

At a regular Town Board Meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York on the 13th Day of November 2006.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
D. Mark Cavalcoli	Councilman
Kathleen C. Hochul	Councilwoman
Joan A. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman

OTHERS PRESENT: Barbara S. Allen, Deputy Town Clerk
Vincent J. Sorrentino, Town Attorney; Richard Boehm, Deputy Town Attorney; James Spute, Finance Director; Gerard Kapsiak, Town Engineer; James Connolly, Highway Superintendent; Robert Hutchison, Town Assessor; Drew Reilly, Planning Consultant; Carmen Kesner, Assistant Police Chief; Tim Ellis, Traffic Safety Coordinator; Martin Denecke, Director of Recreation; Kurt Allen, Supervising Code Enforcement Officer

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

7:00 p.m. Public Hearing on the adoption of an amendment to the Zoning Code for property adjacent to 4591 Southwestern Boulevard to be rezoned from R-3 to C-1.

Barbara Allen, Deputy 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 September 18, 2006, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #10, 2006; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property adjacent to 4591 Southwestern Boulevard (Maplewood Apartments.) The property is to be rezoned from R-3 (Multi Family District) to C-1 (Local Retail Business District) and is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot #6, T-9 and R-8 of the Holland Land Company's Survey and being more particularly described as follows:

Beginning at a point in the west line of lands conveyed to Henry C. Kearns and Theo S. Kearns by Liber 9664 of Deeds at Page 628 and the southeast line of Southwestern Boulevard as now laid out; thence southeasterly at an interior angle of 76 degrees, 32', 42" and along the westerly line of said Kearns' land a distance of 6.15.8 feet more or less to an angle therein; thence southeasterly at an exterior angle of 147 degrees, 30' - 40" and along said Kearns' westerly line a distance of 350.57 feet to the northwesterly line of the New York State Thruway; thence southwestwardly at an interior angle of 88 degrees -08' - 23" and along said Thruway lands a distance of 319.75 feet to the southeast corner of lands conveyed to Saunders by Liber 10746 of Deeds at Page 359; thence continuing southeasterly along the lands of the New York State Thruway a distance of 126.29 feet to the south line of lands conveyed by Liber 10925 of Deeds at Page 6506; thence westerly at an interior angle of 127 degrees -38'-37" and along the said south line of Liber 10925 of Deeds at Page 6506 a distance of 385.53 feet to the easterly line of lands conveyed to the Buffalo & Susquehanna Railway Company by Liber 997 of Deeds at Page 227; thence northwesterly along the said Railway Company's east line a distance of 100.59 feet to a jog in railway boundary; thence westerly at an exterior angle of 96 degrees-11'34" a distance of 17.10 feet; thence northwesterly along the northeasterly line of said Railway's lands and along a curve to the left having a radius of 1465.69 feet an arc distance of 404.54 feet to a point of tangency; thence northwesterly along said Railway's northeasterly line a distance of 203.11 feet to the east line of land conveyed to Hamburg Railway Company by deed recorded in Liber 918 of Deeds at page 575; thence continuing northerly forming an interior angle of 186 degrees -05'-23" a distance of 181.6 feet more or less to the southeast line of Southwestern Boulevard, as now laid out; thence northeasterly along the southeast line of said Southwestern Boulevard a distance of 522 feet more or less to the point of beginning, being 12.73 acres, more or less.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on November 13, 2006 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: September 18, 2006

Catherine Rybczynski
Town Clerk
Town of Hamburg

There was one piece of correspondence received from the Planning Board to the Town Board in reference to the rezoning request from North Forest Office Providers to rezone 13 acres of land located on the south side of Southwestern Blvd. from R-3 to C-1 in order to construct a commercial office park. Stating that at the meeting of August 16, 2006 the Planning Board made a favorable recommendation on this rezoning request with the following conditions:

1. The two future out parcels shall have no access onto Southwestern Blvd. but rather will be accessed from the roadway off of Southwestern Blvd., used to access the office buildings.
2. The office buildings will have a residential look to them, as proposed by the applicant and presented to the Planning Board.
3. The two future outparcels will have the same architectural look as the office buildings.
4. There will be no parking between Southwestern Blvd. and the two new buildings on the future outparcels as per overlay; parking is encouraged at the side and rear of the buildings.
5. There will be no detention facility located between Southwestern Blvd. and the two new buildings on the future outparcels, unless the Engineering Department deems it essential that it be located there.
6. Proper screening shall be installed in order to adequately buffer the apartment complex located to the west of this parcel(Maplewood Apartments).
7. For these rezoned C-1 lands, buildings of up to 18,000 sq. ft. will be allowed per the site plan.

