

A regular Town Board meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, 6100 South Park Avenue, Hamburg, New York on the 28<sup>th</sup> day of September 2015.

**2.**

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

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

**RESOLVED**, that the Town Board adjourn Executive Session at 7:11 pm and move into the regular meeting.

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

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk  
Walter Rooth III, Town Attorney; Mary Dosch, Sr. Account Clerk; Richard Lardo, Principal Engineering Assistant; Greg Wickett, Police Chief; Christopher Hull, Director of Community Development; Martin Denecke, Director of Youth, Recreation & Senior Services; Kurt Allen, Supervising Code Enforcement Officer; Drew Reilly, Planning Consultant; Amy Ziegler, Deputy Supervisor

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

Catherine Rybczynski, Town Clerk, reads the following Legal 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 August 17, 2015, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #10, 2015; 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 to rezone 9.5 acres of vacant land (portion of the property located at 4819 Southwestern Boulevard). The property is to be rezoned from C-1 (Local Retail Business District) to R-3 (Multi Family District). The property is identified as tax map parcel S.B.L. No.170.16-4-8.

**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 28, 2015 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: August 17, 2015

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

No correspondence was received.

Drew Reilly gives a brief presentation as to what this project entails. He provides a handout showing the property to be rezoned, surrounding properties and a site plan of the proposed project. They are only asking to rezone the back portion of the property. The front portion will remain C-1. The applicant is asking to rezone to R-3 which would allow for multifamily residential.

Sean Hopkins speaks on behalf of the applicant. They did send a letter on September 17<sup>th</sup> to everyone within 500 feet of the proposed project. He and the applicant would be more than willing to meet anyone interested, outside of the confines of this meeting this evening or, anytime subsequent to another Town Board meeting. They are asking for the rezoning of approximately 9.5 acres of the 12.1 acre site. They are asking to downzone the back portion of the property to accommodate a luxury multi-family project. They do not have any definite plans

for the front portion of the site, which would remain C-1. They envision some high end single story retail in the future. The project is for five 26 Unit buildings, three stories each. The project they are proposing is at a price point that doesn't currently exist in the Town of Hamburg. Each unit has been designed with a full comprehensive amenity package, including gourmet kitchens, granite counter tops, walk-in showers, on-site fulltime management, extensive greenspace, a 2500 sq ft Club House with a pool, etc. It is also important to note that the applicant has done this in other locations for example: the Dockside Village project on Transit Road and the Fox Creek project on Transit Road and they have been very well received. The price point for monthly rent would be from \$1,000 per month bare minimum to \$1,500 per month for units with approximately 800 to 1500 sq ft. Most units have two bedrooms but there are several one bedroom and two three bedroom units per building. The buildings will have attached garages to enter the building without going outside. They have 100 garages for 130 units so almost every unit will have a garage. At the request of the Planning Board they did a comprehensive market study which demonstrated in the Town of Hamburg and at this particular location there is adequate demand for this type of project. The Planning Board did review this project and did recommend the issuance of a Negative Declaration in regards to SEQRA and did issue a positive recommendation in regards to the rezoning. There were four conditions one of which was to satisfy the market study which they have done. The second condition was that they would have direct access to a signalized intersection. They wanted to make sure that any future development of the commercial outparcels would not result in any additional driveways or additional curb cuts onto Southwestern Blvd so they have agreed in writing that if and when any of the outparcels are developed they will connect internally. They wanted to make sure they instituted the split zoning, only down zoning a portion of the site and the fourth condition was that they wanted to make sure they had a conservation easement around the perimeter of the site. If the project is approved, they will record a conservation easement to the Town of Hamburg ensuring no development will occur at any point in the future in that conservation area. A couple of the residents that they spoke with prior to the public hearing were concerned that they would not remove existing vegetation from within those areas and they are absolutely ok with that. They are hoping within the near future that the Town will consider issuing a Negative Declaration pursuant to SEQRA and approve the requested rezoning subject to the conditions that he just reviewed.

Dennis Chapman comments that he hopes that the Town Board will take into consideration that there are apartments along Southwestern heading towards South Park that are offering one month free rent because they can't rent those places out. There are an abundance of apartment buildings that they can't fill. Please give this a lot of thought as to whether the Town needs more apartment buildings.

John Kovach owns property adjacent to the proposed rezoning/project and is concerned about the drainage.

Mr. Hopkins responds that they would have to implement an integrated stormwater management system. The project Engineer would design this within the site plan. There are stormwater ponds on the site and there are impervious surfaces on the site and all the runoff from those surfaces needs to be collected and conveyed into the retention areas and then it has to be discharged at a controlled rate. The standard that is used is the standard that has been

promulgated by the NYSDEC and they literally have to design a system that will handle a hundred year storm event. These plans will be submitted to the Planning Board and to the Engineering Department for review.

Tim Kaczmarczak comments that his property abuts the proposed project and he has a concern about drainage as well. He lives on a proposed road that originally was supposed to go through the property being rezoned to the red light and connect to Howard Road. That was supposed to take some of the pressure off at the corner of Sowles Road and Southwestern Boulevard where West Herr is. That never came to fruition and if this project goes through it never will.

