

Supervisor Walters calls the meeting to order at 7:00 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; Robert Hutchison, Jr., Town Assessor; Timothy Regan, Sarah desJardins, Planning Assistant; James Connolly, Highway Superintendent; Carmen Kesner, Chief of Police; Gerard Kapsiak, Town Engineer; Timothy Ellis, Traffic Safety Coordinator; Tim Jerome, Recreation Specialist; Kurt Allen, Supervising Code Enforcement Officer; Kenneth Farrell, Town Attorney

Pledge of Allegiance was recited.

Information on fire exits was provided.

**1.**

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

<b>ADOPTED</b>	Ayes 5	Walters, Best, Kesner, Quatroche, Smardz
	Noes 0	

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

April 28, 2008 Town Board Meeting  
May 5, 2008 Work Session

2.

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

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

**WHEREAS**, the Town’s current system and method for the collection and management of time and attendance for employees is outdated and cumbersome, and

**WHEREAS**, a new system can provide improved internal control and for the streamlining of the Town’s time, attendance and payroll processes, and

**WHEREAS**, the Town’s Finance Department, working in concert with other Town departments, has received proposals and demonstrations from payroll service providers, and

**WHEREAS**, after the study of the proposals and systems the Town’s Finance Department has recommended the Town accept the proposal from Paychex, Inc.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby awards the implementation of a new time and labor management system and ongoing payroll processing services to Paychex, Inc.

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the transfer of funds within the Town’s 2008 adopted budget to provide for the cost of the payroll services, as follows

Increase Appropriations:

A1430.440    Personnel – Payroll system expenses                      \$ 25,000.00

Decrease Appropriations:

A1990.419    Contingency account    \$ 25,000.00

Supervisor Walters notes that this is an effort that’s been about three months in the making by the Finance Department. He commends the Finance Department for the work they have done specifically Mary Dosch and also he extends his thanks to Jim Connolly and Chief Kesner for the work they have done in helping to implement it. This is going to save the Town a considerable amount of money, it’s more or less the most conservative estimates from the Finance Dept. are that the Town is going to save about \$150,000 a year.

George Lee comments that he thinks it’s very good to go with Paychex, Inc. He had them when he had his construction company.

**3.**

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 authorize the Finance Department to increase appropriation account S28 8110.428 (Highland Acres sewer district- debt service handling charges) \$512.00 through the S28 599 appropriated fund balance due to increase in handling charge fees.

**4.**

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

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

**WHEREAS**, the Town of Hamburg received a request from New Berkley Square III, LLC to amend the Berkley Square PUD, which requires a rezoning, to allow for the construction of single family homes in an area originally intended for commercial development, and

**WHEREAS**, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has reviewed this rezoning request; and

**WHEREAS**, the rezoning of the property will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic consideration;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Hamburg has determined that the proposed rezoning is not anticipated to result in any significant effect on the environment and that a Negative Declaration is hereby issued.

**BE IT FURTHER RESOLVED**, that the Supervisor be authorized to sign the Environmental Assessment Form.

**5.**

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

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

**BE IT RESOLVED**, that the request to rezone a portion of the Berkley Square PUD be removed from the table.

**6.**

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

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

**WHEREAS**, the Town of Hamburg received a request from New Berkley Square III, LLC to amend the Berkley Square PUD, which requires a rezoning, to allow for the construction of single family homes in an area originally intended for commercial development, and

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

**WHEREAS**, the Hamburg Town Board did refer this rezoning request to the Planning Board for its review and recommendation; and

**WHEREAS**, on March 19, 2008 the Hamburg Planning Board did issue a positive recommendation to the Town Board regarding this request; and

**WHEREAS**, on April 28, 2008 the Town of Hamburg Town Board held the required public hearing and received comments from the public; and

**WHEREAS**, the requested rezoning is in compliance with the Town of Hamburg Comprehensive Plan; and,

**WHEREAS**, the Hamburg Town Board has issued a Negative Declaration;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hamburg hereby amends the Berkley Square PUD to allow for the construction of single family homes in an area originally intended for commercial development located on the north and south sides of Tisbury Lane, adjacent to Regents Park, and

