

A regular meeting of the Town Board of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, S-6100 South Park Avenue, Hamburg, NY on the 14th day of July 2008.

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

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Thomas M. Best, Sr.	Councilman
Joan A. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman
Kevin Smardz	Councilman

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Brian Doyle, Deputy Town Attorney; James Connolly; Highway Superintendent; Martin Denecke, Director of Recreation; Robert Hutchison, Town Assessor; Timothy Ellis, Traffic Safety Coordinator; Drew Reilly, Planning Consultant; Gerard Kapsiak, Town Engineer; Carmen Kesner, Chief of Police; Kurt Allen, Supervising Code Enforcement Officer

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

1.

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

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



Town of Hamburg

Office of Supervisor

WHEREAS, on July 10, 2008, Town of Hamburg Police Officer John Baker came upon a burning home; and

WHEREAS, Officer Baker immediately approached the home, putting himself in harms way, in order to assess the situation; and

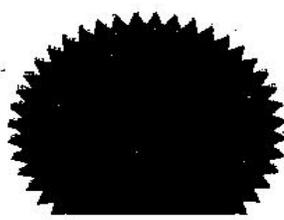
WHEREAS, the quick and selfless act of Officer Baker saved the life of an elderly woman.

NOW THEREFORE, on behalf of our residents and all Town of Hamburg Officials, Officer Baker is hereby recognized for his courageous act of July 10, 2008 in putting his life at risk for his fellow man.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 14th day of July 2008.

STEVEN J. WALTERS
Supervisor
Town of Hamburg

Joan A. Kesner, Councilwoman
Thomas J. Quatroche, Councilman
Thomas M. Best, Councilman
Kevin Smardz, Councilman



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

PLEASE TAKE NOTICE that there has been presented to the Town Board on June 9, 2008, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #12, 2008; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for vacant property located east of 5201 Camp Road. The property is to be rezoned from R-A (Residential Agricultural District) to C-1 (Local Retail Business District.) The property is identified as S.B.L. Number 182.00-2-41.2.

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 14, 2008 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: June 9, 2008

Catherine Rybczynski
Town Clerk
Town of Hamburg

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

Drew Reilly explains briefly what the rezoning is.

Councilman Quatroche asks if there were any recommendations by the Planning Board for a buffer.

Mr. Reilly responds that there weren't at this point.

Councilwoman Kesner questions that at this point they aren't certain as to what type of business they're looking to put there. She asks if it's open to commercial sales.

Mr. Reilly notes that C-1 limits the buildings to 15,000 square feet, retail sales, hotel/motel, banks etc.

Supervisor Walters gives the applicants an opportunity to speak before opening to the public.

Nick Izzo notes that Mr. Reilly brought up that there was an issue with traffic but since 1999 the road has been redone which makes the traffic issue less problematic. They want to market the property and get more tax dollars into the Town.

Councilman Best asks if they have any prospective buyers as of yet.

Mr. Izzo responds that they do not.

Betty Newell, Hamburg Chamber of Commerce, notes that the Chamber was involved in 1999 trying to help to get that property marketed. She notes that this would be a great opportunity to get the property marketed and more tax dollars into the community.

Rick Izzo in the 70's they tried to get it zoned for houses but was turned down.

Julianne Heigl, Columbia St resident, notes that they cannot make a left hand turn onto Camp Rd. She feels this would make it even worse.

Joe Killian asks Drew Reilly if any of this land is considered wetlands.

Mr. Reilly responds that the old map in 1999 shows two small wetland areas.

Mike Paradowski, notes that every time it rains his backyard is flooded. He enjoys sitting in his backyard watching the deer and animals.

Kevin Fisher, resident, asks if there is any green space, the animals have nowhere to go.

John Zeitler, resident, comments that there is a paper street there and questions if this will then be developed with access on Dartmouth. He questions where the true access will be for this property.

Rick Izzo responds to the traffic issues on Camp Rd. Approval is needed from the Town before anything goes in there.

Jim Connolly notes that they are considering paving the streets so that's why there are workers out there.

Bob Hine comments that apparently that man doesn't have a backyard to sit in to watch the wildlife.

Pam Fisher asks if they want it in their backyard it's hard when you have the thruway right there.

Sharon Frantz notes that the Izzo's bought that property and her father purchased property he can't use but he still pays taxes on it. She doesn't feel sorry for them because they can't use it.

