

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 14th day of April 2008.

TOWN BOARD MEMBERS

PRESENT

| | |
|---------------------|--------------|
| Steven J. Walters | Supervisor |
| Thomas M. Best, Sr. | Councilman |
| Joan A. Kesner | Councilwoman |
| Kevin Smardz | Councilman |

ABSENT:

| | |
|-----------------------|------------|
| Thomas Quatroche, Jr. | Councilman |
|-----------------------|------------|

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Robert E. Hutchison, Town Assessor; Carl Morgan, Town Prosecutor; Andrew Reilly, Planning Consultant; Jeffery Palumbo, Damon & Morey Attorney; Gerard Kapsiak, Town Engineer; Carmen Kesner, Chief of Police; Martin Denecke, Director of Recreation; Kurt Allen, Supervising Code Enforcement Officer; James Connolly, Highway Superintendent.

Pledge of Allegiance was recited.

Information on fire exits was provided.

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

7:00 p.m. Public Hearing for the Local Law #5, 2008 amendment to Chapter 280 “Zoning”

PLEASE TAKE NOTICE that there has been presented to the Town Board on March 17, 2008 pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law #5, 2008; said local law provides for amendments to the Code of the Town of Hamburg, which are in accordance with recommendations of the Town of Hamburg Code Review Committee. The amendments can be described as follows:

-AMENDMENT to Chapter 280 entitled “Zoning”
Article XLV Zoning Board of Appeals

-AMENDMENT to Chapter 280 entitled “Zoning”
add to Chapter 280 “Town of Hamburg Fairgrounds Zoning District” regarding the Erie County Fairgrounds

A detailed copy of the proposed amendments will be available, for public review, during regular business hours at the following locations:

HAMBURG TOWN HALL (Town Clerk’s Office)
DEPARTMENT
6100 South Park Avenue
Hamburg, New York 14075

HAMBURG PLANNING
6122 South Park Avenue
Hamburg, New York 14075

And may also be found at the Town’s website: www.townofhamburgny.com
Click on Legal Notices & Bid

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 April 14, 2008 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: March 17, 2008

Catherine Rybczynski
Town Clerk
Town of Hamburg

No correspondence was received.

ARTICLE XLV Zoning Board of Appeals

§ 280-309. Creation and organization.

The Zoning Board of Appeals consisting of seven members, as constituted and empowered under § 267 of Article 16 of the Town Law, on the effective date of this chapter shall be continued. Vacancies occurring in such Board shall be filled in accordance with the Town Law. The Zoning Board of Appeals shall have all the powers and perform all the duties prescribed by statute and by this chapter.

A. Definitions. As used in this section:

- (1) Use variance – The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
- (2) Area variance – The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

§ 280-310. Powers and duties.

A. Appellate jurisdiction.

- (1) Appeals of interpretation.
 - (a) The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error or misinterpretation in any order, requirement, decision, interpretation, or determination by an administrative official of the Town of Hamburg charged with the enforcement of the provisions of this chapter.
 - (b) The Zoning Board of Appeals may reverse, modify, or affirm, in whole or in part, any such appealed order, requirement, decision, interpretation, or determination appealed from and may make such order, requirement, decision, interpretation, or determination as, in its opinion, ought to be made in strictly applying and interpreting the provisions of this chapter and, for such purposes, shall have all the powers of the officer from whom the appeal is taken.
- (2) Appeals for Use Variance.
 - (a) The Zoning Board of Appeals, on an appeal from an order, requirement, decision, interpretation, or determination of any administrative official charged with the enforcement of this chapter, shall have the power to grant use variances as defined herein.
 - (b) No such use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to

the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- [2] That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- [3] That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- [4] That the alleged hardship has not been self-created.

(c) The Zoning Board of Appeals, in granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time, preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

(3) Appeals for Area Variance.

(a) The Zoning Board of Appeals, on an appeal from an order, requirement, decision, interpretation, or determination of any administrative official charged with the enforcement of this chapter, shall have the power to grant area variances as defined herein.

(b) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such determination, the Zoning Board of Appeals shall also consider:

- [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- [3] Whether the requested area variance is substantial;
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and.
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(c) The Zoning Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same

time, preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

(4) The following types of cases shall be construed as eligible for consideration within the meaning of this chapter:

(a) Unusual size or shape of lot

[1] Where, by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the effective date of this chapter or by reason of exceptional topographic conditions or other exceptional physical difficulties in the development of such piece of property, the literal enforcement of the requirements of this chapter pertaining to yards or other space relationships would result in peculiar unnecessary hardship upon the owner of such property.

(b) Adjacent nonconforming uses

[1] Where, adjacent to a lot on both sides in the case of an interior lot, or on both the side and rear of the lot or on all other corners of an intersection in the case of a corner lot, there are buildings or uses which do not conform to regulations prescribed in this chapter for the district in which said lot is located.

[2] In considering such appeal, the Zoning Board of Appeals shall give due regard to the nature and conditions of all adjacent uses and structures, and, in granting any such appeal, the Zoning Board of Appeals may impose special requirements and conditions for the protection of conforming uses and the ultimate removal of nonconforming uses and structures.

[3] In any case, the variance as to the use or uses permitted on any lot, whether principal or accessory, shall not allow a use or combination of uses more intensive or less restricted than any use which is legally existing on premises immediately adjacent on either side of said lot, or of premises on any corner of the intersection in the case of a corner lot.

(c) Nonconforming building

[1] Where the principal building on any premises was originally lawfully erected and intended for a principal use and such building would now be a nonconforming use in the district in which located and the right to continue or reestablish such nonconforming use in such building is denied by the provisions of Article XLII of this Zoning Code, and where the literal enforcement of such provisions would result in unnecessary hardship upon the owner of such property. In considering such appeal, the Zoning Board of Appeals shall give due regard to the age and condition of such building and its adaptability for or convertibility to a conforming use.

[2] In approving any such appeal, the Zoning Board of Appeals shall specify the time limit during which such grant of a variance shall be effective, which time limit shall in no case exceed the estimated useful life of such building.

[3] In case the building has been condemned by the Building Inspector and ordered to be demolished, the Zoning Board of Appeals shall not grant any such variance.

(5) Any other case involving practical difficulties or unnecessary hardship in the way of carrying out any provision of this chapter pursuant to and in accord with the intent and purpose of Subdivision 5 of § 267 of Article 16 of the Town Law.

a. In granting of both use variances and area variances, the Zoning Board of Appeals may vary or modify the provisions of this chapter so that the spirit of the law shall be observed, public safety secured, and substantial justice done.–

b. Toward this end, the Zoning Board of Appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Code or local law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

B. Special permits

(1) Temporary structures or uses

(a) The Zoning Board of Appeals may authorize a temporary and revocable permit for not more than two (2) years for uses or structures that do not conform to the regulations of this chapter for the district in which it is located, provided that the following findings are made:

[1] That such use is of a temporary nature and does not involve the erection or enlargement of any permanent structure;

[2] That such use is consistent with the provisions of §280-310 A.2 and §280-310 A.3; and,

[3] In case of a renewal of such permit, that all conditions and safeguards previously required have been complied with.

(2) Permitted temporary structures or uses; extension of time limit.

(a) The Zoning Board of Appeals may authorize the continuation of temporary structures or uses incidental to construction work, provided that the following findings are made:

[1] That the nature and scale of the construction are such to require a longer period of time for completion;

[2] That such use is consistent with the provisions of §280-310 A.2 and §280-310 A.3; and,

[3] That such construction has been diligently prosecuted or that any delays have been unavoidable.

D. Modification of regulations

(1) Reduction of parking spaces for places of assembly

(a) The Zoning Board of Appeals may authorize a reduction of not more than fifty percent (50%) in the number of required off-street parking spaces for places of assembly when located on the same lot with other uses, provided that the following findings are made:

[1] That, in accordance with times of operation and times of peak demand, there will be no conflict in the joint use of such off-street parking spaces.

(2) Reduction of parking spaces where public off-street parking facilities are available

(a) Where public off-street parking facilities, other than parking provided for a public building, are available, the Zoning Board of Appeals may reduce, on a pro rata basis, the parking requirements for all uses within six hundred (600) feet of any boundary of such public parking facility.

(3) Exception from exterior side yard requirements

(a) The Zoning Board of Appeals may modify the exterior side yard requirements for principal buildings on deep corner lots, provided that the following findings are made:

[1] That the rear yard is at least fifty (50) feet in depth; and,

[2] That such modification will not adversely affect the adjoining property.

(4) Exception from fence height limitations

(a) The Zoning Board of Appeals may permit a fence up to eight (8) feet in height in any rear yard, not a front yard equivalent, or in any side yard, not a required side yard, provided that such fence is at least ten (10) feet from any property line and that the following findings are made:

[1] That such fence shall not unduly shut out light or air to adjoining properties; and,

[2] That such a fence shall not create a fire hazard by reason of its construction or location.

§ 280-311. Procedures

A. General provisions

- (1) The Zoning Board of Appeals, consistent with this chapter, may adopt rules of conduct and procedure.

