

A regular meeting of the Town Board of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York on the 27th day of April, 2009.

TOWN BOARD MEMBERS

PRESENT:

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

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Drew Reilly, Planning Consultant; Carmen Kesner, Chief of Police; Sean Fanning, Crew Chief; Robert Hutchison, Jr., Town Assessor; Gerard Kapsiak, Town Attorney; Tim Ellis, Traffic Safety Coordinator; Kurt Allen, Supervising Code Enforcement Officer; Martin Denecke, Director of Recreation

Pledge of Allegiance was recited

Information on fire exits was provided.

Supervisor Walters discusses awards that will be presented tonight, the first being from the Character Council of Hamburg.

Sue McKenney of the Character Council notes that these awards will be presented on a monthly basis and recognizes Barbara Bananno with the character trait "Virtue".

Chief Kesner and Assistant Chief Williams present awards to Lieutenant Dienes and Lieutenant Lavelle for their heroism during the accident on Route 20 and Camp where they saved the life of a resident when he was hit by another motorist and his car started on fire.

Supervisor Walters notes that this is proof that they risk their lives for their community. These men without hesitation jumped out to assist and save a resident of our community. He asks for a round of applause.

7:00 p.m. Public Hearing

Legal Notice
Town of Hamburg
Notice of Hearing Proposed Local Law #4, 2009

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on March 9, 2009, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #4, 2009; this local law provides for the adoption of a new ordinance to establish a local Right-to-Farm Legislation. The proposed local law reads as follows:

A LOCAL LAW ESTABLISHING RIGHT-TO-FARM LEGISLATION

SECTION 1. LEGISLATIVE INTENT AND PURPOSES.

The Hamburg Town Board finds, declares and determines that agriculture and family farms have contributed to the landscape, culture and quality of life in the Town of Hamburg, and are a valued part of the community. Agriculture provides locally produced, fresh commodities, maintains open space by promoting environmental quality and not increasing the demand for services provided by local governments. In order to maintain viable farming in the Town of Hamburg, farmers must be afforded protection allowing them the right to farm. When non-agricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operation or are discouraged from making investments in agricultural improvements.

It is the purpose of this law to reduce the loss of agricultural resources in the Town of Hamburg by practices inherent to, and necessary for, the business of farming to proceed and be undertaken free of reasonable and unwarranted interference or restriction.

SECTION 2. DEFINITIONS.

a) "Agricultural practices" shall mean all activities conducted by a farmer on a farm to produce agricultural products and which are inherent and necessary to the operation of a farm and on-farm production, processing, and marketing of agricultural products including, but not limited to, the collection, transportation, distribution, storage, and land application of animal wastes; storage, transportation, and use of equipment for tillage, planting, harvesting, irrigation, fertilization, and government-certified pesticide application; storage and use of legally permitted fertilizers, limes and pesticides all in accordance with local, state and federal law and regulations and in accordance with manufacturers' instructions and warnings; storage, use and application of animal feed and foodstuffs; construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building code and regulations; including the construction and maintenance of fences.

b) “Agricultural products” shall mean those products as defined in Section 301(2) of Article Twenty-five-AA (25-AA) of the Agricultural and Markets Law.

c) “Farm” shall mean the land, buildings, farm residential buildings, and machinery used in the production, whether for profit or otherwise, of agricultural products.

d) “Farmer” shall mean any person, organization, entity, association, partnership, or corporation engaged in the business of agriculture, for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock, poultry, fur bearing animals, or fish, the harvesting of timber or the practicing of horticulture or apiculture.

e) “Generally accepted agricultural practices” shall mean those practices which are feasible, lawful, inherent, customary, necessary, reasonable, normal, safe and typical to the industry or unique to the commodity as they pertain to the practices listed in Section 2a) entitled “agricultural practices”.

f) “Agricultural Advisory Committee” comprised of local farmers and members of the farming industry (not to exceed five), and a member of the Hamburg Planning Board, one representative from the Erie County Farm Bureau and a Town Board liaison, as designated by the Town Board, for the purpose of providing guidance on agricultural issues and land use policies impacting farms, and to minimize, mediate and resolve conflicts between farmers and non-farm neighbors.

g) Unless specifically defined, above words or phrases used in the local law shall be interpreted so as to give them meanings they have in common usage, and to give this Local Law its most reasonable application.

SECTION 3. RIGHT-TO-FARM DECLARATION.

