

At a regular Town Board Meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York on the 18th Day of September 2006.

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

TOWN BOARD MEMBERS

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

ALSO PRESENT: Catherine Rybczynski, Town Clerk
 Richard Boehm, Deputy Town Attorney; Gerard Kapsiak, Town Engineer; James Spute, Finance Director; James Connolly, Highway Superintendent; Robert Hutchison, Town Assessor; Drew Reilly, Planning Consultant; Carmen Kesner, Assistant Police Chief; Curt Herrmann, Recreation Supervisor; Kurt Allen, Supervising Code Enforcement Officer.

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

7:00 p.m. Public Hearing to consider changes for the 2007 Fire Protection Contracts

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

LEGAL NOTICE/TOWN OF HAMBURG
 NOTICE OF HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Hamburg will hold a public hearing on September 18, 2006, at 7:00 p.m. (local time) at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, in accordance with Section 184 of the Town Law, to provide for changes in the fire protection contracts as follows:

<u>NAME OF COMPANY</u>	<u>Requested 2007 CONTRACT</u>	<u>2006 CONTRACT</u>
Armor Volunteer Fire Co., Inc.	\$225,000	\$211,459
Big Tree Volunteer Fire Co., Inc.	\$442,650	\$383,500

Lake Shore Volunteer Fire Co., Inc.	\$450,000	\$430,300
Lake View Fire District (Town wide fire protection district)	\$52,500	\$50,000
Newton Abbott Volunteer Fire Co., Inc.	\$398,500	\$388,500
Scranton Volunteer Fire Co., Inc.	\$402,300	\$397,800
Village of Hamburg Volunteer Fire Co., Inc. (Town wide fire protection district)	\$144,364	\$139,907
Woodlawn Volunteer Fire Co., Inc.	\$335,368	\$335,368

These contracts provide for fire protection and ambulance service within and/or outside the boundaries of the respective districts. The term of the above contracts shall be for a period of one (1) year with a privilege of renewal for four (4) additional year terms, as provided in and under the conditions stated in each contract. Full opportunity to be heard will be given to all citizens and parties interested.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG

Dated: July 10, 2006

Catherine Rybczynski
Town Clerk
Town of Hamburg

Andrew Harris representing Lake Shore comments that they are asking for an increase of \$19,700 which amounts to 4.6%. The reasons for the increase are insurance, office supplies, medical expenses and fuel.

Michael Quinn representing Scranton comments that they are asking for an increase of \$5,500 which amounts to 1.13%. The reason for the increase is \$2,500 for computer systems, insurance and an increase in utilities.

Chris Zak representing Big Tree comments that they are in a dire situation at this time. The revenues that they brought in from Bingo and hall rental have stopped. They have had a rise in fuel cost and insurance cost, etc. and they are hoping that the increase will not be that large due to the increase in property values and increased tax base through new construction.

Supervisor Walters questions what is the reason behind eliminating the Bingo and hall rental.

Chris responds that they didn't want to eliminate this, they attempted to run their Bingo program but between the casinos, the racino and the clean air act which banned smoking from public places, they weren't making any profit. In terms of the fire hall rental, people are tending to go to other banquet facilities.

Scott Henry representing Armor comments that they raised their budget \$13,541.00 due to debt reduction, cost of utilities, fuel and equipment. They still run Bingo and the pull tabs at the Fair and they still do a fund drive.

Supervisor Walters comments that the Armor District has seen substantial growth over the past year that would affect their budget.

Scott responds that he will get information back to him on that.

John Fucino representing Newton Abbott comments that they have a \$1,000 increase in their budget due to utilities, insurance, fuel and physicals and shots for their members.

Patrick McAnaney representing Woodlawn comments that their budget did not go up this year because of a lot of hard work from their Officers. They actually downsized their department to keep the same insurance rate. They hold fundraisers and do whatever they can to keep costs down.

Bob Feldman representing Lake View comments that they are asking for an increase of \$2,500 to help offset LOSAP and increased energy costs.

Jim Koester representing the Village of Hamburg comments that they are asking for an increase of \$4,457 and with the increase in Assessed Valuation this would net a zero increase for taxpayers.

Councilwoman Kesner comments that she knows how difficult it is for the fire companies to come before the Board and explain their increased costs. They give so many hours of their time and the fact that they are volunteers, she feels they are priceless to our community. It has been suggested that they put together a committee of representatives from each fire company to start looking at ways they could streamline or save. She would be willing to Chair that committee.

Councilman Cavalcoli comments on how important the various fire companies are to our community and thanks them.

