

A regular meeting of the Town Board of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, S-6100 South Park Avenue, Hamburg, NY on the 11<sup>th</sup> day of August 2008.

TOWN BOARD MEMBERS

PRESENT:

|                       |            |
|-----------------------|------------|
| Steven J. Walters     | Supervisor |
| Thomas M. Best, Sr.   | Councilman |
| Thomas Quatroche, Jr. | Councilman |
| Kevin Smardz          | Councilman |

ABSENT:

|                |              |
|----------------|--------------|
| Joan A. Kesner | Councilwoman |
|----------------|--------------|

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Drew Reilly, Planning Consultant; Robert E. Hutchison, Jr., Town Assessor; Assistant Chief Mike Williams; Gerard Kapsiak, Town Engineer; Kenneth Farrell, Town Attorney; Kurt Allen, Supervising Code Enforcement Officer;

**6:00 p.m.**-Public Hearing for 2008 Comprehensive Plan Update.

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

LEGAL NOTICE  
TOWN OF HAMBURG  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Hamburg will meet at the Hamburg Town Hall, S-6100 South Park Avenue, Hamburg, New York 14075, on MONDAY, August 11, 2008 at 6:00 p.m.

The purpose of the meetings is to conduct a Public Hearing on the 2008 Comprehensive Plan Update. At this time all interested persons may be heard.

A copy of the proposed 2008 Comprehensive Plan Update will be available, for public review, during regular business hours at the following locations:

HAMBURG TOWN HALL  
6100 South Park Avenue  
Hamburg, New York 14075

HAMBURG PLANNING DEPARTMENT  
6122 South Park Avenue  
Hamburg, New York 14075

And may also be found at the Town's website [www.townofhamburgny.com](http://www.townofhamburgny.com), click on "Legal Notices and Bids."

Dated: July 14, 2008

CATHY RYBCZYNSKI  
Town Clerk

Catherine A. Rybczynski, Town Clerk reads one piece of correspondence received from the NY State Department of Environmental Conservation as follows:

Dear Honorable Walters:

The Department agrees that the Town of Hamburg should act as Lead Agency under SEQR. This Department is not an involved agency regarding master plans and does not have any specific comments regarding the local zoning law.

The Department may, however, be an involved agency for specific projects proposed within the Town of Hamburg with regard to State regulated freshwater wetlands and protected streams/waterbodies. The Town of Hamburg's review of project proposals affected by these changes should include reviewing wetland maps supplied by this Department and referral to DEC where appropriate. Project sponsors should also be referred to this Department when proposed activities are within 50 feet of any water body or watercourse.

Thank you for providing this office the opportunity to review the proposed Comprehensive Plan Update. The plan is well constructed and when implemented, should provide the Town of Hamburg the framework to address the issues identified as being important to the future growth and sustainability of the Town.

Respectfully,

Steven J. Doleski  
Regional Permit Administrator

Supervisor Walters opens the floor to the public for comment.

Drew Reilly, Planning Consultant, briefly explains the 2008 Comprehensive Plan Update.

Doug Nichols, Chairman of the Conservation Advisory Board, states they do not feel that the change in zoning from RA to R-1 along East Eden Rd is right. The reason being is because part of that area is forested.

Mark Cavalcoli notes that he supports Mr. Nichol's view on the change in zoning of that section.

The amount of forestation that has diminished within the Town of Hamburg is significant. He then asks the Board's reason or thought on the changing of McKinley Pkwy from HC to C-1 and C-2.

Supervisor Walters notes that the simplest answer is they have in that section of McKinley the same thing they had 15 years ago. They have property owners that came to them stating that they can't use the property under the current zoning.

Dick Crandal adds that one of the concerns on that stretch is that under the C-1 and C-2 zoning how the development of the east side is going to be done. The property is very shallow on that side.

Councilman Quatroche notes that there were discussions about restrictions within that area. The homeowners need to be protected and restrictions are needed as to the uses.

Dick Crandal notes that the way it is now there isn't a solution because of the depth of those pieces of property.

Drew Reilly responds that someone has to put a consolidated plan together to show them how it's going to be done before it can be rezoned.

Mark Cavalcoli notes that it's important for the Board to have had a meeting with the Master Plan Update Committee so this could have been seen before a public hearing.

Drew Reilly notes that the Board did ask him to contact the committee and he didn't do that and apologizes. He notes he will send the pages of any changes to the committee. Drew notes that there is no proposal to change those areas to R-1. The overlay will stay the same.

Supervisor Walters notes that there were copies available in the Town Clerk's Office and the Planning Department. There is no rezoning going on anywhere with this plan.

Kurt Allen, Code Enforcement Supervisor, asks for clarification of a section of zoning.

Councilman Quatroche thanks the committee and apologizes for the oversight.

Supervisor Walters thanks the committee for all their work and assistance. The challenge of this committee was to put something together that was good for the Town and residents and people by in large would be happy with.

Mark Cavalcoli questions if the intension of the Board is to pass this at the next regular meeting.

Supervisor Walters notes that right now the intension is to wait the ten to 14 days to receive comments, they will be reviewed and then to pass this.

Mr. Cavalcoli thanks everyone who has served on the committee and thinks this is an excellent document with a few modifications. He reads the names of the Committee members as follows: Supervisor Walters, Mark Cavalcoli, Jerry Koenig, Steve McCabe, Vince Gugliuzza, Dick Crandal, Peter Blaauboer, Doug Nichols, Larry Cabado, Betty Newell, Joe Killian, Andy Romanowski, John Russo, Doug Shawell, Mike Sander.

Drew Reilly notes that there are a lot of things in there for conservation.

**1.**

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

ADOPTED                   Ayes 4                   Walters, Best, Quatroche, Smardz  
                                  Noes 0

**RESOLVED**, that the Town Board close the public hearing.

**2.**

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

ADOPTED                   Ayes 4                   Walters, Best, Quatroche, Smardz  
                                  Noes 0

**RESOLVED**, that the Town Board move to Executive Session at 6:40 p.m.

**3.**

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

ADOPTED                   Ayes 4                   Walters, Best, Quatroche, Smardz  
                                  Noes 0

**RESOLVED**, that the Town Board close Executive Session at 7:00 p.m.

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

**7:00 p.m.** Public Hearing for local law #13, 2008 for the amendment of Local Law #10, 1986 Chapter 280-entitled Zoning.

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

PLEASE TAKE NOTICE that there has been presented to the Town Board on June 9, 2008 pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #13, 2008; 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 a town wide rezoning of various waterfront parcels along Route 5, from approximately Hoover Road to Beach Avenue, from Light Industrial (M-2), General Commercial (C-2) and a couple residentially zoned parcels, to Waterfront Commercial (WC) Zoning District. For further detail please see the map outlining the areas to be rezoned at the Town of Hamburg website [www.townofhamburgny.com](http://www.townofhamburgny.com). A copy is also in the Town Clerk's office for public review.

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 11, 2008 at

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

Dated: June 9, 2008

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

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

Drew Reilly explains briefly the proposal for the Waterfront Commercial Zoning District.

Supervisor Walters opens the floor for public comment.

Ferd Garcia questions if the map shown indicates the final draft of the proposal.

