

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, NY on the 9<sup>th</sup> day of June 2008

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; Kenneth Farrell, Town Attorney; Andrew Reilly, Planning Consultant; Martin Denecke, Director of Recreation; James Connolly, Highway Superintendent; Carmen Kesner, Chief of Police; Gerard Kapsiak, Town Engineer; Kurt Allen, Supervising Code Enforcement Officer; Tim Ellis, Traffic Safety Coordinator

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

**1.**

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

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

**7:00 p.m.- PUBLIC HEARING**

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

PLEASE TAKE NOTICE, that there has been presented to the Town Board of The Town of Hamburg on May 5, 2008, a proposed Local Law to be known as proposed local law #9, 2008; said local law provides for the addition of a new Chapter to the Code of the Town of Hamburg to be known as “Creekbend Heights Pilot Law”, and provides substantially as follows:

A local law authorizing the Town of Hamburg to approve a continuation of the partial exemption from real property taxes for property located at 25 Buffalo Street, in the Town and Village of Hamburg (Creekbend Apartments.) The Town of Hamburg will receive an annual “shelter rent” payment in lieu of the payment of real property taxes from Creekbend Heights, LP, pursuant to Section 33 of the Private Housing Finance Law of the State of New York. This local law will further authorize the Town to gift to the Village of Hamburg an annual gift in an amount equal to one half of the “shelter rents” received by the Town in any year such “shelter rents” are received.

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 the 9th day of June, 2008 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: May 5, 2008

Catherine Rybczynski  
Town Clerk

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

**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

**RESOLVED**, that the Town Board close the public hearing at 7:08 p.m.

**7:00 p.m.- PUBLIC HEARING.**

TOWN OF HAMBURG  
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Hamburg on June 9, 2008 at 7:00 p.m. at the Town Hall, 6100 South Park Avenue, Hamburg, New York, for the purpose of considering a proposed initial franchise agreement for cable television service in Hamburg Town with Verizon New York Inc. Copies of the franchise application and of the proposed franchise agreement are on file at Town Hall and may be viewed during normal business hours, between 9:00 a.m. and 5:00 p.m., Monday-Friday.

All interested persons will have the opportunity to be heard during the Public Hearing.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG.

Dated: May 12, 2008

Catherine Rybczynski

Town Clerk

Catherine Rybczynski, Town Clerk, announces she has received 23 e-mails in favor of this agreement.

Ferd Garcia questions how this will effect the Time Warner cable.

Ken Farrell, Town Attorney, responds that this will not have any effect on the Time Warner Cable franchise that exists. That's an agreement between the Town and Time Warner which was approved by the NYS Public Services Commission. If the Town passes the resolution then the

application would be submitted for Verizon to the NYS Public Services Commission for approval. If it's approved then Verizon would be able to utilize the cable network that is already in place to lay over that additional technology to provide cable services to the residents in the Town of Hamburg. This in essence would create competition in the Town.

Maureen Rasp-Glose, Internal Affairs Director of Verizon, urges the Board to vote yes to provide competition in the Town and provide cable through Verizon. So far they have been successful with receiving unanimous approval from six municipalities in WNY, and more than 100 throughout the State. Verizon will offer 400 all digital channels and have enough capacity on the network to offer as many as 150 new high definition channels. It's all riding on a network of fiber optic light.

Denise Reidy, Verizon Franchise Manager, notes that with this competition there will be better service, more options and features, and competitive pressure on pricing. She thanks everyone for their consideration on the proposed agreement.

Brian Johnson, Outside Council to Verizon, he provides a brief overview of some of the legal aspects and key elements of the franchise agreement. In order for Verizon to provide cable video services over it's FTTP network in the Town, it needs a cable franchise from the Town. This includes a term of ten years a requirement that service be provided to significant numbers of residents in the Town within twelve months and the entire Town within five years. Approximately 42% of the Town has been upgraded with fiber. The agreement also provides that cable service be made available to approximately 86% of the Town within three years. It includes a franchise fee of 5% of gross revenue derived of cable service in the Town and/or free cable service for 28 Town buildings. For the Town's use if it desires to do so, up to three public educational and governmental access channels.

