

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 28th day of March 2016.

2.

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 Executive Session at 7:09 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
Joseph Collins, Deputy 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; Drew Reilly, Planning Consultant; Jerry Giglio, Safety Committee

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

Catherine A. 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 February 22, 2016 pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #4, 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 property located at 4090 Jeffrey Boulevard. The property is identified as tax map parcel S.B.L. No.159.16-1-4.1. The property is to be rezoned from M-1 (Industrial Park-Research and Development District) and M-2 (Light Industrial District) to PUD (Planned Unit Development 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 March 28, 2016 at 7:00 p.m. (local time), at which time all interested persons may be heard.

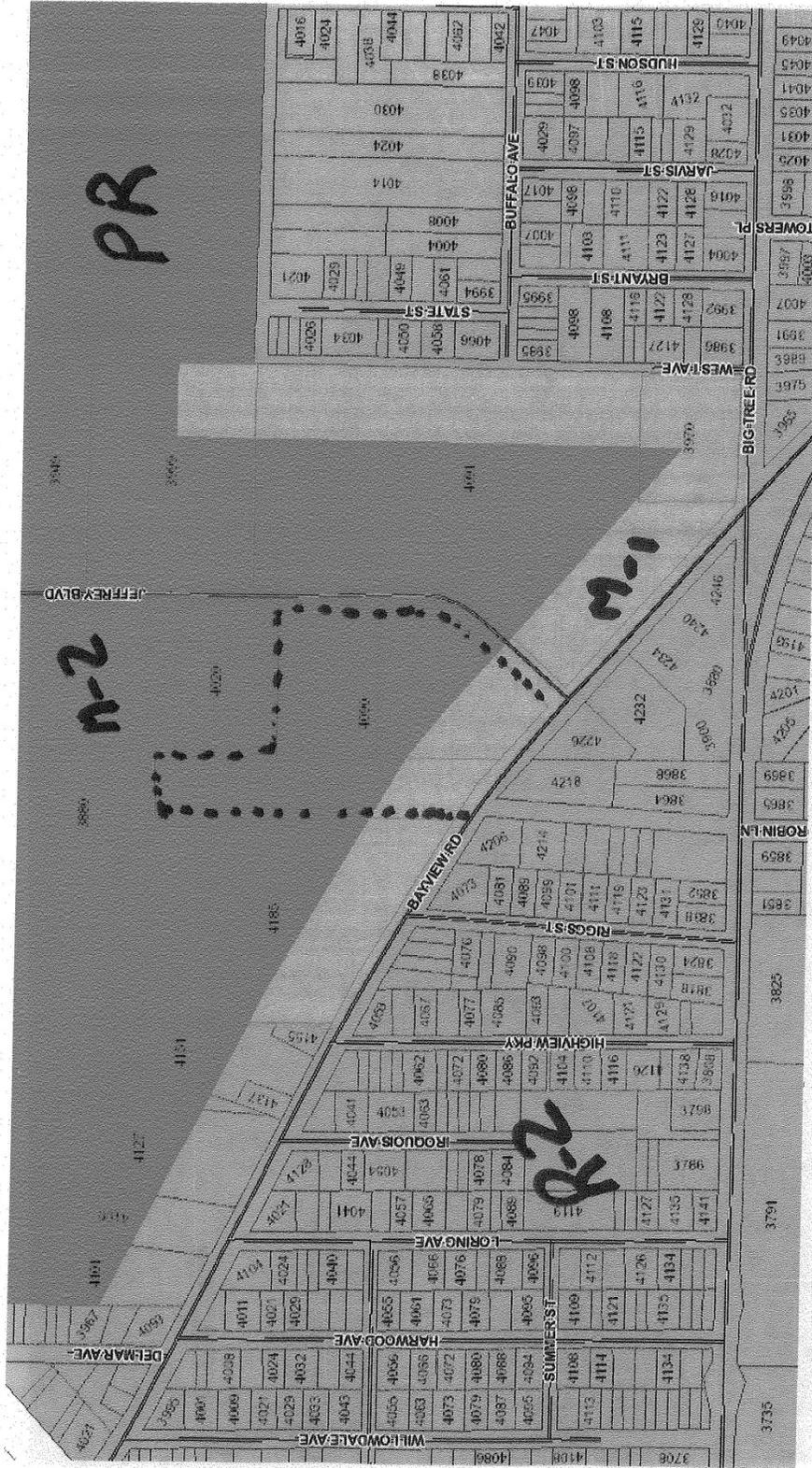
Dated: February 22, 2016

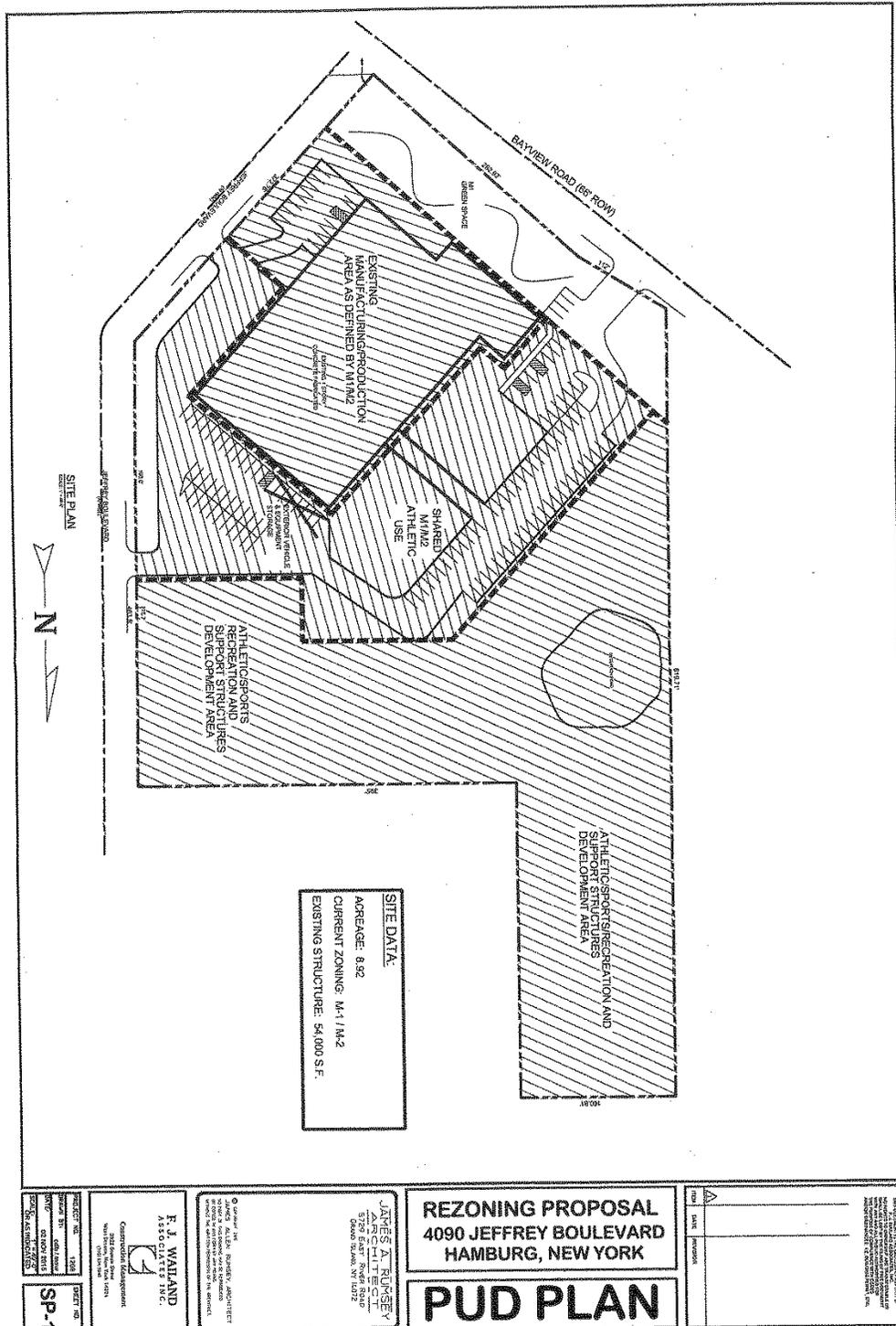
Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski reports that she received one email from Carole Gillette against the rezoning.

