

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 11th day of December 2006.

Supervisor Walters calls the meeting to order at 7:05 p.m.

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: Catherine Rybczynski, Town Clerk; Richard Boehm, Deputy Town Attorney; James Spute, Finance Director; Gerard Kapsiak, Town Engineer; Joseph Coggins, Police Chief; James Connolly, Highway Superintendent; Drew Reilly, Planning Consultant; Robert Hutchison, Town Assessor; Kurt Allen, Supervising Code Enforcement Officer.

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Walters comments that two people have passed away this week. One is the father of Detective Laurie Staley Stone and Edward Burke, a leading supporter of Town events and well respected business man in the community. He asks for a moment of silence in their memory.

1.

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

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

RESOLVED, that the Town Board approve the minutes from the following meetings:

11/27/2006	Town Board Meeting
------------	--------------------

12/04/06	Work Session
----------	--------------

2.

On a motion of Councilman Cavalcoli, 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 termination of personnel for the Adult Day Services as follows:

1. Reeping, Kim Program Ass't./P/T Rec. Attendant 10/30/2006 Terminate

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

RESOLVED, that the Town Board authorize the Recreation Department to issue Alcohol Waivers for the following new December and January Taylor Road rentals:

12/29/06	01/06/07	01/07/07	01/13/07
01/14/07	01/19/07	01/20/07	01/21/07

4.

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

resolution was

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

BE IT RESOLVED, that the Town Board approve the out-of-town travel request of Gerard Kapsiak, Town Engineer, to attend the New York State Association of Towns Training School and Annual Meeting in New York City from February 18 to 20, 2007. As part of his attendance, Mr. Kapsiak will be attending sessions pertinent to the functions of Town Engineers, for which Continuing Education/Professional Development credit hours are given. The estimated costs are as follows:

Airfare	=	\$ 180
Hotel	=	495
Meals	=	100
Meeting Registration	=	100
Continuing Education Registration	=	125
Ground Transportation	=	<u>80</u>
Total	=	\$1,080

Funds for this purpose have been included in the 2007 Budget for the Engineering Dept. under Account No. A1440.492.

5.

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, that the Town Board approve the hiring and termination of personnel for the Public Safety Dispatch as follows:

1. Sweetland, George	P/T Public Safety Disp.	12/07/2006	Terminate
2. Trask, David	P/T Public Safety Disp.	12/20/2006	\$13.30

6.

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 approve the appointment of Kathleen Sacco, to complete the term of Karen Sherwood of the Hamburg Public Library Board of Trustees.

7.

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

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

WHEREAS, the Town of Hamburg has received a rezoning application from Vanderbilt Properties, Inc to rezone 42 acres of land located on Southwestern Boulevard approximately 700 feet south of Amsdell Road from R-A to PUD, and

WHEREAS, it is the intent of Vanderbilt Properties to construct an active adult lifestyle community consisting of condominiums and commercial space, and

WHEREAS, the Hamburg Town Board referred this application to the Planning Board for their review and investigation of the issues associated with this rezoning and subsequent development, and

WHEREAS, the Hamburg Town Board has declared itself lead agency, pursuant to Part 617 NYCRR Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act, (SEQRA), and

WHEREAS, the Town Board and Planning Board have reviewed the rezoning application and associated materials submitted to date, including but not limited to, site plans and full Environmental Assessment Form, Part I, and,

WHEREAS, certain significant adverse environmental impacts have been identified and are likely to occur as a result of the proposed rezoning and development, and

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board hereby issues a Positive Declaration and requires that an Environmental Impact Statement be prepared, in conformance with the SEQR regulations in order to fully evaluate the potential large and important impacts of this proposal, and

BE IT FURTHER RESOLVED, that a public scoping meeting be scheduled for January 3, 2007 at 7:00 p.m. at Hamburg Town Hall.

8.

