

Supervisor Walters calls the meeting to order at 6:00 p.m.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Joan M. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman
Kevin Smardz	Councilman

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk;
Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Wayne Drescher, Town
Financial Consultant; Robert E. Hutchison, Jr., Town Assessor

1.

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

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

BE IT RESOLVED, that the Town Clerk be authorized to advertise for a public hearing on the 2010 Town of Hamburg Budget. The hearing is to be scheduled for November 2, 2009, at 7:00 p.m. local time.

2.

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

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

BE IT RESOLVED, that the Town Board approve the request of Bob Hutchison, Town Assessor to attend the Analyzing Leases Seminar presented by the Institute of Assessing Officers, on October 16, 2009 in Cheektowaga, New York. The seminar provides six hours of continuing education credit for both appraisal and assessment re-certification. The cost of the seminar is \$85 and funds are available in Account No. A1355.492.

3.

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

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

RESOLVED, that the Town Board approve the request of Sr. PSD Thomas E. Taylor to send PSD Sean Crotty to a New York State Emergency Management training seminar with a topic of Intermediate ICS for Expanding Incidents (I-300) at the Grand Island Fire Department on Sept 23rd - 25th. There is no cost to the Town for this course.

4.

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

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

BE IT RESOLVED, that the Town Board accept the low bid for one (1) new and unused 2010 4X4 extended cab, 6' box, 3/4 ton pickup truck from Basil Ford in the amount of \$26,115.00 Funds are available in Account A7140.202

5.

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

resolution was

ADOPTED

Ayes 4

Walters, Kesner, Quatroche, Smardz

Noes 0

WHEREAS, Christopher Walter is the title owner of real property located at 5381 Abbott Road, and

WHEREAS, this property was previously operated as a commercial enterprise known as Hoak's Armor Inn, and

WHEREAS, Mr. Walter filed an application for a building permit on October 25, 2005, to conduct significant renovations to the premise which he commenced shortly after issuance of the building permit on October 19, 2005, and

WHEREAS, following initial progress on the renovations, worked ceased, and almost no work has been completed on the premises during the last three and a half years, and

WHEREAS, the renovations have not advanced to the point where the structure on the premises is capable of withstanding the affects of the weather, and the structure is deteriorating and in need of work to prevent further wasting and diminution in value of the premises, and

WHEREAS, various summons were issued to Mr. Walter for various building code violations, and proceedings are pending in Hamburg Town Court, and

WHEREAS, the Hamburg Justice Court does not have the power to grant equitable relief,

NOW, THEREFORE BE IT RESOLVED that the Town Attorney is authorized to take the necessary legal actions, including but not limited to, attempting to intervene in a currently pending action in Erie County Supreme Court, in order to protect this asset from further wasting or diminution in value, and to authorize the Town of Hamburg to contract for and complete repairs to protect the premises from the weather and further deterioration and avoid the continuing nuisance and potential further damage to adjoining lands, and

BE IT FURTHER RESOLVED, that the Town Attorney is authorized to file a motion in the Erie County Supreme Court to intervene in the above referenced action, and to pay the \$45.00 filing fee required to file said motion. Funds are available for the \$45 filing fee in Account Number A1420.457.

6.

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

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

WHEREAS, the Town of Hamburg received a request from EduKids to rezone property located at 5235 Roberts Road from R-1 to R-3 in order to construct a new child care facility building, and

WHEREAS, the Code Review Committee reviewed the application and found merit in the rezoning of this property, and

WHEREAS, on August 3, 2009 the Town Board did refer this request to the Planning Board for its review and recommendation, and

WHEREAS, on August 19, 2009 the Town of Hamburg Planning Board issued a positive recommendation to the Town Board with conditions regarding this request;

NOW THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby schedules a public hearing to be held on October 26, 2009 at 7:00 p.m.

7.

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

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

RESOLVED, that the Town Board approve the termination of one in the Public Safety Dispatch Department as follows:

- 1. Zurawski, Christopher Public Safety Dispatcher P/T 09/21/09 Terminate

8.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz

TOTAL PAYROLL DISBURSEMENTS:	\$571,389.16
PETTY CASH	\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:	\$986,764.93

Supervisor Walters notes there are a couple of presentations before the Board. The first being a group of citizens requested to come forward to present a petition to the Town.

Kristin Johnson wants the Board to consider a new multi purpose recreational facility at the Hamburg Town Arena. The petition is presented to the Supervisor with over 2200 signatures on it with some still coming in. The purpose of the petition is to ask the Town Board to investigate the renovation of the current ice rink into a four season state of the art multi purpose recreational complex. Currently \$2 million - needed for remodeling facility; \$2.5 million - Empire State Dev. (application deadline 3/31/10); \$4.9 million 7 year guarantee from original proposal; \$1.05 million - 7 year total at current estimated loss of \$150,000/year by facility; \$10.45 million - Total already "in hand".

Rob Compise notes when this failed in the referendum the first time they knew signatures were needed. With children in travel hockey most of that money could be spent here.

Councilwoman Kesner responds that she has always been an advocate of the Recreation Department and a goal tender mother for 14 years on Tier I travel. This was put on a referendum hoping that thousands and thousands of people would come out to support, but that didn't happen.

Councilman Quatroche notes they were always in favor of the project and some of the voters had a concern with the vendor. He wishes there were more than one vendor to pick from.

Ken Farrell asks if the numbers are from a comparison of doing nothing when it will still cost the Town comparatively as to if the grants were employed and other things and built a new facility.

Rob Compise notes on the front lawn of Town Hall there is the learn to skate program sign.

Urmas Lupkin notes this is a no brainer, there is every reason to do this now.

Supervisor Walters notes because of the time constraints they have a lot of work to do now. The fact that two republicans and two democrats and one conservative were on the board at the time, they worked together to come out unified on this project to try to take the politics out of it. There is a need as far as this project goes and they will do everything they can to meet this need.

Supervisor Walters presents the new town website that will be available tomorrow. The committee of five people plus the supervisor; Donna Gavin, Cathy Rybczynski, Bob Hutchison, Charles Castiglia and Dick Reynolds.

Donna Gavin gives a brief presentation on the website.

10.

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

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

RESOLVED, that the Town Board move into Executive Session on legal and personnel matters at 7:00 p.m.

11.

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

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

RESOLVED, that the Town Board adjourn Executive Session at 9:30 p.m.

Catherine A. Rybczynski, Town Clerk