

A regular meeting of the Town Board 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 8th day of December 2008.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Thomas M. Best, Sr.	Councilman
Joan M. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman
Kevin Smardz	Councilman

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Michael Williams, Assistant Chief of Police; Martin Denecke, Director of Recreation; Gerard Kapsiak, Town Engineer; Kurt Allen, Supervising Code Enforcement Officer; Brian Doyle, Deputy Town Attorney; Drew Reilly, Planning Consultant; Rick Krautsack, Working Crew Chief.

Pledge of Allegiance was recited.

Information on fire exits was provided.

Supervisor Walters notes that this is the last full board meeting of the year, prior to starting the

public hearing they have awards to present.

Councilwoman Kesner reports that each year the Town Board takes time to honor and recognize businesses that improve their facades and locations in the Town of Hamburg. The Hamburg Rejuvenation Committee selects the recipients and has awarded on the appearance of the building, landscaping and renovations to the existing structure. This year for the 2008 Beautification Awards, there are five recipients.

1. Monroe's Place
2. Kathleen Mary House
3. Vito's Country Market
4. Lutz Camp Road Mobil Station
5. Omni Wellness Center

Councilwoman Kesner asks the above recipients to come together for a photo.

Supervisor Walters congratulates all the businesses. There is also a presentation to the Town and he asks Marty Denecke, Recreation Director, to come forward.

Martin Denecke thanks the Supervisor and the Town Board and introduces the trustees of the Donny Thiery Foundation who will be presenting a check to the Town of Hamburg for \$7,000. This generous donation will be used to support the Hamburg programming for special needs members of the community. Donny Thiery grew up with a debilitating condition known as neurofibromatosis. This affliction confronted Donny with daily challenges that only the strongest would be able to manage. He made a positive impact on all he came in contact with. He never had the chance to take part in activities that most of us take for granted. Donny is now enshrined in the Frontier School District Athletic Hall of Fame. In addition he spent eight years with the Town of Hamburg Recreation Dept. as a dependable and dedicated assistant in the sports programs. He touched many lives and was looked up to as a young man who defined determination. We are so proud to have had him on our team. When Donny passed away almost two years ago his family and friends decided to honor his memory by raising funds in his name. It is to our great fortune that the trustees of the foundation adopted Hamburgs programs for the disabled as beneficiaries of their efforts. We are grateful for their generous support of our programs. Marty asks the foundation members to come together for a photo.

Supervisor Walters notes that there are several public hearings and they will begin them.

Catherine Rybczynski, Town Clerk, reads the legal notice as published in the Sun and Front Page.

7:00 p.m.- Public Hearing for Water System Improvement

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Hamburg,
in the County of Erie, New York.

December 8, 2008

* * *

A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, in the Town, on December 8, 2008.

There were present: Honorable Steven J. Walters, Supervisor, and

Councilpersons: Thomas M. Best, Sr.
 Joan A. Kesner
 Kevin Smardz
 Thomas J. Quatroche, Jr

There were absent:

Also present: Catherine Rybczynski, Town Clerk, Kenneth J.
 Farrell, Esq., Town Attorney

* * *

The Town Clerk stated that a public hearing had been called for this meeting at the Town Hall, in the Town of Hamburg, in the County of Erie, New York, at 7:00 o'clock P.M. (Prevailing Time) to consider the construction of a water improvement in an unincorporated area

of the Town outside of any villages, which area has been determined to be the benefitted area (herein referred to as the “Hamburg Master Water Improvement Area-2008B”), pursuant to Article 12-C of the Town Law. The Town Clerk presented affidavits showing that certified copies of the Order calling for said public hearing had been duly published and posted pursuant to the provisions of Article 12-C of the Town Law.

Gerard Kapsiak makes a presentation in regard to the water system improvement as follows:

The Hamburg Town Board is holding a Public Hearing in regard to various proposed water system improvements within the Town of Hamburg water districts, in compliance with the requirements associated with the upcoming transfer of ownership of the currently lease managed Town water system facilities to the Erie County Water Authority (ECWA) under a Direct Service Agreement.