B. Filing appeals

- (1) An appeal to the Zoning Board of Appeals from any order, requirement, decision, interpretation, or determination of any administrative official charged with the enforcement of this chapter may be taken by any person aggrieved or by any officer, department, division, board, or bureau of the Town of Hamburg.
- (2) Such appeal shall be filed in the office of such administrative official charged with the enforcement of this chapter within five (5) business days from the day it is rendered, and shall be a public record. Alternately, the Town Board may, by resolution, require that such filings instead be made in the Town Clerk's office.
- (3) Such appeal shall be taken, within sixty (60) days after the filing of any order, requirement, decision, interpretation, or determination of the administrative official charged with the enforcement of this chapter by filing with such official and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The official from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

C. Filing applications

- (1) An application for any matter upon which the Zoning Board of Appeals is required to pass may be made to the Building Inspector by the owner, the tenant of the property, or a duly authorized agent for which such appeal or application is sought.

D. Stay of proceedings

- (1) Any appeal to the Zoning Board of Appeals shall stay all proceedings in furtherance of the action appealed from, except as otherwise provided in Subdivision 4 of § 267 of the Town Law.

E. Hearing on appeal

- (1) The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof in accordance with the provisions of Subdivision 5 of § 267 of the Town Law at least five (5) days prior to the date thereof.
- (2) The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.
- (3) The Zoning Board of Appeals shall decide upon the appeal within sixty-two (62) days after the conduct of said hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.

F. Meetings, witnesses, and records

- (1) Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings shall be open to the public.
- (2) The Chairman of the Zoning Board of Appeals or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- (3) The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action. Every rule and regulation, every amendment or repeal thereof, and every order, requirement, decision, interpretation, or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Town Clerk and shall be a public record.

G. Decisions of the Zoning Board of Appeals

- (1) The concurring vote of a majority of the members of the Zoning Board of Appeals, as fully constituted regardless of vacancies or absences, shall be necessary to reverse any order, requirement, decision, interpretation, or determination of the Building Inspector or to decide in favor of the applicant any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.
- (2) Every decision of the Zoning Board of Appeals shall be by resolution. Where findings are required, the decision shall set forth each required finding, supported by substantial evidence or other data considered by the Zoning Board of Appeals in each specific case, or, in the case of denial, the decision shall include the findings which are not satisfied.
- (3) If an affirmative vote of a majority of all members of the Zoning Board of Appeals is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision, interpretation, or determination of the administrative official charged with enforcement of this chapter within the time allowed by 280-311.E.(3), the appeal is denied. The Board may amend that failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process.
- (4) The decision of the Zoning Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

H. Compliance with SEQR

- (1) The Board of Zoning Appeals shall comply with the provisions of the State Environmental Quality Review Act (SEQR) under Article 8 of the Environmental

Conservation Law and its implementing regulations as codified in Title 6 617NYCRR.

I. Violation of conditions or restrictions

- (1) Failure to comply with any condition or restriction prescribed by the Zoning Board of Appeals in approving any appeal for a variance or application for a special permit or a modification of regulations shall constitute a violation. Such violation may constitute the basis for revocation of a variance, special permit, or modification, or for penalties and other applicable remedies.

J. Lapse of authorization

- (1) Any variance, special permit, or modification of regulations authorized by the Zoning Board of Appeals shall be automatically revoked, unless a building permit conforming to all the conditions and requirements established by the Zoning Board of Appeals is obtained within six (6) months of the date of approval by the Zoning Board of Appeals and construction is completed within one (1) year of such date of approval.

K. Rehearing

- (1) There shall be no rehearing of an appeal or application by the Zoning Board of Appeals, except in accordance with Subdivision 6 of § 267 of Article 16 of the Town Law.

Add the following to Chapter 280, Zoning of the Town of Hamburg Code regarding the Erie County Fairgrounds.

1. Add G. Fairgrounds District to Article III, 280-6 Zoning Districts Established.
2. Add Article XXXII Fairgrounds District.

280-215. Intent

The mission statement of the Erie County Agricultural Society strives to fulfill appropriate aspects of the agricultural, educational, entertainment, and recreational needs of all that visit the Fair.

The Fairgrounds Zoning District is specifically for the properties associated with the Erie County Fairgrounds facility located in the Town of Hamburg. This Zoning District is intended to provide for a district in which the usual activities associated with fairgrounds can be conducted as permitted uses and any other related uses would go through a Special Use Permit process.

280-216. District boundaries.

The Fairgrounds property, generally, ¹bounded by South Park Avenue, Quinby Drive, and

¹Requires a more defined meets and bounds

McKinley Parkway, and the properties north of Clark Street.

280-217 Permitted uses.

The following uses are permitted in the Fairgrounds District.

- (1) Structures, uses, and activities associated with the Erie County Fair including, but not limited to, carnival rides, food and retail stands, arts and crafts exhibits, animal exhibits and shows, concerts, and other entertainment events and shows.
- (2) Entertainment venues, expositions , trade show operations held on fairgrounds premises
- (3) Banquet and meeting facilities and operations
- (4) Racetrack & gaming operations and associated uses as allowed by the State of New York
- (5) Agricultural, horticultural and equine education facilities and shows.
- (6) Holiday light shows and events
- (7) Offices for related permitted uses or emergency personnel.
- (8) Accommodation of temporary overnight stays by participants in permitted events, such as campers or recreational vehicles.

B. Accessory uses and structures:

- (1) Accessory uses and structures customarily incidental to permitted principal uses.
- (2) Retail or food sales incidental to any permitted principal use.
- (3) Parking and loading areas for permitted uses.

C. Uses by Special Use Permit:

- (1) Hotels/motels
- (2) Indoor and outdoor sports facilities.

280-218 Minimum lot size:

- A. Not applicable to fairground property uses.

B. Hotels/motels and other uses subdivided from the main Fairgrounds:

- (1) Lot area will be based on the size of the building, parking requirements, and landscaping requirements.

280-219 Lot coverage.

- A. Not applicable to fairground property uses.
- B. For hotels/motels and other uses subdivided from the main Fairgrounds, the maximum lot coverage shall be 75%

280-220 Required yards.

- A. No building shall be placed within 35 feet of the right-of-way of McKinley Parkway, Quinby Drive, Clark Street and South Park Avenue.
- B. No building shall be placed within 50 feet of an adjoining property line.

280-221 Maximum height of buildings.

- A. The maximum height of all buildings shall be 75 ft.

280-222 Off-street parking

- A. Parking requirements for fairground usage will typically be satisfied by the existing fairgrounds parking during site plan approval. The applicant will provide parking calculations based on Town or industry standards and indicate where parking shall be accommodated on the Fairgrounds property. During concurrent uses, the plan must indicate where parking is occurring for those concurrent uses.
- B. Other off-street parking regulations are subject to Article XXXII

280-223 Signs

- A. Approval not needed for signage (both permanent and temporary signs) set back at least 250 feet from roads bordering the property (measured from the public right of way);
- B. Approval not needed for temporary signs and banners placed on the property no more than thirty (30) days prior to the annual Country Fair and Exposition and removed no more than five (5) days after the annual County Fair & Exposition;

- C. Approval not needed for temporary signs and banners placed on property no more than (10) days prior to the start of a trade show or entertainment related activity and removed no more than three (3) days after the close of the show or activity.
- D. All other signs require filling of application and approval by town;
- E. For subdivided property, applicable town sign regulations will apply.

280-224 Supplemental regulations.

- A. Due to the nature of the Fairgrounds property, structures, uses and activities associated with the actual Erie County Fair will not require approvals from the Town Planning Board (if the structures, uses, and activities are temporary and removed at the end of the fair).
- B. Any structure or use on a property subdivided from the Fairgrounds shall be subject to the regulations set forth in the Zoning Code for the C-1 Local Retail Business District (Article XIII) and any other regulations that are applicable to a C-1 permitted use.
- C. For applicable supplemental regulations pertaining to use, height, area, or open space, see Article XXXIX

Drew Reilly, Planning Consultant, gives a brief introduction on the laws.

Dennis Lang notes that they have worked with Code Enforcement and agree with the zoning.

Supervisor Walters notes that the Fair has been a great partner in this process. He personally thanks them and the board for all the work they have done.

Ferd Garcia asks about the height of the buildings and the limit.

Kurt Allen responds that one of the reasons they went with a higher building height was to accommodate some of the agricultural buildings.

Joe Killian questions if some day maybe snowbirds can put their RV's there and stay in Hamburg.

Drew Reilly notes that this is for the Fairgrounds.

George Lee notes that this is something that should've been done a long time ago.

1.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

RESOLVED, that the Town Board close the Public Hearing.

7:00 p.m. Public Hearing for the amendment of Zoning Code for property at 5220 Camp Rd.

