

A regular Town Board meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, 6100 South Park Avenue, Hamburg, New York on the 17th day of August 2015.

2.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board adjourn Executive Session at 7:06 pm and move into the regular meeting.

ROLL CALL: Steven J. Walters Supervisor
 Michael Quinn, Jr. Councilman
 Cheryl Potter-Juda Councilwoman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk
Walter Rooth III, Town Attorney; Mary Dosch, Sr. Account Clerk; Richard Lardo, Principal Engineering Assistant; Greg Wickett, Police Chief; Marty Denecke, Director of Youth, Recreation and Senior Services; Thomas Best Sr., Highway Superintendent; Barb Brauch, Clerk of Justice Court; Thomas Taylor, Sr. Public Safety Dispatcher; Sean Crotty, Coordinator of Emergency Management Team, Sarah desJardins, Planning Consultant; Amy Ziegler, Deputy Supervisor

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

3.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

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

07/13/2015	Work Session
07/13/2015	Executive Session
07/13/2015	Town Board Meeting

4.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

RESOLVED, that the Town Board approve the recommendation of the Chief of Police in hiring **ERIC M. WILSON** to the vacant position of Police Officer, probationary, effective August 2, 2015. This is pending the physical, psychological and polygraph tests. Mr. Wilson is currently on the Civil Service list #61-180. Salary is \$23.48 per hour; funds available in B3120.100.

Supervisor Walters asks Mr. Wilson and family and Chief Wickett to come forward for the presentation of the badge.

3.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

WHEREAS, the Town of Hamburg received a request from the Hanania Family Partnership LP to rezone 9.5 acres of vacant land (portion of the property located at 4819 Southwestern Boulevard) from C-1 (Local Retail Business District) to R-3 (Multifamily District) in order to construct an “upscale attached residential project”; and

WHEREAS, on March 9, 2015 the Hamburg Town Board referred this rezoning request to the Planning Board for its review and recommendation; and

WHEREAS, on March 9, 2015 the Hamburg Town Board initiated the SEQRA Coordinated Review Process and received input from various Involved Agencies; and

WHEREAS, on June 8, 2015 the Hamburg Town Board declared itself Lead Agency under SEQRA; and

WHEREAS, on July 15, 2015 the Hamburg Planning Board forwarded a positive recommendation to the Town Board regarding this rezoning with conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board, pursuant to the statutes and the provisions of the Municipal Home Rule Law, hereby sets a Public Hearing on the proposed rezoning at the Hamburg Town Hall located at 6100 South Park Avenue, Hamburg, NY at 7:00 pm on September 28, 2015.

5.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

BE IT RESOLVED, that Cameron Hall of Hamburg, New York, be appointed to serve as a member of the Town of Hamburg Land Development Corporation to replace Patricia Brunner-Collins as a result of a request from the Hamburg Central School District.

6.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

BE IT RESOLVED, that Cameron Hall of Hamburg, New York, be appointed to serve as a member of the Town of Hamburg Industrial Development Agency to replace Patricia Brunner-Collins as a result of a request from the Hamburg Central School District.

7.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

WHEREAS, the Town of Hamburg is the owner of real property and a water storage tank located at 4220 Howard Road Avenue, Hamburg, New York, and

WHEREAS, Blue Wirelesco, LLC wishes to lease a section of the building rooftop located on the Town owned property for the purpose of installing and operating a communications facility including an antenna structure system, and

WHEREAS, the Town is willing to lease the property to Blue Wirelesco, LLC, and grant Blue Wirelesco, LLC the right to conduct all work necessary to prepare, maintain, and alter the premises for their business operations, and

WHEREAS, all construction and installation work shall be performed at the sole expense of Blue Wirelesco, LLC, and

WHEREAS, Blue Wirelesco, LLC will provide Town of Hamburg Public Safety access to the communications facility for the purpose of improved communications for the Town of Hamburg and Emergency Services agencies they dispatch for at no charge, and

WHEREAS, Blue Wirelesco, LLC will pay a monthly rent to the Town of Hamburg as per the agreement, and

WHEREAS, the term of the lease is sixty (60) calendar months to commence upon completion of installation of equipment,

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg enter into a Communication Facility Lease with Blue Wirelesco, LLC to install and operate a communications facility including an antenna structure system Town owned property, and

BE IT FURTHER RESOLVED that the Supervisor Walters is authorized to sign all documents associated with the Communication Facility Lease.

8.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

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

James Forester
4852 Mount Vernon Blvd.
Hamburg, N.Y. 14075

9.

On a motion of Councilman Quinn, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

WHEREAS, the Town of Hamburg is the owner of real property located at 2720 Lakeview Road, Lake View, New York, and

WHEREAS, Up State Tower Co., LLC. wishes to construct and operate a communications facility on an approximately 50 feet x 50 feet portion of the Town owned property, and

WHEREAS, the Town is willing to lease the property to Up State Tower Co., LLC., and grant easements in and under the property for installing and taking care of the communications equipment, and

WHEREAS, Up State Tower Co., LLC. will provide Town of Hamburg Public Safety access to the communications facility for the purpose of improved communications for the Town of Hamburg and Emergency Services agencies they dispatch for at no charge, and

WHEREAS, Up State Tower Co., LLC. will pay a monthly rent to the Town, based on the number of cellular carrier tenants using the communications facility, and

WHEREAS, the term of the lease is five (5) years to commence upon construction of the communications facility, or six (6) months after the date all required governmental approvals are received, whichever is earlier,

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg enter into a Land Lease Agreement with Up State Tower Co., LLC. to construct and operate a communications facility on an approximately 50 feet x 50 feet portion of the Town owned property, and

BE IT FURTHER RESOLVED that the Supervisor Walters is authorized to sign all documents associated with the Land Lease Agreement.

10.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

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

9/02/15	9/04/15	9/05/15	9/06/15
9/9/15	9/11/15	9/12/15	9/13/15
9/14/15	9/17/15	9/18/15	9/19/15
9/20/15	9/25/15	9/26/15	9/27/15

11.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

WHEREAS, the Town of Hamburg is the owner of real property located at 6100 South Park Avenue, Hamburg, New York, and

WHEREAS, Up State Tower Co., LLC. wishes to construct and operate a communications facility on an approximately 35 feet x 90 feet portion of the Town owned property, and

WHEREAS, the Town is willing to lease the property to Up State Tower Co., LLC., and grant easements in and under the property for installing and taking care of the communications equipment, and

WHEREAS, Up State Tower Co., LLC. will provide Town of Hamburg Public Safety access to the communications facility for the purpose of improved communications for the Town of Hamburg and Emergency Services agencies they dispatch for at no charge, and

WHEREAS, Up State Tower Co., LLC. will pay a monthly rent to the Town, based on the number of cellular carrier tenants using the communications facility, and

WHEREAS, the term of the lease is five (5) years to commence upon construction of the communications facility, or six (6) months after the date all required governmental approvals are received, whichever is earlier,

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg enter into a Land Lease Agreement with Up State Tower Co., LLC. to construct and operate a communications facility on an approximately 35 feet x 90 feet portion of the Town owned property, and

BE IT FURTHER RESOLVED that the Supervisor Walters is authorized to sign all documents associated with the Land Lease Agreement.