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within the Town of Hamburg at all such times and in all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

- 1) reasonable and necessary to the particular farm or farming operation,
- 2) conducted in a manner that is not negligent or reckless,
- 3) conducted in conformity with generally accepted agricultural practices,
- 4) conducted in conformity with all local, state, and federal laws and regulations,

- 5) conducted in a manner that does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
- 6) conducted in a manner that does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in this Local Law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death.

SECTION 4. SEVERABILITY CLAUSE.

If any part of the Local Law, for any reason, is found to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law.

SECTION 5. DUTY OF TOWN OFFICERS AND BOARDS TO CONSIDER IMPACT OF FARM OPERATIONS ON CERTAIN APPLICATIONS.

The legislative intent and purpose of this law shall be taken into consideration by each Town officer and/or board in processing any application or request for rezoning, site plan approval, and/or special use permit approval when the property that is the subject of such application is located within one mile of an existing farm. Such Town officer and/or board shall, as part of its review of such application, determine whether appropriate and reasonable conditions may be prescribed or required, that would further the purposes and intent of this law as part of an approval of the application. Such appropriate and reasonable conditions shall be determined on a case-by-case basis and may include, but not be limited to, requiring declarations, deed restrictions and/or covenants that run with the land and would notify future purchasers and owners of the subject property that owning and occupying such property might expose them to certain discomforts or inconveniences resulting from the conditions associated with agricultural practices and operations in the Town.

SECTION 6. INFORMAL RESOLUTION OF DISPUTES.

- a) Should any controversy arise regarding any inconveniences or discomforts occasioned by an agricultural operation, including, but not limited to, noise, odors, fumes, dust, the operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise chemical fertilizers, soil amendments, herbicides and/or pesticides, the parties may submit the controversy to the agricultural advisory committee as set forth below in an attempt to resolve the matter prior to the filing of any court action.
- b) Any controversy between the parties may be submitted to the agricultural advisory committee, whose decision shall be advisory only, within thirty (30) days of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party became aware of the occurrence.

- c) The effectiveness of the agricultural advisory committee, as a forum for resolution of grievances, is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
- d) The controversy shall be presented to the committee by written request of one of the parties within the time limits prescribed above. Therefore, the committee may investigate the facts of the controversy but must, within thirty (30) days, hold a meeting to consider the merits of the matter and within twenty (20) days of the meeting must render a written decision to the parties. At the time of meeting, both parties shall have an opportunity to present what each party considers to be the pertinent facts.

SECTION 8. EFFECTIVE DATE.

This Local Law shall be effective immediately upon acceptance by the Hamburg Town Board and filing with the New York Secretary of State.

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 the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. on the 27th day of April, 2009, at which time all persons interested may be heard.

Dated: March 9, 2009

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine A. Rybczynski, Town Clerk, reports there was no correspondence received.

Supervisor Walters asks Drew Reilly to make a short presentation.

Drew Reilly gives a brief summary on this law.

Councilwoman Kesner comments that every year we are losing our farms. She is in support of this and applauds the efforts by the Board and she hopes this helps our farmers.

Betty Newell, Hamburg Chamber of Commerce, questions if it will protect the farmer when domestic animals come onto their farm and interfere with their animals and they call the police

to help with the situation.

Mr. Reilly responds that this changes no other law. This law does effect zoning, planning and building inspectors.

Ken Farrell notes that this is a proactive approach and they are trying to head off the disputes.

Fred Harrington comments his family has had a farm in Hamburg for over 80 years but this year it has gone out of business. He is trying to start an agricultural business of his own.

Supervisor Walters notes that Fred's input has been very valuable and he thanks him.

Hans Mobious over the past years they got 19 towns so far to pass the Right to Farm Law. This law protects the homeowner as well as the farmer.

Harry Lockwood, they are the fourth generation of Lockwood's on Clark St and they don't want to leave.

E. C. Legislature Bob Reynolds notes that land use has gone down to 7.1 million acres. In the Erie County Farm Bureau there are 65 members + in the Town of Hamburg alone.

Ray Waterman thanks Joan and the rest of the Board and notes the American farmer needs support and that's where it all starts.

Councilwoman Kesner thanks Ray.

George Lee comments that when he was a kid that's how they made their money.

Drew Reilly reminds the Board and the public that if this does pass the Town will have to form an Agricultural Committee.

Darryl Dwight questions a clause regarding spreading manure and the section when it becomes a health issue to other people. He questions who determines that.

Mr. Reilly responds that they could come to the Town and complain. If they think it's not within State standards they should take it to the Agricultural Committee first and they would work with the farmer. This doesn't give the Town any more power .

