

Supervisor Walters calls the meeting to order at 6:10 p.m.

TOWN BOARD MEMBERS

PRESENT:

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

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Andrew Reilly, Planning Consultant; Timothy Ellis, Traffic Safety Coordinator; James Connolly, Highway Superintendent

1.

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

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

WHEREAS, the Big Tree Fire Company has requested the use of a Town chipper for use in their efforts to grub and clear their property at Big Tree and Bristol Parkway.

WHEREAS, this request has been reviewed by the Town Attorney and has approved provided proper insurance and indemnification is provided by the Fire Company as well as the approval of the Town Board.

WHEREAS, this effort is a part of a project to improve fire service to the residents of Hamburg and all the conditions set forth by Legal have fulfilled.

BE IT RESOLVED, that the Town Board does approve the use of a chipper by the Big Tree Fire Company for the exclusive use of clearing the property intended to be the new location of their Fire Hall, and instructs Superintendent Jim Connolly to co-ordinate the effort.

2.

On a motion of Supervisor Walters, 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 appointment of Lenny Iwanenko to the vacant position of Dog Control Officer Part Time. Effective May 6, 2008, salary is \$11.97 per hour. Funds available in A3510.100.

3.

On a motion of Councilwoman Kesner, 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 appointment of Jennifer Kosmowski, to the full time position of Domestic Violence Advocate (probationary) in the Domestic Violence Department effective May 1, 2008. Ms Kosmowski has met the Civil Service requirements for this position and is currently on the Civil Service list, established April 4, 2007, Exam #060184. Salary is \$16.93 per hour per the CSEA White Collar contract, funds available in A3225.100.

4.

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

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

BE IT RESOLVED, that the Town Board approve the hiring of two (2) in the Buildings & Grounds Department as follows:

- | | | | |
|---------------------|--------------|--------|--------|
| 1. Dommell, Aline | Laborer, P/T | 5/9/08 | \$7.75 |
| 2. Granica, Anthony | Cleaner | 5/5/08 | \$9.67 |

5.

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

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

RESOLVED, that the Town Board authorize Patrolmen Jason Nappo and Dennis Horrigan to attend Fire Investigation School in Montour Falls, New York. The school consists of two separate courses, the first from 5/5 - 5/9/08 and the second from 6/2/08 - 6/13/08.

Cost of School:

Registration \$25.00 each per course x 2 =	\$ 100.00
Meals/Lodging- \$40.00 per day per person per course	
First Course 5 days @\$40.00=\$200.00 x2	\$ 400.00
Second Course 12 days @\$40.00=\$480.00 x 2	\$ 960.00
Also: Materials for both courses @ \$85.00 each	\$ 170.00

Plus: Gas and Tolls (Approximately) \$ 200.00

Total cost of both Schools (for 2 people) \$1830.00

Use of Unmarked Town Police vehicle is requested for transportation.

Money is available in account B3120.492.

Course #1	#01-01-0014	Fire Behavior/Arson Awareness 5/5/08 - 5/9/08
Course #2	#01-01-0017	Fire/Arson Investigation 6/2/08 - 6/13/08

6.

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

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

WHEREAS, the Town Board passed a previous resolution on November 19, 2007, approving a continuation of a partial exemption from Real Property taxes for the property located at 25 Buffalo Street, in the Town and Village of Hamburg (Creekbend Apartments), pursuant to Section 33 of the Private Housing Finance Law of the State of New York, and

WHEREAS, pursuant to the aforementioned resolution authorizing such agreement between the Town and the owner of the property, Creekbend Heights Associates, LP, the Town will begin receiving an annual “shelter rent”, in lieu of the payment of real property taxes, and

WHEREAS, all previous “shelter rent” payments were made to the Village of Hamburg prior to the aforementioned resolution and agreement, and

WHEREAS, the town shall receive all future “shelter rent” payments as the taxing jurisdiction for the Creekbend Apartments, and

WHEREAS, this will result in a significant loss of revenue to the Village, despite that the Village provides a number of municipal services to the Creekbend Apartments, and

WHEREAS, the Town cannot share the “shelter rent” with the Village pursuant to the provisions of the Private Housing Finance Law, and

WHEREAS, the Town desires to enact a local law authorizing an annual gift to the Village of Hamburg in an amount equal to one half of the “shelter rents” received by the Town in any year such “shelter rents” are received,

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board schedules the public hearing on the proposed local law for June 9, 2008 at 7:00 p.m. local time.