Joe Kilian questions if they will take this down if for some reason they don't need it anymore?

Sean Crotty responds that it is a joint project with Emergency Management and Dispatch Service. This will improve service that the Town has presently due to the height of the new towers. They are giving the Town prime access in addition to the rent agreement.

Supervisor Walters comments that Mr. Crotty and Mr. Taylor brought it to the attention of the Town Board about 8 months ago that the Town was getting to the point that we needed to replace the existing tower at Town expense. This provides the tower, not at the Town's expense, and improves the dispatching abilities at the same time.

Mr. Kilian questions if the other towers will improve service as well.

Supervisor Walters responds yes.

12.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

WHEREAS, the Town of Hamburg, with the assistance from URS Corporation, has gathered information and prepared the Erie County, New York, Multi-Jurisdictional Hazard Mitigation Plan Update ("The Plan"), and

WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000, and

WHEREAS, the Town of Hamburg is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan, and

WHEREAS, the Town of Hamburg has reviewed the Plan and affirms that the Plan will be updated no less than every five (5) years;

NOW THEREFORE, BE IT RESOLVED by the Hamburg Town Board that the Town of Hamburg adopts the Erie County, New York, Multi-Jurisdictional Hazard Mitigation Plan Update as this jurisdiction's Natural-Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

13.

On a motion of Councilman Quinn, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

BE IT RESOLVED that the Town Board approve the advertising of a legal notice for a bid for two (2) new doors on the Ice Arena building. Funds are available in Account EI.7266.422.

14.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, The Town Board authorize PSD Mark Szczepanik to attend “APCO” Communications Training Officer Course, September 2, 2015 via the Virtual Academy on the Web. This is a five (5) week course on the Internet. Cost of Seminar is \$439.00 per student and monies are available in Account A3020.492.

15.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, The Town Board authorize PSD’s John L. Hilliard, Matthew J. Jurek, Jordan M. Pede and Sean P. Crotty to attend “Ultimate 911 Training Day” seminar instructing emergency personnel on how to handle critical incident stress. Cost of Seminar is \$147.00 per student and monies are available in Account A3020.492. The use of a Town vehicle is requested.

16.

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

ADOPTED Ayes 2 Walters, Quinn
 Noes 1 Potter-Juda

RESOLVED, that the Town Board approve the advertising of a legal notice for bid for One (1) New and Unused **2015 F-250 4X4 Truck** for the Highway Department. Funds are available in Account #H26.5130.201 – Machinery and Equipment.

Supervisor Walters questions if this is replacing a vehicle.

Superintendent Best responds that this will be replacing a 2005 Explorer that has no plow and serves no legitimate purpose in Highway. However, he will be keeping it for transportation or for the Mailperson to use. He wouldn't get anything of value in a trade.

Councilwoman Potter-Juda questions who will be using the new vehicle.

Superintendent Best responds that the new vehicle will be used by the new foreman Daren Smith.

17.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

WHEREAS, under the provisions of Local Law No. 3- 1993 Chapter 85. Coastal Erosion Hazard, specifically Section 85-22. the Town shall appoint and maintain a Coastal Erosion Board of Review and,

WHEREAS, two of the current members of the Coastal Erosion Board of Review (namely Gerard Kapsiak and Thomas Bender) are no longer available to serve their respective positions resulting in vacancies on said board and,

WHEREAS, the following Town residents having the necessary expertise and qualifications as required and having volunteered to serve on the Coastal Erosion Board of Review under the recommendation of the designated Coastal Erosion Management Local Administrator, Kurt Allen.

NOW, THEREFORE BE IT RESOLVED, that Hamburg Town Board approve the appointments to Coastal Erosion Board of Review to serve with Kurt Allen as follows:

- Larry Cobado
- Curt Krempa, PE.
- Mark Lorquet

BE IT FURTHER RESOLVED, that these appointments are effective the date of this resolution.

18.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

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

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/tem hourly rate	Termination Date
1	4668	Arana, Erika		Rec Attd-A7310				8/18/2015
2	4599	Bogner, Mary Catherine		Rec Attd-A6780-Seas				8/2/2015
	4599	Bogner, Mary Catherine	R	Rec Attd-A6780-P/T	8/3/15		\$9.00	
3	4560	Booth, Abigail		Rec Attd-A7310				8/18/2015
4	4465	Cesar, Gabe		Rec Attd-A7310				8/18/2015
5	4467	Chudzik, Braden		Rec Attd-EW7251				8/18/2015
6	4651	Courtade, Courtney		Rec Attd-A7310				8/18/2015
7	4337	Denecke, John		Rec Attd-ER7251				8/18/2015
8	4652	Evancho, Gavin		Rec Attd-A7310				8/18/2015
9	4469	Gawlak, Adam		Rec Attd-A7310				8/18/2015
10	4641	Grimaldi, Jocelyn		Rec Attd-EW7251				8/18/2015
11	4553	Harvey, Ryan		Rec Attd-EW7251				8/18/2015
12	4653	Hietanen, Andrew		Rec Attd-A7310				8/18/2015
13	4491	Hietanen, Christopher		Rec Attd-A7310				8/18/2015
14	4040	Jedynak, Richard		Van Driver-A6772-Seas				7/17/2015
	4040	Jedynak, Richard	R	Van Driver-A6772-P/T	7/18/15		\$10.44	
15	4564	Jordan, Amie		Rec Attd-A7310				8/18/2015
16								
17	4656	Lipinski, Emma		Rec Attd-A7310				8/18/2015
18	4569	Loomis, Sarah		Rec Attd-A7310				8/18/2015
19	4657	Loretto, Andrew		Rec Attd-A7310				8/18/2015
20		Manganello, Jack	N	Van Driver-A6772-P/T	8/18/15		\$9.00	
21	4447	McMahon, Claire		Lifeguard-EW7251				8/18/2015
22	3744	Melewski, Mark		Rec Attd-EI7265-P/T				8/22/2015
	3744	Melewski, Mark	R	Rec Attd-A7310-P/T	8/23/15		\$10.25	
23	4658	Mertowski, Jake		Rec Attd-A7310				8/18/2015
24	4637	Miller, Michael		Rec Attd-EW7251				8/18/2015
25	4659	Myles, Mark		Rec Attd-A7310				8/18/2015
26	4660	Olday, Alexander		Rec Attd-EW7251				8/18/2015
27	4625	Ott, Megan		Rec Attd-EW7251				8/18/2015
28	3327	Potter, Lisa		Rec Attd- A7310				8/18/2015
29								
30	4572	Reardon, Kaylee		Rec Attd-A7310				8/18/2015
31	4663	Russo, Rylie		Rec Attd-A7310				8/18/2015
32	4314	Sedor, Joseph		Rec Attd-ER7251				8/18/2015
33	4664	Sporyz, Joshua		Rec Attd-A7310				8/18/2015
34	4497	Todorov, Christian		Rec Attd-A7310				8/18/2015
35	4643	Wegryn, Gregory		Rec Attd-EW7251				8/18/2015
36	4492	Welch, Victoria		Rec Attd-A7310				8/18/2015
37	4666	Wind, Gabrielle		Rec Attd- A7310				8/18/2015
38	3853	Zoda, John		Rec Attd- A7310-Seas				8/23/2015
	3853	Zoda, John	R	Rec Attd-A7310-P/T	8/24/15		\$10.96	

