

A regular Town Board meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, 6100 South Park Avenue, Hamburg, New York on the 11th day of May 2015.

4.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board adjourn Executive Session at 7:04 pm and move into the regular meeting.

ROLL CALL: Steven J. Walters Supervisor
 Michael Quinn, Jr. Councilman
 Cheryl Potter-Juda Councilwoman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk
Walter Rooth III, Town Attorney; Mary Dosch, Sr. Account Clerk; Richard Lardo, Principal Engineering Assistant; Kevin Trask, Police Captain; Marty Denecke, Director of Youth, Recreation and Senior Services; Thomas Best Sr., Highway Superintendent; Drew Reilly, Planning Consultant; Sean Crotty, Coordinator of Emergency Management Team; Kurt Allen, Supervising Code Enforcement Officer; Barbara Brauch, Clerk of Justice Court; Thom Taylor, Sr. Public Safety Dispatcher

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

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

LEGAL NOTICE TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that there has been presented to the Town Board on April 13, 2015, pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law 5, 2015; said local law provides for amendments of the Hamburg Town Code: Chapter 280 entitled “Zoning”; Chapter 240, entitled “Town Owned Property-Regulation of”, in the following sections. The proposed amendments are in accordance with recommendations of the Town of Hamburg Code Review Committee. The amendments can be described as follows:

- Amend Chapter 280, Zoning Code, “Article XLI. Nonconforming Uses” by deleting Section 280-290
- Amend Chapter 280, Zoning Code, “Article XLV Zoning Board of Appeals”, by deleting under Section 280-310 C paragraphs (1) and (2), and then renumbering the paragraphs
- Amend Chapter 280, Zoning Code, “Article XLV Zoning Board of Appeals”, by deleting under Section 280-311 “paragraph J. Lapse of Authorization”, sub-paragraph (1) and replacing it with a new sub-paragraph (1) as follows:

(1) Lapse of authorization. Any variance, special use permit or modification of regulations authorized by the Zoning Board of Appeals (ZBA) shall be automatically revoked, unless a building permit conforming to all conditions and requirements established by the Zoning Board of Appeals is obtained within 30 days of the date of approval by the Zoning Board of Appeals (or a six month extension is granted by the ZBA.) All extensions will be coordinated with the Planning Board, if site plan approval is required.

- Amend Chapter 240. “Town Owned Property, Regulation Of” by including regulations for the use of motor vehicles, minibikes, mopeds, snowmobiles, all-terrain vehicles and other motorized recreational vehicles on Town owned property

A detailed copy of the proposed amendments will be available, for public review, during regular business hours at the following locations:

HAMBURG TOWN HALL-2 Locations
Town Clerk's Office/upper level & Planning Department/lower level)
6100 South Park Avenue
Hamburg, New York 14075

And on the Town of Hamburg's website:
www.townofhamburgny.com Click on Legal Notices & Bid

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 11, 2015 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: April 13, 2015

Catherine Rybczynski
Town Clerk
Town of Hamburg

No correspondence was received.

Drew Reilly comments that the Code Review Committee, during their review of the Town Code, found certain items that needed to be amended. He reviews the amendments and the reasoning behind the revisions.

No one appeared to comment on the public hearing.

5.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

RESOLVED, that the Town Board close the public hearing.

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

LEGAL NOTICE TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that there has been presented to the Town Board on April 13, 2015, pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law 6, 2015; said local law provides for amendments to Chapter 280 of the Zoning Code of Town of Hamburg, in the following sections. The proposed amendments are in accordance with recommendations of the Town of Hamburg Code Review Committee. The amendments can be described as follows:

- Delete, in its entirety, Article XXXVI: Sign Regulations
- Insert: New Article XXXVI: Sign Regulations
- Delete, in its entirety, Chapter 280-203 D
- Delete, in its entirety, Chapter 280-190 B (7)
- Delete, in its entirety, Chapter 280-190 C (11)
- Delete, in its entirety, Chapter 280-190 D (3)
- Delete, in its entirety, Chapter 280-197 D (1)

A detailed copy of the proposed amendments will be available, for public review, during regular business hours at the following locations:

HAMBURG TOWN HALL **2 Locations**
Town Clerk's Office/upper level **and** Planning Department/lower level)
6100 South Park Avenue
Hamburg, New York 14075

And on the Town of Hamburg's website:
www.townofhamburgny.com Click on Legal Notices & Bid

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 11, 2015 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: April 13, 2015

Catherine Rybczynski
Town Clerk
Town of Hamburg

Kurt Allen, Supervising Code Enforcement Officer, comments that the first sign ordinances were adopted in 1986 and since then there has been several revisions and the code has become hard to interpret. When the Code Review Committee first started looking at it they determined that it was time to start from scratch and rewrite the entire sign Code. This would bring the sign code up to date and take into account concerns about the technology with new signs that have come out in the last several years. They also needed to address the sign language in the overlay districts. The new code will simplify and clarify the entire sign code. They set up an Ad Hoc Committee comprised of him, Sarah desJardins and Jerry Giglio and he wants to thank them for their help in putting the draft together. The proposed new law is just a draft, that is what the public hearing is about. To present the draft, to get constructive input and turn it into workable legislation. He then reviews the new proposed local law.

