

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 28th day of April 2008.

**TOWN BOARD MEMBERS
PRESENT**

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

OTHERS PRESENT: Barbara Allen; Deputy Town Clerk; Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Robert Hutchison, Town Assessor; Luke Sullivan, Recreation Leader; Sarah desJardins, Planning; Richard Lardo, Princ. Engineering Assistant; Carmen Kesner, Chief of Police; Brian Doyle, Deputy Town Attorney; James Connolly, Highway Superintendent.

Pledge of Allegiance was recited.

Information on fire exits was provided.

Barbara S. Allen, Deputy Town Clerk, reads the following notice as published in the Hamburg Sun and Front Page:

7:00 p.m. Public Hearing for the Berkley Square Planned Unit Development.

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on March 24, 2008 pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #7, 2008; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-entitled Zoning, and provides substantially as follows:

For the adoption of an amendment to the Berkley Square Planned Unit Development (PUD) to allow for construction of single family homes in an area originally intended for commercial development. The land in question is located on the north and south sides of Tisbury Lane, adjacent to Regents Park.

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 28, 2008 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: March 24, 2008

Catherine Rybczynski
Town Clerk
Town of Hamburg

Sarah desJardins makes a presentation explaining the purpose of the request for rezoning.

Councilman Quatroche questions how many homes are planned for the area.

Sarah replies that there will be thirteen.

Michael Barowiak, Nussbaumer & Clark, representing Andrew Romanowski, explains this is a rezoning within a PUD.

One piece of correspondence was received from Sarah desJardins and is read by Barbara Allen, Deputy Town Clerk.

Mr. Romanowski is proposing to amend the Berkley Square PUD to allow for the construction of single family homes in an area originally intended for commercial development (this would require a rezoning). On March 19, 2008 the Planning Board recommended that the Town Board approve the request, as it is an effective use of the property. Additionally, the Planning Board feels that his property will never be developed for commercial use and constructing single family homes on this property is a very good idea.

Jim Voye, a resident of Berkley Square, notes that there are questions that need to be answered before the Board makes a decision on this. One concern is the depth of the lots in a certain location.

Councilwoman Kesner notes that even though the lots won't be as deep, there will still be green space behind them.

Ferd Garcia questions if there is a minimum to establish the PUD.

Supervisor Walters responds that this is an existing PUD, they are just changing the use of a portion of property within the PUD.

1.

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

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

RESOLVED, that the Town Board close the Public Hearing at 7:10 p.m.

7:00 p.m. Public Hearing for the amendment of Local Law #12, 1968, entitled "Shopping

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was ADOPTED Ayes 5 Walters, Best, Kesner, Quatroche, Smardz Noes 0

RESOLVED, that the Town Board approve the amendment to Local Law #8, 2008 as listed: "Shopping Centers and Other Areas of Assembly: Traffic Regulations" to include First Niagara 5751 South Park Avenue, Hamburg, New York 14075.

4.

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

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

RESOLVED, that the Town Board approve the minutes of the following meetings:

- April 14, 2008 Town Board Meeting
April 21, 2008 Work Session

5.

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

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

RESOLVED, that the Town Board approve the hiring/termination of four (4) in the Buildings and Grounds Department as follows:

Table with 4 columns: Item Number, Name, Position, and Action/Amount. Contains 8 rows of employee data.

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

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that R1-1 STOP signs be erected and maintained by the Buildings and Grounds Department at the following locations:

intersection of Mosey and Brompton

intersection of Foxchase at Shadow

8.

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

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

RESOLVED, that the Town Board approve the hiring of 13 and terminations of 12 in the Recreation Department as follows:

- | | | | |
|-------------------------|----------------|---------|--|
| 1. Scharlock, Matthew | A7310 (412) | 5/1/08 | Terminate |
| 2. Scharlock, Matthew | Rec. Att'd | 5/1/08 | \$7.69 Seas. |
| 3. Steger, Andrew | A7310 (412) | 5/15/08 | Terminate |
| 4. Steger, Andrew | Rec. Att'd | 5/16/08 | \$9.90 Seas. |
| 5. McGahey, Brad | Rec. Att'd | 5/6/08 | \$9.55 Seas. |
| 6. McDonnell, Mary | A7310 (412) | 4/22/08 | Terminate |
| 7. McDonnell, Pamela | A7310 (412) | 4/22/08 | Terminate |
| 8. Silverman, Elizabeth | A7310 (412) | 4/22/08 | Terminate |
| 9. Picciano, Ronald | Rec. Att'd P/T | 5/6/08 | \$7.50 |
| 10. Kassen, Ramsey | A7310 (320) | 5/6/08 | \$7.42 Seas. |
| 11. Omphalius, Ellen | A7310 (320) | 5/8/08 | Terminate |
| 12. Omphalius, Ellen | Rec. Att'd | 5/9/08 | \$8.49 Seas. |
| 13. Reid, Gregory | A7265 (230) | 5/29/08 | Terminate |
| 14. Reid, Gregory | Rec. Att'd | 5/30/08 | \$9.01 Seas. |
| 15. Hibbard, Kyle | A7310 (320) | 5/15/08 | Terminate |
| 16. Hibbard, Kyle | Rec. Att'd | 5/16/08 | \$7.58 Reg. Rate Seas.
\$7.96 Temp Rate Seas. |
| 17. Cannon, Sean | Rec. Att'd | 5/6/08 | \$7.50 Reg. Rate Seas.
\$9.25 Temp Rate Seas. |

WHEREAS, the Town of Hamburg has a goal to improve traffic conditions within it’s jurisdiction through cooperative agreements with other agencies within the town, and

WHEREAS, the intersection of the New York State Thruway exit 57 and Camp Road (Route 75) is under review by the various departments within the town and a consensus has been reached that an on grade signalized intersection would be in the best interest of the users, and,

WHEREAS, the elimination of the Route 75 thruway crossover bridge would improve site distance and reduce repair and maintenance costs to the NYS Thruway Authority, and,

WHEREAS, the elimination of the larger cloverleaf area of pavement and grass would also reduce maintenance and repair cost, and,

WHEREAS, improved site distance and safe access at the intersection would be accomplished by installation of an on grade traffic signal system similar to the Exit 56 project on Milestrip Road in Hamburg

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg Traffic Safety Board request an informational meeting of the multiple agencies that are involved to discuss the future reconstruction of the intersection of Route 75 and NYS Thruway exit 57.

Supervisor Walters notes that this resolution that the Town Board actually passed in September. They has a meeting with the NYS Thruway Authority and now going to try it again because we have a new governor and we have formal plans for the Leisureland site. Now seems to be the perfect time to revisit this issue.

12.

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

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

WHEREAS, the Town Board of Hamburg is committed to fair and equitable assessment practices which promote the equitable distribution of local tax burden, and

WHEREAS, New York State Real Property Tax Law Section 581 and Real Property Law Section 339-Y preclude using market value, the standard by which comparable and all other real property is valued for assessment purposes, and

WHEREAS, this mandate creates inequity and an undue tax shift from condominium owners to owners of comparable real property, and

WHEREAS, the Town Board deems it in the public interest to correct this inequity

NOW THEREFORE BE IT RESOLVED, the Town Board of Hamburg lends its support of draft legislation introduced by New York State Senator William Stachowski that would change Section 339-Y of Real Property Law and would allow municipalities of local opt-out for newly constructed condominiums, and

BE IT FURTHER RESOLVED, that the Town Board encourages the Western New York Delegation of New York State Senators, Assemblyman and Assemblywoman to sign on as co-sponsors of this draft legislation, and

BE IT FURTHER RESOLVED, that the Town Board strongly recommends passage of this bill, respectively, by the Assembly and Senate, and

BE IT FURTHER RESOLVED, that the Town Board strongly recommends that Governor David Patterson sign this important legislation into law once passed by the Assembly and Senate, and

BE IT FURTHER RESOLVED, that the Hamburg Town Clerk forward copies of this resolution to the Western New York delegation of State Representatives and Governor David Patterson.

13.

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

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

Town of Hamburg Office of Supervisor

WHEREAS, today we are honoring Courtney Olivieri, who has earned the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest national honor award in Girl Scouting.

WHEREAS, Courtney Olivieri presented craft projects and read stories to the children in the emergency room of Women and Children's Hospital.

WHEREAS, the Girl Scouts has a long tradition of developing fine young women who service their communities; and

WHEREAS, the Girl Scouts instill values in their members that stay with them throughout their lives.

NOW THEREFORE, on behalf of all Town of Hamburg Officials, we salute:

Courtney Olivieri

for earning her Girl Scout Gold Award. Congratulations and continue your hard work and dedication to the troop. Good luck with your future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 8th day of May 2008.


