

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, N.Y. on the 22nd day of May 2006.

Supervisor Walters calls the meeting to order at 7:00 p.m.

TOWN BOARD MEMBERS

PRESENT:	Steven J. Walters	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

ABSENT:

OTHERS PRESENT: Catherine Rybczynski, Town Clerk
Richard Boehm, Deputy Town Attorney; James Spute, Finance Director; Gerard Kapsiak, Town Engineer; Joseph Coggins, Police Chief; James Connolly, Highway Superintendent; Christopher Hull, Director of Community Development; Martin Denecke, Director of Recreation; Tim Ellis, Traffic Safety Coordinator; Drew Reilly, Planning Consultant; Kurt Allen, Supervising Code Enforcement Officer

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

On a motion of Supervisor Walters, with a unanimous second, the following resolution was
ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

7:00 P.M. PUBLIC HEARING

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

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on May 8, 2006, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #3, 2006; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property located on Lakeview Road and identified as S.B.L. Number 195.00-2-29.1. The property is to be rezoned from R-A (Residential Agricultural District) to R-1 (Single Family Residence, Attached District) and is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York being part of Lot 10, Township 9, Range 8 of the Holland Land Company's Survey, being more particularly described as follows:

BEGINNING at a point in the north line of New Lakeview Road at the southwest corner of lands conveyed to Alan & Pearl Knapp by Liber 4804 of Deeds at Page 70; thence northerly along the said west line of Knapp a distance of 1477.17 feet to the north line of Lot 10; thence easterly along the north line of Lot 10 a distance of 475.30 feet (record) 474.29 feet (measure) to the west line of lands of George & Mildred Monkton by Liber 3454 of Deeds at Page 222; thence southerly along the said west line of Monkton a distance of 1488.38 feet to the north line of New Lakeview Road at the southeast corner of previously mentioned Knapp; thence westerly along the north line of New Lakeview Road a distance of 485.71 feet to Point of Beginning, being 16.33 acres of land, more or less.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on May 22, 2006 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: May 8, 2006

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski, Town Clerk, announces that there was no correspondence received.

Drew Reilly, Planning Consultant, hands out an information packet and describes where the rezoning will take place and why they are requesting the rezoning.

Councilwoman Kesner comments on drainage problems in the area.

Mr. Reilly describes how the drainage will be handled.

Councilman Cavalcoli requests a copy of the letter from the Planning Board recommending this rezoning. He also requests a draft of the conditions of the rezoning.

Supervisor Walters opens the floor to public comment.

Paul Dewald comments on the setback, number of lots, size of homes and position of driveways.

Gary Allen, represents adjoining property, is concerned about encroachment of R-1 properties surrounding his industrial property.

Councilwoman Kesner comments that new homeowners should be aware of the surrounding commercial and industrial properties.

Councilwoman Hochul comments that she is concerned about the wetlands and potential future drainage problems.

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes 0	

2.

RESOLVED, that the Town Board close the public hearing at 7:26 p.m.

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes 0	

3.

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

May 8, 2006	Town Board Meeting
May 15, 2006	Work Session

4.

EXTRACT OF MINUTES
Meeting of the Town Board of the

Town of Hamburg, in the County of Erie, New York

May 22, 2006

A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, on May 22, 2006.

There were present: Hon. Steven J. Walters, Supervisor; and

Board Members: D. Mark Cavalcoli; Kathleen Hochul; Joan A. Kesner and Thomas J. Quatroche, Jr.

There were absent:

Also present: Catherine A. Rybczynski, Town Clerk and Richard G. Boehm, Deputy Town Attorney

* * *

Councilman Quatroche offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK, ADOPTED MAY 22, 2006, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWN, STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,960,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,960,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HAMBURG, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town of Hamburg, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake the following capital improvements: (a) purchase of four trucks to be used as snow plows at the cost of \$130,750 each for a total cost of \$523,000; (b) purchase of one Gradeall machine at the estimated maximum cost of \$231,000; (c) reconstruction of various roads throughout the Town at the estimated maximum cost of \$905,000; and (d) reconstruction of the heating and air conditioning system at Town Hall at the estimated maximum cost of \$301,000. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,960,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,960,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$1,960,000 pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The periods of probable usefulness applicable to each of the objects or purposes referred to in this resolution, pursuant to applicable provisions of the Law, are at least five (5) years; however, the bonds authorized pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years from the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution, or for expenditures made prior to the effective date of this resolution if a prior declaration of intent to issue bonds has been made, for the purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or

amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in "THE SUN" and "FRONT PAGE," two newspapers having general circulation in said Town and hereby designated as the official newspapers of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was seconded by Councilman Cavalcoli and duly put to a vote on roll call, which resulted as follows:

AYES 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche

NOES 0

The resolution was declared adopted.