Nicholas Nechovski, Vice-President of St. Cyril & Methody Church, comments that what they want to do is get a digital sign at their church. They did have some damage to their sign and applied for a digital sign to replace it. They were told that there was a moratorium on that type of sign. He asks if that has been lifted or if they could get a variance for the sign as the church is in need of one. They have a thousand plus members in his church with eight hundred of those living in Hamburg.

Supervisor Walters responds that the moratorium was put into place so that this law could be written, vetted and adopted. Once they have adopted the new sign ordinance law the moratorium will be lifted. Any electronic sign will fall under the new ordinance.

Mr. Allen responds that currently they are proposing that digital signage is a prohibited sign type. However this is a draft, not final legislation, but one of the considerations is allowing digital signage for his application which would include public schools, churches or fire halls for banner board messaging.

Mr. Nechovski responds that their biggest issue is Bingo. Their revenue, since the sign is gone, has been down. They would like to put a digital sign up but have to put up something soon because the income is cut in half. The Bingo keeps the place afloat.

Supervisor Walters responds that the public hearing is part of the end of the process. Nothing is guaranteed but the hope is that it won't be that long before the law will be adopted. It will depend on the comments they receive. If there are significant changes that need to be made it could take longer. They should have a handle on how long after all public comments are heard. A local law is usually adopted within a couple months of the public hearing.

Mr. Nechovski asks for a favor, as a church and because of the significant drop in income from Bingo proceeds, if there is any type of exception or variance.

Mr. Allen responds no not until the moratorium is lifted. They are working as quickly as they can. They can get a temporary non-digital sign.

Mr. Nechovski responds that they do have a temporary sign but it is not sufficient.

Councilwoman Potter-Juda comments that they should exchange phone numbers so that Mr. Allen could notify Mr. Nechovski when this will be lifted. There is an application process that the church will also have to go through before it is approved.

Joe Kilian questions if there are provisions for signs on a parked truck or other vehicle that is in clear view of the public.

Mr. Allen responds that there is a provision in the proposed law listed under Chapter 280-236. Prohibited signs, paragraph I.

Mr. Kilian comments that he has a truck advertising his business that is parked in his driveway. Is this in violation?

Mr. Allen responds that it is not.

John McKendry comments how will this affect preexisting signs? There is a digital sign on a Pharmacy in his neighborhood that wakes up the whole neighborhood.

Mr. Allen responds that if it is a preexisting sign it will be allowed as long as it is functional. However once the diodes on the digital sign have to be replaced the whole panel would have to be replaced and at that time it could not be renewed.

Mr. Reilly comments that page (8) item 8 deals with existing digital signs.

6.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

RESOLVED, that the Town Board close the public hearing.

7.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

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

04/27/2015	Work Session
04/27/2015	Town Board meeting

8.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

WHEREAS, the Hamburg Town Code contains and specifies the local laws, and ordinances of the Town of Hamburg, and it has been determined that the Town Codes do not address residential grade wind turbines; and

WHEREAS, the Hamburg Code Review Committee, working with the Town Planning Department, has prepared draft language to address residential wind turbines in the Town of Hamburg and has recommended this language to the Hamburg Town Board; and

WHEREAS, the Hamburg Town Board referred this draft language to the Planning Board for its review, comment and recommendation and began the SEQOR and County referral process; and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law, as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Hamburg Town Code as follows:

Add a new section to Chapter 280 - Zoning Code of the Town of Hamburg (Local Law 1987), entitled Residential Wind Energy Conversion Systems (WECS).

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board sets a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on June 22, 2015.

9.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

RESOLVED, that the Town Board approve the termination and rehiring of personnel for the Town Clerk as follows:

WHEREAS, the said Superintendent has requested the consent of this Board to an order discontinuing the said portion of Lake View Avenue as more specifically described below:

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 Number 16, Township 9, Range 8 of the Holland Land Company's Survey, and being more particularly described as follows:

The remaining portion of Lake View Avenue, as shown on Map Cover 416 filed in the Erie County Clerk's Office, which extends from Bayview Road to the south line of the former Winona Avenue, which was previously abandoned.

Grantor, Town of Hamburg, hereby discontinues the entire parcel described above to the Grantees, Town of Hamburg Industrial Development Agency; Hamburg New York Land Development Corporation and JR Fort Collins, L.L.C.