Betty Newell, CEO Hamburg Chamber, notes that she is very proud that our Town has the opportunity to enjoy the benefits of an all digital fiber optic video network. We will be much more attractive to businesses considering relocating to our area once we have this powerful fiber infrastructure.

James Wagner, President of CWA, Local 1122, notes that by approving the franchise agreement this will enable competition, choice, and supporting good jobs that will enable the members to continue to support the tax base.

George Lee, Trustee of the Village of Blasdell, notes that Verizon is a good thing for Hamburg but questions if the television goes off how fast would it be fixed.

James Connolly, Highway Superintendent, notes that they have been installing the system for quit a while now and Verizon works very closely with the Town to assure the residents are not disrupted and properly restored. He notes they have been very responsive to the residents and they have done an outstanding job.



Noes 0

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

May 12, 2008 Town Board Meeting

May 19, 2008 Work Session

June 2, 2008 Work Session

**5.**

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 authorize the Finance Department to increase revenue account DB3501 C.H.I.P.S and appropriation account DB5112.0210 in the amount of \$65,976.71 due to unanticipated C.H.I.P.S. funding to be received from New York State.

**6.**

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

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

Noes 0

**RESOLVED**, the Town Board authorize Lieutenant Gregory Wickett to attend the Dept. Of Criminal Justice - License Plate Reader (LPR) Conference in Lake George, New York from June 19<sup>th</sup> - 20, 2008.

Lodging and Meals - will be covered by DCJS	
Gas (approximate)	\$ 100.00
Tolls (approximate)	100.00
Mileage(approximate)	<u>100.00</u>
Total (approximate)	\$ 300.00

Money is available in account B3120.492

Ferd Garcia questions the \$100.00 for milage and if this is his own vehicle.

Supervisor Walters responds that he is using his own vehicle.

**7.**

On a motion of Councilman Smardz, seconded by Supervisor Walters, 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 vacant property located 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; and

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

**WHEREAS**, on May 21, 2008 the Planning Board forwarded a positive recommendation to the Town Board regarding this rezoning request.

**NOW, THEREFORE, BE IT RESOLVED**, that the Hamburg Town Board hereby schedules a public hearing on this rezoning to be held on June 23, 2008 at 7:00 PM.

**8.**

On a motion of Councilman Smardz, seconded by Councilman Quatroche, 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-2; and

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

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

**WHEREAS**, on May 21, 2008 the Planning Board forwarded a positive recommendation to the Town Board regarding this rezoning request.

**NOW, THEREFORE, BE IT RESOLVED**, that the Hamburg Town Board hereby schedules a public hearing on this rezoning to be held on July 14, 2008 at 7:00 PM.

Councilwoman Kesner requests Drew Reilly to notify in writing, the residents within 500 feet.

**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 drafted an update to the Town’s Local Waterfront Rehabilitation Plan (LWRP); and

**WHEREAS**, the appropriate public hearing was held and the document was referred to the appropriate state agencies for review; and

**WHEREAS**, the New York State Department of State has requested that certain actions be undertaken prior to their approval of the Plan; and

**WHEREAS**, one of their requested actions included the creation of Waterfront Commercial (WC) District and the rezoning of lands to this district in accordance with our draft LWRP; and

**WHEREAS**, the Town created the WC Zoning District and has identified lands to be rezoned to this new district (see Map (available in the Town Clerk’s Office)- properties are either presently zoned C-2 or M-2).

**NOW THEREFORE BE IT RESOLVED** that the Hamburg Town Board hereby refers the proposed rezoning to the Planning Board for their review and comment, sets a public hearing on this rezoning for August 18, 2008 at 7:00 pm at the Hamburg Town Hall, and authorizes the Town Planning Department to complete the appropriate SEQR and County mailings and notifications.

