

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 7th day of August 2006.

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

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
D. Mark Cavalcoli	Councilman
Kathleen C. Hochul	Councilwoman
Joan A. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman

OTHERS PRESENT: Catherine Rybczynski, Town Clerk
Richard Boehm, Deputy Town Attorney; James Spute, Finance Director; Gerard Kapsiak, town Engineer; Joseph Coggins, Police Chief; James Connolly, Highway Superintendent; Robert Hutchison, Town Assessor; Martin Denecke, Director of Recreation; Drew Reilly, Planning Consultant; Kurt Allen, Supervising Code Enforcement Officer.

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Councilwoman Kesner announces the 2005 Hamburg Firefighter’s Awardees:
Jeff Schmid, Armor; Adam Bozek, Big Tree; Joseph Fox, Blasdell; Ron Emerling, Hamburg; Peggie Lipka, Lake Shore; Douglas DeBarerdinis, Lake View; Michael Guadgano, Scranton; Martin Thiell, Newton Abbott; John Niedermeier, Woodlawn; Harold Staffehl, Scranton; Thomas Partridge, Newton Abbott; John Fucina, Newton Abbott.

7:00 p.m. Public Hearing - To consider the establishment of Extension No. 2 to Southtown Water District.

EXTRACT OF MINUTES
Meeting of the Town Board of the

Town of Hamburg, in the County of Erie, New York

August 7, 2006

A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, on August 7, 2006.

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

Board Members: D. Mark Cavalcoli, Kathleen Hochul, Joan A. Kesner
and Thomas J. Quatroche

There were absent:

Also present: Catherine A. Rybczynski, Town Clerk

* * *

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, at 7:00 o'clock P.M. (Prevailing Time) to consider the establishment of Extension No. 2 to Southtown Water District, in the Town, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

Mr. Kapsiak, Town Engineer, explains that this extension is for Phase 3 of the Ridgefield Subdivision which is off East Eden Road. The subdivision is for 21 lots on 57 acres of land and has received the approval of the Planning Board. There will be no charge to the Town.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

* * *

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

Adopted by Roll Call Vote as follows:

Supervisor Walters	Aye
Councilman Cavalcoli	Aye
Councilwoman Hochul	Aye
Councilwoman Kesner	Aye
Councilman Quatroche	Aye

1.

At a regular meeting of the Town Board of the Town of Hamburg in the County of Erie, New York, which was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York on the 7th day of August, 2006

PRESENT:

Hon. Steven J. Walters, Supervisor
D. Mark Cavalcoli, Councilman
Kathleen Hochul, Councilperson
Joan A. Kesner, Councilperson
Thomas J. Quatroche, Jr., Councilman

In the Matter of the Proposed Extension No. 2
to Southtown Water District, in the Town of Hamburg,
County of Erie pursuant to Article 12 of the Town Law

FINAL ORDER EXTENDING DISTRICT

WHEREAS, the Town Board of the Town of Hamburg (herein called the "Town Board" and "Town", respectively), in the County of Erie, New York, has received a petition, dated June 8, 2006, pursuant to Section 191 of the Town Law, for the Establishment of Extension No. 2 (the "Extension") to the Southtown Water District of the Town of Hamburg, (hereinafter called the "District") which petition was signed by the sole owner of taxable real property within the proposed extension , as shown upon the latest completed assessment-roll of said Town, and was accompanied by a map, plan and report, dated May 26, 2006, prepared by RJR Engineering, P.C., engineers duly licensed by the State of New York, for the extension of such water district by the acquisition by gift of the water main system to be constructed by Thomas Tasseff (the "Developer") to provide water line service to prospective homeowners within the proposed Extension, consisting of the construction and installation of approximately 1,650 linear feet of 8-inch PVC water main, three fire hydrants assemblies

generally located at 500 foot intervals, line valves and including land or rights in land, original equipment, machinery, furnishings and apparatus required thereof pursuant to the specifications of the Town of Hamburg Engineering Department, the Erie County Water Authority and all governmental authorities having jurisdiction over water line construction, all in the proposed Extension, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, there shall be no cost to the Town for the proposed Extension;

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the Extension may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such Extension; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on the 7th day of August, 2006, commencing at 7:00 p.m. (Prevailing Time), at said Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to the Extension; and

WHEREAS, certified copies of such Order Calling Public Hearing were duly published and posted pursuant to the Town Law with notice being duly sent to the sole property owner within such Extension.

NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it
RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, IN THE
COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

- (a) the Petition received has been signed and acknowledged, proven or authenticated as required by law, and is otherwise sufficient;
- (b) the Notice of Public Hearing was published, posted and filed as required by Law with notice being given to all property owners within the proposed Extension, and is otherwise sufficient;
- (c) all the property and property owners included in the proposed Extension hereinabove referred to in the recitals hereof are benefited thereby;
- (d) all the property and property owners benefited are included within the limits of the proposed Extension;
- (e) it is in the public interest to extend the District.

Section 2. The establishment of the Extension is hereby approved, as hereinafter described, and said Extension shall be designated and known as Extension No. 2 to Southtown Water District, in the Town of Hamburg, and shall be bounded and described as follows:

ALL TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, being part of Lot 49, Township 9, Range 7, of the Holland Land Company's survey, more particularly described as follows:

Beginning at the northwest corner of Lot 49, being the northwest corner of lands formerly of Hauck by deed recorded in the Erie County Clerk's office in Liber 3396 of deeds at page 451;
Thence easterly along the north line of said Lot 49 and lands formerly deeded to Hauck a distance of 648.78 feet to the northeast corner of said lands of Hauck;

Thence southerly at an interior angle of $90^{\circ} 11' 07''$ along the east bounds of lands now or formerly conveyed to Tasseff Terrace Homes, Inc by certain instruments recorded in the Erie County Clerk's office in Liber 10906 at page 5990 and Liber 10906 at page 5993 a distance of 4004.11 feet to the south line of said Lot 49, being the southeast corner of lands of Tasseff Terrace Homes, Inc. by deed recorded in the Erie County Clerk's office in Liber 10906 of deeds at page 5993;

Thence westerly at an interior angle of $90^{\circ} 02' 09''$ along the south line of Lot 49 a distance of 669.90 feet to the southeast corner of Tasseff Terrace Subdivision Phase III filed in the Erie County Clerk's office under Map Cover No. 2638;

Thence northerly at an interior angle of $89^{\circ} 48' 38''$ along the east bounds of Tasseff Terrace Subdivision Phase III a distance of 575.35 feet to the southwest corner of lands now or formerly conveyed to Hertlein and recorded in the Erie County Clerk's office in Liber 10978 of deeds at page 3091;

Thence easterly at an interior angle of $91^{\circ} 08' 49''$ along the south bounds of said Hertlein a distance of 409.02 feet to the southeast corner thereof;

Thence northerly at an exterior angle of $91^{\circ} 46' 00''$ along the east bounds of said Hertlein a distance of 375.00 feet to the northeast corner thereof;

Thence westerly at an exterior angle of $88^{\circ} 14' 00''$ along the north bounds of said Hertlein and the center of Beaubein Drive, if extended, a distance of 400.00 feet to the east bounds of Beaubein Tract Extension Subdivision recorded in the Erie County Clerk's office under Map Cover No. 1830;

Thence northerly at an interior angle of $88^{\circ} 35' 35''$ along the east bounds of said Beaubein Subdivision a distance of 321.63 feet to the northeast corner thereof;

Thence westerly at an exterior angle of $88^{\circ} 35' 35''$ a distance of 8.44 feet to the southeast corner of Ridgefield Terrace Subdivision;

Thence northerly at an interior angle of $88^{\circ} 34' 27''$ along the east line of lands of Ridgefield Terrace a distance of 663.70 feet to the northeast corner thereof;

Thence northerly at an interior angle of $180^{\circ} 15' 00''$ and along the west bounds of aforesaid Hauck a distance of 2071.01 feet to the point of beginning, forming an interior angle of $89^{\circ} 59' 51''$ with the first mentioned course.