19.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

WHEREAS, the Hamburg Town Code contains and specifies the local laws, and ordinances of the Town of Hamburg; and

WHEREAS, the Hamburg Code Review Committee has evaluated these regulations based on questions raised by various entities, and

WHEREAS, the Hamburg Code Review Committee has prepared draft language to amend Chapter 280 (Zoning) as follows;

Amend Chapter 280 (Zoning), under Article XLIV: Final Plan Requirements, by adding a new item, “C.” under section 280-305 that addresses Access Management.

Amend Chapter 280 (Zoning), under Article XLIV: Final Plan Requirements, by adding a new item, “D.” under section 280-305 that addresses Landscaping.

Amend Chapter 280 (Zoning), under Article XLIV: Final Plan Requirements, by adding a new item, “E.” under section 280-305 that addresses Architectural Standards.

Amend Chapter 280 (Zoning), by deleting the following Articles:

- Delete, in its entirety, Article XXIII: Southwestern Boulevard Overlay District
- Delete, in its entirety, Article XXIV: McKinley Parkway Overlay District
- Delete, in its entirety, Article XXV: South Central Overlay District
- Delete, in its entirety, Article XXVI: Lakeview Overlay District
- Delete, in its entirety, Article XXVII: Southeastern Hamburg Overlay District
- Delete, in its entirety, Article XXIX: South Park Avenue Overlay District

Add new Article XXIII, entitled “Southern Hamburg Overlay District”

Amend Chapter 280 (Zoning), Article XXVIII (Camp Road Overlay District), as follows;

- Add new title: Camp Road/ Village Overlay District
- Replace Section 280-157 with a new section
- Amend Section 280-158
- Remove Section 280-187A
- Remove Section 280-187B

- Replace Section 280-159 with a new section
- Replace Section 280-160 with a new section
- Replace Section 280-161 with a new section

WHEREAS, the Hamburg Planning Board has reviewed these proposed Code revisions, provided comment, reviewed the amended codes and recommended them to the Town Board, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has conducted an environmental review of these Zoning Code revisions, and

WHEREAS, the Town has identified that there are no other Permitting or Approval agencies for this action and these amendments are primarily process type revisions and improvements to design regulations, and

WHEREAS, a public hearing was held regarding these Code amendments, and no adverse comments were received, and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to adopt these Zoning Code amendments by enacting a Local Law, and

WHEREAS, these proposed zoning amendments were referred to Erie County in accordance with General Municipal law section 239-m and the County had no adverse comments,

NOW, THEREFORE BE IT RESOLVED, the Hamburg Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed enactment of this Local Law, will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues the attached SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations, and

BE IT FURTHER RESOLVED THAT, the Supervisor is authorized to sign the Environmental Assessment Form (EAF) and the Planning Department is authorized to complete the required notices and filings.

20.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

WHEREAS, the Hamburg Town Code contains and specifies the local laws, and ordinances of the Town of Hamburg; and

WHEREAS, the Hamburg Code Review Committee has evaluated these regulations based on questions raised by various entities, and

WHEREAS, the Hamburg Code Review Committee has prepared draft language for these proposed amendments and recommended them to the Town Board, and

WHEREAS, the Hamburg Planning Board has reviewed these proposed Code revisions, provided comment, reviewed the amended codes and recommended them to the Town Board.
And

WHEREAS, the Town Board held the required public hearing on these revisions on 7/13/15 and received no adverse comments, and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Hamburg Town Code as follows (full copies attached):

Amend Chapter 280 (Zoning), under Article XLIV: Final Plan Requirements, by adding a new item, "C." under section 230-305 that addresses Access Management.

Amend Chapter 280 (Zoning), under Article XLIV: Final Plan Requirements, by adding a new item, "D." under section 230-305 that addresses Landscaping.

Amend Chapter 280 (Zoning), under Article XLIV: Final Plan Requirements, by adding a new item, "E." under section 230-305 that addresses Architectural Standards.

Amend Chapter 280 (Zoning), by deleting the following Articles:

- Delete, in its entirety, Article XXIII: Southwestern Boulevard Overlay District
- Delete, in its entirety, Article XXIV: McKinley Parkway Overlay District
- Delete, in its entirety, Article XXV: South Central Overlay District
- Delete, in its entirety, Article XXVI: Lakeview Overlay District
- Delete, in its entirety, Article XXVII: Southeastern Hamburg Overlay District
- Delete, in its entirety, Article XXIX: South Park Avenue Overlay District

Add new Article XXIII, entitled "Southern Hamburg Overlay District"

Amend Chapter 280 (Zoning), Article XXVIII (Camp Road Overlay District), as follows;

- Add new title: Camp Road/ Village Overlay District
- Replace Section 280-157 with a new section

- Amend Section 280-158
- Remove Section 280-187A
- Remove Section 280-187B
- Replace Section 280-159 with a new section
- Replace Section 280-160 with a new section
- Replace Section 280-161 with a new section

;and

Whereas, the Town Board has issued a Negative Declaration, and referred these proposed code revisions to Erie County in accordance with General Municipal Law section 239-m.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board amends Local Law #10 of the year 1986 of the Code of the Town of Hamburg Chapter 280 entitled “Zoning” to provide for the revision of the Town Code as referenced above and as attached.

Town of Hamburg

Zoning Law Amendments:

To address the additions to the Site Plan Review submission and whether they need to appear before the Planning Board, the following amendments are being proposed:

Amend Article XLIV: Site Plan Review, as follows:

Amend Section 280-305: Submission of site plan and supporting data, as follows:

Add new paragraph as Section 280-305C:

C. Access Management

- (1) General. One of the most important objectives of access management is reducing the potential for conflicts, particularly along the most heavily traveled roads. The best methods for achieving a reduction in conflicts are reducing the number of conflict points and separating through- from local traffic. Land use development and transportation can be brought into balance, and conflicts can be reduced, through appropriate limitations on the number of driveways and the enforcement of driveway and corner clearance standards.
 - (a) The site layout, location and design of driveways and parking areas should be based on full build-out of the parcel. Future subdivision of the parcel or any future action that is contrary to an approved plan cannot occur without prior Planning Board approval.