Councilwoman Hochul comments that when you look at the rising fuel costs etc. within the Town of Hamburg you realize the impact on budgets, she thanks them and she urges them to look at Councilwoman Kesner’s proposal to consolidate.

Councilman Quatroche comments that public safety is their number one concern and he thanks them and asks them to continue looking at their fiscal bottom line.

Paul Wilson, Chief of Lake Shore, comments that if the Town of Hamburg wants to maintain the high level of service to the residents, the Town needs to keep the public safety dispatch in the Town of Hamburg.

Don Emhof agrees with Mr. Wilson that the public safety dispatch needs to stay in Hamburg

Pat McAnaney speaks as a taxpayer in the Big Tree District that the increase they are looking for is high and should be looked at.

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

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

1.
RESOLVED, that the Town Board close the public hearing at this time.

7:15 p.m. Public Hearing to consider the Re-Zoning of 42 acres located on Southwestern Boulevard approximately 700' south of Amsdell Road from R-A to PUD.

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

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on July 10, 2006, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #6, 2006; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-entitled Zoning, and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for 42 acres located on Southwestern Boulevard approximately 700’ south of Amsdell Road. The property is to be

rezoned from R-A (Residential Agricultural District) to PUD (Planned Unit Development) and is described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Nos. 27 and 28, township 9, Range 8 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point of intersection of the center line of Amsdell Road (66 feet wide) with the northwest corner of lands convey to Joseph M. Paszkiewicz and Lisa M. Paszkiewicz, his wife by deed recorded in the Erie County Clerk's Office in Liber 10110 of Deeds at page 627; running thence southerly along the westerly line of lands so conveyed to said Paszkiewicz and along the westerly line of lands conveyed to William Craver and Darlene Craver, his wife by deed recorded in the Erie County Clerk's Office in Liber 9961 of Deeds at page 315 and along the westerly line of lands conveyed to Amy J. Wojdyla by deed recorded in the Erie County Clerk's Office in Liber 11018 of Deeds at page 6453 a measured distance of 2175.91 feet to the center line of Pleasant Avenue (66 feet wide); thence southwesterly along the centerline of Pleasant Avenue a measured distance of 213.76 feet to the southeast corner of lands conveyed to Bruce J. Reid and Linda H. Reid, his wife by deed recorded in the Erie County Clerk's Office in Liber 10904 of Deeds at page 4669; thence northerly along the easterly line of lands so conveyed to said Reid a measured distance of 166.92 feet to the south line of Lot No. 28 (also being the north line of Lot No. 27); thence westerly along the south line of Lot 28 a measured distance of 1059.22 feet to the southeast corner of lands conveyed to David S. Peters by deed recorded in the Erie County Clerk's Office in Liber 10896 of Deeds at page 7666; thence northerly along the easterly line of lands so conveyed to said Peters a measured distance of 1201.21 feet to the northeasterly corner thereof, said point on the southeasterly line of Southwestern Blvd. (100 feet wide); thence northeasterly along the southeasterly line of Southwestern Blvd a measured distance of 496.32 feet to the southwesterly corner of lands conveyed to Brian P. Krystniak by deed recorded in the Erie County Clerk's Office in Liber 10215 of Deeds at page 781; thence southeasterly along the southerly line of lands so conveyed to said Krystniak a measured distance of 499.32 feet to the southeast corner of lands conveyed to said Krystniak; thence northerly along the east line of said Krystniak's land a measured distance of 262.25 feet to the southwesterly corner of lands conveyed to the Lakeshore Volunteer Fire Company, Inc., by deed recorded in Erie County Clerk's Office in Liber 8832 of Deeds at page 375; thence easterly along the south line of lands so conveyed to the said Lakeshore Volunteer Fire Company, Inc., a measured distance of 383.97 feet to the southeast corner thereof; thence northerly along the east line of said lands a measured distance of 560.88 feet to the centerline of Amsdell Road; thence southeasterly along the centerline of Amsdell Road a measured distance of 98.19 feet to the point or place of beginning.

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 September 18, 2006 at 7:15 p.m. (local time), at which time all interested persons may be heard.

Dated: July 10, 2006

Catherine Rybczynski

Town Clerk
Town of Hamburg

No correspondence was received.

Drew Reilly, Planning Consultant, explains where the property is located and the zoning of the surrounding properties. He then explains that this is a very specific proposal and is rezoned for this specific project. If this proposal goes forward the Comprehensive Plan will also have to be amended. The present zoning would allow for approximately 20 houses and the PUD would allow for about 140 houses.

Councilwoman Hochul questions how far the sewers go down Route 20.

