

A regular Town Board Meeting 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, New York on the 16th day of July 2007.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Joan A. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman
Richard A. Smith	Councilman

ABSENT:

D. Mark Cavalcoli	Councilman
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OTHERS PRESENT: Catherine Rybczynski, Town Clerk; Richard Boehm, Deputy Town Attorney; Mary Dosch, Sr. Account Clerk; Robert Hutchison, Town Assessor; Sarah DesJardins; Tim Ellis, Traffic Safety Coordinator; Carmen Kesner, Assistant Chief of Police; Gerard Kapsiak, Town Engineer; Martin Denecke, Director of Recreation; Kurt Allen, Supervising Code Enforcement Officer; Gerald Koenig, Planning Board Chairman; James Connolly, Highway Superintendent.

The Pledge of Allegiance was recited.

Information on fire exits was provided.

7:00 p.m. Public Hearing for the adoption of Local Law No. 7, 2007, providing for the amendment of Local Law No. 10, 1986, Chapter 280-Zoning.

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

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on June 25, 2007, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #7, 2007; 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 property owned by John and Julie Kuebler located on McKinley Parkway between Dorchester Parkway and Route 20. The property is to be rezoned from C-3 (Office District) to HC (Hamburg Commercial District) and is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 48, Township 9, Range 7 of the Holland Land Company's Survey and according to a map filed in the Erie County Clerk's Office under Cover No. 925, is known as Subdivision Lot No 94, bounded and described as follows:

BEGINNING at a point in the east line of McKinley Parkway at a point, 208.04 feet south of the intersection of the south line of Dorchester Parkway and the east line of McKinley Parkway. Said point of beginning, also, being the intersection of the north line of Subdivision Lot No. 94 with the east line of McKinley Parkway; thence easterly and along the northerly line of Subdivision Lot No. 94; a distance of 185.04 feet to the westerly line of lands conveyed to Hill be deed dated and recorded March 29, 1979 in the Erie County Clerk's Office in Liber 8769 of Deeds, Page 74; thence southerly along the westerly line of said Hill's land, a distance of 105.01 feet to the south line of Subdivision Lot No. 94; thence westerly along the south line of Subdivision Lot No. 95 a distance of 184.01 feet to the easterly line of McKinley Parkway; thence northerly along the easterly line of McKinley Parkway, 105.02 feet to the point or place of beginning.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 48, Township 9, Range 7 of the Holland Land Company's Survey, and more particularly described as being part of Subdivision Lot No. 95 as shown on map filed in the Erie County Clerk's Office under Cover No. 925, bounded and described as follows:

BEGINNING at a point in the westerly line of Allendale Parkway at the northeast corner of said Subdivision Lot No. 95, which point of beginning is also the northeast corner of lands conveyed to Paul J. Conrad and June A Conrad, husband and wife be deed recorded in Erie County Clerk's Office in Libre 8687 of Deeds at page 595; running thence westerly along the north line of Subdivision Lot No. 95 and the north line of said Conrad, a distance of 167.06 feet

to the principal point of beginning, which is 200 feet east of the easterly line of McKinley Parkway, as measured along the north line of Subdivision Lot No. 95; thence continuing westerly along the north line of Subdivision Lot No. 95, a distance of 200 feet to the easterly line of McKinley Parkway; thence southerly along the easterly line of McKinley Parkway a distance of 104.02 feet to the south line of Subdivision Lot No. 95; thence easterly along the south line of Subdivision Lot No. 95, a distance of 200 feet to the southwest corner of lands conveyed to said Conrad; thence northerly parallel with the easterly line of McKinley Parkway and along the west line of lands conveyed to said Conrad, a distance of 104.02 feet to the principal point of beginning.

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 16, 2007 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: June 25, 2007

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski, Town Clerk, reads one piece of correspondence from Sarah desJardins, of the Planning Department, stating that the Kuebler's are requesting rezoning from C-3 and R-2 to H-C. The Planning Board on June 20, 2007 unanimously recommended that the Town Board approve the request, as it is in conformance with the Comprehensive Plan.

Councilwoman Kesner requests an explanation for the public regarding the difference between the two zonings and what is allowed for each.

Sarah desJardins states that the C-3 is a commercial district along with the H-C, but the H-C only allows commercial uses up to 6,000 square feet and does not allow eating or drinking establishments. It's mostly for doctor's offices, general merchandise, not wholesales it's a more restricted use category.

Supervisor Walters opens to public comment.

Ken Nuwer, resident, questions the limited retail sales he comments that it says no outdoor sales. And questions if an outdoor display constitutes outdoor sales.

LEGAL NOTICE
TOWN OF HAMBURG
NOTICE OF HEARING ON PROPOSED LOCAL LAW #8, 2007

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on June 25, 2007, pursuant to the Municipal Home Rule Law, proposed local law #8, 2007; entitled “amendment to the Town of Hamburg Comprehensive Plan.” A local law amending the “Town of Hamburg 2010 Comprehensive Plan” to revise Map 13 and 15 of the Plan to enlarge the “Planned Unit Development Area” and “Planned Mixed Uses Area” to incorporate properties just south of Amsdell Road. This will remove properties from the “Lakeview Area” and the “Rural/Semi-Rural Area.”

