

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 22nd day of June 2015.

2.

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 adjourn Executive Session at 7:00 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; Greg Wickett, Police Chief; 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; Thom Taylor, Sr. Public Safety Dispatcher; Amy Ziegler, Deputy Supervisor

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

Supervisor Walters comments that he has to leave the meeting in 20 minutes and so, as a Town Board, they are going to switch the order of the meeting and do the pre-filed resolutions first and then conduct the public hearings in his absence.

3.

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:

- 06/08/2015 Special Meeting and Work Session
- 06/08/2015 Town Board meeting
- 06/08/2015 Executive Session

4.

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 authorize the Recreation Department to issue alcohol waivers for the following July 2015 Taylor Road rentals:

- | | | | |
|---------|---------|---------|---------|
| 7/01/15 | 7/02/15 | 7/03/15 | 7/04/15 |
| 7/05/15 | 7/06/15 | 7/10/15 | 7/11/15 |
| 7/12/15 | 7/16/15 | 7/17/15 | 7/18/15 |
| 7/19/15 | 7/21/15 | 7/24/15 | 7/25/15 |
| 7/26/15 | 7/28/15 | 7/31/15 | |

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 approve the membership of the following into the Newton Abbott Fire Company, Inc.:

Richard Abraham
4591 Southwestern #V
Hamburg, N.Y. 14075

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 approve the appointment of Matthew J. Jurek and Jordan M. Pede to the position of full-time Public Safety Dispatcher (Probational) effective July 1, 2015, pending physicals and drug testing. Mr. Jurek and Mr. Pede have met the Civil Service requirements for this position and are currently on the Civil Service List established October 24, 2012 Exam #069068. Salary is \$21.25 per hour, funds available in A3020.100.

Supervisor Walters asks Mr. Jurek and Mr. Pede to come forward along with Thom Taylor, Sr. Public Safety Dispatcher, for the presentation of their badges.

7.

On a motion of Supervisor Walters, seconded by Councilman Quinn, 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

WHEREAS, the Hamburg Code Review Committee has evaluated these regulations based on questions raised by various entities, and

WHEREAS, the Hamburg Code Review Committee has prepared draft language for these proposed amendments and recommended them to the Town Board, 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 Chapter to the Town Code entitled "Conservation Easement Law of the Town of Hamburg New York".

Amend Chapter 280 (Zoning), under Article XLIV: Final Plan Requirements, by adding a new item, "C." under section 230-305 that addresses Access Management.

Amend Chapter 280 (Zoning), under Article XLIV: Final Plan Requirements, by adding a new item, "D." under section 230-305 that addresses Landscaping.

Amend Chapter 280 (Zoning), under Article XLIV: Final Plan Requirements, by adding a new item, "E." under section 230-305 that addresses Architectural Standards.

Amend Chapter 280 (Zoning), by deleting the following Articles:

- Delete, in its entirety, Article XXIII: Southwestern Boulevard Overlay District
- Delete, in its entirety, Article XXIV: McKinley Parkway Overlay District
- Delete, in its entirety, Article XXV: South Central Overlay District
- Delete, in its entirety, Article XXVI: Lakeview Overlay District
- Delete, in its entirety, Article XXVII: Southeastern Hamburg Overlay District
- Delete, in its entirety, Article XXIX: South Park Avenue Overlay District

Add new Article XXIII, entitled "Southern Hamburg Overlay District"

Amend Chapter 280 (Zoning), Article XXVIII (Camp Road Overlay District), as follows;

- Add new title: Camp Road/ Village Overlay District
- Replace Section 280-157 with a new section
- Amend Section 280-158
- Remove Section 280-187A
- Remove Section 280-187B
- Replace Section 280-159 with a new section
- Replace Section 280-160 with a new section
- Replace Section 280-161 with a new section

;and

WHEREAS, the Town started the process of considering these zoning revisions, and in accordance with SEQR regulations, the Town Board established itself as SEQR Lead Agency, and refer these proposed code revisions to Erie County in accordance with General Municipal Law section 239-m and to surrounding communities under 239-nn, and to the Hamburg Planning Board: and

WHEREAS, the Hamburg Planning Board has made revisions to these drafted code revisions and now has recommended these revisions to the Hamburg Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby schedules a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY to be held at 7:00 pm on July 13, 2015

8.