As part of a May 8, 2008 Memorandum of Understanding (MOU) which was entered into between the Town of Hamburg and ECWA in this regard, the Town is required to undertake the replacement of approximately 10,550 linear feet of existing substandard or deficient waterlines. This work is required to be completed within two years following the date of the MOU, after which ECWA will be responsible for the performance and cost of all future capital improvements and operation and maintenance of the water system.

The total estimated cost of these water system improvements is \$1,530,000. This work is proposed to be completed through a Master Water Improvement Area proceeding, pursuant to Section 209-q of Town Law. The cost of these improvements is planned to be financed through the issuance of serial bonds of the Town in the amount of \$1,530,000. These funds are proposed to be utilized for the following water system improvements and associated estimated costs:

- (1) Waterline replacement along Sowles Road, between South Park Avenue and Rosetta Avenue (replace 1700 feet of 8' waterline)= \$247,000
- (2) Waterline replacement along Burke Road, between North Creek Road and Lakeview Road (replace 3250 feet of 6" waterline with 8" waterline)= \$471,000
- (3) Waterline replacement along Mount Vernon Blvd., between Cloverbank Road and Roanoke Drive (replace 3200 feet of 6" waterline with 8" waterline)= \$464,000

- (4) Waterline replacement along Salisbury Avenue, between Milestrip Expressway and Fairview Pkwy. (Replace 1400 feet of 6" waterline with 8' waterline)=\$348,000

The debt service charges associated with the \$1,530,000 to be bonded under this proceeding are proposed to be spread evenly over all properties within the Town of Hamburg outside the two Villages, except for properties currently within ECWA direct service areas and the portion of the Town which is serviced by the Village of Blasdell water system. These charges are to be assessed on an ad valorem basis, as follows:

Total Assessed Value of All Affected Properties= \$1,627,790,945

Average Annual Debt Service= \$122,800

(based on \$1,530,000 bonded for 20 years at 5% interest)

Annual Ad Valorem Rate=\$0.0754 per \$1000 assessed value

Average Assessed Value of Typical Home = \$100,000

Average Annual Charge for Typical Home=\$7.54

Engineering plans and specifications for this work are currently being finalized, with construction scheduled to begin in early 2009 and be completed by no later than May 2010, at which time the Direct Service Agreement with ECWA will go into effect.

It is noted that this work represents only a portion of the overall \$5,229,000 estimated cost of water system improvements that ECWA is requiring the Town to perform. The remaining costs are proposed to be financed through the following means:

- \$1,961,000 in previously budgeted Town water district funds, for which a Public Hearing was held on October 27, 2008.

- \$1,573,000 in serial bonds to be issued by the Town through a separate bond proceeding, together with \$165,000 in funds which remain from previous water improvement area proceedings. A Public Hearing in this regard was held on November 10, 2008.

If there are any questions, comments or further information needs regarding this matter, please write or contact the following:

Town of Hamburg
Engineering Department
6100 South Park Avenue
Hamburg, New York 14075
Phone: 649-6111, ext. 2350
Email: engineering@townofhamburgny.com

The Supervisor stated that said public hearing on said matter was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of said proposed water improvement:

The following persons appeared in opposition to said proposed water improvement:

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

* * *

CERTIFICATE

I, CATHERINE RYBCZYNSKI, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on December 8, 2008, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 8th day of December, 2008

(SEAL)

Town Clerk

Catherine Rybczynski, Town Clerk, notes there was no correspondence received.

1.

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

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

RESOLVED, that the Town Board close the public hearing.

Catherine Rybczynski, Town Clerk, reads the legal notice as published in the Sun and Front Page:

7:00 p.m.- Public Hearing for proposed local law #16, 2008; Kuebler rezoning

**LEGAL NOTICE
TOWN OF HAMBURG**

PLEASE TAKE NOTICE that there has been presented to the Town Board on October 27, 2008, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #16, 2008; 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 vacant property located on the east side of McKinley Parkway, south of Dorchester Parkway. The property is to be rezoned from HC (Hamburg Commercial District) to C-2 (General Commercial District.) The property is identified as S.B.L. Number 160.15-1-24.1

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 December 8, 2008 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: October 27, 2008

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski, Town Clerk, notes there was no correspondence received.