Said parcel containing 56.879 acres of land, more or less, and being subject to a temporary easement for the Ridgefield Terrace Turnaround, recorded in a certain instrument recorded in the Erie County Clerk's office in Liber 11054 of deeds at page 8544, and all other easements of record or visible evidence.

Section 3. There shall be no cost to the Town for the proposed Extension.

Section 4. The permission of the State Comptroller is not required with respect to the

Extension because the estimated cost of the Extension to the Typical Property (as defined in the Town Law) of \$246 is not above the Average Estimated Costs to the Typical Properties for the establishment of similar types of districts or extensions, as computed by the State Comptroller

Section 5. The Town Clerk is authorized and directed within ten (10) days after the adoption of this resolution to record a copy of this Final Order in the Erie County Clerk's Office and to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control at Albany, New York

Dated: August 7, 2006

Town Board of the Town of Hamburg

(SEAL)

7:15 p.m. Public Hearing - to consider rezoning property located on Southwestern Boulevard east of 5139 Southwestern from M-2 to C-2.

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on July 10, 2006, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #5, 2006; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-entitled Zoning, and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property located on Southwestern Boulevard east of 5139 Southwestern Boulevard. The property is to be rezoned from M-2 (Light Industrial District) to C-2 (General Commercial District) 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 21, Township 9, Range 7, of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the southeasterly bounds of Southwestern Boulevard distant 916.99 feet southwest from the westerly line of Camp Road (extended); thence southeasterly on an exterior angle of 90 degrees 2 minutes, 57 seconds, 250 feet to a point; thence running southwesterly and parallel to the southerly bounds of Southwestern Boulevard 150.54 feet to a point; thence running northwesterly and parallel to the first course herein described, 177.50 feet to a point; said point being the southeasterly corner of an easement and right of way agreement to Hamburg Self Storage LLC and recorded in Liber 11060 of deeds at page 7854 and filed in the Erie County Clerk's Office; thence running northeasterly and perpendicular to the last course, 18.00 feet to a point; thence running 72.5 feet to a point in the southeasterly bounds of Southwestern Boulevard distant 132.54 feet southwesterly from the point of beginning; thence northeasterly 132.54 feet along said southeasterly bounds of the Highway, 132.54 feet to the place and point of beginning containing 0.83 acres more or less.

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 August 7, 2006 at 7:15 p.m. (Local time), at which time all interested persons may be heard.

Dated: July 10, 2006

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski, Town Clerk, announced there is one piece of correspondence to the Town Board from the Planning Board stating that at their June 21st meeting they made a favorable recommendation for the Michael Schmidt rezoning for a car wash, next to Jiffy Lube, on Southwestern Boulevard.

Drew Reilly, Planning Consultant, explains where the rezoning will take place and gives a brief summary.

Councilman Cavalcoli comments in favor of the rezoning.

Councilwoman Kesner comments in favor of the rezoning other than a concern about vacuum cleaner stations.

Drew Reilly recommends that they should not file with the Department of State for the rezoning until the site plan has been approved and all concerns have been met.

Councilwoman Hochul comments that because of the location she is not opposed to this.

Councilman Quatroche comments that the developers are starting to understand that the Town of Hamburg takes aesthetics seriously and this developer worked with the Town.

Supervisor Walters concurs that Mr. Schmidt made every effort to accommodate all the concerns of the Board.

Supervisor Walters asks if there is anyone present who would like to comment on the public hearing. No one comments.

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

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

2.

RESOLVED, that the Town Board close the public hearing at 7:23 p.m.

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

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

3.