Mr. Dwight asks how this compares to the County.

Bob Reynolds responds depending on how the spreading is done they would have to get the DEC regulations and make sure all the regulations are met. But the Town will form an agricultural committee which is a great step forward that will try to mitigate any problems.

Hans Mobious notes that the problem people have with farming and manure is with dairy. Over the years they have found with spreading manure on top of the soil is not a good idea. There is little smell if it is injected.

Supervisor Walters notes that the complainant will go to the committee and the committee will then try to resolve the issue. If the issue wasn't able to be resolved, this will not change anyone's legal rights. It puts this additional step into the mix which hopefully a great majority will be resolved.

Ken Farrell notes that beyond that, the Health Department at both the County and State level would be the next agencies that would handle enforcement violations, public nuisances etc.

Councilwoman Kesner questions if there is a certain time of year to put the manure into the field and if they could put a sign in front of the farm to let the residents know as a courtesy.

Hans Mobious responds that the people living next to the farms know it now.

Steve Strnad questions if harvesting of timber is part of farming.

Mr. Reilly responds that this is the State's definition. If the State considers it farming the Town considers it farming.

1.

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

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

RESOLVED, that the Town Board close the Public Hearing.

7:00 p.m. Public Hearing

LEGAL NOTICE
TOWN OF HAMBURG
NOTICE OF HEARING ON PROPOSED LOCAL LAW 5, 2009

PLEASE TAKE NOTICE, that there has been presented to the Town Board of the Town of Hamburg, on March 9, 2009, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #5, 2009; said local law provides for amendments to Chapter 230, Subdivision of Land, Section 230-17(I). The amendment is further described as follows:

Amend Section 230-17 I, General Requirements as follows:

The subdivision developer is responsible for planting a minimum of two (2) deciduous trees per subdivision lot or an equivalent number of trees at 30 (thirty) feet on center along the frontage (to a maximum of 6 trees), whichever is greater (i.e. 60 foot lot = 2 trees, 100' lot = 3 trees, 150' lot = 5 trees). Corner lots will require additional trees at the same ratio of frontage. The trees are to have a minimum caliper of 2 ½ inches measured six-inches above the ground. Trees are to be planted parallel to the street at a location in general to be a minimum of two-feet outside the highway right-of-way. Some areas may require that the location of the trees to be planted be worked out with the Building Inspector, Highway Superintendent and Town Engineer. Trees should be spaced evenly and should avoid interference with underground utilities. The tree species are to be selected from a list provided by the Planning Department. Continuity of species is required. Unless other arrangements are made, trees are to be planted prior to the issuance of a certificate of occupancy (CO). The developer is responsible for replacing any dead or diseased tree for a period of three-years after the CO is issued. It is the intent of the Town, that in those areas in which trees are preserved or natural vegetative conditions are protected, that the requirement to plant two (2) trees per lot may be waived by the Planning Board. In cases where the developer of the lots gets a "sign-off" (letter) from the homeowner requesting that the trees not be planted, the developer is required to pay a fee (in accordance with the Town's fee schedule) in lieu of planting such trees.

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 April 27, 2009, at 7:00 p.m. local time. At this time all persons interested may be heard.

Dated: March 9, 2009

Cathy Rybczynski
Town Clerk

Catherine A. Rybczynski, Town Clerk, reports there was no correspondence received.

Drew Reilly responds that this is in the Town right now. The Town does require two trees per lot. The rest of the law stays the same. There are residents that may say they don't want trees on their lot. They instituted a policy the residents can sign, but the Town is going to collect a fee in lieu of.

Supervisor Walters adds that in addition to the issue where the homeowner doesn't want the trees, also the developers that said the lots were too small for two trees, the fee in lieu of the trees

is actually something the developers are pushing. Planting the trees somewhere else like one of the parks with this tree fund.

There was no public comment.

2.

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

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

RESOLVED, that the Town Board close the Public Hearing.

7:00 p.m. Public Hearing

LEGAL NOTICE TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that there has been presented to the Town Board on March 16, 2009, pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law #6, 2009; said local law provides for an amendment to the Code of the Town of Hamburg, Chapter 280, entitled "Zoning", Article XII, Neighborhood Commercial General Residence District, Section 280-60(A)(13):

Article XII, Neighborhood Commercial General Residence District:

Section 280-60 (A)(13) Permitted uses and structures: Personal Service establishments, including but not limited to barbershops, beauty parlors, glove or hat cleaning or repair, hand laundry, laundromats, dry cleaning, glass shops and small appliance repair.”

