

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 13th day of July 2015.

3.

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 7:18 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; Christopher Hull, Director of Community Development; Drew Reilly, Planning Consultant; Kurt Allen, Supervising Code Enforcement Officer; Amy Ziegler, Deputy Supervisor

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 June 22, 2015, pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law 4, 2015; said local law provides for amendments to the Zoning Code and Subdivision Laws of the Town of Hamburg, in the following sections, and the addition of a new chapter to the Hamburg Town Code entitled “Conservation Easement Law”. The proposed amendments are in accordance with recommendations of the Town of Hamburg Code Review Committee. The amendments can be described 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

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 July 13, 2015 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: June 22, 2015

Catherine Rybczynski
Town Clerk
Town of Hamburg

No correspondence was received.

Drew Reilly, Planning Consultant, gives a presentation on the proposed amendments as follows:

TOWN OF HAMBURG

6100 SOUTH PARK AVENUE * HAMBURG, NEW YORK 14075 * (716) 649-6111 * FAX (716) 649-4087

Supervisor
STEVEN J. WALTERS

Councilmembers
MICHAEL QUINN
CHERYL POTTER-JUDA



Town Attorney
WALTER ROTH III

Town Clerk
CATHERINE A. RYBCZYNSKI

Highway Superintendent
THOMAS M. BEST, SR

Town of Hamburg
June 8, 2015 Town Board Meeting
Zoning Revisions Public Hearing

The following is a synopsis of the codes being proposed to be revised and the reasoning behind these revisions:

1. New Conservation Easement Law

Reasoning: The Town Planning Board often requests Conservation Easements to be placed on project sites, and individual residents have requested Conservation Easements on their properties. Presently there are no official processes in the Town to accomplish this, monitor it or to enforce these Conservation Easements. This law establishes the process and provides methodologies to monitor and enforce these easements. This Conservation Easement law has nothing to do with any tax breaks or reduced property assessments.

2. Zoning Overlay Revisions

Reasoning: The Town of Hamburg has created numerous "Road" and "Area" Overlay Districts over the last 20 years. These overlays were created to address specific issues/needs of these areas, such as landscaping, access management, architecture and other design requirements. The Town has now determined that these "standards" should apply throughout the Town (adding to site plan requirements- see below) and not just in specific areas of the Town. It also provides an opportunity to clean up some of these overlays to avoid redundancies. The Town in accomplishing this has left one overlay in place (Route 5 Overlay), consolidated some into one overlay and eliminated redundant standards (Lakeview, South Central, Southeastern), amended one (Camp Road) and completely eliminated some (Southwestern Boulevard, McKinley Parkway, South Park Avenue).

3. Site Plan Requirements Revisions

Per the above discussion of the overlays, we are also adding additional design requirements to the Site Plan Regulations that will apply town wide; Access Management, Landscaping and Architectural Standards.

"It's Great Living in Hamburg... The Town That Friendship Built"
www.townofhamburgny.com

No public comments were received.

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 close the public hearing at this time.

5.

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:

06/22/2015	Work Session
06/22/2015	Town Board Meeting

6.

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

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

WHEREAS, a public hearing was held on June 22, 2015, for discussion and public comment concerning the adoption of proposed local law #8, 2015, and

WHEREAS, proposed local law #8, 2015, calls for adoption of an amendment to Chapter 235 of the Hamburg Town Code, entitled "Taxation", and

WHEREAS, the Town Board has reviewed and considered comments from the general public concerning the adoption of the proposed amendment,

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Hamburg adopt the proposed local law to amend Chapter 235 of the Hamburg Town Code, "Taxation", changing the date established for Grievance Day for Real Property Assessment Review.

BE IT FURTHER RESOLVED, that the Town Board authorizes the Legal Department to file this local law with the New York State Secretary of State within ten days following its adoption

7.

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, a public hearing was held on June 22, 2015, for discussion and public comment concerning adoption of proposed local law #9, 2015, and

WHEREAS, proposed local law #9, 2015, calls for the amendment to Chapter 210 of the Town Code of the Town of Hamburg entitled “Shopping Centers and Other Areas of Assembly” by adding thereto one new location as follows:

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

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board adopt this proposed amendment to the Town Code of the Town of Hamburg.

8.

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

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



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A
 (Rev. 3/14)

BE IT RESOLVED, that the Town of Hamburg / 30333 hereby establishes the following standard work days for these titles and
(Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Participates in Employer's Time Keeping System (Yes/No-If Yes, do not complete the last two columns)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials									
Supervisor	6	Steven J. Walters		41792722	<input type="checkbox"/>	1/1/2014-12/31/2017	No	30.51	<input type="checkbox"/>
Town Justice	6	Gerald Gorman		14690010	<input type="checkbox"/>	1/1/2014-12/31/2017	No	13.40	<input type="checkbox"/>
Town Clerk	6	Catherine Rybczynski		38963013	<input type="checkbox"/>	1/1/2012-12/31/2015	No	31.01	<input type="checkbox"/>
Appointed Officials									
Town Attorney	6	Waller L. Rooth, III		38004610	<input type="checkbox"/>	1/1/2014-12/31/2015	No	10.08	<input type="checkbox"/>
Zoning Board of Appeals	6	Brad Rybczynski		39117601	<input type="checkbox"/>	7/1/2014-6/30/2021	No	1.90	<input type="checkbox"/>
Zoning Board of Appeals	6	Joseph Sacco		37316015	<input type="checkbox"/>	1/1/2012-6/30/2016	No	1.31	<input type="checkbox"/>

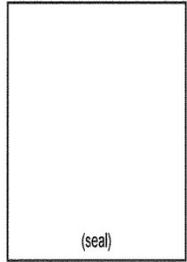
SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, Catherine A. Rybczynski, secretary/clerk of the governing board of the Town of Hamburg, of the State of New York,
(Name of secretary or clerk) (Circle one) (Name of Employer)
 do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 13 day of July, 2015, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Hamburg on this day
 of July, 2015,
(Signature of the secretary or clerk) (Name of Employer)

Affidavit of Posting: I, Catherine A. Rybczynski, being duly sworn, deposes and says that the posting of the
(Name of secretary or clerk)
 Resolution began on and continued for at least 30 days. That the Resolution was available to the public on the
(Date)

- Employer's website at www.townofhamburgny.com
- Official sign board at Hamburg Town Clerk's Office
- Main entrance secretary or clerk's office at



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

8/01/15	8/02/15	8/03/15	8/06/15
8/07/15	8/08/15	8/09/15	8/13/15
8/14/15	8/15/15	8/16/15	8/18/15
8/20/15	8/21/15	8/22/15	8/23/15
8/28/15	8/29/15	8/30/15	

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

BE IT RESOLVED, that the Hamburg Town Board approve the temporary part - time hiring of JENNIFER L. O'NEIL to the position of "GIS Mapper" within the Department of Community Development. Ms. O'Neil's appointment is effective Wednesday, July 15, 2015 with a part-time rate of \$13.00/hour; Funding to be paid within A8686.100.

11.

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

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

BE IT RESOLVED, that the Town Board authorize the Highway Department to enter into a three (3) year lease agreement with George and Swede Sales & Service for a Hyundai Wheel Loader;

BE IT FUTHER RESOLVED, that payments in the amount of \$26,323.50 will be payable each year to First Niagara Leasing, Inc.

The Wheel Loader will be purchased off New York State Contract #PC65308 and monies are available in account #H26.5130.201.

Supervisor Walters explains that some questions were brought up at the Work Session and Councilwoman Potter-Juda asked if this resolution could be tabled until the questions could be answered.

Councilwoman Potter-Juda explains that she has a problem with the wording of the resolution and has a question on the lease versus buying the equipment and the company they are purchasing it from.

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	

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, 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 this new Code, and

WHEREAS, the Town has identified that there are no other Permitting or Approval agencies for this action, and

WHEREAS, a public hearing was held regarding these Code amendments and comments were received, and

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

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), which will act as the Negative Declaration.

13.

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 SEQR and County referral process; and

WHEREAS, the Town Board held the required public hearing and received public comment, and

WHEREAS, in response to the comments received, the Town amended the proposed law and the Code Review Committee has recommended these revisions 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 (full copies attached):

Add a new section to Chapter 280 of the Zoning Code of the Town of Hamburg entitled Residential Wind Energy Conversion Systems (WECS), and

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

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” to provide for the revision of the Town Code as referenced above and as attached:

A Local Law Entitled “Amendment to the Code of the Town of Hamburg”

Be it enacted by the Town Board of the Town of Hamburg as Follows:

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

§ 280-__ Definitions

Add the following new definitions applicable to this Code in alphabetical order:

RESIDENTIAL WIND ENERGY CONVERSION SYSTEM – A Wind Energy Conversion System consisting of one wind turbine, one tower, and associated control or conversion electronics, with a total height of not more than one hundred fifty-five (155) feet, and is intended to primarily supply electrical power for the use on the subject property.

TOWER – The support structure, including guyed, monopole, and lattice types, upon which a wind turbine and other mechanical devices are mounted.

TOWER HEIGHT – The height above grade of the uppermost fixed portion of the tower, excluding the length of any axial rotating turbine blades.

TOTAL HEIGHT – (also **MAXIMUM OVERALL HEIGHT**) – The height of the Wind Energy Conversion System measured from the ground elevation to the top of the tip of the blade in the vertical position.

WIND ENERGY CONVERSION SYSTEMS - One or more mechanical devices which are designed and used to convert wind energy into a form of electric energy for sale or redistribution to others.

WIND MEASUREMENT TOWER – A tower used for the measurement of meteorological data such as temperature, wind speed, and wind direction.

WIND TURBINE – Any piece of electrical generating equipment that converts wind energy into electrical energy through the use of airfoils, rotating turbine blades, or similar devices to capture the wind.

§ 280-__ Residential Wind Energy Conversion Systems (WECS)

- A. The placement, construction, and major modification of all Residential WECS within the boundaries of the Town of Hamburg shall be permitted only by Special Use Permit within an Residential-Agriculture (R-A) Zoning District upon concurrent site plan approval issued by the Town of Hamburg Planning Board, as provided herein, after SEQR review, with the Town of Hamburg Planning Board designated as Lead Agency, and upon issuance of a building permit, and shall be subject to all provisions of this section.
- B. Applications under this section shall be made as follows:

- (1) Applicants for a Special Use Permit to place, construct, or modify Residential WECS within the Town of Hamburg shall submit the following information to the Planning Board for its referral to a professional engineer or consultant for review and recommendation:
 - (a) Name and address of the applicant.
 - (b) Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.
 - (c) A site plan drawn in sufficient detail to show the following:
 - [1.] Location of the tower(s) on the site and the tower height, including blades, wind turbine diameter, and ground clearance;
 - [2.] Dimensional representation of the various structural components of the tower construction including the base and footing;
 - [3.] Property lot lines and the location and dimensions of all existing structures and uses on site within three hundred (300) feet of the Residential WECS;
 - [4.] Proposed plan for restoration of the site after construction according to NYS Department of Environmental Conservation and Town of Hamburg guidelines and requirements;
 - [5.] Certification by a registered New York State professional engineer that the tower's design is sufficient to withstand wind loading requirements for structures as established by the New York State Uniform Construction Code; and,
 - [6.] Wind characteristics and dominant wind direction from which fifty percent (50%) or more of the energy contained in the wind flows.
 - (e) Specific information on the type, size, height, rotor material, rated power output, performance, safety, and noise characteristics of all Residential WECS components.
 - (f) Photographs or detailed drawings of each Residential WECS component including the tower and foundation.
 - (g) An acoustic report shall be furnished for the specific wind turbine technology which provides sound curve based on production levels for the overall dB(A) measurement of the wind turbine at different wind speeds based on field testing. This should be done in accordance with the Small Wind Certification Council (SWCC) which has standardized North American reporting on turbine energy and sound performance.
 - (h) A report from the turbine manufacturer stating the wind speed and conditions that the wind turbine is designed to withstand (including all assumptions).
 - (i) A copy of written notification to the Federal Aviation Administration (FAA), if required, and to Mercy Flight.
 - (j) Notification to microwave communications link operators: An application that includes any Residential WECS which is located within two (2) miles of any microwave communications link shall be accompanied by a copy of a written notification to the operator of the link.