Ferd Garcia questions if there are any outstanding bonds.

Mr. Spute responds there is only one, all the others are paid off.

CERTIFICATE

I, CATHERINE A. RYBCZYNSKI, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on May 22, 2006 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 22nd day of May, 2006.

(SEAL)

Catherine Rybczynski, Town Clerk

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

5.

WHEREAS, a public hearing was held on April 10, 2006, for discussion and public comment concerning adoption of proposed local law #2, 2006,

WHEREAS, proposed local law #2, 2006, calls for an amendment of the Hamburg Town Code with the addition of a new chapter to be entitled “Sex Offender Residency Law”,

NOW THEREFORE BE IT RESOLVED that proposed local law #2, 2006, be removed from the table, and

BE IT FURTHER RESOLVED that the Hamburg Town Board adopt the proposed amendment to the Code of the Town of Hamburg to read as follows:

Section 1: Sex Offender Residency Restriction

A. Legislative Intent

The adoption of Megan’s Law has increased public awareness of sexual offenders by requiring them to become registered with authorities and making such information available to the public. The Town Board of the Town of Hamburg believes this legislation is necessary to further protect the best interests of all children, and to protect the health, safety and welfare of residents in the Town of Hamburg.

B. Definitions

A used in this law, the following terms shall have the meanings indicated:

DANCE HALL-any place (whether inside or outside a building) where a public dance, concert or related activity is permitted or conducted as part of the business of such place.

PUBLIC DANCE-any dance, concert or related activity to which persons under the age of eighteen (18) are admitted for which an attendance charge or donation is imposed as a condition of attendance.

TEEN/COMMUNITY CENTER-any building/structure where persons under the age of eighteen (18) years of are invited and congregate for the purpose of education, athletics and/or entertainment.

TOWN OF HAMBURG-the Town of Hamburg, excluding the territory of the Villages of Hamburg and Blasdell.

C. Residency Restrictions

No person over the age of eighteen (18) years, who has been convicted of a violation of a sexual offense upon a child of the age of sixteen (16) years or under, as defined by the New York State Penal Law, which would require that individual to register as a sex offender under state and/or federal laws, shall be permitted to reside or live within one thousand five hundred (1,500) feet of the real property of any:

1. School
2. Park
3. Playground
4. Day Care Center
5. Teen/Community Center
6. Teen Facility
7. Dance Hall, or
8. Skating Rink
9. Swimming Pools
10. Group Family Providers
11. Family Child Care Providers

In the Town of Hamburg, unless such residence has been assigned by a supervised release program, which provides close supervision of the sex offender's daily activity, or the residency of said offender was established prior to the enactment of this legislation.

D. Penalties

Failure to comply with this section shall be considered a violation punishable by a fine not to exceed One Thousand Five Hundred Dollars (\$1,500.00) or imprisonment not to exceed fifteen (15) days, or both.

E. Severability

If any clause, paragraph, section or part of this chapter shall be adjudicated by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be continued in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

F. This local law shall take effect upon filing with the Secretary of State.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

6.

RESOLVED, that the Town Board approve the termination and hiring of personnel in the Highway Department as follows:

- 1. Sanabria, Sandra Clerk Typist P/T 06/04/2006 Terminate
- 2. Sanabria, Sandra Clerk Typist Seasonal 06/05/2006 \$9.83

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

7.

BE IT RESOLVED that the Town of Hamburg enters into an agreement with Connie D. Miner & Co. Grant Consultants to provide professional services for the purpose of writing and administering grants on a per project basis. The terms of the agreement are set for a total of 200 hours of professional services. The hourly rate is established at \$50.00 per hour, not to exceed \$10,000, and

BE IT FURTHER RESOLVED that the supervisor is authorized to sign the agreement on behalf of the Town.

Funding for the above will be from Trust & Agency T-37 Cash in Lieu of Land to A1220.456 consultant fees "GRANT WRITER" in the amount of \$10,000.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

8.

BE IT RESOLVED, that the Burke rezoning request be removed from the table.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

9.