Supervisor Walters questions if it is his contention that the road should go through?

Mr. Kaczmarczak comments that in time it will have too. It is the most logical place left.

Don Wiess questions what the impact will be on Frontier School District. Have they done a study on it?

Nick Cutaia responds that at his Dockside project they have 276 units and they have 59 children living in those units. They will be paying school taxes.

Don Weiss questions what impact this will have on the Town Recreation Department. One gentleman said that there are empty apartments around that area. Will they build this to completion or in stages?

Nick Cutaia responds that this is a one stage project and it will take about two years to complete.

Mr. Hopkins comments that this is a nineteen million dollar project and they are the first ones to come before the Board with a market study in hand.

Councilman Quinn comments on the road that they are going to put in stating that it will split up the C-1 zoning. Is that going to inhibit the alienability of that property? How much land will be on either side of it?

Mr. Hopkins responds that it will be a total of just over 3 acres. They have to put the road there because they have to come out at the signal. Both sides will be viable out parcels.

Rich Podkulski questions if it will result in two separate tax ID numbers?

Mr. Hopkins responds that it will result in three. The multifamily parcel will be one and the commercial area will be split into two.

Mr. Podkulski questions if the people in the development will be land locked?

Mr. Hopkins responds that regardless of what happens they would retain frontage and retain ownership of the driveway.

Russ Gullo comments that he has some issues with the 50 foot boundaries, with wetlands in the back of the property, with trees dying around the retention pond in the front of the property, drainage along Sowles Road and one entrance in and one entrance out. What happens during a big storm, no emergency exit or entrance? Along Southwestern they did rezone his property to Commercial and this area seems to be the up and coming commerce area. He doesn't agree with this rezoning.

Mr. Hopkins responds that there will be no buildings in the 50 foot conservation area. Some of the trees are not in great condition, but to extent they need to supplement it? They will work with the Planning Board on that. In terms of emergency access, they have direct access to a signalized intersection and all the buildings will have full sprinkler systems. Once you get on site there will be numerous ways of access the buildings. It is difficult to design a site based on the possibility of seven feet of snow. They don't want to propose emergency access through a residential area. If Mr. Gullo wants to propose access through his property they would be willing to discuss that. There is approximately 1.8 acres of wetlands and they are not going to touch them. In terms of the conservation easement area, they could meet with the neighbors during the site plan approval stage. Mr. Cutaia has an excellent track record of doing that.

Mr. Kaczmarczak comments that we have a sewer treatment that can't handle the sewage now. If the Town continues to expand buildings as they are now what will they do about sewage?

Mr. Hopkins responds that the NYSDEC recognizes that one of the requirements that came into place a couple of years ago, for any residential project that generates over 2500 gallons of sewer product per day, the Engineer for the project has to do a comprehensive downstream sanitary sewer study. This gets submitted to the Town Engineering Department along with the NYSDEC and the Health Department. For example if they are estimating 10,000 gallons during peak flow conditions they have to come up with a solution to take 40,000 out of that downstream system. Basically they are improving the system.

Russ Gullo questions how much area they would have for a commercial business in the area that is left as C-1.

Mr. Hopkins responds that after you subtract the conservation area and the road it leaves them with about 2 to 2.5 acres. That would probably be one story buildings with 5,000 to 10,000 sq ft.

Don Wiess questions if they have designed any handicap accessible apartments and will they apply for Federal or State Money for that.

Nick Cutaia responds that all of their first floor units are handicap adaptable and they will not apply for any assistance.

**3.**

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

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

**RESOLVED**, that the Town Board close the public hearing at 7:42 pm.

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 ON PROPOSED LOCAL LAW #11, 2015**

**PLEASE TAKE NOTICE** that there has been presented to the Town Board of the Town of Hamburg on September 14, 2015, pursuant to the Municipal Home Rule Law, proposed local law #11, 2015; entitled “A Local Law to Rescind Local Law #3, 1993” this local law will rescind Chapter 85 of the Hamburg Town Code entitled “Coastal Erosion Hazard Area” in its entirety.

By rescission of this local law, the responsibility and authority to implement and administer a coastal erosion management program within the Town of Hamburg will fall under the jurisdiction of the New York State Department of Environmental Conservation.

**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 the 28<sup>th</sup> day of September, 2015 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: September 14, 2015

CATHERINE RYBCZYNSKI  
Town Clerk  
Town of Hamburg

One piece of correspondence was received, which was copied to all Town Board members, from Schenne & Associates recommending that the Town of Hamburg maintain the right to manage the coastal erosion permits.

Kurt Allen, Supervising Code Enforcement Officer, comments that the purpose of this public hearing is to discuss and receive input from the public regarding the rescinding of the local coastal erosion program. They are proposing to turn the local jurisdiction over to the NYSDEC. The Town has operated on a local jurisdiction of regulating coastal activities along the shoreline and it has been a successful program for the last 22 years. More recently the State has audited their program and they want to play a bigger role in the program. They have proposed to take on the authority to review all the applications and comment on those applications which would pretty much negate local authority.