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 27, 2009 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: March 16, 2009

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine A. Rybczynski, Town Clerk, reports there was no correspondence received.

Drew Reilly notes that what was read tonight didn't include the second part of it, the public notice correctly had both parts of the law.

Supervisor Walters notes this is basically a clean up. We allowed some shops to sell a windshield but they couldn't install it.

Councilwoman Kesner questions why the glove or hat cleaning or repair. These business will have to abide by the noise ordinances as well.

Mr. Reilly responds that there are no specific hours of operations.

Supervisor Walters asks the Town Attorney to confirm the question raised by Mr. Reilly.

law to be known as proposed local law #7, 2009 (previously presented as proposed local law #17, 2008). This local law provides for the amendment to the Code of the Town of Hamburg, Chapter 280, entitled "Zoning", Sections 280-81, 280-119 and 280-326. The amendments are described as follows:

PROVIDE DEFINITION:

Private Rental Storage (aka Public Mini-Storage, Self-Service Storage Facility)

A building or group of buildings in a controlled access or fenced compound, consisting of individual, self-contained units or stalls for the storage of customer's (businesses, individuals etc.) goods, wares, or contractor supplies for a rental fee. These facilities can have supervised or unsupervised access to the rental units.

CONTINUE PROHIBITION IN THE C-2 DISTRICT:

Article XIV §280-81 (16)

Private rental storage (mini-storage) is prohibited (see definition). This prohibition does not include full scale buildings in which interior spaces are being rented for individual storage usage.

CLARIFY IN INDUSTRIAL ZONES:

In Article XVIII- M-1 Industrial Park- Research and Development District make the following changes:

In Section 280-119 A. change item (4) to read as follows:” Warehousing and wholesale distribution where conducted within a completely enclosed building (this does not include public mini storage facilities, but does allow full scale buildings in which interior spaces are being used for individual storage usage)”.

In Article XIX- M-2 Light Industrial District, make the following changes:

Under Section 280-126. – Permitted uses and structures, add new item (4), and change existing item (4) to (5):

(4) Private rental storage facilities (aka public mini-storage)

ALLOW OUTDOOR STORAGE AS AN ACCESSORY USE BY SUP IN C-2 and BY RIGHT IN INDUSTRIAL (include sup criteria):

In Article XIV §280-81 (17) and § 280-119 (B) make the following changes:

280-81 (17) Add (h): As an accessory use to an existing “private rental storage (mini-storage)” facility, a screened outdoor storage area for leasing for storage purposes.

280-119 (B) Add (5): As an accessory use to an existing “private rental storage (mini-storage)” facility, a screened outdoor storage area for leasing for storage purposes.

In Article XLVI §280-326 make the following changes:

Add a new section 280-326 (b)

Private Rental Storage; Outdoor Storage

No special use permit for outdoor storage in association with private rental storage shall be authorized unless Applicant’s project meets the requirements of §280-312(B)(1), (21), (3), (4) and the following:

- a) This outdoor storage area must be at least 200’ from the road right-of-way and include landscaping to properly screen it from the road (if necessary).
- b) All areas abutting residential districts or uses shall be screened from them by a landscaped berm.

Change section 280-326 to section 280-326 (a)

CLARIFY THAT EXISTING BUILDINGS CAN BE CONVERTED TO INDOOR RENTAL STORAGE:

Article XVIII Section 280-119 A., add new (5), and change existing (5) to (6)

(5) The conversion of an existing building to allow for the renting of interior spaces for individual storage usage.

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 the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. (local time) on the 27th day of April, 2009, at which time all persons interested may be heard.

Dated: March 23, 2009

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine A. Rybczynski, Town Clerk, reports there was no correspondence received.

Drew Reilly notes that at a previous meeting they did hold a public hearing on a proposed law similar to this and they looked at making changes to how they allow public mini-storage. The change is that they would allow public mini-storage in the M 2 zone by right, and they would allow outdoor storage in existing public mini-storage by special use permit.

Councilwoman Kesner notes she thinks they put a moratorium on this ten years ago. She questions what would be allowed to be stored.

Drew Reilly responds that it would be boats, Rv's and there are restrictions.

Councilwoman Kesner notes she has requested three times that the areas abutting the residential districts have at least 100' foot buffer with the berm. This would apply to any public mini-storage facility

Councilman Smardz adds that a lot of people see the mini-storage on route 20 with the metal buildings from the road and now there is the opportunity to design these facilities with proper screening in front.