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 accept the resignation and approve the termination of personnel for the Public Safety Dispatch as follows:

1. Strnad, Katherine Full Time Public Safety Dispatcher 05/21/2015 Terminate

Supervisor Walters comments that Ms. Strnad accepted a position to become a Police Officer in Maryland. They are sorry to lose her and wish her luck in her new endeavors.

9.

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 approve the recommendation of the Chief of Police in hiring **JACOB JANUCHOWSKI** to the vacant position of Police Officer probationary, effective July 5, 2015. Mr. Januchowski is currently on the civil service list for Police Officer, exam #61-180. Salary is \$23.48 per hour, funds available in B3120.100.

Supervisor Walters asks Mr. Januchowski, his fiancée and Chief Wickett to come forward for the presentation of the badge.

10.

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

WHEREAS, the Hamburg Code Review Committee has evaluated these regulations based on questions raised by various entities and problems that have occurred with applications, and

WHEREAS, the Hamburg Code Review Committee has prepared draft language to amend Chapter 280 (Zoning), Article XLI- Nonconforming uses and Article XLV- Zoning Board of Appeals, and Chapter 240 (Town- Owned Property, Regulation of); and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has conducted an environmental review of these Zoning Code revisions, and

WHEREAS, the Town has identified that there are no other Permitting or Approval agencies for this action and these amendments are primarily process type revisions, and

WHEREAS, a public hearing was held regarding these Code amendments, and no adverse comments were received, and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to adopt these Zoning Code amendments by enacting a Local Law, and

WHEREAS, these proposed zoning amendments were referred to Erie County in accordance with General Municipal law section 239-m and the County had no adverse comments,

NOW, THEREFORE BE IT RESOLVED, the Hamburg Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed enactment of this Local Law, will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues a SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations, and

BE IT FURTHER RESOLVED THAT, the Supervisor is authorized to sign the Environmental Assessment Form (EAF) and the Planning Department is authorized to complete the required notices and filings.

11.

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

WHEREAS, the Hamburg Code Review Committee has evaluated these regulations based on issues raised by the Building Department, and

WHEREAS, the Hamburg Code Review Committee has prepared draft language for these proposed amendments and recommended them to the Town Board, and

WHEREAS, the Town has held the required public hearing and received no adverse comments, 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:

Amend Chapter 280 (Zoning), “Article XLI. Nonconforming Uses”, by deleting Section 280-290.

Amend Chapter 280 (Zoning), “Article XLV. Zoning Board of Appeals”, by deleting under Section 280-310 C.; paragraphs (1) and (2), and then renumbering the remaining paragraphs.

Amend Chapter 280 (Zoning), “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 of the 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 and requirements for the use of motor vehicles, minibikes, mopeds, snowmobiles, all-terrain vehicles and other motorized recreation vehicles on Town owned property (full proposed revisions attached), and

WHEREAS, the Town Board has issued a Negative Declaration, and referred these proposed code revisions to Erie County in accordance with General Municipal Law section 239-m.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board amends Local Law #10 of the year 1986 of the Code of the Town of Hamburg Chapter 280 entitled “Zoning” and Chapter 240 to provide for the revision of the Town Code as referenced above and as attached:

Amend Chapter 280 (Zoning), “Article XLI. Nonconforming Uses”, by deleting Section 280-290.

Amend Chapter 280 (Zoning), “Article XLV. Zoning Board of Appeals”, by deleting under Section 280-310 C.; paragraphs (1) and (2), and then renumbering the remaining paragraphs.

Amend Chapter 280 (Zoning), “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:

- (2) 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 of the 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” as follows:

Amend §240.1 Purpose

Add the following

The Town Board of the Town of Hamburg further finds and recognizes the potential adverse impact on the health, safety and general welfare of the residents of the Town of Hamburg and to Town owned property by the unregulated use of motor vehicles, minibikes, mopeds, snowmobiles, all-terrain vehicles and all other motorized recreational vehicles on Town owned property and therefore deems it appropriate to regulate the use of said vehicles on Town owned property.

Amend §240-3 Definitions

Add the following:

MOTOR VEHICLE

All such vehicles as defined in the Vehicle and Traffic Law of the State of New York and, in addition thereto, minibikes, mopeds, snowmobiles, all-terrain vehicles and all other motorized recreational vehicles.