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the 16th day of July, 2007 at 7:15 p.m. (local time), at which time all interested persons may be heard.

Dated: June 25, 2007

CATHERINE RYBCZYNSKI
Town Clerk
Town of Hamburg

There was no correspondence received.

Fred Frank of Wendell, representing the Town’s Planning Department, explains the Comprehensive Plan Amendment.

Councilwoman Kesner comments that she understands this will be 500 feet from the original plan.

Fred Frank responds that he’s not sure of the exact distance but they are the back parcels of the parcels that front Amsdell Road.

Councilman Smith questions the property lines on Amsdell Road and states his concern regarding splitting out someone’s property.

Fred Frank assures that they are not splitting any parcels.

2.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

RESOLVED, that the Town Board close the Public Hearing.

3.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

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

 June 25, 2007 Town Board Meeting

4.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

RESOLVED, that the Town Board approved alcohol waivers for the following August 2007 Taylor Road rentals:

8/01/07	8/10/07	8/20/07
8/02/07	8/11/07	8/21/07
8/03/07	8/12/07	8/22/07
8/04/07	8/14/07	8/23/07
8/05/07	8/15/07	8/24/07
8/06/07	8/16/07	8/25/07
8/07/07	8/17/07	8/26/07
8/08/07	8/18/07	8/30/07
8/09/07	8/19/07	8/31/07

5.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) requires that the Town of Hamburg and all other municipalities covered under a Phase II State storm water permit adopt a local law to comply with Federal and State regulations for Storm water Management and Erosion & Sediment Control associated with land development activities that disturb greater than one acre of land, both during and after construction is completed. This local law is required to be in place no later than January 8, 2008, and

WHEREAS, the Town Board held a public hearing regarding adoption of the local law on June 25, 2007, and

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

WHEREAS, the Town Board, as Lead Agency, has reviewed and considered the impacts of the adoption of the proposed local law, pursuant to Part 617.7 NYCRR Article 8 of the Environmental Conservation Law [State Environmental Quality Review (SEQR)], and determined that it will not have a significant impact on the environment and issued a Negative Declaration.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg adopt the local law for Storm water Management and Erosion & Sediment Control as presented and discussed at the June 25, 2007 hearing. The local law to be known as Local Law #4, 2007; and

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.

6.

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

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smith
	Noes 0	

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) requires that the Town of Hamburg and all other municipalities covered under a Phase II State storm water permit adopt a local law to comply with Federal and State regulations that Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems. This local law is required to be in place no later than January 8, 2008; and

WHEREAS, the Town Board held a public hearing regarding adoption of the local law on June 25, 2007; and

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

the quality of life of the individuals served.

11.

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

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smith
	Noes 0	

WHEREAS, the Town of Hamburg did experience an unprecedented storm in October of 2006.

WHEREAS, the Town Highway and Building and Grounds Departments together with contractors did immediately begin to clear debris.

WHEREAS, the total FEMA reimbursement for the October storm is \$1,038,699.43 with \$667,273.79 allocated to pay contractors for their services.

WHEREAS, FEMA has reimbursed the Town for the use of their labor force and equipment as a result of the October storm in the amount of \$371,425.64.

THEREFORE BE IT RESOLVED, these funds in the amount of \$371,425.64 are credited to Town accounts as follows; to properly reimburse the Town for expenditures covered by the FEMA declaration.

A 5010.0203	\$ 4,000.00
A 5010.0423	\$ 4,000.00
A 5010.0460	\$10,000.00
A 5010.0435	\$ 1,000.00
A 5132.0460	\$ 5,000.00
A 8540.0421	\$ 1,000.00
A 1640.0460	\$13,000.00
A 3310.0423	\$14,000.00
A 7140.0100	\$15,000.00
A 7140.0423	\$ 2,000.00
A 7140.0440	\$ 6,000.00
A 7141.0413	\$12,000.00
A 7230.0406	\$15,000.00
A 7266.0460	\$12,000.00
B 8160.0444	\$26,000.00
DB 5140.0440	\$10,000.00
DB 5142.0458	\$ 2,000.00
H24 7410.303	\$37,000.00
H24 7140.201	\$87,000.00
H26 5130.201	\$38,425.64
H96 5120.0460	\$57,000.00

Lowe's Home Improvement Center as complete for review by Involved and Interested Agencies and the public; and,

BE IT FURTHER RESOLVED, that the Town Board authorizes the Planning Department to distribute the submitted DEIS to those agencies that have requested it; and,

BE IT FURTHER RESOLVED, that the Town Board authorizes the Planning Department to arrange for the DEIS to be made available for public review and comment; at the Planning and Town Clerk's Offices, and,

BE IT FINALLY RESOLVED, that the Town Board sets a public hearing regarding the DEIS for September 10, 2007 at 7:00pm in the Hamburg Town Hall.