**BE IT FURTHER RESOLVED**, that the Planning Board address the issues discussed in the public hearing during site plan/subdivision review of the project, and

**BE IT FURTHER RESOLVED**, that the zoning code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986 of the code of the Town of Hamburg entitled “Zoning” to provide for a change in the boundary of the zoning map whereby the zoning is changed from PUD to a new PUD designation that will allow for residential development in the area previously designated for commercial development per the submitted sketch plan, for property located on the north and south sides of Tisbury Lane, adjacent to Regents Park.

**7.**

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

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

**BE IT RESOLVED**, that the proposed Amendments to Chapter 280 of the Code of the Town of Hamburg entitled “Zoning” regarding Article XLV (Zoning Board of Appeals) and a new Fairgrounds Zoning District be removed from the table.

**8.**

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 of the Town of Hamburg is considering adoption of a Local Law amending Chapter 280, Article XLV of the Zoning Law of the Hamburg Town Code and amending Chapter 280 to establish a new Fairgrounds Zoning District in the Town; and,

**WHEREAS**, the Town Board pursuant to Part 617.6 NYCRR Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]) conducted an environmental review of the proposed amendment to Article XLV and new Fairgrounds Zoning District; and

**WHEREAS**, the Town Board held a public hearing regarding the adoption of the proposed amendment to Article XLV and new Fairgrounds Zoning District on Monday, April 14, 2008; and

**WHEREAS**, the Town Board reviewed comments and considered the impacts of adopting the proposed amendment to Article XLV and new Fairgrounds Zoning District, pursuant to Part 617.7 NYCRR Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]).

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hamburg has determined that the adoption of the proposed amendment to Article XLV and new Fairgrounds Zoning District will not have a significant impact on the environment; and

**BE IT FURTHER RESOLVED**, that the Town Board issues the attached Determination of Significance for a Negative Declaration and, therefore, an Environmental Impact Statement (EIS) will not be required.

**9.**

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

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

**WHEREAS**, The Town of Hamburg has previously adopted its Zoning Law into the Town Code that creates various zoning districts that establish allowable uses and regulate structures within the Town of Hamburg to promote the health, safety, and welfare of the public; and,

**WHEREAS**, The Town Board of the Town of Hamburg has determined that the current regulations in the Zoning Law concerning processes and procedure of the Zoning Board of Appeals are outdated and inadequate, and the Code of the Town of Hamburg lacks a Fairgrounds Zoning District; and,

**WHEREAS**, the Town Board has determined that it is necessary to better define the processes and procedures of the Zoning Board of Appeals so that the Hamburg Town Code is brought into conformance with the State of New York Town Law; and

**WHEREAS**, the Town Board has also determined that it is necessary to establish a new Fairgrounds Zoning District in the Town of Hamburg; and

**WHEREAS**, the Hamburg Code Review Committee has recommended the amendment of Article XLV, as well as the establishment of a new Fairgrounds Zoning District in the Town; and

**WHEREAS**, the Town Board held a public hearing regarding the amendment of Article XLV, as well as the establishment of a new Fairgrounds Zoning District on Monday, April 14, 2008; and,

**WHEREAS**, the Town Board has reviewed comments and considered the impacts of adopting the proposed amendment to Article XLV and new Fairgrounds Zoning District, pursuant to Part 617.7 NYCRR Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]), and has determined that the adoption of the Local Law will not have a significant impact on the environment and issued a Negative Declaration.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hamburg adopts Local Law No. 5 of the year 2008 amending Chapter 280, Article XLV of the Zoning



town's CDBG Administrative account. Cost breakdown follows:

Class:	\$-0-
Airfare:	\$250.00
Hotel:	\$200.00
Meals:	\$120.00
Misc:	\$100.00

**12.**

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

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

**WHEREAS**, the Town of Hamburg received a request from Timothy Wacker to rezone property on the south side of North Creek Road from C-2 to RA, 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.