Drew Reilly notes that the 100' is in the law where new mini-storage is allowed in an M2 district its by special use permit. There has been so many changes to the law, he apologizes. The 100' wasn't done for the outdoor storage.

Councilman Quatroche adds that in the law there's talk about the berm. He questions if something can be done in the language as to the berm being the height of the facilities.

Drew Reilly notes that you can have a 10' high berm in some situations and not screen anything.

Supervisor Walters adds that some of this was discussed, not so much as the berm per se but adequate screening.

Councilman Quatroche notes that the intention is that they want to make sure it's not visual.

Supervisor Walters adds that this is to benefit the businesses who want to make the most of their property as they see fit and also benefit the residents who see these as eye sores.

Drew Reilly notes his concerns as to putting a specific height requirement is going to be difficult.

They will put more specific language in there on the screening of it from the basic residential properties.

Ferd Garcia questions if they are trying to screen the building or the storage material?

Councilman Quatroche responds it's both. The height restrictions on the buildings should also be considered.

6.

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

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

WHEREAS, the property located at 6421 Center Street was left in an abandoned state.

WHEREAS, as the result of neglect due to the abandonment, the property has become an attractive nuisance to the contiguous neighborhood and the general public.

WHEREAS, due to the property being left in an unsafe manner, the Town Code Enforcement Officer contracted services to secure the property and make it safe. This action was executed in accordance with Local Law No. 5-1972, Sections 80-5 and 80-6 of the Town of Hamburg.

NOW, THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$150 (One Hundred and fifty dollars) to Dan Cappola, General Construction, to provide the necessary enclosures in order to secure the building

BE IT RESOLVED, the payment of such services, that the Town Board increase appropriations to Account A3620.469 ,(Clean-up of Properties) through Account A599.

7.

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

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

WHEREAS, Andrew Fleming, Esq., has filed a Notice of Claim for personal injury, In the Matter of the Claim of Karen Lach, as Parent and Natural Guardian of CASSANDRA LACH, an infant, and

WHEREAS, Claimant's attorney and the Town of Hamburg have entered into negotiations regarding settlement of the personal injury claim regarding the incident that occurred on May 11, 2007, at the Lakeview Terrace playground, and

WHEREAS, the Claimant's attorney has advised Cassandra Lach will accept the sum of \$10,000.00 in settlement of this claim,

NOW, THEREFORE BE IT RESOLVED, that the Town of Hamburg shall pay Cassandra Lach the sum of \$10,000.00 in full and final satisfaction of all claims of Cassandra Lach and Karen Lach, individually, and as parent and Natural Guardian of CASSANDRA LACH, against the Town of Hamburg. Payment is to be made upon receipt of signed General Release from Cassandra Lach and Karen Lach.

8.

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

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

RESOLVED, the Town Board authorize the Finance Dept., to increase Police Dept. Account B3120.494 thru the B599 appropriation Fund balance in the amount of \$7757.30.

This money is unexpended funds received from the US Treasury Dept. in 2008, for the Police Dept.'s share of Drug Seizures in conjunction with the DEA.

9.

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

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

WHEREAS, the Town of Hamburg received a request from Penn Dixie to rezone five acres of vacant land located on Jeffrey Boulevard, contiguous to the western boundary of the 49-acre Penn Dixie Paleontological and Outdoor Education Center from M2 to PR (Parks/Recreation) in order to construct an education building, parking and access for the site, and

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

Noes 0

WHEREAS, the condition of a detached garage apartment as located at 4216 Lasalle Avenue has been deemed by the Town Code Enforcement Official to be an endangerment to the public.

WHEREAS, it was the determination of the Town Code Enforcement Official based on his formal inspection and report to the Town Board did proceed to condemn the premises.

WHEREAS, the Town has received no response by the listed owner nor has any remedial work been undertaken to alleviate the known hazards. Currently the unsafe conditions which persist on the premises only have become more hazardous to the community.

THEREFORE, BE IT RESOLVED, that the Town Board based on the review of the report prepared by the Town Code Enforcement Official and the absence of response by the property owner, order the demolition of the house and complete removal of all unsafe debris and refuse left on the property.

NOW, BE IT FURTHER RESOLVED, the Town Board authorize the Town Code Enforcement Official to administer the demolition of said property including the necessary remedial work to render the property safe. The scope of work, contracts and associated costs will be established as follows:

Estimated Cost Breakdown:

Sanitary Sewer Disconnect	\$ 900.00
Structure Demolition & Disposal	\$ 9,600.00
Legal and Administrative Costs	\$ 0.00*
Contingency (Ten percent of hard costs)	<u>\$ 1,050.00</u>
 Total cost	 \$11,550.00

* Represents additional costs to be included in the Town’s claim against the property owner for reimbursement.