7.

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

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

WHEREAS, there is a pending subrogation claim, from Allstate Insurance Company on behalf of their insured, Thomas E. Kowal, Sr., Claim Number 2313928521, regarding a motor vehicle accident involving a Town of Hamburg Senior Services van which occurred on January 3, 2008, and

WHEREAS, counsel for the parties have exchanged discovery, and have engaged in settlement negotiations, and

WHEREAS, Allstate Insurance Company has advised they would accept payment in the sum of \$11,760.88 as full and final satisfaction of all property damage claims, and

WHEREAS, the Town Attorney recommends that the Town pay the sum of \$11,760.88, in settlement of this claim,

NOW, THEREFORE BE IT RESOLVED, that the Town of Hamburg pay Allstate Insurance Company the sum of \$11,760.88 in full and final satisfaction of all property damage claims against the Town of Hamburg for the claim of Allstate Insurance Company on behalf of Thomas

E. Kowal, Sr., Claim Number 2313928521. Payment is to be made upon receipt of signed General Release from Allstate Insurance Company.

8.

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 William "Bill" Dash

WHEREAS, William "Bill" Dash began his employment at the Town of Hamburg Highway Department on January 3, 1980 as a full time laborer, and

WHEREAS, William "Bill" Dash held the positions of Laborer, Mechanic, Working Crew Chief and Deputy Superintendent over his 28 years of service, and

WHEREAS, over his career, William "Bill" Dash has utilized his leadership and professional skills to assure safe roads for the residents of Hamburg, especially during record snow, ice and wind storms, and

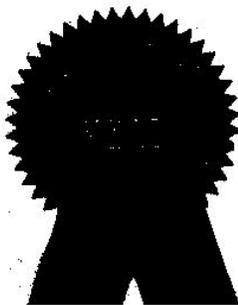
WHEREAS, William "Bill" Dash will retire from his position of Deputy Highway Superintendent on April 30, 2008.

NOW THEREFORE BE IT RESOLVED, that the Town Board on behalf of the residents of Hamburg express their gratitude for Bill's 28 years of dedicated public service and to wish Bill and his family all the best during his retirement years.

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



9.
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ADOPTED Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
Noes 0

10.

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

Town of Hamburg
Office of Supervisor

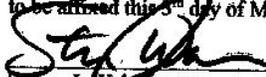
WHEREAS, today we are recognizing May to be "Motorcycle Safety and Awareness Month"; and

WHEREAS, it is important that our residents are aware of motorcyclists and to respect their right to safely ride on our highways in the month of May and throughout the riding season; and

WHEREAS, residents, we should educate ourselves on highway safety, most importantly as it relates to motorcycles.

NOW THEREFORE, the Town Board of the Town of Hamburg recognize May to be "Motorcycle Safety and Awareness Month" and encourage our residents to participate.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 5th day of May 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



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

11.

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

Town of Hamburg
Office of Supervisor

In Recognition of Sharon Wroblewski

WHEREAS, today we are honoring Sharon Wroblewski for her recognition, by the Hamburg/Orchard Park Business and Professional Women, of "2008 Woman of the Year"; and

WHEREAS, Sharon Wroblewski has served for the past two years as the Executive Director of the Kathleen Mary House; and

WHEREAS, the Kathleen Mary House is a temporary shelter that offers a safe home, educational opportunities and counseling to battered women and their children; and

WHEREAS, since opening this facility, eleven families have been given a "new lease on life" due to Sharon's love and encouragement.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg commends and thanks Sharon Wroblewski for her dedication and service to the Kathleen Mary House and the Town of Hamburg and wishes her success in all her future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 7th day of May 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



resolution was

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

BE IT RESOLVED, that the Town Board approve the termination of one in the Town Clerk's Department as follows:

1. Crotty, Kathleen Clerk Typist P/T 04/24/08 Terminate

12.

On a motion of Supervisor Walters, 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 one in the Police Department as follows:

1. Ralicki, Katie Part time, Seasonal 06/04/08 \$9.06

13.

