

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 6<sup>th</sup> day of August 2007.

**TOWN BOARD MEMBERS**

**PRESENT:**

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

**OTHERS PRESENT:** Catherine Rybczynski, Town Clerk; Vincent Sorrentino, Town Attorney; Mary Dosch, Sr. Account Clerk; Carmen Kesner, Assistant Chief of Police; Robert Hutchison, Town Assessor; Drew Reilly, Planning Board Consultant; Martin Denecke, Director of Recreation; Sean Fanning, Deputy Superintendent of Buildings & Grounds; Kurt Allen, Supervising Code Enforcement Officer.

The Pledge of Allegiance was recited.

Information on fire exits was provided.

Supervisor Walters requests a moment of silence for Kathy Scharlock’s husband who passed away this morning.

**1.**

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

<b>ADOPTED</b>	Ayes 5	Walters, Cavalcoli, Kesner, Quatroche, Smith
	Noes 0	

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

July 16, 2007	Town Board Meeting
---------------	--------------------

**2.**

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

ADOPTED                   Ayes 5                   Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                  Noes 0

**RESOLVED**, that the Town Board approve alcohol waivers for the following September 2007 Taylor Road rentals:

9/1/07	9/10/07	9/21/07
9/2/07	9/14/07	9/22/07
9/5/07	9/15/07	9/23/07
9/7/07	9/16/07	9/29/07
9/8/07	9/20/07	9/30/07
9/9/07		

**3.**

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

ADOPTED                   Ayes 5                   Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                  Noes 0

**BE IT RESOLVED**, that the Town Clerk be authorized to advertise for a public hearing to review the requests of the various volunteer fire companies and fire protection districts for their 2008 contracts with the Town. The public hearing will be scheduled for September 24, 2007 at 7:00 p.m. local time.

**4.**

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

ADOPTED                   Ayes 5                   Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                  Noes 0

**WHEREAS**, the Town of Hamburg Town Board is considering an amendment to the Town of Hamburg 2010 Comprehensive Plan; and,

**WHEREAS**, the Town Board declares itself Lead Agency, pursuant to Part 617.6 NYCRR Article 8 of the Environmental Conservation Law (SEQR); and,

**WHEREAS**, the Town Board held a Public Hearing regarding the Comprehensive Plan

amendment on July 16, 2007; and,

**WHEREAS**, a SEQR analysis of the proposed Comprehensive Plan amendment was compiled through an Environmental Impact Statement (EIS) process developed as part of the Villas at Brierwood and Brierwood Square.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Hamburg Town Board has determined that the Comprehensive Plan amendment will not have a significant impact on the environment; and,

**BE IT FURTHER RESOLVED**, that the Town Board issues the attached Determination of Significance for a Negative Declaration and, therefore, an Environmental Impact Statement (EIS) will not be required; and,

**BE IT FINALLY RESOLVED**, that the Town Board authorizes the Planning Department to complete the appropriate notice and filing requirements.

**5.**

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Kesner, Quatroche, Smith
	Noes 0	

**WHEREAS**, the Town of Hamburg has previously adopted the 2010 Comprehensive Plan to serve as the basis for land use regulation, infrastructure development, public and private investment, and any plans which may detail one or more topics of a town comprehensive plan; and,

**WHEREAS**, when the 2010 Comprehensive Plan was developed, Amsdell Road was used to generalize the boundary between the Lakeview area and the Planned Unit Development area of the Town; and,

**WHEREAS**, the Lakeview area actually exists further south than shown in the Comprehensive Plan and that expanding the Planned Unit Development area south of Amsdell Road will result in better compliance with the existing development patterns in the area; and,

**WHEREAS**, a SEQR analysis of the proposed Comprehensive Plan amendment was compiled through an Environmental Impact Statement (EIS) process developed as part of the Villas at Brierwood and Brierwood Square; and,

**WHEREAS**, the Town Board held a public hearing regarding the proposed Comprehensive Plan amendment on July 16, 2007.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board amends the 2010 Comprehensive Plan by amending Map 13 (General Land Use) and Map 15 (Future Land Use) to expand the Planned Unit Development area to include the properties shown on the attached map.