**13.**

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

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

**WHEREAS**, the Town of Hamburg received a request from Linda Makin to rezone property located at 4003 and 4007 Bristol Road from M-1 and M-2 to R-2, 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.

**14.**

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

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

**WHEREAS**, the New York State Dept. of Transportation (NYSDOT) is planning a June 2008 bid opening for a pavement rehabilitation project along Lake Shore Road (NYS Route 5) from LaSalle Avenue in the Town of Hamburg into the City of Lackawanna; and

**WHEREAS**, it is anticipated that various Town owned street lighting facilities located within the highway right-of-way in the project area will require relocation as a result of the NYSDOT highway project; and

**WHEREAS**, Subdivision 24 of Section 10 of State Highway Law enables NYSDOT to provide for the relocation of municipally owned utilities at the expense of the State, when such work is necessary as a result of State highway work,

**THEREFORE BE IT RESOLVED**, that the Town Supervisor is authorized to enter into a Utility Work Agreement with NYSDOT in this regard, granting the State of New York authority to perform required street lighting relocations as part of the project and at no cost to the Town of Hamburg, and agreeing that the Town will resume maintenance of such relocated facilities

following the completion and acceptance of the construction work associated with the NYSDOT project.

**BE IT FURTHER RESOLVED**, that four (4) certified copies of this resolution be provided to the Town Engineering Department, for transmittal to NYSDOT together with the executed Utility Work Agreement.

**15.**

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

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

**RESOLVED**, that the Town Board approve the hiring of five and termination of two and the rate change of one in the Buildings & Grounds Department as follows:

1. Pawlowski, Rodney	Laborer, Seas.	05/13/08	\$9.92
2. Jewett, Zachery	Laborer, P/T	05/13/08	\$7.98
3. Granica, Anthony	Cleaner	05/12/08	Terminate
4. Fraser, Sam	Laborer, Seas.	04/14/08	\$9.34
5. Best, Frederick	Laborer, Seas.	05/19/08	\$9.34
6. Hatten, Aaron	Laborer, Seas.	05/13/08	\$7.75
7. Dommell, Aline		05/12/08	Terminate
8. Kummer, Wayne	Laborer, Seas.	05/27/08	\$9.34

Supervisor Walters notes to all Department Heads to get their resolutions on in a timely manner so the prefiled agenda can be made.

**16.**

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 hiring of 14 and termination of seven in the Recreation Department as follows:

1. Zdrojewski, Thomas	A7265.230	05/18/08	Terminate
2. Zdrojewski, Thomas	Rec. Att'd P/T	05/19/08	\$10.32
3. Lease, Michael	Rec. Att'd Seas.	05/19/08	\$7.42
4. Gallardo, Daniel	Rec. Att'd Seas.	06/02/08	\$7.42
5. Gallson, Cameron	A7310.320	05/19/08	Terminate
6. Gallson, Cameron	Lifeguard Seas.	05/20/08	\$7.95
7. Grosjean, Kristin	A7310.320	05/19/08	Terminate
8. Grosjean, Kristin	Lifeguard Seas.	05/20/08	\$9.01
9. Lane, Sean	Lifeguard Seas.	05/20/08	\$7.62
10. Maher, John	Lifeguard Seas.	05/20/08	\$7.62
11. McKenny, Matthew	Lifeguard Seas.	05/20/08	\$7.96
12. Slowik, Angela	Lifeguard Seas.	05/20/08	\$7.96
13. Smith, Kelly	A7310.320	05/19/08	Terminate
14. Smith, Kelly	Lifeguard Seas.	05/20/08	\$7.96
15. Walsh, David	A7310.320	05/19/08	Terminate
16. Walsh, David	Lifeguard Seas.	05/20/08	\$8.48
17. Weyer, Elizabeth	A7310.320	05/19/08	Terminate
18. Weyer, Elizabeth	Lifeguard Seas.	05/20/08	\$7.69
19. Wolbert, Mark	A7310.320	05/19/08	Terminate
20. Wolbert, Mark	Lifeguard Seas.	05/20/08	\$7.95
21. Janicki, Alison	Lifeguard Seas.	05/20/08	\$7.50