BE IT FURTHER RESOLVED, the Town Board approve the transfer of funds from Account A599 to A3620.469 to finance this emergency work.

BE IT FURTHER RESOLVED, the Town Board authorize the Town Attorney to institute the appropriate actions against the property owner of 4216 Lasalle Avenue for recovery of costs incurred by the Town in connection with these proceedings as provided by Local Law No. 5-1972.

Supervisor Walters notes the Town commissioned an audit of the Town’s IT services and

of Commerce for professional office space/storage for premises located at 6122 South Park Avenue. The term of the lease shall be from July 1, 2009 through December 31,2019, and thereafter for an additional 10 year period, upon 90 days written notice.

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign this lease.

14.

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

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

BE IT RESOLVED, that the Town Board approve the hiring of three and termination of two in the Adult Day Services as follows:

1. Polanowski, Tereas	Rec. Att'd P/T	04/01/09	Resigned
2. Meyer, Mary E	Rec. Att'd P/T	04/28/09	\$8.00
3. Harms, Robert	Laborer, P/T	04/28/09	\$9.92
4. Kenyon, Esther	Laborer, P/T	04/10/09	Retired
5. DeOca, Cheryl A	Rec. Att'd P/T	04/28/09	\$8.50

15.

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

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

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

OPERATING FUND:		VOUCHER #S
BATCH # 43	\$270,209.46	33532-33592
BATCH #		
TOTAL OPERATING FUND DISBURSEMENTS:		\$270,209.46
TRUST & AGENCY		
BATCH #		

TOTAL TRUST & AGENCY DISBURSEMENTS: \$0.00

CAPITAL FUND DISBURSEMENTS:

BATCH # 22 \$17,167.93 33523-33531

BATCH #

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 17,167.93

PAYROLL:

PR #

TOTAL PAYROLL DISBURSEMENTS: \$0.00

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$287,377.39

Report from the Town Board

Councilwoman Kesner reports with the daffodils and tulips blooming the Town Rejuvenation Committee has been very busy putting together the 14th annual Town Wide Clean Up. The clean up will be Saturday, May 2nd it begins at 8:30 am at Town Hall. There was generous support from the corporations and they are: Sahlen's Hot Dogs, Pepsi, Wegmann's, Wal-Mart, BJ's, Tops, Braymiller Market, Classic Awning, Waste Management, Solo Cups, Glad bags and the Great American Clean up. Farmer's Market opens May 2nd as well.

Betty Newell adds that Meridia Credit Union is doing a shredding day in conjunction with the Townwide Clean up and they will shred for businesses that day.

Councilman Smardz notes that May 4th the Hamburg Adult Day Service Center is celebrating Older American's Month. There will be an open house from 2:00 - 4:00 with refreshments and a tour of the facility.

Supervisor Walters reports that Tuesday, April 28th from 7:00 am - 9:00 pm is the Town wide Referendum on the ice rink proposal. He encourages everyone to go out and vote.

Cathy Rybczynski adds that if anyone isn't sure of their polling locations, because they are election district specific, please call her office and they will be directed to the proper place.

Marty Denecke reports that the golf course opened on April 15th and there are now internet tee times in addition to the normal telephone tee times. Rentals are available for the sports court and the skate park has been open since early April.

Chief Kesner reports that with Top's grand reopening they gave them a check for \$1,000 for use on equipment. For the first time Town of Hamburg Police is having it's own driver's training. He also thanks the Taxpayers group for visiting with them.

Business from the floor

Len Kowalski asks what the status of the market research study for the ice rink is.

Supervisor Walters responds that they were hoping to have something by now but the company doing the work has not completed that yet.

Len Kowalski also asks if there is a list of repairs that the existing facility needs done.

Supervisor Walters responds that they have taken a look but there hasn't been someone hired to go out and put together a particular list.

Jerry Bastedo thanks the Board and the Planning Department for rezoning the property for Penn Dixie. They are putting in 50 trees through the retree program and they are looking for volunteers.

16.

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

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

RESOLVED, that the Town Board move into Executive Session at 8:35 pm on a personnel matter involving a particular employee.

17.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz

Noes 0

RESOLVED, that the Town Board close Executive Session at 9:00 pm

Catherine A. Rybczynski, Town Clerk