- (k) An application that includes any Residential WECS which is located within a 100-year floodplain area, as such flood hazard areas are shown on the floodplain maps, shall be accompanied by a detailed report which shall address the potential for wind erosion, water erosion, sedimentation, and flooding, and which shall propose mitigation measures for such impacts.
 - (l) Such additional information as may be reasonably requested by the Town Engineer or Planning Board.
- C. Special Use Permits issued for Residential WECS shall be subject to the following conditions:
- (1) Minimum lot area:
 - (a) The minimum lot area needed for a Residential WECS shall be ten (10) acres.
 - (2) Setbacks: Any Residential WECS shall adhere to the following setbacks:
 - (a) From all property lines:
 - [1.] A minimum one and a half (1 ½) times the total height of the Residential WECS from any property line.
 - (b) From residential zoning districts (surrounding the required RA zoned site):
 - [1.] A minimum five hundred (500) feet from any residential zoning district boundary line.
 - (c) From buildings or structures:
 - [1.] A minimum one and a half (1 ½) times the total height of the Residential WECS from any non-residential building or structure; and,
 - [2.] A minimum of five hundred (500) feet from any dwelling regardless of the zoning district in which the structure exists.
 - (d) From public roads and railroads:
 - [1.] A minimum one and a half (1 ½) times the total height of the Residential WECS from any public road or railroad; and,
 - [2.] Where the lot line abuts a public right-of-way, the setbacks specified above shall be measured from the centerline of such right-of-way.
 - (e) From aboveground transmission lines greater than twelve (12) kilovolts:
 - [1.] A minimum one and a half (1 ½) times the total height of the Residential WECS from any aboveground transmission line greater than twelve (12) kilovolts.
 - (f) Notwithstanding the provisions set forth in these subsections, such setbacks from property lines do not apply if the application is accompanied by a legally enforceable agreement that runs with the property for a period of twenty-five (25) years or the life of the Special Use Permit, whichever is longer, that the adjacent landowner(s) agrees to the elimination of the required setbacks. These setback requirements can only be varied through this agreement process with adjoining landowners and not through a variance with the Zoning Board of Appeals. Any agreement to the elimination of such property line setbacks shall not constitute the reduction or elimination of

required setbacks from structures, as previously identified, and such setbacks from structures, for safety reasons, shall not be reduced or eliminated.

(3) Maximum overall height:

- (a) The maximum overall height of any Residential WECS shall be one hundred and fifty-five (155) feet. The maximum height shall be measured from the ground elevation to the top of the tip of the blade in the vertical position.

(4) Only one (1) Residential WECS per legal lot shall be allowed.

(5) The power produced from the Residential WECS shall only be used for on-site consumption (except for net metering purposes).

(6) Residential WECS shall be located in rear yards.

(7) Notification of adjacent property owners

- (a) All applicants are required to notify all property owners within one thousand (1,000) feet of the property line of the proposed parcel where the Residential WECS will be erected, at the time of application (proof of notification to be provided with the application to the Town).
- (b) The adjacent property owners shall be notified by the Town Planning Department in writing within ten (10) days of filing an application for Residential WECS Special Use Permit with the Town of Hamburg. This notification shall include the size, location, and planned construction date of the Residential WECS.

(8) Signage

- (a) No advertising sign or logo shall be placed or painted on any Residential WECS.
- (b) A Residential WECS Special Use Permit may allow the placement of the tower's manufacturer's logo on a system generator housing in an unobtrusive manner.

(9) Color and finish

- (a) Wind turbines and towers shall be painted a non-obtrusive (e.g., light environmental color such as white, gray, or beige) color that is non-reflective.
- (b) The design of Residential WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the facility to the natural setting and the existing environment.

(10) Lighting

- (a) Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the FAA or requested by Mercy Flight (and approved by the Planning Board).

(11) Compliance with regulatory agencies

- (a) The applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county, and local agencies having jurisdiction and approval related to the completion of the Residential WECS.

- (b) The applicant is required to submit a short (unless a full form is requested by the Planning Board) Environmental Assessment Form (EAF) with the Town of Hamburg to comply with the SEQR process.

(12) Safety and security requirements:

- (a) Safety shutdown: Each Residential WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the wind turbine. A manual electrical and/or over-speed shutdown disconnect switches shall be provided and clearly labeled on the Residential WECS. No wind turbine shall be permitted that lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, and wind turbine components.
- (b) All structures which may be charged with lightning shall be grounded according to applicable electrical code.
- (c) The blade tip of any wind turbine shall, at its lowest point, have ground clearance of not less than thirty (30) feet.
- (d) Wind turbine towers shall not be climbable up to fifteen (15) feet above ground level.
- (e) All access doors to Residential WECS structures and electrical equipment shall be lockable and shall remain locked at all times when operator personnel are not present.
- (e) Anchor points for any guy wires for a system tower shall be located with the property that the system is located on and not on or across any above ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six (6) feet high or sheathed in bright orange or yellow covering from to eight (8) feet above the ground. The minimum set back for the guy wire anchors shall be ten (10) feet from the property boundary.
- (g) Appropriate warning signage shall be placed on wind turbine towers and electrical equipment. Signage shall also include one (1) twenty-four hour emergency contact number to the owner of the wind turbine as well as signage warning of electrical shock or high voltage and harm from revolving machinery.

(13) Noise requirements:

- (a) The audible noise standard due to wind turbine operations shall be in conformance with the Town's noise ordinance.
- (b) A Residential WECS shall not be operated so that impulsive sound below twenty (20) Hz adversely affects the habitability or use of any dwelling unit, hospital, school, library, nursing home, or other sensitive noise receptor.

(14) Impact on wildlife species and habitat:

- (a) Development and operation of a Residential WECS shall not have a significant adverse impact on endangered or threatened fish, wildlife, or plant species or their critical habitats.
- (b) Development and operation of a Residential WECS shall not have an adverse impact on migratory bird species.

- (15) Interference with residential television, microwave, and radio reception.
- (a) The applicant must submit information that the proposed construction of the Residential WECS will not cause interference with microwave transmissions, cellular transmissions, residential television interference, or radio reception of domestic or foreign signals.
 - (b) The applicant shall include specific measures proposed to prevent interference, a complaint procedure, and specific measures proposed to mitigate interference impacts.
- (16) Interference with aviation navigational systems:
- (a) No Residential WECS shall be installed or operated in a manner that causes interference with the operation of any aviation facility.
 - (b) All Residential WECS sitings shall comply with FAA regulations.
- (17) Unsafe and inoperable Residential WECS; site reclamation (see also Permit Revocation):
- (a) Unsafe Residential WECS, inoperable Residential WECS, and Residential WECS for which the Special Use Permit has expired shall be removed by the owner. All safety hazards created by the installation and operation of the Residential WECS shall be eliminated, and the site shall be restored to its natural condition to the extent feasible. A bond or other appropriate form of security shall be required to cover the cost of the removal and site restoration.
 - (b) Every unsafe Residential WECS and every inoperable Residential WECS is hereby declared a public nuisance which shall be subject to abatement by repair, rehabilitation, demolition, or removal. An inoperable Residential WECS shall not be considered a public nuisance, provided that the owner can demonstrate that modernization, rebuilding, or repairs are in progress or planned and will be completed within no more than six (6) months.
 - (d) A Residential WECS shall be deemed inoperable if it has not generated power within the preceding six (6) months.
- (18) Erosion control:
- (a) Before the Town of Hamburg shall issue a grading or building permit for the Residential WECS, the applicant shall submit an Erosion Control Plan to the Engineering Department for its review and approval.
 - (b) The Plan shall minimize the potential adverse impacts on wetlands and Class I and II streams and the banks and vegetation along those streams and wetlands and minimize erosion or sedimentation.
- (19) Certification:
- (a) The foundation, tower, wind turbine, and compatibility of the tower with related equipment shall be certified in writing by a structural engineer registered in New York State. The engineer shall certify compliance with good engineering practices

- and compliance with the appropriate provisions of the Uniform Construction Code that have been adopted in New York State.
- (b) After completion of the Residential WECS, the applicant shall provide a post-construction certification from a licensed professional engineer registered in the State of New York that the project complies with applicable codes and industry practices and has been completed according to the design plans.
 - (c) The electrical system shall be certified in writing by an electrical engineer registered in New York. The engineer shall certify compliance with good engineering practices and with the appropriate provisions of the Electric Code that have been adopted by New York State.
 - (d) The wind turbine over-speed control system shall be certified in writing by a mechanical engineer registered in New York State. The engineer shall certify compliance with good engineering practices.
 - (e) Certificate of Completion must be supplied by the applicant and approved by the Town of Hamburg Code Enforcement Officer.

D. Monitoring requirements for Residential WECS:

- (1) Upon reasonable notice, Town of Hamburg officials or their designated representatives may enter a lot on which a Residential WECS Special Use Permit has been granted for the purpose of compliance with any permit requirements. Twenty-four (24) hours advance notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice.
- (2) Unless waived by the Planning Board, a Residential WECS shall be inspected annually by a New York State licensed professional engineer that has been approved by the Town or at any other time, upon a determination by the Town's Code Enforcement Officer, that the wind turbine, tower, or other Residential WECS components have sustained structural damage, and a copy of the inspection report shall be submitted to the Town Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne entirely by the permit holder.
- (3) General complaint process:
 - (a) During construction, the Town of Hamburg Code Enforcement Officer can issue a stop order at any time for any violations of the Special Use Permit.
 - (b) After construction is complete, the permit holder shall establish a contact person, including name and phone number, for receipt of any complaint concerning any permit requirements. Upon receipt of complaint from the Town of Hamburg Code Enforcement Officer, the permit holder/contact person shall have seven (7) working days to reply to the Town in writing.