Drew Reilly responds that it is the final draft where they're recommending WC. What's in the LWRP is different, but if they adopt this, the map would be changed in the LWRP.

Joe Killian questions if the deep water harbor would be kept from going there.

Supervisor Walters notes that if someone came to the Board with a great use for the waterfront property that wasn't allowed in industrial zoning, he doesn't think there would be too much objection.

Steve Strnad questions if this will basically save the taxpayers money.

Drew Reilly notes that zoning is not about saving taxpayer money nor costing taxpayer money. It's finding the appropriate land use for property.

Councilman Quatroche notes that it also strengthens the grant applications.

George Lee, Village of Blasdell Trustee, notes that he thinks the Town has worked very hard on this. He gives the Town Board credit for going this far.

**4.**

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

ADOPTED                      Ayes 4                      Walters, Best, Quatroche, Smardz  
  Noes 0

**RESOLVED**, that the Town Board motion to close the public hearing.

**7:00 p.m.** Public Hearing for proposed local law #14, 2008 providing for amendments to the Code of the Town.

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

PLEASE TAKE NOTICE that there has been presented to the Town Board on July 14, 2008 pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law #14, 2008; said local law provides for amendments to the Code of the Town of Hamburg, which are in accordance with recommendations of the Town of Hamburg Code Review Committee. The amendments can be described as follows:

- Amendment #1                      Local Law No.10-1986, Zoning  
  Article XXIV - Sign Regulations  
  Amendments to Sections 280-234, 280-238, 280-260, 261  
  Purpose of amendments:  
  To provide new regulations specific to electronic message signage.  
  Presently there are no provisions within the zoning code that pertain  
  directly to the placement and operation of electronic message signs.
- Amendment #2                      Local Law No.5-1965, Building Construction & Fire Prevention  
  Chapter 76  
  Amendment to Section 76-10 B.  
  Purpose of amendments:  
  Reduce the permit term for swimming pool permits from one year to  
  ninety days.  
  The current one year terms allows an unreasonable amount of time which  
  create safety concerns involving pool installations.
- Amendment #3                      Local Law No.2-1995, Storage Trailers  
  Chapter 225  
  Amendment to Sections 225-1 through 225-9.

Purpose of amendments:

To regulate the use of temporary storage units.

Presently there are no provisions within the zoning code that pertain directly to the temporary storage units.

A detailed copy of the proposed amendments will be available, for public review, during regular business hours at the following locations:

HAMBURG TOWN HALL (Town Clerk's Office)

DEPARTMENT

6100 South Park Avenue

Hamburg, New York 14075

HAMBURG PLANNING

6122 South Park Avenue

Hamburg, New York 14075

And may also be found at the Town's website: [www.townofhamburgny.com](http://www.townofhamburgny.com)

Click on Legal Notices & Bid

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 11, 2008 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: July 14, 2008

Catherine Rybczynski

Town Clerk

Town of Hamburg

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

Kurt Allen, Code Enforcement Supervisor, explains the provisions for the electronic message signs and that there will be an annual license fee.

Joe Killian notes he likes the electronic message signs.

Supervisor Walters explains that the purpose of this is really three fold. One to recognize the change in technology and to allow our businesses to stay competitive with businesses in other communities. But at the same time to protect the esthetic environment of the communities and the motorists.

Albert Guglielmi, Glendale resident, states his concerns are with the way the lights of the signs are going right to the drivers.

Steve Strnad questions what the three foot candles means.

Mr. Allen explains that it's how the intensity of the illumination is measured.





Proposed Dissolution of Water District Nos. 1 (Lakeview), 3 (Abbott-Highland), 4 (Orchard Park-Hamburg Joint, including Extensions 1 through 12), 5 (Parker Road), 6 (Draudt Subdivision), 7 (Sheldon Road), 8 (Meadow Brook-Greenfield), 9 (Burke), 10 and 11 (Central Hamburg, including Extensions 1 through 3), 12 (Vail Drive), 13 (Bain Parkway), 14 (Beetow Drive), 15 (South Town), 16 (Knab, Lilydale & Benz), 17 (Bonnie Lane), 18 (Old Lake View), 19 (Big Tree/Parker Road), 20 (Wildwood), 21 (Staley Drive), 22 (Picture Lake), 23 (Hamburg North Central, including Hidden Hollow Extension 1), 24 (Osborne-Sagamore), 25 (McKinley District No. 1), 26 (Ockler-Camp Road), 27 (Bayview Road), 28 (Island Acres), 29 (Eighteen Mile Creek), 30 (Big Tree Gardens), 32 (Wanakah), 33 (Beacon Hill), 41 (Thruway), 42 (Deerfield Heights), 43 (Brierwood), Pine Lakes Water District, Ravenwood North Water District, Country Woods Water District and Twilight Subdivision Water District; in the Town of Hamburg, County of Erie, New York, pursuant to Article 12-C of the Town Law

Offered by: Supervisor Walters

Seconded by: Councilman Quatroche

RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK, ADOPTED AUGUST 11, 2008, APPROVING THE DISSOLUTION OF WATER DISTRICT NOS. 1 (LAKEVIEW), 3 (ABBOTT-HIGHLAND), 4 (ORCHARD PARK-HAMBURG JOINT, INCLUDING EXTENSIONS 1 THROUGH 12), 5 (PARKER ROAD), 6 (DRAUDT SUBDIVISION), 7 (SHELDON ROAD), 8 (MEADOW BROOK-GREENFIELD), 9 (BURKE), 10 AND 11 (CENTRAL HAMBURG, INCLUDING EXTENSIONS 1 THROUGH 3), 12 (VAIL DRIVE), 13 (BAIN PARKWAY), 14 (BEETOW DRIVE), 15 (SOUTH TOWN), 16 (KNAB, LILYDALE & BENZ), 17 (BONNIE LANE), 18 (OLD LAKE VIEW), 19 (BIG TREE/PARKER ROAD), 20 (WILDWOOD), 21 (STALEY DRIVE), 22 (PICTURE LAKE), 23 (HAMBURG NORTH CENTRAL, INCLUDING HIDDEN HOLLOW EXTENSION 1), 24 (OSBORNE-SAGAMORE), 25 (MCKINLEY DISTRICT NO. 1), 26 (OCKLER-CAMP ROAD), 27 (BAYVIEW ROAD), 28 (ISLAND ACRES), 29 (EIGHTEEN MILE CREEK), 30 (BIG TREE GARDENS), 32 (WANAKAH), 33 (BEACON HILL), 41 (THRUWAY), 42 (DEERFIELD HEIGHTS), 43 (BRIERWOOD), PINE LAKES WATER DISTRICT, RAVENWOOD NORTH WATER DISTRICT, COUNTRY WOODS WATER DISTRICT AND TWILIGHT SUBDIVISION WATER DISTRICT WATER DISTRICT, IN SAID TOWN, AND THE MANAGEMENT, MAINTENANCE, OPERATION AND REPAIR OF THE IMPROVEMENTS OR SERVICES HERETOFORE PROVIDED OR AUTHORIZED TO BE PROVIDED BY SUCH DISTRICTS AS A TOWN FUNCTION, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO A PERMISSIVE REFERENDUM