PLEASE TAKE NOTICE that there has been presented to the Town Board on March 10, 2008, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #6, 2008; 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 located at 5220 Camp Road. The property is to be rezoned from M-2 (Light Industrial District) to C-2 (General Commercial District) and is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg County of Erie and State of New York, being part of Lot No.13, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the existing southwesterly line of Camp Road (S.H. 1067), 1.06 feet southeast of the northwesterly line of lands acquired by the New York State Thruway, Erie Section, being Subdivision No. E-8-A, Map No. 822, Parcel No. 822, said point also being a measured distance of 325.07 feet southeasterly as measured along the southwesterly line of Camp Road from the southeasterly line of lands conveyed to Chrysler Realty Corporation as recorded in Erie County Clerk's Office in Liber 9616 of Deeds at page 461;

Thence S28°03'40"E along the southwesterly line of Camp Road a distance of 206.54 feet to a point in the westerly line of lands acquired by the New York State Thruway, Erie Section, Subdivision No. E-A-8, Map No. 580, Parcel No. 580;

Thence S09°21'07"E continuing along the westerly line of said Parcel No. 580 a distance of 118.00 feet to a point therein;

Thence S10°56'23"W continuing along the westerly line of said Parcel No. 580 a distance of 287.00 feet to a point therein;

Thence S28°01'12"W continuing along the westerly line of said Parcel No. 580 a distance of 488.00 feet to the point or place of beginning;

Thence S35°02'44"E continuing along the westerly line of said Parcel No. 580 a distance of 458.00 feet to a point in the northerly line of a map filed in the Erie County Clerk's Office under Cover 2426;

Thence S89°57'55"W along the north line of map cover 2426 a distance of 1185.06 feet to a point in the east line of a map filed in the Erie County Clerk's Office under Cover 2866, said point also being in the westerly line of said Lot 13;

Thence N00°10'16"W along said east line of Cover 2866 and said westerly line of Lot 13 a distance of 584.86 feet to a point;

Thence N55°52'40"E a distance of 424.07 feet to a point;

Thence N34°07'10"W a distance of 26.46 feet to a point;

Thence N54°18'34"E a distance of 211.77 feet to a point;

Thence S35°02'44"E a distance of 723.74 feet to the point or place of beginning containing 16.5 acres of land, more or less.

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 April 14, 2008 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: March 10, 2008

Catherine Rybczynski
Town Clerk
Town of Hamburg

LEGAL NOTICE FOR PROPOSED HAMBURG CROSSING RETAIL CENTER

The Town of Hamburg Town Board, acting as SEQRA Lead Agency, will hold a public hearing on Monday, April 14, 2008 at 7:00 PM in Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, 14075 to allow public comment on the Draft Environmental Impact Statement (DEIS) submitted by Benderson Development Company, LLC for the proposed Hamburg Crossing Retail Center project located at 5220 Camp Road (Consisting of the former Leisureland site and the back of Commerce Park). The public hearing is in accordance with article 8 of the Environmental Conservation Law, SEQRA, for this Type I action that required an EIS. The proposed project involves the construction of an approximately 650,000 square foot

retail center and a 115 room hotel on approximately 80 acres of land. The public hearing will also allow the public to comment on the rezoning of a portion of the 80-acre site from M-2 (Light Industrial District) to C-2 (General Commercial District). Comments on the DEIS will be accepted through April 25, 2008 and can be submitted to Andrew C. Reilly, Town of Hamburg Planning Department, S6100 South Park Avenue, Hamburg, New York, 14075. A copy of the DEIS is on file at the Town of Hamburg Planning Department and Town Clerk's Office and can be viewed on the Town's website at www.townofhamburgny.com. No formal action on the site plan or rezoning will take place at this public hearing.

No correspondence was received.

Drew Reilly notes that this is a combined public hearing, this includes the rezoning and the project. Some of the property is zoned light industrial so that needs to be changed.

Jeffery Palumbo, attorney for Damon & Morey, notes that the property is located right off the Thruway. He gives the background for the SEQRA review and the project itself. There will be a shopping center consisting of approximately 652,000 square feet of retail and restaurant uses. Also proposed is a hotel for the site of approximately 115 rooms.

Supervisor Walters comments that he is aware of the neighborhood behind this site and commends Benderson Development for providing the substantial buffering in that neighborhood. His objection is with the NYS Thruway ramp right there that could be developed.

Councilwoman Kesner states that she agrees with the Supervisor on the ramp and notes that over the years they tried to convince the Thruway Authority to turn that over for development, but that didn't work. She also asks Mr. Palumbo and Mr. Batesta what type of buffer is behind the development.

William Tyne responds that behind the bus garages is where the additional landscaping is planned. This will be mounds of dirt with trees on top.

Tony Battista notes that the loading and unloading of goods to the development can be discussed further during the development stage.

Tony Battista shows a graphic on the buffering that is there now which really isn't anything.

Councilwoman Kesner also questions the lights and wants language in planning process that the lights will be shielded so they aren't shining in everyone's backyard.

Mr. Reilly responds that they have worked with other developers in the past that the lights be brought down after a certain time at night.

Councilwoman Kesner questions if there are any potential tenants for this site yet.

Mr. Battista responds that they do have a few leases that are out for negotiations but they can't announce anything yet.

Councilman Smardz questions if this is going to be built in one complete stage or different stages.

Mr. Battista responds that this will not be built immediately. They would focus on anchor tenants and then it would be done in phases.

Councilman Best notes that 650,000 square feet of retail space is a lot to fill. He would look at this unfavorably on this project if Benderson came up with more vacant stores. This will be an important part for him to accept this proposal.

Mr. Battista responds that they hear this quite often and this site has more of a region ability asset to it.

Joe Killian questions how many floors the hotel is going to be.

Tony Battista responds that they are still in the design stage of that but the target is 115 rooms. Joe Killian questions if it's anywhere between three and five floors.

Mr. Battista responds that it's very possible. This is going to be an upscale hotel.

Joe W., resident, states his traffic concerns and questions how many traffic lights will be there.

Mr. Battista responds that there will be one at the main entrance and another at Commerce Dr.

Drew Reilly notes that one of the biggest concerns is the traffic. They are still in the process of reviewing the traffic study.

A resident questions if there are any tax incentive for them with this.

Supervisor Walters notes that there is not.

Tony Battista and Drew Reilly encouraged the residents to write and email their input.

Julie Kane questions how many feet there will be between the parking lot and the residents.

Mr. Battista responds the distance between the building and property line is 190 feet.

Frank Walsh notes that he hopes there a lot of restrictions put on the loading and unloading, diesel fuel, etc.

Supervisor Walters responds that there are a lot of conditions such as idling time and conditions

on loading and unloading.

Gary Hanes stresses his concerns on the noise and diesel smells.

Joe Killian questions the elevation of the signs.

Tony Battista responds that this is in the design stage but they do have rough drafts.

Councilwoman Kesner asks if the buffer could be increased somewhat.

Tony Battista responds that it would be difficult because this is a linear layout.

A resident questions the size of the buildings.

Gary Hanes questions the northern section.

Drew Reilly notes that the whole 150 feet will be conservation area. There will be no development within 150 feet.

Councilwoman Kesner asks Mr. Reilly to meet and explain to the residents what they propose.

Linda Shantler notes that the entrance to the thruway is a nightmare now so if extra traffic is added in this area it will become death row.

Supervisor Walters responds that they have been working with the Thruway Authority on this and they will continue to address that.

Mr. Malinowski questions that if a fence is put there would it be on the property lines or somewhere else.

Drew Reilly notes that the neighbors have to get together and decide where they want it to be. He notes that this may be on the Town's agenda again starting next month, so again go to the Town's website, at the latest it will be back again in June.

Mark Mesina comments that it's nice that the uglier buildings in the Town are being cleaned up and thinks this is good for the Town.

Don Wiess comments that his concern is the height of the buildings and encourages the Town to enforce the 35 feet restrictions. The second concern is the buffer along the Thruway that hasn't been discussed. The 150 foot buffer notes that this is a huge amount and compliments Mr. Battista for handing out his business cards because that shows he is willing to work with the residents. He encourages the Town Board and Planning Department to make sure the laws of the Town are upheld so they don't get a variance for the height of the signs.

Tony Battista comments that the 35 foot for the hotel was stated that they may go for a variance. As far as the buffer along the Thruway right now, the deed states a 25 foot buffer. The signage along the Thruway will be kept to a minimum with at least one prominent sign along the Thruway to reflect the proportion of the site.

2.

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

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

RESOLVED, that the Town Board close the Public Hearing.

3.

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

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

RESOLVED, the Town Board approve the minutes from the following meeting:

March 24, 2008, Town Board Meeting

4.

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

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

WHEREAS, General Municipal Law (GML) § 104-b requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML § 103 or any other law; and

WHEREAS, the Town Board previously adopted Town of Hamburg Fiscal Policies on June 25,

1990, and updated April 25, 1997 (hereinafter “Fiscal Policies”), including Section 9 entitled “Purchase Orders,” and such Section 9 addresses the requirements of General Municipal Law (GML) § 104-b concerning procurement policies,

WHEREAS, the Fiscal Policies are in need of amendment and update at this time,

WHEREAS, comments have been solicited from those officers of the town involved with procurement;

NOW THEREFORE, be it

RESOLVED: That the Town of Hamburg does hereby adopt the following additions to its existing procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML § 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter “Purchaser”) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All (a) purchases of materials, supplies or equipment which will exceed \$10,000 in the fiscal year or (b) public works contracts over \$20,000 shall be formally bid pursuant to GML § 103.

Guideline 3.

All estimated purchases of:

-- Less than \$10,000 but greater than \$2,000 require a written request for a proposal (RFP)/ written request for a quotation (RFQ) and written quotations, proposals or price lists from at least three vendors.

-- Less than \$2,000 but greater than \$500 require a written request for a proposal (RFP)/ written request for a quotation (RFQ) and written quotations, proposals or price lists from at least two vendors.

All estimated public works contracts of:

- Less than \$20,000 but greater than \$5,000 require a written request for a proposal (RFP)/ written request for a quotation (RFQ) and written quotations, proposals or price lists from at least three contractors.
- Less than \$5,000 but greater than \$500 require a written request for a proposal (RFP)/ written request for a quotation (RFQ) and written quotations, proposals or price lists from at least two contractors.