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

July 10, 2006	Town Board Meeting
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On a motion of Councilman Quatroche, seconded by Councilman Cavalcoli, the following resolution was

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

4.

WHEREAS, the building located at 1975 Lakeview Road was left in an abandoned state.

WHEREAS, as the result of neglect due to the abandonment, the building has become an attractive nuisance to the contiguous neighborhood and the general public.

WHEREAS, due to the building being unsecure, the Town Code Enforcement Officer contracted services to board up the building. This action was executed in accordance with Local Law No. 5-1972, Sections 80-5 and 80-6 of the Town of Hamburg.

NOW THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$250.00 (Two Hundred and fifty dollars) to Dan Cappola, General Construction, to provide the necessary enclosures in order to secure the building

BE IT FURTHER RESOLVED, the payment of such services, that the Town Board increase appropriations to Account B3620.469 ,(Clean-up of Properties) through B1990.419 - Contingency Account..

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

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

5.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Assessing Department as follows:

- 1. Mantino, Barbara Clerk Typist - Seasonal 07/07/2006 Terminate
- 2. Mantino, Barbara Clerk Typist - Part-Time 07/10/2006 \$10.28

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

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

6.

BE IT RESOLVED, that the Town Clerk is authorized to advertise for a public hearing. The hearing will present an opportunity for public comment on the relocation of Hydro-Air Components, Inc. from the Town of Hamburg to the City of Buffalo Empire Zone.

The hearing is to be scheduled for September 18, 2006 at 7:30 p.m. local time.

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche

Noes 0

7.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Building and Grounds Department as follows:

- 1. Fabi, Alex Laborer, Part-Time 07/08/2006 Terminate
- 2. Fabi, Alex Laborer, Seasonal 07/09/2006 \$7.47

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

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

8.

WHEREAS, the property located at 4073 Johnson Street was left in an abandoned state.

WHEREAS, as the result of the property owner neglecting to maintain the property, the property has become an attractive nuisance to the surrounding neighbors.

WHEREAS, due to the property not being maintained, the Town Code Enforcement Officer contracted services to cut the lawn. This action was executed in accordance with Local Law No. 9 of 1972, Section 75-4 A & B of the Town of Hamburg.

NOW THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$240 (Two Hundred and forty dollars) to Highland Acres Landscaping, Inc. to provide the necessary cutting in order to maintain the property.

BE IT FURTHER RESOLVED, the payment of such services, that the Town Board increase appropriations to Account B3620.469 ,(Clean-up of Properties) through B1990.419 - Contingency Account..

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

ADOPTED Ayes 5 Walters, Cavalcoli, Hochul, Kesner, Quatroche

Noes 0

9.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Recreation Department as follows:

1. McAnany, Patrick	B7310(320)	07/20/2006	Terminate
2. Sadowski, Christopher	ER7251(225) Rec. Attendant	07/22/2006	\$7.50 Seasonal
3. Michelson, Jessie	B7310(320)	07/20/2006	Terminate
4. Clendening, Robert	ER7251(225) Rec. Attendant	07/22/2006	\$7.25 Reg. Rate Seas. \$10.04 Temp. Seas.
5. McFeely, Maria	A7180(215) Lifeguard	07/22/2006	\$7.25 Seasonal
6. McGahey, Bradley	ER7251(225)	07/22/2006	\$9.00 Seasonal

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

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

10.

RESOLVED, that the Town Board approve the Out-of-Town Travel Expense for Nancy Crane, Donna Gavin and Mary Dosch to travel to the KVS National User's Conference in Amherst on August 21, 22 & 23rd. Monies are available in A1680.0492 - \$790.00 and A1310.0492 - \$395.00. (Substitution for attendance of different days is allowed, therefore Micki Bratek, Paula Bucci, Bob Loomis & Bob Brown could attend one or more days.)

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

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

11.