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

ADOPTED                   Ayes 5                   Walters, Best, Kesner, Quatroche, 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, and

**WHEREAS**, on April 14, 2008 the Town Board referred this rezoning request to the Planning Board for its review and recommendation, and

**WHEREAS**, the Planning Board is attempting to collect relevant information regarding this request;

**NOW, BE IT RESOLVED**, that pursuant to Part 617.6 NYCRR Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]) the Town Board of the Town of Hamburg wishes to declare itself Lead Agency and initiate a Coordinated Review; and

**FURTHER BE IT RESOLVED**, that the Planning Department is authorized to conduct the mailings associated with the Coordinated Review.

**18.**

On a motion of Councilman Smardz, seconded by Councilman Best, 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        in the Senior Services Department as follows:

- |                       |                 |          |        |
|-----------------------|-----------------|----------|--------|
| 1. Mammoser, David J. | Van Driver, P/T | 05/12/08 | \$9.00 |
| 2. Dash, Willaim G.   | Van Driver P/T  | 05/12/08 | \$9.00 |

**19.**



**20.**

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 accept the low bid of \$15,412.00 for one (1) Harley Davidson Motorcycle, from Southtowns/Buffalo Harley Davidson, 140 Mid-County, Orchard Park, New York 14127.

Money is available in account H94.3120.494

Supervisor Walters asks Chief Kesner to please clarify where the money is coming from and why this money is being used to purchase the Harley Davidson.

Chief Kesner responds this was from the seizure along with the ATF. This money is to be used for equipment and training.

Supervisor Walters clarifies that it's equipment and training only.

Councilman Best questions the \$15,000. seems like an awfully low bid, and asks if it's a fully equipped motorcycle.

Chief Kesner responds that it is fully equipped, the only thing they will have to do is put the lights on it.

**21.**

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

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

**BE IT RESOLVED**, that the Town Board authorize the Finance Department to transfer the sum of \$40,300 from account T37 Trust & Agency-Cash in lieu of land to Capital Account H23 7250.303 Golf Course permanent improvements for necessary repairs.

**22.**

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 of Hamburg (the “Town”) is a franchising authority in accordance with Title VI of the Communications Act of 1934 (the “Communications Act”), and is authorized to grant cable television franchises pursuant to Article 11 of the New York State Public Service Law, and Title 16, Chapter VIII, of the Official Compilation of Codes, Rules and Regulations of the State of New York (the “Cable Laws”);

**WHEREAS**, VERIZON NEW YORK INC. (“Verizon”) is upgrading its existing telecommunications and information services network pursuant to authority under Section 27 of the New York Transportation Corporations Law and Title II of the Communications Act, and Verizon desires to use its network to provide cable service in the Town;

**WHEREAS**, under the Cable Laws, the Town is required to hold a public hearing on the proposed Verizon Franchise Agreement and its application for a cable franchise;

**WHEREAS**, the Town is required to publish public notice of the hearing at least ten days in advance; and

**WHEREAS**, the Town therefore desires to establish a date and time for such public hearing;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board will hold a public hearing at its regularly scheduled meeting on June 9, 2008 at 7:00 P.M. for the purpose of considering the grant of a non-exclusive cable franchise to Verizon to own, construct, operate and maintain a cable system along the public rights-of-way within the Town in order to provide cable service, which authorization is made in accordance with the applicable provisions of Title VI of the Communications Act and the Cable Laws, and to authorize the Town to enter into a cable franchise agreement with VERIZON NEW YORK INC.