Mr. Reilly responds that the applicant said that they could tie in off of Amsdell and not extend the sewer down Southwestern.

Councilwoman Hochul states that if this is rezoned to PUD and the use is not entertained and it goes to another buyer then their option is to use the exact plan or then go through a whole new process.

Dave Stapleton, the developer, explains that what they are proposing is a ranch style condominium community. It will have a clubhouse with a fitness center and outdoor pool along with a walking trail. What they are proposing has not been done before in Western New York. The plans show some neighborhood commercial, along the entrance to Southwestern, which would be restricted within the PUD zoning and could include a chiropractors office, accounting office or small retail that would mainly be utilized by the people in the community. There will be a tax benefit to both the Town and the school system in that, because of the nature and size of the homes, only 1 to 2% of the households will have children.

Councilwoman Kesner questions what the approximate market price will be for the homes along with the monthly maintenance fees.

Mr. Stapleton comments that the starting price should be around \$170,000 with a top price of around \$200,000. The monthly assessment fee would be approximately \$150.00 which will include the clubhouse, fitness center and pool.

Joe Kilian, United Council of Taxpayers, questions if there are any variances that would need to be granted.

Drew responds that the proposed project would not require any variances.

Joe Kilian questions if there are any problems with the sewers along Amsdell Road that they would be tapping into.

Mr. Kapsiak, Town Engineer, responds that they are not aware of any problems and have asked the developer to do a downstream study to confirm that there is adequate capacity.

Joe questions if these are patio homes.

Mr. Stapleton developer responds that they are different than patio homes. Patio homes are basically single family homes built on individual lots within a common neighborhood that has common maintenance. These are true condominiums, each building has four units.

Bob Chapman questions who will maintain the pumping for the sewers if there is a problem.

Mr. Stapleton developer responds that the homeowners would have to maintain the sewers and there would be no cost to the Town.

Bob Chapman comments on the safety of Southwestern and adding another development without any traffic signal. He also questions how emergency vehicles will be able to handle 26 foot roads. Another issue is how will the homes affect or contaminate his well water. The developer responds that the homes will not have basements and no contamination will occur.

Joe Paszkiewicz comments that the access along Route 20 needs to be addressed, the increase in left hands turns will cause accidents. He also comments that the issue of access for emergency vehicles needs to be addressed. He also questions what provisions will be made with the walking paths to keep people off his adjoining property.

Drew comments that, due to all the public comment, the plan can change addressing the issues and then they can hold another public hearing for the conference plan amendment and at that time they will present the final plan that addresses the issues.

Councilwoman Hochul comments that she is concerned about the commercial that is included within the project.

Drew responds that they talked about PUD being a mixed use development and about adding some things that would support the community. This would only be to service the area.

Councilwoman Kesner questions if there is any agricultural activity on the property presently.

The property owner responds that there is no activity on the property as this time.

Joe Kilian questions which water district this would be in.

Mr. Kapsiak comments that it is closest to the Wanakah Water District and would probably be an extension to that.

Joe Paszkiewicz speaks in opposition to the commercial buildings being included in this.

Councilwoman Hochul responds that she has a lot of questions about the commercial uses as well.

Mr. Stapleton comments that they met with the surrounding residents and he wants to explain that this is not subsidized housing. This is not an apartment complex.

A resident comments that his property borders the back of the development. He has a terrible drainage problem and had to put in draitiles. He discussed this with the developer and he has water pressure problems. He would like more buffer than what is on the plan. He is also opposed to the two homes on the plan that would be built near his property.

Councilwoman Kesner questions what the proposed buffer is to his home.

Mr. Stapleton responds that the buffer on the plan is 50 feet, but he met with him and told him that he will put in a larger buffer that would better meet his needs.

David Peters is concerned about drainage and getting emergency vehicles in and out.

Richard McHenry comments that this property was sprayed with chemicals.

Debbie Platz comments that her father owned that land and when they had cornfields they went in by hand and removed the unwanted corn, no chemicals were used. As far as drainage, yes there is water but never deeper than over the top of your sneakers.

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

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

2.

RESOLVED, that the Town Board close the public hearing at this time.

Drew states that there would be at least one more public hearing before this would be approved.

7:30 p.m. Public Hearing regarding the relocation of Hydro Air Components into the City of Buffalo Empire Zone.

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

**TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that the Town Board of the Town of Hamburg will hold a Public Hearing at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York on Monday, September 18, 2006 at 7:30 p.m., pursuant to NYS General Municipal Law, Article 18-B Section 959(a)(iii) to solicit comments regarding the relocation of Hydro Air Components, Inc., located at 4950 Camp Road in the Town of Hamburg, New York into the City of Buffalo Empire Zone.

