

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 24th day of September 2007.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
D. Mark Cavalcoli	Councilman
Joan A. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman
Richard A. Smith	Councilman

OTHERS PRESENT: Catherine Rybczynski, Town Clerk; Richard Boehm, Deputy Town Attorney, Robert Hutchison, Jr., Town Assessor; Martin Denecke, Director of Recreation; Carmen Kesner, Chief of Police; Drew Reilly, Planning Consultant; Gerard Kapsiak, Town Engineer; James Eberhardt, Code Enforcement Officer; James Connelly, Highway Superintendent; Timothy Ellis, Traffic Safety Coordinator.

The Pledge of Allegiance was recited.

Information on fire exits was provided.

7:00 p.m. Public Hearing on requested changes in the 2008 fire protection contracts.

Catherine Rybczynski, Town Clerk, reads the following notice as published in the Hamburg Sun and 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 24, 2007, 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>2007 CONTRACT</u>	<u>2008 CONTRACT</u>
Armor Volunteer Fire Co., Inc.	\$218,649	\$228,649

Requested

Jeff Schmidt notes that they are asking for a small increase this year. Fuel increases and hose replacement is mostly the cause.

Big Tree Volunteer Fire Co., Inc.	\$396,539	\$421,333
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Ron Klimowicz notes that some of the reasons for increase is due to fuel and insurance costs and vehicle replacement.

Lake Shore Volunteer Fire Co., Inc.	\$444,930	\$460,000
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Don Lahrs reports the increase is due to building maintenance, insurance and fuel costs. He also notes that members have put in more hours for fund raising.

Lake View Fire District (Town wide fire protection district)	\$51,700	\$51,700
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John Wicka reports that costs continue to rise, fuel and equipment cost are rising. Due to the steady growth they are holding the line on the town wide contract amount that they're asking for.

Newton Abbott Volunteer Fire Co., Inc.	\$398,500	\$404,500
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Tom Partridge reports that the increase is due to cost of utilities and fuel and hose replacement. The new fire station is more energy efficient.

<u>NAME OF COMPANY</u>	<u>2007 CONTRACT</u>	<u>2008 CONTRACT</u>
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Scranton Volunteer Fire Co., Inc.	\$402,300	\$410,300
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Bob Traina reports their increase is due to utilities, legal and professional fees along with fuel.

Village of Hamburg Volunteer Fire Co., Inc. (Town wide fire protection district)	\$144,364	\$147,340
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Beth Moses reports their increase is due to the rising cost of the economy. They are increasing fund-raising and trying to keep up with increase maintenance costs.

Woodlawn Volunteer Fire Co., Inc.	\$335,368	\$342,075
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Pat McAnaney reports their increase is due to fuel and increase costs of operation.

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: August 6, 2007

Catherine Rybczynski
Town Clerk
Town of Hamburg

No correspondence was received.

Councilwoman Kesner notes that as the liaison of the volunteer fire companies of the Town of Hamburg, she commends each of them for working hard to maintain their budget lines. She applauds them for working together to go after the available grants. She personally thanks them for all that they do and for thinking of the taxpayer and their pocket book, and being there when they are in need. She is very proud when she reads the reports every month about the response time frames to get to the doors. It's about four to six minutes and that's absolutely terrific.

Councilman Cavalcoli notes that this is his 24th year of hearing these budgets and reports and each year it is never less important for him to say that these fire departments are doing a tremendous job. He thanks them for the protection and service they are giving.

Councilman Quatroche thanks the fire departments for all the time they put in on behalf of the residents.

Councilman Smith thanks them and reminds the general public that the fire fighters, EMS and Police go in when everyone else runs out.

Supervisor Walters thanks them for coming out and protecting our community. They don't get paid for this, it takes them away from their families and these men and women deserve a lot of credit. They deserve credit for coming in and working within the confines of a difficult budget.

Supervisor Walters opens to public comment.

Ferd Garcia questions if there is an oversight committee or if it is strictly up to the fire departments.

Supervisor Walters responds that this is left for the fire companies, they are in charge of putting together their budget and The Board will approve or disapprove their budget.

John Wicka notes that a recent change that has come down from the State is starting in 2008 they are subject to have the books audited annually.

Joe Killian responds that diesel fuel is about the same price as last year, maybe less. Everyone seems to have a standardized answer and questions if they came up with an umbrella insurance.