It is recommended that when the Town Board calls the public hearing on this project, that a Lead Agency and a Coordinated SEQR process is begun. If a problems arise that have not been addressed by the Planning Board, during the public hearing or coordinated review, the application can be sent back to the Planning Board for additional review and comment. Motion was made by Mr. Phillips, seconded by Mr. Yerkovich, to issue a positive recommendation to the Town Board.

Drew Reilly, Planning Consultant, does a power point presentation on the property to be rezoned, explaining the zoning of surrounding properties. He then explains the Planning Board process.

The applicant builds offices in the area and there are two outparcels and that is why they went with the lower C-1 zoning.

Councilwoman Hochul has seen the proposal and thinks it is very attractive. She went to the northtowns to look at another property that the applicant has developed and they do look residential and took care with the aesthetics. She questions were the outparcels are.

Drew responds that the front of the site will have the two outparcels. One of the conditions is that there are no curb cuts out to the road and will have to access the interior road. They recommended that the architecture be the same as the office buildings.

Councilwoman Hochul questions the applicant if he has any idea what would go in the outparcels.

Bill Hamilton, applicant responds that they are looking into banks, small retail and recently built a day care center in one in Rochester. They will adhere to the Planning Board recommendations.

Drew comments that they can put restrictions in place.

Councilwoman Hochul comments that the project itself is great, it is a business incubator, but she wants to see the conditions they come up with for the outparcels.

Drew comments that they are looking closely at the traffic and offices tend to be low traffic generators but they need to be careful about the outparcels.

Joe Kilina, United Council, questions if there will be IDA grants for this.

Mr. Hamilton responds that they will be applying for IDA grants.

Diane Neuhauser questions how they can keep restaurants out of there.

Councilwoman Hochul comments that she asked Drew to come up with some language, she would be opposed to fast food restaurants that would generate a lot of traffic.

Councilwoman Kesner comments that it would be nice if they had a small coffee shop or sandwich place for the people at Bethel Estates. They could walk there and it would enhance their quality of life.

Councilman Cavalcoli comments that traffic safety is a big issue and with a place like Tim Hortons, where there are lines of traffic, that is what they want to preclude.

Drew comments that they need to work very closely with the attorneys, in offering deed restrictions, to make sure they are written correctly.

1.

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

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

RESOLVED, that the Town Board close the public hearing at 7:20 p.m. with no action to be taken for at least two weeks.

2.

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

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

WHEREAS, the Hamburg Town Board adopted a resolution on November 25, 1995, granting permission to the Hamburg Snowmobile Club the use Town property located at the Electric Avenue playground, along Rush Creek (near Parker Road) and the dedicated recreation land commonly referred to as “Sixty-Five Acres” for development of snowmobile trails, and

WHEREAS, both parties are desirous to continue the agreement for the 2006/2007 winter season,

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign the agreement between the Town and the Hamburg Snowmobile Club, subject to the Club meeting all insurance requirements.

3.

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

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

BE IT RESOLVED, that the Town Clerk is authorized to publish a legal notice for the Master Plumbing License, Site Utility Contractor License and Journey Plumber License examination. The examination is scheduled for December 5, 2006 at 6:00 p.m.

4.

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

ADOPTED	Ayes 4	Cavalcoli, Hochul, Kesner, Quatroche
	Noes 1	Walters

BE IT RESOLVED, that the Town of Hamburg enter into a contract for professional legal services with Vincent J. Sorrentino, Esq. The contract amount will be set at \$62,296.00, annually, and will run from November 15, 2006 through December 31, 2007.