- (b) Properties with frontage on two or more roads do not have the right to driveway access to all such roads.
- (c) Driveways may be required to be located so as to provide shared access and/or cross-access with an abutting parcel or properties.
 - [1] Shared driveways and/or cross-access driveways shall be of sufficient width (minimum 20 feet) to accommodate two-way travel for automobiles and for service and loading vehicles.
 - [2] Shared driveways, cross-access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall also be recorded with the deed, where applicable.
- (d) Driveway spacing standards shall apply to driveways located on the same side of the road and shall be measured along the road from the center line of the driveway pavement to the center line of the next driveway.
- (e) Curb cuts and driveway spacing for new development or redevelopment will be evaluated by the Planning Board on a case-by-case basis to reduce conflicts and ensure traffic safety and efficiency. In certain cases, minimum spacing requirements, as deemed appropriate by the Planning Board and that comply with established state standards, shall be applied as follows:

**Minimum Driveway Spacing Standards
Development Size in Peak Hour Trips ((pht)**

Type of Road	Small 0-100 Pht (ft)	Moderate 101-200 pht (feet)	Large 201 or greater pht (feetO)
Major arterial	330	440	660
Collector	220	330	440

Notes: 1. Peak hour trips (pht) should be based on full build-out of the parcel.

2. The larger of the minimum driveway spacing standards for the proposed development or for existing developments at abutting properties will apply. Driveways for in-fill development must meet the larger of the minimum driveway spacing standards for development abutting properties on both sides.

- (2) Corner clearance. Corner properties present special problems because they are extremely attractive to high volume peak-hour traffic businesses whose designs often create conflict areas that overlap with the conflict area of the intersection.

- (a) Corner clearance is to be measured along the road from the center line of the driveway pavement to the closest edge of the road pavement. Where road widening is planned or anticipated in the future, corner clearance should be increased to provide for the width of the additional lane.
- (b) Driveways for corner properties shall meet or exceed the minimum corner clearance requirements as follows:

Minimum Corner Clearance Requirements

Type of Access	Minimum Clearance (feet)
For partial access, right turns in and/or out only	100
For full access, all directional movements	220

- (c) Driveways should be located outside of the functional area of the intersection or, if this is not possible, driveways should be placed as far as possible from the intersection.
 - (d) Cross-access to adjoining properties should be encouraged to the greatest extent possible.
- (3) Driveway location.
- (a) Driveway location will be based on a site plan that has been approved by the Town Planning Board in consultation with the Town Engineer and, where appropriate, the Town Highway Superintendent.
 - (b) Driveways shall be located so as to meet or exceed the minimum driveway spacing standards and the minimum corner clearance standards
 - (c) The Town Planning Board may allow the location of driveways at less than the minimum driveway spacing standards and corner clearances standards if:
 - [1] A dual-driveway system, cross access driveway system or shared driveway is proposed and this improves the safe and efficient movement of traffic between the parcel and the road;
 - [2] A driveway or driveways could be located so as to meet the minimum driveway spacing standards and corner clearance standards, but the characteristics of the parcel or the physical or operational characteristics of the road are such that a change of location will improve the safe and efficient movement of traffic between the parcel and the road; or
 - [3] Conformance with the driveway spacing standards or corner clearance standards imposes undue and exceptional hardship on the property owner.
- (4) For properties unable to meet the minimum driveway spacing standards or corner clearance standards, a temporary driveway may be granted. The granting of a temporary

driveway will be conditioned on obtaining a shared driveway, cross-access driveway or unified parking and circulation with an adjoining parcel, and closure of the temporary driveway in the future.

Amend Section 280-305 by Adding the following new paragraph:

D. Landscaping

- (1) A detailed landscaping plan shall be included with the site plan submission. This landscape plan shall be prepared and certified by a New York State Licensed landscape architect.
- (2) A minimum ground area of not less than 10% of the total site area to be developed shall be landscaped area. Five percent of internal parking areas shall be green space (landscaped islands).
- (3) For all areas, planted deciduous trees shall have a minimum of caliper of 2 ½ inches, measured six inches above grade. All planted coniferous trees shall have a minimum height of five feet above finished grade.
- (4) All existing trees larger than six inches in diameter, groups of trees and other natural vegetation shall be incorporated into the landscape plan to the maximum extent practicable to provide natural buffering from adjacent residential properties. Efforts shall be made to preserve these features, especially along lot lines. Areas noted on the site plan for preservation must be delineated at the site and approved by the Town prior to construction. A note indicating this requirement must appear on the site plan to be approved.
- (5) Selected vegetative plantings shall be compatible with soil conditions on the development site as well as the regional climate.
- (6) Plastic or other types of artificial plantings shall not be permitted.
- (7) The landscaping design shall include the provision for pedestrian access to and from the site.
- (8) The landscape plan shall include trees and other design treatments that complement the existing streetscape design.
- (9) The arrangement and location of landscaped areas shall be dispersed throughout the development site so as to prevent unsightliness and eliminate the monotony of parked cars.
- (10) At least one tree per 30 feet of frontage shall be planted in the required forty-foot setback area. Additional trees shall be planted throughout the developed area at a ratio of one tree per 30 feet of side and rear yard dimension with the area to be

developed. Trees may be spaced evenly or clustered. Acceptable trees shall be limited to those trees listed on the Town's planting list. This list is available from the Planning Department. Substitution of planting material may be approved by the Planning Board.

- (11) All required vegetative plantings shall be maintained in a healthy and productive condition and shall be routinely examined. Plant materials shall be replaced, as necessary or as directed by the Town. The Town Code Enforcement Officer shall enforce the upkeep of landscaped areas through periodic inspections and in response to complaints (two years after site plan development finalized or final CO).

Amend Section 280-305 by adding the following paragraph:

E. Architectural Standards:

- (1) Blank walls and other dead or dull spaces at the street level shall be avoided. Visually interesting activities at the sidewalk edge shall be maintained and/or established to engage pedestrian interest.
- (2) Building frontages should be active, with large non-reflective, minimally tinted window openings at ground level.
- (3) New building forms and elevations should be detailed and articulated to create interesting rooflines and strong patterns of shade and shadow.
- (4) Large structures should be designed to reduce their perceived height and bulk by dividing the building mass into smaller-scale components.
- (5) The rear of buildings (existing and proposed) shall be enhanced, where appropriate, to improve public access from parking lots and to improve views to surrounding residential properties.
- (6) In some cases the Planning Board may ask for alternative architectural plans to be submitted.
- (7) The visibility of rooftop equipment should be minimized by grouping this equipment away from public view. If visible, it will also be necessary to screen these units.
- (8) Building designs should incorporate traditional building materials such as masonry, stone, brick and other natural appearing materials. Building colors should accent, blend with or complement the surrounding environment.
- (9) Dumpsters shall be placed on a concrete pad, and completely enclosed.

