

A regular Town Board meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, 6100 South Park Avenue, Hamburg, New York on the 22nd day of February 2016.

2.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board adjourn Executive Session at 7:17 pm and move into the regular meeting.

ROLL CALL: Steven J. Walters Supervisor
 Michael Quinn, Jr. Councilman
 Thomas Best, Jr. Councilman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk
Walter Rooth III, Town Attorney; Mary Dosch, Sr. Account Clerk; Richard Lardo, Principal Engineering Assistant; Gregory Wickett, Police Captain; Martin Denecke, Director of Youth, Recreation and Senior Services; Thomas Best, Sr., Highway Superintendent; Christopher Hull, Director of Community Development; Kurt Allen, Supervising Code Enforcement Officer; Barbara Brauch, Clerk of Justice Court; Drew Reilly, Planning Consultant; Thomas Taylor, Sr. Public Safety Dispatcher; Sean Crotty, Emergency Management Coordinator; Jerry Giglio, Safety Committee

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

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 25, 2016 pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #1, 2016; 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 three (3) parcels of land located at 4910, 4950 and 4990 Camp Road. The parcels are identified as tax map parcel S.B.L. Nos.170.00-3-6.31; 170.00-3-31 and 170.00-3-30 respectively. The property is to be rezoned from M-2 (Light Industrial District) to C-2 (General Commercial District).

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 22, 2016 at 7:00 p.m. (local time), at which time all interested persons may be heard.