Councilwoman Kesner notes they have been working on that, it's not as simple as one may think because of the districts involved. Everyone is taking a hard look at their insurance for ways to save.

George Lee notes that the fire departments deserve a lot of credit because of the other things they do like when it's storming.

Councilwoman Kesner notes that the latest projects being worked on is the evacuation centers and having cots, blanket and supplies.

1.

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

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

RESOLVED, that the Town Board close the Public Hearing at 7:10 pm

2.

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

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

RESOLVED, that the Town Board accept the Budget proposed for the year 2008.

7:15 p.m. Public Hearing on proposed Local Law #9, 2007 for the adoption of an amendment to said Zoning code for 36.15 acres located on the north side of Southwestern Blvd between Sowles Road and Howard Road to be rezoned from R-2 to C-2.

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

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on September 10, 2007, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #9, 2007; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for 36.15 acres located on the north side of Southwestern Boulevard between Sowles Road and Howard Road. The property is to be rezoned from R-2 (Single Family Residence, Attached District) to C-2 (General Commercial District) and is further described as follows as per the metes and bounds:

**DESCRIPTION OF LANDS
TO BE RE-ZONED**

All that tract or parcel of land situate in part of Town Lot 14, Township 9, Range 8, of the Holland Land Company's Survey, Town of Hamburg, County of Erie, State of New York, and being more particularly bounded and described as follows:

Beginning at a point on the easterly right-of-way line of Oregon Avenue (50.0' R.O.W.) at the northwest corner of lands now formerly owned by Santino & Mary Carnevale having Tax Account #170.66-02-17; thence

1. N00°32'16"E, a distance of 500.02 feet to a point; thence
2. S89°59'24"W, a distance of 198.51 feet to a point; thence
3. N00°49'30"E, a distance of 1,261.02 feet to a point; thence
4. N89°59'33"E, a distance of 1,104.33 feet to a point; thence
5. S00°19'30"W, a distance of 424.83 feet to a point; thence
6. S00°00'27"E, a distance of 744.30 feet to a point; thence
7. S55°45'17"W, a distance of 257.43 feet to a point; thence
8. N69°46'58"W, a distance of 28.22 feet to a point; thence
9. S55°45'17"W, a distance of 45.93 feet to a point; thence
10. S69°46'58"E, a distance of 28.22 feet to a point; thence
11. S55°45'17"W, a distance of 748.40 feet to a point; thence
12. S89°59'24"W, a distance of 56.93 feet to the point and place of beginning. Containing 36.848 acres of land, more or less.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on September 24, 2007 at 7:15 p.m. (local time), at which time all interested persons may be heard.

Dated: September 10, 2007

Catherine Rybczynski
Town Clerk
Town of Hamburg

There was no correspondence received.

Drew Reilly notes that this is a dual purpose Public Hearing on the Draft Environmental Impact Statement and the rezoning. The property is located on the north side of Southwestern Blvd just north of Oregon St.

Jay Pohlman, representing Morada Bay Associates & Developers and Lowe's, notes that this is a project that will be beneficial for the Town. It's 36.15 acres with different zoning. They would like to build a 139,410 square foot store. There are two proposed 7500 square foot buildings which in the future could be drug store, restaurant or bank, located right on Southwestern Blvd. Of the 36 acres, over half of it will remain green. Mr. Pohlman states that there are five different site plans available for what the project might look like. The two biggest concerns with the neighboring residents is drainage and traffic. They have addressed these issues with the residents.

Councilman Smith notes there has been a lot of concern about traffic coming in and out of that intersection.

Gordy Green of SRF & Associates, traffic consultants for the applicants, the traffic impact study was prepared and because they are proposing two access points on Southwestern Blvd. which is under control of New York State Department of Transportation submitted the traffic study to their office for their review and their review comments are back. The final details are still being worked out.

Drew Reilly notes that the Town Planning Board and the Town Board and the applicant is working diligently with the DOT to make them agree that a signal light needs to go in.

Supervisor Walters opens to public comment.

David Parobek comments that he finds it unusual that Lowe's would request to go into this area. People know that Rt. 20 up until two years ago had terrible traffic problems. With the widening of the road and the sidewalks it has become safe now. He feels this store would hurt the other businesses in the area.