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

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

1. Blake, Christopher	Rec Att'd, Seas.	05/13/08	\$7.15
2. McAnaney, Patrick J.	Rec. Att'd Seas.	05/13/08	\$10.25
3. Warhol, Edward	Rec. Att'd Seas.	05/13/08	\$10.25
4. McFall, John	Rec. Att'd P/T	05/13/08	\$10.25
5. Betrus, Thomas	Rec. Att'd Seas.	06/02/08	\$7.41
6. Chojecki, Jessica	Rec. Att'd Seas.	06/02/08	\$7.41
7. Denecke, Patrick	Rec. Att'd Seas.	05/13/08	\$7.41
8. Gallardo, Nicholas	A7265(230)	06/01/08	Terminate
9. Gallardo, Nicholas	Rec. Att'd Seas.	06/02/08	\$9.80
10. Otremba, Steve	Rec. Att'd Seas.	05/13/08	\$10.59
11. Suchyna, Nathaniel	Rec. Att'd Seas.	06/02/08	\$10.04
12. Warnes, Lindsay	Rec. Att'd Seas.	06/02/08	\$7.41
13. Tingué, Justin	Rec. Att'd Seas.	05/13/08	\$7.15
14. Smith, Joseph	Rec. Att'd Seas.	06/02/08	\$7.15

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

TOWN BOARD MAY 5, 2008
 AUDIT OF CASH DISBURSEMENTS

		VOUCHER #'S	
OPERATING FUND:			
BATCH # 55	\$86,242.82	26211-26291	
BATCH # 56	\$59,909.18	UNPROCESSED	
TOTAL OPERATING FUND DISBURSEMENTS:			\$146,152.00
TRUST & AGENCY:			
BATCH # 19	\$513,303.33		
BATCH # 20	\$26,926.65		
BATCH #			
TOTAL TRUST & AGENCY DISBURSEMENTS:			\$540,229.98
CAPITAL FUND DISBURSEMENTS:			
BATCH # 32	\$748.48	UNPROCESSED	
BATCH #			
TOTAL CAPITAL FUND DISBURSEMENTS:			\$748.48
PAYROLL:			
PR # 9	\$496,513.11		
PR #			
TOTAL PAYROLL DISBURSEMENTS:			\$496,513.11
PETTY CASH			\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$1,183,643.57

Councilwoman Kesner thanks the Town Board for allowing the opportunity to have this open forum to talk about the bike path project. This is an opportunity to present the history, the thoughts behind it and the work that went into it, and the support.

Supervisor Walters notes that this is a meeting between the Town Board and the committee. This is to gather the facts on the project.

Councilwoman Kesner gives the background to the committee and introduces some of the members that were present when the design was first done. There is a regional plan going on to put a bike trail along the shoreline. At the Woodlawn State Park there is trail system they put in. There is some historical significance to that particular site in 1887 Rambler Bicycle Club used to meet at the Bayview House, which is the Bayview Hotel. Another issue that was arising at the same time was the Hoover Beach Taxpayer were complaining to the Town Board that there was an overflow of traffic on their side road as a result of the businesses in the area. When the trail head was talked about they thought that the Hoover Beach site would serve as a dual benefit not only for the residents of Hoover Beach but also to the families that would like to use the trail. Back in 2001 the first grant was secured. The issue with the Town of Hamburg is that it's 42 square miles, it's as big as the City of Buffalo. A grant was received from Congressman Jack Quinn which is a traffic calming grant in the amount of \$400,000. They have been working with the D.O.T. to look at measures to slow down the traffic on Route 5. They asked the D.O.T. if some of that money could be used to make it safer to cross Route 5 and they agreed to work with them. This project has been in the works for five years. Councilwoman Kesner notes that she worked hard to make sure there was a representative from Hoover Beach on her committee so their residents would be represented.

Drew Reilly, Planning Consultant, notes that in 2002 they did get notice that they would be getting the award, it doesn't mean that you have it, it just means you are eligible. After receiving the grant other things came to the Town like the trail head. There was a problem with some of the Town owned property and the deeds, the Town doesn't have deed for most of their highways and one couldn't be produced. There was a problem with the parks grant. If you do a park improvement you have to say that it will be forever parkland. Plus there were safety issues. After five years of getting the designs resolved, it went to bid. After it went to bid there were comments as to whether this was the right project. The design is going to be discussed and questions on safety and costs answered tonight. The bike path is within the right away, there will be no taking of land.

