

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 9<sup>th</sup> day of November 2015.

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; Christopher Monaco, Police Captain; Martin Denecke, Director of Youth, Recreation & Senior Services; Barbara Brauch, Clerk of Justice Court; Pat Ryan, Deputy Superintendent of Buildings and Grounds; Thomas Taylor, Sr. Public Safety Dispatcher; Sean Crotty, Coordinator of Emergency Management

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 October 19, 2015, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #13, 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 for 29.29 acres of vacant land located on the northeast corner of Boston State Road and McKinley Parkway. The property is identified as tax map parcel S.B.L. No.196.00-1-1.112. The property is to be rezoned from R-A (Residential Agricultural District District) to PRD (Planned Residential Development District).

**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 November 9, 2015 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: October 19, 2015

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

Ellen, Planning Consultant, comments that the applicant is requesting to rezone the property from R-A to PRD and then describes what is allowed in an R-A District. She then describes what is allowed in a PRD. The intent with the PRD zoning is to preserve at least 40% of the parcel for open space. She then describes the zoning of the surrounding property. The applicant made application for the rezoning over a year ago. The Town Board considered the proposal and referred it to the Planning Board for review. It has gone through a couple of design changes and the Planning Board has reviewed each of those proposals. The Town Board has initiated the SEQRA process, they did a coordinated review, received input from interested and involved parties and the Planning Board took all this into consideration when they were deliberating over the proposed rezoning and in October the Planning Board voted, with a split vote, to deny the rezoning application. The next step is for the Town to complete the SEQRA process and make a decision whether or not to rezone the property.

Sean Hopkins, representative for the applicant, comments that specifically they are asking for 24.24 acres of the 29.29 acre parcel to be rezoned. This project has been the subject of a lengthy review process. During that process the applicant, Mr. Wetzl, has made a concerted effort to try and address the wide assortment of concerns that have come up during the many previous meetings with the Planning Board as well as informational meetings with the residents. When they originally commenced this project they were proposing 66 lots and subsequently the density was reduced to 45 lots. Two of the key concerns that came up with surrounding residents were a roadway coming out onto McKinley and/or Newton Road. They have changed the plan to provide access exclusively onto Boston State Road as well as a gated emergency access connection to McKinley. Secondly during the process they were showing frontage lots, meaning single family homes that would front directly onto McKinley and Newton Road. As a result of the input received from the neighbors they have modified the project so that there will be absolutely no frontage lots. That is why they are showing the conservation area around the perimeter of the property. This assures two things. Number one there will never be any public roadway connecting to either McKinley or Newton and secondly in the future there would never be any single family homes that would front on those roadways. On the current layout, that has been to the Planning Board, the density is down to 45 clustered owner occupied patio homes. In terms of square footage, the homes will be approximately 1600 to 2200 square feet. This is smaller than the typical traditional single family homes in a residential subdivision. The density of the proposed plan only equals 1.54 units per acre and by way of comparison the residential density in the surrounding existing neighborhoods is clearly higher than what is proposed. The zoning classification that they are seeking encourages approximately 40% of the site to be preserved and they are nearly at 50% which is larger than what would be required. They are willing to preserve 17.1 acres of that site as permanent open space. One of the concerns raised during the Planning review process, by the residents, was that vegetation on the site would have been removed if they had stayed with the plan to have homes with frontage on McKinley and Newton. The project engineer developed a plan that minimized any impact on the existing vegetation. In recognition of the fact that there are two important intersections on this plan, the intersection at Newton and McKinley and the intersection of McKinley and Boston State Road, they are showing additional plantings and a decorative fence with masonry columns. One of the biggest issues that came up was drainage. During the review of the project it became very clear that there are some drainage issues associated with this site, in particular, Tom and Jane Johnson owners of property on Boston State Road which is the lowest point in the area. Based on their photographs they have legitimate drainage issues currently. In response they have over-designed their stormwater system. Meaning rather than just designing a system to handle a 100 year storm, which is what is required by the Town as well as NYSDEC, the project engineer has provided some extra stormwater detention areas. Both of the ditches that currently cross the site and carry from off-site locations will be diverted into these stormwater management areas and that water will be retained in those areas and then discharged by a pipe at a controlled rate. This will improve the off-site drainage system for that homeowner that lives downstream. One of the benefits of PRD zoning is that if you approve the zoning you are approving the plan that goes along with it and that assures everyone that this will be the layout and all the extra improvements that are offered will be provided. When they get to the subdivision approval stage Mr. Lardo from the Engineering Department will need to review the detailed drainage calculations. They are providing extra drainage at the sole cost of Mr. Wetzl. All infrastructure on site is private, the roads, sewer line, water line, drainage improvements, etc. This is important because the