Supervisor Walters notes that Drew Reilly will make a brief presentation before opening up to the public for comment.

Drew Reilly clarifies where the property is located and notes this is a standard rezoning. The property is located south of Dorchester and the rezoning is from HC to C-2 is the request.

Councilwoman Kesner notes it's when you allow business to be in control.

Mr. Reilly responds that HC is a much more restrictive zoning. For example it will allow limited retail sales, office buildings, specialty food shops. Alcohol related facilities are prohibited.

Ken Nuwer, Allendale Pkwy resident, questions what type of provisions C-2 has for noise and lights. Spot zoning effects a couple of residents at a time, this effects everyone on the whole strip to the mall.

Supervisor Walters notes that traditionally a property that is going to a Commercial zone that abuts residential property, the Board puts restrictions on that property with the consent of the property owner.

Councilman Quatroche asks Mr. Reilly to read some of the restrictions.

Mr. Reilly responds that this is one of the toughest issues. They came up with the HC category which it was thought to be the solution to the problem but it didn't work in the eyes of many. Restaurants could be considered as long as it didn't allow alcohol.

Councilwoman Kesner notes that the planned business is a pool company and there would be a dumpster in the back.

Mr. Reilly responds that there would be a dumpster.

Joe Holland, Allendale Pkwy resident, comments that this property in question has signs up without proper permits and what is going to stop the owner from doing what he wants when he gets the go ahead for the zoning. There are water issues back there as well.

Kurt Allen notes that it would be up to his department on the zoning and building code issues. The owner would not get a final CO to open his business until engineering in conjunction with code enforcement sign off on all compliance issues.

Joe Holland questions chemical storage.

Mr. Reilly responds that the code does restrict chemical storage on the site.

Joe Holland notes that he is opposing this rezoning and if it gets past he may have to go to court on this.

Howard Hetherly, McKinley Pkwy resident, notes that if this is rezoned the owner can build anything he wants.

Supervisor Walters adds that this is why the appropriate restrictions must be in place if the rezoning does go forward.

2.

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

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

RESOLVED, that the Town Board close the public hearing.

Catherine Rybczynski, Town Clerk, reads the legal notice as published in the Sun and Front Page:

7:00 p.m. - Public Hearing for proposed local law #17, 2008; Public Mini Storage

LEGAL NOTICE TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that there has been presented to the Town Board on November 10, 2008 pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law #17, 2008; said local law provides for amendments to the Code of the Town of Hamburg, Chapter 280, entitled "Zoning". The amendments are described as follows:

280-282 "G: Minimum distance between dwelling units: 15 feet. This separation distance can be reduced to 12 feet with the additional fire safety provision of a sprinkler system."

And

**PUBLIC MINI STORAGE CODE AMMENDMENTS
DEFINITIONS, OUTDOOR STORAGE, WHERE ALLOWED**

PROVIDE DEFINITION:

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

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

CONTINUE PROHIBITION IN THE C-2 DISTRICT:

Article XIV §280-81 (16)

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

CLARIFY IN INDUSTRIAL ZONES:

Section 280-119 A. (4) Warehousing and wholesale distribution where conducted within a completely enclosed building (this does not include public mini-storage which is not allowed in this district, but does allow full scale buildings in which interior spaces are being used for individual storage usage).

ALLOW OUTDOOR STORAGE AS AN ACCESSORY USE BY SUP IN C-2 and BY RIGHT IN INDUSTRIAL (include sup criteria):

Article XIV §280-81 (17) and § 280-119 (B)

280-81 (17) Add (h): As an accessory use to an existing “private rental storage (mini-storage)” facility, a screened outdoor storage area for leasing for storage purposes.

280-119 (B) Add (5): As an accessory use to an existing “private rental storage (mini-storage)” facility, a screened outdoor storage area for leasing for storage purposes.