Supervisor Walters comments for the public's benefit, this is simply accepting the actual document as complete. This is making no reference as to whether the project is appropriate to move forward at that location at this time.

Fred Frank notes that this is for the appropriate agencies to review.

Councilman Smith explains his vote on this project and he's not thoroughly convinced that this is the proper location for that store at the present time and if the neighbors have been satisfied in that subdivision. He would like to see these issues satisfied before he can continue to support it. At this time he supports this vote.

Councilwoman Kesner notes she will support it only because it is being brought to a public hearing. She questions the location and the traffic for this project and would like the vacant plazas concentrated on more.

Supervisor Walters comments that accepting of the DEIS does not necessarily mean the Town Board agrees with it.

Councilman Quatroche states that if this was zoned properly the residents in that area would know what they moved next to. There are concerns that need to be address before he would support a store going in that area.

Supervisor Walters notes they are going to move forward.

14.

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

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smith
	Noes 0	

WHEREAS, The Town of Hamburg Town Board, as Lead Agency, has accepted a Final Environmental Impact Statement (FEIS) for the proposed Villas at Brierwood and Brierwood Square on June 25, 2007; and,

WHEREAS, The Town Board considered all relevant environmental, economic, and social information disclosed in the DEIS and FEIS in developing the Findings Statement; and,

WHEREAS, The Town Board has weighed and balanced the relevant environmental impacts with social, economic, and other considerations; and,

WHEREAS, The action to be carried out is the one that avoids or minimizes, to the maximum extent practicable, adverse environmental impacts disclosed in the DEIS and FEIS and that adverse environmental impacts will be minimized or avoided, to the maximum extent practicable, by incorporating, as conditions to this decision, those mitigating measures that were identified as practicable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamburg issues the attached Findings Statement for the Villas at Brierwood and Brierwood Square; and,

BE IT FURTHER RESOLVED, that the Findings Statement shall provide a rationale for the Town Board’s decision regarding environmental impacts associated with the proposed action; and,

BE IT FURTHER RESOLVED, that the Findings Statement certifies that the requirements of 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]) have been met; and,

BE IT FINALLY RESOLVED, that the Town Board authorizes the Town of Hamburg Planning Board to complete the appropriate paperwork and filing requirements.

15.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

WHEREAS, the Town of Hamburg has received an application for rezoning and site plan review from Benderson Development Company, LLC for the development of 652,815+/- square feet of retail/ restaurant/ hotel space called Hamburg Crossings; and,

WHEREAS, the subject parcel consists of 79.93 acres located on the southwest side of Camp Road, northwest of I-90, New York State Thruway, near the interchange ramp with I-90, in the Town of Hamburg, Erie County, New York; and,

WHEREAS; persons who continued to serve as active volunteer firefighter members of the Big Tree Volunteer Firemen's Company, Inc. after having attained the "entitlement age" of 60 and having begun to be paid monthly payment service awards have been denied the opportunity to continue to earn Service Award Program credit for active volunteer firefighter service rendered after the attainment of age 60; and,

WHEREAS; such denial is age discrimination which is prohibited under both federal and New York State laws; and,

WHEREAS; Article 11-A has never included a provision which prohibited any active volunteer firefighter regardless of age or payment status from earning Service Award Program credit up to the maximum credit allowed under a program; and,

WHEREAS; denying credit in the Program for volunteer firefighter service rendered at any age by volunteers is inconsistent with the intent of the Program to help the Town of Hamburg and the Big Tree Fire District recruit and retain active volunteer firefighters;

NOW THEREFORE BE IT FURTHER RESOLVED, To eliminate this discrimination in the administration of this program, the Town Board of the Town of Hamburg, by the adoption of this resolution, directs that Big Tree Volunteer Fireman's Company Service Award Program administrative procedures shall be corrected retroactively to January 1, 1991 to allow post age 60 active volunteer firefighters to earn Service Award Program service credit under the Point System and to thereby increase their monthly Service Award payments by twenty dollars (\$20) for each year of service credit earned under the Point System during a calendar year. Such payment increases shall be effective the January 1st immediately following the calendar year in which the additional service credit was earned and the payment certain period remaining for an individual volunteer's monthly service award payments shall be based on the effective date of the initial monthly payment commencement date; and,

BE IT FURTHER RESOLVED, that volunteer firefighters who already have reached age 60 and have been paid service awards under the Program shall as soon as administratively possible be paid a lump sum in an amount equal to the amount that the volunteer would have been paid had the Big Tree Fire District Service Award Program been administered from its original adoption in accordance with the previous paragraph.