E. Application fees and costs:

- (1) Applicant shall pay all costs associated with the Town of Hamburg's review and processing of the application. The applicant shall submit a deposit with the application in the amount as determined by resolution by the Town Board. The Town of Hamburg may require additional deposits to cover the costs of reviewing and processing the application.

Such additional deposits, if requested, shall be promptly submitted by the applicant. Following action on the application, any unused amount of the deposit(s) shall be returned to the applicant with a summary of the costs incurred.

- (2) The applicant shall pay a permit fee, in the amount as determined by resolution by the Town Board, to cover the costs incurred by the Town associated with a Residential WECS Special Use Permit and Building Permit such as administration, inspections, and enforcement.
- (3) Prior to the issuance of a building permit, the applicant shall document that all applicable federal, state, county, and local permits have been obtained.
- (4) Prior to the issuance of a building permit, the applicant shall provide the Town Clerk with proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.

F. Findings:

- (1) Findings necessary to grant a Residential WECS Special Use Permit: In order to grant a Residential WECS Special Use Permit, the Town of Hamburg shall review the application, all filings by any other party, and conduct a public hearing. A Residential WECS Special Use Permit shall not be granted unless the Town of Hamburg Planning Board makes the following findings based on substantial evidence:
 - (a) The proposed Residential WECS project is consistent with the Town of Hamburg Comprehensive Plan and Local Waterfront Revitalization Plan (LWRP), where applicable.
 - (b) The proposed Residential WECS project will not unreasonably interfere with the orderly land use and development plans of the Town of Hamburg.
 - (c) That the benefits to the applicant and the public of the proposed Residential WECS project will exceed any burdens.
 - (d) The proposed Residential WECS project will not be detrimental to the public health, safety, or general welfare of the community.
 - (e) The proposed Residential WECS project shall comply with all required provisions of the Zoning Code, unless allowed variances (see setback process) have been properly applied for and granted by the Town of Hamburg Board of Zoning Appeals.

G. The Planning Board may grant the Special Use Permit, deny the Special Use Permit, or grant the Special Use Permit with written stated conditions. Denial of the Special Use Permit shall be by written decision based upon substantial evidence submitted to the Board. Upon issuance of the Special Use Permit, the applicant shall obtain a building permit for each tower.

H. The Planning Board, on request from the applicant, shall have the authority to waive any of the requirements of this Code, except for zoning districts in which Residential WECS are permitted by Special Use Permit, C. (1) minimum lot size, C. (2) setbacks, C. (3) height regulations, and C. (4) Number of Residential WECS per lot which can only be reduced through a variance obtained from the Town of Hamburg Zoning Board of Appeals. The

Planning Board must provide, in writing, its reasoning for issuing waivers.

- I. Any changes or alterations post construction to the Residential WECS shall be done only by amendment to the Special Use Permit and subject to all requirements of this Code.

§ 280-___ Permit revocation.

- A. A Residential WECS shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions. Should a Residential WECS become inoperable, or should any part of the Residential WECS be damaged, or should a Residential WECS violate permit conditions, the owner or operator shall remedy the situation within ninety (90) days after written notice from the Town Board. The applicant shall have ninety (90) days after written notice from the Town Board, to cure any deficiency. An extension of the ninety (90) day period may be considered by the Town Board, but the total period may not exceed one hundred eighty (180) days.
- B. Notwithstanding any other abatement provision under this Code, if the Residential WECS is not repaired or made operational or brought into permit compliance after said notice, the Town Board may, after a public hearing at which the operator or owner shall be given opportunity to be heard and present evidence, including a plan to come into compliance, (a) order either remedial action within a particular timeframe, or (b) order revocation of the Residential WECS Special Use Permit and require the removal of the Residential WECS within ninety (90) days. If the Residential WECS is not removed, the Town Board shall have the right to use the security posted as part of the Decommission Plan to remove the Residential WECS.

§ 280-___ Fees and costs.

- A. All fees shall be approved by the Town Board by resolution. Nothing in this Section shall be read as limiting the ability of the Town to enter into Host Community agreements with any applicant to compensate the Town for expenses or impacts on the community. The Town shall require any applicant to enter into an escrow agreement to pay the engineering and legal costs of any application review.

§ 280-___ Enforcement, penalties, and remedies for violations.

- A. Any person owning, controlling, or managing any building, structure, or land who shall undertake the construction or operation of a Residential WECS in violation of this Code or in noncompliance with the terms and conditions of any permit issued pursuant to this Code, or any order of the Code Enforcement Officer, and any person who shall assist in so doing shall be guilty of an offense and subjected to a fine of not more than \$250 or to imprisonment for a period of not more than six (6) months, or both. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of \$250 for each violation and each week said violation continues shall be deemed a separate violation.

B. In case of any violation or threatened violation of any of the provisions of this Code, including the terms and conditions imposed by any permit issued pursuant to this Code, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct, or abate such violation, to prevent the illegal act.

§ 280-__ Severability

A. If any part or provision of this Local Law shall be declared invalid, void, unconstitutional, or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

§ 280-__ Applicability

A. This Local Law shall take effect immediately upon filing with the Secretary of State of New York.

14.

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 Newton Abbott Fire Company, Inc.

Jessica Pilarski
17 Victory Ave
Lackawanna, NY 14218

Justin Renik
3196 Cambridge Square
Blasdell, NY 14219

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 Big Tree Volunteer Firemen’s Company, Inc.:

Jennifer Brown
4265 Regents Park
Hamburg, New York 14075

Sean Chadwick
4087 Richcrest Drive, Apt. #1
Hamburg, New York 14075

16.

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 Scranton Volunteer Fire Company:

Joseph Hochul
4929 Winterway Lane
Hamburg, New York 14075

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	

RESOLVED, that the Town Board approve the recommendation of the Chief of Police in hiring **ANDREW LAHRS, PATRICK MURPHY** and **NICHOLAS PALMER** to the vacant position of **POLICE OFFICER**, probationary, effective August 2, 2015. This is pending the physical, psychological and polygraph tests. All three gentlemen are currently on the Civil Service list #61-180. Salary is \$23.48 per hour; funds available in B3120.100.

Supervisor Walters asks that the three new Officers to come forward with the Chief of Police, and any family members that are present for the presentation of their badge.

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 Michael Petrie of Blasdell, NY be appointed to serve as member of the Town of Hamburg Land Development Corporation to replace Lou McDonald as a result of a request from the Village of Blasdell.

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 Michael Petrie of Blasdell, NY be appointed to serve as member of the Town of Hamburg Industrial Development Agency to replace Lou McDonald as a result of a request from the Village of Blasdell.

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

#	Emp #	Emp Name	N or R	Position	Start date	hrly rate	hrly rate	Term date
	4618	Bennett, Ethan	R	Laborer/Sea/ET7250.100				7/13/2015
	4618	Bennett, Ethan	R	Laborer/Sea/A7140.100	7/14/2015		\$8.75	
	4612	Fiorello, Louis	R	Laborer/Sea/ET7250.100				7/13/2015
	4612	Fiorello, Louis	R	Laborer/Sea/A7140.100	7/14/2015		\$8.75	
	4444	Johnston, Evan	R	Laborer/Sea/A7140.100	6/10/2015		\$8.75	

21.

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 issues raised by the Building Department and a moratorium issued on electronic signs, and

WHEREAS, the Hamburg Code Review Committee, through a sub-committee, has determined that the Town’s codes as they relate to signage need to be updated and therefore have prepared draft language for these proposed amendments and recommended them to the Town Board, 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 the creation of specific requirements and design elements for signage, and

WHEREAS, a public hearing was held regarding these Code amendments, and 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

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 the attached 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).

22.

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 removing the word displayed from Section 280-238 -Temporary signs, sub -paragraph B - Political signs that was proposed as an amendment and approve the following as originally submitted:

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 a moratorium issued on electronic signs, and

WHEREAS, the Hamburg Code Review Committee, through a sub-committee, has determined that the Town's codes as they relate to signage need to be updated and therefore have 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 (full copies attached):

Delete Article XXXVI Sign Regulations of the Zoning Code (Chapter 280) and replace with new Article XXXVI Sign Regulations.

Amend other sections of the Zoning Code (Chapter 280) as follows:

- 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)

,and

WHEREAS, the Town Board has issued a Negative Declaration in accordance with SEQR, referred these proposed code revisions to Erie County in accordance with General Municipal Law section 239-m and received input on these zoning revisions from the Town Planning Board and held the required public hearing.

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" to provide for the revision of the Town Code as referenced above and as attached:

Chapter 280. Zoning

Article XXXVI. Sign Regulations

280-233. Statement of purpose and legislative intent

The purpose of these sign regulations is to regulate signs of all types in all districts. In the interest of promoting the general health, safety and welfare of the residents of the Town of Hamburg, these regulations are herein established to provide for the placement, location, type and size of signs in a sensible manner. As more specifically set forth herein, the intent of these sign regulations is:

- A. To encourage the effective use of signs as a means of identification and communication;
- B. To maintain an aesthetic environment;
- C. To strengthen Hamburg's ability to attract sources of economic development and growth;
- D. To prohibit the erection of signs in such numbers, sizes, designs and/or locations that may create a hazard to pedestrian and vehicular traffic;
- E. To minimize the possible adverse effect of signs on nearby public and private property;
- F. To promote and maintain attractive residential, commercial and industrial districts by preventing the blighting influence of excessive signage;
- G. To provide reasonable, yet appropriate, conditions for identifying residential developments, institutions, businesses and industrial establishments;
- H. To control the number and size of signs, and to avoid excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness and confusion.

280-234. Definitions

ABANDONED SIGN

A sign which for period of ninety consecutive days has not correctly or exhorted any person, advertised a bona fide business, lessor, owner, product, event or activity conducted or product available on the premises where such sign is displayed.

ANIMATED SIGN

Any sign that uses movement or a change of lighting to depict action or create a special effect or scene.

AWNING/CANOPY SIGN

Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance window, or outdoor service area. A marquee is not a canopy.

BALLOON/INFLATABLE ADVERTISING SIGN

Any inflatable self-contained membrane which floats above the ground and possesses an animated shape or character and/or contains any graphics, images and/or displays messages for the purpose of advertising a product, activity or event.

BANNER SIGN

Any sign of light fabric or similar material that is intended to be hung either with or without being mounted to a frame, attached to a pole or building. National flags, or the official flag of any institution or business shall not be considered banners.

BEACON

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same parcel or lot as the light source; also, any light with one or more beams that rotate or move, commonly referred to as a search light. These beacons are to be used temporarily (not to exceed three calendar days in duration) exclusively for special events, such as grand openings, concerts and other public assembly venues.

BILLBOARD SIGN

Any sign that attracts attention to an object, product, service, place activity, institution, organization or business that is not available or located on the parcel where the sign is located.

CHANGEABLE LETTER SIGN

A sign where the supporting frame or structure is permanent and only the letters, displays or illustrations are changeable or temporary.

DIGITAL SIGN

An exterior computer programmable sign capable of displaying words, symbols, figures or pictures images that can be altered or rearranged by remote or automatic without altering the face or surface of the sign. Typically, these signs utilize LEDs (or light-emitting diodes), plasma or LCD technology to produce the character and graphic of the display.

