

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 12th day of February 2007.

Supervisor Walters calls the meeting to order at 7:02 p.m.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
D. Mark Cavalcoli	Councilman
Kathleen C. Hochul	Councilwoman
Joan A. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman

OTHERS PRESENT: Catherine Rybczynski, Town Clerk; Richard Boehm, Deputy Town Attorney; Gerard Kapsiak, Town Engineer; Robert Brown, Sr. Account Clerk; Joseph Coggins, Police Chief; Robert Hutchison, Town Assessor; Martin Denecke, Director of Recreation; William Dash, Deputy Highway Superintendent; Sean Fanning Deputy Supervisor of Building and Grounds; Tim Ellis, Traffic Safety Coordinator; Kurt Allen, Supervising Code Enforcement Officer.

Boy Scout Troop 400 leads the Pledge of Allegiance.

Information on Fire Exits was provided.

7:00 p.m. Public Hearing for property owned by Jack & Evelyn Keiffer at 4945 Southwestern Boulevard requesting to be rezoned from R-2 to C-2.

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

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on January 22, 2007, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #1, 2007; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property owned by Jack &

Evelyn Keiffer and located at 4945 Southwestern Boulevard. The property is to be rezoned from R-2 (Single Family Residence, Attached District) to C-2 (General Commercial District) and is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Number Fourteen (14), Township Nine (9) and Range eight (8) of the Holland Land Company's Survey, being further identified in the Town of Hamburg Assessors Office as part of Tax Parcel No. 170.66-2-3, and being more particularly bounded and described as follows:

BEGINNING at the northeast corner of the property boundaries of House Number 3676 Sowles Road, identified as Parcel No. 170.66-2-12; thence northerly along the east line of said parcel extended, a distance of 102.97 feet; thence westerly and parallel with the south line of Lot Number 14, a distance of 200 feet; thence southerly at a right angle, a distance of 102.97 feet to the northwest corner of Parcel No. 170.66-2-11; thence easterly along the north line of Parcel Nos. 170.66-2-11 and 170.66-2-12, a distance of 200 feet to the point or place of beginning.

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 12, 2007 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: January 22, 2007

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski, Town Clerk, reads one piece of correspondence from Gerard Koenig, Chairman of the Planning Board, stating that the Planning Board sends a favorable recommendation for property located at 4945 Southwestern Blvd as follows:

1. This rezoning took place originally in 1974. One portion of the Town map was changed. However, another small piece was never changed.
2. The Planning Board has no objection to the rezoning.

Councilman Cavalcoli explains that the parcel of land, they are requesting to be rezoned, is landlocked. Over 20 years ago they rezoned the front portion and this was left out. They are asking for the entire parcel to be correctly zoned, it has been before the Planning Board and Code Review Committee and they would like to correct this for the Keiffers.

Councilwoman Hochul questions if the owner has any current plans for that property. Mr. Keiffer responds, no, he doesn't have any current plans, this is in case he would want to expand in the future.

The Supervisor opens the floor to public comment.

Joe Kilian questions if a portion near Sowles Road is part of this.

Councilman Cavalcoli responds no that is not a part of this.

1.

On a Motion of Supervisor Walters, Seconded by Councilman Quatroche, the following resolution was

ADOPTED	Ayes	5	Walters, Cavalcoli, Hochul, kesner, Quatroche
	Noes	0	

RESOLVED, that the Town Board close the public hearing at this time.

2.

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

ADOPTED	Ayes	5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes	0	

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

January 22, 2007	Town Board Meeting
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February 5, 2007	Work Session
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3.

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

ADOPTED	Ayes	5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes	0	

WHEREAS, the Town of Hamburg has received a rezoning application from People, Inc. For 1.114 acres of vacant land located on the west side of Abbott Road behind 3060 Abbott Road from C-2, General Commercial to N-C, Neighborhood Commercial, in order to construct a single family residence to be utilized as an Individual Alternative Residence for developmentally disabled adults, and

WHEREAS, the Code Review Committee, at its 1-17-07 meeting, 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 application to the Planning Board for review and recommendation.