The Town feels it would be a duplication of services and would be a complex way to run a simple program. It is forcing the Town to turn the jurisdiction back to the State. He is reaching out to the Coastal Erosion Division in Albany to work out this transition and there are a couple of issues. He contacted their office to make sure they have a better definition of the jurisdictional boundaries. They are currently working with maps that are in excess of 30 years old and it is not an effective way to define those boundaries. Moving forward they want to make sure that the boundaries are clearly defined so they can work together and assist each other. The Town would like to close out the pending permits that they are regulating now. They have only two permits that are nearing completion, a matter of weeks, and that would make for a much cleaner transition when they turn this over to the State.

Councilman Quinn questions what the completion date of the open permits would be.

Mr. Allen responds they will be completed this year. One project would be completed within a week and the other within a month. It would be wise to let them complete those under local authority and then in the interim they would not issue any other permits or variances, they made that commitment to the State already.

Colleen Schumacher questions why they are giving it over to the DEC and not keeping it in the Town.

Mr. Allen responds that recently the State has imposed what they feel is a combined effort. They want the Town to submit all their applications, for construction activity that would fall under the jurisdiction of the coastal erosion program, to them electronically for their full review. The Town feels that would cause delays and under the State's authority they would approve the permit but they may impose more demands for engineering etc.

Ms. Schumacher comments, so basically, he would be getting permission from them for what the town is already doing.

Mr. Allen responds that is correct they are imposing a new authority for review and approval of permits. The Town would be an intermediary.

Ms. Schumacher questions why can't the Town just continue handling the permits?

Mr. Allen responds because that is what they are imposing under their authority and NYSDEC law.

Ms. Schumacher comments if they are getting more people involved won't that cause more delays and more technicalities to approve?

Councilman Quinn comments that if the State is mandating it why should the Town even be involved?

Mr. Allen agrees.

Don Wiess comments so, the State is superseding the Town and the State is taking control over his department and he has two existing permits and they are not issuing any new permits.

Mr. Allen responds that is correct.

Mr. Wiess responds that basically the Town has already complied with what they want and this is just a technicality. He feels the Town should keep jurisdiction. Even if it is a duplication of services it still originates with the Town. If someone comes in and wants a permit, it starts here. It is a convenience for anyone who owns property along Lake Erie. He is against dropping this. He feels it would be good to have someone locally to help with the process if someone needs a permit in the future.

John McKendry comments that Old Lakeshore Road is almost falling into the lake now. The Town is in charge of the coastline and the County is in charge of the road. Lynne Dixson is trying to get it paved. This is a big problem. The Town leaving the program would be a mistake.

David Braasch comments that he is a contractor that does work along the lake and is also a lakefront property owner. There are a lot of pluses and minuses to having the Town of Hamburg handling the permit process as opposed to the State. In the Town of Hamburg you can walk right into the Department and talk to the gentlemen and if it is a valid permit they will usually issue it in a decent time period and they inspect the work as you go along. With DEC permits you would get the permit from them and they don't look at the job until it is complete. As a contractor he knows that The Town of Hamburg doesn't allow you to cut corners. Also if the permit is for \$25,000 the Town would get 2% of that which is \$500.00 in fees. The Town also makes you get a professional engineer, as a contractor it is negative, but it is good for the Town because you know whatever is being built is being done correctly. As far as the DEC is concerned the permits are cheaper, they have some very nice people working in there but the permits can take a long time. In the past, residents along the lake have told him that they have had negative experiences with the DEC and they wouldn't issue permits for anything. That could happen now. If he wasn't able to put the rocks behind his house it would be going in the lake right now. It would behoove the Town to keep as much control over this as possible.

Councilman Quinn comments that the DEC is mandating this. Is there any way around that?

Mr. Allen responds that what the DEC is mandating at this point is that they want control of the permit review and approval process. There is nothing they can do on a local level to assist the homeowner in expediting the process which they have normally done in the past.

Mr. Braasch questions if the Town would have to wait for an ok from Albany or the local office?

Mr. Allen responds that it could just be the local Region 9 Office. However his understanding is that they could be sending those to the Central Division in Albany which could lengthen the time for review approval.

Ms. Schumacher questions what brought this on all of a sudden for the DEC to do this.

Mr. Allen responds that this past year they met with the Division of Water and Coastal Erosion and it appears to him that they want to harden their policies and make them uniform across the State. After review of the Town's local program they felt that it wasn't fitting in with their uniform program. There are very few entities, outside of the NYSDEC, that are administering their own programs.