#### Recitals

WHEREAS, the Town Board of the Town of Hamburg (herein called the "Town Board" and "Town", respectively), in the County of Erie, New York, proposes to dissolve Water District Nos. 1 (Lakeview), 3 (Abbott-Highland), 4 (Orchard Park-Hamburg Joint, including Extensions 1 through 12), 5 (Parker Road), 6 (Draudt Subdivision), 7 (Sheldon Road), 8 (Meadow Brook-Greenfield), 9 (Burke), 10 and 11 (Central Hamburg, including Extensions 1 through 3), 12 (Vail Drive), 13 (Bain Parkway), 14 (Beetow Drive), 15 (South Town), 16 (Knab, Lilydale & Benz), 17 (Bonnie Lane), 18 (Old Lake View), 19 (Big Tree/Parker Road), 20 (Wildwood), 21 (Staley Drive), 22 (Picture Lake), 23 (Hamburg North Central, including Hidden Hollow Extension 1), 24 (Osborne-Sagamore), 25 (McKinley District No. 1), 26 (Ockler-Camp Road), 27 (Bayview Road), 28 (Island Acres), 29 (Eighteen Mile Creek), 30 (Big Tree Gardens), 32 (Wanakah), 33 (Beacon Hill), 41 (Thruway), 42 (Deerfield Heights), 43 (Brierwood), Pine Lakes Water District, Ravenwood North Water District, Country Woods Water District and Twilight Subdivision Water District (collectively herein called the "Districts"), which Districts are wholly located within the Town, and were heretofore created by resolutions and orders duly adopted by the Town Board on their

respective dates, and to manage, maintain, operate and repair as a Town function, pursuant to Article 12-C of the Town Law, the improvements or services heretofore provided by said Districts; and

WHEREAS, following dissolution the costs of any improvement provided or authorized to be provided by said Districts, including the principal of and interest on any bonds or other obligations authorized to be issued for the purposes of said Districts or which have been issued for the purposes of said Districts and are outstanding and unpaid as of the date of such dissolution shall be borne by the lands benefited thereby as the Town Board, in its discretion, shall determine, said area in which the benefited lands are located being hereby determined to be the benefited area; and such costs shall be assessed, levied and collected from the several lots and parcels of land within such benefited area in just proportion to the amount of benefit which the improvement shall confer upon such lots and parcels; and

WHEREAS, the Town Board has determined that the benefited area in the case of each District proposed to be dissolved shall be the properties located in such District, so that the property owner in each District proposed to be dissolved would continue to pay for only the costs of the District within which the property is located, with no change in costs over what would have been paid had the District not been dissolved; and

WHEREAS, it is proposed that the cost of the management, maintenance, operation and repair of the improvements or services provided or authorized to be provided by said Districts proposed to be dissolved shall thereafter be a charge upon the area of the Town outside of any villages and shall be levied and collected in the same manner and at the same time as other Town charges; and

WHEREAS, pursuant to the Order duly adopted on June 23, 2008, the Town Board determined to proceed with the dissolution of the Districts and the management, maintenance, operation and repair of the improvements or services heretofore provided or authorized to be provided by such Districts as a Town function, and adopted an Order describing the proposed dissolution, the basis of assessing all improvement costs, and specifying July 14, 2008, at 7:00 o'clock P.M. (Prevailing Time) or as soon thereafter as such matter may be heard, as the time when, and the Town Hall, S-6100 South Park Avenue, Hamburg, New York, as the place where, the Town Board would meet to consider the proposed dissolution of the Districts and the management, maintenance, operation and repair of the improvements or services heretofore provided or authorized to be provided by such Districts as a Town function, 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 in relation thereto, as may be required by Law; and

WHEREAS, a Notice of such Public Hearing was duly published and posted pursuant to the provisions of Article 12-C of the Town Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on this 14th day of July, 2008, commencing at 7:00 o'clock P.M. (Prevailing Time), or as soon thereafter as such matter could be heard, 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 proposed dissolution of the Districts and the management, maintenance, operation and repair of the improvements or services heretofore provided or authorized to be provided by such Districts as a Town function;

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 Notice of Public Hearing was published and posted as required by Law, and is otherwise sufficient; and

(b) it is in the public interest to dissolve the Districts and to manage, maintain, operate and repair as a Town function, pursuant to Article 12-C of the Town Law, the improvements or services heretofore provided or authorized to be provided by the Districts.

Section 2. The dissolution of Water District Nos. 1 (Lakeview), 3 (Abbott-Highland), 4 (Orchard Park-Hamburg Joint, including Extensions 1 through 12), 5 (Parker Road), 6 (Draudt Subdivision), 7 (Sheldon Road), 8 (Meadow Brook-Greenfield), 9 (Burke), 10 and 11 (Central Hamburg, including Extensions 1 through 3), 12 (Vail Drive), 13 (Bain Parkway), 14 (Beetow Drive), 15 (South Town), 16 (Knab, Lilydale & Benz), 17 (Bonnie Lane), 18 (Old Lake View), 19 (Big Tree/Parker Road), 20 (Wildwood), 21 (Staley Drive), 22 (Picture Lake), 23 (Hamburg North Central, including Hidden Hollow Extension 1), 24 (Osborne-Sagamore), 25 (McKinley District No. 1), 26 (Ockler-Camp Road), 27 (Bayview Road), 28 (Island Acres), 29 (Eighteen Mile Creek), 30 (Big Tree Gardens), 32 (Wanakah), 33 (Beacon Hill), 41 (Thruway), 42 (Deerfield Heights), 43 (Brierwood), Pine Lakes Water District, Ravenwood North Water District, Country Woods Water District and Twilight Subdivision Water District is hereby approved and such Districts shall be dissolved on January 1, 2010.

Section 3. Upon dissolution, all the property of the Districts shall become the property of the Town and it is expressly understood that the costs of any improvement provided or authorized to be provided by said Districts, including the principal of and interest on any bonds or other obligations authorized to be issued for the purposes of said Districts or which have been issued for the purposes of said Districts and which are outstanding and unpaid as of the date of such dissolution shall be borne by the lands benefited thereby as the Town Board, in its discretion, shall determine, said area in which the benefited lands are located being hereby determined to be the benefited area; and such costs shall be assessed, levied and collected from the several lots and parcels of land within such benefited area in just proportion to the amount of benefit which the improvement shall confer upon such lots and parcels. The Town Board has determined that the benefited area in the case of each District proposed to be dissolved shall be the properties located in such District, so that the property owner in each District proposed to be dissolved would continue to pay for only the costs of the District within which the property is located, with no change in costs over what would have been paid had the District not been dissolved.

Section 4. All future costs of the management, maintenance, operation and repair of such improvements or services provided or authorized to be provided by said Districts hereby dissolved shall thereafter be a charge upon the area of the Town outside of any villages and shall be levied and collected in the same manner and at the same time as other Town charges.

Section 5. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after the effective date of this resolution, to file certified copies hereof with the State Comptroller, in the office of the State Department of Audit and Control in Albany, New York, and to duly record a certified copy thereof in the Office of the Clerk of Erie County.

Section 6. This resolution shall be subject to a permissive referendum.