**6.**

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

ADOPTED                      Ayes 5                      Walters, Cavalcoli, Kesner, Quatroche, Smith  
    Noes 0

**WHEREAS**, The Town of Hamburg has received an application for rezoning from Vanderbilt Properties, Inc. for an Active Adult Lifestyle Community consisting of 150 ranch style condominium units called The Villas at Brierwood and 25,410+/- square feet of retail/ office space called Brierwood Square; and,

**WHEREAS**, The Villas at Brierwood and Brierwood Square would require a rezoning from Residential – Agriculture (R-A) to Planned Unit Development (PUD) to permit the proposed development; and,

**WHEREAS**, the Town of Hamburg Town Board, as Lead Agency, has conducted a coordinated review and SEQR analysis of the requested rezoning through an Environmental Impact Statement (EIS) process developed as part of the Villas at Brierwood and Brierwood Square; and,

**WHEREAS**, the Town Board amended the Town of Hamburg 2010 Comprehensive Plan to expand the Planned Unit Development area south of Amsdell Road in response to changing conditions; and,

**WHEREAS**, The 2010 Comprehensive Plan shall be referenced for all rezonings and infrastructure projects planned by the Town; and,

**WHEREAS**, the proposed development and requested rezoning is in compliance with the amended Comprehensive Plan; and,

**WHEREAS**, the Town Board held two public hearings regarding the requested rezoning.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hamburg hereby rezones the 43-acre subject parcel as shown on the attached map from Residential – Agricultural (RA) to Planned Unit Development (PUD).

Drew Reilly comments that the Brierwood Square name with commercial development has to be changed. They cannot have Brierwood Square as a name because it already exists.

Councilman Cavalcoli notes that it is simply a name change. When the actual review is being done before the Planning Board, he wants it noted that this is an amendment that will be shown in the record that it was brought up at this meeting and there was no problem with that.

7.

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

ADOPTED                      Ayes 5                      Walters, Cavalcoli, Kesner, Quatroche, Smith  
    Noes 0

**WHEREAS**, the Town Board authorize the Finance Department to increase Revenue Account A1255 Town Clerk Fees and Appropriation Account No. A1410.203 Office Equipment in the amount of \$2,000. This is to cover the cost of purchasing a new camera for Passport photo ID.

8.

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

ADOPTED                      Ayes 5                      Walters, Cavalcoli, Kesner, Quatroche, Smith  
    Noes 0

**BE IT RESOLVED**, that the John and Mary Kuebler request for rezoning be removed from the table.

**WHEREAS**, the Town of Hamburg received a rezoning application from John and Mary Kuebler to rezone two parcels of land located on the east side of McKinley Parkway from C-3 and R-2 to HC (Hamburg Commercial), 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.

**9.**

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

ADOPTED                      Ayes 5                      Walters, Cavalcoli, Kesner, Quatroche, Smith  
  Noes 0

**WHEREAS**, the Town of Hamburg received a rezoning application from John and Mary Kuebler for a parcel of land located on McKinley Parkway, south of Dorchester Parkway from C-3 and R-2 to HC (Hamburg Commercial District), and

**WHEREAS**, the Code Review Committee has reviewed the application and found merit in the rezoning of this property because it is accordance with the Town of Hamburg Comprehensive Plan. In 1998 the HC (Hamburg Commercial) District was added to the Town Code for the purpose of encouraging balanced growth in specific areas such as the McKinley Parkway/Milestrip Road commercial area, in which this parcel lies, and

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

**WHEREAS**, on June 20, 2007 the Hamburg Planning Board did issue a positive recommendation to the Town Board regarding this request;

**WHEREAS** on July 16, 2007 the Town of Hamburg Town Board held the required public hearing and received no adverse comments from the public, other agencies and Town departments, and

**WHEREAS**, the Hamburg Town Board has issued a Negative Declaration, and

**NOW, THEREFORE, BE IT RESOLVED**, that the zoning code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986 of the code of the Town of Hamburg entitled “Zoning” to provide for a change in the boundary of the zoning map whereby the zoning is changed from C-3 and R-2 to HC (Hamburg Commercial) for property located on the east side of McKinley Parkway, south of Dorchester Parkway and 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.