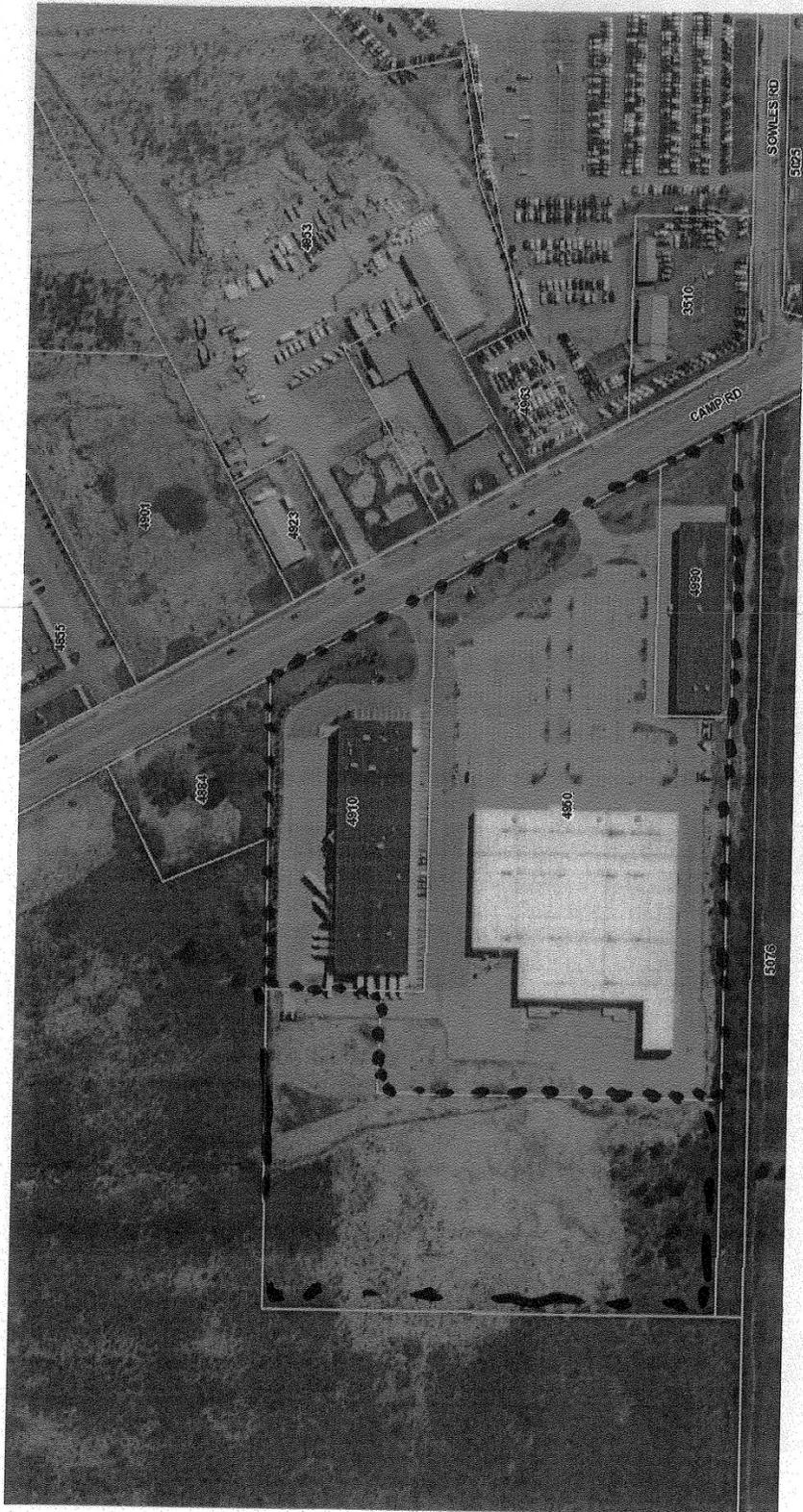
Dated: January 25, 2016

Catherine Rybczynski
Town Clerk
Town of Hamburg

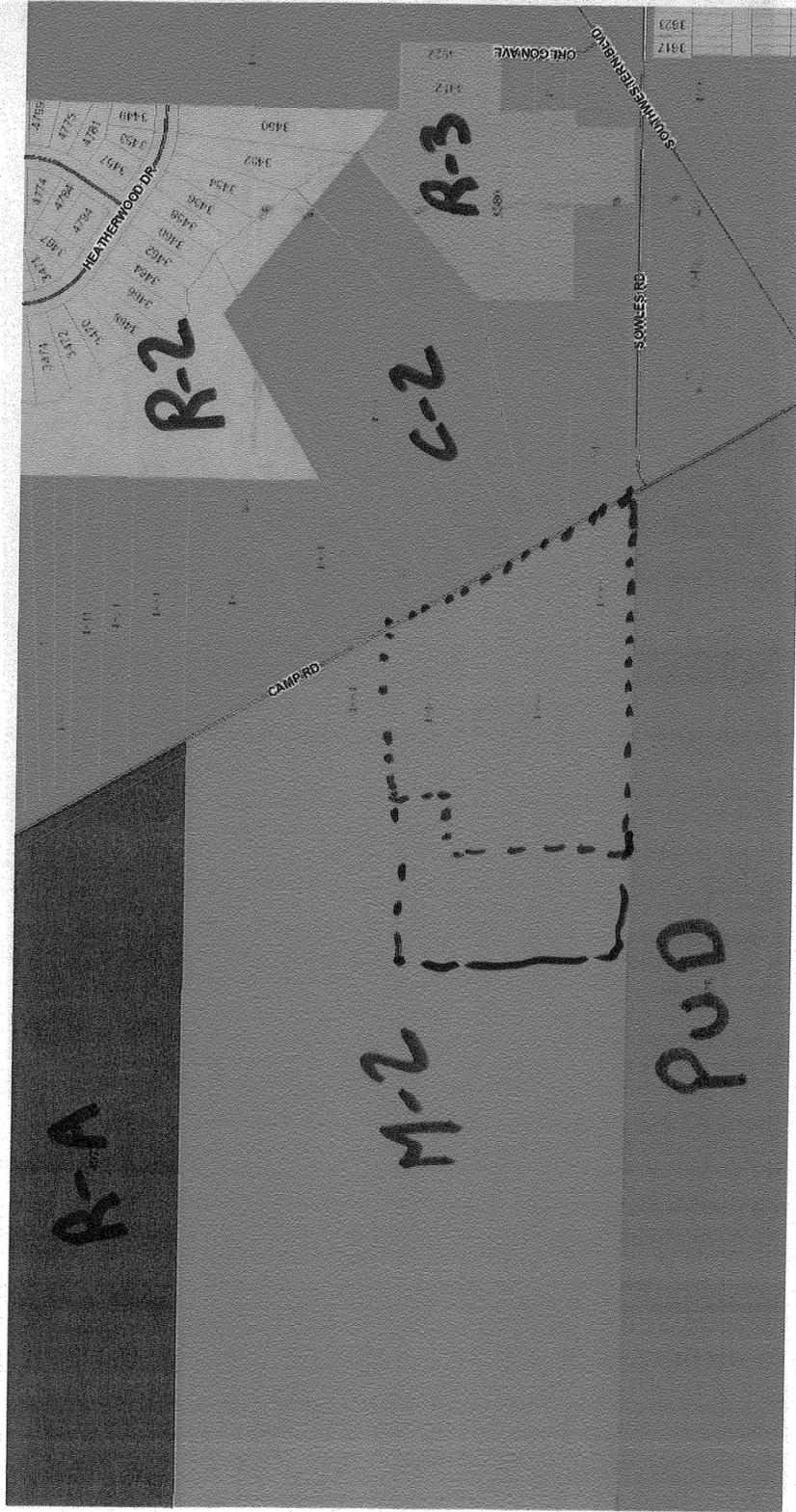
No correspondence was received.

