

Supervisor Walters calls the meeting to order at approximately 6:05 p.m.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Thomas M. Best, Sr.	Councilman
Joan A. 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; Andrew Reilly, Planning Consultant

1.

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

ADOPTED Ayes 5 Walters, Best Kesner, Quatroche, Smardz
 Noes 0

BE IT RESOLVED, that the Town Board designate Friday, October 31st as official Trick or Treat night in the Town of Hamburg from 6:00 p.m. to 8:00 p.m.

2.

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

ADOPTED Ayes 5 Walters, Best Kesner, Quatroche, Smardz
 Noes 0

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

Kenneth Smerka
4098 Riggs Street
Blasdell, NY 14219

3.

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

ADOPTED Ayes 5 Walters, Best Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board authorize Part Time PSD, Jonathan Innocent to attend “HIGH IMPACT TRAINING SOLUTIONS” Basic Telecommunication Course as a Web Based Course. The cost of the training course is \$199.00 and monies are available in account A3020.492

4.

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

ADOPTED Ayes 5 Walters, Best Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board authorize Part Time PSD, Jonathan Innocent attend “PRIORITY MEDICAL DISPATCH” course, October 22-24, 2008 in Buffalo, New York. The cost of the training course is \$295.00 and monies are available in account A3020.492

5.

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

ADOPTED Ayes 5 Walters, Best Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, certain properties within the Town have been neglected or abandoned and as consequence the growth of weeds, grass and other rank vegetation has exceeded twelve inches in height, the standard established by Local Law No 9-1974.

WHEREAS, the Town Code Enforcement Official has identified these properties to be violation of said local law and based on his formal inspections has mailed a notice of violation to the respective property owners with an order to cut and remove such grass and weeds on the premises.

WHEREAS, the Town has received no response by the listed owner nor has any remedial work

been undertaken to alleviate the violations within the prescribed ten day period and subsequently the Town Code Enforcement Official has caused the grass and weeds to be cut and removed by a Town approved contractor.

NOW, THEREFORE BE IT RESOLVED, the Town Board approve the following invoices for payment for the work contracted to Windsor Enterprise Group, Inc. of Lakeview, New York to cut, mow, rake high grass and weeds including the proper disposal as directed by the Town Code Enforcement Official at the following locations:

Property Address	Service Date(s)	Invoice	Amount
217 Kenton Place	10/16/08		\$86.25
5530 Deacon Street	10/16/08		\$86.25
6414 Mayflower	10/16/08		\$69.00
5159 Briercliff	10/16/08	\$69.00	
2672 Lakewood	10/16/08		\$86.25
97 Forestal	10/16/08		\$69.00
5131 College	10/16/08		\$69.00
5637 Old Lakeshore	10/16/08		\$138.00
6767 Boston State Rd	10/16/08		\$276.00

BE, IT FURTHER RESOLVED, the Town Board approve the transfer of funds from Account A599 to A3620.469 to finance this work.

BE, IT FURTHER RESOLVED, the Town Board authorize the Town Attorney to institute the appropriate actions against the owners of the aforementioned properties plus an additional administrative overhead fee of twenty- percent for recovery of costs incurred by the Town in connection with these proceedings as provided by Local Law No. 9-1974 Section 75- 4 B.

6.

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

ADOPTED Ayes 5 Walters, Best Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, the Town Board authorize officer Howard Widman and Jeffrey Lavelle to attend an “Accident Reconstruction Course”, being held at Niagara County Law Enforcement Academy, October 10th - October 31, 2008.

Cost of course: \$875.00 each	\$1,750.00
Tolls (approximately)	\$ 50.00
	<hr/>
	\$1,800.00

Money is available in account B3120.492

Use of unmarked Police Vehicle for transportation is requested

7.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 5 Walters, Best Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, the Town Board authorize officer William Stowell and Vincent Pupo, III to attend “NYS Fire Academy Investigation Seminar” to be held in Montour Falls, New York, November 5th - November 7, 2008.

Registration Fee: \$25.00 each	\$ 50.00
Meals: \$40.00 per day, each day	\$240.00
\$40.00 X 2= \$80.00 X 3 days	\$100.00
	<hr/>
	\$390.00

Money is available in account B3120.492

Use of unmarked Police Vehicle for transportation is requested.

8.

On a motion of Supervisor Walters, with a unanimous second, the following resolution was
ADOPTED Ayes 5 Walters, Best Kesner, Quatroche, Smardz

Noes 0



Town of Hamburg
Office of Supervisor

WHEREAS, today we are recognizing the 2008 Frontier Central Teachers' Association's retirees; and

WHEREAS, over the years, you have dedicated yourself to preparing our children for the world that awaits them; and

WHEREAS, the high quality of graduates coming out of the Frontier School District is a testament to your dedication, integrity and ability; and

WHEREAS, your excellence and professionalism are an example for your colleagues to follow; and

WHEREAS, your dedication to the students and the Teacher's Association over the years is being recognized.

NOW THEREFORE, on behalf of the Town Board of the Town of Hamburg, we recognize **William Wilde** for **33 years** of service. Best of luck with your future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 17th day of October, 2008.