WHEREAS, the Town of Hamburg has received a rezoning application from Edmund F. Burke of E.F. Burke Co. For the rezoning of approximately 28 acres of property located near Bayview Road, Southwestern Blvd., and South Park Avenue from C-1, (Local Retail Business District) to C-2 (General Commercial District) for the subsequent construction of a Business Park, and

WHEREAS, the Hamburg Town Board has reviewed the action and coordinated the SEQR process with other involved and interested agencies, and

WHEREAS, on April 18, 2005, the Hamburg Town Board did declare itself Lead Agency and issued a Positive Declaration requiring that an Environmental Impact Statement be prepared, and

WHEREAS, a Draft Generic Environmental Impact Statement (DGEIS), was completed, a public hearing held, and an FGEIS was drafted based on the comments received, and

WHEREAS, the Final Generic Environmental Impact Statement was accepted as complete by the Hamburg Town Board, acting as Lead Agency, on April 24th, 2006,

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board concludes that the proposed rezoning and subsequent development are not anticipated to result in any significant adverse effects on the environment, that cannot be mitigated and that a Certification of Findings to approve is hereby issued, based on reasons outlined in the Findings Statement herein attached.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

10.

WHEREAS, the Town of Hamburg received a rezoning application from E.F. Burke Co. for the rezoning of property located at the northwest corner of South Park Ave. (Rt. 62) and Southwestern Blvd. (Route 20) from C-1, local retail Business District to C-2, General Commercial District for the development of the Hamburg Business Park, and

WHEREAS, the Town of Hamburg held the required public hearing and received no adverse comments from the public, other agencies, and Town departments, and

WHEREAS, in accordance with the State Environmental Quality Review Act, SEQRA the Town has completed a Generic Environmental Impact Statement (GEIS) process, and issued Positive Findings, and

WHEREAS, the Town of Hamburg wishes to rezone this parcel from C-1 to C-2 with the following conditions and supportive reasons:

Conditions of the Rezoning:

1. The Stormwater Pollution Prevention Plan (SWPPP) will illustrate a consolidated plan for the site, and be approved by the Town Engineer.
2. The new road will be constructed during Phase I of the project.
3. Disturbance of the property will be limited to the phasing approvals.
4. Town Board approval of the architecture of any building fronting Southwestern Blvd. will be required.
5. The allowed uses on this property will be limited by a deed restriction, which will exclude the following uses:
 - Boat and marine sales and service
 - Warehouses
 - Dairies and bottling of beverages
 - Wholesale sales and distribution
 - Commercial swimming pools
 - Theaters and drive-in theaters
 - Golf driving ranges and miniature golf
 - New or used motor vehicle sales
 - Terminals for trucking and delivery services
 - Laundry and dry-cleaning plants
 - Storage and sales of solid fuel

- Commercial car washes
- Filling stations, gasoline stations, automotive repair shops
- Public garages.

6. Traffic mitigations/improvements will be installed as outlined in the Findings Statement
7. The existing vegetative buffer between parcels and the school will be retained.
8. Any substantial changes to the project, or to the mitigations outlined in the Findings Statement will need Town Board approval and/or a Supplemental Environmental Impact Statement.

Reasons:

1. The proposed rezoning is in accordance with the Town's Comprehensive Plan.
2. The project will not have any negative impacts to the surrounding residential and business uses.

THEREFORE BE IT 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 C-1, Local Retail business to C-2, General Commercial District for the property located northwest of the South Park Ave., Southwestern Blvd. Intersection and further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 6 & 7, Township 8 and Range 8 of the Holland Land Company's Survey, being more particularly described as follows:

BEGINNING at a point in the northwest corner of lands conveyed to Edmund F. Burke by deed recorded in Liber 9666 of deeds at page 639; thence $S01^{\circ}55'46''W$, a distance of 162.00 feet to the southwest corner of Liber 9666 of deeds at page 639; thence $S59^{\circ}33'42''E$, a distance of 150.00 feet to a point in the westerly line of South Park Avenue; thence $S01^{\circ}55'46''W$, along the westerly line of South Park Avenue, a distance of 138.68 feet to a point in the northeast corner of Loretta A. Iafallo by deed recorded in Liber 10547 of deeds at page 409; thence $N88^{\circ}04'14''W$, along the north line of Liber 10547 of deeds at page 409, a distance of 150.00 feet; thence $S01^{\circ}55'46''W$, along the west line of Liber 10547 of deeds at page 409, a distance of 155.00 feet; thence $S56^{\circ}03'15''W$ along the northwesterly line of Southwestern Boulevard, said line also being the northwesterly line of a 10 foot wide strip of land to be acquired by the New York State Department of Transportation, a distance of 755.38 feet; thence $N33^{\circ}57'13''W$, along the northeasterly line of the future Hamburg Central Federal Credit Union, a distance of 350.00 feet; thence $S56^{\circ}03'15''W$, along the northwesterly line of the future Hamburg Central Federal Credit Union, a distance of 250.00 feet; $S33^{\circ}57'13''E$, along the southwesterly line of the future Hamburg Central Federal Credit Union, a distance of 350.00 feet; thence $S56^{\circ}03'15''W$ along the northwesterly line of Southwestern Boulevard, said line also being the northwesterly line of a 10 foot wide strip of land to be acquired by the New York State Department of Transportation, a distance of 60.00 feet; thence $N33^{\circ}57'13''W$, along the northeasterly line of lands conveyed to Frontier Central School by deed recorded in Liber 10976 of deeds at page 8590, a distance of 576.72 feet; thence $N01^{\circ}55'46''E$, along the easterly line of lands conveyed to Frontier Central School by deed recorded in Liber 5244 of deeds at page 556, a distance of 1387.58 feet to a point in the southwesterly line of Bayview Road; thence $S59^{\circ}33'42''E$, along the southwesterly line of Bayview Road, a distance of 17.76 feet; thence $S01^{\circ}55'46''W$, along the westerly line of lands conveyed to Big Tree Volunteer Firemen's Co., Inc. by deed recorded in Liber 9666 of deeds at page 635, a distance of 350.00 feet; thence $S88^{\circ}04'14''E$, along the southerly line of lands conveyed to Big Tree Volunteer Firemen's Co., Inc. by deed recorded in Liber 9666 of deeds at page 635, a distance of 219.69 feet; thence $N01^{\circ}55'46''E$, along the easterly line of lands conveyed to Big Tree Volunteer Firemen's Co., Inc. by deed recorded in Liber 9666 of deeds at page 635, a distance of 230.68 feet to a point in the southwesterly line of Bayview Road; thence $S59^{\circ}33'42''E$, along the southwesterly line of Bayview Road, a distance of 1064.59 feet to the point of beginning, containing 28.72 acres more or less.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

11.

WHEREAS, the construction of the waterline replacement project along Lake Shore Road (NYS Route 5), between Camp Road and Pleasant Avenue, was inspected by Nussbaumer & Clarke, Inc., who has certified that all work has been satisfactorily completed in accordance with the plans and specifications for the project, and all contract close-out submittal requirements have been complied with; and

WHEREAS, during the construction of this project, it was necessary that Visone Construction, Inc. perform various additional work which was not part of their original contract requirements. This additional work was primarily associated with addressing requests made during construction by the Erie County Water Authority and New York State Dept. of Transportation. This resulted in negotiated extra costs to the contract in the amount of \$39,640, for which Change Order No. 2 to the contract is hereby approved and authorized to be signed by the Supervisor,

THEREFORE BE IT RESOLVED, that the Town Board accepts this contract as complete, and approves the release of final payment, including retention. The total amount paid to Visone Construction, Inc. under this contract is \$2,121,655, which is \$80,820 less than the originally bid and awarded contract amount. This reduction is due to the actually installed quantities for several payment items being less than the originally bid quantities for such items.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

12.

WHEREAS, Our Lady of Grace RC Church paid for a license to hold Bingo Games through June of 2006, and

WHEREAS, due to lack of attendance, they will be holding their last Bingo Games on Thursday, May 18th.

THEREFORE BE IT RESOLVED, that the Town Board approve the refund of the remaining six Bingo occasions at \$7.50 each for a total of \$45.00. The money is available in account A2540.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

13.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Buildings and Grounds Department as follows:

1. Fanning, Jake	Laborer - P/T (A7140)	05/21/2006	Terminate
2. Fanning, Jake	Laborer - P/T Seasonal (A7140)	05/22/2006	\$9.67
3. Kieber, Dan	Laborer - P/T (A7140)	05/21/2006	Terminate
4. Kieber, Dan	Laborer - P/T Seasonal (A7140)	05/22/2006	\$9.36
5. Jasinski, Thomas	Laborer - P/T (A7140)	05/21/2006	Terminate
6. Jasinski, Thomas	Laborer - P/T Seasonal (A7140)	05/22/2006	\$9.09
7. Kales, George	Laborer - P/T (A7140)	05/21/2006	Terminate
8. Kales, George	Laborer - P/T Seasonal (A7140)	05/22/2006	\$9.09
9. Zulowski, John	Laborer - P/T (A7140)	05/21/2006	Terminate
10. Zulowski, John	Laborer - P/T Seasonal (A7140)	05/22/2006	\$9.09

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Hochul, Kesner, Quatroche
	Noes 0	

14.