Drew Reilly identifies where the property is located as per his handout (attached). He then gives a background on the project stating that neither M-1 nor M-2 allows for recreation uses. PUD was suggested. The owner will continue to do what he is doing and add one building for indoor volleyball use. If the property gets rezoned those uses have to come before the Planning Board for site plan approval and must be in accordance with the plan presented. The correspondence received from Ms. Gillette questioned if there were any deed restrictions on the property. He researched the deed restrictions and there are no restrictions for recreational uses on this site. There is nothing in the generic impact statement stating that this property cannot be rezoned to PUD, a PUD can be attached anywhere. She also expressed concerns about traffic, light and noise. As far as traffic is concerned they are not adding any more parking spaces and the use will only occur on evenings and weekends. There is a 100 car parking lot at the facility, so the most they could have are 100 trips and there are close to 800 trips being generated during the day for the entire park.

ZAK Rezoning
M-1 + M-2 To PUD





Frank Wailand, Construction Management, comments on the project that the objective is to have some sporting activity on the property. They will build a structure that will have some inside volleyball, pickle ball or basketball courts. He explains that the lighting will have to be approved by the Planning Department and drainage should not be problem as there is already a detention pond on the site. He introduces Mr. Kryszak, owner of the project.

Mr. Kryszak comments that he owns K-Technology and has been a lifelong resident of the Town of Hamburg. He describes the project and what he would like to see happen on the site. He has received positive feedback from his nearest neighbors.

Councilman Best questions if there have been any complaints at the site presently.

Mr. Kryszak responds that there have not been any complaints.

Councilman Best responds that the concern would be about the lights and noise.

The following commented on food, beverage and alcohol being served on the premises: Don Wiess, Drew Reilly, Margaret Hine and Mike Dintcheff

The following commented on the size of the building and possible additional parking: Lori Falone, Drew Reilly

The following commented on noise and hours of operation: James Steffenhagen, Jeff Kryszak, Mike Dintcheff

The following spoke against alcohol (a stand alone bar) on the premises: James Steffenhagen, Lori Falone, Don Wiess

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.

Tolls (approximate)	<u>25.00</u>
TOTAL	<u>\$126.00</u>

Use of Unmarked Police Vehicle for transportation is requested.

Money is available in account B3120.492.

8.

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

ADOPTED	Ayes 3	Walters, Best, Quinn
	Noes 0	

RESOLVED, the Town Board authorize Police Officers Matthew Sherry and Jonathan Cross, to attend a Criminal Patrol/Drug Interdiction Seminar, in Endicott, NY, April 7 & 8, 2016.

Seminar: \$250.00 ea.	\$500.00
Hotel – 2 nights @ \$134.47/night	\$268.94
Meals – 2 days @ \$40.00/per=\$80.00 x 2 =	\$160.00
Tolls (approximate)	<u>30.00</u>
TOTAL	<u>\$958.94</u>

Use on Unmarked Police Vehicle for transportation is requested.

Money is available in account B3120.492.

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 a refund be issued to WNY GSA, 5999 South Park Ave., Hamburg, NY 14075, in the amount of \$50.00 for a room rental at Hamburg Town Hall on January 9, 2016. WNY GSA paid \$100.00 for two rooms and only one was available.

10.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that resolution #14 of the Town Board meeting of 03/14/2016 be amended, correcting the Firemen’s name from Taylor Biel to Taylor Bielec.

11.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, bids were opened on March 16, 2016 for the Monthly Large Trash Pickup for 2016 and 2017, and

WHEREAS, one (1) bid was received from Waste Management of New York, LLC, and

WHEREAS, the bid amounts were:

2016	\$163,139.00
2017	\$167,217.00
2018	\$171,397.00

WHEREAS, the pickup period will be for seven months, beginning in April and ending in October

THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign the appropriate contract for these services with Waste Management. Funds are available in Account #B8160.444.

12.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board approve the purchase of a S650 Bobcat Skid-Steer Loader per New York State Contract #PC22792 for the Highway Department. The price is \$12,865.50 which includes the trade-in of a 2013 Bobcat S650. Funds are available in account #H26.5130.201.

13.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board authorize the Highway Department to Piggyback on the Onondaga County Bid - Reference #7974 for the purchase of a 2017 Brush Truck by International in the amount of \$103,523.80 provided by Navistar Inc. Funds are available in account #H26.5130.201.

14.

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 Town Board approve, the recommendation of the Senior Services Advisory Board and the Senior Services administration, that new transportation fees be implemented for those residing in either service area (see below) who attend the Hamburg Adult Day program and are transported by the town's Senior Van Service. Areas and rates are indicated in the table below.