Carolyn Montgomery comments that over the past six years there have been several egregious situations along Old Lakeshore Road where the bluff has been disturbed and vegetation has been moved. In 1993 Hamburg submitted an application to become one of the communities that would administer the State law within their area. The last she read there were 44 of those units in the State and they control the outer borders, they have nothing to do with the lakes and rivers. Immediately to our south the DEC is in charge of the coastal area for the Town of Evans. Dunkirk is part of this program but they have let a lot of the responsibility go to the State because they don't have the personnel to do it themselves. These can be complicated issues in many cases. The Town has a complicated shoreline. The shoreline starts with the industrial northern part, comes through to the different Town parts and residential areas and then along the southern bluff end. There are several areas along there that are difficult. One is along Old Lakeshore Road across from Truscott Terrace. The bluff is collapsing. There used to be three guard rails there and now they are down to one. How long that situation will be stable is anybody's guess. It is a potential problem. With the Town in charge of that coastal area the Town and the County in charge of the road they are both involved. The push is to make the shorelines accessible to the public. They do not know what problems will come up along our shoreline and how much the Town would be responsible to remediate. Another problem is Route 5 near Hoak's Restaurant. Anyone driving along there knows that when a storm hits it is reduced to one lane. Although she does like local government closest to those people who are governed but in this case she feels that big government could take care of some of these issues that the town would not be able to deal with. The Army Corps of Engineers will not have anything to do with our shoreline because the Town has responsibility for it. It is against her philosophy on government but the reality is that the Town can't take care of this now or in the future. She is for turning this over to the State DEC.

Joe O'Brien comments that they should call Senator Panepinto or Assemblyman Ryan's Office to see if they could offer any assistance with the erosion problems.

Councilman Quinn comments that he has mentioned it to Senator Panepinto and he said he was going to do a shoreline tour of Hamburg and Evans and the parts within his jurisdiction.

Denise Cahill states that she lives along Lakeshore Road and her project is one of the open permits. The erosion is incredible. She has been there 16 years and 2 houses have already fallen in. It is very important to her to hang on to the house. In the bigger picture the Town of Hamburg has been wonderful because she is not someone who has deep pockets. She went to Mr. Allen's office and was given the right direction. She has come in with many proposals and they are very knowledgeable and understand the condition and what needs to be done effectively and efficiently and she would hate to see that go away. She doesn't believe that if the State takes over that they will care about private property.

Mr. Allen responds that they have not issued any permits to any public entities it has all been residential.

Ms. Cahill comments that it is all about the little homeowner. She asks the Town Board to reconsider as the Town has been very helpful and knowledgeable.

Vito Lorenzi comments he lives across the street from the other open permit project and it just makes sense that they should complete the project before passing this on to the State.

Mr. Braasch comments that he has seen people in other Towns, with DEC permits, do whatever they want and so the DEC should not be down on the Town of Hamburg because a couple of people did things outside of what the permit allowed.

Ross Cellino comments that he currently has a project that is nearing completion. He has dealt with various jurisdictions and has dealt with the DEC on a project in Orchard Park and this Town is so user friendly compared to other Building Departments. Whether he talks to Mr. Allen or any of his Assistants they all know what a contractor needs to do and they don't delay a project unnecessarily. When you apply for a permit and you need to make corrections they will tell you to make those corrections and you can come back the next day, not a month or more. It is a mistake to give this up and then deal with bureaucrats in Albany or Local Region 9. For example in Orchard the DEC imposed \$25,000 in unnecessary requirements that did not benefit the public. He is doing a project in the City of Buffalo and the difference between Building Departments is like night and day. The people in Hamburg are so approachable in all departments. He hopes he can complete his project before having to deal with another entity. He feels it would be a mistake to give this up to the bureaucrats in Albany.

Kurt Allen comments that he hopes that the Town Board would not act on this until they resolve some of the outstanding issues with the DEC. Mainly defining the jurisdictional boundaries and completing the remaining permits.

Don Wiess questions what is the Corps of Engineers doing with respect to coastal erosion in the Town of Hamburg?

Mr. Allen responds they are not involved.

Darryl Oliveri comments that he has dealt with the DEC for a long time. They are nice, but for the little guy, they will be waiting for a long time. If the Town steps aside in this matter it will crush the little voice. This would be detrimental for Town residents.

#### 4.

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

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

**RESOLVED**, that the Town Board close the public hearing at 8:17 pm.

**5.**

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

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

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

09/14/2015	Work Session
09/14/2015	Town Board Meeting
09/18/2015	Special Meeting

**6.**

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

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

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

10/02/15	10/03/15	10/04/15	10/09/15
10/10/15	10/11/15	10/16/15	10/17/15
10/18/15	10/23/15	10/24/15	10/25/15
10/30/15	10/31/15		

**7.**

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

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

**WHEREAS**, pursuant to NYS Agriculture and Markets Law, the Town of Hamburg is required to enter into a lease agreement for harboring and euthanizing dogs which may be picked up during the normal course of duties of the Hamburg Dog Control Officer,

**WHEREAS**, the Town of Hamburg entered into a Dog Sheltering Lease Agreement with "Sundance Kennels, Inc." for the period January 1, 2015 through December 31, 2015, with two one (1) year renewable extensions,

**NOW THEREFORE BE IT RESOLVED** that pursuant to paragraph 17(A) of the Dog Sheltering Lease Agreement, the lease shall be extended one (1) year for the period January 1, 2016 through December 31, 2016.

