordinated sign plan or by the Planning Director.

Section 280-142. Noncommercial Messages

Notwithstanding any other provision contained herein to the contrary, noncommercial messages may be contained on any authorized sign.

Section 280-43. General Regulations

The prohibitions contained in this paragraph shall apply to all signs and use districts.

No sign other than a billboard, as regulated by this ordinance, shall be used to attract attention to an object, product, place, activity, institution, organization or business not available or located on the premises where the sign is located.

Section 280-144. Illumination

Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity, and no sign other than that part used to report time, temperature, stock market and/or news reports shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall any illuminated sign or lighting device be placed so as to permit the beams and illumination therefrom to be directed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. The full number of illuminating elements of a sign shall be kept in working condition or immediately repaired or replaced. Overhead wires or exposed wires on a sign or its supporting members are prohibited.

Section 280-145. Signs on public property

No sign shall be placed in any street right-of-way or on other public property.

Section 280-146. Obstructions

No sign shall create a traffic hazard by obstructing the view at any street intersection or by design resemblance through color, shape, or other characteristics common to traffic control devices. No freestanding sign having the lowest member, excluding the pole, less than eight feet above the finished grade shall be allowed on corner lots in a triangle formed between points on the front and side lot lines 35 feet from the intersection.

Every sign shall at all times be in a safe and structurally sound condition and maintained by replacement of defective or worn parts, painting, repainting and cleaning. The Building Inspector shall require compliance with all standards of this ordinance. If the sign does not comply with adequate safety standards, it shall be removed.

Section 280-147. Abandoned signs

Except as otherwise provided in this ordinance, any sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. Failure to remove an abandoned sign shall be a violation of this ordinance.

Section 280-148. Dangerous or hazardous signs

No person shall maintain or permit to be maintained on any premises owned, occupied or controlled by him any sign which is either not structurally sound or creates an electrical hazard. Any such sign shall be removed or repaired by the owner or user of the sign or the owner of the premises.

Section 280-149. Unlawful signs

No person shall erect on any premises owned or controlled by him or use any sign which does not comply with the provisions of this ordinance.

Section 280-150. Street Improvement Projects

Any sign over a public right-of-way which was subject to removal or relocation at the owner's expense, pursuant to a permit or other ordinance of the town, shall be removed by the owner or altered at the owner's expense to comply with the regulations of this ordinance if, as the result of or after completion of a street improvement project, the sign does not or would not comply with the provisions hereof.

Section 280-151. Nonconforming signs

Signs eligible for characterization as nonconforming.

Any sign which does not comply with this ordinance is eligible for characterization as a nonconforming sign if:

A. The sign was erected pursuant to a permit and complied with all requirements then in effect; and

B. It complies with the provisions of Sections 280-173 through 280-179.

Loss of nonconforming status.

A nonconforming status shall terminate, if:

A. The sign is altered in any way in structure or size (except for normal maintenance.)

B. The sign is relocated.

C. The sign is replaced.

D. There is any change in the tenancy, use or occupancy of the premises by the sign.

Nonconforming sign maintenance and repair. Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from complying with the provisions of this ordinance regarding safety, maintenance and repair of signs, provided that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way not permitted under this section.

Where signs individually or collectively in a multiple development, as hereinafter defined, are nonconforming, one (1) or more new wall and canopy/fascia signs complying with the provisions of this Section may be erected whenever the tenancy, use or occupancy of an individual establishment or enterprise changes.

Section 280-152. Signs permitted in all Districts as Accessory Uses or Structures Without a Use Permit

One (1) sign for each building or lot advertising the sale, rental or lease of the premises or part thereof on which the sign is displayed, not exceeding six (6) square feet in residential districts and twenty-four (24) square feet in business and industrial districts. Illumination shall not be permitted.