**10.**

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; and

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

**WHEREAS**, on May 21, 2008 the Planning Board forwarded a positive recommendation to the Town Board regarding this rezoning request.

**NOW, THEREFORE, BE IT RESOLVED**, that the Hamburg Town Board hereby schedules a public hearing on this rezoning to be held on June 23, 2008 at 7:00 PM.

**11.**

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 two and termination of one in the Buildings & Grounds Department as follows. Funds available in A7140.100.

1. Kummer, Wayne	Laborer, Seas.	06/09/08	Terminate
2. Militello, Frank	Laborer, P/T	06/10/08	\$9.92
3. Carden, Michael	Laborer, Seas.	06/16/08	\$9.36

**12.**

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

**BE IT RESOLVED**, upon the recommendation of the Traffic Safety Advisory Board that W7-6 “Handicapped Child Area” signs be erected on Pinehurst Court.

**13.**

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

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

**RESOLVED**, that the Town Board approve the hiring of four in the Recreation Department as follows:

1. Smith, Lindsay	Lifeguard, Seas.	06/10/08	\$7.98
2. McFeely, Maria	Rec. Att’d, Seas.	06/10/08	\$7.69
3. McPhee, Christa	Rec. Att’d, Seas.	06/10/08	\$9.00
4. Ersing, Jason	Rec. Att’d, Seas.	06/10/08	\$9.50

**14.**

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

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

**RESOLVED**, that the Town Board approve the recommendation of the Chief of Police in appointing:

Promote the following three (3) Detectives to the vacant positions of Detective Sergeant-Temporary, effective June 10, 2008:

- Detective Michael Sauer
- Detective Thomas Best, Jr.
- Detective Glenn Zawierucha

Salary \$34.15 per hour; funds available in B3120.100.

Councilman Best commends Chief Kesner on the recommendation of these three Police Officers. He has worked with all three of them for a number of years and all three of them will serve the Town well and make us all proud. Possibly etiquette, policy or the Law dictates that he abstain from this vote, no way will he abstain from voting for his son.

**15.**

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

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

**RESOLVED**, that the Town Board approve the recommendation of the Chief of Police in the promotion of Police Officer Timothy Johnston to the vacant position of Detective-Temporary, effective June 10, 2008. Salary is \$33.85 per hour, funds available in B3120.100.

**16.**

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

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

**RESOLVED**, that the Town Board approve the recommendation of the Chief of Police in the promotion of Police Officer Thomas Brown to the vacant position of Detective-Temporary, effective June 30, 2008. Salary is \$33.85 per hour, funds available in B3120.100.

**17.**

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

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

**RESOLVED**, that the Town Board approve the resignation of Joseph O'Brien as Detective. He is resuming his previous position of Police Officer effective June 30, 2008.

Supervisor Walters notes for clarification purposes Detective O'Brien requested to be reassigned back to the road.

**18.**

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

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

**RESOLVED**, that the Town Board approve the appointment of Thomas Taylor from Acting Senior Public Safety Dispatcher to the vacant position of Senior Public Safety Dispatcher (provisional) effective June 10, 2008. When the exam is announced, he will take the exam. Salary is \$29.85 per hour; funds available in A3020.100.

**19.**

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

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

**WHEREAS**, requests for quotations were solicited to contractors for the general construction and electrical work associated with the Code Enforcement /Planning Office Renovation Project within the basement of Town Hall, and on May 8, 2008 the Town Clerks Office received the following responding bids:

<u>General Construction Work</u>	<u>Base Bid</u>	<u>Alt. Bids G-1 &amp; G-2</u>	<u>Total Bid</u>
M.G.R. Constructors*	\$ 89,540.00	\$ 9,394.00	\$ 98,934.00
Cloverbank Construction	\$ 108,200.00	\$ 11,040.00	\$ 119,240.00
Wilsandra Construction	\$ 121,000.00	\$ 8,600.00	\$ 119,600.00
A.R.C. Building & Construction	\$ 122,620.00	\$ 13,510.00	\$ 134,510.00
Pepe Construction Co.	\$ 125,900.00	-----	--Void Bid--
C.H. Byron*	\$ 127,000.00	\$ 24,200.00	\$ 150,100.00
Hadala Construction	\$ 129,000.00	\$ 19,000.00	\$ 146,000.00
C.Nichter, Inc.*	\$ 132,700.00	\$ 13,000.00	\$ 145,700.00

\* Bid disqualified. Bidder did not fulfill necessary requirements as established in project documents.

<u>Electrical Construction Work</u>	<u>Total Base Bid</u>
Goodwin Electric Corporation	\$ 58,800.00
I.P.L. Corporation	\$ 63,900.00
C.I.R.Electrical Construction	\$ 121,000.00

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board award the General Construction Contract to Cloverbank Construction Inc. and the Electrical Construction Contract to Goodwin Electrical Corporation being the lowest qualified responsible bidders and based the recommendations of the Town Legal Department and architectural consultant Stievater & Associates to complete the necessary construction in accordance with the prescribed scope of work for the stipulated cost of **\$108,200.00 (Total Base Bid, General Construction)** and **\$ 58,800.00 (Total Base Bid, Electrical Construction)** respectively. Funds are available in account H 243620.303

Steve Strnad asks for a brief description of the work to take place.

Supervisor Walters responds that this is the Building Inspection renovation project that was approved by the Board last fall. It's now at the point where the construction is to begin.

**20.**

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

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

**WHEREAS**, pursuant to Municipal Home Rule , a proposed local law, to be known as Local Law No.9-2008 was presented to the Town Board; said local law provides for amendments to the Code of the Town of Hamburg, The amendments can be described as follows:

**AMENDMENT** to Chapter 76, Section 76-24, Plumbing and site Utility Work Administrative Rules and Regulations

**Amend** Paragraph C(2) to read as follows:

Insurance Requirements: The applicant shall file with the Code Enforcement Department proof of insurance with limits of \$ 1,000,000 for bodily Injury and Property Damage, naming the Town of Hamburg as an Additional Insured and clarification that the contractor's coverage is Primary and Non-Contributory. The applicant shall also file evidence of Workers Compensation coverage in accordance with New York State requirements.

**Delete** paragraph O in its entirety.

**Delete** paragraph Q in its entirety.

Paragraph P, **delete** the words "Erie County Sewer District No. 2"

Paragraph P, **amend** add the words "Erie County Sewer District No. 3"

**AMENDMENT** to Chapter 188, Section 188-19 Issuance of use permit: fee: exemption. Residents of the Town of Hamburg may obtain use permits at a fee to be determined from time to time by resolution of the Town Board of the Town of Hamburg at a public meeting. Permits may be obtained at the Office of the Town Clerk at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg New York and the Town Fitness Center, located at the Hamburg Town Park. Such permits shall be issued to and used by the residents of Hamburg only. Only grantees of the Locksley Park Company shall be exempt from paying the use permit fee.

**AMENDMENT** to Chapter 188, Section 188-23 Issuance of boat permit: fee.

Residents of the Town of Hamburg may obtain boat permit at a fee to be determined from time to time by resolution of the Town Board of the Town of Hamburg at a public meeting. Permits may be obtained at the Town Fitness Center, located at the Hamburg Town Park. Such permits shall be issued to and used by the residents of Hamburg only.

**WHEREAS**, in accordance with the provisions Municipal Home Rule, on January 28, 2008 a public hearing was held on for the purpose of discussion and public comment concerning the adoption of Local Law No. 9-2008.

**NOW, THEREFORE, BE IT RESOLVED** that the proposed Local Law No.9-2008, be removed from the table, and

**BE IT FURTHER RESOLVED** that the Hamburg Town Board approve and adopt the stated amendments to the Code of the Town of Hamburg.

