

A regular meeting of the Town Board 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 9th day of March, 2009.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Joan M. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman
Kevin Smardz	Councilman

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Martin Denecke, Director of Recreation; Carmen Kesner, Chief of Police; Andrew Reilly, Planning Consultant; Gerard Kapsiak, Town Engineer; Kurt Allen, Supervising Code Enforcement Officer; Ken Farrell, Town Attorney

Pledge of Allegiance was recited.

Information on fire exits was provided.

1.

Noes 0

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment, and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services, and

WHEREAS, Congress approved and President Obama signed into law a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components, and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities, and

WHEREAS, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy, and

WHEREAS, any economic recovery plan spending should -to every extent possible- include a commitment from The Town of Hamburg to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place.

THEREFORE,

BE IT RESOLVED, that we the undersigned will work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed.

BE IT FURTHER RESOLVED, that we commit to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to The Town of Hamburg by the American taxpayers, and

BE IT FURTHER RESOLVED, that as legislators of The Town of Hamburg, we commit to publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.

_____ Signature	_____ Printed Name	_____ Date

Supervisor Walters notes this is a resolution that was requested by the United Steelworkers Union that this Town support the purchase of American made products when using this economic stimulus. If the Town should receive any, the Town has not received any of this funding to date. There will be an announcement if any is received in the future.

because the duties and overhead are the same;

NOW, THEREFORE, BE IT RESOLVED, that in the interest of its residents and good, efficient, cost effective government the Town Board of the Town of Hamburg is opposed to Part NN, Sections 26 through 28, of S.56/A.156, Public Protection and General Government Article VII of the NYS Governor's Bill, and

BE IT FURTHER RESOLVED that the Town of Hamburg appeals to its State Officials to oppose to Part NN, Sections 26 through 28, of S.56/A.156, Public Protection and General Government Article VII of the NYS Governor's Bill to convert the Office of the Town Clerk from an elected to an appointed position and requests that a copy of this resolution be forwarded to Governor David Paterson, and the Western New York delegation of the New York State Senate & Assembly, the Honorable Sheldon Silver and the Honorable Malcolm Smith.

9.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, The Town of Hamburg received an application from Benderson Development Company, LLC for the development of a 652,813+/- square foot retail center and 115-room hotel located on Camp Road known as Hamburg Crossing Retail Center; and,

WHEREAS, the Town of Hamburg Town Board established itself as Lead Agency, pursuant to Part 617.6 NYCRR Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]), for the proposed action and issued a Positive Declaration on July 16, 2007, requiring an Environmental Impact Statement; and,

WHEREAS, the Town Board accepted the Draft Environmental Impact Statement (DEIS) as complete for agency and public review on March 10, 2008 and held a Public Hearing on April 14, 2008; and,

WHEREAS, The Town Board has considered all substantive comments in the development of the Final Environmental Impact Statement (FEIS).

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hamburg Town Board accepts the Final Environmental Impact Statement for the Hamburg Crossing Retail Center as adequately addressing the substantive comments of the DEIS; and,

BE IT FURTHER RESOLVED, that the Town Board authorizes the Planning Department to prepare and mail all required notices regarding the acceptance of the FEIS; and,

BE IT FURTHER RESOLVED, that the Town Board will begin developing its draft Findings Statement for the proposed project.

10.

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

ADOPTED	Ayes 4	Walters, Quatroche, Smardz
	Noes 0	
	Abstain 1	Kesner

WHEREAS, the resignation of James Connolly as Highway Superintendent has left a vacancy in the office of Town Highway Superintendent which remains unfilled, and

WHEREAS, the Town Board has the authority to appoint a qualified person to fill a vacancy in any Town office pursuant to NYS Town Law, Section 64(5),

WHEREAS, Thomas M. Best, Sr. has submitted a request to be appointed Town Highway Superintendent to fill this vacancy, and

BE IT FURTHER RESOLVED, that the Town Board hereby appoints Thomas M. Best, Sr. as Town Highway Superintendent, such appointment to be effective immediately following the receipt from Thomas M. Best, Sr., a letter of resignation from his current position of Town Councilman, to hold the office of Town Highway Superintendent until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled.