Town is faced with long term costs associated with new public infrastructure and in connection with this project there will be none. He wants to note that there had been a protest petition filed and it is their position, based on a review of town law section 265.1, that protest petition is not valid. The reasoning is that if you look along both Newton and McKinley they are not rezoning contiguous to the right-of-way, the property located directly to the east is largely owned by the Russo family, the same owner of the project site they are purchasing. The Russo family has owned this land since 1987. A previously proposed project for the site was for a large church and several apartments, a much higher density project. It was not well received by the surrounding neighborhood and they are asking everyone to consider that this property is privately owned and that the Russo family will proceed with developing it. They believe that this is the best of all the available alternatives. If you developed it based on the existing zoning classification that would exist exclusively of frontage lots, thereby eliminating the view for both the neighbors on Newton and McKinley. He then explains what would happen if it was rezoned to R-1, which is the zoning classification both to the north and directly to the west. He then reads the section of the Town's Comprehensive plan pertaining to the intent of the PRD zoning classification and then states that this project is clearly consistent with that. If the property were to remain R-A it would not come in front of the Town Board. It would go directly to the Planning Board and would be eligible for site plan approval and it would be high intensity agricultural uses that clearly would not be compatible with the surrounding neighborhood. If that happened, it would be a stretch for the Planning Board to force anyone to provide the additional drainage improvements and to require anyone to preserve 17.1 acres as permanent open space and to require any future developer to keep the existing vegetation. He asks everyone to consider that the project is consistent with the Town's Comprehensive Plan and they have to consider the environmental impacts. He then reviews all the extras that they have done above what was required. He then comments that they would like the opportunity to respond in writing to any comments.

Joe Claus comments that if the 250 signatures on the petition were not legal, they certainly show that the project was not well received by the surrounding neighborhood. He urges the Town Board to follow their interpretation of the Town's Comprehensive Plan. To quote a few things, that division should be interconnected to create neighborhoods, rather than cul-de-sacs that are segmented. It is essentially a gated community, a similar one up the road has "keep out" signs, they cannot walk a dog or ride a bike in their neighborhood but they can come into ours. The permanent open space is open only to them. From the Master Plan, the Town is urged to restrict development in wetlands and to ensure that the development is in character with the surrounding area, which it is not. The Planning Board submitted a negative declaration on this project and there were some issues that were unanswered. He then asks if anyone in the room is against this project. Several residents raise their hands.

Richard Lawrence comments that there are a lot of things that are bad about this project. In regards to density, he owns a half acre lot with one house and they are proposing to put four houses on the same sized lot. In regards to the drainage problems, there is flooding every year coming from the Stonebridge development even though they met the criteria. He has doubts that they could control even more drainage issues. It is spot zoning. He reads the definition "changing zoning in an area outside of the Master Plan for the benefit of one or few to the detriment of many". When he purchased his home, it was with the assumption that, if the land

was developed, he would have homes on 2 acre lots in his backyard. With this project when he looks out his windows all he will see is backyards and houses. With single family homes, basically they would only get four on Newton Road and there would be some view between them and he would see the fronts of homes. With regards to infrastructure, yes they would take care of the infrastructure in the development but then they would have all the water and sewage coming from there going into an already strained infrastructure on the outside of the development. He is against this rezoning, it should be kept R-A.

Colleen Hana comments that she is a homeowner in the Stonebridge development and she is in favor of Mr. Wetzl building this development. She wants to make two points. The first is that she feels so grateful and blessed that she was able to buy her patio home, close to the Village of Hamburg. When she moved here from Virginia they lucked out because at the time they were ready to move is when Mr. Wetzl was building the patio homes. They have been there for four years and they are extremely happy with their patio home. When she heard about this development she thought it was great that other people would have the opportunity to have a home like theirs and was surprised about the opposition to it. The second point is that they had four homes built for them before moving here and it is not a fun process. The builders were hard to work with and weren't honest. If you have any problems after the home was built too bad. Glenn Wetzl is the most wonderful person to have as your builder. He is honest, sincere and hardworking. When the house was built he didn't go away. They had some minor issues and all they had to do was call and it was taken care of. She hopes other people will have the chance that she did.