**23.**

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

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

**Reports from the Town Board**

Councilwoman Kesner thanks her fellow colleagues, Town Board and members of the

**Town of Hamburg**  
**Office of Supervisor**

**WHEREAS,** in 1935, a group of safety minded individuals in Western New York joined together to discuss the importance of safety education to both workers and management and, after several meetings, these crusaders organized the Western New York Safety Conference; and

**WHEREAS,** it was their aim to supply information, techniques and basic administrative assistance to front-line supervision through an annual conference and exhibit in an effort to reduce the number of injuries in plants; and

**WHEREAS,** the safety group conducted their first conference and exhibit in the spring of 1936 and are continuing to hold conferences and exhibits annually; and

**WHEREAS,** this conference is attended by some 500 delegates each year and is the largest gathering of safety-oriented and interested people in the Eastern United States; and

**WHEREAS,** the Western New York Safety Conference, Inc., which is celebrating its 72<sup>nd</sup> Anniversary in 2008, is an independent, non-profit organization dedicated to the conservation of human lives and the safety and health of the individual through the prevention of accidents and occupational diseases; and

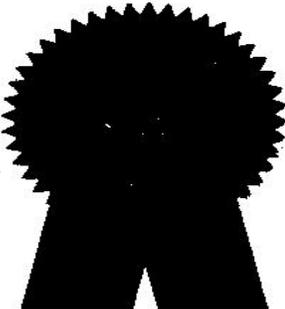
**WHEREAS,** the 72<sup>nd</sup> Annual Safety Conference and Trades Exhibit will be held at the Grand Island Holiday Inn on May 12, 13, 14 & 15, 2008,

**NOW THEREFORE,** I, Steven J. Walters, Supervisor of the Town of Hamburg, do hereby proclaim the period of May 12-16, 2008 as, "SAFETY WEEK" in the Town of Hamburg and urge all my fellow citizens to support the conference's many safety objectives during these special days and throughout the year.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 12<sup>th</sup> 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



SW  
WMA

community, Rosemary McManus, Linda Rogers and the Town Personnel for doing such a great job for the Townwide Cleanup. It was a great success, there were over a thousand participants, and Cathy Rybczynski was there, she's always there for them cooking hot dogs and helping to get things organized. For everyone who lent a helping hand, Bob Hutchison and his wife, Nancy, Mr. Connolly and his crew, thank you very much. The Police Department was out there, there was a patrol going around to make sure everyone had their equipment. It was definitely a partnership of government at it's best and community at it's best, saving the Town thousands of dollars. To all who helped, thank you very much.

Councilman Best recognizes and commends Mr. Jim Downey along with the Building & Grounds Department, and about 50 kids who volunteered their time. They planted about 50 trees from Retree of WNY. They planted these trees on their own time out in the Lakeview Recreation area. Also, he feels it's about time the Town Board stood before everyone and expressed what their feelings are on the bike path. He does not want this to resurrect again, again and again. His three main concerns were not addressed at the last session. He finds himself still against the design and some of the safety issues haven't been addressed. He is not against the bike path, as it stands now, he cannot endorse the bike path.

Councilman Smardz wants to encourage everyone that if they have an hour or half hour to stop by the Adult Day Care Services. They are having a Chinese auction on Wednesday, May 20<sup>th</sup> from 2:00 to 3:00 it's to do some fund raising for the facility. They use the money to defray the entertainment and activity costs for the residents who utilize that facility. Regarding the bike path, he learned a lot at the meeting, it was quite informative. He has received some additional documentation from the NYSDOT last week and is waiting on one more piece of financial documentation, he will not make a stance tonight until he has that piece of information. If he has the information by Friday, he will have his answer for the residents at the work session on next Monday regarding the bike path.