**BE IT FURTHER RESOLVED** that the Town of Hamburg enter into a Secondary Shelter Lease Agreement with the Erie County SPCA, for the period January 1, 2016 through December 31, 2016,

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

**8.**

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

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

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

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/tem hourly rate	Termination Date
1	4636	Beckwith, Sarah		Rec Attd-ER7251-Seas				9/29/2015
2	4623	Birmingham, Shannon		Lifeguard-ET7180-Seas				9/29/2015
3	4360	Boncal, Alyssa		Lifeguard-ET7180-Seas				9/29/2015
4	4639	Cole, Riley		Rec Attd-EW7251-Seas				9/29/2015
5	3817	Cuevas, Katie		Rec Attd-EW7251-Seas				9/29/2015
6	4606	Cully, Malcolm		Van Driver-A6772-Seas				9/28/2015
	4606	Cully, Malcolm	R	Van Driver-A6772-P/T	9/29/15		\$9.00	
7	3382	DeBeradinis, Patricia		Rec Attd-A6780-P/T				9/30/2015
	3382	DeBeradinis, Patricia	R	Rec Attd-A6780-Seas	10/1/15		\$10.50	
8	4436	DiPasquale, Ryan		Rec Attd-ER7251-Seas				9/23/2015
	4436	DiPasquale, Ryan	R	Rec Attd-ER7251-P/T	9/24/15		\$8.75	
9	4462	Emmerling, Ryan		Lifeguard-ET7180-Seas				9/29/2015
10	4631	English, Emma		Rec Attd-EW7251-Seas				9/29/2015
11	4640	Fildes, Alaina		Rec Attd-EW7251-Seas				9/29/2015
12	4431	Geraci, August		Van Driver-A6772-Seas				9/29/2015
	4431	Geraci, August	R	Van Driver-A6772-P/T	9/30/15		\$9.50	
13	4485	Gill, Scott		Rec Attd-EW7251-Seas				9/29/2015
14	4459	Grimaldi, Kevin		Rec Attd-EW7251-Seas				9/29/2015
15	4325	Groom, Joseph		Rec Attd-E17265-P/T				9/29/2015
16	4669	Gunning, Daniel		Rec Attd-EW7251-Seas				9/29/2015
17	4586	Kaznowski, Lyndsey		Rec Attd-EW7251-Seas				9/29/2015

18	4654	Kaznowski, Taylor			Rec Attd.-A7310-Seas				9/29/2015
19	4552	Kryszak, Nicholas			Rec Attd-EW7251-Seas				9/29/2015
20	4642	LaRosa, Gabrielle			Rec Attd-EW7251-Seas				9/29/2015
21	4633	Lotocki, Kimberly			Rec Attd-EW7251-Seas				9/29/2015
22	4364	Lunz, Shawn			Lifeguard-A7310-Seas				9/28/2015
	4364	Lunz, Shawn		R	Lifeguard-A7310-P/T	9/29/15		\$9.50	
23	4610	Marcin, Mitchell			Lifeguard-ET7180-Seas				9/29/2015
24	4274	Otremba, Melissa			Rec Attd-EW7251-Seas				9/19/2015
	4274	Otremba, Melissa		R	Rec Attd-EI7265-P/T	9/20/15		\$8.75	
25	4284	Quinn, Clifford			Rec Attd-EW7251-Seas				9/29/2015
26	4473	Redanz, Katherine			Rec Attd-EW7251-Seas				9/29/2015
27	4349	Rich, Devon			Lifeguard-ET7180-Seas				9/29/2015
28	4437	Ringo, Nolan			Rec Attd-ER7251-Seas				9/28/2015
	4437	Ringo, Nolan		R	Rec Attd-ER7251-P/T	9/29/15		\$8.75	
29	4178	Romanello, John			Rec Attd-ER7251-P/T				9/19/2015
	4178	Romanello, John		R	Van Driver-A6772-P/T	9/20/15		\$9.50	
30	3321	Saunders, Joyce			Rec Attd-A6772-Seas				9/20/2015
	3321	Saunders, Joyce		R	Rec Attd-A6772-P/T	9/21/15		\$10.74	
31	4379	Sauerwein, Robert			Van Driver-A6772-Seas				9/23/2015
	4379	Sauerwein, Robert		R	Van Driver-A6772-P/T	9/24/15		\$9.75	
							Full time	PT/Sea/tem	Termination
							hourly rate	hourly rate	Date
#	Emp #	Employee Name		N or R	Position	Start date			
32	4549	Skorma, Kelly			Rec Attd-A7310-Seas				9/29/2015
	4549	Skorma, Kelly		R	Rec Attd-A7310-P/T	9/30/15		\$9.50	
33	4377	Smith, Konner			Rec Attd-EW7251-Seas				9/29/2015
34	4288	Solak, John			Lifeguard-A7310-Seas				9/28/2015
	4288	Solak, John		R	Lifeguard-A7310-P/T	9/29/15		\$9.10	
35	4568	Sortisio, Zachary			Rec Attd-EW7251-Seas				9/29/2015
36	2875	Steger, Joseph			Rec Attd-ER7251-Seas				9/28/2015
	2875	Steger, Joseph		R	Rec Attd-ER7251-P/T	9/29/15		\$12.75	
37	4200	Walter, Lauren			Rec Attd-EW7251-Seas				9/29/2015
38	4062	Wicka, John			Rec Attd-ER7251-Seas				9/20/2015
	4062	Wicka, John		R	Rec Attd-ER7251-P/T	9/21/15		\$11.25	
39	4503	Hoff, Christine			Rec Attd-A7310-P/T				9/29/2015
40	4678	Manganello, Jack			Van Driver-A6772-P/T				9/13/2015
	4678	Manganello, Jack		R	Van Driver-A6772-Seas	9/14/15		\$9.00	
41	4545	McDermott, Connor			Lifeguard-EW7251-Seas				9/19/2015
	4545	McDermott, Connor		R	Rec Attd-EI7265-P/T	9/20/15		\$9.10	
42	4672	O'Shei, Austin			Rec Attd-A7310-Seas				9/29/2015
43	4638	Pietras, Sarah			Rec Attd-EW7251-Seas				9/19/2015
	4638	Pietras, Sarah		R	Rec Attd-A6772-P/T	9/20/15		\$8.75	
44	4397	Sudyn, Joshua			Rec Attd-EW7251-Seas				9/19/2015
	4397	Sudyn, Joshua		R	Rec Attd-EI7265-P/T	9/20/15		\$8.75	