Rick Izzo responds that he does have wildlife in his backyard. When Knight's Way went in the Town should have changed the zoning. If the neighbors would like to purchase the property to watch the wildlife then they would have to pay whatever the commercial value is.

Councilwoman Kesner asks Drew what the width of the property is.

Drew Reilly replies it's about 560-570 feet wide.

Judy Miller notes that her husband approached the owners to buy the property and they responded no.

Supervisor Walters intervenes and notes that all comments need to be made to the Board and only one person speaking at a time.

Mike Paradowski has noticed that no one has still addressed the issue of flooding in the area.

Harry Krazmien notes that the paper street couldn't be put on their deed because the Town wouldn't allow it. He then questions the new exit of the thruway.

Edward Schafer comments that this property makes a nice buffer from the thruway noise.

Drew Reilly comments that as far as the paper street goes Mr. Krazmien can make a formal request to abandon the street.

John Zeitler comments that if this comes to pass, he would hope the Board would put restrictions on the buffers and water issues.

Sharon Frantz notes that there is no buffer in her backyard.

Robert Gorecki notes that the drainage and buffers is a concern but where is the safety. The traffic should be the biggest thing. He questions why there isn't anyone from the Department of Transportation or Thruway Authority.

2.

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

Noes 0

RESOLVED, that the Town Board close the public hearing.

7:00 p.m. - PUBLIC HEARING

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Hamburg,
in the County of Erie, New York.

July 14, 2008

* * *

A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, on July 14, 2008.

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

Board Members: Thomas M. Best. Sr.; Joan A. Kesner; Kevin Smardz & Thomas J. Quatroche, Jr.

There were absent:

Also present: Catherine A. Rybczynski, Town Clerk and Kenneth J. Farrell, Esq., Town Attorney

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

* * *

At 7:00 o'clock P.M. (Prevailing Time) the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, S-6100 South Park Avenue, in the County of Erie, New York, at 7:00 o'clock P.M. (Prevailing Time) or as soon thereafter as such matter may be heard, to consider the proposed dissolution of Water District Nos. 1 (Lakeview), 3 (Abbott-Highland), 4 (Orchard Park-Hamburg Joint, including Extensions 1 through 12), 5 (Parker Road), 6 (Draudt Subdivision), 7 (Sheldon Road), 8 (Meadow Brook-Greenfield), 9 (Burke), 10 and 11 (Central Hamburg, including Extensions 1 through 3), 12 (Vail Drive), 13 (Bain Parkway), 14 (Beetow Drive), 15 (Southtowns), 16 (Knab, Lilydale & Benz), 17 (Bonnie Lane), 18 (Old Lake View), 19 (Big Tree/Parker Road), 20 (Wildwood), 21 (Staley Drive), 22 (Picture Lake), 23 (Hamburg North Central, including Hidden Hollow Extension 1), 24 (Osborne-Sagamore), 25 (McKinley District No. 1), 26 (Ockler-Camp Road), 27 (Bayview Road), 28 (Island Acres), 29 (Eighteen Mile Creek), 30 (Big Tree Gardens), 32 (Wanakah), 33 (Beacon Hill), 41 (Thruway), 42 (Deerfield Heights), 43 (Brierwood), Pine Lakes Water District, Ravenwood North Water District, Country Woods Water District and Twilight Subdivision Water District, which Districts are wholly located within the Town, and which were heretofore created by resolutions and orders duly adopted by the Town Board on their respective dates (collectively herein called the "Districts") and the proposed management, maintenance, operation and repair as a Town function, pursuant to Article 12-C of the Town Law, of the improvements or services heretofore provided or authorized to be

provided by said Districts, in said Town. The Town Clerk presented affidavits showing that the Notice of such Public Hearing had been published and posted pursuant to the provisions of Article 12-C of the Town Law.

Catherine Rybczynski, Town Clerk, announces she has not received any correspondence.

The Supervisor stated that the Public Hearing on the proposed dissolution of the Districts and the management, maintenance, operation and repair as a Town function, pursuant to Article 12-C of the Town Law, of the improvements or services heretofore provided or authorized to be provided by said Districts, in the Town of Hamburg, was now open and asked if there was any interested person who desired to be heard.