Section 280-153. Address

One (1) sign indicating the name and address of the occupants of a dwelling, not exceeding two (2) square feet in area is permitted. An address sign shall not be permitted if a sign permitted for the office of a resident professional is in use.

Section 280-153-1. Project Name

One (1) sign indicating the project name and the names of the architect, engineer, contractor and participating public and governmental agencies and officials, placed on the premises where construction, repair renovation is in progress, not exceeding thirty-two (32) square feet in face area, fifteen (15) feet in height nor located less than twenty-five (25) feet from the lot line and seventy-five (75) feet from any dwelling not within the project is permitted.

A sign may be used in connection with a roadside stand to advertise the sale of produce on farms within this district, provided that the produce being sold is produced on the farm or by the occupant thereof elsewhere. The sign face area shall not exceed 32 square feet for a wall sign or either side of a ground sign. The sign shall be removed when the roadside stand is not in use.

Section 280-153.2. Permit Required

Unless otherwise provided in this article, no sign shall be erected, altered, constructed, relocated or enlarged without first obtaining a permit from the Building Inspector/Code Enforcement office of the Town of Hamburg. Nevertheless, no permit shall be necessary to erect, alter construct, relocate or enlarge a sign with no commercial message.

Section 280-153.3. Application for Permit

- A. Prior to the issuance of any sign permit for the erection, alteration, construction, relocation or enlargement of a sign, application for such permit shall be made to the Building Inspector/Code Enforcement Officer containing the following information:
- (1) The name, address and telephone number of the applicant and the owner of the building, structure or property upon which the sign is to be erected, altered, constructed, relocated or enlarged.
 - (2) The written consent of the owner of the building, structure or property upon which the sign is to be erected, altered, constructed, relocated or enlarged.
 - (3) A rendering exhibiting:
 - (a) The proposed lettering and the pictorial matter of the sign;
 - (b) The dimensions of the sign and proposed lettering;
 - (c) The wind-pressure resistance of the sign in pounds per square foot;
 - (d) The construction details of the sign structure and mounting devices;
 - (e) The means of illuminating the sign, if illuminated;
 - (f) The proposed location on the building, structure or property of all the sign.
- B. In addition to the above-cited required information, the Building Inspector/Code Enforcement Officer is empowered to require of any sign permit application such additional information as he deems necessary to properly administer a sign permit application within the spirit, intent and provisions of this article.

Section 280-153-4. Signs As Accessory Uses and Structures

All signs, except signs erected by a governmental entity for a public purpose, shall be considered as accessory uses and structures in the zoning district where permitted. No permitted sign shall be attached directly or indirectly to any light standard, utility pole or tree. Also, all signs must conform to Section 280-166, Visibility at Intersection.

Section 280-153.5. Certain Signs Prohibited In All Districts

Billboards, roof signs, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices are prohibited in any zoning district. Flashing, oscillating and revolving signs are prohibited in any zoning district unless necessary for public safety or welfare.

Section 280-153.6. Signs in R-A District

The following signs shall be permitted in the R-A District:

A. Signs permitted and as regulated in the R-1 District.

B. Not more than two nonilluminated signs, each not exceeding six square feet in area, shall be permitted to advertise the display and sale of agricultural products grown on the premises.

Section 280-153.7. Signs Permitted In The R-E District

The following signs shall be permitted in the R-E District:

2. Identification sign: one nonilluminated sign, not exceeding two square feet in area, indicating only the name and address of the occupant and/or the name of the premises. Such sign may be attached to a building or may be on a separate support and shall be at least five feet from any property line or street line.
3. Nonilluminated directional or information signs not exceeding four square feet in area.
4. Real estate signs:
 - (1) One nonilluminated sign not exceeding six square feet in area and advertising only the prospective sale or rental of the premises on which such sign is located. Such sign shall not be placed within 10 feet of any property line or street line.
 - (2) One nonilluminated sign, not exceeding 50 square feet in area, in connection with the development or subdivision of real property. Such sign shall be permitted for a period not to exceed one year and shall not be placed within 25 feet of any property line or street line.
5. Institutional signs: unless approved for illumination in a manner prescribed by the Zoning Board of Appeals, one nonilluminated church, educational or other institutional bulletin board or identification sign not exceeding 16 square feet in area. Such sign shall not be placed within 10 feet of any property line or street line.
6. Public signs: any signs placed by a governmental entity for a public purpose.
7. Temporary signs:
 - (1) Nonilluminated political election signs, which shall not be located on public property, shall not be erected more than four calendar weeks prior to the election and must be removed within five days after the election. Any political election sign attached to a building shall not exceed eight square feet in area and shall be attached only to the front wall of the principal building on occupied premises. Any detached, freestanding political election sign shall not exceed eight square feet in area, shall be erected only in the front setback area of occupied premises and shall be at least 10 feet from any property line or street line.
 - (2) All other temporary signs advertising an event cannot be erected more than four weeks prior to the event and must be removed within three days after the event.
 - (3) A permit shall be required for all temporary portable signs. The size of the sign shall be limited to 50 square feet. The edge of the sign shall be located no closer than five feet from

the front property line and 20 feet from any other lot line. No flashing lights, streamers or animated or fluttering lights are permitted. The permit will expire after 30 days and will not be renewable for six months. Temporary signs are not permitted where there are two businesses adjacent to each other unless approved by the Zoning Board of Appeals. Permit fees shall be according to the Town's fee schedule, which is set by Town Board resolution.

Section 280-153.8. Signs Permitted in R-1 District

The following signs shall be permitted in the R-1 District:

- A. Signs permitted and as regulated in the R-E District.
- B. One nonilluminated sign not exceeding two square feet in area and indicating the name of a permitted occupation. Such sign may be attached to a building or may be on a separate support and shall be at least five feet from any property line or street line.
- C. Subject to a plan approved by the Town Planning Board, one nonilluminated sign not exceeding 16 square feet in area identifying a real estate development or subdivision for each entrance from a public right-of-way.

Section 280-153.9. Signs Permitted in R-2 District

The following signs shall be permitted in the R-2 District:

- A. Signs permitted and as regulated in the R-1 District.

Section 280-153.10. Signs Permitted in R-3 and R-4 Districts

A. Outside licensed mobile home courts: signs permitted and as regulated in the R-1 District.

B. In licensed mobile home courts:

(1) Identification sign: one nonilluminated sign not to exceed one square foot in area and indicating only the name and address of the occupant of a mobile home or of a permitted occupation conducted therein. Such sign shall be attached directly to the mobile home and only on the side of the mobile home directly facing the street, road or way providing immediate access thereto.

(2) Subject to a plan approved by the Town Planning Board, one nonilluminated sign not exceeding 16 square feet in area identifying a mobile home court for each entrance from a public right-of-way.

(3) Nonilluminated directional or informational signs not exceeding four square feet in area.

(4) One nonilluminated sign not exceeding 50 square feet in area in connection with the development of a mobile home court. Such sign shall be permitted for a period not to exceed one year and shall not be placed within 25 feet of any property line or street line.

(5) Public signs. Any signs placed by a governmental entity for a public purpose.

Section 280-153.11. Signs Permitted in NC District

The following signs shall be permitted in the NC District:

A. Signs permitted and as regulated as the R-1 and R-A Districts, except that one identification sign, not exceeding 10 square feet in area, for a business or profession permitted in and conducted on premises in the NC District shall be permitted. Such accessory sign to a permitted business or profession may be illuminated by a nonflashing indirect source of light from a concealed location.

Section 280-153.12. Signs Permitted in C Districts:

The following signs shall be permitted in C Districts:

A. Signs permitted and as regulated in the R-1 District, except for the following:

(1) Signs for a profession or home occupation shall be permitted, subject to the regulation of business signs in sections 280-153, 280-154 and 280-155 of Article XXIV.