A handwritten signature in black ink, appearing to read "Steven Walters", is written over a horizontal line.

STEVEN J. WALTERS
Supervisor
Town of Hamburg

Joan A. Kesner, Councilwoman
Thomas J. Quatrocha, Councilman
Thomas M. Best, Sr., Councilman
Kevin Smardz, Councilman





Town of Hamburg Office of Supervisor

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WHEREAS, your excellence and professionalism are an example for your colleagues to follow; and

WHEREAS, your dedication to the students and the Teacher's Association over the years is being recognized.

NOW THEREFORE, on behalf of the Town Board of the Town of Hamburg, we recognize **David Preljeva** for **33 years** of service. Best of luck with your future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 17th day of October 2008.

STEVEN J. WALTERS
Supervisor
Town of Hamburg

Joan A. Kesner, Councilwoman
Thomas J. Quatroche, Councilman
Thomas M. Best, Sr., Councilman
Kevin Smardz, Councilman





Town of Hamburg

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WHEREAS, your excellence and professionalism are an example for your colleagues to follow; and

WHEREAS, your dedication to the students and the Teacher's Association over the years is being recognized.

NOW THEREFORE, on behalf of the Town Board of the Town of Hamburg, we recognize **May Margaret Fierle** for **24 years** of service. Best of luck with your future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 17th day of October 2008.

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STEVEN J. WALTERS
Supervisor
Town of Hamburg

Joan A. Kesner, Councilwoman
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Kevin Smardz, Councilman





Town of Hamburg Office of Supervisor

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WHEREAS, your excellence and professionalism are an example for your colleagues to follow; and

WHEREAS, your dedication to the students and the Teacher's Association over the years is being recognized.

NOW THEREFORE, on behalf of the Town Board of the Town of Hamburg, we recognize **Anthony Santomaggio** for **33 years** of service. Best of luck with your future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 17th day of October 2008.

A handwritten signature in black ink, appearing to read "Steven J. Walters", is written over a horizontal line.

STEVEN J. WALTERS
Supervisor
Town of Hamburg

Joan A. Kesner, Councilwoman
Thomas J. Quatroche, Councilman
Thomas M. Best, Sr., Councilman
Kevin Smardz, Councilman





Town of Hamburg Office of Supervisor

WHEREAS, today we are recognizing Ellen Dunwoodie for 25 years of service with the Frontier Central Teachers' Association; and

WHEREAS, over the years, Ellen Dunwoodie has dedicated herself to preparing our children for the world that awaits them; and

WHEREAS, the high quality of graduates coming out of the Frontier School District is a testament to her dedication, integrity and ability; and

WHEREAS, her excellence and professionalism are an example for her colleagues to follow; and

WHEREAS, she has dedicated her life to the students and the Teacher's Association.

NOW THEREFORE, on behalf of all Town of Hamburg Officials, we congratulate **Ellen Dunwoodie** for her **25 years** of service with the Frontier Central Teacher's Association.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 17th day of October 2008.

A handwritten signature in cursive script, appearing to read "Steven J. Walters", is written over a horizontal line.

STEVEN J. WALTERS
Supervisor
Town of Hamburg

Joan A. Kesner, Councilwoman
Thomas J. Quatroche, Councilman
Thomas M. Best, Sr., Councilman
Kevin Smardz, Councilman





Town of Hamburg

Office of Supervisor

WHEREAS, today we are recognizing Meribeth Jones for 25 years of service with the Frontier Central Teachers' Association; and

WHEREAS, over the years, Meribeth Jones has dedicated herself to preparing our children for the world that awaits them; and

WHEREAS, the high quality of graduates coming out of the Frontier School District is a testament to her dedication, integrity and ability; and

WHEREAS, her excellence and professionalism are an example for her colleagues to follow; and

WHEREAS, she has dedicated her life to the students and the Teacher's Association.

NOW THEREFORE, on behalf of all Town of Hamburg Officials, we congratulate **Meribeth Jones** for her **25 years** of service with the Frontier Central Teacher's Association.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 17th day of October 2008.

A handwritten signature in cursive script, appearing to read "Steven J. Walters", is written over a horizontal line.

STEVEN J. WALTERS
Supervisor
Town of Hamburg

Joan A. Kesner, Councilwoman
Thomas J. Quatroche, Councilman
Thomas M. Best, Sr., Councilman
Kevin Smardz, Councilman





Town of Hamburg

Office of Supervisor

WHEREAS, today we are recognizing Maureen Carducci for 25 years of service with the Frontier Central Teachers' Association; and

WHEREAS, over the years, Maureen Carducci has dedicated herself to preparing our children for the world that awaits them; and

WHEREAS, the high quality of graduates coming out of the Frontier School District is a testament to her dedication, integrity and ability; and

WHEREAS, her excellence and professionalism are an example for her colleagues to follow; and

WHEREAS, she has dedicated her life to the students and the Teacher's Association.

NOW THEREFORE, on behalf of all Town of Hamburg Officials, we congratulate **Maureen Carducci** for her **25 years** of service with the Frontier Central Teacher's Association.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 17th day of October 2008.