As a condition of this discontinuance, Grantees acknowledge and Grantor hereby declares that all parties that may presently have utility installations upon the above-described premises are hereby deemed to have full width utility easement for occupation, access, operation and maintenance of their existing facilities in their current locations;

WHEREAS, the Town Board has approved the discontinuing of said portion of Lake View Avenue; and

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD

1. That petition by the Town of Hamburg Industrial Development Agency, the Hamburg New York Land Development Corporation and JR Fort Collins, L.L.C. is signed by the owners of all property along that portion of Lake View Avenue to be abandoned.
2. That the Town Board has confirmed that the portion of said street or highway to be discontinued is not within the limits of an incorporated village, which is the terminus thereof; is unnecessary for highway purposes and that said portion of said street or highway to be discontinued is not greater than one thousand feet; and that the petitioners are the sole owners on both sides of the highway or street, for the distance that it is proposed to discontinue the same.
3. That the discontinuance of Lakeview Avenue from Bayview Road to the south line of the former Winona Avenue, previously abandoned, is hereby approved pursuant to the provisions of Section 171 of the Highway Law of the State of New York as more particularly 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 Number 16, Township 9, Range 8 of the Holland Land Company's Survey, and being more particularly described as follows:

The remaining portion of Lake View Avenue, as shown on Map Cover 416 filed in the Erie County Clerk’s Office, which extends from Bayview Road to the south line of the former Winona Avenue, which was previously abandoned.

- 4. That the Town Board does hereby consent to an Order, in the form annexed hereto, discontinuing that portion of Lake View Avenue as sets forth above.
- 5. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Hamburg held on May 11, 2015, the results of which were as follows:

Supervisor Walters	Yes
Councilmember Quinn	No
Councilmember Potter-Juda	Yes

In the Matter of the Petition of the Town of Hamburg Industrial Development Agency, the Hamburg New York Land Development Corporation and JR Fort Collins, L.L.C. for the Discontinuance of Lake View Avenue Which Runs through the land of Town of Hamburg Industrial Development Agency, Hamburg New York Land Development Corporation and JR Fort Collins, L.L.C. Pursuant to Section 207 of the Highway Law

ORDER DISCONTINUING HIGHWAY

A petition having been presented to me under the provisions of Section 207 of the Highway Law, duly executed by the Town of Hamburg Industrial Development Agency, the Hamburg New York Land Development Corporation and JR Fort Collins, L.L.C. who are the all the owners of property along the remaining portion of Lake View Avenue which is also a dead end highway, said portion being briefly 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 Number 16, Township 9, Range 8 of the Holland Land Company's Survey, and being more particularly described as follows:

The remaining portion of Lake View Avenue, as shown on Map Cover 416 filed in the Erie County Clerk's Office, which extends from Bayview Road to the south line of the former Winona Avenue, which was previously abandoned.

Grantor, Town of Hamburg, hereby discontinues the entire parcel described above to the Grantees, Town of Hamburg Industrial Development Agency; Hamburg New York Land Development Corporation and JR Fort Collins, L.L.C.

As a condition of this discontinuance, Grantees acknowledge and Grantor hereby declares that all parties that may presently have utility installations upon the above-described premises are hereby deemed to have full width utility easement for occupation, access, operation and maintenance of their existing facilities in their current locations;

and it having been determined to my satisfaction, after an investigation made by me, that said portion of said street of highway above described is not within the limits of an incorporated village, which is the terminus thereof; is unnecessary for highway purposes and that said portion of said street or highway is not greater than one thousand feet of the terminus thereof; and that the petitioners are the owners of the land on both sides of the highway or street, for the distance that it is proposed to discontinue the same. As a condition of this discontinuance, it is determined that all parties that may presently have utility installations upon the above-described premises are hereby deemed to have full width utility easement for occupation, access, operation and maintenance of their existing facilities in their current locations.

NOW, THEREFORE, in accordance with the power and discretion given me by section 207 of the Highway Law of the State of New York, I hereby direct that the above described portion of said highway known as Lake View Avenue in the Town of Hamburg be discontinued and abandoned for public purposes, and

I further direct that this order be duly entered into the Office of the Clerk of the Town of Hamburg, County of Erie, New York.

Date: May 11, 2015

Thomas M. Best, Sr.
Superintendent of Highways
Town of Hamburg

STATE OF NEW YORK) SS
COUNTY OF ERIE)

On the 11th day of May, in the year 2015, before me, the undersigned, personally appeared Thomas M. Best, Sr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, Erie County, N.Y.
My Commission expires

CONSENT TO DISCONTINUANCE OF LAKEVIEW AVENUE

We, the undersigned members of the Town Board of the Town of Hamburg, consisting the whole or a majority thereof, do hereby consent to the making and filing of an Order, in the form annexed hereto, discontinuing that portion of Lakeview Avenue commencing at Bayview Road and extending to the south line of the former Winona Avenue which was previously abandoned pursuant to Section 171 of the Highway Law of the State of New York with the legal description as more specifically set forth in said Order.

TOWN BOARD OF THE TOWN OF HAMBURG

STEVEN J. WALTERS, Supervisor

MICHAEL QUINN, JR., Councilmember

CHERYL POTTER-JUDA, Councilmember

Councilman Quinn comments that at this time he is not voting in favor of this resolution. There have been picket lines on this job for local labor policy which the IDA Board will be moving on soon. He feels that giving this road back will move these picketers, who are using their constitutional free speech and right to assemble, closer to the road causing more chances of accidents and injuries.

