

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 18<sup>th</sup> day of July 2016.

**3.**

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

ADOPTED                      Ayes    3                      Walters, Best, Quinn  
    Noes    0

**RESOLVED**, that the Town Board adjourn Executive Session at 7:15 pm and move into the regular meeting.

ROLL CALL:                      Steven J. Walters                      Supervisor  
    Michael Quinn, Jr.                      Councilman  
    Thomas Best, Jr.                      Councilman

ALSO PRESENT: Barbara S. Allen, Deputy Town Clerk  
Walter Rooth III, Town Attorney; Mary Dosch, Sr. Account Clerk; Richard Lardo, Principal Engineering Assistant; Gregory Wickett, Police Chief; Martin Denecke, Director of Youth, Recreation and Senior Services; Kurt Allen, Supervising Code Enforcement Officer; Sarah desJardins, Planning Consultant; Michael Quinn, Engineering Consultant; Thomas Taylor, Sr. Public Safety Dispatcher; Ted Casey, Traffic Safety Coordinator

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

4.

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                      Noes 0

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

06/27/2016           Work Session  
06/27/2016           Town Board Meeting  
07/01/2016           Special Meeting

5.

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                      Noes 0

**RESOLVED**, that the Town Board amend resolution 16 of the Town Board meeting of June 27, 2016 changing the ending date from December 31, 2023 to June 30, 2023.

6.

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                      Noes 0

**RESOLVED**, that the Town Board approve the membership of the following into the Lake Shore Volunteer Fire Company, Inc:

Dennis Sass  
2978 Cloverbank Road  
Hamburg, NY 14075

7.

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                      Noes 0

**WHEREAS**, Wm. C. Rott & Son paid for and obtained a roof permit for 4179 Sheva Lane, Hamburg, New York 14075

**WHEREAS**, the customer cancelled the roofing job with Wm. C. Rott and Son

**THEREFORE BE IT RESOLVED**, that Wm. C. Rott & Son be issued a refund for the roof permit in the amount of \$50.00

Wm. C. Rott & Son  
454 Young Street  
Tonawanda, New York 14150

**8.**

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

ADOPTED           Ayes   3           Walters, Best, Quinn  
                      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. 8/15)

BE IT RESOLVED, that the Town of Hamburg / 30333 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on 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)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
<b>Elected Officials</b>								
Supervisor	6	Steven J. Walters			<input type="checkbox"/>	1/1/2014-12/31/2017	30.51	<input type="checkbox"/>
Town Justice	6	Gerald Gorman			<input type="checkbox"/>	1/1/2014-12/31/2017	13.40	<input type="checkbox"/>
Town Clerk	6	Catherine Rybczynski			<input type="checkbox"/>	1/1/2016-12/31/2019	31.01	<input type="checkbox"/>
<b>Appointed Officials</b>								
Town Attorney	6	Walter L. Rooth, III			<input type="checkbox"/>	1/1/2016-12/31/2017	10.08	<input type="checkbox"/>
Zoning Board of Appeals	6	Brad Rybczynski			<input type="checkbox"/>	7/1/2014-6/30/2021	1.90	<input type="checkbox"/>
Zoning Board of Appeals	6	Joseph Sacco			<input type="checkbox"/>	1/1/2012-6/30/2016	1.31	<input type="checkbox"/>

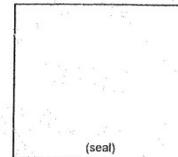
**SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE**

I, Catherine A. Rybczynski, secretary/clerk of the governing board of the Town of Hamburg, of the State of New York, 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 18 day of July, 2016, 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 19 day of July, 2016, Catherine A. Rybczynski  
 (Signature of the Secretary or clerk)

Affidavit of Posting: I, Catherine A. Rybczynski, being duly sworn, deposes and says that the posting of the Resolution began on July 19 and continued for at least 30 days. That the Resolution was available to the public on the July 19 (Date)

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





**10.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                       Noes 0

**RESOLVED**, that the Town Board approve the termination of personnel for the Justice Court as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1	154	Vitello, Louis		Court Officer P/T				5/28/2016