(2) "For rent" and "for sale" real estate signs not exceeding 32 square feet in area.

(3) Illuminated institutional signs shall be permitted, pursuant to any regulations for illuminated signs in Article XXIV, but without the prior approval of the Zoning Board of Appeals.

B. Business signs, subject to the regulations of business signs in sections 280-153, 280-154 and 280-155 of Article XXIV. Unless otherwise provided, business signs may be illuminated by a steady light, unprovided that such lighting does not shine directly onto other properties and that such signs comply with all other regulations for illuminated signs as prescribed in Article XXIV.

Section 280-153.13. Signs Permitted in M or Mixed Use Districts

The following signs shall be permitted in M or Mixed Use Districts:

A. Signs permitted and as regulated in C Districts.

Section 280-153.14. Business Signs in C, M or Mixed Use Districts

The following regulations apply to business signs in C, M or Mixed Use Districts:

A. One sign for each establishment on each side of a building fronting a public street or containing a public entrance, except on a side facing onto a contiguous R District.

B. Wall signs

(1) Wall signs shall be attached to or incorporated in the building wall. Such signs shall have:

(a) An aggregate area not in excess of 10% of the area of the building front to which such signs are affixed, not to exceed 120 square feet in area.

(b) A maximum width of 75% of the building wall's horizontal measurement, except that, where such horizontal measurement is 20 feet or less, the maximum width may be 90% of such measurement.

(2) Wall signs shall not:

(a) Be more than 18 feet above ground level.

(b) Extend more than two feet above the roofline to a maximum of 18 feet above ground level.

(c) Extend more than one foot beyond the wall to which it is attached.

C. Projecting signs. Projecting signs shall not:

(1) Exceed 32 square feet in area.

(2) Project into a public right-of-way.

(3) Extend more than 8 feet from a building wall.

(4) Extend more than 18 feet above ground level.

(5) Be less than 9 feet above ground level.

D. Where a covered walk extends across the front of a building, signs may be mounted on the roof of the walkway to a maximum height of three feet. Signs related to the entrance of an individual business establishment may also be hung from the underside of a covered walkway. The maximum size of such signs shall be eight inches by four feet.

E. At the entrance to business establishments above the first floor, the nameplates of such establishments may be mounted flat at the side of such entrances, and the size shall not exceed nine inches by 18 inches.

F. A detached sign may be erected where the building to which said detached or freestanding sign is accessory thereto is set back from the street line a distance of 40 feet or more. Such detached sign shall:

(1) Have a setback of five feet from the front property line and be no less than 20 feet from any other property line.

(2) Have a maximum area of 40 square feet unless said sign identifies a group of stores as a retail shopping center or plaza, except that a sign area may be increased at a rate of one square foot for each additional foot of setback from the front property line to a maximum area of 100 square feet in a C District and 136 square feet in an M or Mixed Use District.

(3) For a sign identifying a group of stores as a retail center or plaza, have a maximum area of one square foot for every three linear feet of front property line, except that the sign area may be further increased at the rate of one square foot for each additional foot of setback from the front property line to a maximum area of 100 square feet.

(4) Have a height no greater than 18 feet above ground level.

(5) Have no less than three feet from the bottom of the sign to the ground.

G. No sign within 100 feet of any R District boundary shall have a surface area (in square feet) larger than its distance (in linear feet) from such R District boundary.

H. In community and regional shopping centers, freestanding signs, commonly known as "pylon signs," shall be permitted at the entrance or entrances to such shopping center and shall not contain 400 square feet. Such freestanding signs shall designate only the name of the shopping center and may include a theater panel listing current attractions and advertising of public affairs or public events in the community. Exterior signs for department stores on the exterior surface of department store buildings or above the parapet wall of such buildings in such shopping centers shall be permitted but shall be limited in size to 15% of the total area of the exterior face of the department store on which the sign is located. Exterior signs for commercial outlets, other than department stores in such shopping centers, shall be permitted on the exterior face of the building wherein such outlets are located, but shall be limited in size to no more than 10% of the total area of the exterior face of the building in which such outlets are located.