Joe Kilian comments that he believes that Lakeview Avenue would be the preferred way to move in and out of this business rather than Route 5. He attended the meeting where New York State DOT stated that they will not put a traffic light there, on Route 5, because they want to keep traffic moving. He believes it will be problematic.

Supervisor Walters responds that as part of the development Fed Ex is building an industrial road that will connect Route 5 and Bayview Road. There will still be an access onto Bayview Road. The State DOT has reviewed a site plan and has agreed that a traffic signal will be beneficial, not at Bayview Road, but further down where the industrial road connects with Route 5. This will be just past the former UAW building on the other side of the street.

Councilwoman Potter-Juda comments that she wants to clarify that the subject Mr. Kilian brought up was different than what Councilman Quinn commented on because it was brought up directly after.

Mr. Kilian responds that it was different.

12.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

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

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1	4539	Yacobucci, Joseph	R	Laborer/Sea. A7140.100	5/12/2015		\$8.75	
2		Gates, Brandon	N	Laborer/Sea. A7140.100	5/12/2015		\$8.75	
3	3891	Figiel, Stanley	R	Laborer/Sea. ET7250.100	5/12/2015		\$10.34	
4		Feverstein, Shawn	N	Laborer/Sea. A7140.100	5/12/2015		\$8.75	
5		Nowak, Patrick	N	Laborer/Sea. A7140.100	5/12/2015		\$8.75	
6		Jurek, Ryan	N	Laborer/Sea. A7140.100	5/12/2015		\$8.75	
7		Partacz, Chester	N	Laborer/ER7250.100	5/12/2015		\$8.75	
8	4242	Krause, Robert	R	Laborer/EW7250.100	5/12/2015		\$8.75	
9	4582	Donovan, Ryan	R	Laborer/EW7250.100	5/12/2015		\$8.75	

13.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board approve the recommendation of the Chief of Police in hiring **NEDIM CATOVIC** to the vacant position of **POLICE OFFICER**, probationary, effective May 31, 2015. This is pending the psychological exam, physical, drug test and polygraph. Mr. Catovic is currently on the Civil Service list #61-180. Salary is \$23.48 per hour; funds available in B3120.100.

Supervisor Walters asks Mr. Catovic to come forward for the presentation of the badge.

14.

On a motion of Councilman Quinn, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

BE IT RESOLVED that a public hearing be scheduled to consider an amendment to Chapter 235 of the Hamburg Town Code entitled “Taxation”, to amend the alternative Grievance Day for Real Property Assessment Review previously established in order to comply with New York State Real Property Tax Law.

The hearing is scheduled for June 22, 2015 at 7:00 p.m.

15.

On a motion of Councilman Quinn, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

WHEREAS, the Town of Hamburg is currently undertaking a project to establish a railroad quiet zone through the installation of required supplemental safety measures at the Pleasant Avenue, Lakeview Road, and Bayview Road grade crossings of the CSX and Norfolk Southern railroads; and

WHEREAS, in that Pleasant Avenue and Lakeview Road are Erie County highways, the County is requiring that the Town take over ownership and maintenance of designated portions of Pleasant Avenue and Lakeview Road in order to allow the Town to install the supplemental safety measures, following various improvements which are to be undertaken by the County to restore the roads to acceptable standards; and

WHEREAS, the portions of Pleasant Avenue and Lakeview Road that the County proposes to transfer to the Town are as follows:

- Pleasant Avenue, between Lake Shore Road and Versailles Road (approximately 0.53 mile in length).
- Lakeview Road, between Old Lakeshore Road and Versailles Road (approximately 1.59 miles in length).

WHEREAS, the County and Town Attorneys are presently finalizing a Memorandum of Understanding which will set the basis for this matter to proceed to fruition,

THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Town of Hamburg to enter into this Memorandum of Understanding, and that the Supervisor is authorized to execute the document on behalf of the Town of Hamburg.

Supervisor Walters comments that he believes he has made his position on this matter clear. The residents that live in the Town also live in the County and pay County taxes. To then make the Town take over these roads and increase the expense for Town residents is wrong. This is a quality of life issue for the residents and he will reluctantly support it for that reason. The Town and County should have been able to get together and work something out that was beneficial for all their constituents not for the benefit of some at the expense of others.

Councilman Quinn comments that he feels the negotiations went well. He bases that on past practices. When Supervisor Walters was negotiating with the County they completed the Quiet Zone on Rogers Road and the Town did take over that Road from the County. Now because of the ongoing train noise it has come to a point where the Town has to take this over and complete the remaining Quiet Zones. He doesn't blame the County or the Town. This has to be done for the quality of life for our citizens. Councilman Quinn thanks Supervisor Walters for all his hard work on past negotiations.

Councilwoman Potter-Juda comments that it is time to move on and get this approved for the residents of that area. She then thanks Supervisor Walters for his work on this and it was explained, by Highway superintendent Best, at a meeting a few months back the expense of taking over this 2 plus miles of road. When you break it down to the amount of money to repair, maintain and plow the roads you realize why Supervisor Walters fought so hard not to take this over. She agrees however it is time to move forward and get the project completed.

Jim Morgan questions if the Bayview Road Quiet Zone is included in this.