FREESTANDING SIGN

Any sign, including a monument sign, supported by structures or foundation supports that are placed on, or anchored in the ground that is independent from any building or other structure. Free standing signs would include pole and ground signs.

FLAG/SAIL SIGN

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, supported by a pole designed to move in the wind.

INCIDENTAL SIGN

A sign, generally informational, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

IDENTIFICATION SIGN

A sign intended to identify the principal use of a lot, building or building unit according to the following

INSTITUTION SIGN - a sign displaying the name and/or organization occupying the premises of a public or quasi-public use restricted to: churches or other place of religious worship; fire halls; hospitals; cemeteries governmentally owned and/or operated facilities; Private and publicly operated schools.

INSTRUCTIONAL SIGN

An exterior sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers, visitors or users as to: specific parking requirements; the location or regulations pertaining to specific activities on the site or in the building; security system advisories; specific services offered; or methods of payments accepted. Examples of instructional signs include: "Honk Horn for Service"; "Restrooms Inside"; "Parking for Customers Only"; "Parking for Residents Only"; menu boards; drive-up tellers; and "self-serve." No sign with a commercial message legible from a location off the premises on which the sign is located shall be considered an Instructional Sign.

INTERNALLY ILLUMINATED SIGN

Any sign incorporating or electrically supplied light source which illuminates the sign face from within.

MONUMENT SIGN

A freestanding sign having a low profile, supported by a solid masonry, wood (or similar material) constructed base with no open space between the ground and sign face. Commonly referred to as a ground sign.

NEON SIGN

Any sign or design detail which features exposed glass tubing filled with fluorescent gas.

NONCOMMERCIAL MESSAGE SIGN

Any sign which provides any message, opinion, view point, either political or religious in nature exercising a persons right to free speech, belief or expression.

NON-CONFORMING SIGN

Any sign that does not conform to the requirements of this regulation.

STATIC NUMERIC DISPLAY - A digital sign which singular function is only capable of displaying numbers and letters in static mode only. These signs are restricted in operation, limited only to displaying gas/fuel prices at auto services stations, hotel room rates, time /temperature and can only operate for that specified purpose.

OFF PREMISE SIGN

A sign which directs attention to a business, product, activity or service which is generally conducted, sold, or offered elsewhere than upon the premises/parcel where such sign is located.

PENNANT/ STREAMERS

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, or supported by a pole usually in series designed to move in the wind.

POLE SIGN

Any freestanding elevated sign in which the sign face is supported by one or multiple vertical structural columns, poles or posts.

POLITICAL SIGN

A temporary non commercial sign advocating action on a public issue, generally indicating support for candidate for public office in advance of an upcoming election.

PROJECTING SIGN

Any sign affixed to a building or wall in such matter that its leading edge extends more than twelve inches beyond the surface of such building or wall.

REAL ESTATE SIGN

A temporary sign which directs attention to the rental, sale or lease of the property on which the sign is located.

REQUIRED PUBLIC PURPOSE/SAFETY SIGN

Any sign, including emergency warning signs and street identification signs, erected by a public authority, utility, public service organization or private industry upon the public right-of-way or on private property which is required by law or otherwise intended to control traffic, direct, identify or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Public purpose/safety signs include “No Parking Fire Lane.”

RESIDENTIAL IDENTIFICATION SIGN - means a sign identifying the name and address of a completed residential subdivision, a cluster development, or a multi-family development.

ROOF SIGN

Any sign erected and constructed wholly on and over the roof, gutter, eave line of a building or structure, and extending vertically above the highest portion of the roof.

SANDWICH BOARD SIGN

Any sign which consists of two message boards joined together at the top (usually a hinged connection), commonly referred to as an “A-frame sign”. This type of sign would include any temporary two-sided supported on a base or any temporary sign which functions to display a changeable promotional message for a single business establishment.

SIGN

Any letters, figures, design, symbol, trademark or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and printed or constructed and displayed in any manner whatsoever out of doors for advertising purposes. However, this shall not include any governmental, court or public notices nor the flag, emblem or insignia of a government, school or religious group when displayed for official purposes.

SIGN FACE AREA

The entire area within the single, continuous perimeter enclosing the extreme limits of the written representation, emblem or figure or similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The supports, uprights or structures on which sign is supported shall not be included in determining the sign area unless such supports, uprights or structures are designed in such a manner as to form an integral part of the display. Where a sign has two or more faces, the area of all faces shall be the area of the sign

STATIC NUMERIC DISPLAY - A digital sign which singular function is only capable of displaying numbers and letters in static mode only. These signs are restricted in operation, limited only to displaying gas/fuel prices at auto services stations, hotel room rates, time /temperature and can only operate for that specified purpose.

TEMPORARY PROMOTIONAL SIGN

A temporary sign of any type (other than a construction, political, or real estate sign) intended to announce special events, promotions or sales, including garage and estate sales in residential districts.

TEMPORARY SIGN

Any nonpermanent sign, including a portable sign, which is intended to be displayed for a limited time only. Such signs include construction, political, real estate and temporary promotional signs.

WALL SIGNS

Any sign attached parallel to, but within twelve inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN

Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

280-235. General Regulations

- A. No sign may be erected, placed, established, painted, created, or maintained in the Town of Hamburg except in conformance with the standards, procedures, exemptions, and other requirements of this Chapter. (Reference Code Section 280-276. Visibility at intersections and Code Section 280-278. D. Sight obstructions.)
- B. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the Town of Hamburg, or cause the same to be done, without first obtaining a sign permit for each such sign unless otherwise deemed an unregulated sign.
- C. All signs must be set back so that every part of the sign and any supporting structure is no closer than 10 feet to the road or street right-of-way or property lines.
- D. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, in a neat, clean, and attractive condition, and in conformance with this code, at all times. A sign in good repair shall be free of peeling or faded paint, shall not show uneven soiling or rust streaks; shall not have chipped, cracked, broken or bent letters, panels or framing; shall not otherwise show deterioration.
- E. No sign may contain or consist of flags, banners, pennants, ribbons, streamers, strings of light bulbs, spinners or other similar moving devices. These devices when not part of any sign are similarly prohibited unless they are permitted specifically by other local law.
- F. No animated, flashing, rotating, noise making, reflecting, mirrored or intermittently illuminated signs shall be permitted to be erected, except for Required Public Purpose/Safety Signs.
- G. Illuminated signs shall be so designated and arranged that any external illumination is so effectively shielded that no direct rays of light are cast into surrounding residential areas or public streets. No exposed reflective type bulb or incandescent lamp which exceeds fifty (50) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

- H. The following operational restrictions and regulations apply to all Digital signs:
- (1) Digital signs are only permitted in C-2 (General Commercial) and M-1 thru M-3 (Industrial) districts and in all districts as institutional signs as defined in this chapter
 - (2) Operational limitations. Such displays will be limited to stationary displays. The frequency and method by which messages/graphics that appear or disappear from the display is to be regulated. Special effects or operational modes such as a scroll, travel and spinning actions or the use of similar transitions and frame effects that have text, graphics or images that appear to move or change in size, or are revealed sequentially rather than all at once, are prohibited.
 - (3) Full animation, flashing or video display is expressly prohibited,
 - (4) Minimum display time, Each message, graphic or image on the sign must be displayed for a minimum of ten (10) seconds.
 - (5) Existing billboards, posters and bulletins that have been previously approved by the Town are allowed to be converted to a digital messaging, provided they fully comply with 280-238 Illumination and 280-261(2)(a), (b) and (c) [Amended 2-23-2009 by LL No. 2-2009; 4-12-2010]
 - (6) All digital signs (except static numeric signs) require an annual license fee to defray the Town's cost to monitor and regulate their operational mode in accordance with the provisions of this chapter. Failure to obtain and maintain such annual permit will constitute a violation and the operation of the sign must be terminated. The cost of this fee shall be established as deemed appropriate through approval of Town Board resolutions. If any digital sign under annual permit is found to be in violation of the operational restrictions/regulations as stipulated in this chapter, the permit will be automatically revoked and new permit must be obtained at the original cost.
- I. Only two static numeric signs are allowed per parcel. The character height of numbers or letters contained in these sign types cannot exceed 18 inches.

J. Nonconforming Signs.

- (1) Nonconforming signs existing at the time of the Adoption of this article which do not conform to the requirements in this article shall be considered nonconforming signs and shall only be replaced with signs that fully comply with the provisions of this article; provided however nonconforming signs may be maintained, repainted or repaired, such repair solely in conjunction with incurrence of damage or deterioration of the sign and provided that such repainting or repairs do not exceed the dimensions of the existing sign.
- (2) A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. Any change in use of the business or activity for which the nonconforming sign was intended shall require that the sign be brought into full conformance to this article. The replacement of a sign face will require permit in order to insure that the entire sign is brought into compliance with the current regulations.

- K. Any sign that becomes abandoned or is located on a property which becomes vacant or relates to a business no longer operating on the property, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed abandoned (see definitions, "abandoned sign") and be removed in its entirety, including all sign structure and supporting members, by the owner of the sign or the owner of the premises.

280-236. Prohibited signs

All signs as listed are expressly prohibited and under no circumstances will not qualify for a permit in the Town of Hamburg. The following listed signs are considered unlawful and will be considered a violation subject to enforcement action as deemed necessary by the Town. Such signs include, but are not limited to:

- A. Roof Signs
- B. Off-Premise Signs
- C. Pole Signs
- D. Animated or Rotating Signs, except required public purpose/safety signs.
- E. Billboard Signs

- F. Banners, Pennant, Sail/flag, and/or Portable Signs, except as temporary signs in accordance with this Article.
- G. Balloon/Inflatable Advertising Sign.
- H. Any sign or part thereof on a vehicle or trailer parked on a public-right-of-way, public property or on private property so as to be intended to be viewed from a motorized vehicular public right-of-way, which has for its basic purpose the providing of an advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This subsection is not intended to prohibit any form of vehicular signage, such as a sign attached to a bus or lettered on a motor vehicle or signs that are part of a vehicle such as a construction trailer, whose primary purpose is not advertising to the public-right-of-way.
- I. Any sign erected or maintained which might be confused with any traffic control device or which might interfere with the vision or discernment of any traffic sign or which might cause danger to public travel, including any sign which make use of words such as “Stop”, “Look”, “One Way”, “Danger”, “Yield”, or similar words, phases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic.
- J. Strings of lights not permanently mounted to a rigid background, except those exempt under this Article.
- K. Inflatable signs and tethered balloons.
- L. Abandoned signs.
- M. Neon signs outside of fiberoptic signage or any use of neon to outline or highlight a structure except within storefront windows.
- N. Any sign painted on or attached to a fence.
- O. Any sign attached or installed on a utility pole, (including a light pole) or affixed to the existing supporting sign structure (pole or structural support intended for a permitted sign).
- P. Any sign attached or suspended from a tree.

280-237. Signs exempt from regulation under this chapter

The following signs shall be exempt from regulation under this Chapter and as such do not require a permit.