**21.**

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

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

**RESOLVED**, that the Town of Hamburg pay Geico Insurance Company the sum of \$2,398.55 in full and final satisfaction of all property damage claims against the Town of Hamburg for the claim of Geico Insurance Company on behalf of Jennifer B. Gowan, Index Number 3641-08. Payment is to be made upon receipt of signed General Release and Stipulation of Discontinuance from Geico Insurance Company.

**22.**

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 of Hamburg pay the Plaintiff the sum of \$20,000 in full and final satisfaction of all claims against the Town of Hamburg in the action GRACE M. WOOLGAR and RICHARD C. WOOLGAR VS. TOWN OF HAMBURG, Erie County Supreme Court Index Number 2006-003477. Payment is to be made upon receipt of signed General Release and Stipulation of Discontinuance of this action from the Plaintiff.

**23.**

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

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

**WHEREAS**, the Highway Department has a 1995 Gradall which is in need of frequent repairs and has reached its useful life for the daily needs of drainage operations.

**BE IT RESOLVED**, the 1995 Gradall is declared surplus,

**WHEREAS**, the Town has had the 1995 Gradall in two (2) municipal auctions of used equipment over the past two (2) years and not received a bid to purchase,

**WHEREAS**, the County of Erie has made a purchase offer of \$12,500.00 for the Gradall,

**BE IT RESOLVED**, the Superintendent of Highways accept the Erie County bid.

**24.**

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 with the retirement of Sr. Public Safety Dispatcher, Robert C. Mueller, that the Hamburg Town Board hereby designates his replacement. Sr. Public Safety Dispatcher, Thomas E. Taylor to be lead applicant person to execute all financial and/or administrative processes relating to the Shared Municipal Services Grant program for the Red Alert Dispatching Program

**25.**

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

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

**RESOLVED**, that the Town Board approve the recommendation of the Chief of Police in appointing:

Michelle Rickard-Puleo, as a transfer, to the vacant position of Police Officer at the 5 year rate of pay; effective June 22, 2008. This is pending the outcome of medical tests. Salary is \$31.61 per hour; funds available in B3120.100

**26.**

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

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

**BE IT RESOLVED**, that Jennifer Kosmowski, from the Hamburg Domestic Violence Advocacy Office attend a Rochester Police Department Domestic Violence Training on June 20, 2008 at no cost to the Town other than \$ .41/mile.

**27.**

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

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

**RESOLVED**, that the Town Board approve the appointment of Beverly Halligan, to complete the term of Johanna Fallon of the Hamburg Public Library Board of Trustees.

**28.**

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

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

29.

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

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

## Town of Hamburg Office of Supervisor

- WHEREAS,** officials of New York State Government, the County of Erie, the Town and Village of Hamburg, New York wish to offer a warm welcome to His Excellency, Zoran Jolevski, Ambassador of the Republic of Macedonia and his wife, Mrs. Suzana Jolevski, honoring us with their visit to the Hamburg Public Library;
  - WHEREAS,** Hamburg, New York is the spiritual and cultural center of Macedonian Americans in Western New York, centered at Saints Cyril and Methody Macedonian Orthodox Church in Blasdell, New York; and
  - WHEREAS,** the Buffalo and Erie County Public Library offers its thanks to His Excellency, Ambassador Jolevski, for the gift of two hundred books from the Skopje City Library for the use and enjoyment of the readers throughout Erie County; and
  - WHEREAS,** the collection of materials will be housed at the Hamburg Public Library and the Lackawanna Public Library;
  - WHEREAS,** the Hamburg community is eager to view the excellent exhibit of twenty-two oil paintings on canvas, created by the Macedonian artist, Dimce Isailovski, and on display at the Hamburg Public Library for a period of three weeks;
  - WHEREAS,** this gift of Macedonian books and the display of the Art of Macedonia will foster friendship and mutual understanding for people of Erie County and the Republic of Macedonia in the richness of each other' cultures;
  - WHEREAS,** this project has been organized by the "American Corner", a worldwide cooperative sponsored by the United States Department of State;
- NOW THEREFORE,** we take this opportunity, on this day of June 6, 2008 to welcome all our guests who have gathered at the Hamburg Public Library to celebrate Macedonian American relations in Hamburg, New York.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 6<sup>th</sup> day of June 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



30.