Article XLVI §280-326(b)

Private Rental Storage; Outdoor Storage

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

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

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

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

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

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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 December 8, 2008 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: November 10, 2008

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski, Town Clerk, notes that there was no correspondence received.

Drew Reilly gives a brief presentation.

Councilman Best notes that he has been against strict regulations on public mini storage. It's his belief that most, if not all, public mini storage spaces in town are almost filled to capacity. He would like to see an exception allowing the public mini storage areas in industrial areas.

Councilwoman Kesner notes she's always concerned about the berm between the businesses and the existing homes. She would like to see 100 feet between them.

Councilman Quatroche notes that the berm at the interchange for Blasdell if there was a defined berm at that location, height wise that facility may not be seen. He notes he is not against them but he thinks there needs to be some sort of visual buffer.

Ferd Garcia asks if there are any restrictions in place on combustible substances.

Mr. Reilly responds that there is restrictions and notes that you cannot store combustibles in public mini storage.

Lee Van Leaven notes they object to the industrial mini storage, they have a perfect place for it they have 4 1/2 acres on Lakeview Rd. that's zoned light industrial.

Councilman Best questions if they are zoned industrial over there.

Lee Van Leaven responds that they are it's light industrial.

Councilman Best notes that there has been some question over there some time ago and he questions if it is wetlands.

Mr. Van Leaven responds that it isn't and it's industrial zoned and out of the way.

Carl Dinezza notes that public storage has it's downfalls because a lot of people have storage that they're not claiming. It sits there until they can get it auctioned off.

Drew Reilly responds they are allowing it in industrial zones but in existing buildings.

3.

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

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

RESOLVED, that the Town Board close the public hearing.

Drew Reilly notes that all these public hearings will be taken up at a work session at a later date to discuss direction.

Catherine Rybczynski, Town Clerk, reads the legal notice as published in the Sun and Front Page:

7:00 p.m.- Public Hearing for proposed local law #18, 2008; Sign Regulations

LEGAL NOTICE
TOWN OF HAMBURG
NOTICE OF HEARING PROPOSED LOCAL LAW #18, 2008

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on November 17, 2008, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #18, 2008. This local law provides for the amendment to the Code of the Town of Hamburg, Chapter 280, Zoning, Article XXIV “Sign Regulations”, Section 280-261, 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).

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. (local time) on the 8th day of December, 2008, at which time all persons interested may be heard.

Dated: November 17, 2008

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski, Town Clerk, notes there has been no correspondence received.

Kurt Allen notes that the Town adopted a brand new local law which pertains to electronic message signs. Some flaws were found that needed to be addressed which pertains to the conversion of pre-existing billboards to digital format or electronic message signage. The original intent was to allow these billboards to be converted for digital format.

Supervisor Walters comments that he has had a lot of questions on this over the past couple of weeks. The sign in front of Pegasus, when people look at that they think it's an electronic sign. That's not what this ordinance allows. The billboards that have the three sided turn tables, they turn and it's a new image and every eight to ten seconds they change.

Mike Joyce questions what the Town gains by changing this law. Based on this they perceive a sign with three sides, what's to stop a large jumbotron.

Supervisor Walters adds that with this converting of the billboards, and that's if they do it, it would be an electronic sign.

Mr. Joyce asks how many would be allowed in the Town and what would stop another sign company to press a suit for more signs.

Mr. Allen responds that there are no more billboards to be allowed within the Town under the current statute.

Kenneth Farrell notes that the Town isn't looking to change something that works. Electronic message signs is coming and we can't avoid that. The current local law doesn't provide the proper regulations to address the new technology that we're faced with.

Supervisor Walters adds that this is because this is the way of the future and this is what businesses are looking to do. This will give our businesses an opportunity to compete.

Councilman Smardz adds for clarification that there will not be moving video or images.

Supervisor Walters adds that instead of looking at the Pegasus sign in front, it's more like the three sided ones that turn every eight to ten seconds.

David Marino asks if there is a rep from Lemar to explain whether these are colored LED lights that can change.