Supervisor Walters responds that at this time the Bayview Road Quiet Zone is on target to go forward.

16.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

BE IT RESOLVED, that the Hamburg Town Board authorize the Finance Department to increase the Mount Vernon Reserve Capital Fund Account No. H51.8340.303 (Permanent Improvements), through a transfer from Account No. H51.8340.0419 (Contingency Account) in the amount of \$89,000. This is to fund consulting services to be provided by Nussbaumer & Clarke, Inc. for sewer improvement work approved by the Town Board on 3/9/15.

17.

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

ADOPTED	Ayes 3	Walters, Quinn, Potter-Juda
	Noes 0	

WHEREAS, Local Governments receive funding to support the construction and repair of highways and bridges from New York State under the Consolidated Local Street and Highway Improvement Program (C.H.I.P.S.);

WHEREAS, the Town of Hamburg will receive an additional \$578.12 this year;

WHEREAS, the Budget also includes a **one-time** allocation for extreme winter recovery to help with repairs due to this year’s exceptionally harsh winter. The Town of Hamburg will receive an additional \$38,953.56;

THEREFORE BE IT RESOLVED, that the Town Board authorize the Finance Department to increase revenue account DB5130 C.H.I.P.S. and appropriation account DB5112.0210 in the amount of \$39,531.68 due to unanticipated C.H.I.P.S. funding to be received from New York State.

18.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes 3	Walters, Quinn, Potter-Juda
	Noes 0	

WHEREAS, Gerard Kapsiak , the Hamburg Town Engineer retired on April 29th, 2015 leaving the Town Engineering Department without a New York State licensed Engineer; and

WHEREAS, the Engineering department performs certain duties and tasks that require a New York State licensed engineer, and Mr. Kapsiak’s retirement has also left the Engineering Department with one less engineer to perform its duties; and

WHEREAS, Wendel, a professional consulting company has been providing professional contracted services to the Town of Hamburg for over 20 years and is very familiar with Town projects and processes, and has licensed professional engineers who are Town Engineers in various New York State communities.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamburg hereby appoints Wendel and its designee, Orest Ciolko, PE, as temporary interim Town Engineer, and that Wendel will be performing these duties under an amendment to their current contract with the Town.

BE IT FURTHER RESOLVED, that Richard Lardo, Principal Engineer in the Town’s Engineering Department, who is the alternate Department Head and has performed the duties of Department Head in Mr. Kapsiak’s absence in the past, be authorized to perform the duties of the Department Head.

18.

On a motion of Supervisor Walters, seconded by Councilman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

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

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/tem hourly rate	Termination Date
1	4417	Anderson, Robert		Rec Attd-EI7265-P/T				5/3/2015
	4417	Anderson,Robert	R	Rec Attd-EW7251-Seas	5/4/15		\$8.75	
2		Beckwith, Sarah	N	Rec Attd-ER7251-Seas	5/12/15		\$8.75	
3	3854	Boswell, James		Van Driver-A6772-Seas				5/1/2015
	3854	Boswell, James	R	Van Driver-A6772-P/T	5/2/15		\$10.97	
4	4467	Chudzik, Braden	R	Rec Attd-EW7251-Seas	5/12/15		\$8.75	
5	4528	Colleran, Alexander		Rec Attd-A6772-P/T				5/24/2015
	4528	Colleran, Alexander	R	Rec Attd-EW7251-Seas	5/25/15		\$8.75	
6	4400	Hayes, Korey		Lifeguard-A7310-P/T				5/10/2015
	4400	Hayes, Korey	R	Lifeguard-ET7180-Seas	5/11/15		\$10.50	
7	4557	Kroll, Evan		Lifeguard-A7310-P/T				5/10/2015
	4557	Kroll, Evan	R	Lifeguard-ET7180-Seas	5/11/15		\$9.10	
8	4364	Lunz, Shawn		Lifeguard-A7310-P/T				5/10/2015
	4364	Lunz, Shawn	R	Lifeguard-EW7251-Seas	5/11/15		\$9.50	
9	4545	McDermott, Conor		Rec Attd-EI7265-P/T				5/10/2015
	4545	McDermott, Conor	R	Lifeguard-EW7251-Seas	5/11/15		\$9.10	
10	4265	Michalek, Colin		Lifeguard-A7310-P/T				5/10/2015
	4265	Michalek, Colin	R	Lifeguard-EW7251-Seas	5/11/15		\$11.00	
11	4274	Otremba, Melissa		Rec Attd-EI7265-P/T				5/10/2015
	4274	Otremba, Melissa	R	Rec Attd-EW7251-Seas	5/11/15		\$8.75	