Due to this correction in administrative procedures, the total calendar year 2008 cost of funding the Big Tree Volunteer Firemen's Company, Inc. Service Award Program may be as much as \$125,000 for current firefighters including the cost of administration of approximately \$4,000 and the cost of the insurance premiums of approximately \$2,500. The increase to the annual cost to retroactively correct the credit awarded to senior volunteers for post age 60 active volunteer firefighter service earned prior to calendar year 2007 shall, as set forth in a resolution adopted by the Town of Hamburg Town Board on June 11, 2007, be amortized in ten equal annual payments over a ten year period. Such payments are included in the estimated cost of \$125,000 and shall

be approximately \$29,000 per year with the first payment being made during calendar year 2008 and the last in calendar year 2017. The increase to the annual cost for service credit earned by post age 60 active volunteers during calendar years 2007 and beyond shall be as much as approximately \$22,000 per year for current firefighters, and therefore the program cost beginning in calendar year 2009 may ultimately be as much as \$147,000. All other provisions of the Big Tree Volunteer Firemen’s Company, Inc. Service Award Program shall not change and the programs shall continue to be administered by the Town of Hamburg in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

	Yes	No
<u>Supervisor Walters</u>	<u> X </u>	_____
<u>Councilwoman Kesner</u>	<u> X </u>	_____
<u>Councilman Smith</u> Abstained	_____	_____
<u>Councilman Quatroche</u>	<u> X </u>	_____

Ferd Garcia questions if a younger person expected to perform the same type of service as another man.

Councilman Smith explained that the program allows a person to gain \$20.00 for each year or service. The \$20.00 is determined by their activities within the fire department and they have to acquire points for attending fires, drills ambulance calls, meetings, work programs etc. If they are not active they cannot accrue points.

17.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

WHEREAS, bids for the Town Hall HVAC replacement were advertised and subsequently received on 6/15/2007.

WHEREAS, the lowest responsible bidder received for this project was

Plumbing:
 MLP Plumbing \$236,146.00

WHEREAS, GZA has submitted a proposal for providing these additional engineering services, which has been reviewed by the Town Engineer and determined to be reasonable and acceptable for the services to be provided, at a total not-to-exceed fee of \$33,867.

THEREFORE BE IT RESOLVED, that the contract with GZA GeoEnvironmental is amended to include these additional services, which increases their total contract amount to \$107,203. The Supervisor is authorized to sign their 6/29/07 proposal letter/agreement in this regard. Funding for \$12,475 of the additional services is available from the \$85,811 Federal grant which the Town previously received for this project through the efforts of former Congressman Jack Quinn, with the remaining \$21,392 available from the bonds issued for this project under Account No. H72-7141.331.

19.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

WHEREAS, the Mount Vernon Sewer District, located in the Town of Hamburg, County of Erie, and State of New York, is governed by a Board of Sewer Commissioners; and

WHEREAS, the Board of Sewer Commissioners is in the process of receiving financial assistance from the New York State Department of Environmental Conservation (NYSDEC) in the form of a grant for proposed sanitary sewer rehabilitation work within the Mount Vernon Sewer District, under the New York State Clean Water/Clean Air (CW/CA) Bond Act of 1996; and

WHEREAS, under the laws of the State of New York, the legal authority to file the application with NYSDEC and receive funds utilizing CW/CA Bond Act State assistance payments is the Town of Hamburg on behalf of the Mount Vernon Sewer District; and

WHEREAS, the Town of Hamburg, herein called the “Municipality”, after thorough consideration of the proposed sanitary sewer rehabilitation, has hereby determined that the work, as described in the application and attachments previously filed on behalf of the Mount Vernon Sewer District, herein called the “Project”, is desirable, in the public interest, and required in order to implement the project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract, and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith:

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Hamburg as follows:

1. That the Town Supervisor is the representative authorized to act in behalf of the Municipality’s governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality’s governing body on behalf of the Mount Vernon Sewer District in all matters related to the Project and to State assistance;
2. That the Mount Vernon Sewer District agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared by the Town Clerk and provided to the Town Engineering Department for transmittal to the Albany office of the New York State Department of Environmental Conservation;
4. That this Resolution shall take effect immediately.

Supervisor Walters notes that Gerard Kapsiak did a lot of work and thanks him. This project will be paid only by residents in the Mount Vernon Sewer District and a portion by a State Grant.

Gerard Kapsiak states it is a \$900,000 project of which \$750,000 is funded by the State grant that the sewer district received.

Ferd Garcia asks if the Wanakah Sewer District is eligible for any financial assistance in the same regard.

Supervisor Walters comments that the Wanakah Sewer District would be eligible to apply for such assistance however it should be noted that the Wanakah Sewer District recently held a referendum where they agreed to merge into Erie County Sewer District 3. After that merger is complete it would be up to Erie County to apply.

20.

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

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smith
	Noes 0	

BE IT RESOLVED, that the Town Engineer’s report on the completion and acceptance of the ROLLING RIDGE SUBDIVISION PART 4 work performed under Public Improvement Permit Nos. 875, 876, 877, 878, and 879 be received and accepted, and that the Supervisor is authorized to sign the report, and

BE IT FURTHER RESOLVED, that the Town of Hamburg agrees to pay the Erie County Water Authority the annual hydrant fee for the maintenance of two (2) new hydrants installed as part of the subdivision work, and

BE IT FURTHER RESOLVED, that this action does not relieve the developer of the responsibility for completing the required street lighting installations under Public Improvement Permit No. 880.