BE IT FURTHER RESOLVED, that \$7,907.00 be transferred from A1420.100 (Personal Services) to A1420.440 (Contracted Personal Services-new account) to fund the remainder of the 2006 year.

Steve Strnad questions if there is any change for the two Deputy Town Attorneys.

Councilwoman Hochul responds no, not at this time. This is removing the benefits from the position so that the Town will see an immediate savings.

Steve Strnad questions how much it costs the Town to have the three attorneys on the payroll.

Mr. Spute responds he couldn't say off the top of his head, it is in the budget.

Mr. Sorrentino comments that he spoke with Mr. Strnad earlier and told him he would be happy to sit down with him and go over, not only the cost, but all of their areas of responsibility.

Supervisor Walters comments that he has two concerns. The first is are there any bidding requirements in regards to this.

Mr. Boehm responds, not for professional services, no.

Supervisor Walters comments that the second concern is that under Town law, they have two year contracts, has this become problematic that they are going with the one year contract.

Mr. Boehm responds that this is being done in most of the Towns in New York State. In fact, some attorneys represent 5 or 6 small Towns. Here in Erie County, Mr. Bennett represents at least 5 Towns and Villages, it is the way of the future to save money for the Towns and is done on a 1 year contract.

Supervisor Walters requests that today they pass the resolution from November 2006 to December 2006 to see if it would be beneficial to put this out to bid.

Councilman Cavalcoli responds that because of the continuity of the Department and the kind of work Mr. Sorrentino has done in the past, with self insurance and articles 7's he would not want

to change that. If during the course of this time through next year there are other concerns coming up they should address them then.

Councilwoman Hochul calls for a vote.

Supervisor Walters comments that he is opposed based on his comments.

5.

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

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

RESOLVED, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following Nov/ December 2006 Taylor Road rentals:

11/17	12/01	12/02	12/03	12/08	12/09
12/10	12/15	12/16	12/17	12/23	12/24
12/25	12/26	12/27	12/28	12/30	

6.

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

ADOPTED	Ayes 4	Walters, Hochul, Kesner, Quatroche
	Abstain:	Cavalcoli
	Noes 0	

At a meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, held at Town Hall, in said Town, on the 13th day of November, 2006.

PRESENT:

Hon. Steven J. Walters, Supervisor
 Kathleen C. Hochul, Councilwoman
 Joan A. Kesner, Councilwoman
 Thomas Quatroche, Jr., Councilperson
 D. Mark Cavalcoli, Councilperson

In the Matter :
 of the

Construction of a Sewer Improvement :
 in the Town of Hamburg, in the
 County of Erie, New York pursuant :
 to Article 12-C of the Town Law

ORDER CALLING FOR A PUBLIC
 HEARING TO BE HELD ON
 November 27, 2006

WHEREAS, the Town Board of the Town of Hamburg (herein called the “Town Board” and “Town” respectively), in the County of Erie, New York, has caused CRA Infrastructure & Engineering, Inc., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the proposed construction of sewer improvements, consisting of pipe replacement, pipe lining, root cutting and grouting, cleaning and removal of build-ups, wye replacement, manhole replacement and rehabilitation and other related work, including any original furnishings, equipment, machinery, and apparatus required therefor (the

“Sewer Improvement”), all within an unincorporated area of the Town outside of any villages, pursuant to Article 12-C of the Town Law, which map, plan and report has been heretofore duly filed in the office of the Town Clerk for public examination; and

WHEREAS, the Town Board has given due consideration to the impact that the Sewer Improvement may have on the environment and, on the basis of such consideration, the Town Board had found that no substantial adverse environmental impact will be caused by the Sewer Improvement; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, the proposed area within the Town to be benefited by the proposed Sewer Improvement (herein designated and called the “Benefited Area” or the “Hamburg Sewer Improvement Area”), is more particularly bounded and described as follows:

BOUNDARY DESCRIPTION OF HAMBURG SEWER IMPROVEMENT AREA

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, and State of New York, being part of Township 9, Ranges 7 and 8, and Township 10, Ranges 7 and 8 of the Holland Land Company's Survey, with the benefited area of the sewer improvements proposed to be undertaken more particularly bounded and described as being coterminous with the boundaries of the following existing Town of Hamburg sanitary sewer districts, the legal descriptions for which have previously been recorded in the Erie County Clerk's Office:

<u>District No.</u>	<u>Sewer District Name</u>
SS-4	Cloverbank
SS-5	Locksley Park

SS-6	Osborne Sagamore
SS-7	Osborne Sagamore Extension No.1
SS-8	Osborne Sagamore Extension No.2
SS-9	Osborne Sagamore Extension No.3
SS-10	Amsdell Heights
SS-11	Taylor Road
SS-12	Bethford
SS-13	South Lyth
SS-15	East Frontier
SS-16	Stiefler
SS-17	Salem Drive
SS-18	Benz
SS-19	Sheldon Acres
SS-20	Linwood/Yovienne
SS-21	Hamburg Master
SS-22	Allen/James
SS-23	Elmwood/Oakwood
SS-24	Beacon Hill
SS-25	Northeast
SS-27	Ravenwood North

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is estimated to be \$500,000, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of assessments upon the several lots and parcels of land within the Hamburg Sewer Improvement Area which the Town Board shall determine to be especially benefited by the Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the annual cost of operation and maintenance of said Sewer Improvement shall be paid with a charge upon the entire area of the Town outside of any villages and shall be levied and collected in the same manner and at the same time as other Town charges;

Now, therefore, be it

ORDERED, that the Town Board of the Town shall meet and hold a public hearing at the Town Hall, in the Town, on the 27th day of November, 2006, at 7:00 o'clock p.m. (Prevailing Time) to consider the construction of such Sewer Improvement, at which all persons interested in the subject thereof may be heard concerning the same, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in "The Sun" and the "Front Page", newspapers having a general circulation in the Town of Hamburg, and hereby designated as the official newspapers of the Town for such publication, and post conspicuously on the bulletin board of the Town Clerk, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

DATED: November 13, 2006

TOWN BOARD OF THE TOWN OF HAMBURG

(SEAL)

STATE OF NEW YORK)
 : ss.:
COUNTY OF ERIE)

CATHERINE A. RYBCZYNSKI, Town Clerk of the Town of Hamburg in the County of Erie, State of New York, DOES HEREBY CERTIFY that she has compared the preceding Order Calling Public Hearing with the original thereof filed in her office on the 13th day of November, 2006, and that same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this _____ day of November, 2006.

(SEAL)

Town Clerk

STATE OF NEW YORK)
 : ss.:
COUNTY OF ERIE)

CATHERINE A. RYBCZYNSKI, being duly sworn upon her oath deposes and says:

That she is and at all times hereinafter mentioned she was the duly qualified Town Clerk of the Town of Hamburg, in the County of Erie, State of New York; that on the _____ day of _____, 2006, she caused to be conspicuously posted and fastened up a certified copy of the Order Calling Public Hearing, a true copy of which is annexed hereto and made a part hereof, on the bulletin board of the Town Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this _____ day of _____, 2006.

(SEAL)

Town Clerk

Subscribed and sworn to before me
this _____ day of _____, 2006.

Notary Public, State of New York

6.

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

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

BE IT RESOLVED, that the Town Engineer's report on the acceptance of the street lighting for PARKER RIDGE SUBDIVISION PART 3 installed under Public Improvement Permit No. 886 be received and accepted, and that the Supervisor is authorized to sign the report.

BE IT FURTHER RESOLVED, that the Town Board authorize New York Electric & Gas (NYSEG) to connect a total of six (6) 50-watt high pressure sodium luminaries in accordance with the existing rate tariff, and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to NYSEG, and that this resolution becomes effective on the day the report is signed by the Supervisor.

7.

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

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

RESOLVED, the Town Board grant permission for the Police Department to advertise for Uniforms and Equipment for the year 2007; to include: Public Safety Dispatch and Dog Control Officer.

8.