The adoption of the foregoing resolution was seconded by Councilman Quatroche and duly put to a vote on roll call, which resulted as follows:

AYES: 4           Walters, Best, Quatroche, Smardz  
NOES: 0

The resolution was declared adopted.

**8.**

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

ADOPTED           Ayes 4           Walters, Best, Quatroche, Smardz  
                          Noes 0

THE TOWN BOARD OF THE TOWN OF HAMBURG, NEW YORK,

HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Hamburg, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "THE SUN" and "FRONT PAGE," two newspapers each having a general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HAMBURG, NEW YORK

PLEASE TAKE NOTICE that on August 11, 2008, the Town Board of the Town of Hamburg, in the County of Erie, New York, adopted a resolution entitled:

“Resolution of the Town of Hamburg, New York, adopted August 11, 2008, approving the dissolution of Water District Nos. 1 (Lakeview), 3 (Abbott-Highland), 4 (Orchard Park-Hamburg Joint, including Extensions 1 through 12), 5 (Parker Road), 6 (Draudt Subdivision), 7 (Sheldon Road), 8 (Meadow Brook-Greenfield), 9 (Burke), 10 and 11 (Central Hamburg, including Extensions 1 through 3), 12 (Vail Drive), 13 (Bain Parkway), 14 (Beetow Drive), 15 (South Town), 16 (Knab, Lilydale & Benz), 17 (Bonnie Lane), 18 (Old Lake View), 19 (Big Tree/Parker Road), 20 (Wildwood), 21 (Staley Drive), 22 (Picture Lake), 23 (Hamburg North Central, including Hidden Hollow Extension 1), 24 (Osborne-Sagamore), 25 (McKinley District No. 1), 26 (Ockler-Camp Road), 27 (Bayview Road), 28 (Island Acres), 29 (Eighteen Mile Creek), 30 (Big Tree Gardens), 32 (Wanakah), 33 (Beacon Hill), 41 (Thruway), 42 (Deerfield Heights), 43 (Brierwood), Pine Lakes Water District, Ravenwood North Water District, Country Woods Water District and Twilight Subdivision Water District, in said Town, and the management, maintenance, operation and repair of the improvements or services heretofore provided or authorized to be provided by such Districts as a Town function, and providing that such resolution shall be subject to a permissive referendum,”

an abstract of such resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that the Town Board of the Town of Hamburg (herein called the “Town Board” and “Town”, respectively), in the County of Erie, New York, proposes to dissolve Water District Nos. 1 (Lakeview), 3 (Abbott-Highland), 4 (Orchard Park-Hamburg Joint, including Extensions 1 through 12), 5 (Parker Road), 6 (Draudt Subdivision), 7 (Sheldon Road), 8 (Meadow Brook-Greenfield), 9 (Burke), 10 and 11 (Central Hamburg, including Extensions 1 through 3), 12 (Vail Drive), 13 (Bain Parkway), 14 (Beetow Drive), 15 (South Town), 16 (Knab, Lilydale & Benz), 17 (Bonnie Lane), 18 (Old Lake View), 19 (Big Tree/Parker Road), 20 (Wildwood), 21 (Staley Drive), 22 (Picture Lake), 23 (Hamburg North Central, including Hidden Hollow Extension 1), 24 (Osborne-Sagamore), 25 (McKinley District No. 1), 26 (Ockler-Camp Road), 27 (Bayview Road), 28 (Island Acres), 29 (Eighteen Mile Creek), 30 (Big Tree Gardens), 32 (Wanakah), 33 (Beacon Hill), 41 (Thruway), 42 (Deerfield Heights), 43 (Brierwood), Pine Lakes Water District, Ravenwood North Water District, Country Woods Water District and Twilight Subdivision Water District

(collectively herein called the “Districts”), which Districts are wholly located within the Town and were heretofore created by resolutions and orders duly adopted by the Town Board on their respective dates, and to manage, maintain, operate and repair as a Town function, pursuant to Article 12-C of the Town Law, the improvements or services heretofore provided by said Districts; and STATING that following dissolution the costs of any improvement provided or authorized to be provided by said Districts, including the principal of and interest on any bonds or other obligations authorized to be issued for the purposes of said Districts or which have been issued for the purposes of said Districts and which are outstanding and unpaid as of the date of such dissolution, shall be borne by the lands benefited thereby as the Town Board, in its discretion, shall determine, said area in which the benefited lands are located being hereby determined to be the benefited area; and such costs shall be assessed, levied and collected from the several lots and parcels of land within such benefited area in just proportion to the amount of benefit which the improvement shall confer upon such lots and parcels; and that the Town Board has determined that the benefited area in the case of each District proposed to be dissolved shall be the properties located in such District, so that the property owner in each District proposed to be dissolved would continue to pay for only the costs of the District within which the property is located, with no change in costs over what would have been paid had the District not been dissolved; and STATING that the cost of the management, maintenance, operation and repair of such improvements or services provided or authorized to be provided by said Districts proposed to be dissolved shall thereafter be a charge upon the area of the Town outside of any villages and shall be levied and collected in the same manner and at the same time as other Town charges; and STATING that pursuant to the Order duly adopted on June 23, 2008, the Town Board determined to proceed with the dissolution of the Districts and the management, maintenance, operation and repair of the improvements or services heretofore provided or authorized to be provided by such Districts as a Town function, and adopted an Order describing the proposed dissolution, the basis of assessing all improvement costs, as described above, and specifying July 14, 2008, at 7:00 o’clock P.M. (Prevailing Time) or as soon thereafter as such matter may be heard, as the time when, and the Town Hall, S-6100 South Park Avenue, Hamburg, New York, as the place where, the Town Board would meet to consider the proposed dissolution of the Districts and the management, maintenance, operation and repair of the improvements or services heretofore provided or authorized to be provided by such Districts as a Town function, 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 in relation thereto, as may be required by Law; and STATING that certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law; and that a Public Hearing in the matter was duly held by the Town Board on the 14th day of July, 2008, commencing at 7:00 o’clock P.M. (Prevailing Time), or as soon thereafter as such matter could be heard, 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 proposed dissolution of the Districts and the management, maintenance, operation and repair of the improvements or services heretofore provided or authorized to be provided by such Districts as a Town function;

SECOND: RESOLVING and DETERMINING that (a) the notice of Public Hearing was published and posted as required by Law, and is otherwise sufficient; and (b) it is in the public interest to dissolve the Districts and to manage, maintain, operate and repair as a Town function,

pursuant to Article 12-C of the Town Law, the improvements or services heretofore provided or authorized to be provided by the Districts;