TOWN PROPERTY

All real property owned by the Town of Hamburg, including all property over which the Town of Hamburg has a temporary or permanent easement, excepting therefrom any property rights-of-way or easement acquired or accepted for highway purposes.

Amend §240-4 Prohibited Acts

Add the following:

- C. Operate any motor vehicle as defined herein upon any public property owned by the Town of Hamburg unless specifically authorized to do so by a Town of Hamburg Department Head *or by* resolution of the Town Board of the Town of Hamburg, which resolution must specifically authorize the individual or group authorized, to operate upon Town property and the type of motorized vehicle or snowmobile. This shall not apply to motor vehicles driven in designated driveways or parking areas of Town buildings or designated driveways or parking areas in Town parks or recreation areas, or on trails in Town parks or recreation areas, such trails duly designated by conspicuous posting by the Town for the use of specific types of recreational vehicles at the times and in the manner so designated.

Add the following new sections after the “Prohibited acts” section:

§ 240- RESPONSIBILITIES OF PARENT OR GUARDIAN

It shall be unlawful for a parent, guardian or other person having the care, custody and control of any child under the age of 16 years to permit such child to operate any motor vehicle as defined herein in a manner that violates the terms of this Chapter.

§ 240- NOTICE OF VIOLATION TO PARENT OR GUARDIAN

Whenever any child under the age of 16 years is alleged to have violated this chapter, his parent, guardian or any person having the care or control of the child shall be notified by the Police Department or any person designated by the Police Department to give such notice.

Upon a first Notice of a violation under this Chapter and section, a written WARNING shall be acknowledged by the parent or guardian or other person having the care, custody and control of any child under the age of 16 years that they understand the Town Ordinance herein prohibiting the use of motor vehicles on town owned property.

ADD THE FOLLOWING NEW SECTIONS:

§ 240- Impoundment Fee.

- A. The law enforcement officer may immediately impound any motor vehicle operated in violation of this chapter. The motor vehicle shall be returned to the owner upon direction of the court or upon payment of the fine ordered by the court as a penalty and the expenses and charges necessarily and actually incurred for the impoundment of said vehicle.

- B. If the owner of said vehicle is a minor under the age of 16 years, then and in that case, the parent or guardian of said minor shall accompany the minor on the date the vehicle is reclaimed and the expenses and charges are paid.
- C. In the case of a second or subsequent violation, the court may order confiscation of said motor vehicle in lieu of any fine and/or imprisonment. Any motor vehicle which is confiscated pursuant to this section will be sold at public auction according to the appropriate procedures and law affecting public auctions by municipalities.

§240- Posting

The Town shall designate by conspicuous posting, all Town parks and recreation areas or portions thereof which shall be authorized for snowmobile travel.

§240-7 Penalties for offenses:

Amend :

- A. Any person committing an offense against Section(s) 240-4 A. or B., 240-5 and 240-6 of this Chapter shall be guilty of a violation punishable by a fine not exceeding \$150.00 or by imprisonment for a term not exceeding 10 days, or both such fine and imprisonment. The continuation of an offense against Section(s) 240-4 A. or B., 240-5 and 240-6 shall constitute, for each day the offense is continued, a separate and distinct offense hereunder. In addition, anyone holding a special permit is subject to revocation thereof or denial of permit for a special event for a period of one year from the offense.
- B. Any person committing an offense against Section 240-4 C of this Chapter shall be guilty of a violation punishable by a fine not to exceed \$150.00 for a first offense and not to exceed \$250.00 for a second offense and each subsequent offense committed within a twelve month period measured from the date of the first offense. Each violation of any provision of Section 240-4 C shall be deemed a separate and distinct offense. A person may be charged with more than one offense and shall be subject to an imposition of a fine for such offense(s).

Aggravated offense: It shall be an aggravated offense if the use of recreational vehicle in violation of this Chapter results in any injury to any person or any damage to property. The person convicted of such an aggravated offense shall be subject to doubling of the fines set forth in Section 240-7 B.

Civil compromise: The Town Justice is empowered to approve and enter an order on consent as a civil compromise between the Town and any person consenting to the imposition of a civil penalty in an amount not exceeding \$500 per offense and suspending prosecution until all conditions imposed in the civil compromise are completed by the defendant within the time frames established in the order.

12.