45	3167	Wienczek, Paul			Van Driver-A6772-P/T				9/23/2015
	3167	Wienczek, Paul		R	Van Driver-A6772-Seas	9/24/15		\$10.00	
46	4550	Winder, Brice			Lifeguard-EW7251-Seas				9/19/2015
	4550	Winder, Brice		R	Lifeguard-A7310-P/T	9/20/15		\$9.10	
47	4644	Bojdak, Katherine			Lifeguard-ET7180-Seas				9/19/2015
	4644	Bojdak, Katherine		R	Lifeguard-A7310-P/T	9/20/15		\$9.00	
48	4620	Gambino,Karlie			Lifeguard-ET7180-Seas				9/19/2015
	4620	Gambino,Karlie		R	Lifeguard-A7310-P/T	9/20/15		\$9.00	
49	4400	Hayes, Korey			Lifeguard-ET7180-Seas				9/19/2015
	4400	Hayes, Korey		R	Lifeguard-A7310-P/T	9/20/15		\$10.50	
50	4557	Kroll, Evan			Lifeguard-ET7180-Seas				9/19/2015
	4557	Kroll, Evan		R	Lifeguard-A7310-P/T	9/20/15		\$9.10	
51	4626	McDermott, Evan			Lifeguard-ET7180-Seas				9/19/2015
	4626	McDermott, Evan		R	Lifeguard-A7310-P/T	9/20/15		\$9.00	
52	4629	Nitsche, Lindsay			Lifeguard-ET7180-Seas				9/19/2015
	4629	Nitsche, Lindsay		R	Lifeguard-A7310-P/T	9/20/15		\$9.00	
53	4269	Schelter,Chelsea			Lifeguard-ET7180-Seas				9/19/2015
	4269	Schelter,Chelsea		R	Lifeguard-A7310-P/T	9/20/15		\$10.00	
54	4261	Shea, Christine			Lifeguard-ET7180-Seas				9/19/2015
	4261	Shea, Christine		R	Lifeguard-A7310-P/T	9/20/15		\$9.50	

**9.**

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

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

**BE IT RESOLVED** that the Town Clerk is authorized to advertise for a public hearing to review the requests of the various volunteer fire companies and fire protection districts for their 2016 contracts with the Town of Hamburg.

The public hearing will be scheduled for October 26, 2015 at 7:00 p.m. local time.

**10.**

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

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

**BE IT RESOLVED** that the Town Clerk be authorized to advertise for a public hearing on the 2016 Town of Hamburg Budget. The hearing is to be scheduled for October 26, 2015, at 7:00 p.m. local time.

**11.**

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

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

**WHEREAS**, the Town Board abandoned Lakeview Avenue and the two existing street lights located along the roadway are no longer required.

**THEREFORE BE IT RESOLVED**, that the Town Board authorize National Grid to remove the two street lights, in accordance with the terms and conditions of the current National Grid street light tariff. National Grid requires a termination fee and removal charge of \$702.70.

**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.

**12.**

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

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

**WHEREAS**, Town owned street light pole number 112-3 located at the Route 5 – Route 179 interchange was damaged and an accident report was not recorded with the Police Department.

**THEREFORE BE IT RESOLVED**, that National Grid be authorized to replace street light pole number 112-3 with a National Grid owned standard, in accordance with the terms and conditions of the current National Grid street light tariff.

**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.

**13.**

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

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

**BE IT RESOLVED**, that the Traffic Safety Advisory Board recommends to the Town Board that Bay View Road be permanently closed at the train tracks nearest Route 5. Traffic studies and accident data has made it clear that this intersection poses an unreasonable risk to the health and safety of Hamburg residents and others, and

**BE IT FURTHER RESOLVED**, that this recommendation is in line with the NYSDOT Safety Improvement Project currently planned for the same intersection and will further aid in reducing/eliminating future accidents.