Ferd Garcia comments that he thinks Lowe's is good for the area. There will be the creation of jobs and also they aren't asking for IDA help which most businesses do. Lowe's is not just a hardware store there are a number of things that Lowe's carries that other places do not. The taxes that will come out of this will benefit the Town as a whole.

Susan Dorobiala notes that her lot abuts the proposed project and notes she would like this, she doesn't want duplex's put in that area. They were contacted by Lowe's and they are willing to work with the residents in the area. She feels they have been accommodating.

Karen Ackwilline stresses that the woods are not their's to give. The woods belong to someone else. There is a small area that is zoned commercial and that was probably done for a very good reason, to restrict the size of what could go in there. All the areas surrounding this parcel is inhabited by families. Southwestern Blvd. is redesigned to make it safer, not for allowing big projects come in. This idea of expanding for commercial to put in another large box is going away from the plan that Hamburg has.

Jim Burr comments that initially he wasn't aware of where Lowe's was going to be located. One of his concerns is the property directly behind him on Southwestern was allowed to be rezoned. He stresses that this has a huge impact on surrounding parcels in the area.

David Patton questions the drainage problem.

Jay Pohlman responds that the water that is generated in these people's backyards comes off the 36 acre site. If the water is controlled, then basically you will lessen the water that is going into their backyards.

Russ Porter of Costich Engineering, comments that a complete survey of the property was done and they determined that there is a high point in the northeast corner of the lot. From there, there are four different drainage areas.

Councilman Cavalcoli adds that if the project is far enough along to be rezoned, the Town Engineer and the staff will be reviewing all of this and will be making sure the residents are protected.

Councilwoman Kesner questions what the hours of operation will be.

Taylor Mc Dermitt, Sr. Site Development Manager for Lowe's responds that the week day hours are Monday through Saturday 6:00 am to 10:00 pm, Sunday, 8:00am to 7:00 pm. The peak season is from April 1 to July 1st.

Councilwoman Kesner questions where the loading docks will be located.

Taylor Mc Dermitt responds that there are three locations for loading and shows them on the site plan. Most of the deliveries are from 7:00 am and 4:00 pm.

Jerry Krezney states that he lives approximately 120 feet from the site and has never been contacted. He notes that people in the area are not going to want trucks coming in and out at 6:30 am. He notes that he moved to Hamburg because of all the green space.

Jim Reid sympathizes with both sides. The plan does isolate the residential people. He is surprised with how much green acreage is being left there and eventually something is going to happen with the acreage.

Mark Kreger notes that his property is directly adjacent to the project. He has been in contact with Ron Bronze for the past year and he's been very accommodating. He is in favor of the project.

Mike Tarcella states that his backyard is right in the backyard of the project and supports the plan. He feels Hamburg should welcome any commercial development that's going to come into Southwestern.

Councilman Cavalcoli clarifies for the public that a decision would not be made tonight. When there is diverse comment and diverse support that they would wait a minimum of two weeks before making a decision.

Drew Reilly states that especially for the fact that this is an environmental impact statement. The public comment period is still open for another week to ten days. There wouldn't be an action on the rezoning until possibly the earliest would be the November meeting.

Councilwoman Kesner notes that there were a couple of people noting that they weren't aware of this.

Drew Reilly clarifies that the project has been in front of the Town for about a year. The Town is required by Law to send notices to everyone within 500 feet.

Councilwoman Kesner asks Drew Reilly if there is a way to reach out to the residents of Dogwood now.

Drew Reilly notes that the residents at the meeting can talk to their neighbors and if they have any public comments they have ten days and they can come in and review the plans.

Jay Pohlman comments that they got the assessment records for all the neighboring properties and as different issues came up they invited different people based on how far away they were from the site.

Supervisor Walters comments that the Town Board requested that the outreach be done to inform the neighborhood the best they can, the developers were not required to do any of the outreaches. This is something the developer did that was above and beyond what was required of them.

Santino Carnivale comments that he attended about four hearings and the halls were packed. He doesn't understand how anyone could say they didn't hear anything about it. In the beginning he wasn't happy about them coming into his backyard, but he now feels they did a lot to inform the people and he is for it.

John Magney notes they do go above and beyond what is expected. They pay their people well, they have help with various projects selling materials at cost, building wheelchair ramps to get people out of ECMC Hospital. They have put a lot of thought in this so they don't intrude on the community and the residents around them.

Councilwoman Kesner clarifies that the issue is location. She feels they would be a good neighbor but is not sure if this is the location.