Elizabeth Winkowski comments that she lives directly behind Stonebridge development. They have been negatively impacted by that development, drainage wise. All the ground that is rendered impervious flows into the detention pond and that overflows into her back yard, side yard and across the front yard then onto Newton Road and then exits along the fields into the Johnson's yard. In theory detention ponds are a good idea but in practice detentions ponds have not worked in the Stonebridge area. She has been there for 50 years and the conditions in that area are not good. This proposed development would negatively impact everyone that is already living there.

Jane Johnson, comments that she owns the house they are talking about that gets major flooding. The water comes from Stonebridge down onto her property heading for the golf course and from huge ponds behind her house where the overflow comes down also heading for the golf course. There are also ponds along Boston State that the drainage comes down and goes across to the golf course as well. The golf course floods all the time and some of that water cannot get across because it is already flooded. It sounds good, what they are doing, but there is no guarantee. They did not have any serious flooding until they built Stonebridge because that added so much water to her drainage. She can't afford to buy another house.

Michael Welch comments that he doesn't know why it was necessary for the developer to attend the 10/19/2015 Work Session without having the residents there as well. Also Councilwoman Potter-Juda should have been informing the Town Board of comments she was receiving from surrounding residents. They collected over 400 signatures on petitions that were against this. He comments on the Comprehensive Plan, the density of the project, spot zoning, drainage issues,

traffic issues and the fact that the project will take seven years to complete which will disrupt surrounding residents for a long period of time.

Jane Johnson comments that Boston State Road is a very dangerous Road. If you sit on her front porch and watch the traffic, it moves very fast and there are numerous accidents.

Russ Klass comments he and his wife are retired and are looking for someplace to live that is quiet and attractive. They have looked at a lot of communities in Western New York and Mr. Wetzl's is the nicest by far. Most of the residents that have been there for a long time, are used to the surrounding woods, however, there will always be development. He did a quick calculation and between the Stonebridge development and the proposed development the Hamburg School District will receive an extra \$200,000 in income from a development that doesn't have any children and probably won't. In addition the services that are needed will be far less than every other street in town. He lived on Sherwood Ave. and the density of this proposed area is far less than anything in the Village of Hamburg. In his opinion, it would be a credit to Hamburg to add some nice neighbors that would add value to the community and people, like him, would have a place to retire to.

Judy Black comments that she has represented Glenn Wetzl for the last 10 years. It has been a privilege and pleasure to work for him because he is a man of integrity, builds a quality product and because of his business acumen. She is representative of the type of person that would like to live in this proposed development. She has lived in Hamburg for a long time. She raised her family here and they are all gone. The home she is in now doesn't meet her needs anymore. She would like to have a one floor plan with a first floor laundry. There are people here that are for this project. Having sold real estate for 40 years, if she has a couple that wants to buy a new home it is very easy to find them an affordable house in Hamburg. We are very blessed that way and after they have a few children there are many larger homes available in Hamburg. The Town also has a lot of Senior Housing, some of it is subsidized and some of it is not. The Town even has mobile home parks which a lot of surrounding communities don't even allow. She has always been proud of our diversity, living and working here. What is being neglected is people, like her, that are retired and looking for patio homes. So part of the Town's constituency is not being taken care of as well as some of the others. She brings up the positive tax impact as well. There is a demand for this kind of product so she asks strongly for the Town Board to vote yes for this project.

Richard Lawrence questions if there is a senior exemption on taxes in the Town of Hamburg.

Supervisor Walters responds yes, if they qualify.

Mr. Lawrence comments that he did a little calculation of his own and the tax difference between the patio homes and single family homes wasn't that dramatic. The patio homes have a cheaper rate because the infrastructure is self-maintained. He believes that a project like this would make the Town of Hamburg more like Amherst and they should slow down the growth and keep it more rural.

Mary Fiato comments that she agrees with everyone that is in support of this project. Mr. Wetzel is a quality builder and this is a quality project. She has three friends right now that are on the waiting list to build a home there.