21.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

WHEREAS, On June 4, 2007 the Hamburg Town Board authorized the Department of Community Development to advertise for bids for the Village of Blasdell Waterline Reconstruction project, and

WHEREAS, the bids were opened on June 29, 2007 at 11:00 a.m. and subsequently reviewed by the Department of Community Development, Malcolm Pirnie, Inc. and representatives of the Village of Blasdell, and

WHEREAS, the following contractors submitted bids on the project as follows:
 CDBG Portion Bid (water lines); Blasdell Portion Bid (road reconstruction); Bid selection was based upon total bid.

<u>Contractor:</u>	<u>CDBG Portion Bid:</u>	<u>Blasdell Portion Bid:</u>	<u>Total:</u>
E & R General Construction	\$86,600.00	\$107,730.00	\$194,330.00
Destro & Brothers Concrete	\$74,675.00	\$125,175.00	\$199,850.00
Triple R Development	\$75,750.00	\$138,334.00	\$214,084.00
CMH Company, Inc.	\$83,250.00	\$143,040.00	\$226,290.00
Occhino Corporation	\$105,630.00	\$120,684.00	\$226,314.00
C & C Contractors, Inc.	\$97,250.00	\$157,990.00	\$255,240.00

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to accept the bid of and enter into a contract with E &

R General Construction, Inc. to complete the Community Development portion of the Village of Blasdell Miller Avenue Waterline Reconstruction project. Funding is available in CD 33 8662.355.

22.

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

TABLED	Ayes 2	Quatroche, Smith
	Noes 1	Walters
	Abstain 1	Kesner

WHEREAS, Chief of Police Joseph Coggins retired effective June 30, 2007, leaving a vacancy in a critical position in the town,

THEREFORE BE IT RESOLVED, that Assistant Chief of Police Carmen Kesner be given authority as acting Chief of Police until such time that the Town Board name a permanent Chief of Police.

BE IT FURTHER RESOLVED, that Captain Michael Williams be given authority as acting Assistant Chief of Police until such time that the Town Board name a permanent Assistant Chief of Police.

Supervisor Walters notes that over the last two weeks, he has held about fourteen meetings with Chief Kesner. The meetings were productive and he feels that Chief Kesner has the best interest of the department at heart. They also met with Assistant Chief Williams. Supervisor Walters states that in his short time here, he has never seen the moral of the department so high as it is right now under the Kesner/Williams' administration. He is very excited and really looking forward to this continuing.

George Lee states that as Trustee with the Village of Blasdell for ten years, working with acting Chief of Police, Carmen Kesner, was delightful. He thinks they both will do an excellent job.

Councilman Smith applauds the efforts of Mr. Kesner and also recognizes, values and supports Captain Williams' service, who was recommended by Supervisor Walters for Assistant Chief. But in fairness to all the people within the Police Department that are concerned about the Assistant Chief position, as a Board, he would like to see this tabled for a temporary period. In fairness to the residents, an interview should be given to the other Captains within the Town Police Department and give them a fair chance to look at this. There are unanswered questions and another meeting should be scheduled to discuss this.

Councilman Quatroche adds that as a Board Member for fourteen years he cannot recall ever appointing a Department Head that they didn't at least have a conversation with before that appointment. He did not have a conversation with Mr. Kesner nor Mr. Williams, nor during Executive Session regarding any candidates for these positions. He knows Mr. Kesner and Mr. Williams both personally and doesn't necessarily disagree with their appointment, the concern is that this was not deliberated at all. He isn't saying there should be or shouldn't be interviews. He feels there should have been some discussion in Executive Session regarding these candidates for this position before a decision was made. When it comes to Department Heads, there is a tremendous track record of appointing people and going through at least a process of talking with folks. There has been processes in which they have been interviewed and people have been brought to the table and there was at least a discussion with them, if they didn't interview them personally. Knowing them both personally he has a tremendous amount of respect for them. Mr. Kesner left a message on his phone but he didn't have a chance to speak with him. It's hard to appoint a Chief of Police and Assistant Chief of Police having never had a conversation with them about the positions and not having the Board deliberate as a complete Board and communicating with each other regarding these positions. He was notified that this resolution was on the agenda through a phone call before his agenda was picked up. He will be supporting the tabling this evening not because of Mr. Williams or Mr. Kesner, all he's asking is they at least deliberate after tonight's meeting, have a conversation about moving forward in this position.

23.

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

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smith
	Noes 0	

WHEREAS, Assistant Chief of Police Carmen Kesner resigned as the Town of Hamburg Emergency Management Coordinator effective June 30, 2007, in order to assume the post of acting Chief of Police, leaving a vacancy in a critical position in the town,

THEREFORE BE IT RESOLVED, that Glenn Zawierucha and Thomas Partridge be appointed Town of Hamburg Co-Emergency Management Coordinators,

BE IT FURTHER RESOLVED, that John Carlin be appointed Deputy Emergency Management Coordinator.