**11.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                       Noes 0

**RESOLVED**, that the Town Board approve the termination and rehiring of personnel for the Community Development Department as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1		Jennifer O'Neil		PT Clerk			\$13.00	7/18/2016
2		Jennifer O'Neil	R	PT Clerk Seasonal	7/19/2016		\$13.00	

**12.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                       Noes 0

**WHEREAS**, bids were opened on June 29, 2016 for the Lake Shore Road and Mount Vernon Boulevard Sanitary Sewer System Improvement Project in the Mount Vernon Sewer District; and

**WHEREAS**, three bids were received, which are summarized as follows:

<u>Bidder</u>	<u>Total Bid</u>
Yarussi Construction, Inc.	\$ 658,000
Visone Construction, Inc.	\$ 698,653
Kandey Company, Inc.	\$ 754,535

**WHEREAS**, the bids have been reviewed by Nussbaumer & Clarke, Inc., who determined that Yarussi Construction, Inc. is a qualified and responsible bidder, and recommended that the contract be awarded to them,

**THEREFORE BE IT RESOLVED**, that the contract for this project is awarded to Yarussi Construction, Inc. in the amount of \$658,000, that the Town Supervisor is authorized to sign the contractual agreement with their firm, and that the Town Engineer is to issue the Notice of Award and Notice to Proceed at the appropriate times. Funding for this work is to be from bonds which have been issued for this project, as authorized by a bond resolution adopted by the Town Board on March 23, 2015.

**13.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                          Noes 0

**RESOLVED**, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following August Taylor Road rentals:

8/01/16	8/02/16	8/04/16	8/05/16
8/06/16	8/07/16	8/11/16	8/12/16
8/13/16	8/14/16	8/15/16	8/19/16
8/20/16	8/21/16	8/26/16	8/27/16
8/28/16	8/31/16		

**14.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                          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 Town boards, departments and officials; and

**WHEREAS**, the Hamburg Code Review Committee has prepared draft language for these proposed amendments relating to temporary permits, barb wire fencing, dog control, Peddling and Soliciting, smoking on Town property, and mandatory training.

**NOW, THEREFORE, BE IT RESOLVED**, that the Hamburg Town Board hereby refers the proposed amendments to the Town of Hamburg Planning Board for its review and recommendation.

**BE IT FURTHER RESOLVED**, that the Hamburg Town Board would like to act as Lead Agency, in accordance with the New York State Environmental Quality Review Act (SEQRA) and hereby authorizes the Planning Department to perform the appropriate notifications, including referral to Erie County.

**15.**

On a motion of Councilman Best, seconded by Supervisor Walters, the following resolution was ADOPTED                   Ayes 3           Walters, Best, Quinn  
  Noes 0

**WHEREAS**, on 3/19/15, the Town Board authorized contract to Nussbaumer & Clarke, Inc. for Mount Vernon Sanitary Sewer District improvements specified their not to exceed contract amounts totaling \$89,000.00; and

**WHEREAS**, Nussbaumer & Clarke, Inc. was authorized to complete the project in four phases as follows:

- Phase 1 – Planning and Survey
- Phase 2 – Design Services
- Phase 3 – Construction Services
- Phase 4 – Post Construction Evaluation

**WHEREAS**, the Design Services Phase of the project required unanticipated additional Design work items related to utility conflicts, manhole cover replacement options, spot repairs for cured in place lines and grant application work; and

**WHEREAS**, the addition work was authorized by the acting Town Engineer and approved by the Town Engineering Department; and

**WHEREAS**, it is anticipated that the total contract fee of \$89,000.00 will not be exceeded,

**THEREFORE BE IT RESOLVED**, funds from the Construction Services Phase of the project in the amount of \$11,732.41 be reallocated to the Design Phase of the project.