Darryl Jones, the lead designer, explains where the trail starts and the route where it's planned. The bridge was added to go over the little creek. The plan was designed to be off road as much as possible. He notes that the cost of the project has gone up since the original design due to material cost increase and such.

Councilman Quatroche questions what the net increase is when the lanes are reduced.

Councilwoman Kesner points out the drainage improvements was \$49,000. Supervisor Walters asks what the total estimated cost is right now.

Councilwoman Kesner responds that the original project was applied for at \$283,000 the latest numbers coming in \$100,000 over, five years after the first bid and \$49,000 of that is drainage

improvement. The retaining wall and bridge is another \$19,000. There are additional costs by moving it across the street.

Supervisor Walters asks again what the approximate numbers are for the total cost right now.

Darryl Jones responds that right now from the contractor, about \$380,000.

Councilman Smardz questions that at the end of the Hoover Beach segment, that's where the grant money ends?

Mr. Jones notes that it will take us from Bayview Rd to Route 5. From Route 5 to the Penn Dixie site is not grant money.

Councilwoman Kesner responds that they assess that as a future lane, that it will be a lot easier to plan for them because of the existing shoulders. But they would have to apply for grants for that. They will have to address the railroad crossing as well. The grants today are a lot better than when they applied for the previous one.

Councilman Smardz notes that it's a little misleading because the project that was presented from Hoover Beach to the Penn Dixie Site actually is not included in the grant.

Councilwoman Kesner responds that when you plan a link, you have a vision of where it's going to go and take it.

Mr. Reilly notes that the project that was brought up in 2001 never had it going to Penn Dixie.

Councilwoman Kesner notes that this opens us to additional grants, because they continue on with the link. The other line of support that was received was from the Village of Blasdell, because they will have the Jeffrey Blvd. roadway to Penn Dixie. Orchard Park would like to link also.

Councilman Best notes that in the meanwhile the bikers will be going up and down Hoover Road and that's it, one road. He notes that he has never had as much hate mail in the forty years as a police officer as he did in the last week over the bike path. He is not anti-bike. He has three main issues such as Hoover Beach residents, secondly is safety. He received a traffic safety report tonight from Mr. Ellis, the traffic safety chairman, and they have some of the same concerns as he does.

Timothy Ellis responds that Councilman Best is the Traffic Safety Liaison and he asked their board to put it on the agenda for their last meeting. The plan that they looked at was a link up to Penn Dixie and they had a lengthy discussion. They had a number of issues that needed to be brought up and mentioned to the Town Board. He notes that he is also a bicyclist and would like to see something that is safe. Tim brings up some of the things that are going on at the old Snyder Tank facility. The business is once again rekindled and there are a lot of truck issues

pertaining to that. One of the items is the unsafe crossing by Hoak's restaurant. Bayview is another road that they are concerned about because of how narrow it is.

Councilman Best notes that he agrees with some of the statements brought up. The last major concern is of course cost. The planner stated that it will be somewhere around \$380,000. He hasn't seen any documentation stating how much this is going to cost. He states he will not write a blank check for any project in the town. There needs to be discussion about maintenance for the project as well.

Jim Connolly, Highway Superintendent, notes that he is responsible for maintaining the parks and his concern is financing related. The long term effect of anything that would be developed, maintenance as an annual thing will be required. It would be, when it's completed, like having a three mile park essentially. A rough estimate for maintenance would be between \$20,000 and \$30,000 a year for the three miles. He notes that there needs to be money budgeted for these projects,

Councilman Best notes again that he is for the bike path. If his three issues can be addressed he will be the first one to vote for the bike path. Until those things can be met he thinks the Board should step back and revisit the bike path.

Councilman Smardz responds that putting the issues aside tonight, he's actually shocked that the bike path is about a mile in the Hoover Beach Rd. He was told it was going from Hoover Beach to the Penn Dixie site so he felt misled and is very shocked. He notes that last year Hamburg had a tax decrease, the first in 12 to 15 years. We're on a good financial track, but is very shocked at the beginning and end of this bike path.