Mr. Welch comments that he did a little math on the tax generation fees that was in a letter. If you use about 14 homes having an approximate assessed valuation of \$325,000 on \$550,000 market value there would be about \$240,000 in taxes generated. Compared to the taxes generated by the 45 patio homes, it would be about \$55,000 higher. He came from Amherst and the reason he came here is because he couldn't stand the congestion and the Urban sprawl.

Robbin List comments that he lives in Stonebridge and has been there for three years. He is very pleased with his home. The craftsmanship is excellent, they like the greenspace. It is a private area but they receive very few benefits from the Town because it is private. They feel that the project would benefit the Town and would like to see similar homes, especially to make homes available for people in his age group. It is hard to find patio homes of this quality anywhere. He questions why, when the project originated, they did not look at the drainage issue which originates up at Lewis Road and runs down along McKinley. The people on McKinley have a constant issue with drainage. He has a neighbor on McKinley that told him it has been like that for years. He had the Town Engineer check some water issues and did some work re-grading his yard. The best solution would have been to have an underground water conduit to take that water and send it to the water retention pond. There is a situation back on Newton Road that when the water comes out of the retention pond, it gushes out because of all the water from McKinley and Lewis. He is very pleased to be a resident of the Town of Hamburg. He moved here from West Seneca where he had lived for 36 years.

Supervisor Walters comments that they will now give the developer an opportunity to respond to the comments and then they will present those responses to the Town Board at a subsequent time. Then once the Board reviews that, they should be in a position to make a determination on this.

**1.**

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 close the public hearing at this time.

**2.**

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, 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:

10/19/2015 Work Session  
 10/19/2015 Town Board Meeting  
 10/26/2015 Budget Hearing

**3.**

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 Lake Shore Volunteer Fire Company, Inc.:

James O’Neil  
 4233 Seabreeze Ave.  
 Hamburg, N.Y. 14075

Joseph Park  
 3015 Walbridge Dr.  
 Hamburg, N.Y. 14075

**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 approve the termination and rehiring of personnel for the Town Clerk’s Office as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1	4119	BROWN, BARBARA	R	P/T CLERK SEASONAL				10/17/2015
2	4238	BRAUN, SHARON	R	P/T CLERK SEASONAL				10/17/2015
3	4159	MORFORD, ROSINA		P/T CLERK SEASONAL				10/17/2015
4	4510	RYDZIK, SUZANNE		P/T CLERK SEASONAL				10/17/2015
5	4159	MORFORD, ROSINA	R	P/T CLERK	10/19/2015		\$12.25	
6	4510	RYDZIK, SUZANNE	R	P/T CLERK	10/19/2015		\$12.25	

**4.**

**BE IT RESOLVED** that the Town Board of the Town of Hamburg adopt the special assessments indicated on the attached “Letter of Authorization” as part of the 2016 Town of Hamburg Budget.

**Letter of Authorization**

To: Eric County Real Property Tax Department  
From: Town of Hamburg  
Subject: Unpaid items to be included in tax warrant  
Date: October 27, 2015

In accordance with New York State Town Law, section 198, the town board has opted to enforce various unpaid accounts for water, sewer, refuse and other unpaid town services as indicated below, by placing a lien upon the real property for which such services were provided. **Be sure to include a copy of the resolution(s) adopting all special town charges.**

**In light of the aforementioned, the Eric County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the town assessor's master computer assessment roll file, which is also hereby being delivered by the assessor with this letter of authorization.**

• Total Unpaid Water	\$18,717.20
• Total Unpaid Sewer	\$
• Total Unpaid Refuse	\$19,677.00 + \$31,319.40 (\$50,996.40)
• Total Agric Penalty	\$
• Total Other Charges	\$
• Total Omitted Taxes	\$
<b>Total of Items Above</b>	<b>\$69,713.60</b>

Certification Town of Hamburg

Date: October 27, 2015

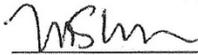
  
Steven J. Walters, Town Supervisor

  
Catherine Rybczynski, Town Clerk

**Assessors Use Only**

Date RPS file submitted to County RPTS \_\_\_\_\_

I hereby certify that the entries on the master assessment roll file delivered herewith equal the amounts as required by the town board as provided for above.