Supervisor Walters has also reviewed several pieces of information regarding the bike path and the information Councilman Smardz referred to was something both of them had questions about. He contacted Drew Reilly last week and he promised the information no later than the end of this week. It's regarding the financing and construction costs. Therefore he cannot make a decision until that information is received. An update on the Comprehensive Plan, he did hope to call a public hearing by this point but the time line got pushed back a little. They are tracking to have this done very shortly. There was one more piece of information that the Town Board needed to make a decision on before the final draft was presented to the public for a public hearing. The Town Board expects to make that final decision next Monday as public hearing called and move forward with this Comprehensive Plan as well. Specifically because in particular they are looking to come to some type determination on McKinley Parkway where there seems to be some difficulties making the land useable, not useable from an engineering stand point but from what the Town does or does not allow. The final draft should be available within a couple weeks. Thirdly, as a reminder, today was the first day of the new Southtowns

Auto Bureau opening at ECC South, building #7. This is going to serve our residents as well as all the residents of the south towns. Lastly, he received an email regarding a resident of the town who had to come in for some official business. She was sent to three different departments, Finance, Assessing and the Building Inspectors Office. She wanted to thank those three departments for the excellent assistance they gave her. He commends those three departments and certainly all our departments who strive to be user friendly.

Councilman Quatroche notes that he has been supportive of the project since its inception a couple of years ago. He is very sympathetic with the concerns of the Hoover Beach neighborhood and does have questions into Drew and he is awaiting an answer on regarding some design issues as well as financial issues. While he is supportive, he does have a couple reservations one is financial and the other is in the ability to mitigate some of the concerns of the Hoover Beach residents. At this point he's supportive, but due to questions and concerns, couldn't vote on it today.

### **Reports from Departments**

Cathy Rybczynski, Town Clerk commends the County Clerk on a new DMV. She also publicly commends the head of the Traffic Safety Board, Tim Ellis, who was named Teacher of the Year by the VFW Post 1419. That was also submitted to the County VFW news named Teacher of the Year by the Erie County VFW. Mr. Ellis teaches government classes at St. Francis High School and knows personally from her sons that he's done an excellent job.

Gerard Kapsiak, Town Engineer, announces that the Town's annual stormwater report is currently being finalized and will be ready to be submitted to the State Department of Environmental Conservation by the required June 1<sup>st</sup> deadline. Copies of the report will be available free of charge from the Engineering Department for anyone interested starting on June 2<sup>nd</sup>.

Chief Kesner announces the week if May 15<sup>th</sup> is police week.

Timothy Ellis reports that at the May 5<sup>th</sup> meeting there were issues about Hoover Rd with the new occupants of the old Snyder Tank. He worked with Kurt Allen on that problem, his department went in and talked to them and he thanks Kurt and his department help. Secondly, there was an article in the paper about the Walgreens property, the Traffic Safety Board in the Town, as well as the Village, have been working closely on this issue. Also, they have been working closely together on the traffic signal at Legion and Division as well. The phasing has been changed . He thanks Mr. Kapsiak for his hard work on that as well.

George Lee reports that they are working on Memorial Day, National Night Out. As far as the bike path he feels the Board should leave it to the people to vote on. He doesn't feel the little section of Hoover Beach should be allowed to stop the bike path. This has been worked on for eight years and it should be resolved.

### **Reports from the Public**

Ferd Garcia comments on the bike path and suggests a referendum. The residents of the Town of Hamburg are the deciding factor, not the Board. He feels that would be the fairest way to go.

Victor Liberatore expresses his feelings on the zoning of McKinley Parkway with owning this land for approximately 30 years and has been very unhappy with the zoning. They have not been able to sell one lot on McKinley Pkwy. Approximately three years ago Jamestown Savings Bank pulled out because he couldn't get through the proper channels quick enough. It's been an ongoing situation for them and he has not been able to get it resolved.

Supervisor Walters responds that when they get the draft compiled they will make sure he gets a copy of it.

Mr. Liberatore notes that the last time they were going through the Master Plan nobody listened to them and they gave him the type of zoning where it's impossible to do anything with. To prove the point, when they built the office building on McKinley Pkwy and Dorchester, they haven't been able to rent it yet. They are not looking for a special zoning.

Supervisor Walters responds that they are not looking to create a new special zoning for that area, they're looking to create the conditions that allow him to make maximum use of his land.

They have been talking with Mr. Kiebler in particular, from that area who is really informed them of all the issues that are being referred to. The town needs to address in this Master Plan to make it more conducive for him.