In all cases, written quotations, proposals or price lists, etc. may be transmitted by facsimile to the Purchaser.

Any written RFP/RFQ shall describe the work to be performed , or the desired goods, quantity and the particulars of delivery, and any other information required by Section 9 of the Fiscal Policies. The Purchaser shall compile a list of all vendors from whom written quotes have been requested and the written quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. [For example, the second low bidder is a business in town, paying town property taxes, and their quote was within 5% of the low bidder which is an out-of-state business or supplier.] If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6. Except when directed by the town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- (a) Acquisition of professional services;
- (b) Emergencies;
- (c) Sole-source situations;
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods purchased from correctional facilities;
- (f) Goods purchased from another governmental agency;
- (g) Goods purchased at auction;
- (h) Goods purchased for less than \$500;
- (I) Public works contracts for less than \$500.

Guideline 7. This policy shall be reviewed annually by the town board at its organizational meeting or as soon thereafter as is reasonably practicable, and be it further

RESOLVED, that the existing Fiscal Policies shall be amended as follows:

- a. In Section 9.II.B.2, the sum of \$5,000 shall be replaced with the sum of \$10,000;
 - b. In Section 9.II.B.3, the sum of \$7,000 shall be replaced with the sum of \$20,000;
- and be it further

RESOLVED, that any and all provisions of Section 8, entitled “Competitive Bidding Procedure,” and Section 9 of the Fiscal Policies, which are not amended, deleted, replaced by, or otherwise inconsistent with the provisions of this resolution, shall remain in full force and effect.

Supervisor Walters adds that on guideline 6 (h) Goods purchased less than \$500 will not require any formal action. He asks the Legal Department to take a look to see if that can’t be increased as well to reflect the eighteen years since 1990.

5.

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

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

BE IT RESOLVED that a public hearing be scheduled to consider amendment to Local Law #12, 1968, "Shopping Centers and Other Areas of Assembly." This amendment would provide for the addition of the following new location:

First Niagara
5751 South Park Avenue
Hamburg, NY 14075

The hearing is scheduled for April 28, 2008 at 7:00 p.m.

6.

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

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

RESOLVED, that the Town Board approve travel request of Bob Hutchison, Town Assessor, to attend the Uniform Standard of Professional Appraisal Practice sponsored by the Western New York Chapter of the International Association of Assessing Officers on April 29, 2008 at Genesee Community College. The cost is \$140.00 and funds are available in Account A1355.0492

7.

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

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

RESOLVED, that the Town Board approve the Supervisor to sign Section 6 of the PO-17 Form requesting Erie County Department of Personnel to complete Section 7 for the classification of a Sr. Caseworker-Domestic Violence in the Domestic Violence Department. Also to approve the Supervisor to sign Section 8 of the PO-17 Form in creating the position of Sr. Caseworker-Domestic Violence.

Supervisor Walters reports that there were a lot of inquiries received regarding this resolution. He clarifies some of the questions such as the rate of pay for this position which is approximately \$18.71.

8.

On a motion of Councilman Best, seconded by Supervisor Walters, the following resolution was
ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

WHEREAS, the Request for Proposal bids for the Smith Road drainage project have been received and exceeded the legal limits;

THEREFORE, BE IT RESOLVED, that the Town Board authorize the Highway Department to advertise for public bidding for this project.

9.

On a motion of Councilman Smardz, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

WHEREAS, the Town of Hamburg received a request from Richard J. Izzo, Richard R. Izzo and Nicholas Izzo to rezone property located on the east side of Camp Road, adjacent to the NYS Thruway from RA (Residential-Agricultural) to C-1 (Local Retail Business District), and

WHEREAS, the Code Review Committee 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 rezoning request to the Planning Board for its review and recommendation with the following concerns to be addressed by the Planning Board:

- a. Traffic
- b. Access
- c. Impact on the surrounding neighborhood

Councilwoman Kesner asks Drew Reilly if he will notify the adjacent residents of this proposal.

Drew Reilly responds that he will.

10.

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

| | | |
|---------|--------|-------------------------------|
| ADOPTED | Ayes 4 | Walters, Best, Kesner, Smardz |
| | Noes 0 | |

RESOLVED, that the Town Board approve the hiring of three (3) in the Senior Services/Adult Day Services Department as follows:

| | | | |
|---------------------|-----------------------|------------|-------------|
| 1. Jones, Allan R | P/T Van Driver | 04/15/2008 | \$9.00 |
| 2. Korabek, MaryLou | P/T Clerk Typist | 04/15/2008 | \$8.55 |
| 3. Harms, Frances | P/T Seas Clerk Typist | 04/07/2008 | Termination |
| 4. Harms, Frances | P/T Clerk Typist | 04/07/2008 | \$9.70 |

11.

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

| | | |
|---------|--------|-------------------------------|
| ADOPTED | Ayes 4 | Walters, Best, Kesner, Smardz |
| | Noes 0 | |

RESOLVED, that the Town Board approve the hiring of two (2) and termination of one in the Police Department as follows:

| | | | |
|------------------------|-------------------------|------------|-----------|
| 1. Stoberl, Richard J. | P/T Dog Control Officer | 04/01/2008 | \$11.97 |
| 2. Reed, Edward H. | P/T Dog Control Officer | 04/01/2008 | \$11.97 |
| 3. Reed, Edward H. | P/T Dog Control Officer | 04/07/2008 | Terminate |

| | | | |
|-----------------------|------------------|------------|-----------|
| 6. Cheslak, Joseph | A7270(238) | 04/13/2008 | Terminate |
| 7. Cheslak, Joseph | Rec. Att'd Seas. | 04/14/2008 | \$ 7.36 |
| 8. McGahey, Meghan | Rec. Att'd Seas. | 04/18/2008 | \$ 7.40 |
| 9. King, Gilbert | P/T Rec. Att'd | 04/08/2008 | \$ 7.58 |
| 10. Turner, Ronald | P/T Rec. Att'd | 04/08/2008 | \$ 7.98 |
| 11. Wozniak, Richard | P/T Rec. Att'd | 04/08/2008 | \$ 7.96 |
| 12. Landes, Kenneth | P/T Rec. Att'd | 04/08/2008 | \$ 7.98 |
| 13. McGahey, Brad | Rec. Att'd Seas. | 04/08/2008 | \$ 9.55 |
| 14. Duggan, Kathleen | A7180(215) | 04/17/2008 | Terminate |
| 15. Duggan, Kathleen | P/T Rec. Att'd | 04/18/2008 | \$10.59 |
| 16. Bermingham, James | A7180(215) | 05/01/2008 | Terminate |
| 17. Bermingham, James | Rec. Att'd Seas. | 05/01/2008 | \$10.55 |

15.

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

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

RESOLVED, the Town Board grant permission for the Police Department to advertise for one (1), New and Unused 2008, Harley Davidson Motorcycle.

Money is funded in account B3120.494.

16.

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

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

BE IT RESOLVED, that the Town Board authorize the Supervisor to sign a Maintenance Agreement with Charrette Corporation, covering the Engineering Department's Xerox 2515 engineering drawing copier for a period of one year (5/10/08 - 5/9/09), at a fee of \$576, plus 10¢ per linear foot copied in excess of 250 linear feet per month. Funding for this was appropriated in the 2008 budget, under Account No. A1440.423.

17.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

WHEREAS, based on discussions between the Town of Hamburg and Erie County Water Authority (ECWA) relative to ECWA taking over the Town water system and associated facilities under a Direct Service Agreement, ECWA is requesting that the Town undertake the replacement of approximately 23,100 linear feet of existing substandard or deficient waterlines, as well as 230 obsolete fire hydrants; and

WHEREAS, proposals have been received by the Town Engineer from six engineering consultants for providing engineering services associated with the survey, design, and construction of the proposed water system improvements; and

WHEREAS, the Engineering Department has reviewed the proposals and recommended that the contract be awarded to CRA Infrastructure & Engineering, Inc. on the basis of their experience, qualifications, and responsiveness to the requirements of the Town's Request for Proposals, as well as their fee proposal being reasonable for the work to be performed and the lowest of the six submittals received,

THEREFORE BE IT RESOLVED, that CRA Infrastructure & Engineering, Inc. is awarded the contract for this project, at a total not-to-exceed fee of \$227,500, and that the Supervisor is authorized to sign their 3/27/08 proposal/agreement in this regard. Funding for these services is available from Town water district funds which have been previously budgeted for water system improvement purposes.