Town of Hamburg

Zoning Law Amendments: (Overlays and Design requirements)

Delete Article XXIII: Southwestern Boulevard Overlay in its entirety

Delete Article XXIV: McKinley Parkway Overlay in its entirety

Delete Article XXV: South Central Overlay District in its entirety

Delete Article XXVI: Lakeview Overlay District in its entirety

Delete Article XXVII: Southeastern Hamburg Overlay District

Delete Article XXIX: South Park Avenue Overlay District, in its entirety.

Add new Article (to replace Lakeview, South Central and Southeastern Overlays):

Southern Hamburg Overlay District

Section 280-XXX. Purpose and intent:

- a. In accordance with the recommendations and polices of the Town of Hamburg 2010 Comprehensive Plan (1997 Master Plan update), the purpose of this overlay district is to preserve important environmental resources, including scenic views and vistas, and encourage bicycle and pedestrian access; and preserve the rural character of the area. This district contains significant tracts of freshwater wetlands and woodlands, as well as habitats and management areas and designated conservation areas. This overlay is also intended to control suburban development without impacting the economic value of the land or hampering development altogether.
- b. The overlay district regulations will supplement the underlying zoning restrictions and provide for harmonious, safe and orderly development within the district.

Section 280-XXX Boundary description:

The Southern Hamburg Overlay District shall encompass all the land area that is located southeast of Old Lake Shore Road and the shoreline of Lake Erie; south east of Amsdell Road and Rogers Road and south of East Pleasant and Pleasant Avenue and southwest of the boundaries of the Incorporated Village of Hamburg and continuing along the southern boundaries of the Village of Hamburg to the south and of Newton Road and the southeast of the boundary of the Town of Orchard Park; and north of the boundary with the Towns of Boston, Eden and Evans.

Section 280-XXX Objectives:

The special regulations contained herein, which govern all proposed development and redevelopment within the boundaries of the Southern Hamburg Overlay District, shall be founded upon the following objectives:

A. Guidelines and Objectives for Development:

- (1) Land use decision making shall consider a wide variety of uses through the implementation of impact criteria to prevent potential adverse effects to adjoining properties and allow for more flexibility and creativity in design.
- (2) Land use controls shall, in some cases, allow smaller lots as long as the overall density guidelines are maintained (cluster development), thereby preserving open space and furthering the goals of the Town of Hamburg 2010 Comprehensive Plan.
- (3) Open space protection and good design shall supersede the importance of density in development decisions.
- (4) Suburban development shall be minimized to control/manage growth. Standard road frontage lots are highly discouraged to help preserve the character of this overlay area.
- (5) Rural development guidelines shall be applied to manage growth and achieve a more desirable environment than what would be possible through the strict application of existing zoning regulations.
- (6) Development should be set back from roadways and adjacent agricultural development, as directed by the Planning Board, to preserve the rural character of the district.
- (7) To better manage suburban growth, the extension of public sewer lines beyond existing areas shall be discouraged.
- (8) Development shall be set back from roadways and adjacent agricultural development to preserve the rural character of the district. The aesthetics and layout of proposed development should be reviewed to prevent the area from taking on a suburban appearance.
- (9) Commercial Development shall be concentrated in existing commercial areas rather than spread out in strips along major highways to preserve the rural character of this Overlay district.

B. Guidelines and Objectives for Environmental Preservation:

- (1) The amount of land clearing shall be minimized, and development shall be designed around significant resources on-site, i.e., wetlands, steep slopes, scenic vistas, floodplain boundaries and wooded areas, to manage growth and achieve a more desirable environment than what would be possible through the strict application of the existing zoning.
- (2) Development shall be concentrated in areas that are already developed to control suburban sprawl and further the goals of the Town of Hamburg 2010 Comprehensive Plan.
- (3) Conservation easements, deed restrictions and other methodologies shall be utilized, to the greatest extent practicable, to preserve significant natural resources of developable lots.
- (4) More stringent environmental review shall be conducted for development of properties that contain extensive woodlands and other important natural resources.
- (5) Important habitats on the site should be identified, and the relative value of these areas for supporting wildlife should be determined.
- (6) Trees of a minimum size of eight-inch diameter at breast height (DBH), all important trees and any significant stands of vegetation shall be preserved to the greatest extent possible (The Planning Board, with input from the Conservation Board, will direct the applicant in areas to preserve).

Section 280-XXX. Permitted Uses:

- A. The uses permitted in the Southern Hamburg Overlay District shall be the same uses as permitted in the underlying zoning district(s).
- B. Cluster development shall be encouraged, and in certain cases required, in accordance with the provisions of §280-282A of the Town of Hamburg Zoning Code.

Section 280-XXX. Permitted accessory uses:

The accessory uses permitted in the Southern Hamburg Overlay District shall be the same as the accessory used permitted in the underlying zoning district(s).

Section 280-XXX. Design regulations:

- (1) The division of lands, regardless of zoning classification, shall be subject to Chapter 230, Subdivision of Land, of the Code of the Town of Hamburg.

- (2) Subdivision plans must clearly depict all features identified in the Town of Hamburg Open Space/Recreation Plan and all other important environmental and cultural features in relation to the approximate locations of proposed homes and driveways on the property.
- (3) Areas with significant trees along the road frontage must be identified and preserved to the greatest extent practicable. Predetermined driveway and home locations, as required under Section 280-XXX, will help to minimize tree loss during construction. Penalties and/or replacement of trees will be imposed and enforced by the Building Inspector if unauthorized tree losses occur during construction.
- (4) Creativity and flexibility in site design shall be encouraged, including variation in the configuration of lots (clustering) and building setbacks, as well as the utilization of conservation easements, deed restrictions, flag lots, common driveways, curved driveways, the preservation of stone walls and hedges, and the like.
- (5) The subdivision must be laid out to incorporate all important natural and cultural features; these features must be preserved to the greatest extent practicable.
- (6) Standard road frontage lots are highly discouraged. Where frontage lots are proposed (3 or more lots) on existing roadways, the applicant shall provide an alternative plan or plans illustrating how the lots will accomplish the guidelines and objectives of this overlay. This alternative plan or plans will include the creativity and flexibility discussed in these design regulations; such things as clusters, flag lots, common driveways, varied building setbacks, conservation areas, etc. The Planning Board will review these alternative plans and provide input to the applicant on the use of these alternative plans. This review and input of alternative plan(s) will assist in making SEQR and approval decisions on the application.
- (7) Clear cutting of trees for subdivision lots shall be prohibited. In accordance with the Town of Hamburg Tree Preservation Law, plans shall be submitted that clearly delineate those vegetated areas of the site that will be preserved and those areas that will be disturbed for the construction of home sites (including driveways, septic systems, lawns, etc.). No more than ½ acre of any building site shall be cleared for the construction of a single-family home. In cluster developments this requirement can be reduced by the Planning Board. Prior to construction these areas must be properly delineated in the field and reviewed by the Town (This requirement shall be noted on the plans).
- (8) All proposed projects that include lands identified in the Town of Hamburg Open Space/Recreation Plan must submit a clustered site design layout that incorporates the preservation of all identified important natural and cultural features. All cluster developments must comply with the provision of Section 280-282 of the Town of Hamburg Zoning Code.