THIRD: APPROVING the dissolution of Water District Nos. 1 (Lakeview), 3 (Abbott-Highland), 4 (Orchard Park-Hamburg Joint, including Extensions 1 through 12), 5 (Parker Road), 6 (Draudt Subdivision), 7 (Sheldon Road), 8 (Meadow Brook-Greenfield), 9 (Burke), 10 and 11 (Central Hamburg, including Extensions 1 through 3), 12 (Vail Drive), 13 (Bain Parkway), 14 (Beetow Drive), 15 (South Town), 16 (Knab, Lilydale & Benz), 17 (Bonnie Lane), 18 (Old Lake View), 19 (Big Tree/Parker Road), 20 (Wildwood), 21 (Staley Drive), 22 (Picture Lake), 23 (Hamburg North Central, including Hidden Hollow Extension 1), 24 (Osborne-Sagamore), 25 (McKinley District No. 1), 26 (Ockler-Camp Road), 27 (Bayview Road), 28 (Island Acres), 29 (Eighteen Mile Creek), 30 (Big Tree Gardens), 32 (Wanakah), 33 (Beacon Hill), 41 (Thruway), 42 (Deerfield Heights), 43 (Brierwood), Pine Lakes Water District, Ravenwood North Water District, Country Woods Water District and Twilight Subdivision Water District (herein referred to as the "Districts"); and DETERMINING that such Districts shall be dissolved on January 1, 2010;

FOURTH: RESOLVING and DETERMINING that upon dissolution, all the property of the Districts shall become the property of the Town and it is expressly understood that the costs of any improvement provided or authorized to be provided by said Districts, including the principal of and interest on any bonds or other obligations authorized to be issued for the purposes of said Districts or which have been issued for the purposes of said Districts and which are outstanding and unpaid as of the date of such dissolution, shall be borne by the lands benefited thereby as the Town Board, in its discretion, shall determine, said area in which the benefited lands are located being hereby determined to be the benefited area; and such costs shall be assessed, levied and collected from the several lots and parcels of land within such benefited area in just proportion to the amount of benefit which the improvement shall confer upon such lots and parcels;

FIFTH: RESOLVING AND DETERMINING that all future costs of the management, maintenance, operation and repair of such improvements or services provided or authorized to be provided by said Districts hereby dissolved shall thereafter be a charge upon the area of the Town outside of any villages and shall be levied and collected in the same manner and at the same time as other Town charges;

SIXTH: AUTHORIZING and DIRECTING the Town Clerk of the Town within ten (10) days after the effective date of this resolution, to file certified copies thereof with the State Comptroller, in the office of the State Department of Audit and Control in Albany, New York, and to duly record a certified copy thereof in the Office of the Clerk of Erie County; and

SEVENTH: DETERMINING and STATING that this resolution shall be subject to a permissive referendum.

BY ORDER OF THE TOWN BOARD  
DATED: AUGUST 11, 2008

CATHERINE A. RYBCZYNSKI  
TOWN CLERK

Section 2. This resolution shall take effect immediately.

\* \* \*

The adoption of the foregoing resolution was seconded by Councilman Best and duly put to a vote on roll call, which resulted as follows:

AYES: 4      Walters, Best, Quatroche, Smardz

NOES: 0

The resolution was declared adopted.

CERTIFICATE

I, Catherine A. Rybczynski, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on August 11, 2008, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Hamburg this 11th day of August, 2008.

(SEAL)

---

Catherine A. Rybczynski, Town Clerk  
Town of Hamburg

**9.**

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



|                               |                 |
|-------------------------------|-----------------|
| Gas and Tolls (approximately) | \$100.00        |
| <b>Total</b>                  | <b>\$875.00</b> |

Use of unmarked Town vehicle for transportation is requested.

**13.**

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

**WHEREAS**, certain properties within the Town have been neglected or abandoned and as consequence the growth of weeds, grass and other rank vegetation has exceeded twelve inches in height, the standard established by Local Law No 9-1974.

**WHEREAS**, the Town Code Enforcement Official has identified these properties to be in 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 Windsor Enterprise Group, Inc. of Lakeview, 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:

| <b>Property Address</b> | <b>Service Date(s)</b> | <b>Invoice Amount</b> |
|-------------------------|------------------------|-----------------------|
| 217 Kenton Place        | 06/24/08               | \$138.00              |
|                         | 07/07/08               | \$ 86.25              |
| 5530 Deacon Street      | 06/24/08               | \$103.50              |
|                         | 07/07/08               | \$ 86.25              |
| 4837 Gerber Pkwy        | 06/24/08               | \$ 86.25              |
|                         | 07/07/08               | \$ 86.25              |
| 6414 Mayflower          | 07/07/08               | \$ 69.00              |
| 5159 Briercliff         | 07/08/08               | \$ 69.00              |
| 2672 Lakewood           | 06/26/08               | \$207.00              |
|                         | 07/07/08               | \$172.50              |

|              |          |          |
|--------------|----------|----------|
| 97 Forestal  | 06/26/08 | \$138.00 |
|              | 07/07/08 | \$ 69.00 |
| 3782 Cornell | 06/24/08 | \$138.00 |
|              | 07/07/08 | \$ 69.00 |
| 5131 College | 06/24/08 | \$138.00 |
|              | 07/07/08 | \$ 69.00 |

**BE IT FURTHER RESOLVED**, the Town Board approve the transfer of funds from Account A599 to A3620.469 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 75-4B.

Ferd Garcia notes that some of these properties have had this done for a year and questions if the taxes are being paid.

Supervisor Walters responds that the tax levy has been completely satisfied every year by the County.

**14.**

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

**RESOLVED**, that the Town Board authorize the Finance Department to increase the following appropriation accounts through the CS599 (APPROPRIATED FUND BALANCE) in the amount of \$300,000. Due to the increased volume of claims this year, this transfer will fund these accounts through year end.

|                                     |                  |
|-------------------------------------|------------------|
| CS1930.451 MISC. THIRD PARTY CLAIMS | \$50,000         |
| CS9040.840 WORKERS COMPENSATION     | <u>\$250,000</u> |
|                                     | \$300,000        |

**15.**

On a motion of Councilman Smardz, seconded by Councilman Best, the following resolution was  
 ADOPTED           Ayes 4           Walters, Best, Quatroche, Smardz



ABSENT: JOAN A. KESNER, Councilmember

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

**WHEREAS**, JAMES F. CONNOLLY, Superintendent of Highways, states that all those parts of certain Town highways hereinafter designated have not been opened or worked for more than six (6) years last past, and have not been traveled, or have been abandoned by the public and have never been used as a public highway to wit:

**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 Number 12, Township 9, Range 8 of the Holland Land Company’s Survey, and being more particularly described as follows:

**BEGINNING** at the northwest corner of Sublot No. 33 of Map Cover No. 1319, as filed in the Erie County Clerk’s Office, the said point also being on the east line of Deacon Street and the south line of Washington Avenue; thence easterly along the south line of Washington Avenue, a distance of 178.48 feet to the northeast corner of said Sublot No. 33; thence northerly, a distance of 50 feet to the southeast corner of Sublot No. 34 of said Map Cover, the said point also being on the north line of Washington Avenue; thence westerly along the north line of Washington Avenue, a distance of 172.32 feet to the southwest corner of said Sublot No. 34, the said point also being on the east line of Deacon Street; thence southerly along the east line of Deacon Street, a distance of 50 feet to the point or place of beginning.

The above is intended to describe a portion of Washington Avenue, a 50 feet wide unimproved right-of-way, as shown on Map Cover No. 1319 filed in the Erie County Clerk’s Office.