Gerard Kapsiak, Town Engineer, notes that this is for the dissolution of all thirty four water districts. This is one of the various legal steps necessary for the proposed transfer of ownership of the Town water systems to the Erie County Water Authority. The cost would be, the overall estimated cost of the water system improvements is about \$5.2 million. Of that there is already \$2.1 million that was previously budgeted. The remaining \$3.09 million are proposed to be financed through bonds to be issued. The service charge for this will be spread evenly over all the properties within the Town, outside of the two villages.

Nathan Neill points out that no one will pay any more money.

The following persons appeared in favor of the proposed dissolution of said Districts and the management, maintenance, operation and repair of the improvements or services heretofore provided or authorized to be provided by such Districts as a Town function:

The following persons appeared in opposition to the proposed dissolution of said Districts and the management, maintenance, operation and repair of the improvements or services heretofore provided or authorized to be provided by such Districts as a Town function:

The Supervisor inquired as to whether there were any other persons present who wished to be heard.

Steve Strnad questions if the taxpayers will be saving money if this goes through.

Supervisor Walters responds that they will. The Town spends approximately \$1 million dollars a year on the water system.

Steve Strnad asks what assurance the residents have when they take over that they don't increase their prices and it doesn't cost us more money in the long run.

Supervisor Walters responds that it's being paid right now anyway under the lease management. If they increase their rates we'll pay that anyway.

Joe Killian asks if with the sale of the seaway trail building agreement if this agreement abolish that agreement.

Nathan Neill responds that if the district is abolished, the essence of the district becomes property of the Town.

Ken Farrell notes that he doesn't think the Town has any intention of transferring title to that building or the property it sits on as a part of the transfer of the water district and water lines to the County of Erie.

Vince Gugliuzza notes that currently their paying on a bond and questions if they would also be assessed the other charge.

Gerard Kapsiak responds that it's to 2013 where the bonds that were used for the acquisition and improvements within the Wanakah Water District.

Joe Killian notes that a \$2.1 million one was taken out a couple years ago.

CERTIFICATE

I, Catherine A. Rybczynski, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a public hearing of the Town Board of said Town, duly called and held on July 14, 2008, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Hamburg this 14th day of July, 2008.

(SEAL)

Catherine A. Rybczynski, Town Clerk
Town of Hamburg

3.

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

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

RESOLVED, that the Town Board close the Public Hearing.

4.

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

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

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

- 06/09/2008 Town Board Meeting
- 6/16/2008 Work Session
- 06/23/2008 Town Board Meeting

5.

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

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

RESOLVED, that the Town Board approve the correction of the resolution approved on June 23, 2008. It should have read that James D. Lichon will be paid at the 4 year rate of \$28.45 per hour, not \$29.59 per hour.

6.

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

RESOLVED, that the Town Board approve the Permanent appointment of MICHAEL WILLIAMS to the position of ASSISTANT POLICE CHIEF. Mr. Williams passed the Erie County Civil Service promotional exam established June 24, 2008; exam #073392.

7.

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

RESOLVED, that the Town Board approve the Permanent appointment of JOHN CONLON to the position of ASSISTANT POLICE CHIEF. Mr. Conlon passed the Erie County Civil Service promotional exam established June 24, 2008; exam #073392.

8.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 4 Walters, Best, Quatroche, Smardz
 Noes 0
 Abstain 1 Kesner

RESOLVED, that the Town Board approve the Permanent appointment of CARMEN KESNER to the position of POLICE CHIEF. Mr. Kesner passed the Erie County Civil Service promotional exam established June 24, 2008; exam #073358.

Supervisor Walters asks the three to stand and be recognized and welcomes them as the Town's new Police Chief and Assistant Chiefs.

Chief Kesner thanks everyone for the support that was shown

Councilman Quatroche thanks these three gentlemen as well as the rest of the officers, there is a

renewed sense of teamwork in the department.

9.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 4 Walters, Best, Quatroche, Smardz
 Noes 0
 Abstain 1 Kesner

BE IT RESOLVED, that the Town Board approve the personal service contracts with Chief Carmen Kesner, Assistant Chief Michael Williams and Assistant Chief John Conlon, and

BE IT FURTHER RESOLVED, that the Town Board authorize the supervisor to sign the respective personal service contracts.

10.