Supervisor Walters requests that the new Highway Superintendent, Thomas Best, Sr to stand and be recognized and congratulated.

Highway Superintendent, Thomas Best, Sr., takes the opportunity to thank the majority of the Town Board that gave him the opportunity to go to the Highway Department. He thanks the Board for the last 14 months that he was on the council as a team, a lot was accomplished in a short period. Highway is not his forte but supervision, administration and people skills are. He will be following in the footsteps of two predecessors that followed the same path, Dick Smith

and Jim Connolly, they did very well out there and he expects to do the same. When he goes out there he will treat the people and men the way they should be, as they are. He will make one promise and that is that he will do all he can to give one of the best, if not the best, Highway Department in WNY.

11.

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

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



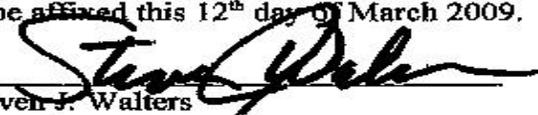
Town of Hamburg

Office of Supervisor

- WHEREAS,** today we are pleased to greet another group of visitors from the Sakurai High School of Kurobe, Japan; and
- WHEREAS,** we are grateful that you have returned to our community, as your visits have been a cultural learning experience; and
- WHEREAS,** you have shared your culture with us through dancing and singing, traditional ceremonies and cooking, as well as, sharing our culture with you.
- WHEREAS,** our residents have built friendships, as a result of your visits, that will last for years to come.

NOW THEREFORE, on behalf of our residents and all Town of Hamburg Officials, we thank you again for visiting our community and hope to see you back next year.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 12th day of March 2009.



 Steven J. Walters
 Supervisor
 Town of Hamburg

Joan A. Kesner, Councilwoman
 Thomas J. Quatroche, Jr., Councilman
 Thomas M. Best, Sr., Councilman
 Kevin Smardz, Councilman



12.

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

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

TOWN BOARD March 9, 2009
 AUDIT OF CASH DISBURSEMENTS

			VOUCHER #S
OPERATING FUND:			
BATCH #	22	\$68,696.00	32561-32625
BATCH #	23	\$20,229.82	32626-32674
BATCH #			
TOTAL OPERATING FUND DISBURSEMENTS:			\$88,925.82
TRUST & AGENCY:			
BATCH #			
BATCH #			
TOTAL TRUST & AGENCY DISBURSEMENTS:			\$0.00
CAPITAL FUND DISBURSEMENTS:			
BATCH #			
BATCH #			
TOTAL CAPITAL FUND DISBURSEMENTS:			\$0.00
PAYROLL:			
PR #	5	\$546,290.81	
PR #			
TOTAL PAYROLL DISBURSEMENTS:			\$546,290.81
PETTY CASH			\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$635,216.63

Reports of the Town Board

Councilman Quatroche commends the Recreation Department for being so far ahead of last year by about \$10,000 in A & B and a little bit ahead in the enterprise account (golf course).

Supervisor Walters reports that the NYS Banking Development District Program will be holding a public hearing on April 13, 2009 in Buffalo. Further information can be obtained at the State of New York Banking Department website.

A letter was received from County Executive, Chris Collins, regarding the 2009 Winter Festival at Chestnut Ridge Park and he wished to commend Joe Wenzel and asks that the letter be placed in his personnel file.

The Town of Hamburg Building Inspection Department is holding an open house on March 19th from 3:00 am - 6:00 pm

The Town Clerk and Town Attorney have been working together with the County regarding the referendum on the ice rink. The date is set for Tuesday, April 28th at 9:00am - 9:00 pm the exact locations have not been determined yet but four polling locations are planned. The public meetings are expected to be held on the last week of March or first week of April and the second meeting is expected to be held the week before the vote. A fact sheet will be put together and can be viewed at the Town Clerk's Office or on the Town's website.

Mark Kallin questions if the numbers will be from the corporation or will they be from the Town.

Supervisor Walters responds that the Town is bringing on a consultant to assist the Town in this project and will represent the Town not the company. They will be able to get into that information from an independent perspective outside of the companies.