As a condition of this transfer, Grantee acknowledges and Grantor hereby declares that all parties that may presently have utility installations upon the above-described premises are hereby deemed to have a permanent full width utility easement for occupation, access, operation, and maintenance of their existing facilities in their current locations.

**BE IT RESOLVED** that the members of the Town Board, constituting the whole thereof, consent to the making and filing of the necessary certificate that this highway be and hereby is abandoned, pursuant to Section 205 of the Highway Law, and

**BE IT FURTHER RESOLVED** that all members of the Town Board of the Town of Hamburg subscribe the certification.

ROLL CALL

VOTING

Supervisor Walters  
Councilmember Best

Yea  
Yea

|                         |        |
|-------------------------|--------|
| Councilmember Kesner    | Absent |
| Councilmember Quatroche | Yea    |
| Councilmember Smardz    | Yea    |

The foregoing certification was duly adopted at said Town Board meeting.

---

Catherine Rybczynski  
Town Clerk

ACKNOWLEDGMENT

STATE OF NEW YORK) SS  
COUNTY OF ERIE )

I, CATHERINE RYBCZYNSKI, DO HEREBY CERTIFY that I am the Town Clerk of the Town of Hamburg, Erie County, New York; that the foregoing is a true and exact copy of a resolution adopted at a meeting of the Town Board held on the 11th day of August, 2008; and

I DO FURTHER CERTIFY that said meeting was called and held, and a quorum was present thereat.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg this 11th day of August, 2008.

---

CATHERINE RYBCZYNSKI  
Town Clerk  
Town of Hamburg

CERTIFICATION

I, THE UNDERSIGNED, JAMES F. CONNOLLY, Superintendent of Highways of the Town of Hamburg, in the County of Erie, State of New York, hereby certify that all those

parts of certain Town highways hereinafter designated have not been opened or worked for more than six (6) years last past, and have not been traveled, or have been abandoned by the public and have never been used as a public highway to wit:

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 Number 12, Township 9, Range 8 of the Holland Land Company's Survey, and being more particularly described as follows:

**BEGINNING** at the northwest corner of Sublot No. 33 of Map Cover No. 1319, as filed in the Erie County Clerk's Office, the said point also being on the east line of Deacon Street and the south line of Washington Avenue; thence easterly along the south line of Washington Avenue, a distance of 178.48 feet to the northeast corner of said Sublot No. 33; thence northerly, a distance of 50 feet to the southeast corner of Sublot No. 34 of said Map Cover, the said point also being on the north line of Washington Avenue; thence westerly along the north line of Washington Avenue, a distance of 172.32 feet to the southwest corner of said Sublot No. 34, the said point also being on the east line of Deacon Street; thence southerly along the east line of Deacon Street, a distance of 50 feet to the point or place of beginning.

The above is intended to describe a portion of Washington Avenue, a 50 feet wide unimproved right-of-way, as shown on Map Cover No. 1319 filed in the Erie County Clerk's Office.

As a condition of this transfer, Grantee acknowledges and Grantor hereby declares that all parties that may presently have utility installations upon the above-described premises are hereby deemed to have a permanent full width utility easement for occupation, access, operation, and maintenance of their existing facilities in their current locations.

SO, we the undersigned members of the Town Board, constituting the whole thereof, do hereby consent to the making and filing of this certificate and do hereby execute the same.

THEREFORE, pursuant to Section 205 of the Highway Law, said highway is declared to be and hereby is abandoned.

Dated:

---

JAMES F. CONNOLLY  
Superintendent of Highways

TOWN BOARD OF THE TOWN OF HAMBURG

---

STEVEN J. WALTERS, Supervisor

---

THOMAS M. BEST, SR., Councilmember

---

JOAN A. KESNER, Councilmember

---

THOMAS J. QUATROCHE, JR., Councilmember

---

KEVIN SMARDZ, Councilmember

**17.**

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

ADOPTED      Ayes 4      Walters, Best, Quatroche, Smardz  
                      Noes 0

At a meeting of the Town Board  
Of the Town of Hamburg, held at  
the Town Hall, S-6100 South  
Park Avenue, Hamburg, New York  
On the 11<sup>th</sup> day of August 2008.

PRESENT: STEVEN J. WALTERS                      Supervisor  
                      THOMAS M. BEST, SR.,                      Council member  
                      KEVIN SMARDZ,                              Council member  
                      THOMAS J. QUATROCHE, JR.,              Council member

ABSENT: JOAN A. KESNER                      Council member

On a motion of Council member Quatroche, seconded by Supervisor Walters, the following resolution was proposed:

**WHEREAS**, JAMES F. CONNOLLY, Superintendent of Highways, states that all those parts of certain Town highways hereinafter designated have not been opened or worked for more than six (6) years last past, and have not been traveled, or have been abandoned by the public and have never been used as a public highway to wit:

**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. 439, Township 10, Range 7, of the Buffalo Creek Indian Reservation, and being more particularly described as follows:

**BEGINNING** at the southeast corner of Sublot No. 50 of Map Cover No. 439, as filed in the Erie County Clerk’s Office, the said point also being on the north line of Linwood Avenue and the west line of Glenwood Avenue; thence northerly along the west line of Glenwood Avenue, a distance of 120 feet to the northeast corner of Sublot No. 47 of said Map Cover; thence easterly, a distance of 50 feet to the northwest corner of Sublot No. 445 of said Map Cover, the said point also being on the east line of Glenwood Avenue; thence southerly along the east line of Glenwood Avenue, a distance of 120 feet to the southwest corner of Sublot No. 442 of said Map Cover, the said point also being on the north line of Linwood Avenue; thence westerly along the north line of Linwood Avenue, a distance of 50 feet to the point or place of beginning.

The above is intended to describe the portion of Glenwood Avenue located north of Linwood Avenue, a 50 feet wide unimproved right-of-way, as shown on Map Cover No. 439 filed in the Erie County Clerk’s Office.

As a condition of this transfer, Grantee acknowledges and Grantor hereby declares that all parties that may presently have utility installations upon the above-described premises are hereby deemed to have a permanent full width utility easement for occupation, access, operation, and maintenance of their existing facilities in their current locations.

**BE IT RESOLVED** that the members of the Town Board, constituting the whole thereof, consent to the making and filing of the necessary certificate that this highway be and hereby is abandoned, pursuant to Section 205 of the Highway Law, and

**BE IT FURTHER RESOLVED** that all members of the Town Board of the Town of Hamburg subscribe the certification.

ROLL CALL

VOTING

|                         |        |
|-------------------------|--------|
| Supervisor Walters      | Yea    |
| Councilmember Best      | Yea    |
| Councilmember Kesner    | Absent |
| Councilmember Smardz    | Yea    |
| Councilmember Quatroche | Yea    |

The foregoing certification was duly adopted at said Town Board meeting, unanimously.

\_\_\_\_\_  
Catherine Rybczynski  
Town Clerk

ACKNOWLEDGMENT

STATE OF NEW YORK) SS  
COUNTY OF ERIE )

I, CATHERINE RYBCZYNSKI, DO HEREBY CERTIFY that I am the duly elected and acting Town Clerk of the Town of Hamburg, Erie County, New York; that the foregoing is a true and exact copy of a resolution adopted at a meeting of the Town Board held on the 11th day of August, 2008; and

I DO FURTHER CERTIFY that said meeting was called and held, and a quorum was present thereat.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg this 11th day of August, 2008.