- (9) In certain cases, to preserve the rural character of the Southern Hamburg Overlay District, the Town may allow the establishment of open development areas, pursuant to Section 280-a, Subdivision (4) of the New York State Town Law.
- (10) For properties that do not contain features identified in the Town of Hamburg Open Space/Recreation Plan, creativity and flexibility in site design shall also be encouraged (to achieve the preservation of rural character), including variation in the configuration of lots (clustering) and building setbacks, as well as the utilization of conservation easements, deed restriction, flag lots, common driveways, curved driveways, the preservation of stone walls and hedges, and the like.
- (11) Entrances to proposed subdivisions must be designed in a manner that will discourage extended views of the subdivision. Corner lots at entrance points shall front on the new entrance road and these homes will be set back a minimum of 100 feet from the intersection.
- (12) For all proposed subdivisions that include the construction of a new roadway, all extensions of private utility and communication distribution facilities shall be installed below grade. Installation shall be in a manner prescribed by the Building Code, and the utility company having jurisdiction.
- (13) All major subdivisions (in areas not having public sewers) must include the submission of percolation test results (performed by a licensed engineer) for areas throughout the site. If the results indicate areas in the site that have poor soils (would not allow the installation of a standard septic system), these areas should be avoided for development. The Planning Board will work with the applicant in developing a subdivision layout that would minimize environmental impacts due to poor soils.
- (14) All proposed applications shall illustrate how pedestrian and bicycle traffic will be accommodated on the property.
- (15) All proposed commercial structures shall be designed to preserve and continue the rural character and appearance of the district. All site plan applications shall include perspective drawings to illustrate the proposed design.
- (16) The Planning Board may waive or modify any requirements under this section where an undue hardship on the property owner is clearly demonstrated and, that in doing so, the intent and purpose of the district is not diminished. In granting this waiver, the Planning Board shall attach such conditions as are, in the Planning Board's judgment, necessary to secure substantially the objectives of this overlay.

Amend Article XXVIII: Camp Road Overlay District, as follows:

Add new title to Article XXVIII: Camp Road/Village Overlay District

Replace Section 280-185: Purpose, with the following:

- A. In accordance with the recommendations and policies of the Town of Hamburg 2010 Comprehensive plan, this overlay district is designed to better manage and accommodate increasing commercial growth along the Camp Road corridor through the implementation of guidelines to regulate traffic and transportation, signage, development and redevelopment and architectural design. This overlay is also intended to encourage the development of uses that are in harmony with the surrounding area, improve the visible character of the area, protect adjoining residential uses and enhance the character of the area as an important gateway to the Town and Village of Hamburg.
- B. This overlay will act to regulate the Camp Road corridor as a growing commercial district and will provide a transition zone to the smaller retail businesses in the village.
- C. The Camp Road/Village Overlay District regulations will supplement the underlying zoning restrictions and provide for safe and orderly development within the defined section of Camp Road.

Amend Section 280-186: Boundary Description, as follows:

The overlay district shall encompass the corridor of Camp Road, extending northwest from the northern boundary of the Incorporated Village of Hamburg (near Ockler Avenue) to Sunset Drive. This overlay shall encompass all frontage and corner lots on Camp Road in this area.

Remove Section 280-187A: Regional/Hospitality Area in its entirety

Remove Section 280-187B: Economic Development Area in its entirety

Replace all of Section 280-187 with the following:

The special regulations contained herein, which govern all proposed development and redevelopment within the boundaries of the Camp Road/Village Overlay District, shall be founded upon the following objectives.

- A. Emphasis shall be placed upon redevelopment of existing developed properties.
- B. This area is truly a transition area that includes a mixture of larger, more intense commercial businesses and typical, small “mom and pop “type stores. It is not the intent of this overlay to convert these larger establishments to smaller village-type operations. Any redevelopment or changes on these sites must take into account the smaller uses in the area and attempt to blend with this atmosphere. In no case, however, shall existing large lots be redeveloped with uses that are larger or more intense than the uses that currently exist on these properties.
- C. Projects should be “street and pedestrian friendly.” Sites should accommodate parking at the sides or rear of the building, and pedestrian access should be an integral part of the plan.

- D. Designs should take into consideration the character of the village and its existing businesses along Camp Road/Lake Street.
- E. Architectural standards will complement the village-type scale and nature of the area, and chain (prototypical) buildings should be modified to reflect this character.

Replace Section 280-188: Prohibited uses with the following:

- A. The uses permitted in the Camp Road/Village Overlay District shall be restricted. The following uses, which are presently permitted in C-2 Commercial Zoning Districts, shall not be allowed within those portions of the overlay district that are zone C-2:
 - (1) Laundry or dry-cleaning plants
 - (2) Dairies and the bottling of beverages from previously prepared ingredients.
- B. The following uses, presently permitted by special use permit in underlying C-2 Commercial Zoning Districts, shall not be permitted in the Camp Road/Village Overlay District:
 - (1) Terminals for local trucking and delivery service.

Remove paragraphs A., B., C., D. and E. in Section 280-190 Site Design conditions and replace with the following:

- A. Specific Requirements
 - (1) All landscaping design shall include the provision for pedestrian access to and from the site.
 - (2) Architectural standards:
 - (a) Blank walls and other dead or dull spaces at the street level shall be avoided. Visually interesting activities at the sidewalk edge shall be maintained and/or established to engage pedestrian interest.
 - (b) Building frontages should be active, with large non-reflective, minimally tinted window openings at ground level.
 - (c) New building forms and elevations should be detailed and articulated to create interesting rooflines and strong patterns of shade and shadow.
 - (d) Large structures should be designed to reduce their perceived height and bulk by dividing the building mass into smaller-scale components. New buildings

greater than 7,000 square feet (first floor dimensions) shall be strongly discouraged in the Village area.