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

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

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

- | | | | |
|-------------------------|------------------|---------|--------|
| 1. Schappert, Elizabeth | Rec. Att'd Seas. | 6/26/08 | \$7.15 |
| 2. Sztaba, James | Rec. Att'd Seas. | 6/26/08 | \$7.21 |
| 3. Dougherty, Meghan | Rec. Att'd Seas. | 6/26/08 | \$7.15 |
| 4. Danyluk, John | Rec. Att'd Seas. | 6/26/08 | \$7.15 |

11.

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

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

RESOLVED, that the Town Board approve the transfer of the following amounts for the purchase of the time clocks to be implemented with the Paychex agreement. These clocks were originally going to be on a lease to own agreement over a 48 month period. However, by purchasing the clocks outright, the town will save approximately \$38,296.90 in finance charges

over that four year period.

Transfer From: A9060.895 (Retirement Costing) \$38,000

To: A1430.440 (Personnel-

Contracted Personal Services)

Transfer From: B9060.895 (Retirement Costing) \$38,000

To: B1680.440 (Central Data Processing-Contracted Personal Services)

12.

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

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

RESOLVED, that the Town Board approve the change of appointment of Thomas Taylor from Sr. Public Safety Dispatcher (provisional) to Sr. Public Safety Dispatcher (probational) effective July 15, 2008. Mr. Taylor has met the Civil Service requirements for this position and is currently on the Civil Service list, established June 1, 2005, Exam #077879.

13.

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

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

RESOLVED, that the Town Board approve the Supervisor to sign a maintenance agreement for the Gestetner Copy machine located in the Finance Office. Funds are available in account A1310.423 Service Contracts.

14.

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

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

RESOLVED, that the Town Board approve the hiring of three (3) in the Recreation Department as follows:

- | | | | |
|---------------------|------------------|----------|--------|
| 1. Parkin, Jocelin | Rec. Att'd Seas. | 07/09/08 | \$7.15 |
| 2. Tobia, Vincent | Rec. Att'd Seas. | 07/09/08 | \$7.15 |
| 3. Todorov, Jessica | Rec. Att'd Seas. | 07/09/08 | \$7.15 |

15.

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

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

RESOLVED, that the Town Board amend resolution #11 of the Town Board Meeting of June 9, 2008 to correct the hourly rate for the Buildings and Grounds Department as listed below:

- | | | |
|-------------------|----------------|--------|
| 1. Carin, Michael | Laborer, Seas. | \$9.61 |
|-------------------|----------------|--------|

16.

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

ADOPTED Ayes 3 Walters, Best, Smardz
 Noes 2 Kesner, Quatroche

WHEREAS, the Town Board has expressed an interest in exploring the possibility of entering into a lease-management agreement for the Town ice rink, and

WHEREAS, a lease management agreement must be reviewed and authorized by New York State through a home rule legislation, and

WHEREAS, New York State has informed the town it will not proceed until after the town has done an RFP, and

WHEREAS, the town cannot effectively evaluate this potential for this project until such time that the details of any proposal are received and reviewed,

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Request for Proposal for the lease-management of the town ice arena.

Councilman Quatroche notes he is in favor of doing an RFP but would like to have the RFP written first before the RFP is authorized to make sure they are comfortable with details. Therefore, he is making a motion to table until the next meeting.

Councilwoman Kesner notes that she doesn't know the details of the proposal and at this point she cannot vote on it.

Councilman Quatroche makes a motion to table this resolution, seconded by Councilwoman Kesner. With a vote of two to three the vote fails and is as follows:

Councilman Quatroche-	Yea
Councilwoman Kesner-	Yea
Councilman Smardz-	No
Councilman Best-	No
Supervisor Walters-	No

Supervisor Walters notes that he shares Councilman Quatroche and Councilwoman Kesner's concerns that there needs to be sufficient detail in the proposal. Putting out a proposal in no way means this project is going to happen.

17.

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

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

BE IT RESOLVED, that the Town Clerk is authorized to schedule a public hearing on Proposed Local Law #14, 2008. The local law would provide for amendments to the Hamburg Town Code in accordance with the recommendations of the Town of Hamburg Code Review Committee, specifically:

Amendment #1 Local Law No.10-1986, Zoning
 Article XXIV - Sign Regulations
 Amendments to Sections 280-234, 280-238, 280-260, 261

Purpose of amendments:

To provide new regulations specific to electronic message signage.
Presently there are no provisions within the zoning code that pertain directly to the placement and operation of electronic message signs.