Section 280-153.15. Computation of Permissible Sign Area

A. When computing the total permissible sign for any use, the following procedures shall be used:

(1) The total area of a sign consisting of letters, characters and/or symbols painted, placed or otherwise affixed to a background material especially designed for such sign shall be determined by multiplying the height by the width of such background material.

(2) The total area of a sign consisting of letters, characters and/or symbols which depict a sign, without regard to any background material especially designed for such sign, shall be the sum of the areas of each letter, numeral, character and/or symbol determined by multiplying the maximum height by the maximum width of each letter, numeral, character and/or symbol, including any intervening spaces between them.

B. The total area of all signs for any use shall not exceed the requirements set forth in Article XXIV. Existing signs shall be included in the computation.

Section 280-153.16. Safety Standards

Every sign shall be so designed and located in such a manner as to:

- A. Not impair public safety. Illuminated signs shall not be located in the corner visibility area as defined in Article XXVII.
- B. Not restrict clear vision between a sidewalk and a street
- C. Not be confused with any traffic sign or signal.
- D. Not prevent free access to any door, window or fire escape.
- E. Withstand a wind-pressure load of at least 20 pounds per square foot.

Moved: Hochul

Seconded: Cavalcoli

Roll Call:	Supervisor Hoak	Aye
	Councilman Cavalcoli	Aye
	Councilwoman Hochul	Aye
	Councilwoman Kesner	Aye
	Councilman Quatroche	Aye

Noes: None
Carried

Councilwoman Hochul comments that all though they have many things on their plate, signage is an important indicator of how our Town is perceived. When you enter a community it is a character issue. When you enter East Aurora or Orchard Park you get certain flavor from their signage and it has been our goal to get that same kind of flavor for the Town of Hamburg.

Mr. Boehm, Deputy Town Attorney, comments that he has been here for 22 years and in the very beginning one of the things he tackled, along Jean Peterson, Town attorney at the time, was a review of the sign ordinance. This sign ordinance is about 22 years old, there has been litigation, a new sign company came into the area and has been very aggressive and has brought lawsuits. He wants to thank the Code Review Committee, they meet regularly and this is one of the projects they took on when they heard that. He gives Kurt Allen, Supervising Building Inspector, a lot of credit on this. They worked on this to try and come up with something that would be Court defensible if litigation were to ensue. They looked at the purposes and other sign ordinances and this is somewhat lengthy but they feel it is very comprehensive and covers most situations. The signs that most people look at are billboards, however, there are free standing illuminating signs, signage on buildings, signs that blink on and off which can be a distraction to people who are driving and they tried to cover all situations. They took this law and did it per their zoning areas. He appreciates all the work and input from Councilman Cavalcoli, Councilwoman Hochul, Mr. Crandall and Kurt Allen. Mr. Allen comments that what Cathy alluded to was the Legislative Intent and basically they added almost a dozen chapters of technical provisions, definitions, to honor the purpose and intent. The original ordinance didn't even have a purpose and intent. They started there and added the multitude of chapters which cover the legal and technical aspects that pertain to the sign ordinance. This will help enable his Department to better enforce quality signs from this point on. He also wants to applaud everyone involved. Mr. Boehm also thanks Drew Reilly who taught them that it makes a lot more defensible when they do purpose clauses. They now basically do that on most of their proposals that come out of code review. The moratorium is a good example of why they are doing that. To explain to the Courts, if they get into litigation, here is why they did it, they put it right into the law. Councilwoman Hochul comments that when they started on this process a number of years ago the Chamber of Commerce was on Board with this because they also care about the aesthetics of our community. Also, he mentioned billboards, we have retained our ban on billboards, we outlawed billboards in the Town of Hamburg a number of years ago and we believe that this bolsters our legal position to keep that in the law. The billboards you see around Town are grandfathered, there have been no additional billboards since their law was passed a number of years ago.