Supervisor Walters responds that if there is a question for the Town Board, at a public hearing the questions are address to the Board. He doesn't know if there is a rep from Lemar here but if there is those questions can be addressed after the meeting.

Mr. Marino notes that he has done some research online and notes that with the traffic at that particular corner, this will become a distraction.

Councilwoman Kesner asks Mr. Allen if the D.O.T. has a roll in the approval process.

Mr. Allen responds that with the billboards being converted to electronic message signs, will have a bigger impact towards motorists then a 40 square foot Pegasus type sign. This will also need approval from the Department of Transportation as well.

Joe Killian asks if they will be two sided.

Mr. Allen responds that they will, it depends on the billboard, some are single faced and some are double faced.

Joe Killian notes that if it is a two sided billboard they will probably want to maximize their revenue and digitize both sides.

Mr. Allen responds that it depends on the exposure.

David Marino adds that he believes the DOT should have a real strong voice on this.

Mr. Allen responds that they are part of the permit process.

4.

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

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

RESOLVED, that the Town Board close the public hearing.

5.

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

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

RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK,

ADOPTED DECEMBER 8, 2008, APPROVING

CONSTRUCTION OF A WATER IMPROVEMENT WITHIN

THE HAMBURG MASTER WATER IMPROVEMENT AREA-
2008B, AN AREA OF THE TOWN OUTSIDE OF ANY
VILLAGES, WHICH HAS BEEN DETERMINED TO BE THE
BENEFITED AREA, AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH

Recitals

WHEREAS, the Town Board of the Town of Hamburg, in the County of Erie, New York (herein called the “Town Board” and “Town” respectively), proposes to construct a water improvement, 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, which area has been determined to be the benefited area (herein referred to as the “Hamburg Master Water Improvement Area-2008B”), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared therefor by Gerard M. Kapsiak, P.E., Town Engineer, a competent engineer duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; 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 has 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 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 Town Board determined to proceed with the construction of such Water Improvement and adopted an Order on November 17, 2008, reciting a description of the improvements proposed, a description of the proposed benefited area, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying December 8, 2008 at 7:00 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the construction of such Water Improvement and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town in relation thereto as may be required by law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law; and

WHEREAS, a public hearing in the matter of the construction of the proposed Hamburg Master Water Improvement-2008B was duly held by the Town Board on the 8th day of December, 2008, commencing at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, in the Town, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the construction of said Hamburg Master Water Improvement-2008B;

Now, therefore, upon the evidence adduced at such public hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the notice of public hearing was published and posted as required by law, and is otherwise sufficient, and

(b) it is in the public interest to construct the Hamburg Master Water Improvement-2008B, described in the recitals hereto, within the Hamburg Water Improvement Area-2008B, at the estimated maximum cost of \$1,530,000.

(c) all the property in the proposed Hamburg Master Water Improvement Area-2008B is benefited by the Hamburg Master Water Improvement-2008B and all the property benefited by the Hamburg Master Water Improvement-2008B is included in the proposed Hamburg Master Water Improvement Area-2008B.

Section 2. The construction of the Hamburg Master Water Improvement-2008B within the Hamburg Master Water Improvement Area-2008B is hereby approved, as hereinabove described, and such improvement is hereby authorized to be constructed within the Hamburg Master

Water Improvement Area-2008B, in the Town, situate wholly outside of any incorporated village, and said 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

Section 3. 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.

Section 4. The said \$1,530,000 estimated cost of the Water Improvement, does not exceed one-tenth of one per centum of the full valuation of the taxable real property in the area of the Town outside of any villages, and the permission of the Comptroller of the State of New York

is therefore not required in order to finance the cost of said Water Improvement, as herein described, pursuant to the provisions of said Town Law.

Section 5. The Town Clerk of the Town is hereby authorized and directed to record a certified copy of this resolution, within ten (10) days of its adoption, in the office of the County Clerk of Erie County.

Section 6. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Councilman Best and duly put to a vote on roll call, which resulted as follows:

AYES: 5

Supervisor Walters	Yea
Councilman Quatroche	Yea
Councilwoman Kesner	Yea
Councilman Smardz	Yea
Councilman Best	Yea

NOES: 0

The resolution was declared adopted.