**16.**

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

ADOPTED                   Ayes 3           Walters, Best, Quinn  
  Noes 0

**WHEREAS**, PROSPECT LAWN CEMETERY ASSOCIATION, INC. presently operates the Prospect Lawn Cemetery located on 6561 Gowanda State Road, Town of Hamburg, and

**WHEREAS**, the Town of Hamburg recognizes the benefits provided to Town residents by the Prospect Lawn Cemetery Association, Inc.; and

**WHEREAS**, General Municipal Law §165-a provides that "Any municipal corporation may appropriate and provide funding to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law. In lieu of or in addition to providing funding to a public cemetery corporation, any municipal corporation may provide goods and/or services to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law"; and

**WHEREAS** the Town is willing to assist Prospect Lawn to see these programs continue,

**NOW THEREFORE BE IT RESOLVED** that the Town of Hamburg renew the Agreement with Prospect Lawn Cemetery Association to provide services, and funding in monthly installments of \$1,500.00 commencing on September 1, 2016 through August 31, 2017. The agreement shall terminate on August 31, 2017, unless a successor agreement is made and executed before the termination date.

17.

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

ADOPTED               Ayes   3       Walters, Best, Quinn  
                              Noes   0

**WHEREAS**, the Town of Hamburg Planning Board has approved the Preliminary Plat Plan for ROLLING RIDGE ESTATES PHASE 5; and

**WHEREAS**, one (1) fire hydrant is to be installed within ROLLING RIDGE ESTATES PHASE 5 to provide proper fire protection for the development; and

**WHEREAS**, although the developer has agreed to pay for the cost of installation of the fire hydrant, it is necessary that the Town agree to such installation as the Town is charged for the maintenance of fire hydrants under the Direct Service Agreement with the Erie County Water Authority; and

**WHEREAS**, ROLLING RIDGE ESTATES PHASE 5 is located within the Town Hydrant District, and property owners in the subdivision will be paying associated charges to such district as part of their annual Town and County tax bill,

**THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, AS FOLLOWS:**

1. The Town Board considers that the installation of the additional fire hydrant to serve ROLLING RIDGE ESTATES PHASE 5 will be beneficial to the health and safety of residents of the Town of Hamburg, and is therefore in the public interest.
2. The development of the ROLLING RIDGE ESTATES PHASE 5 will result in increased revenue to the Town of Hamburg including revenue for fire protection, so that the cost to the Town for the annual maintenance of the fire hydrant will be offset by the additional revenue generated by the subdivision.



**BE IT FURTHER RESOLVED**, that the Hamburg Town Board would like to act as Lead Agency, in accordance with the New York State Environmental Quality Review Act (SEQRA) and hereby authorizes the Planning Department to perform the appropriate notifications.

**20.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                          Noes 0

**BE IT RESOLVED**, that the Town Engineer’s report on the completion and acceptance of the CARNEGIE SUBDIVISION PART 2 PHASE 1 street light installation work performed under Public Improvement Permit No. 1009 be received and accepted, and that the Supervisor is authorized to sign the report.

**BE IT FURTHER RESOLVED**, that the Town Board authorize National Grid to connect four (4) 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 that this resolution becomes effective on the day the report is signed by the Supervisor.

**21.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                          Noes 0

**WHEREAS**, the Town of Hamburg received an amended request from Zak Management to rezone .39 acres of the parcel located at 4090 Jeffrey Boulevard from M-1 (Industrial Park – Research and Development District) to PR (Park/Recreation lands District) and 5.17 acres of the same parcel located at 4090 Jeffrey Boulevard from M-2 (Light Industrial District) to PR (Park/Recreation Lands District), and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Hamburg Town Board hereby refers this rezoning request to the Planning Board for its review and recommendation and to Erie County in accordance with General Municipal Law section 239-m. (documentation attached)

**22.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                          Noes 0

**WHEREAS**, the recently adopted five year State Transportation Plan provides \$100 million per year through the PAVE-NY program to assist municipalities with rehabilitation and reconstruction of local highways and roads.

**WHEREAS**, the Town of Hamburg will receive an additional \$62,626.24 this year;

**THEREFORE BE IT RESOLVED**, that the Town Board authorizes the Finance Department to increase revenue account DB3501 C.H.I.P.S. and appropriation account DB5112.210 in the amount of \$62,626.24 due to unanticipated funding to be received from New York State.