Councilman Quatroche notes that he's glad people came out, one of the reasons Councilman Cavalcoli and others have worked on the laws so that folks would be notified to these public hearings, not just adjacent properties. He has been split on this project and remains that way due to the concerns of the residents.

Joe Killian notes that they're trying not to build buildings in the shape of logos. A building that fits into the community incase things don't work out, who will move into it.

Supervisor Walters notes that there are five designs.

Jay Pohlman comments that they're all different. These are designs that were asked for because they saw them in their travels.

Scott Gerald questions what will happen to the project because he heard that Vicky Singer and Gary Stevens did not resign with Lowe's and that takes approximately 18 acres out of the project.

Jay Pohlman responds that everyone has signed on and they're all under contract.

Vicky Singer responds that she did not sign. She has lived there for 57 years and doesn't see how they can expect her to find a house and move out.

Jim Burr follows up on some of the residents from Dogwood not being aware of what is going on and some of the benefits some of the residents are receiving along with the possible rezoning years ago.

Drew Reilly addresses the issues.

Irene Bloom comments that she and some of her neighbors were not contacted about anything. She notes that she got a letter but the neighbor next door did not.

Chris Stone notes that as more homes are put in it attracts businesses. As the people move in, there is a need for stores like this. He feels this is a good project.

3.

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

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

RESOLVED, that the Town Board close the Public Hearing.

Councilman Cavalcoli requests of Jay Pohlman, that on behalf of his clients, that he clarify the question regarding the contract of all properties. This should be put in writing to the Town Board.

4.

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

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

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

09/10/2007 Town Board Meeting

09/17/2007 Work Session

5.

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

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

BE IT RESOLVED, that the Town Board reappoint Michael Kaney to the Board of Assessment Review with a term ending September 30, 2012.

6.

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

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

BE IT RESOLVED, that the Town Board authorizes the Engineering Department to renew their AutoCAD 2008 subscription and technical support agreement with DLT Solutions, Inc. for a three year period beginning October 23, 2007. This is for the computer aided design, drafting, and mapping software which is utilized by the Engineering Department. The cost for these services is \$1,154.29 (\$384.76 per year), funds for which are available in the 2007 budget for the Engineering Department, under Account No. A1440.456.

7.

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

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

WHEREAS, the Town of Hamburg recently amended its requirements for site plan approvals in the Town of Hamburg, and

WHEREAS, the new legislations require a public hearing for site plans, and

WHEREAS, over the past few months the Town has tracked costs incurred by the Town for these public hearings, including publication requirements, and

WHEREAS, the Town’s current fee structure does not cover these incurred costs;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hamburg hereby amends its fee schedule to include a fee under site plan for “public hearings” that will help to cover the cost of publication of notices and signage. This fee shall be \$100 (which is the same fee the Town charges for subdivisions).

8.

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

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

WHEREAS, the Town of Hamburg received a rezoning application from Stephen Dolber, who

resides at 5363 Southwestern Boulevard, to rezone his property from R-2 to C-2 in order to make it more attractive to potential buyers, given its proximity to the proposed Wal-Mart shopping center, and

WHEREAS, the Code Review Committee, at its September 12, 2007 meeting, reviewed the application and found merit in the rezoning of this property;

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

Councilman Cavalcoli notes that this property lies in a site that is near Abel Rd., across from the WalMart, it sits between mostly commercial projects and abuts Southwestern Blvd. This is not being done to just enhance someones property it's in a commercial area.

9.

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

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

WHEREAS, the Town of Hamburg received a rezoning application from New Era Cap Company, located at 4817 Lake Avenue, from —1 to C-2 so that New Era Cap Company can lease the existing building on the property to Inferno Baseball, Inc. a youth baseball/softball sports training facility, and

WHEREAS, the Code Review Committee, at its August 8, 2007 meeting, reviewed the application and found merit in the rezoning of this property, and

WHEREAS, the Hamburg Town Board did refer this rezoning request to the Planning Board for its review and recommendation, and

WHEREAS, on September 19, 2007 the Hamburg Planning Board did issue a positive recommendation to the Town Board regarding this request;

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby schedules a public hearing to be held on November 19, 2007 at 7:00 pm.

10.