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 approve the hiring, termination and rehiring 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		Arana, Erika	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
2	4494	Aroune, Ellen	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
3	4560	Booth, Abigail	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
4	4465	Cesar, Gabriel	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
5		Courtade, Courtney	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
6	4561	Criscione, Kristen	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
7		Evancho, Gavin	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
8	4563	Fischer, Shawn	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
9	4645	Frampton, Lorraine	N	Rec Attd-A6780-P/T	6/15/15		\$9.00	
10	4469	Gawlak, Adam	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
11	4386	Hesketh, Gabrielle	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
12	4384	Heil, Remington	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
13		Hietanen, Andrew	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
14	4564	Jordan, Amie	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
15	4470	Jordan, Christie	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
16		Kaznowski, Taylor	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
17		Lake, Michael	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
18		Lipinski, Emma	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
19	4569	Loomis, Sarah	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
20		Loretto, Andrew	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/tem hourly rate	Termination Date
21	4570	Marcinkowski, Kevin	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
22		Mertowski, Jacob	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
23	4387	Morris, Mark	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
24	2783	Motz, Lisa		Rec Attd-A7310-P/T				6/9/2015
	2783	Motz, Lisa	R	Rec Attd-A7310-Seas	6/10/15		\$12.75	
25		Myles, Mark Jr.	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
26		Otis, Claire	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
27	4141	Parker, Nancy		Rec Attd-A6780-Seas				6/27/2015
	4141	Parker, Nancy	R	Rec Attd-A6780-P/T	6/28/15		\$10.25	
28	4472	Pike, Jamie		Rec Attd-A7310-P/T				6/22/2015
	4472	Pike, Jamie	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
29	2309	Przybysz, Dawn		Rec Attd-A7310-P/T				6/9/2015
	2309	Przybysz, Dawn	R	Rec Attd-A7310-Seas	6/10/15		\$10.18	
30	4572	Reardon, Kaylee	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
31		Russo, Riley	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
32	4574	Ryan, Griffin	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
33		Sporyz, Joshua	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
34	3794	Steger, Amy (Bushen)		Rec Attd-A7310-P/T				6/22/2015
	3794	Steger, Amy (Bushen)	R	Rec Attd-A7310-Seas	6/23/15		\$9.75	
35	3828	Suchyna, Nathan	R	Rec Attd-EI7265-Seas	6/23/15		\$10.54	
36		Taylor, Jeffrey	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
37	4407	Taylor, Matthew	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
38	4575	Tierney, Mackenzie	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
39	4497	Todorov, Christian	R	Rec Attd-A7310-Seas	6/23/15		\$8.75	
40	4643	Wegryn, Gregory	N	Rec Attd-EW7251-Seas	6/8/15		\$8.75	
41		Wind, Abigail	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
42		Wysocki, David	N	Rec Attd-A7310-Seas	6/23/15		\$8.75	
43		Zahm, Chloe	N	Rec Attd-EI7265-Seas	6/23/15		\$8.75	
44		Compise, Kali	N	Rec Attd-EI7265-Seas	6/23/15		\$8.75	
45	2803	Bentley, Hugh		Van Driver-A6772				6/22/2015
46	4558	Danyluk, Nicholas		Rec Attd-EW7251				6/22/2015
47		DePuy, Ian		Lifeguard-EW7251				6/22/2015
48	4279	Kummer, Zachary		Rec Attd-EW7251				6/22/2015
49	4548	Porto, Paige		Lifeguard-ET7180				6/22/2015
50	4446	Rich, Luke		Lifeguard-ET7180				6/22/2015
51	4593	Saccomando, Kenneth		Rec Attd-A6780				6/22/2015
52	4607	Skowronski, Jesse		Rec Attd-A6780				6/22/2015
53		Smail, Connor		Lifeguard-EW7251				6/22/2015
54		Spaulding, Sarah		Lifeguard-EW7251				6/22/2015
55	4457	Zeis, Gregory		Rec Attd-EW7251				6/22/2015

13.

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 following be reappointed to the ZONING BOARD OF APPEALS for a seven (7) year term commencing June 30, 2015 and ending June 30, 2022:

Michael Chiacchia

14.

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 approve the appointment of Leona Rockwood to the Erie County Environmental Management Council (ECEMC) for a two (2) year term commencing May 31, 2015 and ending May 31, 2017.

15.