Mr. Boehm, Deputy Town Attorney, explains that this is a vacant piece of land owned by Mr. Lombardo which is set back about 400 feet, part of which is an abandoned highway, the front portion is still a paper street and will have to be abandoned. There are still a couple of lots owned by private individuals and they would have to take that into consideration for the access back to the home. Those are some of the issues being looked into.

Councilwoman Hochul questions why they are looking at N-C as opposed to a residential zoning.

Councilwoman Cavalcoli explains that the front is the Funeral home, which is commercial and surrounding properties are commercial.

4.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

RESOLVED, that the Town Board approve the hiring of personnel for the Adult Day Services Department as follows:

- 1. Giannoni, Rae D. P/T Rec. Attendant 02/13/2007 \$7.25

5.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche

Noes 0

RESOLVED, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following February / March Taylor Road rentals:

02/24/07	03/01/07	03/03/07	03/04/07
03/10/07	03/11/07	03/16/07	03/17/07
03/18/07	03/24/07	03/25/07	03/30/07
03/31/07			

6.

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes 0	

BE IT RESOLVED, that the Town Engineer’s report on the completion and acceptance of the WELLINGTON WOODS SUBDIVISION work performed under Public Improvement Permit Nos. 887, 888, 889, and 890 be received and accepted, and that the Supervisor is authorized to sign the report, and

BE IT FURTHER RESOLVED, that the Town of Hamburg agrees to pay the Erie County Water Authority the annual hydrant fees for the maintenance of four (4) new hydrants installed as part of the subdivision work, and

BE IT FURTHER RESOLVED, that this action does not relieve the developer of the responsibility for completing the required street lighting installations under Public Improvement Permit No. 891.

7.

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, kesner, Quatroche
	Noes 0	

WHEREAS, the Town of Hamburg recognizes the enormous sacrifice made by the fighting men and women of our Armed Forces and strain that deployment puts on the families of these men and women, and

WHEREAS, the Town of Hamburg recognizes that the sacrifices the men and women of our Armed Forces make are done to preserve the rights and freedoms of all Americans, and

WHEREAS, the Town of Hamburg wishes to do its part in relieving some of the pressure faced by Town of Hamburg employees who are called to active duty and their families,

THEREFORE BE IT RESOLVED, that the Town of Hamburg adopt its amended “Military Leave Policy for Town of Hamburg Employees”, and

BE IT FURTHER RESOLVED, that the Town of Hamburg expresses its tremendous gratitude to all the men and women of our armed services as they put themselves in harms way to defend our liberties.

Supervisor Walters explains that the changes to the current military policy would be to continue Town health insurance to the family members of those military people who are called to active duty. They now have 30 days of continued coverage and then it will lapse. Secondly, this will allow the employee to continue to receive their full Town pay, in other words, if they are not making as much on military duty the Town will cover the difference to make sure that the families are not put in a situation were they cannot pay their bills. We currently have three employees who are eligible for this.

Councilwoman Kesner comments that basically what the Town is doing is complying with the provisions that is offered by the State of New York and she is very happy to see this measure passed.

Ray Pawlowski, President of CSEA, thanks the Town Board for seeing that Town employees are taken care of in this situation.

Dick Smith comments that his son is over in Bagdad right now and he thanks them on behalf of him and any other employees who will qualify for this.

8.

On a motion of Councilman Cavalcoli, seconded by Councilwoman Hochul, the following resolution was

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes 0	

RESOLVED, that the Town Board grant permission for Breanna Horwood, a student at Immaculata Academy to do Internship in the Police Department for the month of May, 2007, at no cost to the Town.

9.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

RESOLVED, that the Town Board accept the low bid (#1-2007) for Police Vehicles from West-Herr Ford, Hamburg, New York. Total cost of four marked vehicles is \$70,399.00, which includes trade-ins. Money available in account B3120.202.