- A. Any non-illuminated noncommercial sign placed within the front yard on an occupied property and not exceeding eight (8) square feet in area and not exceeding six (6) feet higher than the surrounding grade.
- B. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- C. Any sign inside a building, not attached to a window or door, that is not visible from any exterior perspective.
- D. Any New York State inspection station identification sign or New York State authorized repair shop identification sign which is at a height which does not exceed ten (10) feet and is located on an exterior or interior wall of the motor vehicle service station.
- E. Traffic control signs on private property, such as “Stop”, “Yield”, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.
- F. Private sale, rental or lease Signs, when posted not more than seven (7) days before a sale, and removed within seven (7) days thereafter, and which sales may occur at any particular residence no more than 3 times a year.
- G. Open/closed business signs which do not exceed two (2) square feet.
- H. Official public information signs, memorial signs, building names, erection dates or similar information cut into masonry or other permanent surface or constructed of bronze or other combustible material, not to exceed sixteen (16) square feet.
- I. Signs and markers in cemeteries designating graves and memorials
- J. On-site farm stand signs that do not exceed sixteen (16) square feet in size, thirty-two (32) square feet cumulatively for all signs for any one property.
- K. Beacons
- L. Historical site markers

- M. No-trespassing signs and Posted (no hunting, fishing and trapping) signs, provided the signs do not exceed two square feet in area per sign.
- N. Street number identification plates.
- O. Vacancy/no vacancy signs which do not exceed three square feet.

280-238. Temporary Signs

The following temporary signs are not allowed in a right-of-way, but are allowed on private property without a sign permit. All temporary signs not specifically listed in this chapter do require a sign permit.

- A. Construction Signs: Signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction and/or the purpose for which the building is intended. One temporary construction sign shall be allowed per lot, and such sign shall not exceed a maximum area of sixteen (16) square feet. The sign shall be confined to the site of the construction and shall be removed within fourteen (14) days of completion of the project.
- B. Political Signs: Nonilluminated political signs, which shall not be located on any public property, shall not be erected more than thirty (30) calendar days prior to the election (or primary event) and must be removed within five (5) days after the election or primary. Any political election sign attached to a building shall not exceed eight (8) square feet in area and shall be attached only to the front wall of the principal building of an occupied premises. Any detached, freestanding political election sign shall not exceed eight (8) square feet in area, shall be erected only in the front setback area of occupied premises and shall be at least ten (10) feet from any property line or street line.
- C. Real Estate Signs: Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed, up to a total area of eight (8) square feet in residential and sixteen (16) square feet in commercial and industrial zones. Such signs shall be removed within fourteen (14) days of the sale, rental or lease. No off-premises signs advertising the sale, rental or lease of property are permitted in any zone. Directional signs for an open house event occurring for a limited period of time are permitted off-premises provided that maximum sign area shall not exceed eight (8) square feet and not placed within on public property or public right of way.

- D. Business “Grand” Opening Signs (commercial districts only): Signs, which may include fabric banners, temporarily attached to the front wall or windows of a building, announcing the opening of a completely new enterprise or the reopening under new management of the business operating within. Business opening signs may be of any size that does not extend beyond the horizontal or vertical limits of the front wall of the building or, in the case of buildings housing more than one business, of that portion of the building occupied by the new business. Business opening signs shall not be displayed for a period no longer than thirty (30) days.
- E. Temporary Business/Identification Signs: These signs shall be authorized on individual private commercial properties, when, in the judgement of the Code Enforcement Officer, operation of existing businesses on such properties are temporarily disadvantaged during road construction or sewer and water main installation, and/or public maintenance projects. A business is considered to be temporarily disadvantaged when such construction is taking place at the time of application within a thousand (1000) feet of the lot upon which the business is located. However, no such sign shall be erected until a permit specifying the period of authorization has been obtained from the Code Enforcement Officer. In no case shall a temporary sign exceed a width of three (3) feet and height above ground level of six (6) feet. With reference to businesses located within shopping centers, consisting of eight (8) or more businesses/tenants, one (1) sign directing entrance into the shopping center will be allowed, but an individual sign for each business within the center will not be allowed.
- F. NO TEMPORARY SIGNS, AS ALLOWED UNDER THIS SECTION, SHALL BE ELECTRIFIED (ie., illuminated, etc.)

280-239. Signs allowed in Residential Districts.

The following regulations apply to all signage located within Residential districts. These districts include: R-A, R-E, R-1, R-2, R-3, R-4, PRD and residential portions of PUD. The following non-illuminated signs are allowed without a permit unless otherwise noted:

- A. Noncommercial signs, in accordance with the regulations of this Article.
- B. Temporary signs, in accordance with the regulations of this Article.
- C. Nameplate signs for professional occupations not exceeding four (4) square feet.
- D. House number signs in accordance with New York codes of sufficient size to allow identification from the street (and which may be illuminated by customary outdoor household illumination), which are on the dwelling, a sign post not exceeding five (5) feet in height or mailbox, but no numbers painted on rocks shall be allowed.
- E. Residential subdivision identification (temporary): A freestanding sign to be temporary in nature, to be removed within fourteen (14) days after the last lot in a subdivision is sold, no larger than sixteen (16) square feet, one per subdivision entrance, not exceeding six (6) feet in height for freestanding. Wall signs are not allowed for this type of sign.
- F. Residential subdivision identification (permanent): A landscaped, permanent monument sign no greater than 6 feet in height, no larger than sixteen (16) square feet, to be approved by the Planning Board, one (1) sign per subdivision entrance (a permit is required).

Wall signs are not allowed for this type of sign. No permanent Residential Subdivision Identification Sign shall be built unless the applicant provides to the Town proof that said sign will maintained in perpetuity by a homeowners association, and which maintenance requirement shall be evidenced by a recorded restrictive covenant granting the Town the power to assess the property owners in the subdivision for any maintenance costs incurred if the association, after it has been verified, does not maintain said sign in good repair.

280-240. Signs allowed in Commercial and Industrial Districts.

The following regulations apply to business signs in C or M Districts. These districts include NC, C-1, C-2, C-3, HC, WC, M-1, M-2, M-3 and commercial signs in PUD. Unless otherwise noted all signs listed in this Chapter require a sign permit.

- A. A wall sign is permitted for each establishment on each side of a building fronting a public street or containing a public entrance, except on a side facing onto a contiguous R District.
- B. Wall sign requirements:
 - (1) Wall signs shall be attached to or incorporated in the building wall. Such signs shall have:
 - (a) An aggregate area not in excess of ten percent (10%) of the area of the building front to which such signs are affixed, not to exceed one hundred twenty (120) square feet in area.
 - (b) A maximum width of seventy five percent (75%) of the building wall's horizontal measurement, except that, where such horizontal measurement is twenty (20) feet or less, the maximum width may be ninety percent (90%) of such measurement.
 - (2) Wall signs shall not:
 - (a) Extend more than two (2) feet above top of the parapet or eave of building.
 - (b) Extend more than one (1) foot beyond the wall to which it is attached.
- C. Projecting signs. Projecting signs shall not:
 - (1) Exceed twenty (20) square feet in area.
 - (2) Project into a public right-of-way.
 - (3) Extend more than five (5) feet from a building wall.
 - (4) Extend more than eighteen (18) feet above ground level.
 - (5) Be less than nine feet above ground level.
- D. At the entrance to business establishments above the first floor, the nameplates of such establishments may be mounted flat at the side of such entrances, and the size shall not exceed two (2) square feet in area.

- E. A monument sign may be permitted where it has been confirmed that the following conditions are met:
- (1) The principal building to which said monument sign is accessory thereto is set back from the street line a distance in excess of forty (40) feet.
 - (2) The property has a minimum of two hundred (200) feet of frontage along a public right of way.
- F. Such monument signs shall:
- (1) Be located no closer than five (5) feet from the front property line and be no less than twenty (20) feet from any other property line.
 - (2) Have a maximum area of forty (40) square feet.
 - (3) Have a height no greater than eight (8) feet measured from the top of the sign to the highest grade surrounding the sign.
- G. No commercial sign within a hundred (100) feet of any R District boundary shall have a surface area larger than twenty (20) square feet.
- H. In community and regional shopping centers, monument signs, will be permitted at the entrance or entrances to such shopping centers and shall not be larger than two hundred (200) square feet of total area or exceed twelve (12) feet in height. Such monument signs shall designate only the name of the shopping center and may include a theater panel listing current attractions and advertising of public affairs or public events in the community.
- J. Sandwich board signs shall not be greater than nine square feet, shall not be taller than three feet from the ground to the top of the sign and shall not be wider than three (3) feet. Only one (1) such signs shall be allowed per business or enterprise. No such sign shall be permitted in a public right-of-way area unless the applicant seeking to display the sign has filed with the Town of Hamburg Code Enforcement Department an indemnification and hold harmless agreement in a form acceptable to the Town. All existing and new sandwich board signs require an annual license fee to defray the Town's cost to monitor and regulate their use in accordance with the provisions of this chapter. The cost of this fee shall be established as deemed appropriate through approval of Town Board Resolution.

280-241. Permit procedures for signs.

- A. Application: An application for a sign permit shall be made to the Code Enforcement Department upon prescribed forms and shall contain the following:
- (1) The name, address and telephone number of the applicant including the name and contact information of the contractor installing the sign.
 - (2) The location of the building, structure or land to which or upon which the sign is to be erected
 - (3) The application shall be accompanied by two sets of plans of the sign, drawn to scale on sheets of a minimum of eight and one half (8-1/2) inches by eleven (11) inches. Sign plans shall include dimensions, proposed design, colors, materials, details of any illumination source, wiring and other electrical details and structural details, including fastening and joining methods and materials. Upon receiving an application, the Code Enforcement Official Depending of the specific circumstances regarding the sign and its installation, additional engineering may be required that the sign is designed and constructed under the supervision of a structural engineer.
 - (4) A survey of the parcel on which the sign is to be placed shall also be submitted, delineating property lines, street lines, building locations and dimensions, parking areas, location and dimensions of all other signs on the premises.

All permits shall be securely fastened to the authorized sign(s). Upon expiration of a permit, the authorized sign shall be removed within 24 hours after expiration.

280-242. Computation of signs area/height.

- A. Computation of Height - The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest portion of the actual sign. Normal grade shall be constructed to be the lower of the following two conditions: (1) existing grade prior to construction; or (2) newly established grade after construction, exclusive of any filing, berms, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.
- B. Computation of Area of Multifaceted Signs. Any sign may be double facing and all faces shall be counted in determining conformity to sign area limitations.
- C. Computation of Area of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing.

280-243 Administration and Enforcement.

- A. The Town Code Enforcement Department shall have the jurisdiction and authority to inspect, verify and determine and cite any noted violation of the provisions of this chapter.
- B. Any owner, tenant, lessee or person otherwise in charge or control of any sign found to be in violation of any regulation as defined herein shall be jointly and individually responsible for not complying with the provisions of this chapter.
- C. The Zoning Board of Appeals upon hearing an application for a use or area variance involving signs shall not grant any variance unless the applicant can absolutely establish without a question of doubt that he or she meets all the criteria necessary for approval as enumerated in Article XLV. Section 280-310. A. (2) and (3).