A handwritten signature in cursive script, reading "Steven J. Walters", is written over a horizontal line.

STEVEN J. WALTERS
Supervisor
Town of Hamburg

Joan A. Kesner, Councilwoman
Thomas J. Quatroche, Councilman
Thomas M. Best, Sr., Councilman
Kevin Smardz, Councilman



9.

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

ADOPTED Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the hiring and terminations in the Buildings and Grounds Department as follows:

1. Pawlowski, Rodney	Laborer, Seas	10/13/08	Terminate
2. Pawlowski, Rodney	Laborer, P/T	10/14/08	\$9.92
3. Sortisio, James	Laborer, P/T	10/01/08	Terminate
4. Best, Frederick	Laborer, Seas	10/18/08	Terminate
5. Best, Frederick	Laborer, P/T	10/19/08	\$9.34
6. Connolly, Thomas	Laborer, Seas	09/29/08	Terminate
7. Connolly, Thomas	laborer, P/T	09/30/08	\$9.34
8. Grys, John	Laborer, Seas	09/29/08	Terminate
9. Grys, John	Laborer, P/T	09/30/08	\$9.34
10. Kales, George	Laborer, Seas	09/29/08	Terminate
11. Kales, George	Laborer, P/T	09/30/08	\$9.34

10.

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

ADOPTED Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

BE IT RESOLVED, that the Town Board approve the terminations of 17 and the hiring of 18 in the Recreation Department as follows:

1. Pinheiro, Alex	Rec. Att'd	10/21/08	\$7.15
2. Wolbert, Mark	A7180(215)	10/20/08	Terminate
3. Wolbert, Mark	Lifeguard P/T	10/21/08	\$7.95
4. Reid, Gregory	ER7251(225)	10/30/08	Terminate
5. Reid, Gregory	Rec. Att'd P/T	10/31/08	\$9.01
6. Rousseau, David	A7180 (215)	11/03/08	Terminate
7. Rousseau, David	Lifeguard P/T	11/04/08	\$7.40
8. Schmitt, Christine	A7180 (215)	11/03/08	Terminate
9. Schmitt, Christine	Lifeguard P/T	11/04/08	\$10.59
10. Scherer, Kenneth	A7180(215)	11/03/08	Terminate
11. Scherer, Kenneth	Lifeguard P/T	11/04/08	\$7.40
12. Betrus, Thomas	A7265 (230)	11/02/08	Terminate
13. Betrus, Thomas	Rec. Att'd P/T	11/03/08	\$7.41
14. Gallardo, Nicholas	A7265(230)	11/02/08	Terminate

15. Gallardo, Nicholas	Rec. Att'd P/T 11/03/08	\$9.80	
16. Greenauer, Josh	A7265 (230) 11/02/08		Terminate
17. Greenauer, Josh	Rec. Att'd P/T 11/03/08	\$8.25	
18. Henry, Kelly	A7265 (230) 11/02/08		Terminate
19. Henry, Kelly	Rec. Att'd P/T 11/03/08	\$9.06	
20. Biellak, Paul T	A7310 (320) 11/03/08		Terminate
21. Biellak, Paul T	Rec. Att'd P/T 11/04/08	\$8.00	
22. Boswell, David	A7310 (320) 11/03/08		Terminate
23. Lantzy, Josh	A7310 (320) 11/03/08		Terminate
24. Lantzy, Josh	Rec. Att'd P/T 11/04/08	\$7.15	
25. Motz, Lisa	A7310 (320) 11/03/08		Terminate
26. Motz, Lisa	Rec. Att'd P/T 11/04/08	\$10.59	
27. Zoda, John	A7310 (320) 11/03/08		Terminate
28. Zoda, John	Rec. Att'd P/T 11/04/08	\$9.51	
29. McFeely, Maria	ER7251 (225) 11/10/08		Terminate
30. Christy, Anthony	A7180 (215) 11/03/08		Terminate
31. Christy, Anthony	Rec. Att'd P/T 11/04/08	\$9.50	
32. Zdrojewski, Shannon	A7180 (215) 10/20/08		Terminate
33. Zdrojewski, Shannon	Rec. Att'd Seas 10/21/08	\$9.90	
34. Anzalone, Anthony	Rec. Att'd P/T 10/21/08	\$9.53	
35. Tenebruso, Alexandra	Rec. Att'd P/T 10/21/08	\$7.15	

11.

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

ADOPTED Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

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

OPERATING FUND

VOUCHER #'S

BATCH # 115	\$705,102.06	29400-29475
BATCH # 116	\$ 10,000.00	29476
BATCH # 117	\$ 41,805.32	29483-29484
BATCH # 118	\$ 800.19	29569
BATCH # 119	\$720,000,.00	29571
BATCH # 120	\$306,976.50	29572-29688
BATCH # 121	\$130,648.95	29700-29769
BATCH # 122	\$ 28,656.98	29774-29844

TOTAL OPERATING FUND DISBURSEMENTS: \$1,943,990.00

TRUST & AGENCY

BATCH # 34	\$6,200.00
BATCH #	

TOTAL TRUST & AGENCY DISBURSEMENTS:	\$	6,200.00
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CAPITAL FUND DISBURSEMENTS:

BATCH # 60	\$160,000.00	29570
BATCH # 61	\$ 77,815.78	29689-29699
BATCH # 62	\$143,222.24	29770-29773

TOTAL CAPITAL FUND DISBURSEMENTS:	\$	381,038.02
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PAYROLL:

PR # 20	\$558,765.17
PR # 21	\$548,318.21

TOTAL PAYROLL DISBURSEMENTS:	\$1,107,083.38
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PETTY CASH	\$	0.00
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TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:	\$3,438,311.40
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Councilwoman Kesner questions the Trust & Agency account with \$6,200.00 and requests an explanation as to what that is.