**23.**

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

ADOPTED                   Ayes 3           Walters, Best, Quinn  
                                  Noes 0

**RESOLVED**, that the Town Board authorize PSD Cindy M. Rehberg and Anthony M. Bienias to attend the Priority Dispatch EMD 13.0 Course, September 19, 20 & 21, 2016 in West Seneca, NY. The cost of the course is \$320.00 and monies are available in Account A3020.492. Use of a Town vehicle is requested.

**24.**

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

ADOPTED                   Ayes 3           Walters, Best, Quinn  
                                  Noes 0

**RESOLVED**, The Town Board authorize PSD Sharon A. Welsh to attend the Priority Dispatch EMD 13.0 Course, September 19, 20 & 21, 2016 in West Seneca, NY. The cost of the course is \$99.00 and monies are available in Account A3020.492. Use of a Town vehicle is requested.

**25.**

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

ADOPTED                   Ayes 3           Walters, Best, Quinn  
                                  Noes 0

**RESOLVED**, that the Town Board approve the termination, hiring and rehiring of personnel for the Youth, Recreation and Senior Services Department as follows:



#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1								
2	2927	HILLIARD, JOHN		P/T DCO				7/14/2016
3	2927	HILLIARD, JOHN	R	P/T DCO SEASONAL	7/15/16	\$15.45		

**29.**

On a motion of Councilman Best, seconded by Councilman Quinn, the following resolution was ADOPTED  
 Ayes 3 Walters, Best, Quinn  
 Noes 0

**BE IT RESOLVED**, that the Town of Hamburg Town Board raise the hourly wage of the Court Officer from \$15.29 to \$20.00 an hour. This brings the rate of pay in line with other Justice Courts in Erie County. Money is available from Grant money for Court security and Stop DWI monies. This will be effective at the start of the next pay period (July 24<sup>th</sup>).

**30.**

On a motion of Councilman Best, seconded by Supervisor Walters, the following resolution was ADOPTED  
 Ayes 3 Walters, Best, Quinn  
 Noes 0

**BE IT RESOLVED**, that the Hamburg Justice Court hire Michael Bartkowiak, a retired Hamburg Patrolman, as a Part Time Court Officer.

**31.**

On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was ADOPTED  
 Ayes 3 Walters, Best, Quinn  
 Noes 0

**WHEREAS**, the Town of Hamburg has been pursuing the building of a new recreational facility, to include ice rinks, a field house, and gymnasiums, through a public private partnership to meet the current needs of the community; and

**WHEREAS**, on May 23, 2016, the Town Board authorized the Town Attorney to commence negotiations for an agreement between the Town of Hamburg and Sportstar Capital; and

**WHEREAS**, an agreement has been reached between the Town of Hamburg and Sportstar Capital to authorize Sportstar to prepare the feasibility study, demographic study and prepare building plans/renderings and acquire the facility site; and

**WHEREAS**, the Town believes that such an agreement would be advantageous to the community.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board approves the agreement between the town of Hamburg and Sportstar Capital to prepare the feasibility study, demographic study and prepare building plans/renderings and acquire the facility site; and

**BE IT FURTHER RESOLVED**, that the Supervisor is authorized to sign the agreement.

The following spoke concerning resolution No. 31: Councilman Best and Supervisor Walters

**32. & 33.**

On a motion of Supervisor Walters, with a unanimous second, the following proclamations were

APPROVED	Ayes	3	Walters, Best, Quinn
	Noes	0	



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

**In Recognition of Maxine Baldwin**

**WHEREAS**, today we are celebrating Maxine Baldwin's 100<sup>th</sup> birthday; and

**WHEREAS**, Maxine Baldwin is a citizen of the Town of Hamburg, residing at Creek Bend Heights in the Village of Hamburg, New York for forty one years; and

**WHEREAS**, Maxine Baldwin has served the Town of Hamburg community for about ten years through the Town of Hamburg Senior Services Department, assisting seniors in the community to obtain employment, until she retired at the age of eighty five; and

**WHEREAS**, the citizens of the Town of Hamburg and County of Erie have benefitted from Maxine Baldwin's dedicated service as a public servant; and

**WHEREAS**, local businesses benefit from Maxine Baldwin's continued enjoyment of "shopping local" at Hamburg area restaurants, stores and leisure pursuits.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Hamburg commends Maxine Baldwin for her past excellent service to the Town of Hamburg through her work with the Senior Services Department, and wishes her continued good health and happiness in retirement, and congratulations on having celebrated her 100<sup>th</sup> birthday on June 25<sup>th</sup> 2016.