24.

WITHDRAWN

25.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

BE IT RESOLVED, that Jim Connolly, Superintendent of Highways is authorized to travel to and attend the New York State Association of Town Superintendents of Highways' Conference in Saratoga, New York from September 25-28, 2007.

Estimated Cost:

Registration \$ 90.00
Gas \$ 50.00
Conference Package \$708.00

Funds available in account A 7140.492.

26.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

WHEREAS, at the December 29, 2005 meeting of the Hamburg Town Board, a resolution was approved authorizing Councilwoman Hochul to sign legal documents pertaining to the Lake Erie Seaway Trail Visitor's Center on behalf of the Town of Hamburg, and

WHEREAS, Councilwoman Hochul is no longer a member of the Hamburg Town Board and therefore no longer authorized to sign legal documents pertaining to the Lake Erie Seaway Trail Visitor's Center,

THEREFORE, be it resolved, that the Town of Hamburg Supervisor be authorized to sign legal documents pertaining to the Lake Erie Seaway Trail Visitor's Center on behalf of the Town of Hamburg.

27.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

BE IT RESOLVED, that the Town Engineer’s report on the completion and acceptance of the HIGHLAND SUBDIVISION work performed under Public Improvement Permit Nos. 894, 985, and 896 be received and accepted, and that the Supervisor is authorized to sign the report.

28.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

WHEREAS, over the years the Town of Hamburg has been involved in many improvements to the former Wanakah Water Works Building on Route 5. It is now known throughout the State as a Lake Erie Seaway Trail Scenic Point and Visitor’s Center and

WHEREAS, this could not have been accomplished without the untiring efforts of many volunteers that have dedicated countless hours to make this dream become a reality. This facility is now open to the public depending availability of the volunteers that staff the Center and

WHEREAS, the entire community is to be thanked for all the ideas and hard work that has been accomplished to date. Every committee has to have a great leader to advocate and coordinate positive direction and the Seaway Trail has been privileged to have that type of leader over the years.

NOW, THEREFORE BE IT RESOLVED, that the Hamburg Town Board wishes to go on record thanking Chairperson Betty Newell for her years of service and dedication to the Seaway Trail Visitor’s Center as she steps down to enjoy private time.

29.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

BE IT RESOLVED, that the Town Engineer’s report on the completion and acceptance of the HAMBURG BUSINESS PARK work performed under Public Improvement Permit No. 919 be received and accepted, and that the Supervisor is authorized to sign the report, and

BE IT FURTHER RESOLVED, that the Town Board authorize New York State Electric and Gas (NYSEG) to connect a total of five (5) 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 NYSEG, and that this resolution becomes effective on the day the report is signed by the Supervisor.

30.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

BE IT RESOLVED, that the Town of Hamburg and the Town of Hamburg Recreation Department sponsor the Town of Hamburg Fire Chiefs Association Annual Golf Outing which is to be held Monday, August 20, 2007, also the Taylor Road facility available free of charge.

31.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smith
 Noes 0

WHEREAS, the National Association of Town Watch (NATW) and TARGET is sponsoring a unique, nationwide crime, drug and violence prevention program on August 7th, 2007 entitled "National Night Out", and

WHEREAS, the "24th Annual National Night Out" provides a unique opportunity for Blasdell-Hamburg to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts, and

WHEREAS, Blasdell-Hamburg plays a vital role in assisting the Police Department through joint crime, drug and violence prevention efforts in Hamburg and is supporting "National Night Out 2007" locally, and

WHEREAS, it is essential that all citizens of Hamburg be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Hamburg, and

TRUST & AGENCY:

BATCH #	28	\$662,813.42	
BATCH #	29	\$38,110.52	
BATCH #	30	\$28,118.35	
BATCH #	31	\$538,852.00	
BATCH #			
BATCH #			
TOTAL TRUST & AGENCY DISBURSEMENTS:			\$1,267,894.29

CAPITAL FUND DISBURSEMENTS:

BATCH #	41	\$480,000.00	19925
BATCH #	42	\$3,197.87	19927-19929
BATCH #	43	\$715,000.00	19957
BATCH #	44	\$585,000.00	20151
BATCH #	45	\$3,373.42	UNPROCESSED
BATCH #			
TOTAL CAPITAL FUND DISBURSEMENTS:			\$1,786,571.29

PAYROLL:

PR #	13	\$623,367.14	
PR #	14	\$519,796.80	
PR#			
TOTAL PAYROLL DISBURSEMENTS:			\$1,143,163.94

PETTY CASH \$ 0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$7,812,532.88

Reports From Town Board Members and Department Heads

Councilwoman Kesner reports that on September 12 the Big Band on the Beach is a go. Thanks to Blue Cross and Blue Shield a donation was received of \$3,000 to pay for the band. Thank you to the Locksley Park Association for all the work to okay and approve this first time event. Also the Musician Association of Buffalo, who will also be assisting in the charge for the eighteen piece orchestra that will be playing. Thanks to Councilman Quatroche for helping connect with Blue Cross and Blue Shield for their donation.