CERTIFICATE

I, CATHERINE RYBCZYNSKI, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing Resolution Authorizing Construction of a Water Improvement dated December 8, 2008 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 8th day of December, 2008

(SEAL)

Town Clerk

6.

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

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

RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK,
ADOPTED DECEMBER 8, 2008, APPROPRIATING \$1,530,000 FOR
THE CONSTRUCTION OF A WATER IMPROVEMENT WITHIN
THE HAMBURG MASTER WATER IMPROVEMENT AREA-2008B
AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$1,530,000 IN BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION

Recitals

WHEREAS, the Town Board of the Town of Hamburg, in the County of Erie, New York (herein called the “Town Board” and “Town” respectively), proposes to construct a water improvement, 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”); at the estimated maximum cost of \$1,530,000, all within an unincorporated area of the Town outside of any villages, which area has been determined to be the benefited area (herein referred to as the “Hamburg Master Water Improvement Area-2008B”), pursuant to Article 12-C

of the Town Law, in accordance with the map, plan and report prepared therefor by Gerard M. Kapsiak, P.E, Town Engineer, a competent engineer duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to construct said Water Improvement, and ordered that such Water Improvement be constructed at the estimated maximum cost of \$1,530,000;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$1,530,000 for the construction of the Hamburg Master Water Improvement-2008B within the Hamburg Water Improvement Area-2008B, in accordance with the map, plan and report prepared therefor by Gerard M. Kapsiak, P.E, Town Engineer, a competent engineer duly licensed by the State of New York, on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost of construction of said Hamburg Master Water Improvement-2008B, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,530,000. The plan of financing includes the issuance of \$1,530,000 bonds of the Town to finance said appropriation, 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 said 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.

Section 2. Serial bonds of the Town in the principal amount of \$1,530,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for expenditures made on or before such effective date if the Town has made a prior declaration of intent to issue indebtedness for such purpose. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bond shall contain the recital of validity

prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish a summary thereof in “The Sun” and “Front Page,” newspapers having general circulation in the Town of Hamburg, and hereby designated as the official newspapers of the Town for such publication, together with the Town Clerk’s statutory notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing resolution was seconded by Councilman Quatroche and duly put to a vote on roll call, which resulted as follows:

AYES: 5

Supervisor Walters	Yea
Councilman Quatroche	Yea
Councilwoman Kesner	Yea
Councilman Smardz	Yea
Councilman Best	Yea

NOES: 0

This resolution was declared adopted.

CERTIFICATE

I, CATHERINE RYBCZYNSKI, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing Bond Resolution dated December 8, 2008 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 8th day of December, 2008

(SEAL)

Town Clerk

7.

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

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

WHEREAS, bids for 2 (two) trucks were received and opened on September 2, 2008 and the results were:

Medium Duty Truck

West Herr	\$41,989.00
Basil	\$41,488.80

Crew Cab

West Herr	\$25,770.00
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THEREFORE, BE IT RESOLVED, that West Herr is awarded the bid for the Crew Cab at \$25,770. Funds are available in H 24 7140.201.

8.

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

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

BE IT RESOLVED, that the Highway Department is authorized to purchase 1 (one) new and unused F-250 Truck with a plow from the State Bid for a price of \$23,775.00.

Funds are available in Account #DB 5130.0201.

Councilman Best notes he would like to see the Board ask each department head to come up with a vehicle purchase plan, so these expenditures can be anticipated beforehand.

Councilman Smardz notes that he's working with Senior Services for a replacement plan for the Senior Service vans and each department should have a plan in place.

9.

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

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

RESOLVED, the Town Board authorize the Police Department to advertise for four (4), 2009 New and Unused Marked Police Vehicles.

10.

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

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

RESOLVED, that the Town Board approve the hiring of three in the Recreation Department as follows:

1. Grosjean, Kristin	Lifeguard P/T	12/01/08	\$ 9.26
2. Kuhrt, Timothy	Lifeguard P/T	12/01/08	\$10.59
3. McKenney, Matthew	Rec. Att'd P/T	12/01/08	\$ 7.96

11.