**IN WITNESS WHEREOF**, I have caused the seal of the Town of Hamburg to be affixed this 18 day of July 2016.

A handwritten signature in black ink, appearing to read "S. Walters", written over a horizontal line.

Steven J. Walters

Supervisor

Town of Hamburg

Thomas Best, Jr., Councilman  
Michael Quinn, Jr., Councilman



# Town of Hamburg

## Office of Supervisor

### In Recognition of Hamburg Counseling Service

**WHEREAS,** today we are celebrating Hamburg Counseling Service's 45<sup>th</sup> Anniversary; and

**WHEREAS,** Hamburg Counseling Service is an out-patient, non-profit Mental Health organization founded in 1971; and

**WHEREAS,** Hamburg Counseling Service was formed by concerned members of the community to provide convenient and affordable mental health services for those experiencing some degree of social and emotional distress; and

**WHEREAS,** Ten years ago, 1 in 10 people were struggling with some form of mental health related challenges. Today, that number has climbed to 1 in 4, increasing the demand for Hamburg Counseling Service, and their strive to accommodate the community's need; and

**WHEREAS,** Hamburg Counseling Service regularly provides free use of their office space to organizations such as Child & Family Services, to meet with those who can't otherwise travel for specialized counseling and vocational training; and

**WHEREAS,** Hamburg Counseling Service improves the quality of life for so many people.

**NOW THEREFORE BE IT RESOLVED,** that the Town Board of the Town of Hamburg congratulate Hamburg Counseling Service on its 45<sup>th</sup> Anniversary and proclaim July 12, 2016 as Hamburg Counseling Service Day in the Town of Hamburg.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 12<sup>th</sup> day of July 2016.

Steven J. Walters  
Supervisor  
Town of Hamburg

Thomas Best, Jr., Councilman  
Michael Quinn, Jr., Councilman



**34.**

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

ADOPTED                   Ayes   3       Walters, Best, Quinn  
                               Noes   0

**RESOLVED,** that the Town Board approve the Audit of Cash Disbursements as follows:

**TOWN BOARD  
 AUDIT OF CASH DISBURSEMENTS July 18, 2016**

	VOUCHER #'S
<b>OPERATING FUND:</b>	
BATCH #113 \$5,414.99	83657-83681
BATCH #114 \$14,800.00	83682
BATCH #115 \$98,216.55	83686-83741
BATCH #116 \$255.67	83742-83745
BATCH #117 \$663,016.00	83746
BATCH #118 \$14,429.00	83747
BATCH #119 \$22,203.43	83748
BATCH #120 \$130,529.51	83751-83813
BATCH #121 \$22,774.39	83816-83856
BATCH #122 \$1,559.64	83860-83868
BATCH #123 \$27,611.54	83869-83917
BATCH #124 \$842,942.02	83918-83975
BATCH #125 \$50,587.98	83979-84021
BATCH #126 \$49,133.66	84022-84063
BATCH #127 \$1,023.67	84064
BATCH #128 \$76.30	84065
<b>TOTAL OPERATING FUND DISBURSEMENTS:</b>	<b>\$1,944,574.35</b>
<b>TRUST &amp; AGENCY:</b>	
BATCH #3 \$9,674.12	
<b>TOTAL TRUST &amp; AGENCY DISBURSEMENTS:</b>	<b>\$9,674.12</b>
<b>CAPITAL FUND DISBURSEMENTS:</b>	
BATCH #22 \$5,299.13	83683-83685
BATCH #23 \$4,028.88	83857-83858
BATCH #24 \$10,727,139.99	83859
<b>TOTAL CAPITAL FUND DISBURSEMENTS:</b>	<b>\$10,736,468.00</b>

## PAYROLL:

PR #P/R 13 \$671,682.80

TOTAL PAYROLL DISBURSEMENTS: \$671,682.80

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$13,362,399.27

**Reports from Town Board Members and Department Heads**

Councilman Best comments that the Town Board has been receiving a lot of correspondence concerning the rezoning of the Zak Management property. The Town Board passed a resolution tonight forwarding a new rezoning application to the Planning Board for review. The Town is legally bound to forward it to the Planning Board. The Planning Board will then review it and give it a positive or negative recommendation and at that point a public hearing will be scheduled, where there will be more input, and after that is when the Town Board will have to decide whether to approve or not.

