

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 24th day of March 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; Robert Hutchison, Town Assessor; Gerard Kapsiak, Town Engineer; Martin Denecke, Director of Recreation; Tim Regan, Community Development Assistant; Carmen Kesner, Chief of Police; Ken Farrell, Town Attorney; James Connolly, Highway Superintendent; Kurt Allen, Supervising Code Enforcement Officer.

Pledge of Allegiance was recited.

Information on fire exits was provided.

Martin Denecke, Director of Recreation reports that for eight years they had a young man on their staff named Don Thirey. Don had some disabilities, but put a solid effort into every day that he worked. In February, Don passed away relating to his disability. With speaking to Don's parents and Don's love of sports, along with his spirit that may allow people with disabilities to participate in sports, they would go forward and start a foundation in his name to benefit the programs in Hamburg. On April 26th there will be a special event at the Nike Base. There will be a recreation expo for individuals with disabilities.

Supervisor Walters thanks Mr. Denecke along with Don's family. He notes that Don was a very inspirational person and all were blessed to have known him.

1.

On a motion of Councilman Quatroche, seconded by Supervisor Walters, 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 meetings:

March 10, 2008 Town Board Meeting

March 17, 2008 Work Session

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 appointment of Amy Motz to the vacant position of Recreation Attendant in the Recreation Department. Appointment is effective March 25, 2008; salary is \$11.93 per hour per CSEA White Collar contract; funds available in A7020.100.

3.

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

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

RESOLVED, that the Town Board approve the alcohol waivers for the Taylor Road rentals in April and May as follows:

- | | |
|---------|---------|
| 4/18/08 | 5/13/08 |
| 5/05/08 | 5/18/08 |
| 5/06/08 | 5/19/08 |
| 5/11/08 | 5/20/08 |
| 5/12/08 | 5/26/08 |
| | 5/27/08 |

4.

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

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

WHEREAS, the Hamburg Town Board recognizes that it is illegal to discriminate in the sale or rental of housing based on **race, color, religion, national origin, sex, marital status, disability, age, familial status and source of income**, and that Federal and State and Town laws have been enacted to protect housing opportunities for all persons, and

WHEREAS, the Town of Hamburg has utilized the services of *Housing Opportunities Made Equal Inc. (HOME)* to provide comprehensive Fair Housing services to town officials, landlords, tenants, individuals and has ensured the Town of Hamburg's Fair Housing and Equal Opportunity certification is completed on an annual basis.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board authorize the Supervisor to sign a two year contract covering the period of April 1, 2008 to March 31, 2010 by and between the Town of Hamburg and Housing Opportunities Made Equal Inc. (HOME) to provide the Town of Hamburg with "Comprehensive Fair Housing Services". This contract with HOME ensures the town's compliance with its Fair Housing Certification as required by the United States Department of Housing and Urban Development (HUD) for the towns CDBG, HOME and ADDI programs. Funding for this contract in the amount of \$25,000.00 per year is available in the CD 8686.350 and/or the CDBG Program Income Savings Account.

5.

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

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

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

WHEREAS, the Village of Blasdell has requested and will receive \$125,000.00 from the 2008 CDBG grant year for water line reconstruction on McGurk 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.

6.

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

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

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

WHEREAS, the Village of Hamburg has requested and will receive \$125,000.00 from the 2008 CDBG Grant year for water line reconstruction on Long Avenue and Hillview Place 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.

7.

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

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

WHEREAS, the Town of Hamburg recognizes April, 2008 as the fortieth (40th) anniversary of the national Fair Housing Law, Title VIII of the Civil Rights Acts of 1968, and

WHEREAS, every American has the right to Fair Housing, the right to live where they choose, the right to raise a family, the right to own a home in dignity without fear of discrimination, and

WHEREAS, the Town of Hamburg has been and continues to be dedicated to the goal of Fair Housing and by action in 2005 updated and strengthened its own Fair Housing Law which was originally passed in 1986, and

WHEREAS, the Town of Hamburg will continue to fight the existence of discrimination by providing assurance with its own Fair Housing Law, by working cooperatively with local Fair Housing agencies such as Housing Opportunities Made Equal, Inc (HOME) and also by proclaiming its dedication to the goal of Fair Housing and Fair Housing Opportunities for all members of the community.

THEREFORE FOR THE REASON STATED, April, 2008 in the Town of Hamburg shall be known as...

PAYROLL:

PR # 6	\$520,615.82	
PR #		
TOTAL PAYROLL DISBURSEMENTS:		\$520,615.82
PETTY CASH		\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$1,725,176.37

Reports from the Town Board:

Councilman Quatroche reports that earlier this evening he moved a resolution to appoint Amy Motz to the Recreation Attendant. She comes to us with experience in the department and a reputation for handling customers in a friendly and professional way. He welcomes Amy to the Town of Hamburg. Also, the tentative date for the golf course opening is April 14th. The Shoreline Committee met to discuss all areas that need to be dealt with from Old Lakeshore down into Woodlawn and a couple of areas that came up was the overlook. He has asked the Town Attorney to contact the owner since contact was lost with him. In addition the splash over project between Foit's and Hoak's and that's a project that will hopefully stop the splash over.

Councilwoman Kesner notes that she was remiss not recognizing Tim Regan who also works in the Community Development Office. Whenever she calls there and needs help, he's always there. She wants to publicly thanks him for his good work too.

Reports from Department Heads:

Carmen Kesner, Chief of Police reports that the arrangement with the DEA is working well.

James Connolly, Highway Superintendent, updates everyone that with the amount of snow and ice this season, half of the budget was spent on diesel fuel, and on salt, approximately under \$200,000 is usually spent. This year there is a deficit of almost \$100,000. It's good to see Spring coming.