**BE IT FURTHER RESOLVED**, that the Town Planning Department in conjunction with the Traffic Safety Advisory Board will conduct a study and report the results to the Town Board for further action.

Supervisor Walters comments that what the Traffic Safety Board is proposing is to close off Bayview Road and no longer have an access onto Route 5 which would move all that traffic within the industrial park to a new road that the DOT has proposed already which will be a signalized intersection onto Route 5. The DOT has identified a high number of accidents on that intersection. The Bayview Big Tree fork is only a mile up the road and Big Tree takes you to Route 5 as well. The Town Board is not closing this intersection. The Traffic Safety Board is recommending a study.

Drew Reilly comments that he was at the Traffic Safety Advisory Meeting. Fed Ex is building a Road that will connect from Bayview out to Route 5 with a new light at the intersection. Two things happened at the meeting. They wanted to support the plans for the DOT to build the road to Route 5. This will be a Town owned road that will be access for everyone from Bayview to a light at Route 5. The Traffic Safety Advisory Board also wanted to close Bayview at the railroad tracks so the Town will have to do a lot of studies on that.

Don Wiess comments that originally there was a cut through along Route 5 between the Rust Belt Restaurant and 24 Kt Gold which has been closed off. There is a very complex plan that the State DOT has for that entire area and he is sure they did a study on it.

Mr. Reilly responds that plan has been studied. The plan to close Bayview at the railroad tracks has not.

**14.**

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

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

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

Joseph R. Pierce III  
4668 Chapman Pkwy  
Hamburg, NY 14075

**15.**

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

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

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

Terri Faust  
 3583 Salisbury Avenue  
 Blasdell, N.Y. 14219

Lacey Daniel  
 3607 Big Tree Road  
 Hamburg, N.Y. 14075

**16.**

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

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

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

**TOWN BOARD  
 AUDIT OF CASH DISBURSEMENTS September 28, 2015**

	VOUCHER #'S
<b>OPERATING FUND:</b>	
BATCH #182 \$136.48	78380
BATCH #183 \$67,169.82	78382
BATCH #184 \$9,526.49	78383-78407
BATCH #185 \$19,976.10	78408-78438
BATCH #186 \$42,524.57	78439-78479
BATCH #187 \$1,530.73	78480
BATCH #188 \$61,678.40	78481-78552
BATCH #189 \$231,432.78	78553-78616
BATCH #190 \$46,351.42	78617
BATCH #191 \$292.86	78631-78634
BATCH #192 \$45.00	78635
BATCH #193 \$3,000.00	78636
BATCH #194 \$265,959.86	78637-78695
BATCH #195 \$32,193.86	78696-78736
BATCH #196 \$80,404.76	78737-78738
BATCH #197 \$13,456.00	78739
BATCH #198 \$210,508.07	78740-78773
<b>TOTAL OPERATING FUND DISBURSEMENTS:</b>	<b>\$1,086,187.20</b>
<b>TRUST &amp; AGENCY:</b>	
BATCH #5    \$55.78	78381
<b>TOTAL TRUST &amp; AGENCY DISBURSEMENTS:</b>	<b>\$55.78</b>

**CAPITAL FUND DISBURSEMENTS:**

BATCH #44	\$2,450.45	78618-78624
BATCH #45	\$8,833.19	78625-78630

TOTAL CAPITAL FUND DISBURSEMENTS:	\$11,283.64
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**PAYROLL:**

PR #20	\$657,376.47
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TOTAL PAYROLL DISBURSEMENTS:	\$657,376.47
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PETTY CASH	\$0.00
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TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:	\$1,754,903.09
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**Reports from Town Board Members and Department Heads**

Councilwoman Potter-Juda – no report

Councilman Quinn – no report

Supervisor Walters reports that the meeting schedule for next month is a little different than normal. They normally meet the second and fourth Monday but because of the Columbus Day Holiday the meeting will be on October 19<sup>th</sup> which is the third Monday of the month and the following meeting October 26<sup>th</sup> will be the Budget hearings for the fire departments and the 2016 Town budget. The hearings will be at 7:00 pm with no prior Work Session. On October 19<sup>th</sup> they will have the regular Work Session at 6:00 pm followed by the Town Board meeting at 7:00 pm.

Councilman Quinn comments that Jean Peterson, former Hamburg Town Attorney, has passed. He asks for a moment of silence.

Christopher Hull, Director of Community Development, reports that in 2015 Community Development funds paid for the paving of the Four Seasons Subdivision, the Village of Blasdell is beginning their Salisbury Avenue road reconstruction and the Village of Hamburg is beginning their Waterline reconstruction. The remaining public hearings are on October 7<sup>th</sup>, October 26<sup>th</sup>, October 28<sup>th</sup> and November 4<sup>th</sup>. This information is available on their website.