Drew Reilly, Planning Consultant, gives a brief summary on the rezoning and the surrounding area, referring to attached maps:

Camp Road Rezoning: 2/22/16



Camp Road Rezoning: 2/22/16



James Boglioni, Benderson, describes the project for that site stating that they will be using existing vacant buildings.

The following resident spoke neither for nor against the rezoning: Laura Podkulski

3.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

RESOLVED, that the Town Board close the public hearing.

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

LEGAL NOTICE TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that there has been presented to the Town Board on January 25, 2016 pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law 2, 2016; said local law provides for an amendment to Chapter 280, Article XXII PUD “Planned Unit Development District” of the Zoning Code of Town of Hamburg. The proposed amendments to this Article are in accordance with recommendations of the Town of Hamburg Code Review Committee. The amendments are described as follows:

Article XXII

Amend Article XXII. PUD Planned Unit Development District

- **Add a new section at the beginning of the Article:**

§280 - Intent

It is the intent of the PUD (Planned Unit Development District) to provide greater flexibility and opportunity for the development of mixed uses in specific areas of the Town. Innovative design and creative mixes of uses are encouraged to offer the potential for a sustainable development that can provide economic opportunities, residential housing and jobs and service bases consistent with the objectives of the Hamburg Comprehensive Plan. There are no prescribed combinations of uses or specific quantities of elements that are required. It will require the applicant to demonstrate to the Town of Hamburg how their proposed project meets the objectives of the Hamburg Comprehensive Plan and the needs of the citizens and businesses of the community, without harming the character of the area.

- **Amend and renumber Section 280-144 Permitted Uses and Structures:**

- A. Principal Uses and Structures

- (1) Principal uses and structures permitted in all Hamburg Zoning Districts except that uses first allowed in the M-3 District shall be prohibited.
 - (2) Permitted uses shall be mixed to provide for a variety of use types and services that are coordinated within a designated area, subject to approved concept and development plans for the entire site. If approved, the concept/development plan and any conditions placed on the approval shall act as the zoning of the site.
 - (3) Special uses as regulated in the Town's Zoning Districts.

- **Delete existing Sections 280-148, 280-149 and 280-150.**

- **Add the following new Section:**

- Section 280 – Procedure/Process

- A. Creation of a PUD shall follow the same procedures and processes for a rezoning of a site as outlined in Article XLVIII.
 - B. The rezoning application must include a concept/development plan which, if approved, will represent the Zoning of the site. Any conditions placed on the rezoning shall also be incorporated into the PUD Plan and enforced in any future approvals by the Planning Board.
 - C. Any amendments to an approved PUD shall follow the same procedures and processes as a new PUD zoning designation.
 - D. Upon approval of the PUD Zoning designation by the Town Board, the project will need to proceed to Site Plan and if necessary subdivision approvals with the Town Planning Board, prior to any construction or building permits being issued.

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 22, 2016 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: January 25, 2016

Catherine Rybczynski
Town Clerk
Town of Hamburg

No correspondence was received.

Drew Reilly describes why the amendments to the Chapter 280 are necessary and reviews the proposed amendments.

The following residents spoke, looking for clarification, neither for nor against the public hearing: Jerry Collins, Don Wiess, Councilman Quinn

4.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board close the Public Hearing.