Intermediate Service Area south of Clinton Rd., west of Transit Rd., Eden, Derby		City/North Service Area north of Clinton Rd., south of Sheridan Blvd., west of Transit Rd.	
Ambulatory	\$35.00	Ambulatory	\$50.00
Wheelchair	\$50.00	Wheelchair	\$65.00
Rates are per roundtrip.			

15.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, the Town of Hamburg continues to recognize the need for affordable housing, and

WHEREAS, the Department of Community Development administers many housing programs for residents of the town, and

WHEREAS, each program year (April 1st – March 31st) the department requests that the Building Inspection department waives any and all fees for its housing programs, thus making them more affordable.

NOW THEREFORE BE IT RESOLVED that any and all fees associated with housing programs administered by the Department of Community Development be waived by the Town of Hamburg for a one year period (April 1, 2016 - March 31, 2017).

BE IT FURTHER RESOLVED THAT:

- A) A copy of this resolution shall be provided to the Building Inspection Department.
- B) This waiver of fees shall include any and all building permit fees, recreation fees, sewer and plumbing permit fees as well as any other applicable fees or charges due through normal business of the town.
- C) The total amount of fees waived shall be utilized as a match credit for the Town of Hamburg’s HOME Investment Partnership Program.

16.

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

 Ayes 3 Walters, Best, Quinn
 Noes 0

TOWN OF HAMBURG PROCLAMATION



March 28, 2016

WHEREAS, the Town of Hamburg recognizes that April, 2016 is the forty-eighth anniversary of the National Fair Housing Act, known as "Title VIII of the Civil Rights Acts of 1968", and

WHEREAS, this year's theme for Fair Housing Month is "Shared Opportunity in Every Community", and

WHEREAS, this theme is especially true within the Town of Hamburg, due to its own Fair Housing Law and extensive Fair Housing Policies, and

WHEREAS, the Town of Hamburg continues to strengthen its commitment to Fair Housing with action, by once again updating its own Fair Housing Law and policies, and

WHEREAS, the Town of Hamburg continues to fight for equal opportunity and fair housing with its long time partners, Housing Opportunities Made Equal, Inc. (HOME) and the United States Department of Housing & Urban Development (HUD).

NOW THEREFORE BE IT RESOLVED for the reasons listed above, that the month of April, 2016 shall be known as "Fair Housing Month" within the Town of Hamburg.

17.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

WHEREAS, the Department of Community Development has jurisdiction and oversight over the towns Community Development Block Grant funds and is responsible for ensuring that said funds are utilized in accordance with all federal laws and requirements, and

WHEREAS, a portion of the towns CDBG funding has been utilized for economic development purposes, specifically for job creation/job retention activities per the current regulations of the CDBG program, and

WHEREAS, the Presidents proposed 2017 federal budget planned for the elimination of small grantees from the CDBG program.

NOW THEREFORE BE IT RESOLVED that in order to protect the CDBG program and funding, all sub-recipient agreements shall be limited to a maximum of three months, until a clearer picture of the 2017 federal budget can be determined.

BE IT FURTHER RESOLVED that the Hamburg Town Board extend the current sub-recipient agreement by and between the Town of Hamburg and the Hamburg Development Corporation for the use of Town of Hamburg’s CDBG program income funds for three months and that prior to the end of the three month extension, an evaluation of the 2017 budget process will be made to determine a further course of action.

18.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

WHEREAS, the Department of Community Development has researched, developed, and recommended amendments to the Code of the Town of Hamburg at Chapter 109; Fair Housing, and

WHEREAS, these amendments were reviewed by the Code Review Committee who wish to move forward with adoption of the recommended changes

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board hereby sets a public hearing on the amendments to the Code of the Town of Hamburg at Chapter 109; Fair Housing, to be known as "Local Law #5", for Monday, April 25, 2016 at 7:00 p.m.

19.

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 Town Board authorize the Recreation Department to create a permit fee for youth travel baseball and softball teams that are not affiliated with recognized organizations in the Hamburg Youth Sports Partnership. The fee as recommended by the Recreation Advisory Board and the Recreation Department Administration would be as follows:

Resident Teams (at least 75% residents on roster) \$25.00 per game

Non-Resident Teams (less than 75% residents on roster) \$50.00 per game

The following spoke concerning resolution No. 19: Don Wiess

20.

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 Town Board authorize the Recreation Department to adjust the beer on the golf course rule at 18 Mile Creek Golf Course. The recommended change would be to now allow beer on the course provided it was sold and served by the licensed vendor at 18 Mile Creek Golf Course.