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

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

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

- | | | | |
|---------------------|--------------------|------------|-----------|
| 1. McManus, Allison | Clerk, Part-Time | 08/24/2007 | Terminate |
| 2. Jewitt, Zachary | Laborer, Part-Time | 08/18/2007 | Terminate |
| 3. Sutton, Ted | Laborer, Part-Time | 09/01/2007 | Terminate |
| 4. Overdorf, Brian | Laborer, Seasonal | 09/01/2007 | Terminate |

Councilman Cavalcoli notes that the following three resolutions refer to changes in the Police Department. There have been questions and concerns about the chain of command. The appointment was made for the Chief and based on that, the choice was left with who should be chosen out of the outstanding Captains and eligible people to fill the Assistant Chief position. The Board discussed this and met with Chief Kesner for his recommendations. Based on his recommendations and the personnel that he has the Chief made a recommendation to the Board to have two Assistant Chiefs. One dealing with administration and one for the patrol crews.

11.

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

ADOPTED Ayes 4 Walters, Cavalcoli, Smith, Quatroche
 Noes 0
 Abstained 1 Kesner

BE IT RESOLVED, that the Town Board hereby appoints Police Captain Michael Williams to the position of Assistant Police Chief (Provisional) effective September 24, 2007.

Supervisor Walters notes that Chief Kesner will give an overview after the three resolutions are read.

12.

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

ADOPTED	Ayes 4	Walters, Cavalcoli, Smith, Quatroche
	Noes 0	
	Abstain 1	Kesner

BE IT RESOLVED, that the Town Board authorize the Supervisor to sign Section 6 of the PO-17 Form requesting the Erie County Department of Personnel to complete Section 7 for classification of a second Assistant Police Chief position in the Police Department.

13.

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

ADOPTED	Ayes 4	Walters, Cavalcoli, Smith, Quatroche
	Noes 0	
	Abstain 1	Kesner

BE IT RESOLVED, that the Town Board hereby designates Police Captain John Conlon as acting Assistant Police Chief effective September 24, 2007.

Councilman Cavalcoli notes the John Conlon can only be put on as acting Assistant Chief because the position isn't available yet, but it will be through the Civil Service once the PO-17 is filed. The ideas and plans that Chief Kesner has for the department are going to show a greater efficiency and in the long run cost savings but most of all will give a better handle on the operations and protection of the citizens and the function of the Town.

Supervisor Walters notes that there are some obvious questions as to what this means to the overall administration of the department. This is something that Chief Kesner and the Board looked hard at the current formation of the administration. The recommendations were put on the table and the result is that there is going to be a new structure within the administration.

Chief Kesner responds that one position will be handling administration and in today's time it's important to have an Assistant Chief working with the road patrol.

Supervisor Walters notes that currently there are four Captain's positions in the Town budget, next year there will be two. Overall, six positions reduced to five because of that restructuring and there will be an overall savings to the Town, approximately, \$80,000 a year. He thanks Chief Kesner and the two Assistant Chiefs for helping to implement this.

Retired Chief Williams responds to keep up the good work.

Councilman Quatroche commends Chief Kesner for his leadership. There are so many fine men and women in the police department that this was a hard selection. He congratulates Mr. Williams and Mr. Conlon and thanks Chief Kesner.

Councilman Smith congratulates both Assistant Chiefs and Chief Kesner. He feels very competent that with the restructuring of the Police Department we're on our way to a better future.

Councilwoman Kesner comments that she is proud of Assistant Chief Williams and Conlon and knows they will do a great job.

14.

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

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

WHEREAS, the Town of Hamburg has a goal to improve traffic conditions within it's jurisdiction through cooperative agreements with other agencies within the town, and

WHEREAS, the intersection of the New York State Thruway exit 57 and Camp Road (Route 75) is under review by the various departments within the town and a consensus has been reached that an on grade signalized intersection would be in the best interest of the users, and,

WHEREAS, the elimination of the Route 75 thruway crossover bridge would improve site distance and reduce repair and maintenance costs to the NYS Thruway Authority, and,

WHEREAS, the elimination of the larger cloverleaf area of pavement and grass would also reduce maintenance and repair cost, and,

WHEREAS, improved site distance and safe access at the intersection would be accomplished by installation of an on grade traffic signal system similar to the Exit 56 project on Milestrip Road in Hamburg

BE IT RESOLVED, that the Town of Hamburg Traffic Safety Board request an informational meeting of the multiple agencies that are involved to discuss the future reconstruction of the intersection of Route 75 and NYS Thruway exit 57.