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

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

RESOLVED, that the Town Board authorize the Town Supervisor to sign an agreement with Chelsea Information Systems to upgrade and expand the current Tee Time reservation system at the Town Golf Course. The terms of the agreement will convert our current system to a hosted site, eliminating the need for antiquated hardware. In addition, patrons would have the option of reserving a T-Time online. The updated system will increase the cost an average of approximately \$85.00 per month. Funds approved in the 2009 budget will cover the upgrade.

12.

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

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

RESOLVED, that the Town Board authorize the approval of the following changes/increases in the Recreation Department's user fees for 2009 as recommended by the Recreation Advisory Board.

A) Fitness Center

1. Implement a monthly fee of \$15.00 for all membership categories.
2. Eliminate quarterly fees for same.
3. Establish the following annual fees
 - Youth \$20
 - Aerobic Only \$125
 - College Student \$125
 - Adult \$175 (Family + \$125)
 - Senior \$125 (Family + \$75)

B) Arena/Hamburg Recreation Center

1. Increase Skate & Shoot Fee \$0.50 across the board (Res. Youth, Res. Adult, Non-Res. Youth, Non-Res. Adult)
2. Increase Public Skating Fee \$1.00 across the board (Res. Youth, Res. Adult, Non-Res. Youth, Non-Res. Adult)
3. Increase the fee for prime ice time \$5.00 for both resident and non-resident rentals.
4. Increase fees for Roller Hockey \$25.00 for youth and adult team registrations.
5. Increase fee for Day Camp \$10 for both residents and non-residents.
6. Increase Flag Football \$5.00 for residents and non-residents.

C) Golf Course

1. Increase weekend/holiday rate \$1.00 for 18 holes.
2. Establish a fee of \$10.00 for the Southtowns neighbor category for T-Time system access.

D) Miscellaneous

1. Increase Resident Discount Card \$1.00 for all categories.

13.

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

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

RESOLVED, that the Town Board approve the transfer of appropriation funds in the Buildings & Grounds Department as follows:

1. Personal Services A7266.100 \$30,000
Sufficient funds to transfer

2. Personal Services A7141.100 \$30,000
Funds needed to cover payroll through end of year

14.

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

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

BE IT RESOLVED, that the Town Board approve the request of Richard Lardo and Bob Hutchison to attend a free GIS seminar presented by ESRI on December 12, 2008 at the University of Buffalo. Use of a town vehicle is requested.

15.

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

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

WHEREAS, a public hearing was held on October 27, 2008, regarding Proposed Local Law #15, 2008, that would amend Chapter 185 of the Hamburg Town Code entitled "Parking Code", with the addition of one new location, and

WHEREAS, the location to be added is described as WINTERWAY, in a northerly direction

from Sowles Road, two hundred seventy (270') feet to the intersection of Autumnway,

NOW, THEREFORE BE IT RESOLVED, that Proposed Local Law #15, 2008 be adopted adding this location to Chapter 185 of the Code of the Town of Hamburg.

16.

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

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

WHEREAS, following review of a request from area residents for improved street lighting along Arnold Court, the Town Engineer has recommended that three additional street lights are warranted,

THEREFORE, BE IT RESOLVED, that the Town Board authorizes New York State Electric & Gas (NYSEG) to install three, 70 watt high pressure sodium fixtures on NYSEG Pole Nos. 1, 4 and 6 on Arnold Court, in accordance with the terms and conditions of the current NYSEG street light tariff. NYSEG has estimated that this will result in a total increased billing to the Town of Hamburg of \$351 per year for street lighting costs.

BE IT FURTHER RESOLVED, that the Town Clerk is requested to provide two certified copies of this resolution to the Engineering Department, for transmittal to NYSEG.

17.

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

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

RESOLVED, That due to a mis-communication with vendors, an error was printed in the RFP for the Communications Consoles for the Public Safety Dispatch Office, that the Town Board authorize advertisement for bids for one "Communications Console System" for the renovation of the Public Safety Dispatch Office. Said bids to be returnable and opened by the Town Clerk, Friday December 19,2008 @ 11:00AM.