Letter #25 - Supervisor Hoak asks that this be referred to Tim Ellis in Traffic Safety.

Letter #28 - Supervisor Hoak comments that this is pertaining to the public hearing of 2/03 regarding the moratorium which went into affect tonight. Mr. Zimmerman applauds the Board for their vision.

Letter #22 - Supervisor Hoak comments that this is a complimentary letter from Elderwood concerning our Youth Department and Bev Preischel and the outstanding work that she does.

Reports from Town Board Members and Department Heads

Councilman Cavalcoli comments that he already reported on Engel Drive, the scoping session and the moratorium.

Councilwoman Hochul reports that she wants to introduce a Mr. Nelson Sheehan from the audience. Earlier they did a resolution regarding Bethlehem Steel and she wants to thank him for his leadership on this issue, for many years. There is complete support for this and other Town Boards will receive a copy of this resolution and she hopes it will be passed throughout Western New York. Also, they are calling for a Skate Board roundtable, they have had so many calls from School Boards and representatives from other communities asking how the Town of Hamburg did so well with their Skate Park. So she and Mr. Denecke will be hosting this to help other communities with that. This will be held on 10:00 a.m. to 12:00 p.m. on February 21st in Room 7.

Councilman Quatroche comments that on February 4th they had a very productive Local Waterfront Revitalization Plan meeting in which about 50 residents attended a meeting at Lake Shore Fire Hall. They had some excellent suggestions and input for that plan and he will be reporting more as they move forward with that plan. They appreciate everyone's input. The 25th Annual Snofest was held on 1st and 2nd of February and they had an estimated 2,500 people attend and participate. The Town of Hamburg Recreation Department was recognized in two separate publications in the National Alliance of Youth Sports. The Start Smart News congratulated us for being a 4 star program in baseball, basketball, golf and soccer and the Hook a Kid on Golf Year Review noted our participation in a comprehensive youth golf program so accolades to the Recreation Department on that. He also wants to mention that Tim Gerome was recently honored with the amateur sports achievement award by the Western New York Chapter of the National Football Foundation in College Football Hall of Fame. Debbie Lynch a front office staff member of the Buffalo Bills made the presentation at the Scholar Athletes Award Banquet. Tim was recognized for his contributions to amateur football and he asks that they congratulate Tim, he is an excellent employee, and a hard worker in the Recreation Department and they appreciate his efforts.

Supervisor Hoak also comments on Nelson Sheehan and that he is the former President of the retired Steel Workers and has addressed this long before the curtain has fallen. Thousands of people in our area are impacted by this and if you take away the health benefits they will have nothing left to live on. These are the proven bread winners of our community, many who worked 30-40 years in the community, raising children, paying taxes, volunteer coaching, people we should be grateful for giving us what we have today. He then states that this Board and the Town support him and the Retired Steel Workers 100%. Through the leadership of Councilwoman Hochul they will continue to try to get them what is well deserved. Mr Sheehan comments that he appreciates that. He then comments on the retired Sabres that played at the Snofest, and thanks them for the show they put on, it was well attended and it was a job well done by the Recreation Staff. They raised \$600 for S.A.B.A.H. through the D.A.R.E. skate. Elizabeth O'Donnell deserves recognition for all she does for the disabled children. It is worth going to watch her work with them.