280-244. When effective.

This chapter shall become effective immediately upon its enactment by the Town Board, after proper filing with the offices of the Department of State.

Supervisor Walters comments that there is an amendment to Section 280-238 -Temporary signs, sub-paragraph B - Political signs. The word “erected” appears twice, once on the 2nd line and second on the third line from the bottom, which will be supplemented with the word “displayed”.

Tom Best Sr. comments on that in regards to Section 280-236 - Prohibited signs, he respectfully requests that the Town Board reconsider the effective date that the law takes effect. This law has been on the books since 1986 and to change it two months before an election is to take place is unfair to the candidates involved. The timing of this is wrong. He would also respectfully request that because there are amendments to the law that another public hearing is necessary.

Walt Rooth responds that adding erected/displayed is not a substantial change to the proposed law and therefore would not require a second public hearing.

Carl Morgan comments that he would also like to address Section 280-236 - Prohibited signs. This talks about signs on vehicles. He has a sign that he has been displaying on a vehicle as he is a candidate in the upcoming election. He has worked hard to conform to the law and has discussed this with the Code Enforcement Officer. He is very concerned about the change being enacted tonight because that was the point of their discussion. The change from erected to erected/displayed is a substantive change. This was originally scheduled to be taken up by the Town Board, according to the Buffalo News, in the late fall. Why the change?

Supervisor Walters responds that he is unaware of anything printed in the Buffalo News but, when they held the public hearing they had one gentleman from St. Cyril’s Macedonian Church who requested that this be expedited because they were looking to do an electronic sign at the church. This sign would be allowed by the proposed local law but there was a moratorium in place. The public hearing was in May and at that time they said that they would try to get it passed as soon as possible. It is his understanding that the Town Board has always had the intention to get this passed quickly.

Kurt Allen, Supervising Code Enforcement Officer, comments that the intent of sub-paragraph H was to enforce a weakness in the current code on commercial uses. They did not have any idea of the implications it would have on non-commercial political signage. It was strictly put forth because of the lack of any provisions in the existing code for enforcement of commercial signs for this purpose.

Mr. Morgan is concerned about the effect this proposed law is having on his right to advertise as a political candidate.

Mr. Allen and Mr. Morgan discuss the technicalities of the proposed law and what is and isn't allowed under the law.

Tom Best, Jr. comments that he agrees with Mr. Morgan and is concerned about the effect of this proposed law on his campaign and the enforcement of that law.

Supervisor Walters comments that the amendment to Section 280-238 -Temporary signs, Paragraph B - Political signs does affect political signs. However, Section 280-236 - Prohibited signs, sub-paragraph H does not specifically address political signs. The only difference between the local law now and when they held the public hearing is that they changed some restrictions in the electronic signs sections and then the amendment that they proposed tonight.

Councilman Quinn comments that they did hold a public hearing on this proposed law, where no comments were made concerning political signs and the only thing different is the amendment proposed this evening. He would be ok with postponing until after the election.

Supervisor Walters comments that the best thing to do for simplicity sake would just be to withdraw the amendment and just pass the local law as originally stated with only the word erected and not adding displayed. They do minor code revisions throughout the year so they could certainly include this amendment (displayed) later in the year after the election is held.

Mr. Allen comments that the only problem is under that Section 280-236 - Prohibited signs, sub-paragraph H there would still be an issue with political signs and they would have to give some relief in that regard.

Supervisor Walters wants to make a unanimous comment from the Town Board that at no time during discussion when this law was brought up was there anything political brought up or brought to the table.

Glen Zawierucha comments that he has listened to all the comments and there will be issues with Code Enforcement if the law is passed tonight. What is the hurry?

Supervisor Walters responds that as to Section 280-236 - Prohibited signs, sub-paragraph H, this provision was thoroughly vetted and reviewed and they held a public hearing and there were no comments. So to request that the Town Board make changes to what is in front of the public tonight is not right. The time to make changes is after public comment at the public hearing.

The Town Board agrees to approve the Signage Law as originally presented in the agenda, without any amendments.

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, the Town Board approve the termination 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	4327	Dietterich, Anne		Rec Attd-A6780				7/14/2015
2	4669	Gunning, Daniel	N	Rec Attd-EW7251-Seas	6/29/15		\$8.75	
3	4584	Harrison, Jesse		Rec Attd-EW7251				7/14/2015
4	4386	Hesketh, Gabrielle		Rec Attd-A7310				7/14/2015
5	4412	Hibit, Erik	R	Rec Attd-EW7251-Seas	6/28/15		\$9.25	
6	4393	Kirst, Joseph		Rec Attd-EW7251				7/14/2015
7	4571	Maronski, Marco		Rec Attd-EW7251				7/14/2015
8	4488	Naughton, Connor		Rec Attd-EW7251				7/14/2015
9		O'Shei, Austin	N	Rec Attd-A7310-Seas	6/29/15		\$8.75	
10	4487	Pawlowski, Darlene		Rec Attd-EW7251				7/14/2015
11		Romano, Samuel	N	Rec Attd-A6780-P/T	6/29/15		\$9.00	
12	4607	Walker, Samone		Rec Attd-A7310-P/T				6/13/2015
	4607	Walker, Samone	R	Rec Attd-A7310-Seas	6/14/15		\$8.75	
13	4492	Welch, Victoria	R	Rec Attd-A7310-Seas	6/29/15		\$8.75	

24.

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 Town Engineer’s report on the completion and acceptance of the DEER SPRINGS PT 4 PHASE 2C SUBDIVISION work performed under Public Improvement Permit Nos. 998, 999, 1000, and 1001 be received and accepted, and that the Supervisor is authorized to sign the report, and

BE IT FURTHER RESOLVED, that the Town Board authorize National Grid to connect seven (7) 70-watt high pressure sodium luminaries in accordance with the existing rate tariff, and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to National Grid, and

BE IT FURTHER RESOLVED, that this resolution becomes effective on the day the report is signed by the Supervisor.

25.

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

ADOPTED	Ayes	2	Quinn, Potter-Juda
	Noes	1	Walters

This Resolution is to amend Resolution No. 14 adopted at the May 11, 2015 Town Board Meeting.

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 Heltz Road (approximately 0.79 miles 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; and

WHEREAS, upon completion of the highway improvements by the County of Erie, the aforementioned portions of Pleasant Avenue and Lakeview Road shall be transferred by the County of Erie to the Town of Hamburg, pursuant to the provisions of New York State Highway Law, §§ 115-b and 115-c,

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

BE IT FURTHER RESOLVED, that upon completion of the improvements agreed to in the Memorandum of Understanding, the Town Board authorizes the Town of Hamburg to accept ownership of Pleasant Avenue, between Lake Shore Road and Heltz Road (approximately 0.79 miles in length) and Lakeview Road, between Old Lakeshore Road and Versailles Road (approximately 1.56 miles in length) pursuant to New York State Highway Law, §§ 115-b and 115-c.

Supervisor Walters comments that he has expressed his displeasure in the past on how this was handled by the County. It has come to his attention that the reason for the amendment to resolution No. 14 that was adopted May 11, 2015 is that the County has put additional requirements on Town of Hamburg. He sat in on many meetings with the County along with Mr. Kapsiak, retired Town Engineer. At no time was it mentioned that the Town would take over Pleasant Avenue up to Heltz Road, it had always been Versailles Road. It is not a significant difference but to come in on the 11th hour after the Town Board has already approved the memorandum and then make changes to it is not acceptable. They did try and make other changes requesting that the town pay for half of drainage improvements on Lake View Road. Fortunately they stepped back on that but they did make additional requirements for the Town to move forward. He does believe the Quiet Zones are a good idea however he is not happy that the town is now being asked to take over an additional length of road from what was originally agreed upon. So for that reason he is voting no to the resolution.

Councilman Quinn comments that he was not happy about this either. One individual specifically from the County was not fair to the Town. They did agree to something and were essentially being held hostage. However, this has been dragging on for long enough and that is why he is voting yes. The residents have spoken and they need to get this done.

Councilwoman Potter-Juda agrees that they are not happy with the wording of the agreement but they need to move forward.

Marty Denecke, Director of Youth, Recreation and Senior Services, requests that the contract with 7K Unlimited be extended for 2 years because they are going into with an agreement with a vending company and the vending company wants a guarantee that they will be in business for 2 more years.

26.

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, the Town Board amend the contract with 7K Unlimited, Inc. to include coin vending machines at the Hamburg Town Arena. In return, for control of this service, 7K Unlimited will pay the Town of Hamburg a minimum of \$2,500 additional, or 10% of the gross revenue from vending, whichever is higher.

BE IT FURTHER RESOLVED, that the Town Board approves an extension of two (2) years on the contract with 7K Unlimited, Inc. as amended in the previous paragraph.

Supervisor Walters comments that the following resolutions are time sensitive and the Town Board had not made a final determination as to which of the Bond resolutions they were going to adopt. The Bond resolution to finance the construction of a heating, ventilating and air conditioning system for the Town of Hamburg Ice Rink is being withdrawn, the bond resolution to finance the construction of a roof for the Town of Hamburg Town Park and a roof for the Town of Hamburg Little League Fieldhouse is being withdrawn and the Bond resolution to finance the construction of the pool for the Town of Hamburg Senior Community Center is in question.

27.

**TOWN OF HAMBURG
BOND RESOLUTION
JULY 13, 2015**

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF HAMBURG, ERIE COUNTY, NEW YORK, AND ALSO AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES TO FINANCE THE ACQUISITION OF HIGHWAY EQUIPMENT FOR USE BY THE TOWN AS DESCRIBED HEREIN.

WHEREAS, the TOWN OF HAMBURG, in the County of Erie, by its Town Council has determined it necessary for the Town to acquire highway equipment for use by the Town (the “Project”).

WHEREAS, the estimated maximum costs for the Project is \$200,000.00 plus the cost of issuance of the bonds or notes.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of Hamburg, Erie County, New York, as follows:

Section 1. The Project constitutes a specific object or purpose defined by Section 11.00. (a) 32 of the New York State Local Finance Law (the “Local Finance Law”).

Section 2. The Project is hereby authorized subject to the terms and conditions of this Resolution.

Section 3. The Project is hereby authorized at a maximum estimated cost of \$200,000.00.

Section 4. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the Town which are hereby authorized to be issued therefor in an aggregate principal amount not to exceed \$200,000.00, pursuant to the Local Finance Law. The balance of the Project costs shall be funded by Town Funds.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five (5) years, pursuant to subparagraph 32 of Section 11.00.(a) of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of five (5) years.

Section 6. The faith and credit of the Town of Hamburg, Erie County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 7. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby authorized as if by separate resolution and is delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the Town Supervisor, consistent with the provisions of the Local Finance Law. To the extent required by law, this Resolution shall also constitute a “Bond Anticipation Note Resolution” pursuant to the Local Finance Law.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the Chief Fiscal Officer of the Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law and shall not become effective until the earlier of either (a) the expiration of 30 days or (b) its approval by the qualified voters of the Town in any special election held pursuant to a petition duly filed requesting such election.