18.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

WHEREAS, the water system and facilities owned by the Town of Hamburg and its water districts are currently maintained and managed by the Erie County Water Authority under a Lease Management Agreement, which agreement provides that the Town of Hamburg and its water districts have responsibility for paying for certain capital items and undertaking periodic upgrades of water lines and other facilities; and

WHEREAS, the Town of Hamburg has been in discussion with the Erie County Water Authority regarding the potential transfer of water lines and other facilities currently owned by the Town of Hamburg and its water districts to the Erie County Water Authority, following

which the Erie County Water Authority would be solely responsible for all capital items and upgrades of water lines and other facilities under a Direct Service Agreement with the Town; and

WHEREAS, it has been determined that if such transfer is able to occur, the residents of the Town of Hamburg would realize substantial savings through the elimination of the requirement that the Town continue to pay for future capital items and periodic upgrades of water lines and other facilities, and it would eliminate the special district assessments charged to Town residents for water system improvements; and

WHEREAS, the Erie County Water Authority has requested that the Town of Hamburg undertake certain water system improvements in advance of their taking over the system, as a condition of their agreeing to take over the water lines and facilities. However, the Town of Hamburg does not wish to proceed with such improvements unless there is a written agreement in effect with the Erie County Water Authority that they will accept the Town of Hamburg water system after the Town performs such improvements; and

WHEREAS, the Town of Hamburg and the Erie County Water Authority have jointly prepared a proposed Memorandum of Understanding as to the mutual proposals and agreement in this regard.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, AS FOLLOWS:

1. The Town Board does hereby approve the proposed Memorandum of Understanding with the Erie County Water Authority, a copy of which is annexed hereto and made a part hereof.
2. The Town Supervisor is hereby authorized to execute such agreement on behalf of the Town of Hamburg.
3. This resolution shall take effect immediately.

Ferd Garcia asks if they know what the substantial savings would be.

Supervisor Walters responds that right now the Town is spending between \$500,000 and \$1,000,000 a year to improve the facilities under this agreement, the town wouldn't have to spend any of that.

Mr. Garcia replies that they would have to be brought up to date.

Supervisor Walters agrees saying that would cost approximately five million dollars.

19.

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

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

WHEREAS, the ongoing New York State Department of Transportation (NYSDOT) Route 20 Southwestern Blvd. highway improvement work requires that New York State Electric & Gas (NYSEG) remove eight (8) existing street lights along the portion of Route 20 between McKinley Parkway and the New York State Thruway bridge, and due to the NYSDOT project, the replacement street lights in this area will need to be installed on the opposite side and further away from the road,

THEREFORE BE IT RESOLVED, that the Town Board authorizes NYSEG to remove the eight (8) lights from the south side of the road, and to install eight (8) new 250 watt high pressure sodium fixtures with longer brackets on the north side of the road, in accordance with the terms and conditions of the current NYSEG street light tariff agreement.

BE IT FURTHER RESOLVED, that the Town Clerk is requested to provide two (2) certified copies of this resolution to the Engineering Department, for transmittal to NYSEG.

20.

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

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

BE IT RESOLVED, that the Town Engineer’s report on the completion and acceptance of the RIDGEFIELD TERRACE SUBDIVISION PHASE 3 work performed under Public Improvement Permit Nos. 933, 934, 935, 936, and 937 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 fee for the maintenance of two (2) new hydrants installed as part of the subdivision work, and

BE IT FURTHER RESOLVED, that the Town Board authorize New York State Electric & Gas (NYSEG) to connect five (5) 70-watt high pressure sodium luminaries in accordance with the existing rate tariff, and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to NYSEG, and that this resolution becomes effective on the day the report is signed by the Supervisor.

21.

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

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

BE IT RESOLVED, that the Town Engineer's report on the completion and acceptance of the TREEHAVEN ESTATES SUBDIVISION PHASE 3 street light installation work performed under Public Improvement Permit No. 929 be received and accepted, and that the Supervisor is authorized to sign the report.

BE IT FURTHER RESOLVED, that the Town Board authorize National Grid to connect four (4) 70-watt high pressure sodium luminaries in accordance with the existing rate tariff, and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to National Grid, and that this resolution becomes effective on the day the report is signed by the Supervisor.

22.

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

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

BE IT RESOLVED, that the Town Engineer's report on the completion and acceptance of the DEER SPRINGS SUBDIVISION PART 4 PHASE 1A street light installation work performed under Public Improvement Permit No. 924 be received and accepted, and that the Supervisor is authorized to sign the report.

BE IT FURTHER RESOLVED, that the Town Board authorize National Grid to connect seven (7) 70-watt high pressure sodium luminaries in accordance with the existing rate tariff, and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to National Grid, and that this resolution becomes effective on the day the report is signed by the Supervisor.

23.

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

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

WHEREAS, bids were opened on April 8, 2008 for the construction of the Hamburg Landfill Closure Maintenance Project at the former Town landfill on Lakeview Road; and

WHEREAS, ten bids were received, which are summarized as follows:

| <u>Bidder</u> | <u>Total Bid</u> |
|-------------------------------------|------------------|
| Modern Construction, LLC | \$ 790,358 |
| Woodstone Earth Construction, Inc. | \$ 858,156 |
| Russo Development, Inc. | \$ 971,438 |
| Mark Cerrone, Inc. | \$ 1,134,445 |
| Custom Topsoil, Inc. | \$ 1,137,310 |
| Pinto Construction Services, Inc. | \$ 1,245,796 |
| Zoladz Construction Co., Inc. | \$ 1,282,170 |
| Ontario Specialty Contracting, Inc. | \$ 1,331,027 |
| CATCO | \$ 1,438,767 |
| Optech Environmental | \$ 1,783,480 |

WHEREAS, the bids have been reviewed by GZA GeoEnvironmental, who determined that Modern Construction, LLC is a qualified and responsible bidder, and recommended that the contract be awarded to them,

THEREFORE BE IT RESOLVED, that the contract for this project is awarded to Modern Construction, LLC of Model City, New York in the amount of \$790,358, that the Town Supervisor is authorized to sign the contractual agreement with their firm, and that the Town Engineer is to issue the Notice of Award and Notice to Proceed at the appropriate times. Funding for this work is available from bonds which were issued for this project, under Capital Fund Account No. H72-7141.303.

24.

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

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

WHEREAS, GZA GeoEnvironmental has previously been retained by the Town of Hamburg to provide survey and design engineering services associated with the maintenance improvements being undertaken at the former Town landfill on Lakeview Road, as required by the New York State Dept. of Environmental Conservation (NYSDEC); and

WHEREAS, during the upcoming construction of this project, additional engineering services are necessary to be provided for construction quality assurance and soils laboratory testing requirements; and

WHEREAS, GZA has submitted a proposal for providing these additional engineering services, which has been reviewed by the Town Engineer and determined to be reasonable and acceptable for the services to be provided, at a total not-to-exceed fee of \$99,701.

THEREFORE BE IT RESOLVED, that the contract with GZA GeoEnvironmental is amended to include the additional services, and that the Supervisor is authorized to sign their 3/27/08 proposal letter/agreement in this regard. Funding for these services is available from bonds which were issued for this project, under Capital Fund Account No. H72-7141.331.

25.

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

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

WHEREAS, requests for quotations were solicited to qualified environmental contractors for the asbestos abatement within the basement of Town Hall, and on March 18, 2008 the Town Clerks Office received the following responding bids:

| | |
|--------------------------------------|--------------|
| Stohl Remediation Services, LLC | \$ 23,920.00 |
| Arric Corporation | \$ 26,000.00 |
| Frontier Insulation Contractor, Inc. | \$ 28,552.00 |
| Great Lakes Abatement Co., Inc. | \$ 29,262.00 |

NOW, THEREFORE BE IT RESOLVED, the Town Board award the contract to Stohl Remediation Services, LLC having submitted the lowest bid and based the recommendation of Supervising Code Enforcement Official, Kurt Allen, to complete the necessary asbestos removal in accordance prescribed scope of work for the stipulated cost of \$ 23,920.00 (Twenty Three Thousand Nine Hundred Twenty Dollars).

THEREFORE, BE IT RESOLVED, that the Supervisor is authorized to sign Change Order No. 1 for this project, approving an addition of \$3,126 to the contract of Visone Construction, which increases their total contract amount to \$406,531. Funding for this increase is available from bonds which were issued for this project, under Capital Fund Account No. H95-8120.303.

28.

On a motion of Councilman Best, seconded by Councilwoman Kesner, the following resolution was
ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

WHEREAS, Forbes Capretto obtained building permit number 2008-193; to build a single family dwelling at 3594 Pleasant Avenue

WHEREAS, as a result of the soil conditions not being suitable to build the dwelling Forbes Capretto is rescinding the contract of sale between the client and themselves.

THEREFORE BE IT RESOLVED, that Forbes Capretto be granted a refund for the Building permit fee of \$524, plumbing permit fee of \$75, Erie County Sewer permit \$100 and Recreation fee of \$1000. Total refund of \$1699 should be issued to:

Forbes Capretto
2635 Millersport Highway
Getzville, New York 14068

29.

On a motion of Councilman Smardz, seconded by Supervisor Walters, the following resolution was
ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

RESOLVED, that the Town Board approve the membership of the following into the Newton Abbott Fire Company:

Robert Kryszak
38 Silver Street
Blasdell, NY 14218

30.

On a motion of Councilman Smardz, seconded by Supervisor Walters, the following resolution was
ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

RESOLVED, that the Town Board approve the termination of one in the Recreation Department as follows:

1. Mindel, William Rec. Att'd P/T 4/20/08 Terminate

31.

On a motion of Supervisor Walters, with a unanimous second, the following resolution was
ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0


Town of Hamburg
 Office of Supervisor

In Recognition of

Alyssa Brown

Youth Engaged In Service Award

- WHEREAS,** today we are recognizing Alyssa Brown for her volunteer service to our residents; and
- WHEREAS,** the youth engaged assist the elderly, persons who are handicapped, young people, fellow community members and local organizations; and
- WHEREAS,** by volunteering her time, Alyssa Brown has enriched the Hamburg community; and
- WHEREAS,** this volunteer time will leave a long lasting impression on our residents.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Alyssa Brown for her volunteer service to our residents.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 27 day of April 2008.