All persons interested are invited to attend and be heard.

BY ORDER OF THE HAMBURG TOWN BOARD

Cathy Rybczynski
Town Clerk

Dated: August 7, 2006

No correspondence was received.

Supervisor Walters comments that any movement into an Empire Zone requires the Town to approve that relocation through a shift resolution and as part of that process they need to hold a public hearing.

Councilwoman Hochul comments that they spent a year and a half trying to get them to expand at their present facility in the Town of Hamburg and they were heavily courted by companies in North Carolina as well as the City of Buffalo. It is a loss to us but this will prevent the lay-off of jobs in this area.

Joe Kilian questions if they received IDA grants initially. Councilwoman Hochul responds that they did, but they exceeded the job expectations.

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

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

3.

RESOLVED, that the Town Board close the public hearing at this time.

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

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

4.

RESOLVED, that the Town Board approve the minutes from the following meetings:

August 7, 2006	Town Board Meeting
August 14, 2006	Special Meeting
September 11, 2006	Work Session

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

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

5.

WHEREAS, the Town of Hamburg has received a rezoning application from Michael P. Schmidt for the rezoning of property at 5139 Southwestern Boulevard from M2 to C-2, to allow for a car wash, and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation law, the Hamburg Town Board has reviewed this rezoning request, and

WHEREAS, the rezoning of the property and subsequent construction of a car wash facility will not adversely affect the natural resources of the State and/or the health and welfare of the public and is consistent with social and economic consideration,

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg has determined that the proposed rezoning is not anticipated to result in any significant effect on the environment, and that a Negative Declaration is hereby issued.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the Environmental Assessment Form.

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

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

6.

WHEREAS, the Town of Hamburg has received a rezoning application from Michael P. Schmidt for the rezoning of property located at 5139 Southwestern Blvd. from M2 to C-2, to allow for a car wash facility, and

WHEREAS, the Town held the required Public Hearing on August 7, 2006 and received no adverse comments from the public, other agencies, or Town Departments, and

WHEREAS, the Planning Board has recommended approval of the rezoning and the Town Board has issued a Negative Declaration in accordance with SEQR, and

WHEREAS, the Town of Hamburg wishes to rezone this parcel from M2 to C-2 for the following reasons and with the following conditions:

Supporting Reasons:

- 1. The rezoning is a downzoning of the property and is in accordance with the Town’s Comprehensive Plan.
- 2. The project will not result in any negative impacts to surrounding properties.

Conditions of Approval

- 1. The aesthetics of the site are important and will be in accordance with the plans presented to the Town.
- 2. The rezoning will not be filed at the State (or take effect) until a site plan in accordance with the concepts presented to the Town is approved by the Planning Board.

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

To amend Local Law #10 of the year 1986 of the Code of the Town of Hamburg entitled “Zoning” to provide for a change in the boundary of the Zoning map whereby the zoning is changed from M2, Light Industrial District to C-2, General Commercial District for a portion of the property located at 5139 Southwestern Boulevard and further described as follows:

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

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

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

7.

RESOLVED, that the Town Board schedule a public hearing for the rezoning petition of North Forest Office Providers on a parcel next to Maplewood Apartments for November 13th, 2006 at 7:00 p.m. The rezoning is to be from R-3 Multi Family, to C-1 Local Retail for an office complex.

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

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

8.

WHEREAS, three bridges in the Village of Blasdell have exhibited structural deterioration on Labelle, Helen and Ken Street, and

WHEREAS, the Town of Hamburg is responsible for the maintenance of these bridges, and

WHEREAS, Engineering services for design, bidding and construction inspection are required for this project.

THEREFORE BE IT RESOLVED, that the Highway Superintendent is authorized to sign a contract with Donald Gallo Consulting Engineer, P.C. to provide engineering services at a cost not to exceed \$50,000. Funds available in account H 96 5110.303 and DA 5120.

Supervisor Walters questions if this was put out to competitive bid.

Mr. Connolly, Highway Superintendent, responds that this was an emergency situation.

Supervisor Walters comments that in the future, if it is not an emergency situation he would hope this would be put out to bid.

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

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

9.

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 18th day of September 2006.