**10.**

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

ADOPTED                      Ayes 5                      Walters, Cavalcoli, Kesner, Quatroche, Smith  
  Noes 0



**RESOLVED**, that the Town Board authorize the Town Supervisor to sign a Short Environmental Assessment Form, indicating no environmental impact with the Public Safety Dispatch State Shared Municipal Services Grant for the new fire/EMS software. This form is required to be completed whenever state funds are involved in a project. The form has been reviewed by Mr. Andrew C. Reilly, the Town’s Planning Department Consultant.

**14.**

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

ADOPTED                    Ayes 5                    Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                      Noes 0

**RESOLVED**, that the Town Board approve the appropriation of funds as follows, to fund the Human Resource Consultant Position through year end.

From: Contingency Account	A1990.419	\$20,000.00
To: Personnel - Consultant Fees	A1430.456	\$20,000.00

Supervisor Walters comments that the Town’s Human Resource Manager is on a contract he gets paid hourly, he is not a Town employee. With the health care negotiations that were done earlier this year he used a lot more time that anticipated and this is just to make up for that time for the rest of the year.

Steve Strnad questions what a Human Resource Consultant does.

Supervisor Walters responds that a Human Resource Consultant heads up most of the labor negotiations as well as handles a disciplinary proceedings within the Town.

**15.**

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

ADOPTED                    Ayes 5                    Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                      Noes 0

**RESOLVED**, that the Town Board approve the appropriation of funds for the Planning Department as follows:

From: Retirement Costing	B9060.895	\$34,000.00
To: Planning-personnel services	B8020.100	\$32,000.00
Planning-Social Security	B8020.830	\$ 2,000.00

To reimburse payroll accounts due to employee's retirement.

**16.**

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Kesner, Quatroche, Smith
	Noes 0	

**WHEREAS**, State funding has been awarded to the Town of Hamburg by Senator William Stachowski and Assemblyman Jack Quinn for the establishment of railroad quiet zones at the Rogers Road and Cloverbank Road crossings; and

**WHEREAS**, it is necessary that topographic survey and mapping work be performed at these crossings, for use in preparing engineering plan drawings of the supplemental safety measures required to be installed in order for the quiet zones to be created; and

**WHEREAS**, the Town Engineer requested proposals from various firms for providing the survey and mapping services, and has recommended that the contract be awarded to GPI Engineering & Surveying, LLP on the basis of their proposal being responsive to the requirements of the Town's Request for Proposals and the lowest priced of the four submittals received,

**THEREFORE IT BE RESOLVED**, that GPI Engineering & Surveying, LLP is awarded a contract for this work at a total lump sum fee of \$5,840, and that the Supervisor is authorized to sign their July 24, 2007 proposal letter/agreement in this regard. Funding for these services is available from a \$6,250 advance payment that the Town recently received from New York State for this purpose.

Councilman Smith comments he is prepared to vote for this resolution tonight and move the project forward, but has some serious concerns in regard to the liability of this project. He would like more research on this.

Councilman Quatroche comments that this has been a project that has been asked for by the residents for a long time. Councilwoman Hochul at the time had initiated this and he took it over. There are some legal issues and agrees with Councilman Smith regarding that. The legal issues need to be hammered out before finalizing efforts in this regard.

Supervisor Walters points out he had received a few phone calls wondering what happens if the crossing guard doesn't come down and that has been a concern of his for some time. Just a day or two ago our Town Engineer, Gerard Kapsiak, did inform him that through the railroads there is a light on the actual crossing that if the guard malfunctions the light will alert the engineer to signal his horn.

Gerard Kapsiak response that it's a light that goes on when the signal equipment is operating. If it's not operating at the time, the light will not go on.

Steve Strnad questions if this was the lowest price received.

Gerard Kapsiak replies that this was the lowest price received.

Max Tresmond questions what happens if a person does not see the lights

Gerard Kapsiak responds that there is a gate at each of the crossings also. If it does malfunction then the trains will sound their horns to alert the traffic that they're coming.