Reports from Departments

Catherine Rybczynski, Town Clerk, reports that March 28th the US Department of State has designated that as Passport Day in the USA. Our office will be available from 10:00 am until 3:00 pm to process passports and passport cards. They will be required to get home from Canada and we take the pictures as well.

Drew Reilly, Planning Consultant, reports that he had a family emergency so he couldn't attend the last meeting and there was a public hearing on the junk yard law that he wrote and wasn't around to answer the questions. There are a couple of changes on that law based upon the public hearing. The Town has a junk vehicle law so the exact definition of that law was taken. Anything over five vehicles would be considered a junk yard and fall under the definition of this law. The other change was from the question of what about impoundment yards. If you have a license for that then you don't fall under the junk yard law. The only under one is the question about potentially changing the law on allowing car window installation. He is waiting for direction from the Town on how to proceed with that.

Bob Reynolds, Erie County Legislator, notes that he dropped off at the Clerk's Office, proposed legislation for the Erie County Planning Board and notes they are still taking input for the County wide Planning Board. He is also working on a distressed property task force and there are 30,000 pieces of property in Erie County that qualify. They are working on prevention, redevelopment and recycling of properties. There will be a meeting Wednesday at 9:00 am at the County Hall to work on trying to centralize data for everyone. He thanks Marty Denecke because he has been working on something with the Town with the model airplane and he's very close to helping out with the Town of Hamburg and the Recreation Department and he personally thanks Marty for his leadership on that. Thirdly, he is Chairman of Farmland Protection Board and the Right to Farm Law. He hopes the Board can pass that, there are only five Towns left in Erie County. There is so much agriculture in the southtowns, it's the number one employer in Erie County is agriculture. Lastly, there is an option for organizing and drainage hand out given to the Supervisor.

George Lee reports that Blasdell is getting ready for the election and wondering who will be getting in and who's getting out.

New business from the floor

Don Weiss comments he has concerns with the junk yard law and his understanding is that there is only one junk yard in the Town of Hamburg. Mr. Calkins is in attendance tonight and Mr. Weiss requests to sit down with the Building Inspector and Mr. Reilly to possibly talk about some concerns he has. The law has some conflicts with State law the way it's written.

Supervisor Walters responds that they always welcome residents to meet with Town officials to clarify any questions or concerns and tonight Mr. Reilly will be needed in Executive Session for a few issues.

George Lee comments about the round about possibly at Big Tree and South Park. He has met with Jack Quinn regarding getting side walks put in from Rt 179 to Blasdell.

Supervisor Walters responds they have been working with State Representative to try to get some sidewalks in that area.

Steve Strnad comments in regard to resolution #5 there were ten bids for the waterline project but with the Nike Base there was only one bid with ten times more money.

Supervisor Walters responds that there will be public meetings held and the residents will decide if the proposal will be accepted or not. This was put out to bid and only one proposal was received back.

Ken Farrell responds that the way the specifications were drafted was fairly concise but broad. The general parameters were laid down in order to encourage as many potential bidders as possible.

Dick Smith notes he for one has stated publicly that he is opposed to putting a round about at Big Tree and South Park Avenue because of the traffic congestion during the fair and holidays as well as football games. He questions if the Town Board was getting involved and is going to take a position on that round about versus an improved intersection.

Supervisor Walters responds that the Town Engineer has distributed one memo regarding this proposal. This is one of the topics the Town Board is planning on discussing.

Jack Keubler comments regarding McKinley Pkwy and the rezoning and the confusion with getting the deed restrictions that the Town requested filed. He has run into stumbling blocks all the way through this and would like the someone from the Town to take charge.

Supervisor Walters responds that he did talk with the Town Attorney, Ken Farrell, this afternoon regarding this. He has spoken to Jack's attorney and he expects this to be wrapped up and clarified fairly quickly.

Ken Farrell responds that he can't discuss something with him directly when being represented by council. The first call that was received by Mr. Keubler's attorney was today. There were a number of conditions to be met.

Supervisor Walters comments that now that Mr. Keubler's attorney has reached out to Mr. Farrell, he suspects this will be clarified.

Jack Keubler responds that it doesn't really solve the problem and confusion with Mr. McKenna.

Supervisor Walters responds that this is not the venue to speak about Mr. McKenna specifically.

13.

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

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