PRESENT: STEVEN J. WALTERS	Supervisor
D. MARK CAVALCOLI,	Council member
KATHLEEN COURTNEY HOCHUL,	Council member
JOAN A. KESNER,	Council member
THOMAS J. QUATROCHE, JR.,	Council member

On a motion of Councilmember Cavalcoli, 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 that 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 49, Township 9, Range 7 of the Holland Land Company's Survey described as follows:

Beginning at the southeast corner of Sublot No. 8, Map Cover No. 1753, as filed in the Erie County Clerk's Office, said point also being on the west line of Vail Drive and the north line of Crestridge Drive; thence westerly along the south line of Sublot No. 8, a distance of 133.6 feet to the southwest corner of Sublot No. 8; thence southerly a distance of fifty (50) feet to the northwest corner of Sublot No. 9, the said point also being on the south line of Crestridge Drive; thence easterly along the north line of Sublot No. 9, a distance of 133.6 feet; thence northerly a distance of fifty (50) feet to the point or place of beginning.

The above is intended to describe the westerly portion of Crestridge Drive, a fifty (50) feet wide right-of-way labeled as "Subject to offer of cession to Town of Hamburg for use as public street, "as shown on Map Cover No. 1753 filed in the Erie County Clerk's office.

As a condition of this transfer, Grantee acknowledges and Grantor hereby declares that all utilities that may presently have installations upon the above-described premises are hereby deemed to have a permanent 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 Cavalcoli
Councilmember Hochul
Councilmember Kesner
Councilmember Quatroche

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 18th day of September, 2006; 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 18th day of September 2006.

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 Number 49, Township 9, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at the southeast corner of Sublot No. 8, Map Cover No. 1753, as filed in the Erie County Clerk's Office, said point also being on the west line of Vail Drive and the north line of Crestridge Drive; thence westerly along the south line of Sublot No. 8, a distance of 133.6 feet to the southwest corner of Sublot No. 8; thence southerly a distance of fifty (50) feet to the northwest corner of Sublot No. 9, the said point also being on the south line of Crestridge Drive; thence easterly along the north line of Sublot No. 9, a distance of 133.6 feet; thence northerly a distance of fifty (50) feet to the point or place of beginning.

As a condition of this transfer, grantee acknowledges and Grantor hereby declares that all utilities that may presently have installations upon the above-described premises are hereby deemed to have a permanent 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: September 18, 2006

JAMES F. CONNOLLY
Superintendent of Highways

TOWN BOARD OF THE TOWN OF HAMBURG
BY:

STEVEN J. WALTERS, Supervisor

D. MARK CAVALCOLI, Councilman

KATHLEEN HOCHUL, Councilwoman

JOAN A. KESNER, Councilwoman

THOMAS J. QUATROCHE, JR., Councilman

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 18th day of September, 2006; and

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg this 18th day of September 2006.

CATHERINE RYBCZYNSKI
Town Clerk
Town of Hamburg

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

ADOPTED

Ayes 4
Abstain 1
Noes 0

Walters, Hochul, Kesner, Quatroche
Cavalcoli

10.

At a meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, held at Town Hall, in said Town, on the 18th day of September, 2006.

PRESENT:

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

In the Matter :
of the

Construction of a Sewer Improvement :
in the Town of Hamburg, in the
County of Erie, New York pursuant :
to Article 12-C of the Town Law

ORDER CALLING FOR A PUBLIC
HEARING TO BE HELD ON
October 16, 2006

WHEREAS, the Town Board of the Town of Hamburg (herein called the “Town Board” and “Town” respectively), in the County of Erie, New York, has caused CRA Infrastructure & Engineering, Inc., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the proposed construction of sewer improvements, consisting of pipe replacement, pipe lining, root cutting and grouting, cleaning and removal of build-ups, wye replacement, manhole replacement and rehabilitation and other related work, including any original furnishings, equipment, machinery, and apparatus required therefor (the “Sewer Improvement”), all within an unincorporated area of the Town outside of any villages,

pursuant to Article 12-C of the Town Law, which map, plan and report has been heretofore duly filed in the office of the Town Clerk for public examination; and

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

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, the proposed area within the Town to be benefited by the proposed Sewer Improvement (herein designated and called the “Benefited Area” or the “Hamburg Sewer Improvement Area”), is more particularly bounded and described as follows:

BOUNDARY DESCRIPTION OF HAMBURG SEWER IMPROVEMENT AREA

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, and State of New York, being part of Township 9, Ranges 7 and 8, and Township 10, Ranges 7 and 8 of the Holland Land Company's Survey, with the benefited area of the sewer improvements proposed to be undertaken more particularly bounded and described as being coterminous with the boundaries of the following existing Town of Hamburg sanitary sewer districts, the legal descriptions for which have previously been recorded in the Erie County Clerk's Office:

<u>District No.</u>	<u>Sewer District Name</u>
SS-4	Cloverbank
SS-5	Locksley Park
SS-6	Osborne Sagamore
SS-7	Osborne Sagamore Extension No.1
SS-8	Osborne Sagamore Extension No.2

SS-9	Osborne Sagamore Extension No.3
SS-10	Amsdell Heights
SS-11	Taylor Road
SS-12	Bethford
SS-13	South Lyth
SS-15	East Frontier
SS-16	Stiefler
SS-17	Salem Drive
SS-18	Benz
SS-19	Sheldon Acres
SS-20	Linwood/Yovienne
SS-21	Hamburg Master
SS-22	Allen/James
SS-23	Elmwood/Oakwood
SS-24	Beacon Hill
SS-25	Northeast
SS-27	Ravenwood North

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is estimated to be \$500,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of assessments upon the several lots and parcels of land within the Hamburg Sewer Improvement Area which the Town Board shall determine to be especially benefited by the Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the annual cost of operation and maintenance of said Sewer Improvement shall be paid with a charge upon the entire 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;

Now, therefore, be it

ORDERED, that the Town Board of the Town shall meet and hold a public hearing at the Town Hall, in the Town, on the 16th day of October, 2006, at 7:30 o'clock p.m. (Prevailing Time) to consider the construction of such Sewer Improvement, at which all persons interested in the subject thereof may be heard concerning the same, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in "The Sun" and the "Front Page", newspapers having a general circulation in the Town of Hamburg, and hereby designated as the official newspapers of the Town for such publication, and post conspicuously on the bulletin board of the Town Clerk, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

DATED: September 18, 2006

TOWN BOARD OF THE TOWN OF HAMBURG

(SEAL)

STATE OF NEW YORK)
 : ss.:
COUNTY OF ERIE)

CATHERINE A. RYBCZYNSKI, Town Clerk of the Town of Hamburg in the County of Erie, State of New York, DOES HEREBY CERTIFY that she has compared the preceding Order Calling Public Hearing with the original thereof filed in her office on the 18th day of September, 2006, and that same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this _____ day of _____, 2006.

(SEAL)

Town Clerk

STATE OF NEW YORK)
 : ss.:
COUNTY OF ERIE)

CATHERINE A. RYBCZYNSKI, being duly sworn upon her oath deposes and says:

That she is and at all times hereinafter mentioned she was the duly qualified Town Clerk of the Town of Hamburg, in the County of Erie, State of New York; that on the 4th day of October, 2006, she caused to be conspicuously posted and fastened up a certified copy of the Order Calling Public Hearing, a true copy of which is annexed hereto and made a part hereof, on the bulletin board of the Town Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 4th day of October, 2006.

(SEAL)

Town Clerk

Subscribed and sworn to before me
this _____ day of _____, 2006.

Notary Public, State of New York

Joe Kilian questions which sewers they are going to repair.

Mr. Kapsiak responds that this is for work within the Windom area of the Town, which involves the Northeast and Sheldon Acres sewer districts.

Ferd Garcia questions if this is part of the sewer package that will go to the County.

Mr. Kapsiak responds that it is not part of the current package but is anticipated for the future.

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

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

11.

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that the W7-6 DEAF CHILD AREA signs in the vicinity of 5152 Parker Road be removed by the Buildings and Grounds Department for the following reasons:

- 1.The hearing impaired individual is over eighteen years old (age limit for sign is eighteen)
- 2.The hearing impaired individual no longer resides at this address, and

BE IT FURTHER RESOLVED that an R1-1 STOP sign be erected and maintained by the Buildings and Grounds Department at the prescribed location on Woodsfield Drive, and that TH1 (BE A GOOD NEIGHBOR) signs be erected at the prescribed location on Stilwell Road.

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

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

12.

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

Paul Busch
5228 Electric Ave.
Hamburg, N.Y. 14075

Michelle Colley
3995 Monroe Ave.
Hamburg, N.Y. 14075

Michael Barberio, Jr.
4299 Beetow Dr.
Hamburg, N.Y. 14075

Scott Gibbons
56 West Canyon Dr.
Hamburg, N.Y. 14075

Lynn Barberio
4299 Beetow Dr.
Hamburg, N.Y. 14075

Jonathan Clark
44 Delray Ave.
West Seneca, N.Y. 14224

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

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

13.

RESOLVED, the Town Board grant permission for the Police Department to advertise for one, new and unused, 2007 unmarked Police vehicle for the Detective Bureau. Money is available in account B3120.202.

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

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

14.

RESOLVED, that the Town Board grant permission for Randall Hoak to attend a “Human Centered Transportation Summit: “Working Towards Enhancing Access and Mobility in Western New York” seminar in Buffalo, NY on September 21, 2006. The cost to the Town will be \$25.00.