STEVEN J. WALTERS
Supervisor
Town of Hamburg

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



Town of Hamburg

Office of Supervisor

WHEREAS, today we are honoring Lynn Domico, who has earned the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest national honor award in Girl Scouting; and

WHEREAS, Lynn Domico presented craft projects and read stories to the children in the emergency room of Women and Children's Hospital; and

WHEREAS, the Girl Scouts has a long tradition of developing fine young women who service their communities; and

WHEREAS, the Girl Scouts instill values in their members that stay with them throughout their lives.

NOW THEREFORE, on behalf of all Town of Hamburg Officials, we salute:

Lynn Domico

for earning her Girl Scout Gold Award. Congratulations and continue your hard work and dedication to the troop. Good luck with your future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 8th day of May 2008.


STEVEN J. WALTERS
Supervisor
Town of Hamburg

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



14.

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

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

Town of Hamburg
Office of Supervisor

In Recognition of Robert C. Mueller

WHEREAS, Upon the retirement from the position of Senior Public Safety Dispatcher with the Town of Hamburg, and

WHEREAS, Robert C. Mueller has served the Hamburg Community with honor and distinction and in these capacities demonstrated his dedication to excellence in this role, and

WHEREAS, The leadership, dedication and hard work that Robert C. Mueller has exemplified has earned him the highest respect and admiration of his coworkers and all residents of the Town of Hamburg, and

WHEREAS, The residents of the Town of Hamburg have been fortunate for Robert C. Mueller's outstanding dedication and service to the town that has made an immense contribution to the quality of life in Hamburg;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg commends and thanks Robert C. Mueller for his dedication and service to the Town of Hamburg as Senior Public Safety Dispatcher and wishes 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 26th 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



15.

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

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

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

TOWN BOARD APRIL 28, 2008
 AUDIT OF CASH DISBURSEMENTS

OPERATING FUND:		VOUCHER #S	
BATCH # 53	\$335,941.84	26031-26125	
BATCH # 54	\$314,538.65	UNPROCESSED	
TOTAL OPERATING FUND DISBURSEMENTS:			\$650,480.49
TRUST & AGENCY			
BATCH #			
BATCH #			
TOTAL TRUST & AGENCY DISBURSEMENTS:			\$0.00
CAPITAL FUND DISBURSEMENTS:			
BATCH # 30	\$600,000.00	25938	
BATCH # 31	\$ 25,602.22	UNPROCESSED	
TOTAL CAPITAL FUND DISBURSEMENTS:			\$625,602.22
PAYROLL:			
PR#			
PR#			
TOTAL PAYROLL DISBURSEMENTS:			\$0.00
PETTY CASH			\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$1,276,082.71

Reports from the Town Board:

Councilman Quatroche reports that they had a record for revenues at the golf course in April. Hopefully they will have another in May.

Councilwoman Kesner reports that the Town wide Cleanup will be held this Saturday, May 3rd starting at 8:30 am at Town Hall. If anyone is interested in joining, please contact the Council office and a location will be assigned. Hot dogs will be served at 11:30 am.

Reports from Departments:

Rick Lardo reports that the Rogers Road sewer project will start this week depending on the weather.

George Lee reports that they are having a cleanup and at 12:30 they will recognize the businesses.

Reports from the Public:

Joe Killian reports that he has more signatures for the bike trail. He also invites the Town Board members to take a bike ride on a trail with him.

Skip Klimers, Scranton-McKinley Taxpayers Association, reports he has a petition to have police patrols increased around the Scranton fire hall area due to the increase in traffic. The Scranton-McKinley Taxpayers Association does support the bike trail.

Jeremy Rosen notes that at the last work session there was a presentation made about the ice rink. He questions why this wasn't done at a regular board meeting.

Supervisor Walters responds that the work session is public meeting and this was done at a public meeting. The initial proposal was presented to the Town Board by Mr. Walker, but this is not a Jeff Walker project. New York State Law requires that if the Town Board is to pursue this avenue it would have to go out to public bid. At that point any company could bid on this project. Right now the Town Board has not decided to put this out to public bid. The Town Board approved to what essentially amount to step three of a many step process to continue to move this forward.

A coach for the Hamburg Hawk's Hockey notes he is 100% in support of the phase two for the rink. If this is going to be up for bid will Jeff Walker be involved in it.

Supervisor Walters responds that he could bid the project just like anyone else. He notes that at this time the Board is in favor of doing the project, that's why they took the next step forward. Certainly the taxpayers are the primary concern here. Ultimately the Boards goal is to continue to

