

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 11th day of February 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; Sarah DeJardins; Carmen Kesner, Chief of Police; Robert Hutchison, Town Assessor; Martin Denecke, Director of Recreation; Gerard Kapsiak, Town Engineer; James Connolly, Highway Superintendent; Kenneth Farrell, Town Attorney; Kurt Allen, Supervising Code Enforcement Officer.

Pledge of Allegiance was recited.

Information on fire exits was provided.

Supervisor Walters reports the unfortunate news that two Town employees lost parents, Richard Nowak, Jr. lost his father and Tim Jerome also lost his father. In memory of both, 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 for the Municipal Home Rule Law, a proposed local law to be known as proposed local law #2, 2008; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-entitled Zoning.

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on January 14, 2008 pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #2, 2008; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-entitled Zoning, and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property located on Gowanda State Road between Stevens Road and 18 Mile Creek. The property is to be rezoned from C-1 (Local retail Business District) and RA (Residential Agricultural District) to NC (Neighborhood Commercial District) and is 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 Number 9, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

beginning IN THE CENTER LINE OF Route 62 at a point 109.56 feet southerly from the north line of Lot No. 9 as measured along the center line of Route 62;

THENCE N 69 degrees 02 minutes 54 seconds W 50.69 feet to the principle point of beginning;

THENCE N 69 degrees 2 minutes 54 seconds W 230.69 feet to the north line of Lot No 9;

THENCE S 89 degrees 59 minutes 03 seconds W along the north line of Lot No 9, a distance of 52.50 feet to a point;

THENCE S 37 degrees 20 minutes 25 seconds W, 180.04 feet to the north bank of 18 Mile Creek;

THENCE S 29 degrees 12 minutes 22 seconds E 22.36 feet to north line of lands conveyed to Pearson H. Stuart and William A. Pitch in Liber 559 of Deeds at page 140 and Herbert D. Pierce in Liber 851 of Deeds at page 206;

THENCE S 69 degrees 02 minutes 54 seconds E 283.77 feet to the west line of Route 62 as appropriated by New York State and 72.17 feet west of the center line;

THENCE N 29 degrees 07 minutes 32 seconds E 207.95 feet to the principal point of place of

beginning.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on February 11, 2008 at 7:00 p.m. (Local time), at which time all interested persons may be heard.

DATED: January 14, 2008

Catherine A. Rybczynski
Town Clerk
Town of Hamburg

No correspondence was received.

Supervisor Walters requests Robert Hutchison, Town Assessor, to give a brief presentation on the property.

Robert Hutchison responds that the parcel is between Stevens and South Creek that adjoins the creek on the back corner. The zoning in the neighborhood, that parcel carries a split zoning of both RA and C-1.

Sarah DeJardins notes that the owner is trying to sell the property and it's tough because it has two zones on it. She's asking to have it rezoned to only one zone and NC (Neighborhood Commercial) seems appropriate because you could put residential there as well as low key commercial of 2,000 square feet, serving the local retail needs of the surrounding areas. She thinks it would be easier to sell the land if it's re zoned to NC.

Supervisor Walters adds that it's presently zoned C-1 going to the requested zoning is actually a down zoning for that portion of the property.

Joe Killian asks if this property is the Watervalley Nursery.

Sarah DeJardins responds that it's just north of that.

Supervisor Walters notes that this will not effect anyone else's property unless they make the request for a re-zoning.

1.

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 the Public Hearing at 7:10 p.m.

2.

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 minutes of the following meeting

February 4, 2008

3.

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

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

WHEREAS, the National Safety Council sponsors a Defensive Driving Course to promote safe and responsible driving habits, and

WHEREAS, the Town of Hamburg is desirous of participating in this program and offering the program to Town of Hamburg residents,

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg establish a National Safety Council sponsored, Town of Hamburg Defensive Driving Course; and instructors of the course are the following: Eugene Paolini, William Scully, Scott Fraser and Tim Ellis, and any other instructors who complete the necessary training/qualification, and are approved by the Town Board,

BE IT FURTHER RESOLVED that participants in the program shall be charged a fee of \$40.00 per person.

Supervisor Walters notes that this program that as a Town abolished about a year ago. He feels this is a worthwhile program to continue or try to pursue again. He asks that Mr. Ellis keep the Board advised with at least quarterly reports over the first year so the program can be evaluated closely. He also asks Carl Morgan, Town Prosecutor, meet with Councilman Best and Tim Ellis to insure that we're meeting the adequate number of people attending these programs.