BE IT FURTHER RESOLVED, that the Town Board authorize the Finance Department to transfer \$25.00 from Contingency Account A1990.419 into A6772.492 Senior Services Seminar Account.

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

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

15.

RESOLVED, that the Town Board authorize Tim Jerome, Recreation Department, to attend the National Youth Sports Congress in Washington, D.C. from September 21st to 25th, 2006. Tim has been offered a comp. registration and most of his meals will be covered. The cost of the round trip plane fare is \$100.00 and funds are available in account B7310.440.

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

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

16.

WHEREAS, Competitive bids were received on August 28, 2006, at 11:00 a.m. for one (1) Multi-Purpose Excavator, and

WHEREAS, only one bid was received for this equipment.

BE IT RESOLVED, that the Town Board authorize the opening of one (1) bid for subsequent review by the Highway Superintendent.

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

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

17.

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

From: Contingency	B1990.419	\$3,500.00
To: Planning - Cons. Fees	B8020.456	\$3,500.00

To fund for additional services for Code Review.

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

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

18.

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

- | | | | |
|-------------------|--------------------|------------|-----------|
| 1. Fraser, Samuel | Laborer, Seasonal | 09/18/2006 | Terminate |
| 2. Fraser, Samuel | Laborer, Part-Time | 09/19/006 | \$9.09 |
| 3. Kraus, Jacob | Laborer, Seasonal | 08/12/2006 | Terminate |

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

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

19.

RESOLVED, that the Town Board approve the resignation of personnel for the Adult Day Services as follows:

- | | | | |
|-------------------|--------------------------|------------|----------|
| 1. Crowley, Nancy | P/T Recreation Attendant | 09/01/2006 | Resigned |
|-------------------|--------------------------|------------|----------|

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

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

20.

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

		VOUCHER #'S
OPERATING FUND:		
BATCH #132	\$ 1,050.74	13919
BATCH #133	\$240,551.11	13925 - 14010
BATCH #134	\$275,000.00	14012
BATCH #135	\$ 21,115.60	14013 - 14050
BATCH #136	\$227,197.47	UNPROCESSED
TOTAL OPERATING FUND DISBURSEMENTS:		\$ 764,914.92
TRUST & AGENCY DISBURSEMENTS:		\$ 0.00
CAPITAL FUND DISBURSEMENTS:		
BATCH #60	\$375,000.00	14011
BATCH #61	\$100,297.59	UNPROCESSED
TOTAL CAPITAL FUND DISBURSEMENTS:		\$ 475,297.59
TOTAL PAYROLL DISBURSEMENTS:		\$ 0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$1,240,212.51

Correspondence requested to be read:

The following correspondence was read at the Town Board meeting, received and filed:

1. From Ed Eagan - CSRA Youth Sports
2. From Chief George Utz - Hamburg Volunteer Fire Department, Inc.
3. From Kevin Haberman - President Hamburg Police Benevolent Association

Reports From Town Board Members

Councilwoman Kesner reports that she was informed by Senator Stachowski that the Town of Hamburg has received an additional \$25,000 in grant money for the railroad crossing silencing project and this is earmarked for Rogers Road.

Councilwoman Hochul reports that Congressman Higgins has been successful in having money approved in the Senate and House Bill and they are waiting for a confirmation from Senator Schumer and that will go together with the grant money Councilwoman Kesner reported on for the railroad crossing silencing project; Reports on the success of the 911 ceremony and thanks Rosemary McManus for pulling it all together and reports that the Recreation Department raised \$4,100 from their 3rd Annual Celebration of Youth Sports, the family of Jeremy Krenzik and Joe Wenzel put together a golf program in Jeremy's honor. He was a 14 year old that was killed in a snowmobiling accident last year and they gave this money back to our program in his name so that other kids can participate. They also received a \$1,000 grant from the US Disabled athletes fund to use in their Blaze Sports Program.

Councilman Quatroche reports that they have ended their summer programs and he wants to thank Mr. Connolly and his staff for doing more with less, he significantly reduced overtime.

Mr. Connolly reports that the way they could accomplish this was as a team. Many years ago they negotiated with Blue Collar to have clauses put in that allowed workers from Highway to help out B & G in their downtime and vice versa. It is a good time to give kudos to the Unions for working with the Town to save money.