18.

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

was

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

RESOLVED, That the Town Board authorize advertisement for bids for one “Uninterrupted Power Supply” for the renovation of the Public Safety Dispatch Office. Said bids to be returned and opened by the Town Clerk, Friday December 19,2008 at 11:00AM.

19.

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

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

RESOLVED, That the Town Board authorizes the Town to enter into a monitoring agreement for the Fire Suppression System for the North Boston Volunteer Fire Company. The fee is \$100.00 and is the same as other Non Profit Organizations.

20.

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

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

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

OPERATING FUND:		VOUCHER #'S
BATCH # 139	\$ 84,546.89	30670
BATCH # 140	\$ 91,101.03	30730-30776
BATCH # 141	\$ 20.00	30777
BATCH # 142	\$165,556.56	UNPROCESSED
TOTAL OPERATING FUND DISBURSEMENTS:		\$341,224.48
TRUST & AGENCY		
BATCH #		
TOTAL TRUST & AGENCY DISBURSEMENTS:		\$ 0.00
CAPITAL FUND DISBURSEMENTS:		

BATCH # 71	\$19,463.70	UNPROCESSED	
TOTAL CAPITAL FUND DISBURSEMENTS:			\$ 19,463.70
PAYROLL:			
PR#			
TOTAL PAYROLL DISBURSEMENTS:			\$ 0.00
PETTY CASH			\$ 0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$360,688.18

Reports from the Town Board:

Councilman Quatroche thanks the Recreation Department for trying to keep taxes down and getting grants. They got two new playground structures utilizing the fighting obesity grant and saved over \$19,000 they will be installed in neighborhood parks this spring. Thanks to Mr. Denecke and his staff for always looking for alternative funding.

Councilwoman Kesner thanks the Hamburg Rejuvenation Committee for the beautiful Christmas decorations outside. She wishes everyone a Merry Christmas.

Councilman Best reports that December brings the birthdays of Councilman Smardz, Supervisor Walters and Councilman Quatroche.

Supervisor Walters thanks everyone and notes that on December 17th at 7:00 p.m. the Town Board will be officially unveiling the proposed hockey rink expansion plan at the Hamburg High School. This will be the first of probably three and the public's opinion is more important than the Board's opinion. He's hoping a lot of people show up to these public meetings. There will be a presentation by the only group who submitted a proposal who is led by NHL recent inductee of the Sabres Hall of Fame, Dave Andreychuk. Lastly, Merry Christmas.

Catherine Rybczynski wishes everyone a Merry Christmas and lets everyone know the school tax collection was completed on December 1st and hopefully by the end of the month the penalties will be turned over to the town which is approximately \$72,000.

George Lee notes that the Village of Blasdell wishes the Town Board and residents of the Town

a Merry Christmas.

Reports from the floor:

Butch Meyer notes that the newsletter that came out is a great addition to the Town but the website is wrong and you can't respond to it.

Supervisor Walters responds that it was corrected. There were originally problems.

Len Kowalski with the recent State budget deficit it looks like Governor Paterson is going to revisit the racino money and this may be cut down and questions if anyone knows the status of it.

Supervisor Walters responds that at this time it's unclear. They are keeping an eye on it and it would be a big hit to the Town. This Town Board made the decision when they received the first payment that they weren't going to use it into the operating account. It was used for paying down debt.

Len Kowalski questions the long term fiscal plan that they're talking about and can just anyone get a copy.

Supervisor Walters responds that there isn't a written long term plan but the accountants put together some forecasting and recommendations based upon what they're historic outlook is.

Steve Strnad compliments Tom for bringing up the motion for the vehicle purchase plan and notes it's a very good approach.

21.

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

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

RESOLVED, that the Town Board move into Executive Session on a Legal matter at 8:55 p.m.

22.

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

RESOLVED, that the Town Board adjourn Executive Session at 10:05 p.m.

Catherine A. Rybczynski, Town Clerk