Section 12. Upon the effective date as defined by Section 11 hereof, an abstract of this resolution shall be published in the Hamburg Sun, as the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form prescribed in Section 81.00 of the Local Finance Law.

Section 13. The Project will not result in any adverse environmental impacts as provided in the Environmental Assessment Form previously approved by the Town Council.

* * * * *

The foregoing resolution was moved by Supervisor Walters and seconded by Councilman Quinn, and the vote thereon was as follows:

Supervisor Walters	voted	Yes
Councilperson Potter-Juda	voted	Yes
Councilperson Quinn	voted	Yes

28.

**TOWN OF HAMBURG
BOND RESOLUTION
JULY 13, 2015**

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF HAMBURG, ERIE COUNTY, NEW YORK, AND ALSO AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES TO FINANCE THE MAINTENANCE, REPAIR AND REMODELING OF TOWN BUILDINGS AS DESCRIBED HEREIN.

WHEREAS, the TOWN OF HAMBURG, in the County of Erie, by its Town Council has determined it necessary for the Town to maintain, repair and remodel various Town buildings (the "Project").

WHEREAS, the estimated maximum costs for the Project is \$500,000.00 plus the cost of issuance of the bonds or notes.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of Hamburg, Erie County, New York, as follows:

Section 1. The Project constitutes a specific object or purpose defined by Section 11.00. (a) 12 of the New York State Local Finance Law (the "Local Finance Law").

Section 2. The Project is hereby authorized subject to the terms and conditions of this Resolution.

Section 3. The Project is hereby authorized at a maximum estimated cost of \$500,000.00.

Section 4. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the Town which are hereby authorized to be issued therefor in an aggregate principal amount not to exceed \$500,000.00, pursuant to the Local Finance Law. The balance of the Project costs shall be funded by Town Funds.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five (25) years, pursuant to subparagraph 12 of Section 11.00.(a) of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of twenty-five (25) years.

Section 6. The faith and credit of the Town of Hamburg, Erie County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 7. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby authorized as if by separate resolution and is delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the Town Supervisor, consistent with the provisions of the Local Finance Law. To the extent required by law, this Resolution shall also constitute a “Bond Anticipation Note Resolution” pursuant to the Local Finance Law.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the Chief Fiscal Officer of the Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law and shall not become effective until the earlier of either (a) the expiration of 30 days or (b) its approval by the qualified voters of the Town in any special election held pursuant to a petition duly filed requesting such election.

Section 12. Upon the effective date as defined by Section 11 hereof, an abstract of this resolution shall be published in the Hamburg Sun, as the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form prescribed in Section 81.00 of the Local Finance Law.

Section 13. The Project will not result in any adverse environmental impacts as provided in the Environmental Assessment Form previously approved by the Town Council.

* * * * *

The foregoing resolution was moved by Supervisor Walters and seconded by Councilwoman Potter-Juda, and the vote thereon was as follows:

Supervisor Walters voted Yes

Councilperson Potter-Juda voted Yes

Councilperson Quinn voted Yes

29.

**TOWN OF HAMBURG
BOND RESOLUTION
JULY 13, 2015**

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF HAMBURG, ERIE COUNTY, NEW YORK, AND ALSO AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES TO FINANCE THE EXPANSION AND IMPROVEMENT OF THE TOWN OF HAMBURG PUBLIC LIBRARY AS DESCRIBED HEREIN.

WHEREAS, the TOWN OF HAMBURG, in the County of Erie, by its Town Council has determined it necessary for the Town to expand and improve the Town of Hamburg Public Library (the “Project”).

WHEREAS, the estimated maximum costs for the Project is \$785,605.00 plus the cost of issuance of the bonds or notes.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of Hamburg, Erie County, New York, as follows:

Section 1. The Project constitutes a specific object or purpose defined by Section 11.00. (a) 11 of the New York State Local Finance Law (the “Local Finance Law”).

Section 2. The Project is hereby authorized subject to the terms and conditions of this Resolution.

Section 3. The Project is hereby authorized at a maximum estimated cost of \$785,605.00.

Section 4. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the Town which are hereby authorized to be issued therefor in an aggregate principal amount not to exceed \$785,605.00, pursuant to the Local Finance Law. The balance of the Project costs shall be funded by Town Funds.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty (30) years, pursuant to subparagraph 11 of Section 11.00.(a) of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of thirty (30) years.

Section 6. The faith and credit of the Town of Hamburg, Erie County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 7. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby authorized as if by separate resolution and is delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the Town Supervisor, consistent with the provisions of the Local Finance Law. To the extent required by law, this Resolution shall also constitute a “Bond Anticipation Note Resolution” pursuant to the Local Finance Law.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the Chief Fiscal Officer of the Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law and shall not become effective until the earlier of either (a) the expiration of 30 days or (b) its approval by the qualified voters of the Town in any special election held pursuant to a petition duly filed requesting such election.

Section 12. Upon the effective date as defined by Section 11 hereof, an abstract of this resolution shall be published in the Hamburg Sun, as the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form prescribed in Section 81.00 of the Local Finance Law.

Section 13. The Project will not result in any adverse environmental impacts as provided in the Environmental Assessment Form previously approved by the Town Council.

* * * * *

The foregoing resolution was moved by Supervisor Walters and seconded by Councilman Quinn, and the vote thereon was as follows:

Supervisor Walters voted Yes

Councilperson Potter-Juda voted Yes

Councilperson Quinn voted Yes

30.

**TOWN OF HAMBURG
BOND RESOLUTION
JULY 13, 2015**

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF HAMBURG, ERIE COUNTY, NEW YORK, AND ALSO AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES TO FINANCE RENOVATIONS TO THE TOWN OF HAMBURG SENIOR COMMUNITY CENTER AS DESCRIBED HEREIN.

WHEREAS, the TOWN OF HAMBURG, in the County of Erie, by its Town Council has determined it necessary for the Town to renovate the Town of Hamburg Senior Community Center (the “Project”).

WHEREAS, the estimated maximum costs for the Project is \$514,395.00 plus the cost of issuance of the bonds or notes.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of Hamburg, Erie County, New York, as follows:

Section 1. The Project constitutes a specific object or purpose defined by Section 11.00. (a) 12 of the New York State Local Finance Law (the “Local Finance Law”).

Section 2. The Project is hereby authorized subject to the terms and conditions of this Resolution.

Section 3. The Project is hereby authorized at a maximum estimated cost of \$514,395.00.

Section 4. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the Town which are hereby authorized to be issued therefor in an aggregate principal amount not to exceed \$514,395.00, pursuant to the Local Finance Law. The balance of the Project costs shall be funded by Town Funds.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five (25) years, pursuant to subparagraph 12 of Section 11.00.(a) of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of twenty-five (25) years.

Section 6. The faith and credit of the Town of Hamburg, Erie County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 7. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby authorized as if by separate resolution and is delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the Town Supervisor, consistent with the provisions of the Local Finance Law. To the extent required by law, this Resolution shall also constitute a “Bond Anticipation Note Resolution” pursuant to the Local Finance Law.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the Chief Fiscal Officer of the Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law and shall not become effective until the earlier of either (a) the expiration of 30 days or (b) its approval by the qualified voters of the Town in any special election held pursuant to a petition duly filed requesting such election.

Section 12. Upon the effective date as defined by Section 11 hereof, an abstract of this resolution shall be published in the Hamburg Sun, as the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form prescribed in Section 81.00 of the Local Finance Law.

Section 13. The Project will not result in any adverse environmental impacts as provided in the Environmental Assessment Form previously approved by the Town Council.

* * * * *

The foregoing resolution was moved by Supervisor Walter and seconded by Councilwoman Potter-Juda, and the vote thereon was as follows:

Supervisor Walters voted Yes

Councilperson Potter-Juda voted Yes

Councilperson Quinn voted Yes

31.

**TOWN OF HAMBURG
BOND RESOLUTION
JULY 13, 2015**

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF HAMBURG, ERIE COUNTY, NEW YORK, AND ALSO AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES TO FINANCE THE CONSTRUCTION OF A POOL FOR THE TOWN OF HAMBURG SENIOR COMMUNITY CENTER AS DESCRIBED HEREIN.

WHEREAS, the TOWN OF HAMBURG, in the County of Erie, by its Town Council has determined it necessary for the Town to construct a pool for the Town of Hamburg Senior Community Center (the “Project”).

WHEREAS, the estimated maximum costs for the Project is \$1,400,000.00 plus the cost of issuance of the bonds or notes.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of Hamburg, Erie County, New York, as follows:

Section 1. The Project constitutes a specific object or purpose defined by Section 11.00. (a) 61 of the New York State Local Finance Law (the “Local Finance Law”).

Section 2. The Project is hereby authorized subject to the terms and conditions of this Resolution.

Section 3. The Project is hereby authorized at a maximum estimated cost of \$1,400,000.00.

Section 4. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the Town which are hereby authorized to be issued therefor in an aggregate principal amount not to exceed \$1,400,000.00, pursuant to the Local Finance Law. The balance of the Project costs shall be funded by Town Funds.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty (20) years, pursuant to subparagraph 61 of Section 11.00.(a) of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of twenty (20) years.

Section 6. The faith and credit of the Town of Hamburg, Erie County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 7. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby authorized as if by separate resolution and is delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the Town Supervisor, consistent with the provisions of the Local Finance Law. To the extent required by law, this Resolution shall also constitute a “Bond Anticipation Note Resolution” pursuant to the Local Finance Law.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the Chief Fiscal Officer of the Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law and shall not become effective until the earlier of either (a) the expiration of 30 days or (b) its approval by the qualified voters of the Town in any special election held pursuant to a petition duly filed requesting such election.

Section 12. Upon the effective date as defined by Section 11 hereof, an abstract of this resolution shall be published in the Hamburg Sun, as the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form prescribed in Section 81.00 of the Local Finance Law.

Section 13. The Project will not result in any adverse environmental impacts as provided in the Environmental Assessment Form previously approved by the Town Council.

* * * * *

The foregoing resolution was moved by Supervisor Walters and seconded by Councilwoman Potter-Juda, and the vote thereon was as follows:

Supervisor Walters voted Yes

Councilperson Potter-Juda voted Yes

Councilperson Quinn voted No

32.

**TOWN OF HAMBURG
BOND RESOLUTION
JULY 13, 2015**

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF HAMBURG, ERIE COUNTY, NEW YORK, AND ALSO AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES TO FINANCE THE CONSTRUCTION OF A TELEPHONE SYSTEM FOR THE TOWN AS DESCRIBED HEREIN.

WHEREAS, the TOWN OF HAMBURG, in the County of Erie, by its Town Council has determined it necessary for the Town to construct a telephone system for use by the Town (the "Project").

WHEREAS, the estimated maximum costs for the Project is \$125,000.00 plus the cost of issuance of the bonds or notes.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of Hamburg, Erie County, New York, as follows:

Section 1. The Project constitutes a specific object or purpose defined by Section 11.00. (a) 32 of the New York State Local Finance Law (the "Local Finance Law").