(e) The rear of buildings (existing and proposed) shall be enhanced, where appropriate, to improve public access from parking lots and to improve views to surrounding residential properties.

(3) Redevelopment projects, requiring site plan approval, shall include plans for renovating the façade and shall meet all other architectural standards as described above.

B. The Planning Board may waive or modify any requirement under this section, but must not diminish the intent and purpose of the Camp Road/Village Overlay District.

21.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, the Town Board authorize Supervisor Steven J. Walters to sign a lease agreement with West Herr Ford for (2) Transit Connect Vans, for use by the Dept. of Youth, Recreation and Senior Services. The funds are encumbered in account A6772.460.

22.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

BE IT RESOLVED, the Town Board authorize Supervisor Steven J Walters to sign a Memorandum of Agreement (MOA) with the Hamburg Central School District. The MOA outlines a partnership with the Town of Hamburg Youth Bureau for the purpose of hosting the Family Support Center Program at the Hamburg Community Center. The Hamburg Central School District will provide insurance that meet the Town’s requirements in this endeavor.

23.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

WHEREAS, Special Olympics New York desires to enter into an agreement with the Town of Hamburg , for use of Woodlawn Beach State Park for Special Olympics New York to conduct its “Polar Plunge” event on December 5, 2015, and

WHEREAS, the Town of Hamburg grants Special Olympics New York the limited right to use the property identified as Woodlawn Beach State Park for the sole purpose of conducting the event, and

WHEREAS, Special Olympics New York agrees that the use of the property is subject to the conditions and restrictions outlined in the agreement,

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg enter into an agreement with Special Olympics New York, and

BE IT FURTHER RESOLVED that Supervisor Steven Walters is authorized to sign the agreement on behalf of the Town of Hamburg.

24.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board approve the membership of the following into the Big Tree Volunteer Firemen’s Company, Inc.:

 Georgio Khoury (Member with Restrictions)
 4591 Southwestern Boulevard, Apt. N-2
 Hamburg, New York 14075

25.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

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

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

WHEREAS, General Municipal Law §165-a provides that “Any municipal corporation may

appropriate and provide funding to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law. In lieu of or in addition to providing funding to a public cemetery corporation, any municipal corporation may provide goods and/or services to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law”, and

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

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg renew their Agreement with Prospect Lawn Cemetery Association to provide services, and funding in monthly installments of \$1,500.00 commencing September 1, 2015 through August 31, 2016. The agreement shall terminate on August 31, 2016, unless a successor agreement is made and executed before the termination date.

26.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

WHEREAS, the Town of Hamburg will be receiving federal Community Development Block Grant and HOME Investment Partnership funds for use within the 2016 program year, and

WHEREAS, citizen participation is requested in the development of the towns CDBG and HOME projects and in the review of previous years CDBG and HOME program performance.

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to hold public hearings on the following dates and times to develop its CDBG and HOME projects within the 2016 program year:

- Monday, September 14, 2015 @ 6:30 p.m.
- Monday, September 28, 2015 @ 6:30 p.m.
- Wednesday, October 7, 2015 @ 5:00 p.m.
- Monday, October 26, 2015 @ 6:30 p.m.
- Wednesday, October 28, 2015 @ 5:00 p.m.
- Wednesday, November 4, 2015 @ 5:00 p.m.

BE IT FURTHER RESOLVED that notices of these hearings be published in the official town newspapers.

27.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

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

Nathan Raduns
121 Holiday Lane, Apt. A7
Hamburg, N.Y. 14075

28.

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

ADOPTED	Ayes 3	Walters, Quinn, Potter-Juda
	Noes 0	

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

TOWN BOARD
AUDIT OF CASH DISBURSEMENTS AUGUST 17, 2015

OPERATING FUND:	VOUCHER #'S
BATCH #138 \$8,462.00	77057
BATCH #139 \$138,560.21	77058-77143
BATCH #140 \$48,747.26	77144
BATCH #141 \$8,846.37	77145-77170
BATCH #142 \$27,419.53	77171-77257
BATCH #143 \$1,302.61	77258-77259
BATCH #144 \$7,690.70	77260-77278
BATCH #145 \$129,598.29	77279-77367
BATCH #146 \$99.19	77373
BATCH #147 \$40,938.11	77376-77439
BATCH #148 \$336,093.02	77447-77495
BATCH #149 \$4,152.08	77496-77514
BATCH #150 \$16,966.17	77516
BATCH #151 \$89.99	77517
BATCH #152 \$14,039.80	77524
BATCH #153 \$157,519.53	77525-77583
BATCH #154 \$22,841.51	77590-77593
BATCH #155 \$158,869.83	77594-77595
BATCH #156 \$212,614.26	77596-77651
BATCH #157 \$56,480.12	77652-77702
BATCH #158 \$733.85	77703-77711
BATCH #159 \$83,683.34	77712-77745
BATCH #160 \$8,801.69	77746-77772
BATCH #161 -\$28.27	77773
BATCH #162 \$57,429.48	77774

BATCH #163	\$60,975.26	77776-77831
BATCH #164	\$414,650.57	77832-77887
BATCH #165	\$82,977.33	77893

TOTAL OPERATING FUND DISBURSEMENTS: \$2,100,553.83

TRUST & AGENCY:

BATCH #4	\$11,373.51
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TOTAL TRUST & AGENCY DISBURSEMENTS: \$11,373.51

CAPITAL FUND DISBURSEMENTS:

BATCH #31	\$32,331.50	77368-77372
BATCH #32	\$16,289.59	77440-77442
BATCH #33	\$14,722.46	77443-77446
BATCH #34	\$382.42	77515
BATCH #35	\$166.86	77518-77523
BATCH #36	\$216.88	77584-77589
BATCH #37	\$10.17	77775
BATCH #38	\$109,884.90	77888-77892

TOTAL CAPITAL FUND DISBURSEMENTS: \$174,004.78

PAYROLL:

PR #15	\$718,140.81
PR #16	\$743,913.07
PR #17	\$732,686.08

TOTAL PAYROLL DISBURSEMENTS: \$2,194,739.96

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$4,480,672.08

Reports from Town Board Members and Department Heads

Councilwoman Potter-Juda reports that the Rejuvenation Committee has received a plaque from Governor Cuomo and Lt. Governor Kathy Hochul. The committee was recognized for their commitment to Hamburg and its residents. As the liaison to the Rejuvenation Committee she knows how hard this committee works and how dedicated they are to the Town. They work on all their projects year round. She presents this to Laura Hahn, Chairman, and thanks her for all the hard work.