  
Milton Bradshaw, Assessor

11-2-15  
Date

**County RPTS Use Only**

Date filed received \_\_\_\_\_ By: \_\_\_\_\_

File in balance Yes \_\_\_\_\_ No \_\_\_\_\_

Town of Hamburg  
2016 Budget  
Special Assessments

Erie County Water Authority delinquent water charges  
Total \$18,717.20

Removal of weeds, grass and brush  
Total \$31,319.40

Costs associated with unsafe building conditions/emergency enclosures  
Total \$19,677.00

TOTAL \$69,713.60

**6.**

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 authorize the Recreation Department to issue alcohol waivers for the following December Taylor Road rentals:

12/04/15	12/06/15	12/11/15	12/12/15
12/13/15	12/18/15	12/19/15	12/20/15
12/24/15	12/25/15	12/26/15	

**7.**

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 Board change the minimum age for participation in Town organized Senior Citizen programming, at the Hamburg Senior Community Center, from 60 years to 55 years as recommended by the Senior Services Advisory Board.

Dennis Chapman questions the reasoning behind this.

Marty Denecke responds that with their newly renovated Senior Services Center they have lots of room, lots of space to fill. They have developed some new programs and they want to develop more. They want to get more people into the building. There are a lot of people who have retired at 55 years of age and would like to take advantage of their programming and many other senior citizens programming throughout the County recognizes the 55 years of age.

**8.**

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

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

**BE IT RESOLVED**, that the Town Engineer's report on the completion and acceptance of the WILLOW WOODS SUBDIVISION work performed under Public Improvement Permit Nos. 1002, 1003 and 1004 be received and accepted, and that the Supervisor is authorized to sign the report, and

**BE IT FURTHER RESOLVED**, that this resolution becomes effective on the day the report is signed by the Supervisor.

**9.**

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

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

**WHEREAS**, the Town of Hamburg is a charter member of the Western New York Stormwater Coalition, which is comprised of 43 local municipalities and agencies that have been meeting monthly since February 2001 to cooperatively work on developing and implementing a stormwater management program in compliance with Federal and State mandated regulations, for enactment by each member of the Coalition; and

**WHEREAS**, in order to provide a framework for working together on overlapping compliance issues and pursuing joint funding opportunities, the Coalition members entered into a Memorandum of Agreement in 2010 which established the rights and responsibilities of its members. It also included By-Laws which govern the Coalition officers and members, conduct of the Coalition proceedings, and associated administrative matters; and

**WHEREAS**, in that the term of the Memorandum of Agreement and By-Laws was for a five year period which will be ending on December 31, 2015, it is necessary that these documents be updated by the Coalition to incorporate current regulatory requirements and other applicable standards, for approval by each member of the Coalition for the next five year period; and

**WHEREAS**, the updated documents have been submitted to and reviewed by the Town Legal Dept. and Town Engineer, who have recommended that they be approved and entered into by the Town of Hamburg,

**THEREFORE BE IT RESOLVED**, that the Town Board hereby approves entering into the updated Memorandum of Agreement and By-Laws for the Western New York Stormwater Coalition, and authorizes the Supervisor to execute the documents on behalf of the Town of Hamburg.

**BE IT FURTHER RESOLVED**, that the Town Clerk is requested to provide a certified copy of this resolution to the Engineering Dept., for transmittal to the Erie County Dept. of Environment and Planning, together with the signed Memorandum of Agreement and By-Laws in this regard.

**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 Board approve the request of Tim Jerome of the Recreation Department to attend the 2015 National Alliance for Youth Sports (NAYS) and Athletic Business Congress in New Orleans, LA. The program is scheduled to run between November 16th and 21st, 2015. As an Advisory board member for NAYS, Tim's Congress registration and hotel accommodations are covered. Other expenses for trip include the following:

* Air fare -	\$880
* Meals -	200
* Misc. -	<u>70</u>
Total	\$1,150

**11.**

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 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	4436	DiPasquale, Ryan		Rec Attd-ER7251-P/T				11/14/2015
	4436	DiPasquale, Ryan	R	Rec Attd-EI7265-P/T	11/15/15		\$8.75	
2	4318	Joslin, Mark		Rec Attd-ER7251-P/T				11/14/2015
	4318	Joslin, Mark	R	Rec Attd-EI7265-P/T	11/15/15		\$8.75	
3	4221	Kumiega, Mark		Rec Attd-ER7251-P/T				11/14/2015
	4221	Kumiega, Mark	R	Rec Attd-EI7265-P/T	11/15/15		\$9.00	
4	4206	Martin, Jeffrey		Rec Attd-ER7251-Seas				11/12/2015
	4206	Martin, Jeffrey	R	Rec Attd-EI7265-P/T	11/13/15		\$9.50	
5	2783	Motz, Lisa		Rec Attd-A7310-Seas				11/10/2015
	2783	Motz, Lisa	R	Rec Attd-A7310-P/T	11/11/15		\$12.75	
6	4547	Olek, Hannah	R	Lifeguard-A7310-P/T	10/4/15		\$9.10	
7	4661	Otis, Claire		Rec Attd-A7310-Seas				11/10/2015
8	2309	Przybysz, Dawn		Rec Attd-A7310-Seas				11/10/2015
	2309	Przybysz, Dawn	R	Rec Attd-A7310-P/T	11/11/15		\$10.18	
9	3704	Reid, Gregory		Rec Attd-ER7251-Seas				11/21/2015
	3704	Reid, Gregory	R	Rec Attd-EI7265-P/T	11/22/15		\$10.45	
10	2875	Steger, Joseph		Rec Attd-ER7251-P/T				11/14/2015
	2875	Steger, Joseph	R	Rec Attd-A7310-P/T	11/15/15		\$12.75	
11	4062	Wicka, John		Rec Attd-ER7251-P/T				11/14/2015
	4062	Wicka, John	R	Rec Attd-A7310-P/T	11/15/15		\$11.25	
12	4326	Wittmeyer, John		Rec Attd-A7310-Seas				11/9/2015
	4326	Wittmeyer, John	R	Rec Attd-EI7265-P/T	11/10/15		\$8.75	
13	4466	Chilcott, Joshua		Rec Attd-A7310-P/T				9/19/2015
	4466	Chilcott, Joshua	R	Rec Attd-A7310-Seas	9/20/15		\$8.75	
14	4609	Ljungberg-Hardick, Gayle		Rec Attd-A7310-P/T				10/3/2015
	4609	Ljungberg-Hardick, Gayle	R	Rec Attd-A7310-Seas	10/4/15		\$11.00	
15	3744	Melewski, Mark		Rec Attd-A7310-P/T				9/5/2015
	3744	Melewski, Mark	R	Rec Attd-A7310-Seas	9/6/15		\$10.25	
16	3854	Boswell, James		Van Driver-A6772-P/T				10/31/2015
	3854	Boswell, James	R	Van Driver-A6772-Seas	11/1/15		\$10.97	

**12.**

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 Town Board approve the funds in the amount of \$20,000 for the Buildings and Grounds Department to acquire , through a negotiated purchase, a used GMC 2001 HD 35 foot Boom truck from Kellogg’s Bucket Trucks in Carbondale Pennsylvania.

Councilwoman Potter-Juda comments that they do already have a truck there that they are using. This would be a second vehicle.

**13.**

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

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

**WHEREAS**, a public hearing was held on October 26, 2015, for discussion and public comment concerning adoption of proposed local law #12, 2015

**WHEREAS**, proposed local law #12, 2015, is a local law to override the tax levy limit established in General Municipal Law Section 3-c,

**NOW THEREFORE BE IT RESOLVED** that the Hamburg Town Board adopt this proposed local law to read as follows:

A Local Law of the Town of Hamburg to override the tax levy limited established in General Municipal Law Section 3-c, as follows:

Be it enacted by the Town Board of the Town of Hamburg:

A local law to override the tax levy limit established in General Municipal Law §3-c.

#### Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Hamburg to adopt a budget for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

#### Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of no less than sixty (60%) of said governing body.

#### Section 3. Tax Levy Limit Override

The Town Board of the Town of Hamburg, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

#### Section 4. Severability

If a court determines that any, clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Supervisor Walters comments that this is just a precautionary measure. It is a step the Town Board has to make in case they do override the tax cap. They talked briefly in the Work Session about the budget. They are continuing to work on the budget to lower the cost. They do have until the 17<sup>th</sup> of this month to adopt a final budget so they will continue to work diligently until that time.

Dennis Chapman comments that if they do go over the tax cap it will eliminate the Town of Hamburg from receiving the rebate from the State, correct?

Supervisor Walters responds that is correct.

**14.**

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 recommendation of the Chief of Police to promote SCOTT FRASER to the vacant position of DETECTIVE-TEMPORARY, effective November 15, 2015. Salary is \$41.93 per hour, funds available in B3120.100.