Business From the Floor

Joe Kilian, United Council, comments that the C.O.L.T. members informed him that their area was dumped on by airline waste on January 14th & 15th. It hit the Cloverbank, Amsdell and Pinehurst Schools. The rumor is that the D.E.C. has been told to shut-up by the F.A.A. The children had to walk on the sidewalks covered with this stuff. Once again they said it was geese flying in formation. Supervisor Hoak asks Mr. Boehm to get a letter out to the D.E.C. Mr. Boehm responds that they will send a letter to the D.E.C. and Congressman Quinn. Councilwoman Kesner asks him to copy all of our Federal Representatives with that letter. Councilman Cavalcoli questions if they could document this. Mr. Kilian responds that they can call the schools for information. It is happening with regularity now.

XXXI.

RESOLVED, that the Town Board adjourn to Executive Session at 8:00 p.m.

Moved: Hoak

Seconded: Cavalcoli

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

Noes: None

Carried

Catherine Rybczynski, Town Clerk

Correspondence - February 10, 2003

20 - To Supervisor Hoak from the Town Clerk's Office, the monthly report for January 2003 with receipts totaling \$42,955.77.

21 - To Supervisor Hoak from Joanne and John Urban, 3714 South Hill Road, stating that they have grave concerns about a 46 acre proposed development that borders their land. Stating that the development would negatively impact established homeowners in the South Hill and Hampton Brook area, would endanger an area of great historical significance to Hamburg and would cause increased drainage problems in an already compromised area, plus sewage and septic problems and increased traffic and noise.

22- To Supervisor Hoak from Victoria Ruiz, Activities Leader - Elderwood, thanking Bev Preischel and Y.E.S. youth who come to Rosewood on a monthly basis to do seasonal crafts, help with luncheons, dinner, bingo games and an outing to the Erie County Fair.

23 - To Supervisor Hoak from Bob & Diane Reynolds, 4301 Rushford Dr., stating that they cannot attend the February 3rd Work Session or February 10th Town Board meeting but would like to express their feelings on the upcoming moratorium. They are both in total support of the moratorium. The Town needs to get an overall grip on the amount of new construction that has occurred and will occur due to the grandfathering of the current housing starts that have already been approved.

24 - To Supervisor Hoak from Kevin Grzybowski, 4877 Holly Place, stating he is a Senior at Hamburg High School and that he recently was informed about the proposal for a Tops on Milestrip Road. Building another supermarket would crowd an already congested area and could lead to the closing of Tops on Camp Road. Suggesting they make Benderson Development and Tops use one of many vacant buildings already in the Town.

25 - To the Town Board from John Eustace, 5020 Chapman Pkwy., asking them to inform the appropriate agency that a left turn arrow is needed at the intersection of Soles Road and South Park Avenue or at the intersection of Southwestern and South Park Avenue. Also hoping the Town can attract businesses to the Brierwood Square Plaza.

26 - To Supervisor Hoak from United Council of Hamburg Taxpayers, stating that at their January 2003 meeting they discussed and openly debated the proposed rezoning of land for the proposed retail store on Milestrip Road and concluded that this proposed development for Tops is not in the best interest of our town. Urging the Town Board and Planning Board NOT to rezone this beautiful, natural area to a commercial development.

27 - To the Frank Venti, Dog Warden, from Amy Dunkle thanking him for taking care of her dog, Oreo. Stating that because he took care of her she was able to concentrate on being there for her children.

28 - To the Town Board from Mark Zimmerman, 1482 North Creek Road, commenting that he attended the meeting 2/3/03 about the moratorium and there were many good points that were brought up. He applauds the Town Board for their thoughts, concerns ideas & foresight. He urges them to follow through and comments that he was pleased to see the Planning Board in attendance. He would like to think everyone is on the same page.

29 - To Supervisor Hoak from Ernest Jewett, Mayor - Village of Blasdell, stating concerns over the proposal by Benderson Development to construct a Tops on Milestrip. He is concerned with the effect that any additional flow may have on existing Town and Village sanitary sewers. Additionally, Village residents along Blasdell Creek are presently subjected to recurrent yard and basement flooding. He will call for a comprehensive storm water study of the effect of the proposed development on the residents along Blasdell Creek.