Martin Denecke, Director of Recreation, expresses his appreciation for the support of Amy Motz.

She has worked hard as a part timer for about eight years and she is very deserving of the appointment.

George Lee thanks Community Development for the \$125,000., this is going to be a big help to the Village of Blasdell.

Supervisor Walters notes that there is a scheduled presentation from the public. Mr. Kevin Gaughan is here to give a presentation on some regional effort he has been working on.

Kevin Gaughan made his presentation on reforming government.

Supervisor Walters thanks Mr. Gaughan for coming out and giving the presentation. He notes that he agrees with him in the sense that there needs to be change in this area.

Councilwoman Kesner thanks Kevin and his committee for all the work put into this. She notes that they have been working in this town for change since 1995, merging offices, looking for the one health care plan and seeking grants for the creative projects. The feel is that the town is in good fiscal conditions and the town is growing. She questions Kevin if when he was putting this together if he sat down with a council member to talk about this. She's having trouble thinking of a Board with only three members, there are too many responsibilities involved.

Mr. Gaughan responds that there were about 60 Town council members interviewed.

Councilman Quatroche thanks Kevin and the students for their hard work and agrees that they need to be looking at their system. What Western New York has needs to be studied and looked at and then action taken. He would like to see Kevin and his students take a look at the efficiencies and how they were created in other cities.

Kevin Gaughan responds that it's very difficult to get Albany to change their ways. He notes that maybe first things need to change locally. Then go to Albany and state that in Erie County they've changed now it's time for Albany to do the same.

Councilman Best notes that he thinks change needs to be made in Erie County. He questions Kevin's approach to this. If every town, city, village were to eliminate two of their elected officials there will still be 300 + elected officials and that gets them nowhere. He thinks they need to shoot higher somehow.

Kevin responds that it is a more tangible. If both the citizens and politicians see that the sky isn't going to fall then it may make it easier.

Councilman Smardz thanks Kevin and the students for their effort in this study. He notes he meets people everyday who ask for change. This may or may not be the right approach.

George Lee notes that he thinks this approach is very good but he doesn't think it's going to work. He wants them to take a look at the schools along with the superintendent of the schools. Why do they need a superintendent for each district.

Reports from the Public

Joe Killian notes that in regard to the bike trail the decision needs to be made soon. They received 629 signatures in favor of the bike path.

Councilman Best responds that he has some issues with the bike path such as, it being over budget, safety issues and addressing the maintenance.

George Lee notes that for eight or nine years they have been working on the bike path and Frontier uses it for their track running. He notes that the bike path is good for the town. He worked hard for this bike path and he thinks the vote should come from the residents.

Ferd Garcia notes that there isn't any protection for the bicyclists at all.

Florence Kern, President of the Hoover Beach Association, responds that Hoover Beach residents are against the bike path, it goes right through the community. She notes that they had a vote and it went down 40 people were against it and only four were in favor of it.

Supervisor Walters asks everyone to please be respectful to the speakers. Everyone will have the opportunity to speak.

Mr. Dinezza, One of the Directors for Hoover Beach, notes that they are not against a bike path, it about where it's going and how it's being engineered. He notes he's been in contact with Amherst and they noted it was a headache. The cost involved to police it along with the training was quite a bit and they needed to raise taxes. He notes that if it can be proven to him that the taxes won't be raised, there won't be problems down the road and that it can be taken care of properly.

A student questions what the point it to having a bike path and who wants it.

Councilwoman Kesner responds that about ten years ago the Town Board had many requests for a bike path. A number of locations were looked at and Hoover Beach, with the problems they were having with people parking in their area, seemed like a good location for the bike trail head.

The budget went over because it had to be moved across the street.

Pam Lacenza questions the location point of the bike path.

Councilwoman Kesner notes that there has been misinformation and she would like to sit down with everyone and show the plans.

Judy Baker asks if the parking lot is put in on Bayview Rd. why don't they continue across Bayview Rd up to the Penn Dixie site instead of coming through Hoover Beach.

Councilwoman Kesner responds that Bayview had two highway crossings and the D.O.T. would not accept it and Route 5, because of the hill.

Dennis Kruz notes that if the money isn't spent for the bike path then we lose the bike path and he didn't mind. He wants the taxes lowered, or the railroad crossing put up so the trains don't drive people crazy. There are a lot of things that can be done with the money instead of putting it into a bike path.

Councilwoman Kesner notes that the Federal and State agencies put together pots of money for special purposes and this is used to develop, this one in particular the bike path. There are grants for the railroad crossings and the Town has gone for that money. If we don't take it, other communities will use it.

A Frontier High School student comments that possibly the location of the bike path isn't the right one but it could be worked on together such as a vote to get it done. Anything such as a sidewalk for families, runners and bikers, it's important that this gets in so the State D.O.T will use this as a recreation tool.

Tina Killian notes that everyone is talking about the safety issue of the bike path being in their neighborhood. She notes that if you ride your bike in the road there isn't any safety, if you ride your bike on the path you would be safe, you wouldn't be in the street.

Judy Hoover Beach Secretary, notes that the issue they have with the bike path is where it connects to Hoover Rd. That's where the safety issue comes in. She also wants to know how the parkland will effect property values.

Councilwoman Kesner responds that they would have to sit down and discuss that. It's the same thing as the road that's already on Hoover Rd.

Bob Michienzie comments that there are concerns about security. He also notes that everyone from Hoover Beach is not against it.

Supervisor Walters thanks everyone for coming out.

11.

On a motion of Supervisor Walters, seconded by Councilman Best, 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 on a personnel matter at 8:45 p.m.

12.

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

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

RESOLVED, that the Town Board adjourn at 9:50 p.m.

Catherine A. Rybczynski, Town Clerk