Mary Dosch responds that it is the fees received from Recreation that is deposited and then a voucher is done to transfer to savings.

Councilman Best reads a letter received from The National Safety Council:

First, I would like to commend you on a job well done as part of National Safety Councils ongoing quality assurance program. Every month classroom evaluations are sent to students

who have taken your DDC class. I am proud to tell you that 99% of the evaluations come back with a positive comment.

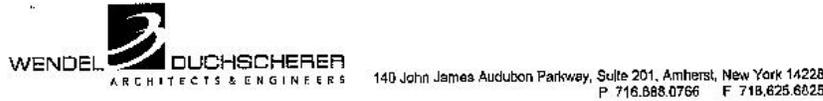
Supervisor Walters notes that Wednesday, October 29th, right here at Town Hall is Red Ribbon Day.

Councilman Best notes that he had received a response from The Erie County Agricultural Society in regard to his request for non tax abatement. He will now meet with the Town Attorney and research this.

Councilwoman Kesner notes that Saturday is the Domestic Violence fund raiser and would love to see her board members there to support this.

Supervisor Walters notes that Drew Reilly from the Planning Department is here to discuss the rezoning request on Camp Road.

Drew Reilly notes that they will discuss three items one being the Izzo rezoning, public mini-storage and waterfront commercial zoning. He then explains the following potential conditions as listed below.



MEMORANDUM

TO: Applicant

FROM: Andrew C. Reilly, PE, AICP, Hamburg Planning Consultant

DATE: September 22, 2008

SUBJECT: Izzo Rezoning

WD PROJECT NO. 3008.08.MHAM

As you are aware, the Town of Hamburg is processing a request from you for the rezoning of your property on Camp Road near the Thruway from R-A to C-1. The public hearing has been held and the Town has waited the appropriate time period to receive additional comments and to complete the coordinated SEQR process.

At this time, the Town Board is considering taking action on the application; making a SEQR decision and deciding on the zoning application.

In making the decision, the Town is considering the following "conditions" on the approval of the rezoning. Once you have reviewed these, the Town Board would like me to meet with you to discuss them and get your input. If necessary, the Town Board could also meet with you prior to their decision on the application.

POTENTIAL CONDITIONS:

- A. SEQR Negative Declaration
We will note that the development of the site is being "segmented" from the rezoning because development is too speculative at this time. This will require that any development projects will require their own SEQR analysis.
- B. Conditional rezoning with the following suggested conditions:
 1. All structures shall be limited to a maximum of 35 feet in height.
 2. No buildings will be allowed within 50 feet of the residential lots along Dartmouth Street (50 foot buffer area) and no paved surfaces will be allowed within 30 feet of the property line.
 3. The required 30 foot buffer area to Dartmouth residential lots will include a planted berm and other landscaping to assist with screening (maintain as much as the existing vegetation as possible) this site from this residential area.
 4. If the new access road is located less than 30 feet from the property line along Dartmouth In the area of existing Izzo Building, appropriate buffering will need to be provided (fencing, berms, landscaping, etc.).
 5. No access (vehicular) will be allowed onto Dartmouth Street.

Deleted: or paved surfaces

Deleted:

Deleted: 5

Deleted: 5

Deleted: homes

6. A properly designed drainage system meeting all state and town requirements will be provided for the development of this site, and will include provisions to intercept water running onto the adjoining residential properties.
7. Wetland areas and other natural areas in the northeastern corner of the site will be delineated and preserved to the maximum extent practicable to allow for a buffer to Thruway operations.
8. The applicant will provide a cross easement to the adjoining motel/hotel to allow for cross vehicle access to the new access road that will be developed for this site.
9. The new access road for this site will connect onto Camp Road, and will be designed to meet all State standards (assumed to be a signalized location) and will be coordinated with the potential redevelopment (and its new access road) project located across Camp Road (Hamburg Crossings Project).

Please call me to discuss these and/or set up a meeting: 689-0766.

Councilwoman Kesner questions what could be built without coming to the Board for rezoning.

Mr. Reilly responds single family homes and farm operations.

Councilwoman Kesner notes that they could put single family homes there without problem.

Mr. Reilly notes with two acre lots.

Supervisor Walters notes there is a court case now where someone started a pig farm on agricultural property and now the neighbors are suing him to try to get the pig farm out. This could happen here.

Ron Fuchs was in support of the rezoning noting anything they do would be an improvement.

A resident brings up the drainage issues, she's confused as to where this is going and stresses their concerns over water and drainage.