---

CATHERINE RYBCZYNSKI  
Town Clerk  
Town of Hamburg

CERTIFICATION

I, THE UNDERSIGNED, JAMES F. CONNOLLY, Superintendent of Highways of the Town of Hamburg, in the County of Erie, State of New York, hereby certify that all those parts or certain Town highways hereinafter designated have not been opened or worked for more than six (6) years last past, and have not been traveled, or have been abandoned by the public and have never been used as a public highway to wit:

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. 439, Township 10, Range 7, of the Buffalo Creek Indian Reservation, and being more particularly described as follows:

BEGINNING at the southeast corner of Sublot No. 50 of Map Cover No. 439, as filed in the Erie County Clerk's Office, the said point also being on the north line of Linwood Avenue and the west line of Glenwood Avenue; thence northerly along the west line of Glenwood Avenue, a distance of 120 feet to the northeast corner of Sublot No. 47 of said Map Cover; thence easterly, a distance of 50 feet to the northwest corner of Sublot No. 445 of said Map Cover, the said point also being on the east line of Glenwood Avenue; thence southerly along the east line of Glenwood Avenue, a distance of 120 feet to the southwest corner of Sublot No. 442 of said Map Cover, the said point also being on the north line of Linwood Avenue; thence westerly along the north line of Linwood Avenue, a distance of 50 feet to the point or place of beginning.

The above is intended to describe the portion of Glenwood Avenue located north of Linwood Avenue, a 50 feet wide unimproved right-of-way, as shown on Map Cover No. 439 filed in the Erie County Clerk's Office.

As a condition of this transfer, Grantee acknowledges and Grantor hereby declares that all parties that may presently have utility installations upon the above-described premises are hereby deemed to have a permanent full width utility easement for occupation, access, operation, and maintenance of their existing facilities in their current locations.

ALSO, we the undersigned members of the Town Board, constituting the whole thereof, do hereby consent to the making and filing of this certificate and do hereby execute the same.

THEREFORE, pursuant to Section 205 of the Highway Law, said highway is declared to be and hereby is discontinued.

Dated: August 11, 2008

---

JAMES F. CONNOLLY  
Superintendent of Highways

TOWN BOARD OF THE TOWN OF HAMBURG

BY:

---

STEVEN J. WALTERS, Supervisor

---

THOMAS M. BEST, Councilman

---

JOAN A. KESNER, Councilwoman

---

KEVIN SMARDZ, Councilwoman

---

THOMAS J. QUATROCHE, JR., Councilman

**18.**

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

ADOPTED        Ayes 4        Walters, Best, Quatroche, Smardz  
                      Noes 0

**RESOLVED**, that the Town Board approve the hiring of two and termination of two in the Adult Day Services Department as follows:

|    |                   |                        |          |           |
|----|-------------------|------------------------|----------|-----------|
| 1. | McDowell, Crystal | P/T Seas. Clerk Typist | 08/15/08 | Terminate |
| 2. | McDowell, Crystal | P/T Clerk Typist       | \$9.06   | 08/15/08  |
| 3. | Lewis, Kathleen   | P/T Recreation Att'd   | 08/12/08 | Terminate |
| 4. | Lewis, Kathleen   | P/T Seas. Rec. Att'd   | \$10.19  | 08/12/08  |

**19.**

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

ADOPTED        Ayes 4        Walters, Best, Quatroche, Smardz  
                      Noes 0

**TO BE RESOLVED**, that the correspondence dated July 10, 2008 from the Regional Municipality of Niagara regarding the nomination of the International Joint Commission (IJC) for a Stockholm Water Prize be received;

**AND WHEREAS**, the IJC has existed to oversee the implementation of the Boundary Waters Treaty (1990) between Canada and the U.S.;

**AND WHEREAS**, the Boundary Waters Treaty will celebrate 100 years of continuous force and effect governing water resource management along the Canada-U.S. border;

**AND WHEREAS**, the Stockholm Water Prize suitably recognizes institutions (among others) for outstanding water-related activities;

**AND WHEREAS**, the IJC represents a model of governance for international water stewardship goals;

**NOW THEREFORE**, be it resolved that the Town Board of the Town of Hamburg supports and joins the Council of the Regional Municipality of Niagara in nominating the International Joint Commission for the 2009 Stockholm Water Prize.

**20.**

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

ADOPTED      Ayes 4      Walters, Best, Quatroche, Smardz  
                      Noes 0

**RESOLVED**, to authorize the Supervisor to sign the extension of the CSEA, Local 1000 AFSCME Blue Collar Contract.

**21.**

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

ADOPTED      Ayes 4      Walters, Best, Quatroche, Smardz  
                      Noes 0

**RESOLVED**, to authorize the Supervisor to approve Allstate Insurance to provide supplemental insurance to the employees at no charge to the Town of Hamburg.

Ferd Garcia questions if the cost is to be applied to the employees.

Supervisor Walters notes that they will come in as an employer to provide insurances that individual people could not go and get.

**22.**

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

ADOPTED      Ayes 4      Walters, Best, Quatroche, Smardz  
                      Noes 0

**BE IT RESOLVED**, upon the recommendation of the Traffic Safety Advisory Board that R1-1 STOP signs be located on White Oak Way at the intersection with Hobblebush.

**23.**

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

ADOPTED      Ayes 4      Walters, Best, Quatroche, Smardz  
                     Noes 0

**RESOLVED**, the Town Board authorize Lieutenant Peter Dienes and Officer Jeffrey Paluch to attend a New York Tactical Officers, 5 day, "SWAT" Supervision and Command Decision Making Course in Oriskany, New York from August 11-15, 2008.

No Cost for Course, Lodging and meals-These are all picked up be a Department of Justice Grant

Gas and Tolls (approximately)                      \$100.00

Use of unmarked Police vehicle for transportation is requested.

Money is available in account B3120.492.

**24.**

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

ADOPTED      Ayes 4      Walters, Best, Quatroche, Smardz  
                     Noes 0

**RESOLVED**, that the Town Board approve Ford Beckwith to finish the term of James Gleason on the Recreation Advisory Board, ending December 31,2009.

**25.**

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

BE IT RESOLVED, that an advertisement for bids for the construction of drainage improvements in the Smith Road area is authorized to be published in the official Town newspapers, with the bid opening scheduled for Wednesday, September 3, 2008 at 11:00 a.m. local time.

26.

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

ADOPTED Ayes 4 Walters, Best, Quatroche, Smardz Noes 0

RESOLVED, that the Town Board authorize the Supervisor to sign any amendment to, supplement to, or contract of sale or any other necessary instrument to complete or purchase or enhance of approximately 5.2 acres of vacant land currently owned by Christopher Riefler and Jennifer Riefler to the Town. The said premises being located at Hampton Brook Dr. and Brookside Dr.; SBL# 195.00-3-7.1.

27.