10.

On a motion of Councilman Cavalcoli, seconded by Councilwoman Hochul, the following resolution was

ADOPTED Ayes 4 Walters, Cavalcoli, Hochul, Quatroche
 Abstain 1 Kesner
 Noes 0

RESOLVED, the Town Board approve the appointment of Assistant Chief of Police CARMEN KESNER, as ACTING COORDINATOR, of the Emergency Management Team, effective immediately and pending review of the committee make-up and function; there is no stipend associated with the Coordinators position.

11.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

BE IT RESOLVED, that the Town Board approve the Out-of-Town travel request for Gary Nelson and Sean Fanning to travel to Amherst, New York on March 5, 2007 to attend the New York Greengrass Association Western Regional Conference. Gary Nelson, Groundskeeper, will earn DBC points towards his pesticide license. The cost is \$120.00. A Town vehicle will be used. Funds available in A7140.413, Repair and Maintenance and ER7254.13 to be transferred to ER7250.492, Seminars account, Golf Course.

12.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

RESOLVED, that the Town Board appoint THERESA DUBEY, 49 Beverly Place, Hamburg, New York, to the position of SENIOR CLERK STENOGRAPHER P/T. Appointment to be effective February 1, 2007 at \$22.91 per hour; funds available in B8020.100.

13.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

WHEREAS, the New York State Department of Transportation has responded to a Town of Hamburg Traffic Safety Advisory Board request concerning the closing of the Bayview Access road between the east and west lanes of NY #5, and

WHEREAS, the Department of Transportation has indicated that said action will lead to *“increased safety benefits”*, and

WHEREAS, the Department of Transportation has requested a supporting resolution from the Town Board of the Town of Hamburg.

THEREFORE BE IT RESOLVED, that the Town Board support the Department of Transportation plan to close the Bayview Access Road.

Tim Ellis, Traffic Safety Coordinator, comments that the Traffic Safety Committee unanimously supports this resolution.

Bill Barrett questions if they did an impact study for the restaurants and other businesses in the area.

Mr. Ellis comments that the NYS DOT is going to do a study on the ramifications of that along with an air quality study. This is just the beginning of the process.

Councilwoman Kesner asks Mr. Ellis to write a letter addressing Mr. Barrett’s concerns.

Supervisor Walters asks Mr. Ellis to contact the state with his concerns and asks that local businesses write to their State Assemblyman concerning this.

14.

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes 0	

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

VOUCHER #'S

OPERATING FUND:

BATCH #14	\$1,700,000.00	16899-16901
BATCH #15	\$ 740,826.96	16902-16969
BATCH #16	\$1,085,000.00	16970-16971

TOTAL OPERATING FUND DISBURSEMENTS:	\$3,719,024.52
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TRUST & AGENCY:

BATCH #5	\$ 21,417.30
BATCH #6	\$ 635,203.65

TOTAL TRUST & AGENCY DISBURSEMENTS:	\$ 656,620.95
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CAPITAL FUND DISBURSEMENTS:

BATCH #7	\$ 500,000.00	16898
BATCH #8	\$ 4,465.13	UNPROCESSED

TOTAL CAPITAL FUND DISBURSEMENTS:	\$ 504,465.13
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to address their questions. They would like to be able to comment.

Supervisor Walters responds that this meeting is open to the public and they will allow their organization to make any comments they want.

Bill Barrett, Lakeview, questions what the status is on the Foits project and what the next action of the Town Board will be.

Councilman Quatroche responds that they are still waiting for an environmental report. As soon as they receive that they will move on it ASAP.

15.

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes 0	

RESOLVED, that the Town Board move into Executive Session at 7:55 p.m. on contractual and personnel issues.

16.

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes 0	

RESOLVED, that the Town Board close Executive Session at 10:00 p.m.

17.

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes 0	

RESOLVED, that the Town Board adjourn at 10:00 p.m.

Catherine Rybczynski, Town Clerk