Councilwoman Kesner responds that she welcomes all the concerns talked about tonight. She notes the wide shoulders along St. Francis and Bayview Rd. that was like a bonus that they didn't have to go through all this for the next link. The crossing at Route 5 is a major concern they have. The grant will not be extended unless there is a consensus on the Town Board that they go forth.

Supervisor Walters questions if the bike path goes on both sides of the roadway.

Mr. Jones notes that there physically isn't enough land and explains this with the maps shown.

Supervisor Walters notes that this was bonded already and what happened to the money. If the project was \$380,000 and there was a \$283,000 grant and \$283,000 match there is over \$500,000 right there.

Darryl Jones notes that the grant was \$283,000 half of that is what the Town has to put forth. The State money is \$140,000 approximately.

Drew Reilly comments that there is a fixed number on this project. So much for construction

cost and so much the design cost etc.

Councilwoman Kesner notes that this is the down side to these grants.

Supervisor Walters comments that when it's all said and done, it's about \$140,000 State money and \$240,000 Town money. He questions what the deadline is.

Drew Reilly responds that the State is expecting to hear from them. The State still has the say as to whether they will honor the contract at this point.

Councilman Quatroche asks if the State has answered on grant extension.

Drew Reilly responds that they have not. They are waiting for the Town Board support, they will not entertain and extension without Town Board support.

Councilman Smardz notes that the only segment that will be on the waterfront is from the Bedrock Eatery to Hoak's.

Councilwoman Kesner responds that this is correct. She notes that Hoover Rd. is a private community.

Councilman Best questions if the Trust & Agency Fund can be tapped and the money can be taken out if needed.

Drew Reilly responds that it's a legal question.

Councilwoman Kesner responds that other town's have done so successfully. But the Town's language would have to be revisited.

Councilman Smardz notes that he's not going to make a decision tonight and appreciates everyone's time and efforts and would like to see the figures based on the cost today.

Councilman Quatroche asks if there is any possibility, because the State had a large part in the delay of this, that they would fund any more of this project.

Drew Reilly replies with a no because the State blames the Town for all this.

Councilwoman Kesner responds that she had conversations with Greg Susick and he indicated to her that they looked at the final numbers and there might be some areas that they could contribute to this project.

Drew Reilly responds that it's the D.O.T. not the Parks Department.

Supervisor Walters notes that because there are so many people in attendance from Hoover Beach he will allow one representative from each organization to speak before the public hearing

is closed.

Florence Kern responds that she is not against the bike path. She does not want it through their community. She did go down to the Bedrock and spoke to people there and they are not happy, they do not want the bike path down there because they had bikers coming in at one point and they had problems with their bikers. She then notes that they did not get input from Hoover Beach, no one came to the association. She went through all the paperwork and didn't see one memo directed to the Hoover Beach directors or board.

Jerry Bastedo, Executive Director of Penn Dixie, notes that Penn Dixie is a destination, bike paths go to destinations. They are an educational, recreational tourist attraction and when this was brought to their attention they thought it was great. Safety is definitely a concern and there are some safety aspects. Right now people are going up and down Route 5 continually on bikes and there's a concern. The trails that are being put in at the Penn Dixie site are not for bicycles, they are for wheelchairs, strollers and wagons.

Joe Killian, notes that he did get the signature from the owner of Bedrock and he's for it. This will go onto the canal trail eventually. Right now it's part bike route, part on road and it's two thirds done. Joe then notes he does have more signatures to hand in at a later date.

Hoover Beach resident from the north end, notes that there is a section of about six residents on the north side of the Dock of the Bay and she sees this opportunity as a way to beautify a neighborhood. This is also an opportunity to welcome residents other than those looking to have a cocktail on the beach.

Hamburg resident, notes that he rides a bike now that he's retired and notes that it's difficult to ride anywhere safely except on a bike path. When he looks at the bike path and how it's been presented, it's not how he envisioned. He doesn't feel crossing the railroad track is a safe idea with the bike path.

17.

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

ADOPTED

Ayes 5

Walters, Best, Kesner, Quatroche, Smardz

