

Supervisor Walters calls the meeting to order at 6:00 p.m.

**TOWN BOARD MEMBERS**

**PRESENT:**

Steven J. Walters  
Thomas M. Best, Sr.  
Joan A. Kesner

Supervisor  
Councilman  
Councilwoman

**ABSENT:**

Kevin Smardz  
Thomas Quatroche, Jr.

Councilman  
Councilman

**OTHERS PRESENT:** Catherine A. Rybczynski, Town Clerk;  
Mary Dosch, Sr. Account Clerk; Wayne Drescher, Town Financial Consultant; Gerard Kapsiak,  
Town Engineer

**1.**

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was ADOPTED Ayes 3 Walters, Best, Kesner  
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 17th day of November, 2008.

PRESENT:

- Hon. Steven J. Walters, Supervisor
- Thomas M. Best, Sr., Councilperson
- Joan A. Kesner, Councilperson
- Kevin Smardz , Councilperson
- Thomas J. Quatroche, Jr. Councilperson

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In the Matter  
of the

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

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ORDER CALLING FOR A PUBLIC  
HEARING TO BE HELD ON  
DECEMBER 8, 2008

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 Gerard M. Kapsiak, P.E., Town Engineer, a competent engineer duly licensed by the State of New York, to prepare a map, plan and report for the proposed construction of water system improvements, consisting of the replacement of approximately 10,550 linear feet of existing substandard or deficient waterlines along Sowles Road, Burke Road, Mount Vernon Boulevard and Salisbury Avenue; all of the foregoing to include any other related work, original furnishings, equipment, machinery and apparatus required

in connection therewith (herein designated and called the “Water Improvement” or the “Hamburg Master Water Improvement-2008B”); 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 have 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 Water Improvement may have on the environment and, on the basis of such consideration, the Town Board had determined that the project is a Type II action for purposes the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, therefore, no further environmental review is necessary; and

WHEREAS, the proposed area within the Town to be benefited by the proposed Water Improvement (herein designated and called the “Benefited Area” or the “Hamburg Master Water Improvement Area-2008B”), is more particularly bounded and 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 Range 7 and 8 of Township 10 and Range 7 and 8 of Township 9 of the Holland Land Company’s Survey, excluding those lands located in the Village of Hamburg and the Village of Blasdell, existing Erie County Water Authority direct service customers and that portion of the Town of Hamburg presently serviced by the Village of Blasdell water system.

WHEREAS, the maximum amount proposed to be expended for the construction of such Hamburg Master Water Improvement-2008B is estimated to be \$1,530,000, which is planned to be financed by the issuance of serial bonds of the Town in the principal amount of \$1,530,000 to

finance the cost, and the levy and collection of assessments upon the several lots and parcels of land within the Hamburg Master Water Improvement Area-2008B which the Town Board shall determine to be especially benefited by the Water Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Water 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 Hamburg Master Water Improvement-2008B 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 8th day of December, 2008, at 7:00 o'clock p.m. (Prevailing Time) to consider the construction of such Hamburg Master Water Improvement 2008B, 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 17, 2008

TOWN BOARD OF THE TOWN OF HAMBURG

(SEAL)

CLERK'S CERTIFICATE

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 for a Public Hearing with the original thereof filed in her office on the 17th day of November, 2008, 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 17th day of November, 2008.

(SEAL)

Cathy Rybczynski, Town Clerk

2.

On a motion of Councilman Best, seconded by Supervisor Walters, the following resolution was ADOPTED Ayes 3 Walters, Best, Kesner Noes 0

BE IT RESOLVED, that the Town Clerk is authorized to schedule a public hearing on Proposed Local Law #18, 2008. The local law would provide for amendments to Hamburg Town Code in accordance of the Town of Hamburg Code Review Committee, Specifically:

Local Law No. 10-1986, Zoning Article XXIV - Sign Regulations Amendment to Section 280-261, Paragraph I., (11)

Amendment: Change Paragraph I. (11) to read as follows:

- (11) Existing billboards, posters and bulletins that have been previously approved by the Town are allowed to be converted to electronic variable message signs provided they fully comply with Section 238. Illumination/Brightness and Section 280-261, paragraphs (1), (2) and (3).

Purpose of amendments:

To clarify the legislative intent within the provisions which allows existing billboards to be converted to electronic variable message signs

The Public Hearing is to be scheduled for December 8, 2008 at 7:00 p.m. local time.