Supervisor Walters comments on the Activity on South Creek Road. The State DEC had been working with the County to put a parking lot in that area. Unfortunately, there was a miscommunication between the DEC and the County and the Town was never notified of this project. They started receiving phone calls that made them aware of it. The Supervising Code Enforcement Officer put a stop work order on the project so they could sort it out. The DEC has indicated that they would like to have a meeting at Town Hall to let everyone know what is going on and how it will affect the residents.

Kurt Allen, Supervising Code Enforcement Officer, reports that he did put a stop work order on the project due to the fact that no Town Officials had been notified and to ensure that an environmental review process would take place. They are in that process now and he is waiting for the DEC to respond as to why they are exempt from this process.

Supervisor Walters reports that they did receive correspondence six months ago that the State DEC in conjunction with the County were considering that area as a potential site for fisherman and that is were the correspondence stopped.

Councilwoman Hochul reports that she talked to the County Commissioner of Parks and he would be interested in attending any meetings that take place.

Mr. Kapsiak, Town Engineer, reports that everything is moving along well with the 15 Sewer Districts that the County is taking over and they have passed the 45 day public comment period that is associated with that. Everything looks good for the January 1st turn over of those Districts to the County and they will finalize an agreement and look into the County taking over other Districts as well.

George Lee, Deputy Mayor of Blasdell, reports on resolution # 8 concerning the bridges in Blasdell and thanks Mr. Connolly for getting this going because this is a safety issue.

Business From the Floor

Councilman Cavalcoli comments that Faye Staley submitted a letter with questions concerning the South Creek parking lot and he wants the residents to be aware that the Hamburg Town Board cannot answer those questions as this is a County and State DEC project going on County land.

Joe Kilian, United Council of Hamburg Taxpayers, comments that in June the United Council submitted some questions and he wondered when they would receive a response.

Supervisor Walters responds that he will have a response in the near future.

Faye Staley, Southwest Taxpayers Association, comments that she is against the parking lot at the dead end portion of South Creek Road because there is a high cliff down to the creek, the bus drivers are afraid to turn around and the fisherman will be walking through private property coming and going from the creek.

Supervisor Walters comments that he will set up a meeting with County and DEC to answer their questions.

Vicky Allen is against the parking lot because South Creek Road is very narrow and hasn't been paved in many years and there are children who ride bicycles.

Harold Allen is against the parking lot because the parking lot is used for partying and because the road is very dangerous.

Patricia Zbock lives directly across from this and is totally in opposition to it. People party there, one night there were over 100 cars and our Town Police will have to police this parking area that belongs to the County.

Amy Taylor comments that she is against the public safety dispatch being transferred to the

County.

Steve Strnad, Scranton- McKinley Taxpayers, presents petitions with 106 signatures to keep the 9-1-1 dispatching emergency service in Hamburg.

Jack Wright comments that years ago this property was condemned in order to make it into a County Park but, South Creek Road was never meant to be the entrance to it. They were supposed to access it from Hickox Road.

Paul Guenther comments that the Town is involved in this, the Town Police will have to respond and the Town Highway Department will be involved.

Supervisor Walters agrees and states that is why the stop work order is in place.

Gary Klump questions how long this stop work order will be in place.

Supervisor Walters comments that he has spoken with the State DEC several times and they assured him that the concerns and issues will be addressed.

Councilman Cavalcoli comments that last week he spoke with County Legislator Bob Reynolds. Mr. Reynolds was in touch with State Assemblyman Quinn and has been out in front at the Legislative level on the Town's behalf and has worked with Mr. Allen. He wasn't aware of this, Assemblyman Quinn didn't know this was happening and the Town Board didn't know it was happening. He believes he can assure the residents that nothing will happen until they have had a meeting with the State and County representatives who are in charge of the project.

Connie Lindstrom speaks in opposition.

Jeff Murray speaks in opposition.

Joe Lindstrom speaks in opposition because of the condition of South Creek Road.

Sherry Tiederman speaks in opposition because they will be trespassing on her property and she is afraid of a lawsuit.

Frank Cirrincione speaks in opposition to the parking lot.

Harold Allen comments that the entire dead end portion of South Creek Road is posted with no parking signs, as far as he is concerned that means no fishing also.

Pam Mattulke comments that once the fisherman get down to the creek they know where the fishing holes are and they are on private property. Also, kids go back into the woods and start

fires. If people trespass on her property she will prosecute to the fullest extent of the law.

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

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

21.

RESOLVED, that the Town Board adjourn to Executive Session at 9:50 p.m. on a contractual legal matter.

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

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

22.

RESOLVED, that the Town Board close Executive Session at 11:00 p.m.

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

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

23.

RESOLVED, that the Town Board adjourn at 11:00 p.m.

Catherine Rybczynski, Town Clerk