Mr. Liberatore responds that if this is not being resolved he will start a law suit against the town. He has been very, very patient. If this is not going to be an open opportunity where it gives him an opportunity to voice his opinion, then there's going to be something going on.

Supervisor Walters assures Mr. Liberatore that this is the issue being addressed and the Town Board within this Master Plan, they are not looking into changing the zoning, they are looking to giving him the greater ability to use that property the best way he sees fit. That's why he said once the draft is compiled, they want to get him a copy of that particular section so it can be reviewed and give the Board his input.

Mr. Liberatore responds that he has spent a lot of money and time trying to communicate with Drew when he had people interested in that particular piece of property. He has not been able to get an answer from Drew. He stresses that he has a lot of patience but he's running out of patience quickly.

Steve Strnad asks the Board why they have so many late resolutions. The taxpayers groups appreciates the written resolutions that they can look at ahead of time. There were more late ones than written this time.

Supervisor Walters responds that he agrees and that's why he made the comment that the Department Heads need to do a better job getting the resolutions in on time so they can be in the agenda.

Walter Kaleta asks if the Board could help to get a traffic signal light put in at South Park and Scranton Rd. They were denied by the D.O.T because it is too close to the one on Sowles Rd.

Supervisor Walters asks Tim Ellis if he could look into that.

Tim Ellis responds that he can tell the history of this as well. They have requested from the D.O.T twice to put something up there. They have refused them both times. He is willing to contact them again because conditions do change.

Jack Kiebler asks the Board what their concerns are with McKinley Pkwy. so they have an idea to prepare themselves with some feedback to get this done in a timely fashion.

Councilman Quatroche responds that in general the H-C zoning that's there is not conducive enough for tenants to want to go in there. The Board realizes that the zoning is not proper for them. The next zoning would be C-1 and the only concern with that is some of the uses that could be intrusive upon the residents behind there. That's why they asked Drew to take a look at it and get it back so they could put it in draft form and get it to the ones involved for their opinion.

Jack Kiebler questions again what the Board's feelings are on this.

Councilman Quatroche responds that they are trying to find a happy median between trying to make it marketable for the folks that want it. But also being respectful to the people behind there.

Supervisor Walters notes that Jack may look at what they put together and be pleasantly surprised at what he reads. They are trying to put something together that allows him to make optimal use of his property.

Councilman Smardz notes that with the current zoning it's hard to bring in business in that strip of McKinley Pkwy. Whatever gets put in there has to work with the neighborhood.

Mr. Kiebler responds that the 30 foot setback keeps that property from being developed as well. He looks forward to the neighborhood input as well.

Peter Liberatore notes that it's to the point where it's coming to an end so whatever the Board has to do they appreciate. They have a tough job ahead of them, but they have to make some sort of a decision.

Joe Killian notes that he has more petitions regarding the bike path. He notes he saw the street sweeper in Hoover Beach and questions why the Town would be cleaning private property. He then questions a referendum vote for the bike path.

Mr. Connolly responds that it's not private property, it's a town road.

Ferd Garcia notes that there was a referendum with the garbage and there was no monetary attachment to that.

Supervisor Walters responds that a creation of a district is one such item that's subject to permissive referendum.

Mr. Garcia notes that they also had one with Wanakah Sewer.

Supervisor Walters notes that there are certain things the State says you can put to referendum and certain things the State says that you can't. He asks the Legal Department to get an answer back to the Board.

Florence Kern stresses that she is not against the bike path, it's just not good for the residents of Hoover Beach to have it in their neighborhood. If it was moved over near Route 5 she would be happy to work with Councilwoman Kesner on it.

Joe Killian stresses that the bike path isn't going through the Hoover Beach neighborhood, it's going around, to the side.

Freda Killian notes that they have money to clean Hoover Beach but they don't have money for the bike path, she thanks her husband because he went out and cleaned. This is because of the concept that they don't have money.

**24.**

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 adjourn at 8:22 p.m.

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Catherine A. Rybczynski, Town Clerk