WHEREAS, Malcolm Pirnie, Inc. has previously been retained by the Town of Hamburg to provide engineering services associated with performing an evaluation to determine the most appropriate method and routing to replace or supplement approximately 1,710 linear feet of

existing 15" diameter sanitary sewer along Bayview Road beneath and downstream of the CSX/Norfolk Southern railroad crossing, where capacity is limited by the relatively low slope and size of the sewer; and

WHEREAS, Malcolm Pirnie has completed their evaluation and submitted a report to the Town recommending that the existing sewer be replaced with an 18" diameter sewer along its existing alignment, with the railroad portion to be replaced in a new alignment parallel to the existing sewer, within a casing pipe to be bored and jacked beneath the tracks; and

WHEREAS, Malcolm Pirnie has submitted a proposal for providing survey, design, and construction related engineering services for this project, at a total fee of \$79,800. This proposal has been reviewed by the Town Engineer, who has determined it to be reasonable and acceptable for the services to be provided,

THEREFORE BE IT RESOLVED, that Malcolm Pirnie’s contract is amended to include these additional services, and that the Supervisor is authorized to sign their July 21, 2006 proposal/agreement in this regard. Funding for these services is to be from the issuance of bonds, as authorized by the bond resolution for this project which was adopted by the Town Board on February 13, 2006.

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

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

12.

WHEREAS, Nussbaumer & Clarke, Inc. has submitted a proposal to the Town of Hamburg for providing survey, design, and construction related engineering services relative to the Town’s 2006 Waterline Replacement Project, under which approximately 6,000 linear feet of existing deficient watermain are proposed to be replaced at various locations identified by the Erie County Water Authority due to their high frequency of breakage and repair work. This proposal has been reviewed by the Town Engineer, who has determined it to be reasonable and acceptable for the services to be performed,

THEREFORE BE IT RESOLVED, that Nussbaumer & Clarke, Inc. is awarded a professional services contract for this work, at a total lump sum fee of \$45,700, plus the subcontracted cost of performing soil investigations as necessary, which is estimated to be approximately \$2,000. The Town Supervisor is authorized to sign their July 14, 2006 proposal/agreement in this regard. Funding for these services has been budgeted within the individual water districts in which the waterline replacement work is to be performed.

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

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

13.

RESOLVED, that the Town Board authorize the Finance/Assessing Departments to increase Appropriation Account A1420.457 Legal - Litigation through the A599 Appropriated Fund Balance in the amount of \$20,000. These funds are unexpended "STAR" monies.

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

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

14.

RESOLVED, that the Town Board approve the Transfer of Appropriations for Finance/Legal within the 2006 Budget as follows:

From: Contingency Account	A1990.419	\$20,000.00
To: Legal - Litigation	A1420.457	\$20,000.00

Litigation Fees - Bar Technology

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

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

15.

WHEREAS, the Town of Hamburg has received a site plan application from Panera Breads to occupy part of the building located at 3701 McKinley Parkway, the Oak Express building at McKinley Mall, and

WHEREAS, all projects within the McKinley mall property must come before the Town Board for approval, and

WHEREAS, the Planning Board has reviewed this action and recommends site plan approval and the Zoning Board of Appeals has issued a variance on parking spaces.

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg Town Board finds that the project is in accordance with the findings issued under the SEQRA process for the McKinley Mall project and issued site plan approval for the project contingent upon the Engineering Department signing off on the project.

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the site plan.

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

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

16.

RESOLVED, that the Town Board approve the membership of the following into the Scranton Volunteer Fire Company, Inc.:

Matthew Whiting
 4039 Knoll Dr., Apt. 3
 Hamburg, N.Y. 14075

Michael Michalowski
 5416 South Park Ave., Apt. 6
 Hamburg, N.Y. 14075

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

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

17.

RESOLVED, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following September 2006 Taylor Road rentals:

9/01/06	9/02/06	9/03/06	9/06/06	9/08/06
9/09/06	9/10/06	9/11/06	9/15/06	9/16/06
9/17/06	9/21/06	9/22/06	9/23/06	9/24/06
9/29/06	9/30/06			

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

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

18.