Supervisor Walters assures her that nothing has been done yet.

Councilman Quatroche asks Mr. Reilly if the project does go in there and the drainage issues are corrected what can be done to make sure the vegetation stays.

Drew Reilly responds, that is the first thing they will talk about is the reasonable buffer. They are learning from other projects and they will have things staked out and discussed to make sure there aren't problems.

Richard Izzo states he doesn't think anything has been done on the property it was a farm when they bought it in 1966. He doesn't understand why all of a sudden there are water concerns. Not one resident has ever approached them stating water issues. He doesn't feel the buffer should be an issue at this point until they know who is interested in the property. They will have to hold hearings again to discuss it when they know who might go in there.

Drew Reilly notes that the Town Board will not be involved in it then.

Councilwoman Kesner questions Drew what buffer was put in for the old Leisureland site rezoning.

Drew Reilly responds that it was a big buffer about 150 feet.

James DiDomizio questions if the project goes through there is no reason for to keep the paper street.

Mr. Reilly responds that it's his understanding all the adjoining property owners to agree to abandon that access.

Ron Fuchs notes he is in favor of the rezoning and just wants it over.

A resident asks if they as residents would be advised of the details before hand.

Drew Reilly responds that if the Town Board authorizes it to go forward, a prefiled resolution would be put in.

Supervisor Walters notes that generally, agendas for Board meetings are posted on the web site, usually before Friday afternoon before the Board meeting.

Sharon Frantz notes that they will basically be boxed in. She doesn't feel they will be able to sell their houses down the road. She feels the quality of life in the area will go down hill.

Richard Izzo doesn't feel the quality of life will change at all.

Supervisor Walters thanks everyone for coming in and stresses them to check the Town's website to see if this is on the agenda.

Drew Reilly then goes in to discuss the Public Mini-Storage as follows:

PUBLIC MINI STORAGE ISSUE
DEFINITIONS, OUTDOOR STORAGE, WHERE ALLOWED

PROVIDE DEFINITION:

Private Rental Storage (aka Public Mini-Storage, Self-Service Storage Facility)

A building or group of buildings in a controlled access or fenced compound, consisting of individual, self-contained units or stalls for the storage of customer's (businesses, individuals etc.) goods, wares, or contractor supplies for a rental fee. These facilities can have supervised or unsupervised access to the rental units.

CONTINUE PROHIBITION IN THE C-2 DISTRICT:

Article XIV §280-81 (16)

Private rental storage (mini-storage) is prohibited (*see definition*). This prohibition does not include full scale buildings in which interior spaces are being rented for individual storage usage.

ALLOW OUTDOOR STORAGE AS AN ACCESSORY USE BY SUP (include sup criteria):

Article XIV §280-81 (17)

Add (h): As an accessory use to an existing "private rental storage (mini-storage)" facility, a screened outdoor storage area for leasing for storage purposes.

Article XLVI §280-326(b)

Private Rental Storage; Outdoor Storage

No special use permit for outdoor storage in association with private rental storage shall be authorized unless Applicant's project meets the requirements of §280-312(B)(1), (21), (3), (4) and the following:

- A. This outdoor storage area must be at least 200' from the road right-of-way and include landscaping to properly screen it from the road (if necessary).
- B. All areas abutting residential districts or uses shall be screened from them by a landscaped berm.

CLARIFY THAT EXISTING BUILDINGS CAN BE CONVERTED TO INDOOR RENTAL STORAGE:

Article XVIII Section 280-119 A., add new (5), and change existing (5) to (6)

(5) The conversion of an existing building to allow for the renting of interior spaces for individual storage usage.

#1

Drew Reilly notes that they are still under the fact that there is enough mini-storage.

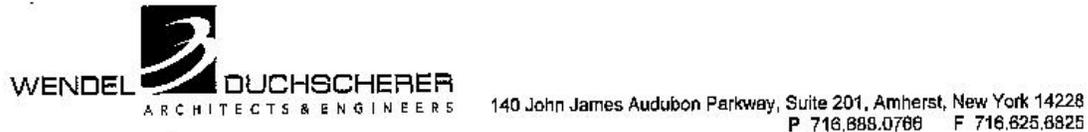
Councilwoman Kesner notes that on a trip to Florida she noticed that there wasn't any mini storage on main drags they were all on side streets that were tucked off.

Mr. Reilly responds that if they were on side streets it would end up on residential streets.

Supervisor Walters questions if the indoor storage is restrictive to zone.

Drew Reilly responds that it is. He then notes that the next item on the agenda is the Waterfront Commercial Rezoning and describes as follows:

11. At Camp Road we rezoned the C-2 zoned parcels to WC, but left the school and the existing NC zoned parcel as is. This is also the one area that included rezoning from residential to WC. We took the two parcels across from the NC zoned parcel, on the Lakefront, and recommended rezoning. Our thought was that they were bordered by commercial property on 3 sides.
12. As to Mr. Reszka's letter, we were not looking at areas on the Lake Shore Road in that area of the Town for WC rezoning in the LWRP. This does not preclude Mr. Reszka from individually applying for the WC designation (just like the Cloverbank and other properties within the LWRA).
13. We have also received a letter from Mr. Robert Hoelzl objecting to the rezoning of his property at 3984 Lake Shore road to WC (Hoelzl Tire & Service). The Planning Dept. still recommends this site for rezoning. It is currently zoned C-2, which does not allow automotive uses by right (requires a SUP), and the Town would probably not issue a SUP at this location. As now, the owner can continue to run his operation as a non-conforming use under the WC zoning, but the future of the site, if changed, would be more suitable for WC uses.