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

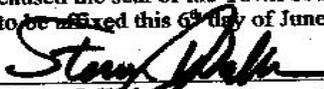
ADOPTED                      Ayes 5                      Walters, Best, Kesner, Quatroche, Smardz  
    Noes 0

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

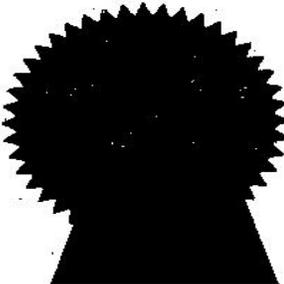
- WHEREAS,**                      today we are congratulating Hamburg Post #527 for hosting the 90<sup>th</sup> American Legion Erie County Convention; and
- WHEREAS,**                      the Town of Hamburg, as a community, is honored to be selected to host this event; and
- WHEREAS,**                      delegates from all forty American Legion Posts of Erie County gather at this event to discuss business, elect new officers and present awards, as well as, honor passed Legionaries; and
- WHEREAS,**                      the American Legion is important to a community and the veterans that the Legion serves and supports.

**NOW THEREFORE,** on behalf of all Town of Hamburg officials, we welcome all Legionaries and their families to the Town of Hamburg, and we are honored our town is hosting this prestigious event.

**IN WITNESS WHEREOF,** I have caused the seal of the Town of Hamburg to be affixed this 6<sup>th</sup> day of June 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



TOWN BOARD JUNE 9, 2008  
AUDIT OF CASH DISBURSEMENTS

	VOUCHER #'S	
<b>OPERATING FUND:</b>		
BATCH # 71	\$700.00	26854
BATCH # 72	\$123,678.15	26853
BATCH # 73	\$81,850.80	UNPROCESSED
BATCH #		
<b>TOTAL OPERATING FUND DISBURSEMENTS:</b>		<b>\$206,228.95</b>
<b>TRUST &amp; AGENCY:</b>		
BATCH #		
BATCH #		
<b>TOTAL TRUST &amp; AGENCY DISBURSEMENTS:</b>		<b>\$0.00</b>
<b>CAPITAL FUND DISBURSEMENTS:</b>		
BATCH # 37	\$107,407.98	UNPROCESSED
BATCH #		
BATCH #		
<b>TOTAL CAPITAL FUND DISBURSEMENTS:</b>		<b>\$107,407.98</b>
<b>PAYROLL:</b>		
PR #		
<b>TOTAL PAYROLL DISBURSEMENTS:</b>		<b>\$0.00</b>
<b>PETTY CASH</b>		<b>\$0.00</b>
<b>TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:</b>		<b>\$313,636.93</b>

**Reports from the Town Board:**

Councilman Quatroche notes that the Hamburg Beach is now open for swimming, the hours are between 11:00 am and 7:00 pm, seven days a week. In the continuing effort of the Recreation Dept. to seek outside funding, they received two grants, one for \$2,000.00 and the other is \$500.00. He thanks Marty Denecke and his staff for trying to find grant opportunities. Hamburg

was also selected as the host site for recreation to offer pre-training to our youth instructors for tennis the workshop will be held in Wanakah. With watching the bottom line the revenues look very strong, overall we're ahead a little under \$30,000.

Councilman Best thanks Chief Kesner for apprehending a suspect in car jacking four or five cars.