**17.**

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Kesner, Quatroche, Smith
	Noes 0	

**WHEREAS**, the Town of Hamburg is currently looking into the feasibility of the Erie County Water Authority taking over ownership of the public water system facilities located within Town water districts; and

**WHEREAS**, the Town has requested and received a proposal from Neill & Strong, PLLC for providing legal services to assist the Town in this matter on an as-needed and requested basis, at a rate of \$185 per hour,

**THEREFORE BE IT RESOLVED**, that a professional services contract is hereby awarded to Neill & Strong, PLLC for providing legal services in this regard, and that the Supervisor is authorized to sign their June 15, 2007 proposal letter/agreement. Funding for these services is available within the fund balance remaining for the Town's Master Water Improvement Area (Water District No. SW-29).

Steve Strnad questions if this went out for bids.

Gerard Kapsiak comments that it was not, this is professional services

Councilman Cavalcoli comments that when it comes to professional services of this type, bids are not required. This is a very specialized service that Neill & Strong provide for contracts they pretty much have a market on that. They have done quite a bit of work for the Town in the past.

**18.**

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

ADOPTED                   Ayes 5                   Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                  Noes 0

**WHEREAS**, Malcolm Pirnie, Inc. is currently finalizing the plans and specifications for the replacement of the existing sanitary sewer along Bayview Road beneath and downstream of the CSX/Norfolk Southern railroad crossing, and it is expected that the project will soon be approved and able to be advertised for bids.

**THEREFORE BE IT RESOLVED**, that an advertisement for bids for the construction of this project is authorized to be published in the official Town newspapers. The dates of publication and bid opening are to be determined by the Town Engineer upon the plans and specifications being approved and ready for bidding.

Joe Killian questions if this is one the newly formed Erie County Sewer, has this been observed by them or is this still the remaining Town.

Gerard Kapsiak responds that this is part of the Town Master Sewer District which is still a Town District. This is a project that has been in the works for a couple of years now. It's understood that even after the County takes over the system which is scheduled for January 1<sup>st</sup>, 2008 the Town still see this project through.

**19.**

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

ADOPTED                   Ayes 5                   Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                  Noes 0

**WHEREAS**, Nussbaumer & Clarke, Inc. is currently finalizing the plans and specifications for a sanitary sewer extension project along South Park Avenue, between Beetow Drive and Sowles Road, and it is expected that the project will soon be approved and able to be advertised for bids.

**THEREFORE BE IT RESOLVED**, that an advertisement for bids for the construction of this project is authorized to be published in the official Town newspapers. The dates of publication and bid opening are to be determined by the Town Engineer upon the plans and specifications being approved and ready for bidding.

**20.**

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

ADOPTED	Ayes 4	Walters, , Kesner, Quatroche, Smith
	Noes 0	
	Abstain 1	Cavalcoli

**WHEREAS**, CRA Infrastructure & Engineering, Inc. is currently finalizing the plans and specifications for a sanitary sewer system improvement project in the Rogers Road area, and it is expected that the project will soon be approved and able to be advertised for bids.

**THEREFORE BE IT RESOLVED**, that an advertisement for bids for the construction of this project is authorized to be published in the official Town newspapers. The dates of publication and bid opening are to be determined by the Town Engineer upon the plans and specifications being approved and ready for bidding.

**21.**

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

ADOPTED	Ayes 5	Walters, Cavalcoli, Kesner, Quatroche, Smith
	Noes 0	

**WHEREAS**, the Society for the Prevention of Cruelty to Animals serving Erie County is the lead agency applying for a grant from the Maddie’s Fund to support community wide collaborations for adoption guarantee organizations, traditional shelters, animal control agencies, and private practice veterinarians working together to end the killing of healthy and treatable shelter dogs and cats; and

**WHEREAS**, the Hamburg Town Board wishes to express its support for this application and also appreciation for the excellent work performed by the Erie County SPCA in the community in support of our animal control program;

**NOW THEREFORE, BE IT RESOLVED**, that the Hamburg Town Board and the Animal Control Program administered by the Police Department will support the efforts of the Animal Alliance of Western New York and the Erie County SPCA through partnering with them to save

the lives of cats and dogs through ongoing communication, record keeping, and best practices; and be it further

**RESOLVED**, that the Supervisor is authorized to sign the Statement of Support prepared by the Erie County SPCA.

**BE IT FURTHER RESOLVED**, that the Town Clerk forward certified copies of this resolution to the Western New York Delegation, the Town Supervisors and City and Village Mayors of Erie County.