 Steven J. Waitets
 Supervisor
 Town of Hamburg

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



1791
Town of Hamburg
Office of Supervisor

In Recognition of

Caitlin Aramburu

Youth Engaged In Service Award

- WHEREAS,** today we are recognizing Caitlin Aramburu for her volunteer service to our residents; and
- WHEREAS,** the youth engaged assist the elderly, persons who are handicapped, young people, fellow community members and local organizations; and
- WHEREAS,** by volunteering her time, Caitlin Aramburu has enriched the Hamburg community; and
- WHEREAS,** this volunteer time will leave a long lasting impression on our residents.

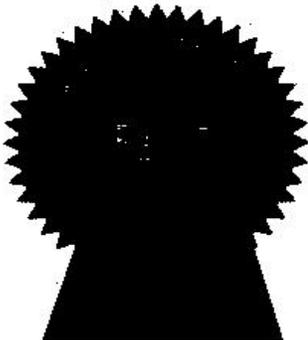
NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Caitlin Aramburu for her volunteer service to our residents.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 14th day of April 2008.

Steven J. Walters

Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Barb Dole

Service To Youth Award

WHEREAS, today we are recognizing Barb Dole for her volunteer service to young people; and

WHEREAS, by volunteering her time, Barb Dole has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

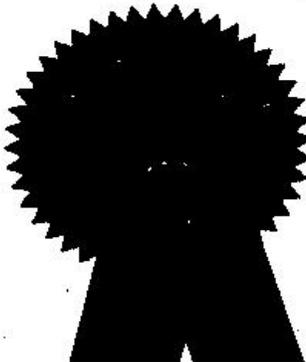
NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Barb Dole for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Meghan Farrell

Youth Engaged In Service Award

WHEREAS, today we are recognizing Meghan Farrell for her volunteer service to our residents; and

WHEREAS, the youth engaged assist the elderly, persons who are handicapped, young people, fellow community members and local organizations; and

WHEREAS, by volunteering her time, Meghan Farrell has enriched the Hamburg community; and

WHEREAS, this volunteer time will leave a long lasting impression on our residents.

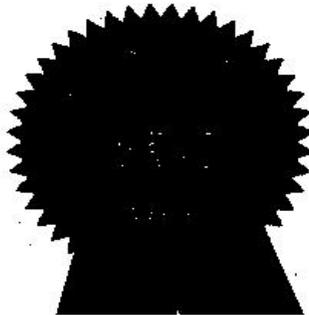
NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Meghan Farrell for her volunteer service to our residents.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 21 day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Bruce Nicholas

Service To Youth Award

WHEREAS, today we are recognizing Bruce Nicholas for his volunteer service to young people; and

WHEREAS, by volunteering his time, Bruce Nicholas has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Bruce Nicholas for his volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Marianne Tomani

Service To Youth Award

WHEREAS, today we are recognizing Marianne Tomani for her volunteer service to young people; and

WHEREAS, by volunteering her time, Marianne Tomani has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Marianne Tomani for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

M. Kerry Courtney

Michael J. Dundon Award

- WHEREAS,** today we are recognizing M. Kerry Courtney for his service to young people; and
- WHEREAS,** M. Kerry Courtney enriched the Hamburg community with his service by educating the youth; and
- WHEREAS,** this service will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends M. Kerry Courtney for his service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg

Office of Supervisor

In Recognition of

Dylan Heine

Human Spirit Award

WHEREAS, today we are recognizing Dylan Heine for his outstanding human spirit; and

WHEREAS, Dylan Heine has overcome many obstacles in his life, which has not dampened his spirit; and

WHEREAS, Dylan Heine will leave a long lasting impression on the Hamburg community.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Dylan Heine for his outstanding human spirit.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.


Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of
Clevys Ball
Hopevale Award

WHEREAS, today we are recognizing Clevys Ball for his volunteer service to young people; and

WHEREAS, by volunteering his time, Clevys Ball has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Clevys Ball for his volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Autumn Taber

Hopevale Award

WHEREAS, today we are recognizing Autumn Taber for her volunteer service to young people; and

WHEREAS, by volunteering her time, Autumn Taber has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Autumn Taber for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Melody Hanzly

Peer Listening Award

WHEREAS, today we are recognizing Melody Hanzly for her volunteer service to young people; and

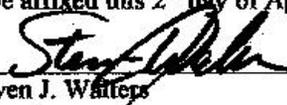
WHEREAS, peer listeners assist friends and peers with issues by listening.

WHEREAS, by volunteering her time, Melody Hanzly has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

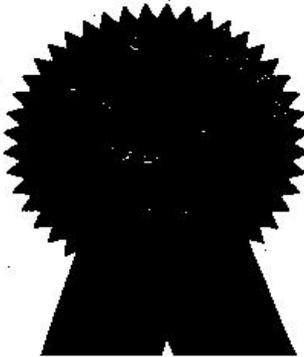
NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Melody Hanzly for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Waiters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Morgan Preziosi

Peer Listening Award

WHEREAS, today we are recognizing Morgan Preziosi for her volunteer service to young people; and

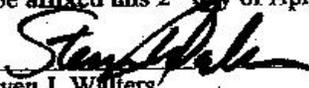
WHEREAS, peer listeners assist friends and peers with issues by listening.

WHEREAS, by volunteering her time, Morgan Preziosi has enriched the Hamburg community by educating the youth; and

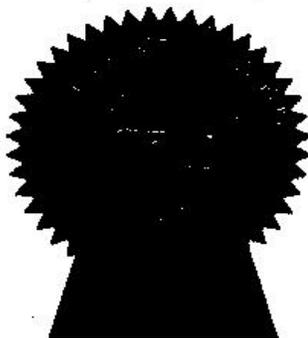
WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Morgan Preziosi for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.


Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of
Kaula Robar
Peer Listening Award

WHEREAS, today we are recognizing Kaula Robar for her volunteer service to young people; and

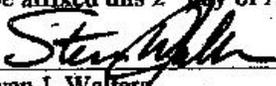
WHEREAS, peer listeners assist friends and peers with issues by listening.

WHEREAS, by volunteering her time, Kaula Robar has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Kaula Robar for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Taylor Walsh

Peer Listening Award

WHEREAS, today we are recognizing Taylor Walsh for her volunteer service to young people; and

WHEREAS, peer listeners assist friends and peers with issues by listening.

WHEREAS, by volunteering her time, Taylor Walsh has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Taylor Walsh for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.


Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Meghan Farrell

Peer Listening Award

WHEREAS, today we are recognizing Meghan Farrell for her volunteer service to young people; and

WHEREAS, peer listeners assist friends and peers with issues by listening.

WHEREAS, by volunteering her time, Meghan Farrell has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Meghan Farrell for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Karen Meess

Peer Listening Award

WHEREAS, today we are recognizing Karen Meess for her volunteer service to young people; and

WHEREAS, peer listeners assist friends and peers with issues by listening.

WHEREAS, by volunteering her time, Karen Meess has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Karen Meess for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walter
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of
Lauren Pepe
Peer Listening Award

WHEREAS, today we are recognizing Lauren Pepe for her volunteer service to young people; and

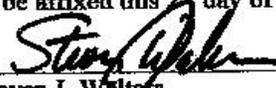
WHEREAS, peer listeners assist friends and peers with issues by listening.

WHEREAS, by volunteering her time, Lauren Pepe has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

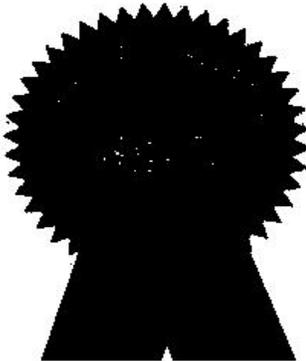
NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Lauren Pepe for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Alexa Dayka

Peer Helping Award

WHEREAS, today we are recognizing Alexa Dayka for her volunteer service to young people; and

WHEREAS, peer helpers serve as tutors, special buddies and new student orienteers in their school.

WHEREAS, by volunteering her time, Alexa Dayka has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

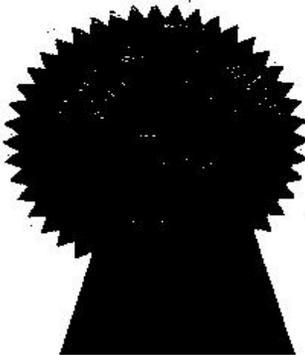
NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Alexa Dayka for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Hannah Kerr

Peer Helping Award

WHEREAS, today we are recognizing Hannah Kerr for her volunteer service to young people; and

WHEREAS, peer helpers serve as tutors, special buddies and new student orienteers in their school.

WHEREAS, by volunteering her time, Hannah Kerr has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Hannah Kerr for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

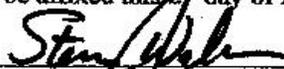
Aric Huber

Peer Helping Award

- WHEREAS,** today we are recognizing Aric Huber for his volunteer service to young people; and
- WHEREAS,** peer helpers serve as tutors, special buddies and new student orienteers in their school.
- WHEREAS,** by volunteering his time, Aric Huber has enriched the Hamburg community by educating the youth; and
- WHEREAS,** this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Aric Huber for his volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 27 day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

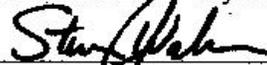
Erica Smolinski

Peer Helping Award

- WHEREAS,** today we are recognizing Erica Smolinski for her volunteer service to young people; and
- WHEREAS,** peer helpers serve as tutors, special buddies and new student orienteers in their school.
- WHEREAS,** by volunteering her time, Erica Smolinski has enriched the Hamburg community by educating the youth; and
- WHEREAS,** this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Erica Smolinski for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 29th day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Brianna Gilhooly

Peer Helping Award

WHEREAS, today we are recognizing Brianna Gilhooly for her volunteer service to young people; and

WHEREAS, peer helpers serve as tutors, special buddies and new student orienteers in their school.