**MEMORANDUM**

TO: Hamburg Town Board

FROM: Andrew C. Reilly, PE, AICP, Hamburg Planning Consultant

DATE: September 23, 2008 (updated 10/13/08)

SUBJECT: WC Rezoning

WD PROJECT NO. 3008.08. CODE

As you are aware, the Town held a public hearing on the rezoning of properties to Waterfront Commercial (WC) and had a follow-up meeting with the public at a past Town Board meeting. At those meetings and with subsequent correspondence, questions were raised about why certain properties were rezoned and others were not. The following hopefully will answer some of those questions.

1. The northern sector of the Town was concentrated on because much of the rest of Hamburg waterfront is developed with single family homes.
2. The concept was to take existing waterfront property in this northern area and determine which would be best suited for WC.
3. The focus of this work was on Light Industrial Zoned properties and Commercial properties.
4. In the northernmost portion of the Town there are properties zoned M-3, General Industrial; we did not recommend changing those.
5. We also did not recommend any changes in the Woodlawn Avenue Area because it is all zoned residential.
6. The existing area zoned C-3 includes the State Park and the Gateway Building – not appropriate for rezoning.
7. For Light Industrial areas just north of Hoover, we left those sites with Active Industrial uses as Light Industrial. Our first recommended changes occurred on the old Snyder Tank Property. The only area recommended for rezoning to WC is the mostly underdeveloped southern end (matches the ideas discussed by potential developers). We have received a letter from Mr. Joseph Snyder objecting to the rezoning of parcel "B" of his property to WC. The Planning Dept. still recommends this rezoning (continued expansion of Industrial uses in this area will create additional conflicts with residential, recreational, and commercial uses).
8. In the area near Bayview, we took all of the existing zoned M-1 properties and recommended WC. These properties are all currently commercial type users (restaurant, go-kart, union hall, etc.).
9. We did not make any recommended changes to the Hoover Road area because it is all residentially zoned and utilized for residential purposes.
10. In the next area (Big Tree area), we rezoned all the land currently zoned C-2 within the LWRA to WC. This explains why the C-2 properties on Big Tree and the Saint Francis area were not rezoned – they are not in the LWRA.

Councilman Best goes back to question the mini storage and asks if they can build a building on the property that's existing already and have storage on the inside.

Mr. Reilly responds that they can because it wouldn't be considered public mini storage. If it was a new building in C-2 zoning it wouldn't be able to be done. He notes there are also other code revisions they are working on. He adds that Great Lakes Concrete went to get an Empire Zone status and was denied. They sued and then won it, now for one of their last steps they have to get someone to make a SEQR decision and they have asked the Town.

TOWN OF HAMBURG

Local Law No. ** of the Year 2009

A LOCAL LAW ESTABLISHING RIGHT-TO-FARM LEGISLATION

SECTION 1. LEGISLATIVE INTENT AND PURPOSES.

The Hamburg Town Board finds, declares and determines that agriculture and family farms have contributed to the landscape, culture and quality of life in the Town of Hamburg, and are a valued part of the community. Agriculture provides locally produced, fresh commodities, maintains open space by promoting environmental quality and not increasing the demand for services provided by local governments. In order to maintain viable farming in the Town of Hamburg, farmers must be afforded protection allowing them the right to farm. When non-agricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operation or are discouraged from making investments in agricultural improvements.

It is the purpose of this law to reduce the loss of agricultural resources in the Town of Hamburg by practices inherent to, and necessary for, the business of farming to proceed and be undertaken free of reasonable and unwarranted interference or restriction.

SECTION 2. DEFINITIONS.

- a) "Agricultural practices" shall mean all activities conducted by a farmer on a farm to produce agricultural products and which are inherent and necessary to the operation of a farm and on-farm production, processing, and marketing of agricultural products including, but not limited to, the collection, transportation, distribution, storage, and land application of animal wastes; storage, transportation, and use of equipment for tillage, planting, harvesting, irrigation, fertilization, and government-certified pesticide application; storage and use of legally permitted fertilizers, limes and pesticides all in accordance with local, state and federal law and regulations and in accordance with manufacturers' instructions and warnings; storage, use and application of animal feed and foodstuffs; construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building code and regulations; including the construction and maintenance of fences.
- b) "Agricultural products" shall mean those products as defined in Section 301(2) of Article Twenty-five-AA (25-AA) of the Agricultural and Markets Law.
- c) "Farm" shall mean the land, buildings, farm residential buildings, and machinery used in the production, whether for profit or otherwise, of agricultural products.
- d) "Farmer" shall mean any person, organization, entity, association, partnership, or corporation engaged in the business of agriculture, for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock, poultry, fur bearing animals, or fish, the harvesting of timber or the practicing of horticulture or apiculture.