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 approve the membership of the following into the Lake Shore Volunteer Fire Company, Inc.:

Vincent Ruda
2653 Ferndale Ave.
Hamburg, N.Y. 14075

Molly Kacmarski
5337 Briercliff Dr.
Hamburg, N.Y. 14075

Brandon Michael Hackberth
6013 Hewson Road
Lake View, N.Y. 14085

Jonathan Bradley Lane
3183 Trenton Road
Hamburg, N.Y. 14075

16.

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

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

BE IT RESOLVED, that the Town Board authorize the reimbursement of \$321.51 to Martin Denecke for expenses incurred while attending the Association of New York State Youth Bureaus Directors Training on May 27 and 28, 2015. Mr. Denecke was originally approved to attend with estimated expenses of \$200.00.

17.

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

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

BE IT RESOLVED, that the Town Board authorize Martin Denecke, Director of Youth, Recreation and Senior Services and Curt Herrmann, Recreation Supervisor to negotiate a vending machine addendum to the contract currently in place with 7k unlimited, our Ice Arena food and beverage vendor. Final approval of a recommended agreement would still need legal review and Town Board approval.

18.

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

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

BE IT RESOLVED, that the following people be officially added to the Town of Hamburg’s Drug Free Community Coalition (HDFCC).

Martin Denecke Nicole Dayka Mark Melewski

Mary Eisenhauer

These individuals are either staff members or consultants who have been assisting current members of the HDFCC in creating a mission statement and have been actively involved in pursuing grant funding opportunities that coincide with the stated mission.

19.

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

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

BE IT RESOLVED, that Martin Denecke, Director of Youth, Recreation and Senior Services be approved to travel to Las Vegas, NV for the 2015 National Recreation and Parks Association Congress scheduled for September 15-17, 2015. Related estimated expenses include the following:

Registration -	\$485
Air Fare -	\$532
Meals -	\$120
Accommodations –	\$282
Incidentals -	<u>\$141</u>
TOTAL -	\$1,560.00

20.

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 approve the hiring, termination and rehiring 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	4440	KUKOLECA, CHARLES JR	R	LABORER/SEA/A7140.100				6/22/2015
2		TYGER, DEMI	N	LABORER/SEA/A7140.100				6/22/2015
3		CROSTA, JEFF	N	LABORER/SEA/A7140.100	6/23/2015		\$8.75	
4	4250	SPIRIDONOV, PETER	R	LABORER/SEA/EW7250.100				6/22/2015
5	4250	SPIRIDONOV, PETER	R	LABORER/SEA/A7140.100	6/23/2015		\$8.75	
6	4582	DONOVAN, RYAN	R	LABORER/SEA/EW7250.100				6/22/2015
7	4582	DONOVAN, RYAN	R	LABORER/SEA/A7140.100	6/23/2015		\$8.75	
8		NOWAK, PATRICK	N	LABORER/SEA/A7140.100				6/22/2015
9	2925	SORTISIO, JAMES	R	LABORER/SEA/A7140.100				6/22/2015

21.

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 the Town of Hamburg renew the present third party claim administration contract with First Niagara Risk Management, Inc. for the Town’s General Liability, Automobile Liability, and Police Liability, Public Officials Liability and Dispatchers Liability for a period of thirty-six (36) months from July 1, 2015 through June 30, 2018.

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the contract.

22.

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 the Town of Hamburg extend the present third party claim administration contract with First Niagara Risk Management, Inc. for the Town’s Self-Insured Workers’ Compensation for a period of twelve (12) months from July 1, 2015 through June 30, 2016. The annual claim handling fee for the contract period will be \$22,200.00, all other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the contract extension.

23.

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, The Town Board authorize PSD’s Sean Crotty, Patricia Bissonette and Mark Bernas to attend the National Center for Security and Preparedness Instructor Development Workshop, September 29, 30 & October 1, 2015 at the State Preparedness Center in Oriskany, New York. There is no cost for the workshop and lodging is free. Use of a Town vehicle is requested.

3 days meals @ \$40.00 x 3		<u>\$360.00</u>
	Total	\$360.00

Money is available in account A3020.492

24.

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 authorizes the Police Department to build a Pole Barn at our Training facility at the Nike Base on Lakeview Road, and

WHEREAS, the Police Department has received three (3) quotes and Hostetler Construction of Cherry Creek, New York was the low quote of \$16,924.00. The Police Department will pay for half the cost of the barn and the NFTA Police will also pay for half the cost.

BE IT FURTHER RESOLVED, that the Town Board accept the low quote from Hostetler Construction for the construction of this Pole Barn.