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

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

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

1. DiMarco, Hazel	Tax Clerk, P/T Seasonal	11/13/2006	Terminate
2. DiMarco, Hazel	Tax Clerk P/T	11/14/2006	\$12.18
3. Kellerman, Sharon	Tax Clerk P/T Seasonal	11/13/2006	Terminate
4. Kellerman, Sharon	Tax Clerk P/T	11/14/2006	\$10.72
5. Rhoads, Deborah	Tax Clerk P/T Seasonal	11/13/2006	Terminate
6. Rhoads, Deborah	Tax Clerk P/T	11/14/2006	\$9.93
7. Jackson, Carol	Tax Clerk P/T Seasonal	11/13/2006	Terminate
8. Jackson, Carol	Tax Clerk P/T	11/14/2006	\$9.61

9.

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

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

RESOLVED, that the Town Board approve the Transfer of Appropriations within the 2006 Budget as follows:

From: Contracted Services	A8540.440	\$1,602.00
To: Equipment Rental	A7230.406	\$1,602.00

Funds needed to pay for dredging of boat launch from 8/21/2006 to 8/23/2006.

10.

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

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

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

- | | | | |
|------------------|------------------|------------|-----------|
| 1. Fanning, Jake | Seasonal Laborer | 10/22/2006 | Terminate |
| 2. Fanning, Jake | P/T Laborer | 10/23/2006 | \$9.67 |
| 3. Kieber, Dan | Seasonal Laborer | 10/22/2006 | Terminate |
| 4. Kieber, Dan | P/T Laborer | 10/23/2006 | \$9.36 |

11.

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

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

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

- | | | | |
|------------------------|--------------------|------------|-----------|
| 1. Anzalone, Christine | Clerk P/T | 10/24/2006 | Terminate |
| 2. Piwowar, Michelle | Clerk-P/T Seasonal | 10/30/2006 | \$8.55 |

12.

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

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

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

VOUCHER #'S

OPERATING FUND:

BATCH #159	\$700,000.00	15092
BATCH #160	\$193,557.26	UNPROCESSED

TOTAL OPERATING FUND DISBURSEMENTS: \$ 893,557.26

TOTAL TRUST & AGENCY DISBURSEMENTS: \$ 0.00

CAPITAL FUND DISBURSEMENTS:

BATCH #77	\$600,000.00	15091
BATCH #78	\$216,945.00	UNPROCESSED

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 816,945.00

TOTAL PAYROLL DISBURSEMENTS: \$ 0.00

TOTAL PETTY CASH DISBURSEMENTS: \$ 0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$1,710,502.26

Reports From Town Board Members and Department Heads

Councilman Cavalcoli reports that Tuesday, November 14th at 7:00 p.m., at the Gateway Building, they will be holding the Hamburg Master Plan/Comprehensive Update meeting. This is an open meeting conducted by Drew Reilly and Wendy Salvati to receive information from the public.

Drew comments that this is early in the process and a good time to add input.

Councilwoman Kesner wants to thank the Domestic Violence Advocacy Charities Board for their efforts on sponsoring a fundraiser for domestic violence in the Town of Hamburg which

was held on October 20th. There were a lot of people that came forward to raise these necessary funds for the victims. That office is funded by a grant and there is no extra money for emergency needs for our victims. Betty Newell is the Chairman, Gretchen DeMay, Suzanne Gannon, Rick and Karen Popsen and Marianne Chiamonto and seven of the wives from our Police Department helped as well. She wants to thank them and they are Kelly Stowell, Sally Butera, Amy Mikac, Denise Wickett, Michelle Dienez, Sherri Best and Diane Sauer. The Chairman for the event was Captain Mike Williams and Sandy Puleo, from Courts, helped also.

Councilman Quatroche reports on Foits. He asked Mr. Boehm to look into some legal matters and talk about that in Executive Session tonight.

Supervisor Walters comments that he has had some phone calls about the D.A.R.E. program and wants to state for the record that the D.A.R.E. program is not being abolished in the Town of Hamburg. The scheduling is being transferred to the Police Department and that is the only change.

Mr. Kapsiak, Town Engineer, comments that on the Railroad quiet zone they filed a notice of intent with the Railroads which sets a 60 day time clock for response from the agencies as far as comments on the quiet zones across the Town at the CSX and Norfolk southern tracks. There have been no responses from the agencies but they have received positive responses from the residents. This should take place late spring early summer of next year.