Councilwoman Kesner requests that the State Representatives and the agencies receive a copy of this resolution.

15.

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

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

RESOLVED, that the Town Board approve the alcohol waiver for the Taylor road rental for Thursday, September 27, 2007.

16.

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

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

WHEREAS, the opening of a bid was held on September 24, 2007 at 11:00 am by the Town Clerk, such bid being the only one received.

BE IT RESOLVED, that the Town Board authorize the Town Clerk to open the single bid from West Herr Ford for one (1) 2008 Ford F-450 medium duty truck with dump body and 9 foot western boss reversible plow.

BE IT FURTHER RESOLVED, that the Town Board be authorized to accept such bid presented to the Town Board by the Town Clerk from West Herr Ford for a 2008 Ford F-450 medium duty truck.

Supervisor Walters notes that on the last meeting there was a questions as to whether this was within the parameters of the 2007 budget.

Jim Connolly notes that it's in the Capital Budget.

17.

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

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

WHEREAS, following review of a request from area residents for improved street lighting along Eckhardt Road in Lakeview, the Town Engineer has recommended that three additional street lights are warranted in the portion between North Creek Road and Evergreen Drive.

THEREFORE BE IT RESOLVED, that the Town Board authorizes National Grid to install three, 100 watt high pressure sodium fixtures on National Grid Pole No. 23, and Verizon Pole Nos. 3 and 5 located on Eckhardt Road, in accordance with the terms and conditions of the

current National Grid street light tariff. National Grid has estimated that this will result in an increased billing to the Town of Hamburg of \$234 per year for street lighting costs.

BE IT FURTHER RESOLVED, that the Town Clerk is requested to provide two certified copies of this resolution to the Engineering Department, for transmittal to National Grid.

18.

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

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

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

Mathew Rombkowski
5143 Orchard Avenue
Hamburg, NY 14075

19.

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

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

RESOLVED, that the Town Board approve the termination of personnel for the Planning/Community Development Department as follows:

- 1. Hann, Debbie Clerk Typist 09/26/2007 Terminate

20.

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

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

AUDIT OF CASH DISBURSEMENTS

			VOUCHER #'S
OPERATING FUND:			
BATCH #	124	\$575,000.00	21673
BATCH #	125	\$475,000.00	21675
BATCH #	126	\$70,615.06	21676-21771
BATCH #	127	\$298,327.41	UNPROCESSED
BATCH #			
TOTAL OPERATING FUND DISBURSEMENTS:			\$1,418,942.47
TRUST & AGENCY:			
BATCH #	41	\$115,974.76	
BATCH #	42	\$515,628.75	
BATCH #			
TOTAL TRUST & AGENCY DISBURSEMENTS:			\$ 631,603.51
CAPITAL FUND DISBURSEMENTS:			
BATCH #	62	\$450,000.00	21674
BATCH #	63	\$20,013.73	UNPROCESSED
BATCH #			
			\$ 470,013.73
TOTAL CAPITAL FUND DISBURSEMENTS:			
PAYROLL:			
PR #	19	\$488,103.22	
PR #			
PR#			
TOTAL PAYROLL DISBURSEMENTS:			\$ 488,103.22
PETTY CASH	\$0.00		\$ 0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$3,008,662.93

Reports from Town Board Members and Department Heads

Councilman Cavalcoli thanks the Supervisor and the Town Board minus Councilwoman Kesner because of the amount of background work and thought process and discussion that went into the changes and the ultimate support of the hirings in the Police Department. It shows that sometimes if you don't rush into things you come out with a better product once you have a chance to review things and think outside the box. Secondly, bring Councilwoman Kesner back into things and compliment her for the Big Bands celebration. It was a wonderful event and hopefully the Town will be able to do that next year.

Councilwoman Kesner notes that everything went great that night. The seniors from the Hamburg Senior Center came out and homemade goodies. Locksley Park's Association was just awesome allowing them to have the event and participating with every little detail. Mr. Connolly and staff for Buildings & Grounds was amazing and Rosemary McManus. Also, all of the candidates for this year's election for sponsoring the Domestic Violence Fund-raiser. There will be a luncheon on October 6th at Briewood Country Club, it's \$30 a person. They will be honoring survivors and some of the advocates. It will be a heartwarming event. Also there will be a fund-raiser for Judy Neiman there.