Councilman Best responds that he will guarantee the Board and the people of Hamburg that he personally will be involved in the program. He has talked to the instructors and has their assurance that this will be successful.

Catherine Rybczynski, Town Clerk, asks when the program is going to start.

Councilman Best replies it will start March 1, 2008 but that may not be the first class.

4.

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, the Town Code Enforcement Official has verified that two wind damaged trees as located on the premises of 5131 College Street had produced a dangerous condition and constituted a violation of Town Local Law No. 4-1968, Chapter 90 (Dead Trees), and based on his formal inspections had mailed a notice of violation to the respective property owner with an order to cut and remove such trees thus abating the known hazards.

WHEREAS, the Town has received no response by the listed owner nor has any remedial work been undertaken to alleviate the violations within the prescribed five day period and subsequently the Town Code Enforcement Official has caused the trees to be cut and removed by a Town approved contractor.

NOW, THEREFORE BE IT RESOLVED, the Town Board approve the payment in the amount of \$1,800.00 for the work contracted to Branch Managers Tree Service, LLC of Orchard Park, New York to cut and remove two trees as directed by the Town Code Enforcement Official at 5131 College Street.

BE, IT FURTHER RESOLVED, the Town Board approve the transfer of funds from Account A599 to A3620.469 to finance this work.

BE, IT FURTHER RESOLVED, the Town Board authorize the Town Attorney to institute the appropriate actions against the owner of the aforementioned property for the recovery of costs incurred by the Town in connection with these proceedings as provided by Local Law No. 4-1968, Section 90-4.

Councilman Best asks Mr. Allen, Supervising Code Enforcement Officer, why they are using a

tree service from Orchard Park and not one of our services.

Mr. Allen responds that they solicited to two or three contractors and they came up the lowest responsible bidder.

Councilman Best notes that he would like to see more of the local businesses get business.

Mr. Allen notes that local people did bid on it but, they were close, but not lowest.

5.

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

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

WHEREAS, Erie County took over the Master Sewer District as of January 1, 2008 and Alliance Homes had to obtained permits thru the Erie County Sewer Department in addition to the Town of Hamburg, and

WHEREAS, as a result of the transition is requesting a refund in the amount of \$300 for each permit that was obtained which is the difference in cost between the Town and County Sewer District fees.

THEREFORE BE IT RESOLVED, that Alliance Homes be granted a refund for the Master Sewer permits they obtained for 4118 Chatham Drive, 4119 Chatham Drive and 4120 Middleham Park and a refund issued in the amount of \$900.00 to:

Alliance Homes
 4727 Camp Road
 Hamburg, New York 14075

6.

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

ADOPTED	Ayes 5	Walters, Best, Kesner, Quatroche, Smardz
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BATCH #	17	\$75,000.00	24553
BATCH #	18	\$179,411.37	24554-24621
BATCH #	19	\$2,300.00	24622
BATCH #	20	\$2,750,000.00	24623
BATCH #	21	\$1,042,437.36	UNPROCESSED
BATCH #			

TOTAL OPERATING FUND DISBURSEMENTS:

\$4,049,148.73

TRUST & AGENCY: AGENCY

BATCH #	7	\$565,976.08	
BATCH #	8	\$16,871.41	
BATCH #			
BATCH #			

TOTAL TRUST & AGENCY DISBURSEMENTS:

\$582,847.49

CAPITAL FUND DISBURSEMENTS:

BATCH #	9	\$102,164.86	24505-24509
BATCH #	10	\$575,000.00	24624
BATCH #	11	\$1,322.50	UNPROCESSED
BATCH #			

\$678,487.36

TOTAL CAPITAL FUND DISBURSEMENTS:

PAYROLL:

PR # 3 \$546,369.65

PR #

TOTAL PAYROLL DISBURSEMENTS:

\$546,369.65

PETTY CASH

\$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:

\$5,856,853.23

Reports from Departments

Marty Denecke reports that Snow Fest activities begin on February 17, 2008. There will be a number of activities each day. There is a poster online at the Town's website or they can call the Recreation Office. The Recreation Dept. has signed up for an agreement with Active.com and they host online registration for them. This should be up and running sometime in March.

Carmen Kesner, Chief of Police, reports they received a call from the Niagara Regional Police requesting Hamburg be a part of a ceremony honoring the persons involved in the Amber Alert.

9.

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 motion to adjourn to Executive Session at 7:25 p.m.

10.

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 close Executive Session at 7:35 p.m.

11.

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 adjourn at 7:35 p.m.

Catherine A. Rybczynski, Town Clerk