Councilman Quatroche reports that the revenues for the Recreation Department year to date are seven percent above last year.

Supervisor Walters reports the State recently enacted a new law that for the first time, allows for the sharing of the revenues obtained from the video lottery terminal over at the Fairgrounds Gaming to be shared with the host municipality. The portion recently received for this fiscal year for \$1,184,000 that is going to the Town General Fund. A word of caution, that because this is the first year, it's unknown what will happen next year or if the Buffalo Casino opens the patrons may not be coming to the Fairgrounds. Thanks to Assemblyman Quinn and Senator Stakowski for making sure that this legislation went through and helping the Town of Hamburg for this.

Catherine Rybczynski, Town Clerk report that she turned over a check Friday to the Finance Department and the Supervisor for approximately \$166,000 for a final payment that was interest and penalties from 2007 County and Town. Compared to last year this is up over \$50,000 and the majority of that is from earned interest.

Supervisor Walters also reports that a couple weeks ago that our Senior Services Recreation Director, Randall Hoak, is leaving the Town to accept a position with the County. He will be leaving July 19. The best of wishes to him, he has been a great benefit to the Town and has done a tremendous job at the Senior Services.

Randall Hoak thanks the Town Board for allowing him to apply the skills that he enjoys.

Martin Denecke reports that the Blast on the Beach is scheduled for July 28, 2007 there will be events scheduled all day long and fireworks at about 9:30 p.m.

Carmen Kesner reports that the funds raised from the Memorial Ball will be used for the Dare Program so it doesn't come out of the budget.

George Lee reports that August 7, 2007 will be the National Night Out. There will be a lot of shows going on. The ceremony should start around 6:30 p.m. There will be trolley rides for tours where the historian will tell the history of Blasdell.

Reports From The Public

Faye Staley comments on the Acting Chief of Police and Acting Assistant Chief of Police and she doesn't see any problem with this and doesn't understand why it was tabled. She notes that it states "Acting" and she doesn't understand the harm in it.

Councilman Quatroche assures her there is no harm but the Town Board, at their discretion, will appoint those positions as "Acting" and the acting role could be for a very lengthy period of time depending on what happens with those positions, the process, this could go on for a period of time. The problem lies with the process and being able to communicate with each other properly as a Town Board. He doesn't believe there is anyone in any business would put a manager in an acting role or permanent role without speaking to them first. That is his concern. He knows these gentlemen but has not discussed their leading this department for the next 30 days or the next year, which it could be. This resolution could be acted on at the next meeting just the same as it stands here this evening. He would like to have a professional conversation with these two gentlemen that are going to be leading probably the most important department in the Town of Hamburg for the foreseeable future until they get through the process. Councilman Quatroche wants to make sure where these two gentlemen are coming from with regard to leading the department which could be a considerable period of time.

Supervisor Walters comments that he's in agreement with Mrs. Staley and there is not a problem with moving forward as "Acting" and this is something that needs to be acted on now to maintain the continuity with the Police Department. The Civil Service process will have to be gone through to do anything on a more permanent basis.

Councilman Quatroche comments that he if he was in Supervisor Walters position he would feel the same way because he would have had a discussion with those gentlemen and I would understand clearly the direction they are going to take the police department in the future. His position on this is that there wasn't any prior discussion. He wants to make sure he does the due diligence that he was elected to do before making any decisions.

Faye Staley replies that having known Mike Williams and his family for many years and she has always felt safer with Mr. Kesner and Mike Williams in charge.

Councilman Quatroche comments that his concern is with basic business dealings. Acting as professionals and acting in a businesslike manner. He apologizes to both Mr. Kesner and Mr. Williams because they should not have to be sitting here going through this discussion because it has nothing to do with them.

Ann Billittier comments that there is no one more qualified than Captain Williams for Assistant Chief and Chief Kesner would serve just as well. If the Council members want harmony in this Town and the citizens to be happy, then there should be talk with the community.

Robert Williams, retired Chief of Police, comments he has never seen anything like this Town Board meeting. He is disgusted with all of the Town Board Members.

Councilman Quatroche questions Robert Williams that if he was to recommend someone for a position would he speak to the Town Board first.

Robert Williams replies with a yes.

Councilman Quatroche comments that this is not what has been done.

Councilman Smith comments that he has had the privilege of working with Chief Williams and his staff for many years in this Town. But has never been put in a position yet, whereby they did not rely on the Chief of Police to make a solid recommendation for someone within that department for a leadership position.

Robert Williams replies that he does not like politics in the Police Department. It was never there in the past.

Mrs. Williams comments she is disgusted with what she has heard and asks Councilman Quatroche if he ever contacted the Supervisor to see what he has done or contact her son to see what he has done.