Section 2. The Project is hereby authorized subject to the terms and conditions of this Resolution.

Section 3. The Project is hereby authorized at a maximum estimated cost of \$125,000.00.

Section 4. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the Town which are hereby authorized to be issued therefor in an aggregate principal amount not to exceed \$125,000.00, pursuant to the Local Finance Law. The balance of the Project costs shall be funded by Town Funds.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five (5) years, pursuant to subparagraph 32 of Section 11.00.(a) of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of five (5) years.

Section 6. The faith and credit of the Town of Hamburg, Erie County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 7. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby authorized as if by separate resolution and is delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the Town Supervisor, consistent with the provisions of the Local Finance Law. To the extent required by law, this Resolution shall also constitute a “Bond Anticipation Note Resolution” pursuant to the Local Finance Law.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the Chief Fiscal Officer of the Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law and shall not become effective until the earlier of either (a) the expiration of 30 days or (b) its approval by the qualified voters of the Town in any special election held pursuant to a petition duly filed requesting such election.

Section 12. Upon the effective date as defined by Section 11 hereof, an abstract of this resolution shall be published in the Hamburg Sun, as the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form prescribed in Section 81.00 of the Local Finance Law.

Section 13. The Project will not result in any adverse environmental impacts as provided in the Environmental Assessment Form previously approved by the Town Council.

* * * * *

The foregoing resolution was moved by Supervisor Walters and seconded by Councilwoman Potter-Juda, and the vote thereon was as follows:

Supervisor Walters voted Yes
 Councilperson Potter-Juda voted Yes
 Councilperson Quinn voted Yes

33.
 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 termination and rehiring of personnel for the Assessing Department as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp		Term date
						hrly rate	hrly rate		
1	4239	Debbie Ginnetti		Part Time			\$11.25		7/25/2015
2	4239	Debbie Ginnetti	R	Seasonal	7/27/2015		\$11.25		

34.
 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 Armor Volunteer Fire Company:

Michael Melito
 4565 Clark Street
 Hamburg, N.Y. 14075

35.
 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 the 30th Annual BurgerFest

- WHEREAS, today we are celebrating the 30th Annual BurgerFest; and
- WHEREAS, in 1885, two food vendors, Frank and Charles Menches, set up a food concession stand at the Hamburg Fair, which is now known as the Erie County Fair; and
- WHEREAS, Frank and Charles Menches served their specialty pork sausage sandwich, and quickly ran out due to its success; and
- WHEREAS, when a local meat market only had ground beef available to replace the pork, the Menches created a beef patty sandwich; and
- WHEREAS, when asked what the sandwich was called, the Menches stated it was "the Hamburger", in homage to the location of their invention and thus giving birth to the world famous sandwich; and
- WHEREAS, in 1985, the Hamburg Chamber of Commerce decided to hold the first ever "Burgerfest" at the Hamburg Fairgrounds, site of the Erie County Fair, in commemoration of the 100th Anniversary of the Menches invention; and
- WHEREAS, Burgerfest, which is now held every year, is located along Main and Buffalo Streets and in the Village of Hamburg Municipal Parking Lot. The Taste of Hamburg portion of the festival features the favorite offerings of local restaurants, in the parking lot and along Main and Buffalo streets. The one-day festival has something for everyone; and
- WHEREAS, Burgerfest is run by the Burger Fest Committee, which is comprised of members of the Rotary Club of Hamburg, the Hamburg Rotary Sunrise Club, the Lions Club of Hamburg and the Kiwanis Club of Hamburg; and
- WHEREAS, the Town of Hamburg residents can celebrate the hometown creation of the Hamburger every year with their friends and families.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board recognize the 30th Annual BurgerFest and proclaim July 18, 2015 "Hamburg BurgerFest Day" in the Town of Hamburg.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 18th day of July 2015.

Steven J. Walters
Supervisor
Town of Hamburg

Cheryl Potter-Juda, Councilwoman
Michael Quinn, Councilman



36.

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

ADOPTED	Ayes 2	Walters, Potter-Juda
	Noes 1	Quinn

RESOLVED, that the Town Board approve the Non-Disclosure and Non-Use Agreement with Nustadia Recreation Inc., and D. V. Brown and Associates, Inc. to review the design, construction and operation of a community multi-use sports complex.

37.

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 Audit of Cash Disbursements as follows:

TOWN BOARD
AUDIT OF CASH DISBURSEMENTS JULY 13, 2015

	VOUCHER #'S
OPERATING FUND:	
BATCH #122 \$75,033.94	79998-79999
BATCH #123 \$39,631.45	76700-76728
BATCH #124 \$76,457.85	76741-76818
BATCH #125 \$2,900.00	76819
BATCH #126 \$2,070.26	76820-76836
BATCH #127 \$17,755.19	76837
BATCH #128 \$35,800.00	76838
BATCH #129 \$750,512.57	76839-76901
BATCH #130 \$191,801.93	76904-76960
BATCH #131 \$58,881.41	76962
BATCH #132 \$23,086.15	76963-76965
BATCH #133 \$610,571.00	76966
BATCH #134 \$76,524.53	76967-77018
BATCH #135 \$8,462.00	77020
BATCH #136 \$84,182.05	77021-77022
BATCH #137 \$13,432.69	77023-77053
 TOTAL OPERATING FUND DISBURSEMENTS:	 \$2,067,103.02
 TRUST & AGENCY:	

TOTAL TRUST & AGENCY DISBURSEMENTS: \$0.00

CAPITAL FUND DISBURSEMENTS:

BATCH #26	\$4,377.06	76729-76740
BATCH #27	\$3,907.50	76902-76903
BATCH #28	\$1,500.00	76961
BATCH #29	\$6,899,208.99	77019
BATCH #30	\$151,469.44	77054-77056

TOTAL CAPITAL FUND DISBURSEMENTS: \$7,060,462.99

PAYROLL:

PR #P/R #14 \$678,749.05

TOTAL PAYROLL DISBURSEMENTS: \$678,749.05

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$9,806,315.06

Reports from Town Board Members and Department Heads

Councilwoman Potter-Juda reminds everyone that the Blast on the Beach is Saturday July 25th. It starts with a 2 ½ mile race in the morning followed by a sand castle contest, Volleyball Tournament, many activities for children, there will be music, vendors and skydivers.

Laura Hahn comments that when they were developing the agenda for the Blast on the Beach they wanted to do something a little different. They had a good response to the skydivers last year and so they wanted to ask them back. So they asked a couple of people if they would like to help them out and one person was willing to jump, for the first time, from the plane and be their skydiver and that is the Town Clerk, Cathy Rybczynski.

Councilman Quinn comments that he voted against the pool at the Senior Center. The idea of a pool for the seniors is great but we already have a pool. The Town approve a lot of money in Bonds today and he didn't feel comfortable doing it at this time. He also voted against the Nustadia resolution because that was just brought to him right before they came out of the Town Board meeting and there are some liabilities that he wasn't willing to commit too. He also knows that the Kaletas are trying again to go for the same kind of project and he wasn't ready to vote on it.

Supervisor Walters – no report

Catherine Rybczynski, Town Clerk, reports that the tax roll has been turned over to Erie County for collection of any delinquent taxes. The Town turned back \$1.6 million in uncollected funds. Now the tax department is gearing up for School tax collection. The bills will be out in September.

Christopher Hull, Director of Community Development, reports that it is July and normally they are doing the Community Development projects right now. Even though they were approved for 2015 money Congress has not released it yet. The projects are being held up by Congress.

Mary Denecke, reports that the start of the Blast on the Beach is with the Dash N Splash event and this year is the 25th Annual Race.

Tom Best, Sr., Highway Superintendent, reports that due to the heavy flooding conditions over the weekend Hamptonbrook Road was washed out. He is going to have to re-evaluate the paving schedule for 2015 to get money for Hamptonbrook because it has become a priority.

Drew Reilly, Planning Consultant, reports that he submitted his report as Planning Consultant, Engineering Consultant and on the ZBA during the Work Session.

Business from the Floor

John McKendry comments that on Saturday an oil train went past the Wanakah Grille heading east with 123 oil tanker cars. If they are heading east he assumes that they are full. He is concerned because a couple of weeks ago there was an F-250 Ford Pickup that dropped its gas tank on Route 5. There were firemen from Lakeshore and Lakeview and a Haz-Mat truck from East Eden. He wants to know what is being done to train our nine Volunteer Fire Departments. He cannot get a concrete answer from anyone. He is willing to work with one of the Councilman and Mr. Crotty to get this done.

Councilwoman Potter-Juda responds that if he would like to join her and Mr. Crotty to try and make some headway and if anyone else would like to be on the committee to further investigate this contact her or Mr. McKendry.

Councilman Quinn comments that Mr. McKendry is like a one man committee. Keep up the good work.

Joe Kilian comments that the Wanakah Beach, at Seaway Trail, is now closed.

Mr. Best Sr. responds that they lost a railing there and they ordered new parts and as soon as they are in they will re-open.

Lisa Strusky questions if the new proposed multi-use sports complex is going to be publically funded or privately funded.

Supervisor Walters responds that the proposal in place is for the Town and Nustadia to enter into a public/private partnership to build a new arena that the Town would manage, in cooperation with the Hamburg Recreation Department.

Ms. Strusky responds, so the taxpayers are not going to pay any money towards this?

Supervisor Walters responds that there are some potential liabilities against the Town. If the complex cannot be self-sufficient the Town is essentially number three in the three step process of funding deficits for the facility. There are two other avenues before that. But the first step which is taking place now is to prepare the reports to determine whether or not the complex is able to run self-sufficient among other things such as what amenities will be in the facility. They have already worked in cooperation with some of the Town's Youth Sports Organizations, who are present to support this.

Ms. Strusky questions if they have a location for this complex.

Supervisor Walters responds not yet.

Ms. Strusky questions at what point they will address this again.

Supervisor Walters responds that it depends on how long it takes to complete the work that was approved to be completed. This is only the first step in preparing and putting things together for the Town Board and public to review.

Ms. Strusky questions what the project contains.

Supervisor Walters responds that what they are looking at is a twin ice rink, an indoor field house with appropriate amenities and potentially a swimming facility as well. The public will be able to review the report.

Ron Zimmerman comments that he is part of the Kaleta Group that has been trying to build a sports complex similar to that in the Town for the last three years. It is amazing how quickly this is happening. They have been asking the Town for help for the last three years.

Supervisor Walters responds that they put a bid in for the old Wal-Mart building and they lost the bid. The Town sat with him and another gentleman and offered to connect them with Benderson for the old K-Mart building and set the day and time up and they didn't show. To say that the Town wouldn't work with them is untrue. This did not happen quickly they have been talking with Nustadia since last fall.

Mr. Zimmerman comments that they have purchased land and are going forward with their complex at no cost to the taxpayers.

Ms. Strusky questions did they not re-zone the old Wal-Mart property for Worldwide?

Supervisor Walters responds no, they did not.

38.

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 at 9:03 pm.

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