Mr. Connolly, Highway Superintendent, reports that they will continue to pick up brush as long as weather permits. The rubbish pickup will end this Friday.

Councilman Cavalcoli comments that they are working seven days a week.

Business From the Floor

Dave Seager, Lawyer for Hamburg First, comments that they have been participating in the process for the proposed Brierwood Square which entails the Wal-Mart Supercenter that is under consideration. He needs to pass on a complaint. The Town Board has undertaken rezones and required environmental impact statements from time to time but the Planning Board has decided that this development doesn't require an environmental impact statement and has issued a negative declaration. They are not going to accept dispensing with an environmental impact statement and plan to do something about it. They don't want to do this and he is asking for their help. He feels there are many problems with the environmental review that the Planning Board has done, the biggest problem is traffic. They are asking that the Town enact a moratorium and require a traffic study that considers the cumulative impact of all the pending and recently approved development proposals on Southwestern Blvd.

Councilman Cavalcoli responds that his statements are not a fair divulging of what is going on. They have documentation showing many months of review by the Planning Board. The Traffic study issues have been addressed, the County has looked at that and given approval. Our

Planning Board has clearly shown a scrupulous look at this project and have addressed all the key issues.

Drew Reilly responds that he received a letter from Wal-Mart asking to be tabled for the November meeting.

Councilwoman Kesner questions Mr. Seager how many members belong to Hamburg First which he represents.

Mr. Seager responds between 12 and 15 or more.

Faye Dills comments that they are still having problems with speeding in Scranton. She asks if they could put an unmarked car in that area.

Carmen Kesner, Assistant Police Chief, responds that they are in that area and it is an ongoing effort.

Diane Neuhauser questions when a project comes to the Planning Board don't they all go through the environmental impact study and traffic safety study.

Councilman Cavalcoli responds that they all get looked at for environmental impact, whether they go to a full environmental impact statement or traffic study depends on the size of the project.

Diane questions what is C-2.

Drew Reilly responds it is the highest commercial zoning in the Town and pretty much allows anything.

Michael Booth, Attorney and member of Hamburg First, comments that it is his opinion that the Planning Board has not performed due diligence in determining the affect of the Wal-Mart Supercenter on traffic , surrounding neighborhoods, the surrounding wetlands and it's proximity to Berricks Creek. This area has become increasingly residential. He also requests a six month moratorium until a comprehensive master plan can be formally reviewed on the Wal-Mart issue and the environmental impact and traffic study can be addressed.

Bill Barrett is coming to the Town for a final request on the Foit's project.

Councilman Quatroche comments that he had asked Mr. Boehm to talk to the lawyer of the Foits property and he will be advising the Town Board this evening. He was hoping after this evening to have an answer in regards to the legal matters.

Mr. Barrett questions if the project will be completely funded by grants.

Councilman Quatroche responds that his intention is that it would be completely funded by grants. If there is a lawn, it would have to be maintained by the Town, if it were to be a public project.

Mr. Barrett comments that he needs to be somewhere in June of next year. He had proposed to have Foits demolished by now and he can't wait much longer and wants a commitment one way or another.

Joe Kilian questions if the job could be bonded so that it does reach completion. We don't need another building like the one on Clark street that is half way done.

Supervisor Walters comments that would be a good idea and they will look into that.

Joe D. Comments that he has lived in the area of the proposed Wal-Mart for a long time, it was farm country when he moved in. Now it has gone from horses and farmland to very expensive homes. Now in the middle of it you are going to put Wal-Mart, it doesn't match.

Faye Dils comments she is 100% for Wal-Mart and when she worked there when it was a plaza, it was a busy place and she didn't see where it affected the traffic that much.

13.

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

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

RESOLVED, that the Town Board adjourn to Executive Session at 8:10 p.m. on a two Legal Matters with Legal, Personnel and Building Inspection.

14.

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

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

RESOLVED, that the Town Board close Executive Session at 9:10 p.m.

15.

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

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

RESOLVED, that the Town Board adjourn at 9:10 p.m.

Catherine Rybczynski, Town Clerk