- e) "Generally accepted agricultural practices" shall mean those practices which are feasible, lawful, inherent, customary, necessary, reasonable, normal, safe and typical to the industry or unique to the commodity as they pertain to the practices listed in Section 2a) entitled "agricultural practices".
- f) "Agricultural Advisory Committee" comprised of local farmers and members of the farming industry (not to exceed five), and a member of the Hamburg Planning Board, one representative from the Erie County Farm Bureau and a Town Board liaison, as designated by the Town Board, for the purpose of providing guidance on agricultural issues and land use policies impacting farms, and to minimize, mediate and resolve conflicts between farmers and non-farm neighbors.
- g) Unless specifically defined, above words or phrases used in the local law shall be interpreted so as to give them meanings they have in common usage, and to give this Local Law its most reasonable application.

SECTION 3. RIGHT-TO-FARM DECLARATION.

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within the Town of Hamburg at all such times and in all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

- 1) reasonable and necessary to the particular farm or farming operation,
- 2) conducted in a manner that is not negligent or reckless,
- 3) conducted in conformity with generally accepted agricultural practices,
- 4) conducted in conformity with all local, state, and federal laws and regulations,
- 5) conducted in a manner that does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
- 6) conducted in a manner that does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in this Local Law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death.

SECTION 4. SEVERABILITY CLAUSE.

If any part of the Local Law, for any reason, is found to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law.

SECTION 5. DUTY OF TOWN OFFICERS AND BOARDS TO CONSIDER IMPACT OF FARM OPERATIONS ON CERTAIN APPLICATIONS.

The legislative intent and purpose of this law shall be taken into consideration by each Town officer and/or board in processing any application or request for rezoning, site plan approval, and/or special use permit approval when the property that is the subject of such application is located within one mile of an existing farm. Such Town officer and/or board shall, as part of its review of such application, determine whether appropriate and reasonable conditions may be prescribed or required, that would further the purposes and intent of this law as part of an approval of the application. Such appropriate and reasonable conditions shall be determined on a case-by-case basis and may include, but not be limited to, requiring declarations, deed restrictions and/or covenants that run with the land and would notify future purchasers and owners of the subject property that owning and occupying such property might expose them to certain discomforts or inconveniences resulting from the conditions associated with agricultural practices and operations in the Town.

SECTION 6. INFORMAL RESOLUTION OF DISPUTES.

- a) Should any controversy arise regarding any inconveniences or discomforts occasioned by an agricultural operation, including, but limited to, noise, odors, fumes, dust, the operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise chemical fertilizers, soil amendments, herbicides and/or pesticides, the parties may submit the controversy to the agricultural advisory committee as set forth below in an attempt to resolve the matter prior to the filing of any court action.
- b) Any controversy between the parties may be submitted to the agricultural advisory committee, whose decision shall be advisory only, within thirty (30) days of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party became aware of the occurrence.
- c) The effectiveness of the agricultural advisory committee, as a forum for resolution of grievances, is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
- d) The controversy shall be presented to the committee by written request of one of the parties within the time limits prescribed above. Therefore, the committee may investigate the facts of the controversy but must, within thirty (30) days, hold a meeting to consider the merits the matter and within twenty (20) days of the meeting must render a written decision to the parties. At the time of meeting, both parties shall have an opportunity to present what each party considers to be the pertinent facts.

SECTION 8. EFFECTIVE DATE.

This Local Law shall be effective immediately upon acceptance by the Hamburg Town Board and filing with the New York Secretary of State.

10-16-06

Chapter , AGRICULTURAL ADVISORY COMMITTEE

§_1. Title.

This chapter shall be known as the "Agricultural Advisory Committee Law of the Town of Hamburg, New York".

§_2. Purpose.

The purpose of this chapter is to establish an element of local government that can help the Town to:

- A. Recognize the importance of agriculture as both a vital local economic base and as a landform that provides the Town of Hamburg with much of its rural, rustic character and charm.
- B. Assure the continued viability of farming as an industry, which is important to the local economy and to the preservation of open space and vistas.
- C. Provide for the most beneficial relationship between the use of land and buildings and the agricultural practices of the community.
- D. To further encourage the wise use and management of the Town's natural resources through modern farming practices.
- E. Provide a means for minimizing, mediating and resolving conflicts between farmers and non-farm neighbors.

§_3. Formation of Committee; Membership; Terms of Office.

- A. The Committee shall be composed of five members appointed by the Town Board as follows:
 - (1) Five residents of the Town of Hamburg from the agricultural community, including but not limited to representatives from the greenhouse, crop production, equine and dairy segments of the industry. The members shall recommend a Chairperson for appointment by the Town Board.
 - (2) One member of the Planning Board, one representative from the Erie County Farm Bureau and one member of the Town Board shall serve as ex officio members.

This committee shall seek guidance and assistance from other Town departments, boards and committees, as deemed necessary to carry out their duties.