WHEREAS, by volunteering her time, Brianna Gilhooly has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Brianna Gilhooly for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this ¹⁴nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of
Erin McCarthy

Peer Helping Award

- WHEREAS,** today we are recognizing Erin McCarthy for her volunteer service to young people; and
- WHEREAS,** peer helpers serve as tutors, special buddies and new student orienteers in their school.
- WHEREAS,** by volunteering her time, Erin McCarthy has enriched the Hamburg community by educating the youth; and
- WHEREAS,** this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Erin McCarthy for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Brian Bermingham

Peer Helping Award

- WHEREAS,** today we are recognizing Brian Bermingham for his volunteer service to young people; and
- WHEREAS,** peer helpers serve as tutors, special buddies and new student orienteers in their school.
- WHEREAS,** by volunteering his time, Brian Bermingham has enriched the Hamburg community by educating the youth; and
- WHEREAS,** this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Brian Bermingham for his volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Hannah Fredriksen

Peer Helping Award

WHEREAS, today we are recognizing Hannah Fredriksen for her volunteer service to young people; and

WHEREAS, peer helpers serve as tutors, special buddies and new student orienteers in their school.

WHEREAS, by volunteering her time, Hannah Fredriksen has enriched the Hamburg community by educating the youth; and

WHEREAS, this volunteer time will leave a long lasting impression on the youth.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Hannah Fredriksen for her volunteer service to young people.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Caitlin Brown

Youth Engaged In Service Award

- WHEREAS,** today we are recognizing Caitlin Brown for her volunteer service to our residents; and
- WHEREAS,** the youth engaged assist the elderly, persons who are handicapped, young people, fellow community members and local organizations; and
- WHEREAS,** by volunteering her time, Caitlin Brown has enriched the Hamburg community; and
- WHEREAS,** this volunteer time will leave a long lasting impression on our residents.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Caitlin Brown for her volunteer service to our residents.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Anneliese Feist

Youth Engaged In Service Award

- WHEREAS,** today we are recognizing Anneliese Feist for her volunteer service to our residents; and
- WHEREAS,** the youth engaged assist the elderly, persons who are handicapped, young people, fellow community members and local organizations; and
- WHEREAS,** by volunteering her time, Anneliese Feist has enriched the Hamburg community; and
- WHEREAS,** this volunteer time will leave a long lasting impression on our residents.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Anneliese Feist for her volunteer service to our residents.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Alicia Anger

Youth Engaged In Service Award

WHEREAS, today we are recognizing Alicia Anger for her volunteer service to our residents; and

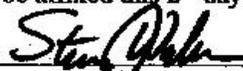
WHEREAS, the youth engaged assist the elderly, persons who are handicapped, young people, fellow community members and local organizations; and

WHEREAS, by volunteering her time, Alicia Anger has enriched the Hamburg community; and

WHEREAS, this volunteer time will leave a long lasting impression on our residents.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Alicia Anger for her volunteer service to our residents.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Elizabeth Hashem

Youth Engaged In Service Award

WHEREAS, today we are recognizing Elizabeth Hashem for her volunteer service to our residents; and

WHEREAS, the youth engaged assist the elderly, persons who are handicapped, young people, fellow community members and local organizations; and

WHEREAS, by volunteering her time, Elizabeth Hashem has enriched the Hamburg community; and

WHEREAS, this volunteer time will leave a long lasting impression on our residents.

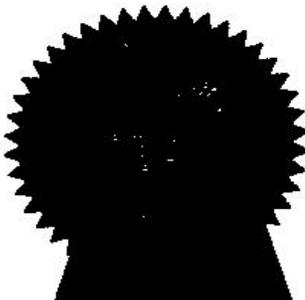
NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Elizabeth Hashem for her volunteer service to our residents.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Alyssa Reuther

Youth Engaged In Service Award

WHEREAS, today we are recognizing Alyssa Reuther for her volunteer service to our residents; and

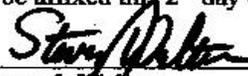
WHEREAS, the youth engaged assist the elderly, persons who are handicapped, young people, fellow community members and local organizations; and

WHEREAS, by volunteering her time, Alyssa Reuther has enriched the Hamburg community; and

WHEREAS, this volunteer time will leave a long lasting impression on our residents.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Alyssa Reuther for her volunteer service to our residents.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Emily Polonkiewicz

Youth Engaged In Service Award

WHEREAS, today we are recognizing Emily Polonkiewicz for her volunteer service to our residents; and

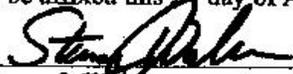
WHEREAS, the youth engaged assist the elderly, persons who are handicapped, young people, fellow community members and local organizations; and

WHEREAS, by volunteering her time, Emily Polonkiewicz has enriched the Hamburg community; and

WHEREAS, this volunteer time will leave a long lasting impression on our residents.

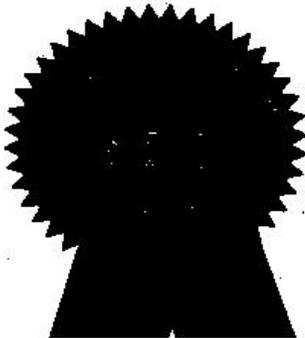
NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Emily Polonkiewicz for her volunteer service to our residents.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Shauna Zimmerman

Youth Engaged In Service Award

WHEREAS, today we are recognizing Shauna Zimmerman for her volunteer service to our residents; and

WHEREAS, the youth engaged assist the elderly, persons who are handicapped, young people, fellow community members and local organizations; and

WHEREAS, by volunteering her time, Shauna Zimmerman has enriched the Hamburg community; and

WHEREAS, this volunteer time will leave a long lasting impression on our residents.

NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Shauna Zimmerman for her volunteer service to our residents.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Wahers
Supervisor
Town of Hamburg

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



Town of Hamburg
Office of Supervisor

In Recognition of

Christine Dombrowski

Youth Engaged In Service Award

WHEREAS, today we are recognizing Christine Dombrowski for her volunteer service to our residents; and

WHEREAS, the youth engaged assist the elderly, persons who are handicapped, young people, fellow community members and local organizations; and

WHEREAS, by volunteering her time, Christine Dombrowski has enriched the Hamburg community; and

WHEREAS, this volunteer time will leave a long lasting impression on our residents.

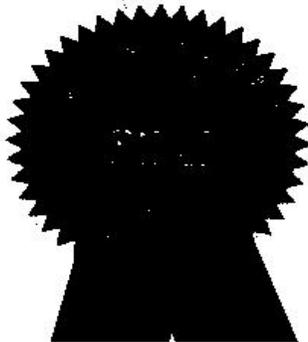
NOW THEREFORE, the Town Board of the Town of Hamburg recognizes and commends Christine Dombrowski for her volunteer service to our residents.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2008.



Steven J. Walters
Supervisor
Town of Hamburg

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



32.

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

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

Town of Hamburg
Office of Supervisor

In Recognition of Judge Charles E. Kelly

WHEREAS, today we are honoring the outstanding professional career of Judge Charles E. Kelly, and

WHEREAS, Judge Kelly has served as an Administrative Law Judge, first with the New York State Department of Social Services and later the Department of Motor Vehicle Safety, for a total of twenty six years, and

WHEREAS, prior to serving as an Administrative Law Judge, Judge Kelly served as an Assistant District Attorney for Erie County and had been designated as a Senior Trial Assistant, and

WHEREAS, Judge Kelly has had a distinguished career in public service for over thirty years and has interacted with people throughout his career with the utmost professionalism, and

WHEREAS, the Town of Hamburg is proud to have Judge Kelly as a member of its community and wishes to thank Judge Kelly for all his contributions to the community over the years.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg recognize Judge Charles E. Kelly for his distinguished career and wish him well as he enjoys his well deserved retirement and success in all his future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 28th day of March 2008.



Steven J. Walters, Supervisor
Town of Hamburg

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



33.

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

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

RESOLVED, that the Town Board approve the hiring of one (1) and termination of two (2) in the Buildings & Grounds Department as follows:

| | | | |
|--------------------|-------------|------------|-----------|
| 1. Fraser, Sam | P/T Laborer | 04/14/2008 | \$9.09 |
| 2. Hojnacki, David | P/T Laborer | 03/01/2008 | Terminate |
| 3. Fabi, Alex | P/T Laborer | 02/28/2008 | Terminate |

34.