5.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

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

02/09/2016 Work Session
02/09/2016 Town Board meeting

6.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board approve the termination and rehiring of personnel for the IT Department as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1	3163	BRUNNER, HEIDI		CLERK TYPIST P/T			\$16.00	2/21/2016
2	3163	BRUNNER, HEIDI	R	CLERK TYPIST P/T-SEASONA	2/22/2016		\$16.00	

7.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

BE IT RESOLVED that the Town Board amend resolution number 11 from the Town Board meeting of February 8, 2016 changing the department to Justice Courts for the part time position.

8.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board approve the membership of the following into the Scranton Volunteer Fire Company:

Ramon A. Cruz, Jr.
 5401 First Street
 Blasdell, N.Y. 14219

9.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the dates for the Hamburg Rejuvenation Project sponsored events for 2016 are as follows:

Hamburg Town Wide Clean Up	Hamburg Town Hall	May 7, 2016
Blast on the Beach	Hamburg Town Park	July 30, 2016
Christmas in the Cabin	Taylor Road Cabin	December 3, 2016

10.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, The Town Board authorize PSD Kyle R. Brodnicki to attend “APCO” Communications Training Officer Course, March 16, 2016 via the Virtual Academy on the Web. This is a five (5) week course on the Internet. Cost of Seminar is \$439.00 per student and monies are available in Account A3020.492.

11.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board reappoint Anita Metzger to the Hamburg Public Library Board of Trustees for a four year term commencing January 1, 2016 and ending December 31, 2019.

12.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, the Town of Hamburg received a request from Zak Management to rezone property located at 4090 Jeffrey Boulevard from M-1 (Industrial Park – Research and Development District) and M-2 (Light Industrial District) to PUD (Planned Unit Development District), and

WHEREAS, the Code Review Committee reviewed the application and found merit in the rezoning of this property, and

WHEREAS, the Hamburg Town Board referred this rezoning request to the Planning Board for its review and recommendation and to Erie County in accordance with General Municipal Law section 239-m and the Planning Board has issued a positive recommendation.

NOW, THEREFORE, BE IT RESOLVED that the Hamburg Town Board, pursuant to the statutes and the provisions of the Municipal Home Rule Law, hereby sets a Public Hearing on the proposed rezoning and that such hearing shall take place at the Hamburg Town Hall located at 6100 South Park Avenue, Hamburg, NY at 7:00 pm on March 28, 2016.

The following spoke concerning resolution No. 12: Don Wiess, Drew Reilly

13.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

BE IT RESOLVED, that the Town Engineer’s report on the completion and acceptance of the CARNEGIE SUBDIVISION PART 2 PHASE 1 work performed under Public Improvement Permit Nos. 1006, 1007, and 1008 be received and accepted, and that the Supervisor is authorized to sign the report, 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. 1009.

BE IT FURTHER RESOLVED, that this resolution becomes effective on the day the report is signed by the Supervisor.

14.

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

ADOPTED	Ayes	2	Best, Quinn
	Abstained	1	Walters
	Noes	0	

WHEREAS, the Town of Hamburg seeks to hire a human resource management and labor relations consultant to provide services to the Town relative to human resource and labor relations issues, and

WHEREAS, it is recommended to retain the services of Charles J. Naughton, Esq., to act as human resource management and labor relations consultant, and

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg retain the services of Charles J. Naughton, Esq., for the purpose of acting as human resource management and labor relations consultant. The term of this agreement shall be for a period of six (6) months. Rate of pay shall be \$170.00 per hour and money is available in account A1430.456 and B3120.477.

The following spoke concerning resolution No. 14: Joe Kilian, Amy Ziegler, Walt Rooth, Dennis Chapman

Supervisor Walters comments that for the record he has not seen Mr. Naughton’s qualifications and has not seen the contract as to what the terms are and for that reason he will abstain.

15.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

WHEREAS, the Town of Hamburg is a Community Development Block Grant (CDBG) entitlement community and is part of the Town of Hamburg/Erie County HOME Consortium as determined by the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the United States Department of Housing and Urban Development (HUD) has released the 2016 CDBG and HOME program allocations, and

WHEREAS, the Town of Hamburg will be receiving \$364,801 in CDBG funds and \$107,145 in HOME funds through the Erie County/Town of Hamburg HOME Consortium.