- B. The members appointed to the Committee shall serve for a three-year term. Upon initial formation, one member shall serve for a one-year term, two members for a two-year term and all others for a three-year term. Each year thereafter, reappointments or new appointments will be for three-year terms.
- C. Appointments shall be from January 1 through December 31.
- D. Members shall serve without salary.

10-16-06

§ 4. Powers and Duties.

The Committee shall carry out the following:

- A. Advise the Town Board and the County Agricultural and Farmland Protection Board in relation to the proposed establishment, modification, continuation or termination of any county agricultural district. The Board shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area.
- B. Review of any proposed zoning, policy change or development action proposed within the Town.
 - (1) Whenever a zoning, policy change or development action (residential, business or industrial) is proposed that may affect a County agricultural district or the Town agricultural zoning districts, it shall be referred to the Agricultural Advisory Committee for review. The Agricultural Advisory Committee shall have 45 days to review the action and respond with a recommendation(s) for the action(s).
 - (2) The Committee shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area. This recommendation(s) shall include a determination as to whether the proposed action(s) will have an unreasonable adverse effect on the continued viability of a farm enterprise or enterprises within the County agricultural districts or Town agricultural zoning districts. This recommendation(s) shall be advisory only.
- C. Review county, state and federal legislation affecting agricultural issues and communicate the effect to the appropriate board and/or the Town Board.
- D. Serve as a vehicle for communication between the agricultural community, the Town and/or the County Agricultural and Farmland Protection Board on the potential impacts or benefits of a variety of agricultural matters and issues.
- E. Mediate and resolve grievances between farmers and non-farm neighbors in accordance with the Town of Hamburg Right-to-Farm Law.
- F. Meet on a regular basis, as determined necessary by Committee members, to carry out required duties, as listed above, but no less than two times a year for review and recommendation purposes. As previously noted, the review and recommendations shall focus on zoning, planning activities and other actions proposed within the County agricultural districts and the Town agricultural zoning districts.
- G. Submit to the Town Board an annual summary of the activities of the Agricultural Advisory Committee. This summary report shall be submitted in January and outline activities undertaken during the previous year.

Drew Reilly notes that the right to farm law does not give anyone any more rights than they would normally have. If they are doing something wrong, the right to farm law doesn't give them any more rights.

Councilwoman Kesner notes that already the County has a law in place where you have to notify your neighbors. She wants to make sure that's in there that when applying pesticides the neighbors are notified.

Felice Krycia notes she's on the Eden Agricultural Advisory Board and that's exactly what they do. If there is someone questioning why the cows are making noise or there's bad smells, they have to come to them and they see if they can work it out.

Supervisor Walters notes that the next thing on the list is the budget.

Councilman Quatroche notes that he saw we were accounting for more revenue and sales tax. He notes he's concerned with that in light of the economy and is wondering how that was derived.

Wayne Drescher responds that they have been making more than what they've been budgeting for. The projection for this year is about \$600,000 to \$700,000 more than what they had budgeted. They have been extremely conservative.

Councilman Quatroche asks why the increase in insurance.

Supervisor Walters notes that they had some claims come in this year and they had to do a mid year transfer.

Wayne Drescher notes that in comp. there were a lot of medical claims at the beginning of the year.

Councilman Quatroche asks about the revenue from the Racino like what are the restrictions on that money and what that is being appropriated to.

Supervisor Walters notes that it's restricted to the general fund. He then notes what they've done in the first two years was to use it exclusively for debt reduction and capital projects.

Mr. Drescher notes that the reduction of debt which debt service reduced in the general fund it transferred to debt actually reduced by \$904,000.

Councilman Quatroche adds that Jim Connolly has expressed concern with regard to increases in his department and questions the flexibility of that money and whether any can be used for highway or help his budget at all.

Mr. Drescher responds that there isn't. There are things that can be done to help highway for instance they have a debt service payment each year of about \$300,000 for a bond anticipation note. If Jim came up with a problem during the year, they would consider paying down that band and that would free up money in Jim's department.

Supervisor Walters adds that they have asked Jim to take a look at what areas could wait a year or two for their road work. We're in a recession you're seeing the State and County scale back on some of their capital projects, we shouldn't be expected to be immune from that. He was asked to put together a vehicle replacement plan and nothing yet. He is getting more than he has ever gotten in the history of his department. If he's willing to work with us and look to further improve, he's done several things to improve the efficiency of his department, they will continue to work with him.

Councilman Quatroche adds that over the years that was the department that looked to try for savings and Jim always stepped up to the plate.

Councilwoman Kesner notes that the quarterly reviews will be the benchmark to see all those factors that Steve pointed out.

Mr. Drescher points out that the monitoring of the budget is going to become critical next year.

Councilwoman Kesner adds that they changed over to the single health care insurance and early projections were like an \$800,000 savings over a couple of years. She questions where that shows in the budget.

Mr. Drescher responds that they're going to beat it.

12.

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

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

RESOLVED, that the Town Board adjourn to Executive Session on a personnel matter.

13.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 4 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board close Executive Session at 8:55 p.m.

14.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 4 Walters, Best, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board adjourn at 8:55 p.m.

Catherine A. Rybczynski, Town Clerk