21.

On a motion of Councilman Quinn, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 2 Best, Quinn
 Abstained 1 Walters
 Noes 0

RESOLVED the Town Board approve the re-hiring and termination of personnel for the Buildings and Grounds Department as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1	4246	FLIS, PAUL	R	LABORER/EW7250.100/SEA	4/4/2016		\$9.00	
2	2102	PAWLOWSKI, RAYMOND		WORKING CREW CHIEF/A7140				3/29/2016

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 approve the out of town travel request of the Honorable Gerald P. Gorman and the Honorable Carl W. Morgan to attend the Association of Towns meeting in New York City from February 14th until the 17th. This meeting provided the required 12 hours training at an approximate cost of \$1500.00 per Judge.

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 recommendation of the Chief of Police to promote VINCENT PUPO III to the vacant position of DETECTIVE-TEMPORARY, effective March 29, 2016. Salary is \$43.08, funds available in B3020.100.

Vincent Pupo and his family come forward for the presentation of the badge.

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 approve the Audit of Cash Disbursements as follows:

TOWN BOARD
 AUDIT OF CASH DISBURSEMENTS March 28, 2016

OPERATING FUND:		VOUCHER #'S
BATCH #44	\$4,342.94	81677-81693
BATCH #45	\$23,044.20	81694-81720
BATCH #46	\$56,650.19	81721-81754

BATCH #47	\$31,288.48	81755-81824
BATCH #48	\$376.91	81825
BATCH #49	\$10,297.65	81830-81870
BATCH #50	\$10,386.36	81871-81893
BATCH #51	\$21,288.43	81894
BATCH #52	\$70.99	81895
BATCH #53	\$361,375.75	81897-81943

TOTAL OPERATING FUND DISBURSEMENTS: \$519,121.90

TRUST & AGENCY:

TOTAL TRUST & AGENCY DISBURSEMENTS: \$0.00

CAPITAL FUND DISBURSEMENTS:

BATCH #9	\$93,584.98	81944-81946
----------	-------------	-------------

TOTAL CAPITAL FUND DISBURSEMENTS: \$93,584.98

PAYROLL:

PR #P/R 6	\$813,677.29
-----------	--------------

TOTAL PAYROLL DISBURSEMENTS: \$813,677.29

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$1,426,384.17

Reports from Town Board Members and Department Heads

Councilman Best – no report

Councilman Quinn – no report

Supervisor Walters – no report

Christopher Hull, Director of Community Development, thanks the Town Board and Kurt Allen for passing the resolution waiving the fees again this year that are associated with housing programs administered by his department. He found out that the income limits for their programs finally changed so they will make the appropriate changes on their applications, etc.

Marty Denecke, Director of Youth, Recreation and Senior Services, reports that the Hamburg Youth Bureau Awards dinner is on April 21st and nominations for adult service to youth awards and character coach of the year are due by March 31st. The nomination paperwork is available on the website and at his office. Also, on April 12th at Hilbert College, 7-9 pm, they will have their second public meeting on the Town of Hamburg Parks and Recreation Master Plan Update.

Gregory Wickett, Chief of Police, recognizes two officers that recently retired from the department, Michael Lavelle, retired Lieutenant with 30 years of service and Tom Brown with 20 years as a Detective. They both did a great job for the Town of Hamburg and he wishes them the best in their retirement.

Business from the Floor

John McKendry reports on the unloading of crude oil over behind Major Tom's in the Village. He met with the NYSDEC and they suggested he file a FOIL through the NYSDOT. For the benefit of the Police and Fire departments to find out when they unload from the railroad cars on to semi-trucks, how often they are doing it and what the route is that they take to the pipeline in West Seneca near the Route 400 and the NYS Thruway. His concern is if the trucks are properly marked. He will get that information to the Chief of Police. He attended a meeting of the Erie County Department of Emergency Management and there is a distinct disagreement between the Commissioner, Daniel Neaverth Jr. and the Chief of the Buffalo Fire Department that runs Hazmat on how to deal with a crude oil fire. None of the Town's first responders know how to put this type of fire out safely. He is concerned.

Councilman Quinn questions how and if the Town can get the foam to deal with this type of fire.

Supervisor Walters comments that Scranton Volunteer Fire Company has the foam.

25.

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 8:00 pm.

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