Supervisor Walters notes for the record there is absolutely no cost to the Town for this. This is completely through the Erie County SPCA and the grant their looking for is through a fund which is out of California. They just need local municipal support in order to apply and receive this grant.

**22.**

On a motion of Supervisor Walters, with a unanimous second, the following resolution was  
ADOPTED                   Ayes 5                   Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                  Noes 0

**WHEREAS**, Article X of the Public Service Law provides a streamlined siting permit procedure for certain power generation facilities and the law expired December 31, 2002; and

**WHEREAS**, since January 1, 2003 power generation facilities have been sited via local zoning and state DEC review; and

**WHEREAS**, there is currently a proposal by Governor Spitzer before the Legislature to renew and revise Article X of the Public Service Law that would also include the siting of windmills; and

**WHEREAS**, this inclusion essentially eliminates local zoning control over windmills and has an impact on community host payments; and

**WHEREAS**, the Town of Hamburg, along with numerous municipalities throughout New York State, has undergone considerable time and expense to develop and implement windmill siting policies that best fits our community;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Hamburg is opposed to any inclusion of the siting of windmills in Article X of the Public Service Law as it removes local control of our landscape and violates the principles of Home Rule that has been the guiding force of our state; and



**WHEREAS**, the Town Code Enforcement Official has identified these properties to be violation of said local law and based on his formal inspections has mailed a notice of violation to the respective property owners with an order to cut and remove such grass and weeds on the premises.

**WHEREAS**, the Town has received no response by the listed owner nor has any remedial work been undertaken to alleviate the violations within the prescribed ten day period and subsequently the Town Code Enforcement Official has caused the grass and weeds to be cut and removed by a Town approved contractor.

**NOW, THEREFORE BE IT RESOLVED**, the Town Board approve the following invoices for payment for the work contracted to Property Care & Enhancements of Collins, New York to cut, mow, rake high grass and weeds including the proper disposal as directed by the Town Code Enforcement Official at the following locations:

Property Address	Invoice Date	Amount
Old Lakeshore Road	07/12/07	\$ 600.00

**BE, IT FURTHER RESOLVED**, the Town Board approve the transfer of funds from Account B599 to B3620.469 to finance this work.

**BE, IT FURTHER RESOLVED**, the Town Board authorize the Town Attorney to institute the appropriate actions against the owners of the aforementioned properties plus an additional administrative overhead fee of twenty- percent for recovery of costs incurred by the Town in connection with these proceedings as provided by Local Law No. 9-1974 Section 75- 4 B.

Ferd Garcia asks if this is the same place that was cited last year for the same problem, because there isn't an address listed.

Supervisor Walters responds that he noticed there wasn't an address.

Kurt Allen comments that it was the same property.

**25.**

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

ADOPTED                      Ayes 5                      Walters, Cavalcoli, Kesner, Quatroche, Smith  
     Noes 0

**RESOLVED**, the Town Board grant permission for the Police Department to advertise for one (1), New and Unused, 2007 or 2008 Unmarked Police vehicle for the Detective Bureau. Purchase to include trade in of one vehicle.

**26.**

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

ADOPTED                   Ayes 5                   Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                  Noes 0

**RESOLVED**, that the Town Board approve the hiring of personnel in the Town Clerk’s Office as follows:

- 1.     Allen, Christina       Clerk P/T       8/07/2007       \$8.55

**27.**

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

ADOPTED                   Ayes 5                   Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                  Noes 0

Proclamation recognizing the achievement of Andrew W. Marts of rank of Eagle Scout

**28.**

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

ADOPTED                   Ayes 5                   Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                  Noes 0

Proclamation declaring the week of August 1st - 7<sup>th</sup> International Clown Week in the Town of Hamburg.