Money is available in account B4358, Drug Seizure Money.

25.

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 Recognition of J.P. Fitzgerald's 25th Anniversary

WHEREAS, today we are celebrating J.P. Fitzgerald's 25th Anniversary; and

WHEREAS, in 1990, Robert Brunner opened a restaurant in Hamburg, New York, named after his grandfather John Patrick Fitzgerald; and

WHEREAS, the Fitz character in J.P. Fitzgerald's logo was created by an artist and named after John Patrick Fitzgerald's nickname; and

WHEREAS, for twenty-five years J.P. Fitzgerald's Restaurant has served lunch and dinner to the residents of Hamburg and Western New York; and

WHEREAS, J.P. Fitzgerald's is also an Irish Pub and Banquet Facility, perfect venue for any event; and

WHEREAS, generations of people have taken their families there to dine and celebrate special occasions; and

WHEREAS, J.P. Fitzgerald's supports JP's Foundation, which promotes charitable, educational, religious, scientific, literary and cultural organizations, activities and programs that assist with and enhance the lives of the people in Western New York; and

WHEREAS, J.P. Fitzgerald's continues to delight customers with authentic Irish dishes, warm family atmosphere and friendly service.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board congratulate J.P. Fitzgerald's on its 25th Anniversary and proclaim June 19, 2015 "J.P. Fitzgerald's Day" in the Town of Hamburg.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 19th day of June 2015.

Steven J. Walters
Supervisor
Town of Hamburg

Cheryl Potter-Juda, Councilwoman
Michael Quinn, Councilman



26.

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 Audit of Cash Disbursements as follows:

TOWN BOARD
AUDIT OF CASH DISBURSEMENTS JUNE 22, 2015

	VOUCHER #S	
OPERATING FUND:		
BATCH #112	\$315.30	76369
BATCH #113	\$23,075.50	76370-76372
BATCH #114	\$13,269.46	76373-76408
BATCH #115	\$19,664.63	76409-76454
BATCH #116	\$40,193.70	76455-76456
BATCH #117	\$137,149.39	76457-76535
BATCH #118	\$2,050.80	76536-76553
BATCH #119	\$16,332.95	76554-76580
BATCH #120	\$18,697.99	76581-76626
BATCH #121	\$157,535.06	76627-76688
TOTAL OPERATING FUND DISBURSEMENTS:		\$428,284.78
TRUST & AGENCY:		
TOTAL TRUST & AGENCY DISBURSEMENTS:		\$0.00
CAPITAL FUND DISBURSEMENTS:		
BATCH #25	\$81,532.14	76689-76697
TOTAL CAPITAL FUND DISBURSEMENTS:		\$81,532.14
PAYROLL:		
PR #P/R #13	\$684,078.18	
TOTAL PAYROLL DISBURSEMENTS:		\$684,078.18
PETTY CASH		\$183.28
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$1,194,078.38

Supervisor Walters comments that he has to leave and he turns the floor over to Councilwoman Potter-Juda to carry the Board through the rest of the meeting.

Councilwoman Potter-Juda takes over the meeting at 7:21 pm.

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 PROPOSED LOCAL LAW #7, 2015

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg, on May 11, 2015, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed Local Law #7, 2015; this local law provides for an amendment of Chapter 280 of the Hamburg Town Code, entitled “Zoning”, by adding thereto one new section entitled Residential Wind Energy Conversion Systems (WECS).

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

HAMBURG TOWN HALL
6100 South Park Avenue

Hamburg, New York 14075

Town Clerk’s Office/upper level **or** Planning Department/lower level)

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 the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 P.M. (local time) on the 22nd day of June, 2015, at which time all persons interested may be heard.

Dated: May 11, 2015

Catherine Rybczynski
Town Clerk
Town of Hamburg

One piece of correspondence was received from Sustainable Energy Developments which was copied to the Town Board.

Drew Reilly, Planning Consultant, comments that currently the Town does not regulate residential wind turbines which basically means, that they are prohibited in the Town. They do have a law for industrial grade wind turbines which are the wind turbines that are down on the waterfront. This has been a big issue throughout New York State, where and how to allow residential wind turbines. He then describes the proposed law for the residential wind turbines. He has received a few comments stating that it is too restrictive.