Councilman Quatroche notes that the Recreation Department the Town Arena opened for ice. The Recreation Department has received a \$500.00 grant from Blade Sports America. The third annual Character Coach of the year scheduled for Friday, October 12, 2007 at Michael's Banquet Facility.

Supervisor Walters comments that the September 11th ceremony went very well. The next important event to remember is Veteran's Day. Jim and Marty and their staff should be recognized for the great shape of the golf course.

Gerard Kapsiak reports that there will be a public information forum scheduled for October 4th at 7:00pm at the Town Hall. This is to comply with the Public Education requirements of the Federal and State Stormwater regulations. This is jointly being sponsored by the Town of Hamburg, Village of Hamburg, Town of Orchard Park and Town of Boston. It will include presentations by State, County and local representatives on topics such as stormwater management, and water quality issues.

Jim Connolly reports that this is the last garbage pick up until next year. We have wonderful people working at the golf courses and they take a great deal of pride in what they do.

Carmen Kesner thanks the Town Board for their recommendation and Jim Connolly and Marty Denecke.

Reports from the Public

Faye Staley comments that in the morning they will be finishing up the parking lot at the end of South Creek. The road is a disaster and a hazard. She comments that the fisherman are driving down as far as they can to get to the creek. Two school buses cannot get down that road at one time.

Supervisor Walters notes that the Town has had two public hearings on this and Assemblyman Quinn and Joan Kesner was there for Senator Stachowski, Bob Reynolds from the Erie County Legislature, we have had many more meetings as well with the DEC. The DEC is committed to going forward with this project despite the objections and concerns. They will be putting additional barriers in the parking lot. The DEC is willing to go forward with the North Creek site as well in an attempt to alleviate some of the traffic that might otherwise come on to South Creek site.

Pam Muttulke comments that there is barely enough room for two cars to pass let alone two buses. She questions where the Town stands with the DEC on allowing or disallowing RV's and campers access that parkland with camp fires and parking overnight.

Supervisor Walters responds that the DEC will not allow overnight parking and vehicles will be towed after the allotted period. Passenger vehicles only, campers, RV's will not be allowed, all of that will be posted.

Pam Mattulke questions what the Town, County and State are going to do to protect the residents property rights along that creek. What is being done to protect their rights as property owners.

Supervisor Walters responds that because it is a State site, that both the County and the State were going to handle.

Ferd Garcia questions how many police officers there are on the force.

Chief Kesner responds that there are 57.

Ferd questions how many are in supervision.

Supervisor Walters notes there is one chief, two assistant chiefs, two captains, and six lieutenants.

Fred Harrington follows up on the right to farm bill.

Supervisor Walters notes that the Town Board did receive the information and it was reviewed and Drew Reilly is working to put a recommendation together for the Town Board.

Joe Killian questions the amount of garbage pick ups there are.

Jim Connolly responds that the contract is up with the refuse company. He will be talking with the Board regarding next year.

Jim Voye thanks the Town Board for getting the old Foit's site cleaned up. He questions the permissive referendum and how that will be done.

Supervisor Walters explains that if the Town purchases that property there is a period of time where residents go out and collect signatures and if enough signatures are collected the issue goes on the ballot and it's voted on by the entire Town or those who are affected by it.

Jim Eberhardt notes that in a couple weeks they're inviting the local prospective election candidates to their meeting on October 10th to give a little presentation on their platforms. He also extends the invitation to the Board.

Mike Granica asks who the liaison is between the Town Board and the Blue Collar Union.

Councilman Quatroche responds that the Town Board is the liaison to the department heads and the department head works with the employees in regard to whatever union their in. The Supervisor usually deals with the personnel issues and finance and those types of issues on a day to day basis.

Supervisor Walters notes that any issue one may have from a work related issue you should go to you immediate supervisor, if you don't get a response then you can contact the Human Resource Consultant, Bob Coffey. Go to your immediate supervisor first.

Mike Granica states he had a meeting with the Supervisor because nothing happened when he went through the proper channels.

A resident questions how many spaces the parking area on South Creek will hold.

Supervisor Walters responds that they have been told ten spaces.

The resident questions if that can be expanded later down the road.

Supervisor Walters replies that he believes they can.

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

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

RESOLVED, that the Town Board adjourn at 9:35 pm