**29.**

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

ADOPTED                   Ayes 5                   Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                  Noes 0

**WHEREAS**, the NY Route 5, Lake Shore Road Gateway Project, at Big Tree Road, in the Town of Hamburg, Erie County, PIN 5757.84, (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds (15% State and 5% Town); and

**WHEREAS**, the Town of Hamburg desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the Project PIN 5757.84.

**NOW, THEREFORE**, the Town Board of the Town of Hamburg, duly convened, does hereby

**RESOLVE**, that the Town Board of the Town of Hamburg hereby approves the above-subject Project; and it is hereby further

**RESOLVED**, that the Town Board of the Town of Hamburg hereby authorizes the Town of Hamburg to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$100,000 is hereby appropriated from Town funds and made available to cover the cost of participation in the above phase of the Project; and it is further

**RESOLVED**, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated above, the Town of Hamburg shall convene its Board as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

**RESOLVED**, that the Supervisor of the Town of Hamburg be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Marchiselli Aid on behalf of the Town of Hamburg with the New York State Department of Transportation in connection with the advancement or approval of the Project, and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs, and all Project costs within appropriations therefore that are not so eligible; and it is further

**RESOLVED**, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

**RESOLVED**, that this Resolution shall take effect immediately.

Councilman Quatroche questions this project that was boarded on to the Town of Hamburg to look at creating a gateway, a more esthetic view of the Town as you come into the Hoak's, previous Foit's area and presently it's being studied to see what feasibility of such a project would be. In correspondence from Gerard Kapsiak, there is minimal cost to the Town because the Town's share is 5% of \$100,000 at this point.

Gerard Kapsiak comments that the Town has to pay up front and then get reimbursed by the State and Federal Government.

Councilman Quatroche comments that this is a great opportunity to advance some funding that was given to us to really make that whole area become more esthetic in the future and the process has been started with the demolition of Foit's.

Councilman Smith notes this is a great project and a lot of people are familiar with being called the Route 5 Gateway to Hamburg Project a few years ago and the grant and paperwork are finally coming through so they can proceed. It will be a great asset to that whole area.

**30.**

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

ADOPTED                    Ayes 5                    Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                      Noes 0

**RESOLVED**, that the Town Board approve certain members of the Recreation Department to travel to Bloomington, IN with the youth golf team August 9<sup>th</sup> - 12<sup>th</sup> to participate in the Traditions of Golf Tournament. The tournament is open to all Hook a Kid on Golf (HAKOG) sites across the nation and Mexico. Other than fuel, all tournament costs are covered by either the National HAKOG office or funds raised from our town Jeremy Krencik Memorial Golf Tournament. Also requesting use of the Town Recreation and Youth Department vans for the trip.

**31.**

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

ADOPTED                    Ayes 5                    Walters, Cavalcoli, Kesner, Quatroche, Smith  
                                      Noes 0

**WHEREAS**, the Town Tax Department has had numerous requests from our residents to pay their taxes with a credit card; and,

**WHEREAS**, several towns in Erie County are already using the services of Payfoil, an Albany based company, to process credit card payments at no cost to the towns; and,

**WHEREAS**, the Tax Office handles a large volume of tax calls from realtors and attorneys requesting tax information on properties; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor be authorized to sign a contract with Payfoil to allow our residents to pay their tax bills online with a credit card and view their tax bills.

Supervisor Walters questions if people can only view their own bills.

Catherine Rybczynski comments they will be able to sign on to two properties within a twelve month period. They will be able to go in and be able to request to look at two properties in a twelve month period. They can't go in and look at a whole street. They will be able to go back and look at their bills for the last five years and print them off. The realtors will be able to go in for a fee to Payfoil and they will be able to access more than one property.

Councilman Smith notes that this is a major step forward for the Town and congratulates the Town Clerk who is now the Tax Receiver also.

Ferd Garcia asks if that includes the school tax as well as the County/Town tax.