Martin Denecke, Director of Youth, Recreation and Senior Services, reports that he wants to commend their Y.E.S. Volunteers that participated in the Great Lakes Beach Sweep Clean-Up. The Recreation Department recently received word that they received the Outstanding Chapter Award from the National Alliance for Youth Sports for work in training our local volunteer coaches. The Senior Services Department will be hosting a University Express Lecture Series in

cooperation with Erie County Senior Services which begins at the new Senior Center on October 13<sup>th</sup>. On October 16<sup>th</sup> they will be offering flu shots from the Visiting Nurses Association which are free providing your insurance coverage is one that is listed. On November 6<sup>th</sup> they will have the 20<sup>th</sup> Anniversary of the Adult Day Service. They will be holding a dinner dance and tickets are on sale at the Senior Office right now.

### **Business from the Floor**

Ms. Cherry comments that she resides in Woodlawn and her concern is for her community which is focused on families. They have public lewdness on Woodlawn State Park Beach along with indecent exposure. Topless women are walking where she lives. She wants to file a complaint and questions what the Town plans to do about this issue. She is asking to bring back our decency by putting in an ordinance to abolish this exposure and behavior. What civil rights does she have so that she can have a picnic at that park? She looks forward to a favorable response.

Supervisor Walters responds that this is something that caught them off guard when it happened over the Labor Day Weekend. The Town Attorney has researched the issue and the Police Department have looked at some issues and he has personally reached out to New York State Parks and asked them how they have dealt with this issue in the past. The long and short of it is that under New York State Law it is perfectly legal for a female to be topless on any public property where a male is allowed to go topless. New York State Parks stated that they have instituted some procedures that don't violate that State right that has reduced the effect of it. They are working with their attorneys to present something that the Town of Hamburg can institute. He agrees that if you bring your family with little children down to the park this should not be happening. The people that are doing it say they are doing it to demand respect. Yet they are not showing that respect back to our families and children that are there trying to have a wholesome time. They are looking at it from several different avenues and he has been working with New York State Parks to develop a policy for next season.

Ms. Cherry comments that if that it is a State Law and the Beach is run by the Town why does the Town not have any rights.

Supervisor Walters responds because it is public property.

Walt Rooth, Town Attorney, responds that he doesn't have the Court case with him. He would be happy to meet with her and give her a copy of it.

Supervisor Walters responds that they are taking this situation very seriously and they are doing what they can.

Ms. Cherry questions what she could do to be part of the process to further this cause?

Supervisor Walters comments that she should see him after the meeting. Once they get the proposed action plan from the State that is when they will need some community action to help them get the word out about what they are trying to accomplish. Right now they are in a holding

pattern. They fully expect that this entire process will be completed well in advance to the opening of the 2016 beach season.

Councilwoman Potter-Juda questions if Ms. Cherry should go out and collect signatures for this.

Councilman Quinn comments that she should contact her State representatives Senator Panepinto and Assemblyman Ryan. She could get people together and raise some money, get a lobbyist.

Supervisor Walters comments that he will keep her in the loop as to what is going on as they move along.

John McKendry has a question for Mr. Reilly in respect to the Railroad Quiet Zones and the report entered in the Sept 14<sup>th</sup> Work Session. It states that the Engineering Department is awaiting receipt of information from CSX regarding the existing RR signal equipment at Lakeview Road. If they want him to handle it, he knows a gentleman by the name of Rohauer that is in charge of public affairs for CSX.

Mr. Reilly responds that if they do not hear from them soon he will solicit his help because they have been waiting for 2 months for this information.

Don Wiess questions who called for the special meeting of September 18<sup>th</sup>? In his opinion, it was scheduled in violation of the NYS Open Meetings Law Section 104. He and others had planned a discussion this evening on the matter. According to NYS Elections Law the deadline for Determination of candidates & questions, Section 4-114, is September 29, 2015. This should have been on the agenda for approval tonight so that it could have been openly discussed.

Walt Rooth responds that at the last meeting there had been discussion of upsizing the Town Board and over the last year that has been a common thread through discussions of this Town Board. It is not as if this topic was just brought up two weeks ago. At the last meeting he was advised by the Board of Elections that there was enough time if a resolution was submitted for tonight. However, after the last meeting he spoke with the Board of Elections again and they said no the deadline would have been yesterday. They wouldn't have a meeting on a Sunday so the Tuesday after the last meeting he contacted all Board members to make them aware of the fact that they would run close to the deadline and would have an issue with that. If they wanted to pass a resolution to get on this November's ballot they had to call a meeting before tonight. The Supervisor gave the appropriate notice, under the law, for the Friday meeting.

Mr. Wiess comments that he has gone to Town Board meetings at other Town's and he was not able to speak. He was told he had to submit something in writing ahead of time. The Town of Hamburg does let people speak and that is a positive thing. In the future if they call a special meeting, in his opinion, it should be called an emergency meeting and it should be labeled in the minutes as to why it was called.

Supervisor Walters disagrees.

Dennis Chapman comments that he was at the special meeting of September 18<sup>th</sup>. The Town Board asked if anyone wanted to comment and no one did.

**17.**

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

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

**RESOLVED,** that the Town Board adjourn at 9:00 pm.