RESOLVED, that the Town Board approve the resignation of Gregory Wickett as Lieutenant of Detectives. He is resuming his previous position of Police Lieutenant.

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

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

19.

RESOLVED, that the Town Board approve the termination of personnel for the Town Clerk's Office as follows:

1. Wood, Robert	Clerk - P/T	08/01/2006	Terminate
2. Wilson, Patricia	Clerk - P/T	08/01/2006	Terminate

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

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

20.

RESOLVED, that the Town Board approve the request from Rosanne Witryk, Program Coordinator at Adult Day Care, for a week of unpaid leave. This leave will be on or about October 23, 2006 for maternity leave. The leave has been approved by her department head. Per the White Collar Contract, section 11.8, employee can be granted such a leave by the Town Board.

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

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

21.

RESOLVED, that the Town Board authorize the Recreation Department to travel to Bloomington, Indiana with the Traditions of Golf (youth) Team to compete in the annual tournament. The tournament is scheduled for August 11th through August 13th, 2006. All expenses other than gas have been raised through the fund-raising efforts of the participants. Request use of Town Recreation and youth vans plus the cost of fuel. Funds are available in Account ER7251.451.

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

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

22.

RESOLVED, that the Town Board approve the Out-of-Town Travel request for Donna Gavin to travel to Salamanca, New York on September 26th, 27th, & 28th, 2006 to attend Basic Accounting School - "Introduction to Government Accounting" offered by the Office of the New York State Comptroller. The estimated cost is \$125.00 and money is available in account A1680.0452.

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

ADOPTED Ayes 3 Walters, Cavalcoli, Quatroche
 Noes 2 Hochul, Kesner

23.

WHEREAS, the Town of Hamburg has received a Rezoning application from

Morado Bay Associates of Colden, NY for 36.15 acres of land located on the north side of Southwestern Blvd. Between Sowles Rd. And Howard from R-2 Residential to C-2, General commercial, and

WHEREAS, the Code Review Committee, at its meeting of August 2nd, reviewed the application and has found merit in the rezoning of this property.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board hereby refers this application to the Planning Board for review and recommendation.

Councilman Cavalcoli comments that this is just referring the application to the Planning Board. The Planning Board must review it, the Town Board must review it and a public hearing must be held before any decision can be made.

Mr. Reilly shows where the proposed rezoning is located within the Town. They have downsized the project from what was originally presented, to just be a Loews. They will provide a 200 foot buffer on either side of the building and a 375 foot buffer at the back of the building.

Councilwoman Hochul comments that, because of the size of this project, this decision is about the future of Route 20. If this goes forward Route 20 will be like Transit Road and she personally would not even support taking up the developers time to go through the six month process because she doesn't plan on taking the Town in that direction.

Councilwoman Kesner comments that she agrees with Councilwoman Hochul that this is the wrong site for this project. The buffer to the residential properties is not large enough.

Councilman Cavalcoli comments that there is a lot of economic pressure on the Town to keep the taxes down and they are looking for new business and jobs. Southwestern Boulevard already has a lot of commercial properties and the fact that the Town Board is divided on this issue leads him to believe the public is divided as well. By sending this to the Planning Board it will open the issue up to the public for their review and comment.

Councilman Quatroche comments that he has concerns as well but is in support of referring this to the Planning Board.

Supervisor Walters comments that the reality is that there are two main commercial areas in the Town, Southwestern Boulevard and McKinley Parkway. He also supports referring this project to the Planning Board.

Councilwoman Hochul comments that their challenge should be to fill vacant properties already in existence.

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

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

24.

WHEREAS, the Town Hall HVAC Systems are in need of replacement, and

WHEREAS, Engineering studies have defined the specifications for a replacement system and Bond funds have been assigned for this project.