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/tem hourly rate	Termination Date
12	4548	Porto, Paige		Lifeguard-A7310-P/T				5/10/2015
	4548	Porto, Paige	R	Lifeguard-ET7180-Seas	5/11/15		\$9.10	
13	4438	Prowse, Megan		Lifeguard-A7310-P/T				5/10/2015
	4438	Prowse, Megan	R	Lifeguard-EW7251-Seas	5/11/15		\$9.50	
14	4473	Redanz, Katherine		Rec Attd-EW7251-Seas	5/12/15		\$8.75	
15	4261	Shea, Christine		Lifeguard-A7310-P/T				5/10/2015
	4261	Shea, Christine	R	Lifeguard-ET7180-Seas	5/11/15		\$9.50	
16	4288	Solak, John		Lifeguard-A7310-P/T				5/10/2015
	4288	Solak, John	R	Lifeguard-EW7251-Seas	5/11/15		\$9.10	
17	4550	Winder, Brice		Lifeguard-A7310-P/T				5/10/2015
	4550	Winder, Brice	R	Lifeguard-EW7251-Seas	5/11/15		\$9.10	
18	4318	Joslin, Mark		Rec Attd-ER7251-P/T				5/13/2015
	4318	Joslin, Mark	R	Rec Attd-ER7251-Seas	5/14/15		\$8.75	
19	4221	Kumiega, Mark		Rec Attd-ER7251-P/T				5/11/2015
	4221	Kumiega, Mark	R	Rec Attd-ER7251-Seas	5/12/15		\$9.00	
20	3821	Sadowski, Christopher		Rec Attd-ER7251-P/T				5/15/2015
	3821	Sadowski, Christopher	R	Rec Attd-ER7251-Seas	5/16/15		\$10.18	
21	3726	Scharlock, Matthew		Rec Attd-ER7251-P/T				5/15/2015
	3726	Scharlock, Matthew	R	Rec Attd-ER7251-Seas	5/16/15		\$9.50	
22	4357	Simoncelli, Eric		Rec Attd-ER7251-P/T				5/14/2015
	4357	Simoncelli, Eric	R	Rec Attd-ER7251-Seas	5/15/15		\$8.75	
23	4404	Avery, Maxwell	R	Rec Attd-EW7251-Seas	5/12/15		\$8.75	
24		Spaulding, Sarah	N	Lifeguard-EW7251-Seas	5/12/15		\$9.10	
25		Gambino, Karlie	N	Lifeguard-ET7180-Seas	5/12/15		\$9.00	
26		DePuy, Ian	N	Lifeguard-EW7251-Seas	5/12/15		\$9.50	
27	4360	Boncal, Alyssa	R	Lifeguard-ET7180-Seas	5/12/15		\$9.50	
28	4369	Birmingham, Seamus	R	Lifeguard-EW7251-Seas	5/12/15		\$9.50	
29		Birmingham, Shannon	N	Lifeguard-ET7180-Seas	5/12/15		\$9.00	
30	4361	Duszkiewicz, Benjamin	R	Lifeguard-EW7251-Seas	5/12/15		\$10.00	
31	4462	Emmerling, Ryan	R	Lifeguard-ET7180-Seas	5/12/15		\$10.00	
32	4454	Lane, Shannon	R	Lifeguard-EW7251-Seas	5/12/15		\$9.00	
33	4544	Madden, Timothy	R	Lifeguard-EW7251-Seas	5/12/15		\$9.10	
34		Marcin, Mitchell	N	Lifeguard-ET7180-Seas	5/12/14		\$9.00	
35		McDermott, Evan	N	Lifeguard-ET7180-Seas	5/12/14		\$9.00	
36	4447	McMahon, Claire	R	Lifeguard-EW7251-Seas	5/12/15		\$9.00	
37	4362	McMahon, Grace	R	Lifeguard-EW7251-Seas	5/12/15		\$10.00	
38	4546	Michaud, Sarah	R	Lifeguard-EW7251-Seas	5/12/15		\$9.10	
39	4547	Olek, Hannah	R	Lifeguard-EW7251-Seas	5/12/15		\$9.10	
40	4349	Rich, Devon	R	Lifeguard-ET7180-Seas	5/12/15		\$10.00	
41	4269	Schelter, Chelsea	R	Lifeguard-ET7180-Seas	5/12/15		\$10.00	
42		Smail, Connor	N	Lifeguard-EW7251-Seas	5/12/15		\$9.00	
43		Vail, Mitchell	N	Lifeguard-EW7251-Seas	5/12/15		\$9.00	
44	4166	Bonetto, Ryan	R	Lifeguard-A7310-Seas	5/12/15		\$10.00	
45	3944	Janicki, Alison	R	Lifeguard-A7310-Seas	5/12/15		\$11.00	

Joe Kilian questions if the people being hired are Town residents.

Marty Denecke responds that at least 90% are Hamburg residents. The only exception would be if they didn't have enough people for a specialized position, for example lifeguard, they might have to hire from outside the Town.

19.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board authorize the travel request for Highway Superintendent Thomas Best and Deputy Highway Superintendent Jason Collard to attend the 2015 Highway School sponsored by the Association of Towns of the State of New York at Ithaca College, Ithaca, New York, from June 1, 2015 – June 3, 2015. Estimated cost for the seminar including registration, meals and lodging is approximately \$1500.00 for both.

BE IT FURTHER RESOLVED, that the Town Board approve the transfer of funds from A1970.492 (Central Training & Seminars) to A5010.492 (Highway Administration Seminars).