**3.**

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was  
ADOPTED                   Ayes 3                   Walters, Best, Kesner  
                                  Noes 0

**RESOLVED**, that the Town Board approve the authorization of alcohol waivers for the following additional November 2008 Taylor Road rentals:

11/26/08

**4.**

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was  
ADOPTED                   Ayes 3                   Walters, Best, Kesner  
                                  Noes 0

**RESOLVED**, that the Town Board approve the membership of the following into the Newton Abbott Fire Company:

William E. Taylor  
4940 Lynwood Ave  
Blasdell, NY 14219

**5.**

On a motion of Councilwoman Kesner, seconded by Councilman Best, the following resolution was  
ADOPTED                   Ayes 3                   Walters, Best, Kesner  
                                  Noes 0

**WHEREAS**, the Town of Hamburg recognizes that homeownership opportunities for low and moderate income persons has become virtually impossible due to the high cost of housing in today’s market, and

**WHEREAS**, the Town of Hamburg through its Department of Community Development has tried to combat the high cost of housing for its residents and all persons by implementing its Hometown Housing Programs which provide subsidies to income eligible clients.

**NOW, THEREFORE BE IT RESOLVED**, that the Hamburg Town Board authorize the Supervisor to sign the development agreement by and between the “Town of Hamburg Department of Community Development” and “Eddy and Lewin Homes, Inc.” for the purpose of constructing two (2) new single-family homes. These newly built homes will be utilized with the Department of Community Development’s Hometown Housing Program and sold to persons of low/moderate incomes as defined by HUD. This two unit development agreement does not designate exclusive rights to provide affordable housing opportunities for the Town of Hamburg.

**BE IT FURTHER RESOLVED**, that the towns fees associated with these homes being built by Eddy and Lewin Homes, Inc. be waived. This waiver of fees is only for the new two units being built (Abbott Parkway) and includes the following: building permits, recreation, sewer, plumbing and any and all other applicable fees charged by the town. The total amount of fees waived will be utilized as match credit for the Town of Hamburg’s Home Investment Partnership Program (HOME).

**6.**

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was  
ADOPTED                   Ayes 3                   Walters, Best, Kesner  
                                  Noes 0

**WHEREAS**, the Erie County Department of Environment and Planning (ECDEP) coordinates the activities of the Western New York Stormwater Coalition (WNYSC), of which the Town of Hamburg is a member municipality; and

**WHEREAS**, the ECDEP has assumed the role of lead agency, and has pursued grant funding to support the work of the WNYSC since its inception; and

**WHEREAS**, the New York State Department of State solicited applications for projects that target shared services through its 2008-2009 Local Government Efficiency Grant Program; and

**WHEREAS**, the ECDEP, in cooperation with the WNYSC, has prepared a grant application for an Outfall Inspection and Illicit Discharge Track Down Project, which is proposed to consolidate 44 individual municipal illicit discharge detection and elimination programs into a single initiative that will fulfill New York State BOL 61 \f "WP TypographicSymbols" \s 12s Phase II Stormwater requirements pertaining to outfall inspections, sampling, trackdown, and source identification; and

**WHEREAS**, the required local match of 10% of the project cost will be provided through the annual membership fees paid by the members of the WNYSC; and

**WHEREAS**, the co-applicants to this application are the members of the WNYSC, which include the Village of Alden, Town of Alden, Town of Amherst, Village of Angola, Town of Aurora, Village of Blasdell, Town of Boston, Buffalo Sewer Authority, Town of Cheektowaga, Town of Clarence, Village of Depew, Village of East Aurora, Town of Eden, Town of Elma, Town of Evans, Town of Grand Island, Town of Hamburg, Village of Hamburg, Village of Kenmore, City of Lackawanna, Village of Lancaster, Town of Lancaster, Village of Orchard Park, Town of Orchard Park, Village of Sloan, City of Tonawanda, Town of Tonawanda, Town of West Seneca, Village of Williamsville, Town of Cambria, Village of Lewiston, Town of Lewiston, Town of Niagara, Niagara Falls Water Board, City of North Tonawanda, Town of Pendleton, Town of Porter, Town of Wheatfield, Village of Youngstown, County of Erie, County of Erie - Sewer District No. 6, County of Niagara, Buffalo and Fort Erie Peace Bridge Authority, and State University of New York at Buffalo,