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board authorizes Supervisor Steven J. Walters and Christopher Hull; Director of Community Development, to sign any and all documents and certifications required for submitting the 2016 “Final” Action Plan to the Buffalo office of the United States Department of Housing and Urban Development (HUD).

16.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to proceed with the following CDBG projects for the 2016 program year:

Administration/Planning:	\$ 4,801.00
Town of Hamburg – Road Reconstruction within eligible target areas.	\$120,000.00
Village of Hamburg – Waterline Reconstruction (Hunt Avenue from E. Main to E. Union)	\$120,000.00
Village of Blasdell – Infrastructure Reconstruction (Allen St. from South Park thru Grafton Ave.)	\$120,000.00
TOTAL 2016 CDBG FUNDS:	\$364,801.00

The following spoke concerning resolution No. 16: Laura Podkulski, Supervisor Walters

17.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to proceed with the following HOME projects for the 2016 program year:

Administration:	\$ 10,715.00
Town of Hamburg – Housing Renovation Grants for “very low” income residents	\$ 75,000.00
Program Delivery:	\$ 5,358.00

CHDO (Community Housing Development Organization) Funding:	\$ 16,072.00
TOTAL 2016 HOME FUNDING	\$107,145.00

18.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, the Village of Blasdell has entered into a Cooperative Agreement with the Town of Hamburg in order to receive a share of the towns Community Development Block Grant funds, and

WHEREAS, the Village of Blasdell will receive \$120,000.00 from the Town of Hamburg’s 2016 Community Development Block Grant funding for infrastructure reconstruction on Allen Street from South Park Avenue through to Grafton Avenue within a HUD target area in the Village of Blasdell.

NOW THEREFORE BE IT RESOLVED that the Supervisor be authorized to sign the agreement by and between the Town of Hamburg and the Village of Blasdell for the use of these funds.

19.

On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was
ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, the Village of Hamburg has entered into a Cooperative Agreement with the Town of Hamburg in order to receive a share of the towns Community Development Block Grant funds, and

WHEREAS, the Village of Hamburg will receive \$120,000.00 from the Town of Hamburg’s 2016 Community Development Block Grant funding for water line reconstruction on Hunt Avenue from East Main Street to East Union Street within a HUD target area in the Village of Hamburg.

NOW THEREFORE BE IT RESOLVED that the Supervisor be authorized to sign the agreement by and between the Town of Hamburg and the Village of Hamburg for the use of these funds.

20.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

BE IT RESOLVED that the Hamburg Town Board authorizes the Department of Community Development to enter into an inter-departmental contract with the Town of Hamburg Highway Department to complete \$120,000 in road reconstruction work within HUD target areas utilizing the towns 2016 CDBG funds.

21.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board adopt the updated 2016 Manual of Procedures for the Police Department.

22.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

BE IT RESOLVED, that the Town Board authorize the Highway Department to enter into a 5 year lease agreement with Milton Caterpillar for a 2016 Caterpillar 938M High Lift, in the amount of \$25,950.49 per year.

The High Lift will be purchased off New York State Contract #PC66988 at \$25,950.49 per year. Funds are available in Account #H26.5130.201 – Machinery and Equipment.

23.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, South Shore Golf Club (“Petitioners”) commenced an Article 7 Real Property Assessment Review case against the Town for the following tax years 2012/2013; 2013/2014; 2014/2015 and 2015/2016, concerning the assessment on their premises located at 5076 Southwestern Blvd (identified as SBL No. 170.00-3-7).

WHEREAS, the Town's outside Attorney/Consultant and the Town Assessor have conducted settlement negotiations with the Petitioners attorney, and terms of a settlement have been approved and recommended.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board approves the proposed settlement of the tax assessment cases filed by South Shore Golf Club for the following tax years, 2012/2013; 2013/2014; 2014/2015 and 2015/2016 concerning the assessment on their premises located at 5076 Southwestern Blvd(identified as SBL No. 170-00-3-7).

BE IT FURTHER RESOLVED, that the Town Board further authorizes the Town Supervisor, Town Assessor, Town Clerk and Town Counsel to execute settlement documents and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of the Consent Order and Final Consent Order.