Councilman Quinn – no report

Supervisor Walters congratulates Jay Milligan who was featured yesterday in the Buffalo News. He is a longtime resident of Hamburg and a member of the Lake View Fire Company. It was great to see a Town resident featured in the News for all the work he has done in the Town. He wants to remind everyone that the Erie County Fair is in Town, plan your route accordingly. On Wed. Aug 26th from 4:30 pm to 7:30 pm at the Frontier High School auditorium the NYSDOT will be conducting a Public Hearing regarding proposed redesign of Route 5 and Bayview Road. He then reminds everyone that Friday September 11th the Town will be holding their Annual Memorial Event. He invites everyone to come and show their support.

Marty Denecke, Director of Youth, Recreation and Senior Services, reports that the Flag Football program starts on August 26th and they still have openings for boys and girls from various age groups. The Hamburg Town arena will open for ice on September 19th. They have a number of programs starting for Senior Services in late August, beginning of September. This includes a University Express Lecture Series, Pickle Ball, Chess Club and instruction, a gardening program and a Bridge (card game) course. He then announces that the Chamber of Commerce is hosting a “Business after Hours” event at Woodlawn Beach on August 27th and the Golf Course has a new scoreboard named after Barbara Logan.

Tom Best, Sr., Highway Superintendent, reports that they started their final paving project in the Four Seasons subdivision. Weather permitting they hope to be finished in a week to 10 days and that will end their paving season.

Thom Taylor, Sr. Public Safety Dispatcher thanks the Town Board for approving the training for his dispatchers and reports that the newly hired dispatchers are progressing nicely.

Sean Crotty, Coordinator of Emergency Management, reports that last year they started planning for this year to minimize the impact of the Erie County Fair on the community in regards to quality of life and traffic. They thought they had a good handle on it until the sink hole happened on South Park Ave. They worked with the Fair staff to work around that and it has been going well. Our Fire Coordinators for the Town Fire Chiefs are currently in Texas receiving the training that was identified as necessary through the After Action report from the November Storm. He then thanks the National Night Out Committee for a great event.

Captain Wickett reports that the Police Department has been getting constant calls about cars being broken into overnight. Don't leave valuables in the car and lock your car doors.

Business from the Floor

Mary Gaca comments that she read an article in the paper on the new senior therapeutic pool and she is in favor it.

Elsie Callahan comments that she is a swimmer and is in favor of it as well. The pool would be expensive to operate and maintain and the Town Board should think about allowing people under the age of 62 to use the therapeutic pool. It is her understanding that there is only one other therapeutic pool in the area and that is in Amherst.

Supervisor Walters comments that at the Work Session earlier Director Denecke presented a proposal to the Town Board to work with Physical Therapy groups to enter into a contract to bring people in on the off hours, when the pool wouldn't be used for the senior programs, to try and generate some additional revenue.

John McKendry asks that the representative from the Town Engineering Department read a portion of an Engineering Project Update from Wendell in regards to the Quiet Zones.

Mr. Lardo reads the memo stating that Erdmann Anthony is continuing preparation of the Notices of Intent, Design Report and preliminary design plans for the project. Erdmann Anthony is awaiting receipt of information from CSX regarding the existing RR signal equipment at Lakeview road prior to finalizing cost estimates for the draft Design Report. The MOU between the Town and County DPW was submitted to Erie County for final signoff and the project remains on track for award of construction contract in December 2015.

John McKendry comments that Councilwoman Potter-Juda offered to be on a committee to set up training for local fire departments on how to handle an emergency situation with oil tankers (bomb trains). He spoke with Sean Crotty and, after the Erie County Fair, he offered to meet for lunch with the Business Agent for the Buffalo Fire Department because they have a regional foam truck. They are willing to share that truck with the Town of Hamburg. He then asks Councilwoman Potter-Juda to give him a date that she is available. This is very important. Buffalo doesn't feel that their foam truck is adequate. On another matter, someone has to inspect Old Lakeshore Road across from Truscott Terrace. With all the erosion taking place it is ready to fall onto the beach.

Barbara Rogers reports on the progress of the team that has been working on the upsizing of the Town Board. The petition drive will officially end on August 31st. By September 1st they will have all the petitions filed with the Town Clerk. They had a solid core of people who stuck to the original plan, knocked on doors and got the signatures. She wants to send a special thanks to Al Monaco, Laura Podkulski and Tom Moses who did the lion's share of the work on this. It is their hope that at the next Town Board meeting on September 14th that they will have a unanimous resolution calling for a referendum and that the request for the referendum will be submitted to the Board of Elections by September 30th so that the referendum will be on the ballot in November and will let the Town vote on this. In speaking with the residents during this petition drive the numbers are 10 to 1 with 10 for and 1 against. The Town Board wanted to hear that the public was for this before they acted on it and they have proven that.

Councilman Quinn comments that he has been on board with this from the beginning. Do his colleagues feel they can unanimously vote for this?

Supervisor Walters comments that he has been against downsizing from the very beginning. He would strongly support this. He applauds her efforts and all the efforts of the volunteers.

Joe Kilian thanks Mr. Denecke for getting part time help down at the Seaway Trail. They have 5 exhibits coming in from the Seaway Trail at Sackets Harbor and a speaker series will be starting in September.

Tom Best Jr., Frontier Central School Board, questions why his appointment to the IDA was pulled.

Supervisor Walters responds that the Superintendent at Frontier Central was contacted and there was a concern at both the IDA level and at their discussion at the Work Session with the majority of the Town Board. That because there is an on-going campaign that there is a potential conflict of interest and that the Frontier School Board should have selected someone else.

Mr. Best, Jr. responds that he is a Frontier School Board member. They are causing a divide between the Frontier School Board and the Hamburg Town Board. They also did it with the \$1.4 million dollar pool. The property where the pool is to be built is owned by Frontier Central and leased to the Town of Hamburg and there has been no communication.

Councilman Quinn responds that they did discuss it at the Work Session that there was a potential conflict of interest with the appointment. He doesn't know what the conflict of interest is and doesn't agree with the decision.

Tom Best, Sr. comments that he feels the decision they made is putting a strain on their relationship with the Frontier School Board. The request to put this individual on the IDA Board was made by the entire Frontier Central School Board.

Supervisor Walters responds that they are right that they didn't reach out to the new Superintendent. However, they did have the discussion with the former Superintendent, so Frontier was aware that the long term plan of the Town Board was to put an addition on with a therapeutic pool. Things change and somethings fall through the cracks. It was never the intention of the Town to not keep them in the loop. When they did the renovations the Town sent them all the specifications and Frontier Central had input and did not object to anything the Town was doing with the building. The Town Board made it clear, with the previous Superintendent, that as far as building anything in the future, that they would submit all the new plans and go through the proper procedures as the contract outlines.

Councilman Quinn comments that the appointment, to the IDA Board, is ultimately up to the Town Board.

29.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board move into Executive Session, at 8:00 pm, on two personnel issues.

30.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board adjourn Executive Session at 9:06 pm.

Catherine A. Rybczynski, R.M.C.
Town Clerk