20.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, the Town Board accept the single bid #1-2015, from West Herr Ford, for Four (4) 2016 Marked Ford Utility Police Interceptors and One (1) 2016 Unmarked Ford Utility to include trade-ins for the amount of \$105,060.00

Money is available in account B3120.202

21.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

**TOWN BOARD
 AUDIT OF CASH DISBURSEMENTS May 11, 2015**

OPERATING FUND:	VOUCHER #'S
BATCH #84 \$118.75	75688
BATCH #85 \$525.00	75689
BATCH #86 \$44,471.85	75691
BATCH #87 \$149,486.68	75692-75752

BATCH #88	\$30,352.61	75766-75763
BATCH #89	\$59,379.59	75785-75852
BATCH #90	\$47,411.71	75853-75882

TOTAL OPERATING FUND DISBURSEMENTS: \$331,746.19

TRUST & AGENCY:

TOTAL TRUST & AGENCY DISBURSEMENTS: \$0.00

CAPITAL FUND DISBURSEMENTS:

BATCH #18	\$499.00	75690
BATCH #19	\$2,183.50	75784
BATCH #20	\$580.00	75883-75884

TOTAL CAPITAL FUND DISBURSEMENTS: \$3,262.50

PAYROLL:

PR #P/R #10 \$740,353.76

TOTAL PAYROLL DISBURSEMENTS: \$740,353.76

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$1,075,362.45

Supervisor Walters comments that at the new town facility at 4540 Southwestern Boulevard they built a gymnasium and this past Saturday they honored the memory of Donny Thiry by naming the gymnasium the Donny Thiry Gymnasium. For those that didn't know him, Donny was born with a debilitating disease that left him unable to participate in any sports activities. However despite that he always had a positive outlook and was the manager of several sports teams at Frontier High School and was a member of the Frontier Sports Wall of Fame. He was an employee of the Town of Hamburg Recreation Department for a long time and his family started the Donny Thirty Foundation, after his untimely passing, which has raised tens of thousands of dollars that has gone primarily to Hamburg youth activities for the disabled. In honor of him they presented the family with the following proclamation:

22.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	



Town of Hamburg

Office of Supervisor

In Memory of Donny Thiry

- WHEREAS, Donny Thiry was a well known and productive member of the Hamburg Community despite the debilitating effects Neurofibromatosis (NF) had on his health; and
- WHEREAS, Donny faced his daily challenge with strength and dignity, and did not allow pain and discomfort to diminish his positive outlook on life; and
- WHEREAS, Donny did more than just manage his pain, he thrived and made his shortened life very meaningful; and
- WHEREAS, Donny had a passion for sports even though he was sidelined with the effects of NF, he took part in those activities as a scorekeeper/manager, the Frontier Athletic programs and as a staff member for the Town of Hamburg Recreation Department; and
- WHEREAS, Donny's eight year career with the Recreation Department demonstrated his 3-D reputation - Dedication to duty, Dependability and Determination; and
- WHEREAS, Donny was also always in good humor and inspired the lives of those he came in contact with; and
- WHEREAS, Donny's passing led his family and friends to form the Donny Thiry Foundation, a charitable organization that now supports the Recreation Departments Adaptive Sports and Recreation programs; and
- WHEREAS, Donny's spirit lives on through the work of his foundation as hundreds of individuals with disabilities are now given opportunities to participate in athletic endeavors and leisure time pursuits; and
- WHEREAS, Donny is remembered by the Frontier Central Schools as an enshrined member of their Athletics Hall of Fame; and
- WHEREAS, Donny will now and forever be remembered by his home town and the department he worked for, as we name the gymnasium here at the Hamburg Community Center, the Donny Thiry Gymnasium.

NOW, THEREFORE, I, Steven J. Walters, Supervisor of the Town of Hamburg, proclaim Saturday, May 9th "Donny Thiry Day" in the Town of Hamburg.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 9th day of May 2015.


Steven J. Walters
Supervisor
Town of Hamburg

Cheryl Potter-Juda, Councilwoman
Michael Quinn, Jr., Councilman



Reports from Town Board Members and Department Heads

Councilwoman Potter-Juda thanks everyone from the Rejuvenation Committee for all their hard work on the Townwide Clean-up. It was a huge success. Thanks to Tom Best Sr., Highway Superintendent for all his help and everyone else who participated.

Councilman Quinn comments that with the passing of the railroad quiet zone resolution he hopes that everyone that was involved will stay involved and attend meetings on other issues that can help make our Town better. It is the residents getting involved that help push the Town Board and the Town needs your voices, so keep speaking.