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

ADOPTED Ayes 4 Walters, Best, Quatroche, Smardz Noes 0

RESOLVED, that the Town Board approve the following audit of cash disbursements

AUGUST 11, 2008 AUDIT OF CASH DISBURSEMENTS

Table with 3 columns: OPERATING FUND, Amount, and VOUCHER #S. Rows include BATCH # 84 through 91 with corresponding amounts and voucher ranges.

**TOTAL OPERATING FUND DISBURSEMENTS:** \$1,838,381.23

**TRUST & AGENCY**

|         |    |             |
|---------|----|-------------|
| BATCH # | 31 | \$1,126.40  |
| BATCH # | 32 | \$12,500.00 |

**TOTAL TRUST & AGENCY DISBURSEMENTS:** \$ 13,626.40

**CAPITAL FUND DISBURSEMENTS:**

|         |    |                |             |
|---------|----|----------------|-------------|
| BATCH # | 42 | \$7,801,150.78 | 27793       |
| BATCH # | 43 | \$ 204,392.68  | 27794-27799 |
| BATCH # | 44 | \$ 825,000.00  | 27897       |
| BATCH # | 45 | \$ 42,087.41   | 27898-27902 |
| BATCH # | 46 | \$ 19,675.42   | 27979-27983 |
| BATCH # | 47 | \$ 21,684.00   | 28177-28178 |
| BATCH # | 48 | \$ 56,378.14   | 28321-28323 |

**TOTAL CAPITAL FUND DISBURSEMENTS:** \$8,970,368.43

**PAYROLL:**

|      |    |               |
|------|----|---------------|
| PR # | 15 | \$ 603,922.84 |
| PR # | 16 | \$ 602,500.66 |

**TOTAL PAYROLL DISBURSEMENTS:** \$1,206,423.50

**PETTY CASH:** \$ 0.00

**TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:** \$12,028,799.56

**Reports from the Town Board**

Councilman Quatroche notes that over the past month or so they had a Shoreline Revitalization Committee meeting and they discussed items such as Old Lakeshore Rd. There has been a

significant amount of erosion there. They are working with the County as to possible solutions. Some of the other items discussed were the Foit's/Hoak's properties. He also thanks everyone who attended the Blast on the Beach and the Recreation Dept and Buildings and Grounds for all their hard work. Also a special thank you to Rosemary McManus who put a lot of time into this project.

Councilman Best commend the people who ran the Blast on the Beach. He found out that it cost the Town very little, like a few hundred dollars to run it.

Supervisor Walters reports that he was notified that there is a public hearing August 12<sup>th</sup> at 8:15 p.m. at the Hamburg Village Hall for the gas pumps that are being proposed at Top's on South Park Ave. The second public hearing is September 9<sup>th</sup> from 4:30 to 6:30 p.m. at the Lakeview Fire Hall regarding the rehabilitation of the Route 5 bridge rehabilitation over Eighteen Mile Creek. Lastly, a letter was recently received from Erie County stating they will no longer be maintaining the Town's website. We will now have to pay for the maintenance of our own website. At this time he is putting together a committee to review the current website as well as to make recommendations. Six people have been appointed to this committee, three Town employees; Donna Gavin, Bob Hutchison and Cathy Rybczynski as well as three non employees; Charles Castiglia, Dick Reynolds, Dan O'Connell if anyone else would like to take part in this he urges them to please contact him. The County has given us until the end of the year then they are pulling the plug.

Catherine Rybczynski reports that at the end of her Town Clerk's report that she gave at the end of July over \$84,000. in penalties that were collected in conjunction with the Town and County taxes for this year. On Friday \$75,000. was given in earned interest from all four of the accounts.

Robert Hutchison reports that the Governor has signed the bill to change the taxable status date to March 1<sup>st</sup> from May 1<sup>st</sup>. People applying for exemptions will need to be in before March 1<sup>st</sup>.

George Lee reports that the National Night Out went beautiful even with the rain. Next year will be the 15<sup>th</sup> year.

Supervisor Walters personally thanks Ray Pawlowski for his work in the Blue Collar extension. Ray and his union work tremendously with the Town to come up with ways to cut costs.

### **Reports from the Public**

Sharon Frantz notes that they were at a board meeting last month and were told the re-zoning of 5201 Camp Rd was to be discussed this month.

Supervisor Walters responds that they did have some information conversations with the property owner. At this time the property owner informed them that he would like to reach out to the residents of the neighborhood before the Town Board takes any formal action.

Sharon Frantz notes that they want to have their say with the Board before any decision are made.

She shows pictures of Mr. Izzo's property with regard to the buffering and where cars are parked.

There has been excessive water coming off his lot.

Mike Paradowski, Dartmouth resident, invites the Town Board to walk through his yard and they can see the water that accumulates.

Charles Lambert, resident, questions if the Izzo property has been zoned commercial before.

Supervisor Walters notes that for at least the past 30-40 years it's been zoned residential. He isn't use if it's ever been zoned commercial.

Drew Reilly responds that there has been proposals over the last 25 years to rezone it.

Supervisor Walters asks Mr. Reilly to notify the same people for the public hearing regarding the resolution filing.

A resident questions if the land owner would be required to state his intent of the land.

Supervisor Walters notes that at the public hearing it was stated that he did not have a specific use for the property.

Mr. Reilly comments that they could place reasonable conditions on the uses.

Mike Paradowski notes that he knows that the Town considers this because if it's developed it will also increase the tax base. He then questions if the Board is aware of the possible decrease in the values of the residents homes.

Supervisor Walters responds that it's always the interest to protect the needs of the residents and the residential communities. The concerns of the residents are always taken into account.

Albert Guglielmi, Glendale resident, comments on the privatization of the ice rink.

Supervisor Walters asks that he not jump to conclusions with what's going to happen to the Town program. He notes that the Board cares very deeply about those Town programs as well as the other ones run out of that facility. He reassures him that everyone will be notified of any meeting being held to discuss what the plan is.

Albert Guglielmi, notes that with all the rain we've had, a large body of water was formed and came up to his basement window. He lives behind the Cloverbank school and feels a better drainage system needs to be put into place.

Ferd Garcia questions if the salary schedule for various employees have been posted like Orchard Park did.

Supervisor Walters reminds him that the current salary schedule is on the website.

Cathy Rybczynski reiterates that it's on the Town's website under the re organizational minutes of January.

James DiDomizio, of Dartmouth St, notes that Bradford St that has never been developed and notes that he thought there was a chance it would be abandoned.

Supervisor Walters notes that a letter signed by Mr. DiDomizio and the neighbor on the other side of the street requesting that the Town abandon that property.

Mr. DiDomizio responds that he already gave that to the Legal Department.

Joe Killian questions with the plaza down when will the Wal-Mart be started.

Supervisor Walters notes they are hoping soon.

Mr. Killian also wants to commend the Town of Hamburg Police Department with the SWAT team the other day. They resolved the stand off peacefully and they were very professional.

Supervisor Walters goes back to the comment of the resident with the amount of rain we had the other day. The SWAT team was out in that weather for six hours talking that person out of his home. They all should be commended.

**28.**

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

ADOPTED                      Ayes 4                      Walters, Best, Quatroche, Smardz  
    Noes 0

**RESOLVED**, that the Town Board adjourn at 8:30 p.m.

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Catherine A. Rybczynski, Town Clerk