Amendment #2 Local Law No.5-1965, Building Construction & Fire Prevention
Chapter 76
Amendment to Section 76-10 B.

Purpose of amendments:

Reduce the permit term for swimming pool permits from one year to ninety days.
The current one year terms allows an unreasonable amount of time which create safety concerns involving pool installations.

Amendment #3 Local Law No.2-1995, Storage Trailers
Chapter 225
Amendment to Sections 225-1 through 225-9.

Purpose of amendments:

To regulate the use of temporary storage units.

The Public Hearing is to be scheduled for August 11, 2008, at 7:00 p.m. local time.

18.

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

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

WHEREAS, the Town of Hamburg adopted the Town of Hamburg 2010 Comprehensive Plan (1997 Master Plan Update) on June 23, 1997, and

WHEREAS, that document, in accordance with Section 272-a of General Town Law, served as the Town's Official Comprehensive Plan for the last ten years, and

WHEREAS, this Plan has been implemented over the last ten years but had begun to reach the end of its planning period, and

WHEREAS, in 2007, the Town of Hamburg initiated an update to the 2010 Comprehensive Plan and formed a Comprehensive Plan Update Committee, and

WHEREAS, the Committee and the Town's Planning Consultant, Wendel Duchscherer, have worked diligently on an update to the 2010 Plan over the last year, and

Noes 0

WHEREAS, the Town of Hamburg received a request from Linda Makin to rezone property located at 4003 and 4007 Bristol Road from M-1 and M-2 to R-2, and

WHEREAS, in compliance 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 reviewed this rezoning request; and

WHEREAS, the rezoning of the property 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 consideration;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hamburg has determined that the proposed rezoning is not anticipated to result in any significant effect on the environment and that a Negative Declaration is hereby issued.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the Environmental Assessment Form.

21.

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

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

WHEREAS, the Town of Hamburg received a request from Linda Makin to rezone property located at 4003 and 4007 Bristol Road from M-1 and M-2 to R-2, and

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

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

WHEREAS, on May 21, 2008 the Hamburg Planning Board did issue a positive recommendation to the Town Board regarding this request; and

WHEREAS, on June 23, 2008 the Town of Hamburg Town Board held the required public

WHEREAS, in compliance 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 reviewed this rezoning request; and

WHEREAS, the rezoning of the property 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 consideration;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hamburg has determined that the proposed rezoning is not anticipated to result in any significant effect on the environment and that a Negative Declaration is hereby issued.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the Environmental Assessment Form.

24.

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

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

WHEREAS, the Town of Hamburg received a request from Timothy Wacker to rezone vacant land on the south side of North Creek Road from C-2 to RA, and

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

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

WHEREAS, on May 21, 2008 the Hamburg Planning Board did issue a positive recommendation to the Town Board regarding this request; and

WHEREAS, on June 23, 2008 the Town of Hamburg Town Board held the required public hearing and received comments from the public; and

WHEREAS, the requested rezoning is in compliance with the Town of Hamburg Comprehensive Plan; and,

30.

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



Town of Hamburg

Office of Supervisor

In Recognition of Sister Mary Ernesta Sitkowski

WHEREAS, today we are celebrating Sister Mary Ernesta Sitkowski's 100th birthday; and

WHEREAS, Sister Ernesta, born June 27, 1908 in Brooklyn, NY; born to Peter and Stanislaw, both from Poland, and

WHEREAS, Sister Ernesta has many accomplishments in her life:

- St. Stanislaus, Baltimore MD - 1926-1929
- St. Peter & Paul, Three Rivers - 1929-1940
- Our Lady Queen of Angels, Detroit MI - 1940-1943
- Holy Trinity, Niagara Falls NY - 1943-1944
- Mater dolorosa, Holyoke MA - 1944-1945
- Marywood College, Scranton PA - 1945-1946***as a student
- Holy Trinity, Westfield MA - 1946-1947
- St. Joseph, Peabody MA - 1947-1955
- St. Stanislaus, Kewanee IL - 1955-1961***teaching principal
- St. Michael's, Bridgport CT - 1961-1963
- St. Vincent's, North Evans NY - 1963-1969***teaching principal
- St. Stanislaus, Chelsea MA - 1969-1982

WHEREAS, Sister Ernesta is admired by her students, family members and friends in Hamburg, NY who know and love her.