Supervisor Walters also thanks Chief Kesner and all the men and women on the force who were able to apprehend the suspect. Secondly he commends Jim Connolly and his staff, a letter was received from Gateway Printing in regard to some debris building up on Bayview Road. He sent a complaint to Superintendent Connolly and his crew was over there right away to clean it up. He then presents an award to the town's Finance Dept. for 2006 for an achievement of excellence in financial reporting. This has been received 25 years in a row.

### **Reports from Department Heads:**

Gerard Kapsiak, Town Engineer, reports that Erie County Waste Management Board has asked to announce the household hazardous waste drop off date being held on June 21 at ECC South from 9:00 am until 2:00 pm. Items such as pesticides, fertilizers, oil based paints etc are accepted free of charge.

Chief Kesner reports that Friday was a team effort on the apprehension. He than thanks the Board for allowing the hiring of the officers tonight. The police blessing is this weekend.

George Lee reports that they are getting ready for Freedom Fest no date yet and National Night Out the first Tuesday in August.

Bob Reynolds reports that the Bass Masters is the last week in July and he thanks Betty Newell. He encourages the Town and Villages to start looking at solar panels on the Highway Depts and buildings. Hamburg has some distressed properties with either tax liens or in the foreclosure process and this needs to be looked at and he will get a letter out. The mid term budget hearings are coming up the budget is on track for the County and the sales tax is greater than anticipated and he notes that everything has been taken care of on South Creek.

### **Reports from the Public:**

Joe Killian comments that at the last meeting about the bike trail no one had voted on it. Some of the Board members commented and he wants to know what happened.

Supervisor Walters responds that they decided to end with the current plan in place. The Board agreed to look at alternatives, the existing proposal that had been on the table, a majority of the Board made the determination to put that plan aside.

Mr. Killian questions how that relates to a referendum on this or if it's still being considered to go through Hoover Beach, or is it put to rest.

Ken Farrell, Town Attorney, responds that this particular project is not subject to a referendum. He offers to explain it in further detail to Mr. Killian after the meeting if he chooses.

Mr. Killian notes that Lackawanna did get their grant to work with Hamburg and this is a Federal Grant. Maybe a multi mogul grant which is a non matching grant. This is set up sometimes before the project even starts. He states Hamburg should be partnering with Lackawanna to bring the price down.

Councilman Smardz asks Bob Reynolds if the County has any money that they could utilize.

Mr. Reynolds responds that the County Planning Dept. would have to be approached. The County will assist whenever possible but they cannot take away the financial burden of every town.

Councilwoman Kesner notes that on the original plan with Hoover Beach they intended to use multi mogul money to take it from the crossing at Hoover Beach and Rt 5 and ask the County to retro fit their road (Bayview) to improve that shoulder. There has been conversations, with the existing bike path, on seeking these new grants, they are so much better than the old grant that was secured.

Steve Holmes, Hamburg Hawks, notes that currently they have purchased about 40% of their ice outside of the Town of Hamburg. At the current ice conditions they cannot accept new players above seven years old, they are at their max. The cost of the ice is a big concern, it's very expensive. If the project that the Board is looking at with regard to the ice rink goes through, there is going to be an increase of ice. The cost will be on par with other rinks.

Supervisor Walters thanks Steve Holmes for coming and clarifying some of the issues.

George Lee comments that he thinks it would be very sad to let anyone lease the ice rink. The Town's worked hard to get it to be what it is today.

Supervisor Walters asks Mr. Lee if he understands what is being proposed.

Mr. Lee responds it's to lease part of the ice rink.

Supervisor Walters questions how he could take a position on it without understanding what's involved.

Joe Killian comments that he doesn't know that much about it either.

Supervisor Walters notes that the Town Board is committed to holding public informational meetings regarding this project before any final decision is made.

**31.**

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 move into Executive Session on a personnel and legal matter at 8:27 pm.

**32.**

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 close Executive Session at 9:30 pm.

**33.**

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 adjourn at 9:30 pm.

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Catherine A. Rybczynski, Town Clerk