**BE IT FURTHER RESOLVED**, that the Town Board approve appointing one Police Officer to Narcotics Officer effective January 31, 2016. Salary is \$43.08 per hour, funds available in B3120.100.

Supervisor Walters comments that the reason they don't identify the Narcotics Officer is because it does involve undercover work. He then asks Detective Fraser and family and Captain Monaco to come forward for the presentation of the badge.

**15.**

On a motion of Supervisor Walters, with a unanimous second, the following proclamation was

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



**Town of Hamburg**  
**Office of Supervisor**  
**Town of Hamburg Adult Day Service**  
**20<sup>th</sup> Anniversary**

**WHEREAS,** today we are celebrating the Town of Hamburg Adult Day Service's 20<sup>th</sup> Anniversary; and

**WHEREAS,** in 1995, the Town of Hamburg Adult Day Service opened an adult day care facility at 353 Pleasant Avenue in Hamburg, New York, and in 2014, opened a brand new facility at 4540 Southwestern Boulevard; and

**WHEREAS,** for twenty years, the Town of Hamburg Adult Day Service has provided service to seniors that are unable to attend the traditional Senior Center programs, as well as, offered assistance to their caregivers; and

**WHEREAS,** the Town of Hamburg Adult Day Service offers case supervision, entertainment, meals and snacks, daily activities and field trips, fitness programs and personal care assistance to their participants; and

**WHEREAS,** the Town of Hamburg Adult Day Service is run by a loving and caring staff; and

**WHEREAS,** the Town of Hamburg Adult Day Service is a jewel of our community and demonstrates a continued commitment to the senior citizens and residents of Hamburg and throughout Erie County.

**NOW THEREFORE BE IT RESOLVED,** that the Hamburg Town Board congratulate Town of Hamburg Adult Day Service on its 20<sup>th</sup> Anniversary and proclaim November 06, 2015 "Town of Hamburg Adult Day Service Day" in the Town of Hamburg.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 6th day of November 2015.

Steven J. Walter  
Supervisor  
Town of Hamburg

Michael Quinn, Councilman  
Cheryl Potter-Juda, Councilwoman



**16.**

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 Audit of Cash Disbursements as follows:

TOWN BOARD  
 AUDIT OF CASH DISBURSEMENTS November 9, 2015

	VOUCHER #S
<b>OPERATING FUND:</b>	
BATCH #218 \$28,850.57	79275-79301
BATCH #219 \$4,450.00	79302
BATCH #220 \$243.60	79303
BATCH #221 \$35.00	79304
BATCH #222 \$3,450.95	79305-79319
BATCH #223 \$50,011.26	79320-79381
BATCH #224 \$1,353.91	79383-79386
BATCH #225 \$72,395.08	79367
BATCH #226 \$19,086.00	79388
BATCH #227 \$424,317.57	79391-79429
BATCH #228 \$30,503.52	79430
BATCH #229 \$125,487.58	79431-79476
BATCH #230 \$40,000.00	79477
BATCH #231 \$30,647.84	79478-79493
BATCH #232 \$48,122.41	79494-79559
<b>TOTAL OPERATING FUND DISBURSEMENTS:</b>	<b>\$878,955.29</b>
<b>TRUST &amp; AGENCY:</b>	
<b>TOTAL TRUST &amp; AGENCY DISBURSEMENTS:</b>	<b>\$0.00</b>
<b>CAPITAL FUND DISBURSEMENTS:</b>	
BATCH #48 \$150.00	79382
BATCH #49 \$82,463.00	79389-79390
BATCH #50 \$300.00	79560
<b>TOTAL CAPITAL FUND DISBURSEMENTS:</b>	<b>\$82,913.00</b>

**PAYROLL:**

PR #P/R 22 \$662,374.79

PR #P/R 23 \$761,445.89

TOTAL PAYROLL DISBURSEMENTS: \$1,423,820.68

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$2,385,688.97

**Reports from Town Board Members and Department Heads**

Councilwoman Potter-Juda – No report

Councilman Quinn reports that Veterans Day is November 11<sup>th</sup> and he will be attending a ceremony at the Lakeside Cemetery at 9:30 am, the American Legion Post 527 at 10:30 am and the VFW Post 1419 at 1:00 pm. He wants to congratulate Barbara Rogers, and all her grass roots volunteers, for their successful efforts in getting the Town Board back to 5 members. He feels this is a good thing for our Town.