WHEREAS, the New York State Dept. of Transportation (NYSDOT) is currently undertaking a highway reconstruction project (Project No. 5111.82.321) along Southwestern Blvd. (Route 20) in the area of a proposed development in the Brierwood Plaza; and

WHEREAS, the developer and NYSDOT have determined and agreed that a westbound right turn lane into the main driveway for the proposed development is necessary, and NYSDOT is willing to incorporate the right turn lane as part of their highway project, at the sole cost and expense of the developer in the estimated amount of \$18,976.10; and

WHEREAS, NYSDOT has previously established an escrow account in the name of the Town of Hamburg for other betterments which NYSDOT has performed for the Town as part of the Route 20 highway project. NYSDOT has requested that the developer send the funds for the right turn lane to the Town, for forwarding to NYSDOT for deposit into the escrow account,

THEREFORE BE IT RESOLVED, that the Town Board authorizes the right turn lane to be installed by the NYSDOT contractor under the terms of a Betterment Agreement between NYSDOT and the Town of Hamburg, and that the Town Supervisor is authorized to sign this Agreement on behalf of the Town of Hamburg.

BE IT FURTHER RESOLVED, that the Town Board acknowledges the receipt of a bank cashiers check from the developer in the amount of \$18,976.10, and authorizes that this amount be forwarded to NYSDOT for deposit into the Town’s escrow account for the Route 20 project.

BE IT FURTHER RESOLVED, that if the actual cost of constructing the right turn lane should be less than the above amount, the remaining balance is to be refunded to the Town by NYSDOT, and subsequently forwarded by the Town back to the developer.

BE IT FURTHER RESOLVED, that this action by the Town Board does not represent any type of approval or commitment by the Town of Hamburg to the developer for the proposed development at the Brierwood Plaza.

BE IT FURTHER RESOLVED, that five (5) certified copies of this resolution be provided to the Town Engineering Department, for transmittal to NYSDOT and the developer, together with the executed Agreements.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

15.

RESOLVED, that the Town Board approve the membership of the following into the Lake Shore Volunteer Fire Company, Inc:

Jason Bleistein
S-4934 Chapman Parkway
Hamburg, N.Y. 14075

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes

16.

RESOLVED, that the Town Board authorize Supervisor Walters to sign contracts for music licensing with Broadcast Music, Inc and the American Society of Composers, Authors and Publishers. It has been determined that the licenses are necessary in order to play music at public facilities such as the Fitness Center and Ice Arena. The total cost for the two licenses is \$1,020. Funds are available in account B7310.440.

On a motion of Councilwoman Hochul, with a unanimous second, the following resolution was

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

17.

RESOLVED, that the Town Board authorize the Recreation Department to name three softball fields at the Hamburg Recreation Center (Nike Base) in honor of the Towns three former Recreation Directors. This gesture is in recognition of the outstanding service given by the late Robert Wilson (served 1956-1970), Alan Greenfield (1970-1988) and Richard Tripp (1988-2002). As we celebrate the Recreation Department's 50th Anniversary in 2006 we want to acknowledge the accomplishments of these devoted park and recreation professionals. The dedication will take place at the annual "Blast on the Beach" festival on Saturday, July 29, 2006. This years theme is "50 Years of Family Fun".

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

18.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Recreation Department as follows:

1. Burke, Melissa	B7310(320) Rec. Attendant	05/15/2006	\$9.75 Seasonal
2. Aroune, Paul	B7310(320) Rec. Attendant	05/15/2006	\$10.04 P/T
3. McFeely, Maria	ER7251(225) Rec. Attendant	05/20/2006	\$6.95 Seasonal
4. Denecke, Patrick	A7265(230) Rec. Attendant	05/22/2006	\$6.75 Seasonal
5. Grosjean, Kristen	B7310(412)	05/22/2006	Terminate
6. Grosjean, Kristen	A7180(215) Lifeguard	05/23/2006	\$8.75 Seasonal
7. McKenney, Matthew	A7180(215) Lifeguard	05/23/2006	\$7.50 Seasonal
8. Slowik, Angela	“	”	\$7.50 Seasonal
9. Smith, Lindsay	“	”	\$7.75 Seasonal
10. Zimmerman, Amy	“	”	\$7.25 Seasonal
11. Kuhrt, Timothy	“	”	\$10.04 Seasonal
12. Walsh, David	“	”	\$7.75 Seasonal
13. Meyers, Donald	“	”	\$7.25 Seasonal
14. Wolbent, Mark	“	”	\$7.25 Seasonal
15. Harris, Michael	“	”	\$7.25 Seasonal
16. Weyer, Elizabeth	“	”	\$7.25 Seasonal
17. Gallson, Cameron	“	”	\$7.25 Seasonal
18. Smith, Kelly	“	”	\$7.25 Seasonal
19. Sadowski, Christopher	B7310(320) Rec. Attendant	05/23/2006	\$7.25 Seasonal
20. Rickard, Kelly	“	”	\$7.50 Seasonal
21. Kalonaros, Constantine	ER7251(225)	05/23/2006	\$7.50 Seasonal

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

19.

BE IT RESOLVED, that the Town Board authorizes an Out of Town Travel Request to allow Code Enforcement Officer, James Eberhardt to attend the New York State Building Officials Association (NYSBOC) meeting in Slingerland, New York. Mr. Eberhardt is the representing delegate appointed by the New York State Building Officials Association. This meeting is to be held on June 2, 2006. There are no costs to Hamburg taxpayers for travel expenses incidental to the attendance of Mr. Eberhardt at this meeting. All costs will be wholly funded by NYSBOC.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

20.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Building and Grounds Department as follows:

1. Nelson, Brett	Laborer, P/T	05/30/2006	\$7.25
2. Jewitt, Zachary	Laborer, P/T (A7140)	05/30/2006	\$7.25
3. Nye, Bradley	Laborer, P/T (A7140)	05/30/2006	\$7.25
4. Shouldice, Joshua	Laborer, P/T (A7140)	05/30/2006	\$7.25
5. LaRosa, Barbara	Seasonal Clerk	05/21/2006	Terminate
6. LaRosa, Barbara	Clerk, P/T	05/22/2006	\$10.61

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

21.

RESOLVED, that Deanna Filighera, Tax Manager, be authorized to travel to Rochester, New York for the New York State Association of Tax Receivers & Collectors Annual Training Seminar on June 11, 2006. The training will include discussions on Check 21, Credit Card Payments, Organization in the tax office, as well as, Ask a Collector. A legal panel will also be available to answer questions. The cost of a one-day commuter is \$150. Request for money to be transferred from Contingency A1990.419 into the Tax Seminar account.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

23.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that R1-3 ALL WAY Stop signs be installed and maintained by the Building and Grounds Department at the intersection of Appollo and Diana Lanes.

Reports from Town Board Members and Department Heads

Councilwoman Kesner requests a moment of silence for Christopher Howick, a soldier from Hamburg whose helicopter crashed in Afghanistan.

Councilwoman Hochul announces that the Hamburg Town Beach will open on June 3rd for swimming; The Town of Hamburg was awarded with the Quality of Youth Sports Award from the NYS Recreation and Parks Society; a map with Park & Ride sites will be available to take Bus 36 to Downtown Buffalo; Seaway Trail Visitors Center will open Memorial Day Weekend.

Councilman Quatroche reports a meeting will be held soon on the Foit's project; damage to golf course from flooding is being addressed.

Supervisor Walters asks for the moment of silence for Chris Howick.

Catherine Rybczynski, Town Clerk, reports summer hours will start on May 30th. The Town Clerk's Office will be open from 8:00 am to 4:30 pm and Wed. only until 6:30 pm.

Mr. Kapsiak, Town Engineer, reports that the Annual Storm Water Report is being finalized and will be ready for submittal to the NYSDEC by the end of this week, copies will be available on Friday, May 26th in the Engineering Office.

Business From the Floor

Ferd Garcia questions if a record is kept of visitors to the Seaway Trail Visitors Center.

Councilwoman Hochul responds that a visitors log is kept.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

24.

RESOLVED, that the Town Board go into Executive Session at 8:10 pm with the Legal Department and Police.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

25.

RESOLVED, that the Town Board close Executive Session at 9:40 p.m.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche
 Noes 0

26.

RESOLVED, that the Town Board adjourn at 9:41 p.m.

Catherine Rybczynski, Town Clerk