Councilman Quatroche responds that at the last Board Meeting in Executive Session, a request was made for information from Supervisor Walters regarding some questions they had about the process before they move forward. That information was not received.

Supervisor Walters takes exception for discussing matters in Executive Session, and states that Mr. Coffey sent a memo that was received by every member of the Board prior to the meeting.

Councilman Quatroche comments that there wasn't a discussion regarding that.

Supervisor Walters responds that there was a discussion last week.

Councilman Quatroche responds the discussion was regarding the candidates but was it for this evening, by the Town Board.

Supervisor Walters comments he believes they had a discussion and at the time he suggested establishing a citizen advisory panel to review applicants. At that point Councilman Quatroche was among the ones that felt that it should be moved forward with a non competitive promotional exam.

Councilman Quatroche responds that he did not, he said he would consider Supervisor Walters' proposal when that was brought up last time. He also said that the Assistant Chief should be decided on by the Chief to Mr. Williams' point. He had not had a discussion with the acting Chief regarding that at all. They couldn't have that discussion because you can't call for an

Executive Session without giving public notice. So, that has to be done this evening after the Town Board meeting.

Tom Best, Sr. cautions the Board that they better get on the same page when it comes to the appointments of positions. He also comments that when he was appointed Deputy Supervisor there weren't any interviews, nor were there any interviews for Councilman Smith's position either. He comments that he feels politics is interfering with the appointment of these two guys.

Ford Beckwith comments that on Chapman Pkwy and Morgan Pkwy the residents were under the impression they were promised a quiet zone for the trains in their area. He requests that the Town Board look into that. Also comments he is behind Chief Kesner 100% and there wouldn't be a better representative for this Town.

Councilwoman Kesner notes she is working on the project for the Hamburg Crossing with the Mr. Kapsiak and they are still putting together the State Grant Funds and applications.

Gerard Kapsiak notes they have all their paperwork into Albany the signed agreement is needed back from them before any funds can be expended. Once the signed agreement is received from them, then the process can be started, it's about a three month process from when they get the signed agreement until the actual quiet zone can be in place.

Ferd Garcia questions what the final departing compensation package for the Police Chief.

Supervisor Walters responds that they will have to get back to him on that.

Steve Strnad takes the opportunity to publicly thank Councilman Quatroche for contacting Jim Connolly of the Highway Department for giving a report of the achievements that the Highway Department had accomplished over the years. He would like to recommend that all the departments be looked into and give a nice report like that. Steve notes that even though there are good reports, there could be improvements in some of the departments.

Councilman Quatroche takes the time to personally apologize to Assistant Chief Kesner, Captain Michael Williams and the other members of the public for the way in which things transpired at the meeting. This is not a proper way to do business. In the future the hope is that there will be better communication, and amongst the Board and with decision in this nature. There are two fine gentlemen who have been proposed for this position and looks forward to speaking with them tonight. He apologizes to the public for what transpired this evening.

Councilman Smith concludes on the activities at this meeting and notes that Supervisor Walters, Councilman Quatroche and himself had a discussion about communication in this Town. As a Town Board, they will try to improve on that with the Supervisor so everyone knows what is happening on future issues.

Jack Gleason comments that the impression he gets is that there is more of a feeling on the part of the members of the Town Board to have a Supervisor that can't accomplish anything. He feels there has been more of an effort in the past year to make sure that the Supervisor doesn't accomplish anything then there has been to run the departments within the Town correctly. He thinks this Town is due for a change.

Councilman Quatroche states his concerns and issues are with communication. On a majority of issues the Board has sat down as a group and agreed on things and agreed to disagree on other things. As long as they conduct themselves in an atmosphere of high communication and professionalism he will always move forward. His first goal is to govern.

Jack Gleason questions why the Supervisor is not the liaison for the Police Department. It's probably the most important department in this Township. The Supervisor is here every day, one of his primary responsibilities is the safety within this Town. He more than anybody should be communicating with the Police Department.

Councilman Quatroche comments that the key word is communication. That was one of the factors, that if he wanted to meet privately, he would talk to him about that. He will not point fingers at anyone but there was a serious communication issue that was inhibiting the ability for things to get done in a timely manner.

Councilman Smith comments that both positions are subject to a Civil Service test in the near future which hasn't been discussed yet. This should be discussed as to when this should happen, how this should be requested and when the test should be taken and who would be qualified to take the test.

Jack Gleason comments that both gentlemen have earned the trust of the people of the Town and the Town Board.

Councilman Quatroche notes that the easy thing to do would be to approve this and sometimes the right thing is not the easy thing to do.

Ann Billittier comments that the every day a police officer goes to work and puts his life on the line. She can't understand why the Board can't put this through.

Councilman Quatroche responds that a business needs to communicate with how to run things and he has not had the benefit of that conversation.

Ann Billittier comments that she isn't so sure that Councilman Quatroche hadn't received any information from the Supervisor on Captain Williams or Chief Kesner before this evening.

Councilman Quatroche notes that this is what his issue is this evening.