Don Wiess comments that now he (Mr. Kryszak) is operating an illegal third volleyball court in a manufacturing zone. Why doesn't the Code Enforcement stop that?

Kurt Allen, Supervising Code Enforcement Officer, responds that it is not illegal, it is a permitted use. He has a memo on that and would be happy to share with him.

Councilman Best reports that July 30<sup>th</sup> will be the 26<sup>th</sup> Annual Blast on the Beach. He thanks the Rejuvenation Committee for all the work they do to make it a success. A flyer with all the activities listed is available at [townofhamburgny.com](http://townofhamburgny.com) under Town News and Events.

Councilman Quinn – no report

Supervisor Walters congratulates the Recreation Department on being featured in a National Parks and Recreation magazine. The new Senior Center will be featured in the August addition. It is a great article showcasing our Senior Center and the collaboration between the Town and the Frontier Central School District with great results for the Town and its seniors.

Rick Lardo, reports that they are still working on the Quiet Zone's and he hopes to have more to report at the next meeting.

Marty Denecke, Director of Youth, Recreation and Senior Services, reports that the Town has received a \$5,000 grant from the Buffalo Bills Foundation to support their youth football programs.

Chief Wickett reports that, with the events recently involving police officers over the last few weeks, the Hamburg Police Department has received tremendous support from the citizens of our Town. Officers are being stopped in the street to shake their hands and food is being dropped at the station. This makes things easier for the officers and they sincerely appreciate the support.

Supervisor Walters comments that there is not a representative from Highway/B & G but he would like to announce that the roof on the Lakeshore Library is complete.

Councilman Best reports that the roof on the fitness center at the Town Beach is complete as well.

### **Business from the Floor**

Sharon Ross questions if the letters from the Bayview Coalition will be forwarded to the Planning Board?

Supervisor Walters responds yes.

Gloria and Paul Engler speak on the issue of the two creeks merging together at Woodlawn Beach which has taken away the access to their beach and also decreased the size of their beach.

Supervisor Walters responds that the two creeks moved before the Town took over the park.

Mr. Engler responds that they brought Mr. Panepinto's office out to take a look. They have removed the dunes from the beach and if they ever have a flood they would have an issue with the Town and with the State.

Supervisor Walters comments that last summer he took a tour of Woodlawn Beach with the DEC, DPA and Army Corps of Engineers. There were about 30 people total. They walked the entire beach.

Nancy Lamb comments that they did not bring him far enough down the beach to where the actual problem is. They have a right to go down to their beach and they can't get there anymore because they are cut off.

Pam Arthur, Woodlawn resident, comments that she tried to cross the creek and was sucked onto her backside by the quicksand. Imagine if a child tried to walk across. They need to put the creeks back to where they were and clean them up.

Carolyn Celeste comments that she used to go down to that beach when she was younger and the sand used to be inches high, now it is measured in feet. Where did all the sand come from? Someone should go down there and walk with Gloria and not the State.

Supervisor Walters comments that he would be happy to go down there along with the other Town Board members. They would have to go separate, but he is sure everyone would be willing. He then asks that after the meeting they give him a phone number to reach them at.

Councilman Best comments that it seems that the Town needs to put some pressure on the State and it will come down to who has the resources to fix the problem.

Mr. Engler responds that they have people that have the resources along with the want to bring it back to the way it was. They have offered to bring the creek straight out with heavy equipment. The drawback has to do with the permits.

Hilda Hernandez, Woodlawn resident, comments that 18 years ago she could walk straight out onto the Beach. She pays a high price for flood insurance. Now the creek has cut into the sand dunes and erosion keeps coming back. Eventually they will be flooded. They have easement rights to use the beach and now there is no beach.