NOW THEREFORE, on behalf of all Town of Hamburg Officials, we celebrate Sister Ernesta's 100th birthday and wish her all the best.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 28th day of June, 2008.

Steven J. Walters
Supervisor
Town of Hamburg



Thomas M. Best Sr., Councilman
Joan A. Kesner, Councilwoman
Kevin Smardz, Councilman
Thomas J. Grotzko, Jr., Councilman

Reports from the Town Board:

Councilman Quatroche reports that in regard to the quiet zones for the railroad crossings they have initially received funding from the State of New York which amounts to \$25,000 a piece.

Councilwoman Kesner reports the Blast on the Beach will be Saturday, July 26th starting at 12:00p.m. There will be a bus shuttle from the Lakeshore Little League. It's a wonderful event and encourages everyone to attend. She commends George Lee for the wonderful Freedom Fest the Village of Blasdell put on. The Rejuvenation Committee is her newest appointment this year and she's amazed with the wonderful hardworking group of people she has the pleasure of working with. The new flags on the front light posts of the Town Hall is part of their plan to make us all patriotic here.

Councilman Best commends and thanks three employees who recently left service with the Town of Hamburg, they are Peter Blaauboer with 20 years service on the Zoning Board, Mike Chiacchia with 5 years service on the Zoning Board, and Keith Budney with 15 years in the Highway Department he wishes these gentlemen well. This past Thursday, the Town Traffic Safety Advisory Board and the Village of Hamburg Safety Board, held a joint meeting for the first time ever. The two boards discussed the proposal of the Walgreen's project after a presentation from Benderson Development. This is another good example of cooperation between Town and Village that can only result in more efficient government. Councilman Best then reads an excerpt from the Erie County Agricultural Society to the Town of Hamburg Adult Day Care Center that states they will make available discounted admissions to the Fair to mentally and physically disabled persons and their aids who wish to visit the Fair. Councilman Best states that he personally thinks it's appalling that the Fair charges our senior citizens to walk around the Erie County Fair. Not only do they use our fire and police service they also pay no property tax on the two or three homes they've built on the grounds. They pay little or no tax on the Agricultural Center they rent out daily. He thinks it's time to take another look at them paying their fair share and will look at the legal avenues with the Town Attorney.

Supervisor Walters commends the Village of Blasdell for another excellent festival.

Reports from the Departments:

Catherine Rybczynski reminds everyone that this Saturday is Burgerfest, it is on Main Street and the car show will be back. Also, her office will once again have the satellite location set up at the McKinley Mall. Thank you to Linda Rogers again for helping to get that set up.

Chief Kesner reports that tickets will be issued for illegally parked vehicles at the Blast on the Beach.

Martin Denecke reports that in regard to the Blast on the Beach, the opening event is the Dash 'N' Splash fun run open to people of all ages. Secondly, he had the pleasure of participating in

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

WHEREAS, there is pending litigation, MEGHAN KOLPACK VS. TOWN OF HAMBURG, Erie County Supreme Court Index Number I2006-1195, and

WHEREAS, counsel for the parties have exchanged pleadings, conducted discovery and various other proceedings, and have engaged in settlement negotiations, and

WHEREAS, the Plaintiff's attorney has advised they would accept the sum of \$45,000 in full and final satisfaction of all claims against the Town of Hamburg, and

WHEREAS, counsel for the Town of Hamburg, Lewis & Lewis, P.C. recommends that the Town pay the sum of \$45,000, in settlement of this claim based on the following:

- a) Based upon the liability issue in this case, the settlement figure represents a very substantial discount of the full value of the plaintiff's injury.
- b) It is not disputed the plaintiff has been left with a permanent cosmetic deformity and the permanent residual of limited mobility.
- c) There is no question that the injury was caused by an S hook failing on the swing in question.
- d) The expense of a jury trial and cost of defense would be in the area of \$20,000 to \$30,000.

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg pay the Plaintiff the sum of \$45,000 in full and final satisfaction of all claims against the Town of Hamburg in the action MEAGHAN KOLPACK VS TOWN OF HAMBURG, Erie County Supreme Court Index Number I2006-1195. Payment is to be made upon receipt of signed General Release and Stipulation of Discontinuance of this action from the Plaintiff.

35.

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

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

RESOLVED, that the Town Board close Executive Session at 10:15 p.m.

Catherine A. Rybczynski, Town Clerk