**THEREFORE BE IT RESOLVED**, that the Town of Hamburg authorizes the ECDEP to submit an application to the New York State Local Government Efficiency Grant Program for the 2008-2009 funding year; and

**BE IT FURTHER RESOLVED**, that Chris Collins, Erie County Executive, is the Lead Applicant Contact Person, and is authorized to execute all financial and/or administrative processes relating to the grant program; and

**BE IT FURTHER RESOLVED**, that the required local match of 10% to be provided by the Town of Hamburg will come from its membership in the WNYSC and the annual membership fee it pays; and

**BE IT FURTHER RESOLVED**, that upon approval of said grant request, the Town of Hamburg will enter into an Intermunicipal Agreement with the co-applicants, under which the shared services of the proposed project will be described in detail.

**7.**

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

ADOPTED                      Ayes 3                      Walters, Best, Kesner  
  Noes 0

**WHEREAS**, CRA Infrastructure & Engineering, Inc. Was previously retained by the Town of Hamburg to provide engineering services for the ongoing Town Water System Improvement Project; and

**WHEREAS**, following the award of the contract to CRA, the Erie County Water Authority requested that an additional 1300 linear feet of waterline be replaced, as well as the abandonment of two additional unnecessary sections of watermain; and

**WHEREAS**, in that this additional work was not part of CRA's original contract scope of work and fee, they have requested a contract adjustment in the amount of \$10,500 for providing the additional survey and design services necessary; and

**WHEREAS**, these additional costs have been reviewed by the Town Engineer and determined to be reasonable and acceptable,

**THEREFORE, BE IT RESOLVED**, that the contract with CRA Infrastructure & Engineering, Inc. is increased in the amount of \$10,500, which revises their total contract amount to \$238,000. Funding for these additional costs is available from Town water district funds which have previously been budgeted for water system improvement purposes.

**8.**

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

was  
 ADOPTED                      Ayes 3                      Walters, Best, Kesner  
     Noes 0

**RESOLVED**, that the Town Board approve the terminations of 13 and hiring of two in the Recreation Department as follows:

1. Everet, Christopher		11/7/08	Terminate
2. Rieske, Alexander		11/7/08	Terminate
3. Hibbard, Kyle		11/7/08	Terminate
4. Picciano, Ronald		11/12/08	Terminate
5. Ramsey, Kassam		11/12/08	Terminate
6. McAnaney, Patrick James		11/12/08	Terminate
7. Berfield, Christine		11/12/08	Terminate
8. Betrus, Thomas		11/12/08	Terminate
9. Ignatius, Christopher		11/12/08	Terminate
10. Maxson, Julie		11/12/08	Terminate
11. Rich, Katie		11/12/08	Terminate
12. Smith, Kelly		11/12/08	Terminate
13. McGahey, Brad		11/12/08	Terminate
14. Silverman, Scott	Rec. Att'd P/T	11/18/08	\$8.49
15. Sausner, Bryan	Rec. Att'd P/T	11/25/08	\$7.15

Councilman Quatroche enters the meeting.

**9.**  
 On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was

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

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

OPERATING FUND:		VOUCHER #S	
BATCH # 129	\$ 24,393.60	30321	
BATCH # 130	\$337,650.00	30322	
BATCH # 131	\$ 31,577.03	30323-30402	
BATCH # 132	\$117,117.12	UNPROCESSED	
<b>TOTAL OPERATING FUND DISBURSEMENTS:</b>			<b>\$510,737.75</b>
TRUST & AGENCY			
BATCH # 35	\$29,911.60	9920526-9920527	
<b>TOTAL TRUST &amp; AGENCY DISBURSEMENTS:</b>			<b>\$ 29,911.60</b>
CAPITAL FUND DISBURSEMENTS:			
BATCH # 68	\$175,511.02	30403-30410	
<b>TOTAL CAPITAL FUND DISBURSEMENTS:</b>			<b>\$175,511.02</b>
PAYROLL:			
PR # 23	\$615,579.35		
<b>TOTAL PAYROLL DISBURSEMENTS:</b>			<b>\$615,579.35</b>
<b>PETTY CASH</b>	<b>\$117.88</b>		<b>\$ 117.88</b>
<b>TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:</b>			<b>\$1,331,857.60</b>

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

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

**RESOLVED**, that the Town Board move to Executive Session at 6:16 p.m.

**11.**

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

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

**RESOLVED**, that the Town Board adjourn Executive Session at 7:45 p.m.

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Catherine A. Rybczynski, Town Clerk