Supervisor Walters refers to the article in the paper that refers to the grass roots effort and the fact that the folks in favor of the upsizing had handmade signs throughout the Town and the oppositions had the professional signs. This did show that it was an effort by the residents to get that accomplished.

Catherine Rybczynski, Town Clerk, reports that on our website and on the Veterans facebook page there is more information for Veterans, such as some businesses have offered discounts to Veterans on Veterans Day.

Marty Denecke, Director of Youth, Recreation and Senior Services, reports on the Youth Department stating that they are involved with the Western New York Partnership which is toy collection and distribution for needy families. There is an application process for those in need. There will be a bin at Town Hall. On Oct 27<sup>th</sup> they had a Master Plan for Parks and Recreation meeting and they had about 100 people present giving input. Anyone who would like to comment on the plan they still have a survey available on the website. They have been honored again by the National Alliance for Youth Sports for the number of volunteer coaches that they have trained. Those are the people that serve our volunteer youth sports organizations. The big announcement is that through the Federal Government and the New York State Department of Transportation they have been awarded a \$100,000 grant to increase their fleet for the Senior Van Service.

**Business from the Floor**

Carolyn Montgomery comments that there is a new attorney coming in in January. The Town Attorney's position is appointed. How is this appointment determined?

Supervisor Walters responds that there are actually three attorneys that are appointed for the Town. One is the Prosecutor, the Town Attorney and a Deputy Town Attorney. The Prosecutor is appointed for a one year term. The Town Attorney and Deputy Town Attorney are appointed for a two year term that runs concurrent to the term of the Town Board. December 31, 2015 will be the end of the two year term.

Ms. Montgomery questions the difference between the Town Prosecutor and the Town Attorney.

Supervisor Walters responds that the Town Prosecutor handles all the criminal matters in front of the Court. The Town Attorney is the general counsel for the Town of Hamburg. The Deputy Town Attorney assists the Town Attorney as general counsel. They will handle matters such as the purchase or sale of Town property, vetting the adoption of new laws, answering legal questions for the Town Board, etc.

Ms. Montgomery questions who the Town Prosecutor is.

Supervisor Walters responds Jim Nash.

Ms. Montgomery now states that Mr. Best will come in and take over for Ms. Potter-Juda and his father is the Highway Superintendent. So, he will be voting on things that would affect a family member.

Councilman Quinn responds only if they were directly voting on a pay raise for his father, other than that he would be voting on what the department wants or needs.

Ms. Montgomery comments she was concerned that if he recused himself because of his association with the Highway Department then any decisions regarding expenditures would be made between the remaining two Town Board members.

Councilman Quinn responds no, he would vote on those matters.

Ms. Montgomery questions how long does it take for an employee to be employed before they start to be fully vested in the pension system?

Supervisor Walters responds that the Town does not set the rules for the pension system. Those are all set by New York State. New York State changes the rules over time. They can't change the rules for people already in the system. Right now they are on Tier 6, each Tier the rules are different. The short answer is it depends on the date of hire of the employee.

Ms. Montgomery questions how long it is for Tier 6.

Supervisor Walters responds 10 years.

Dennis Chapman comments that he wants to thank the Town Board for putting the upsizing vote on the ballot so that the residents could have their say.

Don Wiess comments on the passing of the override of the tax levy limit, stating that he would like to urge the Town Board members to look very seriously at the budget and make some cuts. Today they spent \$20,000 for a vehicle and they spent \$1500.00 to send someone to New Orleans. He mentioned a hiring freeze and in the Town of West Seneca each Councilman took a \$500.00 pay cut. They also added \$100,000 in patronage jobs. The Town Board should be going over the budget and examining each line item, as a group, to try and get the budget under the tax cap. All the fire departments all came in and asked for a 2% increase. Some of these fire departments have surpluses of over \$1 million dollars. They need to look at what they have on hand and what the bare minimum would be for this year that they really need. With the health insurance increase possibly they should go back to 1%. They do an excellent job, but maybe the fire departments should go into their reserves for a year and ask for the increase next year.

**17.**

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 move into Executive Session at 8:36 pm on a personnel matter on a specific employee in a specific department.

**18.**

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 at 9:56 pm.

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Catherine A. Rybczynski, R.M.C.  
Town Clerk