The following spoke concerning resolution No. 22: Don Wiess, Walt Rooth, Councilman Quinn,

23.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

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

TOWN BOARD
AUDIT OF CASH DISBURSEMENTS February 22, 2016

		VOUCHER #'S
OPERATING FUND:		
BATCH #17	\$4,354.47	80986-80995
BATCH #18	\$17,382.52	80996-81035
BATCH #19	\$36,564.24	81036-81084
BATCH #20	\$7,909.48	81085-81111
BATCH #21	\$10,808.52	81112-81129
BATCH #22	\$7,065.34	81130-81144
BATCH #23	\$810,826.65	81148-81197
BATCH #24	\$152,578.10	81198
BATCH #25	\$6,319.44	81200-81215
BATCH #26	\$14,625.69	81216-81215
BATCH #27	\$18,095.54	81254-81281
BATCH #28	\$1,197,696.53	81285-81345
TOTAL OPERATING FUND DISBURSEMENTS:		\$2,284,226.52
TRUST & AGENCY:		
BATCH #1	\$73.42	81199

TOTAL TRUST & AGENCY DISBURSEMENTS: \$73.42

CAPITAL FUND DISBURSEMENTS:

BATCH #5	\$5,124.28	81145-81147
BATCH #6	\$2,964.00	81253
BATCH #7	\$12,536.00	81282-81284

TOTAL CAPITAL FUND DISBURSEMENTS: \$20,624.28

PAYROLL:

PR #P/R 3 \$772,206.75

TOTAL PAYROLL DISBURSEMENTS: \$772,206.75

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$3,077,130.97

Reports from Town Board and Department Heads

Councilman Best welcomes Mr. Naughton, Human Resource Consultant. He then comments that with the three member board and open meetings law they have trouble with communication. They are going to get together with the Town Attorney to see exactly what can and cannot be done within the open meetings law. He feels they might be taking it to the extreme. They cannot conduct town business but they should be able to organize to conduct that town business. There was a communication issue concerning Mr. Reilly (Human Resources Consultant) retiring and the hiring of Mr. Naughton that needs to be worked out.

Councilman Quinn thanks Christopher Hull, Director of Community Development, for all his hard work in getting all the money for our infrastructure for the Town. Mr. Hull also works hard to help our less fortunate residents that need extra help and he does an amazing job doing that.

Supervisor Walters – no report

Christopher Hull, Director of Community Development, comments that this is the 42nd year of the program and the town has received just under \$17,000,000 over that time period. It is definitely worthwhile. They do have all of their brochures, applications and maps out on the table in the lobby.

Marty Denecke, Director of Youth, Recreation and Senior Services, reports that they scheduled a Middle School dance at the Senior Community Center gymnasium on March 12th for all Middle School children that live in the Town of Hamburg.

Tom Best, Sr., Highway Superintendent, reports that, for Buildings and Grounds, he has two major bids out on the website. One is for the roof at the Lakeshore Library, that we did not receive any bids for and he had to extend the deadline and the other is for a new roof at the Hamburg Town Park. If anyone knows of a roofing contractor please let them know the specifications are available on the town website.

Business from the Floor

John McKendry comments that, in regards to the crude oil trains near Legion and Camp Road, they are loading the crude oil into oil trucks and are being trucked to pipelines over by the 400 Expressway near the thruway. The question is are they marking the trucks as having crude oil in them and is the police department aware of it because if there was a spill first responders would not know what it was and how to handle it.

Jerry Collins commends Councilman Best, Councilman Quinn and Walt Rooth Town Attorney stating that he had to hire an attorney to defend a lawsuit that the Town Attorney advised the Town that they would be open to. His attorney charges \$425 per hour, so at \$170 per hour the Human Resources Consultant is a good deal.

Don Wiess comments that hiring an expert in labor relations is an excellent idea. He has met with Mr. Naughton before and he is an expert.

Dennis Chapman comments on an abstention and how the vote is counted.

Jerry Collins questions who the Town hired to defend his lawsuit.

Walt Rooth responds Harris Beach.

Mr. Collins questions how much they are charging per hour?

Mr. Rooth responds he does not have the information in front of him.

Councilman Quinn responds that could be obtained through a Freedom of Information request.

24.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

RESOLVED, that the Town Board adjourn at 8:14 pm.

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