Catherine Rybczynski replies that it does include school.

Councilman Quatroche asks the Town Clerk if there is a charge for people to use their credit card.

Catherine Rybczynski notes that there is a convenience fee and it's 2.75% of your bill. Also, official checks will be able to be done and the maximum fee for that would be \$10.00. There will be no cost to the Town. The resident will be notified three different times they will be charged.

**32.**

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

ADOPTED                      Ayes 5                      Walters, Cavalcoli, Kesner, Quatroche, Smith  
    Noes 0

**AUDIT OF CASH DISBURSEMENTS**

		VOUCHER #'S	
OPERATING FUND:			
BATCH #	99	\$664,355.75	20297-20298
BATCH #	100	\$216,526.18	20306-20398
BATCH #	101	\$400,000.00	20399

BATCH #	102	\$66.00	20400
BATCH #	103	\$680,106.99	20401-20547
BATCH #	104	\$169,577.23	20559-20660
BATCH #	105	\$809.64	20661
BATCH #	106	\$1,050,653.12	UNPROCESSED

TOTAL OPERATING FUND DISBURSEMENTS: \$ 3,182,094.91

TRUST & AGENCY:

BATCH #	32	\$12,849.50
BATCH #	33	\$546,431.91
BATCH #		
BATCH #		

TOTAL TRUST & AGENCY DISBURSEMENTS: \$ 559,281.41

CAPITAL FUND DISBURSEMENTS:

BATCH #	46	\$1,650,000.00	20299-20301
BATCH #	47	\$6,699,825.00	62289-62292
BATCH #	48	\$45,318.57	20548-20557
BATCH #	49	\$650,000.00	62296
BATCH #	50	\$28,290.57	UNPROCESSED
BATCH #			
BATCH #			

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 9,073,434.14

PAYROLL:

PR #	15	\$516,733.93
PR #		
PR#		

TOTAL PAYROLL DISBURSEMENTS: \$ 516,733.93

PETTY CASH \$157.12 \$ 157.12

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$13,331,701.51

### **Reports From Town Board Members and Department Heads**

Councilman Cavalcoli comments on the Blast on the Beach was a tremendous success. It was estimated at somewhere between 5,000 and 10,000 people there. The weather was marvelous and everything went off without a hitch. Between the Buildings and Ground crew, Police Department, the Lakeshore Volunteer Fire Department, Town staff, Marty Denecke, Tom Moses, from the Village it was a tremendous success. Congratulations to the Buildings and Ground Department who handled the bulk of the setup and cleanup. Thank you to Rosemary McManus who coordinated this again, as she has in the past, and did an outstanding job getting donations from many businesses which more than covered the cost of the fireworks.

Councilwoman Kesner notes the next event at the beach will be the Big Band on the Beach with an eighteen piece orchestra being held September 12<sup>th</sup>. Blue Cross and Blue Shield has donated a large sum of money to make this event a free event for our citizens. As a member of the Blasdell/Hamburg Night Out Committee, she reminds everyone that Tuesday, at Fireman's Park on Lake Avenue will be the event.

Councilman Quatroche reports that the revenues are about 5% ahead of last year in the Recreation Department. Thank you to Marty Denecke and his staff for continuing to bring those revenues in. Additionally, WIVB, Channel 4, recently had a Best in Buffalo series and the Town of Hamburg Golf Course was #2 that's a tribute to Gary Nelson who manages that facility. The Hamburg Beach was rated at #4 in the area.

Councilman Smith reports that they are searching for a replacement for Randall Hoak as Director of Senior Services. Letters are out and they are screening the Civil Service list at this time. Tim Ellis was called out of town and last Thursday the resolution was passed at the committee level to place stop signs at Windsor and Durham and Columbia and Pittsburgh. The resolution will be passed at the September meeting.

Supervisor Walters reports that the Town will again be hosting a September 11 memorial at 7:00 p.m. there should be more information as the event comes closer, it normally is advertised. The schools do participate with some music, it's a nice tribute to the victims of that tragic day. Everyone is welcome to attend.

Catherine Rybczynski reminds all the hunters that hunting season begins Monday, August 13, the office opens at 8:00 a.m.