Supervisor Walters comments that this is the only meeting in May so he would like to remind everyone that there are a lot of Memorial Day remembrance ceremonies throughout the Town. They typically put them on the Town website for those who would like to attend. To name a few, the Lakeview Community Association will be hosting their annual Memorial Day parade starting at 10:30 am starting on Lakeview Road at Versailles and ending at Burke Road at the Lake View Fire Department. In the Village of Hamburg the Memorial Day parade ends at Memorial Park on Union and Lake St. On May 25th at noon the Hamburg Moose Lodge is holding their Memorial Day Flag burning Ceremony. They are one of the few locations in Erie County that have Congressional approval to properly dispose of the American Flag. They collect all old dilapidated flags. They are not supposed to be thrown in the garbage but rather disposed of properly. On Sunday, May 24th at 1:30 pm the Village of Blasdell will hold their Memorial Day parade which starts at the Fireman's Park on Lake Ave and ends at the former Blasdell Library this is done in conjunction with Amvets 897 and the Tehan Post 1449. On Saturday May 23rd the Blue Star Memorial Marker Dedication at the Hamburg Public Library will take place at 10:00 am and also on Sunday May 17th at 2:00 pm the Lakeview Fire District will be rededicating their Armed Forces and Fire Fighters Memorial area.

Catherine Rybczynski, Town Clerk, reports that all the Memorial Day ceremonies are listed on the Veterans page of the Town website and there are a few additional ceremonies as well.

Rick Lardo, Engineering, reports that he is still trying to get up to speed since the retirement of Gerry Kapsiak. If anyone has any questions give him a call.

Marty Denecke, Director of Youth, Recreation and Senior Services, reports that, weather permitting, the beaches will open on May 23rd. From the Youth Bureau, they received a \$7500 Grant for a Mentoring Program from Erie County which is called Prime Program. Last Thursday they had their Annual Youth Awards Ceremony where they honor a number of adults and youth in the community, the adults for service to the youth in the community and the youth for their volunteer service in the town.

Tom Best Sr., Highway Superintendent, reports that the Town Boat Launch is operational and they will begin the regular cycle of brush pickup this week.

New Business from the Floor

Jim Morgan thanks the Town Board for passing the resolution to complete the railroad Quiet Zones. He then comments that the Engineers were there doing the survey. Are they ready to start the project and what is the next step?

Mr. Lardo responds that there are a lot of agencies involved. The survey is just the first step.

Mr. Morgan responds that he talked to Mr. Kapsiak about the project and it didn't seem that complicated.

Supervisor Walters comments that the project itself is not overly complicated. However, the review process is extremely complicated. Both railroads have to review and approve, the Federal government has to review and approve along with NYSDOT and Erie County DOT. Each agency individually is notoriously slow and that is why Mr. Kapsiak was frustrated when he was here because everyone was asking why was it taking so long and most of the time it was on someone else's desk.

Joe Kilian comments on the Caulkins rezoning stating that light industry in the area would benefit the residents more than retail.

Supervisor Walters comments that they already held the public hearing and adopted the rezoning. They spoke with many residents in that area and the consensus was that if they had a choice between retail and industrial they would take retail.

Drew Reilly responds that they listened to the residents and changed it from M-2 (heavy industrial) to C-2 which would allow for commercial, retail and light assembly as well.

Jim McKendry comments on the Quiet Zones stating that once the Rogers Road and Cloverbank locations got to this point, as far as Engineering work and approval by the Town to take over County roads, the process seemed to move along quickly. He is hoping Mr. Lardo can move the Pleasant Ave, Lakeview Road and Bayview Road locations along as well.

Mr. Lardo responds he hopes so too. It took ten years to complete the Rogers Road and Cloverbank locations.

Mr. McKendry comments that he is concerned about training the nine volunteer fire departments as to how to put out a fire if one of the bomb (crude oil) trains blows up. There were 50 parked under the Tift Street Bridge.

Supervisor Walters responds that when the transfer station was put in on the Great Lakes Concrete site, the company that put the transfer station in paid for at least one foam pumper for the Scranton Volunteer Fire Company, to put out this type of fire and training was provided for that equipment. All Town Fire Departments are very diligent in their training.

Thom Taylor, Sr. Public Safety Dispatcher, comments that the training would come from a New York State Fire Instructor. The majority of the fire engines in Town, at least one in each department, have an on-board foam system. Having said that, they would need a lot more foam than is available in the Town and the coordinators are making provisions for that.

Vic Tomasulo thanks the negotiators, Supervisor Walters, Councilman Quinn and Gerry Kapsiak. This was a long arduous process with a lot of entities involved. They did a great job in getting the mileage down as much as possible. Unfortunately they did not get an awful lot of cooperation from the County. Special thanks to Councilman Quinn for getting involved at the end, they have gone as far as they could go and basically putting an end to it and getting things done.

Councilman Quinn comments that it possibly could have turned out better, but with the open meetings law he and Supervisor Walters could not attend together.

Joe Kilian comments on a bomb (crude oil) train explosion where thankfully it was in a remote area. Accidents do happen and provisions should be made.

Dennis Chapman extends an invitation to the Town Board for the American Legion Post 527 installation dinner on Friday May 15th at 6:00 pm. They should have also received a letter inviting them to their Memorial Day services, if not let him know. He then thanks the Town Board and the entire community for their support of the veterans.

23.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

RESOLVED, that the Town Board adjourn at 8:28 pm.

Catherine A. Rybczynski, R.M.C.
Town Clerk