Councilman Quinn comments that with the ever evolving technology with renewable energy does he think there will be a time in the future that they would have to amend this again to accommodate residents that want to have wind turbines?

Mr. Reilly responds that as technology changes they may need to change it. One of the issues that came up are horizontal wind turbines that this law does not address. The applicant would go to building inspection and it would be treated like any other accessory structure that is put on the roof. In most residential areas of the town the maximum height of a structure is about 35 feet. A wind turbine is about 140 feet tall.

Councilman Quinn questions if the horizontal wind turbines would be legal now.

Kurt Allen responds that if it was on a roof and did not exceed the 35 feet and/or the 2 ½ story structure law it would be allowed.

Mike Jablonski comments that he is involved in this issue presently. He needs two wind turbines to power his house and barns and the law only allows for one so he already has an issue. He also has an issue because he went to the Zoning Board of Appeals and was approved but now they are telling him he wasn't. Since he started this process it seems like his house has been inspected tremendously. He has been lied to and was told that the Town Board was the one that told Building Inspection to do that.

Councilwoman Potter-Juda questions who told him that?

Mr. Jablonski responds, the Building Inspection Department. He has had a business in Hamburg for 30 years and lived here since he was a child and never had a problem.

Councilwoman Potter-Juda questions if anyone is present from Building Inspection.

Kurt Allen responds that this has been an issue. He advised Mr. Jablonski not to make application in advance of this proposed legislation. As to other accusations he doesn't know what he is talking about. There have been some difficulties with the use variance and Mr. Jablonski is not done with the process. He needs an area variance for the height.

Councilwoman Potter-Juda comments that they all need to work together on this and learn together.

Mr. Reilly comments, for clarification, that Mr. Jablonski would like to see more than one wind turbine allowed on a lot.

Mr. Jablonski replies yes.

Ryan Stork, CEC Energy, comments on how much energy each wind turbine can generate and the need for two on Mr. Jablonski's property. He then presents technical information on the height and amount of kilowatts. Another comment is that Mr. Jablonski lives in an R-A (Agricultural) District. Does this apply to R-A even though the law states residential?

Mr. Reilly responds yes the Town does not have a true Agricultural District.

Councilman Quinn questions if Mr. Stork presented anything in writing.

Mr. Stork responds yes.

Mr. Stork then comments on the noise restrictions in the proposed law.

Mr. Stork comments on Part D Section (2) "Unless waived by the Planning Board, a Residential WECS shall be inspected annually by a New York State licensed professional engineer". Who will be burdened with the cost of that?

Mr. Reilly responds that the owner would pay and a rate would be established for that inspection.

Mr. Stork questions if that could be added to the inspection they are paying for in their lease agreement.

Mr. Reilly responds that they could do that.

Joe Kilian questions if there are any regulations for solar energy?

Mr. Reilly responds that there are no specific rules for that. It is handled through the permit process.

Mr. Stork comments, so, if an agricultural entity applied for a permit for a wind turbine and that turbine was 175 Ft. it would be denied.

Mr. Reilly responds that if it is truly an agricultural operation, under NYS Ag & Markets, Ag and Markets says you cannot restrict that operation. If it is purely agricultural use they would have to prove that they needed that 175 foot tower. New York State Ag & Markets has specific rules and regulations for operating farms within an agricultural district.

Mr. Stork comments on the height and the visual impact.

Mr. Jablonski comments that he has a certified USDA Reindeer Herd, a State Reindeer Herd which is federally regulated and inspected by the USDA.

Mr. Reilly responds that if the Town unduly restricts his operation with their rules and regulations he should call Ag and Markets and if he is what he says he is they will have to relax some of the restrictions. If he is truly agricultural they would have to adjust the restrictions.

Jeff Walker questions what is the cost factor between wind turbines and solar power? Is he getting it for free because he is an agricultural facility?

Mr. Reilly responds that nothing is free. There are different incentive programs for both wind turbines and solar energy.

Mr. Stork responds that it is resource driven.

Kurt Allen comments that he invited Ryan Stork to attend the meeting so that he could give input from the industry as providers of these systems. Also, he has some guidelines from the Department of Ag and Markets which he will share in the development of this draft legislation.

Mr. Jablonski wants the Town Board to know that there are grants available for him now and he doesn't know how much longer they will be available.

27.

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

ADOPTED	Ayes	2	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 HEARING PROPOSED LOCAL LAW #8, 2015

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on May 11, 2015, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #8, 2015; the proposed local law amends Chapter 235 of the Hamburg Town Code entitled "Taxation".