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

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

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

TOWN BOARD APRIL 14, 2008
 AUDIT OF CASH DISBURSEMENTS

| | | VOUCHER #'S |
|-------------------------------------|----------------|----------------|
| OPERATING FUND: | | |
| BATCH # 41 | \$70,194.40 | 25398-25479 |
| BATCH # 42 | \$460,000.00 | 25481 |
| BATCH # 43 | \$529,856.36 | 25482-25539 |
| BATCH # 44 | \$116,537.50 | 25541 |
| BATCH # 45 | \$900,000.00 | 25543 |
| BATCH # 46 | \$450.00 | 25544 |
| BATCH # 47 | \$165,209.70 | 25550-25665 |
| BATCH # 48 | \$1,816,692.57 | 25666-25749 |
| BATCH # 49 | \$75.00 | 25751 |
| BATCH # 50 | \$16,052.04 | UNPROCESSED |
| BATCH # | | |
| TOTAL OPERATING FUND DISBURSEMENTS: | | \$4,075,067.57 |
| TRUST & AGENCY: | | |
| BATCH # 15 | \$528,094.47 | |
| BATCH # 16 | \$48,409.08 | |

BATCH #

BATCH #

TOTAL TRUST & AGENCY DISBURSEMENTS: \$576,503.55

CAPITAL FUND DISBURSEMENTS:

| | | | |
|------------|--------------|-------------|----------------|
| BATCH # 23 | \$900,000.00 | 25480 | |
| BATCH # 24 | \$400,000.00 | 25540 | |
| BATCH # 25 | \$595,000.00 | 25542 | |
| BATCH # 26 | \$175,622.29 | 25545-25549 | |
| BATCH # 27 | \$729,471.00 | 25752 | |
| BATCH # 28 | \$24,592.00 | 25753-25754 | |
| BATCH # | | | \$2,824,685.29 |

TOTAL CAPITAL FUND DISBURSEMENTS:

PAYROLL:

PR # #7 \$519,783.81

PR #

PR#

TOTAL PAYROLL DISBURSEMENTS: \$519,783.81

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$7,996,040.22

Reports from the Town Board

Councilwoman Kesner thanks the Youth Department for doing a wonderful job at the awards banquet, there were more than 293 people. Also, as liaison to the Rejuvenation Committee, this year the annual town wide cleanup is scheduled for May 3, 2008. They will meet at Town Hall at 8:30 a.m. and more information will be coming as it gets closer.

Councilman Best reports that the first three classes for defensive driving were a huge success there were over 50 students attend. He has also been collecting data on the effectiveness of the DARE program in Hamburg and nationwide. He hope to have enough information in the fall to see whether the DARE program should be kept in Hamburg. The last thing, due to uninformed Lackawanna politicians he did find it necessary to defend his position on the bike path. He is not against the bike path but has concerns such as the residents of Hoover Beach along with the maintenance cost in future years, traffic safety and the \$100,000 over budget that the bike path is incurring. Until those issues are addressed, he can not and will not support it.

Councilwoman Kesner responds with welcoming the dialog and hopes that maybe at the next work session they can sit down with the committee on the project and discuss some of the details. Most of those concerns were addressed. As requested, the trail was moved away from the residents as a result that move cost more money with additional drainage, fixing a bridge and a retainer wall the money they are seeking for that overrun is not one penny of taxpayer money. It is from a trusted agency account that is funded by developers that take away the green space. Decisions have to be made in regard to this project.

Supervisor Walters notes his concerns in regard to the bike path. He has spoken with Councilwoman Kesner on numerous occasions about some information to be provided. Specifically he comments on the comments that were made by this certain individual from Lackawanna, he also finds it a little disingenuous for a city councilman to be stating that we as a town board don't understand what's involved with the bike path. They understand very well what's involved and that's why they're making sure that this occurs in the right way. He finds it a little ironic that the same city councilman stated that the Town of Hamburg should just go forward with it even though it was clearly stated one of the concerns is the cost over run. Then the same person turns around and says the City of Lackawanna will do their portion if they get a state grant. If this bike path is so important, perhaps this councilman in the City of Lackawanna commit City of Lackawanna tax dollars, but he's telling us to commit Town of Hamburg tax dollars for this project. Before people start saying that this Board is ill informed, perhaps they should look at the facts and determine whether they're informed as to what's going on.

Reports from Departments

Gerard Kapsiak notes that the County Solid Waste Management announced that there's going to be a computer recycling day on Saturday, April 26th from 9:00 am to 1:00 pm at the Central Park Plaza in Buffalo.

Martin Denecke reports that the new online registration system is now in place at the golf course and soon it will be in the fitness center. On April 26th there is an event at the Town Arena called Recreation Expo for individuals with disabilities.

Carmen Kesner reports that the vehicles are being turned over to the new black and whites.

Public Comment

Don Wiess reads a letter he wrote on April 7th to Supervisor Walters:

I would like for you to assist me in getting 750 feet of sidewalks installed by Benderson Development along their Rogers Rd. section of their 110,000 sq. ft Brierwood Plaza development. The town has policy of requiring sidewalks for ALL new development and there is no good reason not to have them here.

If the Town Board insists that they be put in and requires the planning director and board to do so it will be done. Unless this happens, there will be a safety hazard made worse by the enormous increase in traffic brought about by this plaza.

We must not let this opportunity for free sidewalks pass us by. This area will have more and more retail added to it and safety for citizens walking along this dangerous road must not be lost.

This need for sidewalks at no cost to the town cries out for support.

Sincerely,

Donald Wiess

He adds that he has attended the Planning Board meetings and finally someone on the Planning Board asked if they should see if they could build sidewalks before finding reasons why they can't. Rick Lardo is prepared to report that they buildable and it will be presented Wednesday. He then shares some of the reasons that he has heard: They will be covered with snow in the winter and no one will maintain them, therefore don't build them.

There is no sidewalk at the Brierwood Liquor Store so this sidewalk will end there.

We will have sidewalks internally in this plaza (in front of the stores), therefore we don't need them on Rogers.

One sidewalk internally is to be built by Wal-Mart some 23' from Benderson's buildings-not by Benderson, so no control as to when these internal sidewalks will be built.

Don Wiess' opinion is due to the drop of elevation from Rogers into this plaza-no pedestrian will walk down hill into the plaza then uphill to Rt 20 and then up Rt 20 to the corner of Rogers.

I urge the Town to uphold its policy to require sidewalks for all new developments. Most importantly for the safety of pedestrians who will walk along Rogers Rd. to Rt. 20. We must have these sidewalks put in for the 750 foot of frontage along Rogers and I urge the Town Board and Planning Board to require them.

Joe Killian reports that he now has 572 more signatures to add. He notes that the bike path is only going to be three feet wider than a sidewalk and since we don't patrol sidewalks, he doesn't foresee any extra patrols for the bike path either. If the grant is turned back in there will not be another one. The grand total for the signature is 1198.

Eileen Wahl, Roundtree resident, notes she is totally for the bike path. If you ride your bike on Route 5 you're taking your life in your hands.

Councilman Best responds that his concern is traffic safety, not so much safety on the bike path.

He notes that he thinks we all want the bike path but at what expense.

Councilwoman Kesner responds that there is a one time investment of \$100,000 from a Trust and Agency Account it not going to raise taxes. In reference to quoted prices for maintenance she thinks they're very high and she can debate those as well. There is 500,000 in the account right now just sitting there.

Mrs. Kern, Hoover Beach Association, she is not against the bike path, she's against the bike path going through the Hoover Beach area. She then explains some safety issues with where the bike path will go. She notes that if the Board approves this and the first accident where a kid is killed because he's on a skateboard, it will be on their heads. She doesn't want this in her community. She compliments the DARE program.

Councilwoman Kesner responds that she would like to sit down and talk to Mrs. Kern about her concerns.

Carl Deneso, Hoover Beach resident, asks the Town Board if they have talked to the people who want a bike path. He thinks these people aren't informed because they think there is a grant that will pay for everything. He says people are being misinformed and they don't understand what grants are.

Don Wiess notes that two girls were lost on Old Lakeshore Rd because of it being so narrow. The best solution needs to be found.

Steve Strnad questions the opening of the golf course.

Supervisor Walters replies that there are several new programs to increase the amount of traffic that goes through that golf course.

Martin Denecke, Recreation Director, responds that the golf course every year has made the budget projection.

Jerry Wahl, Cumberland Ln resident, notes he is for the bike path and is for the council members working together to work out the issues they have amongst themselves.

Bob McKenzie Hoover Beach resident, offers a comment that there are many people in support of the bike path and thinks this is a great opportunity and everyone in Hoover Beach is not against it.

Pete Reska, Hoover Beach resident, notes that the bike path needs to be looked at and if there is any re zoning that needs to be done. What will it do for Hamburg in the future and what will it do for the residents.

Councilwoman Kesner responds that she couldn't agree with him more. She believes that residents should be involved in something that's going on their neighborhood.

Florence Kern notes that she has a letter from a lawyer stating the Mr. McKenzie told Councilwoman Kesner that he no longer represented Hoover Beach. She has never, as president, received communication stating the bike path was continuing and they should be represented at every single meeting.

John Paszkiewicz, Hoover Beach resident, comments that when it was discussed about the possible new building on Camp Rd. the concerns of the residents from behind was safety and security. This is the same situation as the bike path.

Ferd Garcia questions if the people on Hoover Beach prefer to have their children riding on the road were they claim it's so dangerous or do they prefer a path.

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

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

RESOLVED, that the Town Board move to Executive Session at 9:35 p.m.

36.

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

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

RESOLVED, that the Town Board close Executive Session at 10:15 p.m.

37.

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

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

RESOLVED, that the Town Board adjourn at 10:15 p.m.

Catherine A. Rybczynski, Town Clerk