BE IT RESOLVED, that the Supervisor is authorized to sign a contract with David Galbo Architects for design, specifications, bidding, installation and inspection of the new HVAC unit, and

BE IT FURTHER RESOLVED, that authorization is given to advertise for Bids on this project.

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

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

25.

WHEREAS, the property located at 5131 College Street was left in an abandoned state.

WHEREAS, as the result of the property owner neglecting to maintain the property, the property has become an attractive nuisance to the surrounding neighbors.

WHEREAS, due to the property not being maintained, the Town Code Enforcement Officer contracted services to cut the lawn. This action was executed in accordance with Local Law No. 9 of 1972, Section 75-4 A & B of the Town of Hamburg.

NOW THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$240 (Two Hundred and forty dollars) to Highland Acres Landscaping, Inc. to provide the necessary cutting in order to maintain the property.

BE IT FURTHER RESOLVED, the payment of such services, that the Town Board increase appropriations to Account B3620.469 ,(Clean-up of Properties) through B1990.419 - Contingency Account.

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

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

26.

WHEREAS, the property located at 5637 Old Lakeshore Road was left in an abandoned state.

WHEREAS, as the result of the property owner neglecting to maintain the property, the property has become an attractive nuisance to the surrounding neighbors.

WHEREAS, due to the property not being maintained, the Town Code Enforcement Officer contracted services to cut the lawn. This action was executed in accordance with Local Law No. 9 of 1972, Section 75-4 A & B of the Town of Hamburg.

NOW THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$480 (Four Hundred and eighty dollars) to Highland Acres Landscaping, Inc. to provide the necessary cutting in order to maintain the property.

BE IT FURTHER RESOLVED, the payment of such services, that the Town Board increase appropriations to Account B3620.469 ,(Clean-up of Properties) through B1990.419 - Contingency Account.

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

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

27.

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

		VOUCHER #'S
OPERATING FUND:		
BATCH #104	\$1,150,000.00	12615 - 12618
BATCH #105	\$ 117,029.83	12622 - 12705
BATCH #106	\$ 9,311.50	12710 - 12710
BATCH #107	\$ 352,569.12	12711 - 12798
BATCH #108	\$1,300,000.00	12799 - 12801
BATCH #109	\$ 68,484.87	12808 - 12891
BATCH #110	\$ 228,165.36	12893 - 12942
BATCH #111	\$ 830,000.00	12950 - 12951
BATCH #112	\$ 77,913.87	12952 - 13011
BATCH #113	\$ 352,861.09	13012 - 13097
BATCH #114	\$ 63,210.25	13098 - 13141
BATCH #115	\$ 550,000.00	13143 - 13143
BATCH #116	\$ 585,991.28	13144 - 13218
PRTRN P/R 14	\$ 584,255.54	
PRTRN P/R 15	\$ 597,797.96	
TOTAL OPERATING FUND DISBURSEMENTS:		\$6,867,590.68
BATCH #33	\$ 564,446.09	572188 - 572207

BATCH #34	\$ 31,887.95	572182 - 572212
BATCH #35	\$ 589,109.55	572176 - 572244
BATCH #36	\$ 11,958.25	572181 - 572246

TOTAL TRUST & AGENCY DISBURSEMENTS: \$ 1,197,401.84

CAPITAL FUND DISBURSEMENTS:

BATCH #41	\$ 250,000.00	12614 - 12614
BATCH #42	\$ 2,885.00	12619 - 12621
BATCH #43	\$ 750,000.00	12802 - 12803
BATCH #44	\$1,740,000.00	12804 - 12807
BATCH #45	\$3,147,340.79	12892 - 12892
BATCH #46	\$ 30,764.85	12943 - 12948
BATCH #47	\$ 400,000.00	12949 - 12949
BATCH #48	\$ 250,000.00	13142 - 13142
BATCH #49	\$ 31,015.18	13219 - 13220

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 6,602,005.82

PAYROLL:

PR # P/R 14	\$ 543,708.51
PR #P/R 15	\$ 556,077.87

TOTAL PAYROLL DISBURSEMENTS: \$ 1,099,786.38

PETTY CASH: \$ 150.78

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$15,766,935.50

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

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

28.