Don Wiess comments that the Town should put pressure on the State. However in the interim he understands that there are 34 people that have deeded rights and the Town might consider giving those people free passes to use Woodlawn Beach or they should build a bridge to cross the creek. They do the free passes at Sunset Bay and in Silvercreek.

Keith Murray, Woodlawn, comments that kids have built bridges to cross the creek but they get mysteriously knocked over every night.

John McKendry comments that there are two specific Town Codes that prohibit the unloading of flammables and explosives (crude oil) at the site on the old Riefler concrete property. The Codes are 280-133 and Ecode 360. He has been talking about this for 8 months and nothing has been done. Why is the Code not being enforced?

Supervisor Walters comments that Sean Crotty, Emergency Management Coordinator, was supposed to meet with the NYSDEC concerning that. He is not sure whether that meeting took place. As for the Code, Kurt Allen is responsible for interpreting the Town Code.

Mr. McKendry responds that the NYSDOT and NYSDEC have nothing to do with it. This is happening in the Village and that is not the place for it. The Engineering Department just reported that the Quiet Zones are ongoing. He spoke with Drew Reilly who told him that after tonight's meeting this would be going out for bid. This was supposed to be finished in June. He would like a better report on the Quiet Zones.

Nancy Lamb, Woodlawn, comments that if the floods do come their homes will be unlivable. Her main concern is that she will not have a home if this gets out of hand.

Don Wiess comments on the permit issued for 4904 Lakeshore Road for the ice cream container and the fact that there are two signs which are a code violation.

Councilman Best comments that they spoke to the Building Inspector this evening and gave him a copy of the picture Mr. Wiess submitted earlier so he is aware of it.

Mr. Wiess comments that they do not have a connection to a sewer and they do not have a bathroom for the employees and they were cited by the Erie County Health Department. He received several phone calls that the employees were out in traffic waiving cars into the site. There are two businesses on one location as well.

Supervisor Walters comments that, as Councilman Best just stated, Mr. Allen was given a copy and was asked to go out and review the situation.

Mr. Wiess comments that at the last meeting he also mentioned the used cars for sale on Southwestern Blvd. They are still there, any progress on that?

Mr. Allen asks Mr. Wiess to come into his office and file complaints. That would be the proper procedure and he will be better served.

Scott Drezek comments that he submitted correspondence along with a map showing all of the nearby residents that are opposed to the rezoning request for 4090 Jeffrey Blvd. Going out and canvassing the area, he spoke with a lot of people that are opposed to this. They did amend the application but they will go out and do the petitions again to show just how many people are opposed.

Supervisor Walters responds that he did read correspondence that was sent to him and the Town Clerk's Office gave all the Town Board members a thick stack of correspondence that they will take into consideration as well.

Melissa Burroughs questions if anyone from the Town Board would be at the Planning Board meeting on Wednesday where they will discuss the proposed rezoning on Jeffrey Blvd.

Councilman Best responds that the Planning Board is charged with reviewing the project and then giving a recommendation to the Town Board. The Town Board would have no input at a Planning Board meeting.

Joe Kilian questions if it is legal to have a bar in the Recreational zoning.

Supervisor Walters responds that the Planning Board would look at the project as it relates to the Code and then they report that to the Town Board.

Eric Burroughs comments that he can see K-Technologies from his backyard. He is very concerned for numerous reasons. There is no need for a recreation zoning within an industrial park. This will set a precedent.

Supervisor Walters comments that he makes a valid point and the Town Board will ultimately have to consider all the issues before making a decision on this project.

Gloria Engler comments that along Woodlawn Beach they have brought in prisoners to clean shrubs and brush along the beach. Are they supposed to notify nearby residents?

Supervisor Walters responds that the Highway Superintendent has worked with bringing prisoners in. They are all supervised by the Erie County Sherriff's Department. He is unsure about the requirements of notification.

**35.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                      Noes 0

**RESOLVED**, that the Town Board adjourn at 8:20 pm.

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Barbara S. Allen, Deputy Town Clerk