Councilman Cavalcoli questions if someone could do this online.

Catherine Rybczynski notes that they now can. But the Town doesn't get any revenue if it's done online.

Jim Sorrentino reports that there has been a lot of interest in the litigation relative to Walmart there was an argument for motion to dismiss the end of June which was granted. He now has a signed order dismissing the petition of Hamburg First. He feels very comfortable that this decision will stand up. There are some minor motions they could make, however, if there is a motion, and this project is held up, it will be asked that the supreme court justice have the petitioners supply a substantial bond. If they loose the appeal, they will loose the money.

Councilman Cavalcoli asks what the period of time is that they have to respond or take action.

Jim Sorrentino replies that they can't appeal this decision because they chose not to go to the appellate division originally, what they can do is make a motion to reargue. The motion before the judge to reconsider. If it's denied they can't take an appeal from that portion of the action. The developers are reluctant to do things without all avenues of appeal having been closed. Secondly, a check in the amount of \$132,606.87 was received under the property package insurance that had some enhancements to it. After reviewing the enhancement coverage, a claim was made due to the October Storm. This was for damage to Town property during the Storm. This check was deposited into the Town coffers with no insurance or attorney fees. This was another project that Jim Connolly took on and Mr. Sorrentino, along with Paul from the insurance company.

Councilman Smith questions if this was in addition to the FEMA money.

Mr. Sorrentino notes it has nothing to do with the FEMA money.

Supervisor Walters notes a special thanks to the Lancaster councilman that alerted us to this.

Carmen Kesner thanks the Recreation Department and Buildings and Grounds for their assistance with the Dash & Splash.

### **Reports From The Public**

Ralph Mohr notes that the Extreme Fast Pitch Softball Team are trying to find a home base. They are interested in the land located on Osborne, the old Osborne Field. They have to get started this year to prepare the grounds so they will be ready next year. They are hoping to lease the property for them to improve.

Councilman Smith asks if they are ready to fund almost all the developments with their own league.

Ralph Mohr comments that they are, and they have commitments with businesses and people for the labor and money to do so.

Supervisor Walters thanks them for coming out in uniform and showing their commitment to it.

Councilman Cavalcoli asks what Extreme Fast Pitch Softball is compared to regular softball.

Fred Tucker responds the main difference between the 10 and under Extreme and any of the House teams is the girls bunt and steal and that's something you normally don't see until their 16 in house leagues. They do tournaments, they practice all year round.

Councilman Quatroche thanks the parents, the more things there are for the youth to do in the Town of Hamburg the better. He notes they propose an interesting arrangement with the lease agreement. There are presently associations that provide services for baseball diamonds. A lease arrangement hasn't been looked into before, this will be forwarded to the Legal Department and make sure that's something that can be done, also the Recreation Advisory Board to take a look at that.

Steve Strnad suggests to the Town Board that when they make a motion to award a contract, it should include that it went out for bids and if it's the lowest bid.

Supervisor Walters notes that certainly can be done if it does go out to bid.

Councilman Quatroche notes that if it's not the lowest bidder, sometimes it's the lowest responsible bidder because people don't meet the criteria. They try to make sure they point that out that it's the lowest responsible bidder.

Councilwoman Kesner notes that Steve Strnad has a big day coming at the end of the month and wishes him a very happy birthday.

Tom Best, Sr. asks if there is an update with regards to position for the Police Department.

Supervisor Walters responds that he signed a form for Erie County Civil Service, requesting their opinion on whether a Chief's Exam limited to Assistant Chiefs in the Town of Hamburg could be called for. That usually takes two to three weeks for them to respond to that and once that is back further decisions can be made.

Supervisor Walters notes that it seems like every year the Finance Department gets awarded for their excellent job performance. This year is no different, the awards are a little behind in sending them out. They are just getting the award for fiscal year 2005. On behalf of the Town Board, the award was presented to Mary Dosch in the Finance Department.

**33.**

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

ADOPTED

Ayes 5

Walters, Cavalcoli, Kesner, Quatroche, Smith