The purpose of this local law is to amend the provisions of Chapter 235, "Taxation" to amend the section of the local law changing the date established for Grievance Day for Real Property Assessment Review to read as follows:

Grievance day established.

The Town of Hamburg hereby adopts as and for its grievance day the first Thursday after the fourth Tuesday of May and as many days thereafter as the Board of Assessment Review deems necessary, when such Board shall meet to hear complaints in relation to assessments pursuant to §512 of the New York State Real Property Tax Law.

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 aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. on the 22nd day of June, 2015, at which time all persons interested may be heard.

Dated: May 11, 2015

Catherine Rybczynski
Town Clerk
Town of Hamburg

No correspondence was received.

Councilwoman Potter-Juda asks if there are any questions or public comment.

No comments were made.

28.

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

ADOPTED	Ayes	2	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 HEARING PROPOSED LOCAL LAW # 9, 2015

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg, on June 8, 2015, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #9, 2015; this local law provides for the amendment of Chapter 210 of the Hamburg Town Code, entitled “Shopping Centers and Other Areas of Assembly: Traffic Regulations;” by adding thereto one new location as follows:

4904 Lakeshore Road
Hamburg, NY 14075
Currently owned by Golden Hire Equity, LLC

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 aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. (local time) on the 22nd day of June, 2015, at which time all person interested may be heard.

Dated: June 8, 2015

Catherine Rybczynski
Town Clerk

No correspondence was received.

Councilwoman Potter-Juda asks if there are any questions or public comment.

No comments were made.

29.

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

ADOPTED Ayes 2 Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board close the public hearing.

Reports from Town Board Members and Department Heads

Councilman Quinn – no report

Councilwoman Potter-Juda reports that the Blast on the Beach is on July 25th at the Hamburg Town Beach. The event will include sand castle contests, a volleyball tournament, entertainment, vendors, skydivers and fireworks. This is sponsored by the Hamburg Rejuvenation Committee and they always do an awesome job.

Marty Denecke, Director of Youth, Recreation and Senior Services, announces that the fireworks will be at Woodlawn Beach this year on Friday July 3rd.

Kurt Allen, Supervising Code Enforcement Officer, comments that he met with the Town Board on the new sign regulations. Based on the comments and concerns brought forward two weeks ago he made the necessary amendments for their review and further consideration. They are approaching the end of the moratorium on the digital signs so if they have any questions contact his office.

Tom Best Sr., Highway Superintendent, reports that due to the remedial work that needs to be done it is necessary to put off the paving of South Creek Road. They will not begin until July 13th. They did start their paving season this afternoon with the milling of Valley View.

Drew Reilly, Planning Consultant, reports that the Planning Board is busy working on several projects. The Dato Development project on the old Hopevale site, the Hanania rezoning which will come back to the Town Board once the Planning Board has made a recommendation on it and they have the 2nd phase of the Cedar Valley Apartments which is on Pleasant Ave just west of the NYS Thruway for a 124 Unit Apartment complex. Then they have a new project coming before the Planning Board for a Recreation Facility on Camp Road where the old junkyard facility was. They have been working with the Town Engineering Department and there is a report on the Mt. Vernon Sewer District which Nussbaumer and Clark is working on and with the Railroad Quiet Zones, Erdman Anthony is working on the preliminary design plans and they hope to have those ready in July and then hopefully out to bid and awarded in December of 2015.

Business from the Floor

John McKendry comments that he has been working with Sean Crotty on the oil trains. There were 80 oil tankers parked along Route 5 in Lackawanna for the last 3 weeks. He called CSX and they didn't know they were there and didn't show them as being there. A Code Enforcement Officer from the City of Lackawanna called him and said that the cars were empty and clean. He received the information that yesterday 82 oil tankers were moving east and crossed Pleasant Avenue. They need to keep track of them and keep sending them away.

Kathy Fennie questions if the Memorandum of Understanding has been signed yet for the Railroad Quiet Zones.

Walt Rooth, Town Attorney, responds that the County has it and they are making a final revision to it. Then it will come back to the Town and presumably it will go forward.

30.

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

ADOPTED	Ayes	2	Quinn, Potter-Juda
	Noes	0	

RESOLVED, that the Town Board adjourn at 7:55 pm.

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