RESOLVED, that the Town Board approve the termination of personnel for the Building & Grounds Department as follows:

1. Hewitt, Zachary Laborer, Seasonal 08/11/2006 Terminate

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

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

29.

RESOLVED, that the Town Board approves the use of the Hamburg Town Beach for a S.T.A.R. swim to occur on Sunday, August 13, 2006.

Reports From Town Board Members and Department Heads

Councilman Cavalcoli reports on the success of the Blast on the Beach; reports that there will be a public hearing, at the Planning Board level, on the Wal-Mart project at Brierwood Plaza, on August 23rd at 7:00 p.m. at Hamburg Town Hall in Rooms 7A & 7B; the Master Plan Committee met for the first time last week, the next meeting will be in September and they hope to complete the Plan in approximately 8 months. There will be at least two public information nights for comment.

Councilwoman Kesner reports on the success of the Village of Blasdell Night Out.

Councilwoman Hochul reports on the great job Rosemary McManus did on the Blast on the Beach and the wonderful condition of the Town Beach. Reports that one of the items requested by the Traffic Safety Board for the Wal-Mart hearing was an independent traffic safety analysis.

Councilman Quatroche reports that the Shoreline Revitalization Committee met and there has been a lot of erosion along Old Lake Shore Road. About five years ago the County did some improvements, which was a 5 - 10 year improvement, and now they are looking at the next steps. The Army Corp of Engineers has attended all of their meetings and they are looking at the long term options for that area, it is a County Road so there will need to be a County match. They will have a report in 6- 12 months on the options and cost. Athol Springs splash-over project is still on the table, this requires a State match. They are still working on the Foits project and Supervisor Walters has been working with Mr. Barrett.

Supervisor Walters reports that the Town of Hamburg and Frontier School District has reached a mutual aid agreement to provide a student resource officer in the school. This will be a full-time Police Officer stationed at the school to provide counseling for the students and to make sure no one is breaking the law. He received a report from Jack Edson, Library Board, stating that Lakeshore Library will be going wireless soon. Lastly, he reports that the Town has been trying to go to a single carrier for health insurance and it was turned down by a Union. However, they will continue to move in that direction.

Catherine Rybczynski, Town Clerk, reports that Monday August 14th is the first day for purchasing a hunting license for the fall season. A notice was placed in the Hamburg Sun, Frontpage and Pennysaver.

Mr. Spute announces that all budgets are due and should be handed in.

Business From the Floor

Pat Fitzpatrick questions if there is anything before the Planning Board or Town Board to rezone Colonial Place. Councilman Cavalcoli responds that at this time there is no application before any agency in the Town.

Munavar Dato representing Corporate Sign Services comments that he would like to meet with the Town Board to explain the electronic signs that his company would like to be able to install at businesses in Hamburg.

Katherine Monihan comments that she and other Seniors have concerns about the Hamburg Senior Center and would like to know how to get them addressed. Supervisor Walters responds that she should submit her concerns in writing so that they can get her the appropriate responses.

Councilman Cavalcoli comments that he is the liaison to the Senior Services Department and he will address her concerns with the Director and Assistant Director and then set up a meeting with her and the other Seniors with concerns.

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

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

30.

RESOLVED, that the Town Board adjourn to Executive Session at 8:30 p.m. with Legal, Building Inspection, Highway and Town Clerk to discuss legal and personnel matters.

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

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

31.

RESOLVED, that the Town Board close Executive Session at 11:40 p.m.

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

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

23.

RESOLVED, that the Town Board adjourn at 11:40 p.m.

Catherine Rybczynski, Town Clerk