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

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

WHEREAS, competitive bids were received for the reconstruction of the LaBelle culvert in the Village of Blasdell on 12/7/06 at 11:00 am, and

WHEREAS, the bid results ranged from \$133,885.00 to \$341,200, as listed:

E & R Construction	\$133,885.00
Visone Construction	209,970.00
Kandey Co.	237,985.00
UCC Constructors	246,415.00
C. Destro Co.	253,975.00
CMH Co.	265,700.00
Accadia Contractors	341,200.00

WHEREAS, E & R Construction is the lowest responsible bidder at \$133,885.00,

BE IT RESOLVED, that E & R Construction is awarded the bid and the Superintendent of Highways is authorized to sign the contract.

Funding is available in account H96 5120.0460.

Councilman Quatroche comments that this is good news, the estimates came in around \$70,000 lower than the estimate.

9.

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

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

Noes 0

WHEREAS, the Town of Hamburg established a Service Award Program in accordance with the New York State General Municipal Law effective January 1, 1991 for active volunteer firefighter members of the Big Tree Volunteer Fire Company; and,

WHEREAS, the Town of Hamburg has from the establishment of the Big Tree Volunteer Fire Company Service Award Program intended that the administration of the program comply with the General Municipal Law as well as all other applicable state and federal laws: and,

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg shall as soon as possible hold a special election of eligible voters of the Big Tree Fire District to seek approval of an amendment to the program retroactively effective to January 1, 1991. Under the proposed amendment, members of the fire company who continued to be active volunteers after they attain age sixty and began to be paid lifetime monthly service awards shall continue to have the opportunity to earn Service Award Program credit under the program point system and to thereby increase the amount of the monthly payments such individuals are being paid. The Town shall have Ed Holohan/Penflex, Inc., the actuarial firm retained by the Town to calculate the annual costs of the program, calculate the additional cost to Big Tree Fire District residents of this proposed amendment and draft for review, approval or modification by the Town Attorney the proposition to be submitted to voters.

Councilwoman Kesner explains that the State passed legislation in 1994 to enable various fire districts to keep their members that reached the age of 70 so they could still get the credits. They have done this for two other fire companies.

10.

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 approve the Transfer of Appropriations for the Recreation Department, within the 2006 Budget as follows:

From: Transportation	B7310.424	\$900.00
Telephone	A7020.421	\$670.00
Beach Concession	A7180.441	\$800.00
To: Contractual	B7310.440	\$900.00
Service Contracts	A7020.423	\$670.00
Personal Services	A7020.100	\$800.00

To pay late bill for software maintenance agreement and for minimum wage increase which affected payroll.

11.

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 approve the Transfer of Appropriations for the Recreation Department, within the 2006 Budget as follows:

From: Telephone	A7265.421	\$850.00
Rec. Supplies	A7265.412	\$250.00
Telephone	A7181.421	\$500.00
To: Personal Services	A7180.100	\$1,600.00

To correct negative effect on payroll due to minimum wage increase.

12.

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

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

Noes 0

BE IT RESOLVED, that the proposed modifications to the Zoning Code of the Town of Hamburg involving subdivision and site plan notification requirements and density requirements in R-3 and R-4 zones for multi-family structures be removed from the table.

13.

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

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

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Hamburg Town Board has performed an environmental review of the proposed amendments (notification requirements for subdivision and sit plan approval and density requirements in the R-3 and R-4 zones) to the Code of the Town of Hamburg, Chapters 230 - Subdivision of Land and 280 - Zoning, and

WHEREAS, these zoning modifications will not adversely affect the natural resources of the State and/or health, safety and welfare of the public and are consistent with social and economic considerations.

THEREFORE BE IT RESOLVED, that the Town of Hamburg has determined that the proposed amendments to Chapters 230 - Subdivision of Land, and 280 - Zoning are not anticipated to result in any significant negative effect on the environment and that a Negative Declaration (Notice of Determination of Non-Significance) is hereby issued, based on the following:

1. The modifications are in conformance with the adopted Hamburg Comprehensive Plan.
2. The modifications will have no direct physical impact on the natural, man-made or environmental resources of the Town.
3. The modifications create better methods of resident notifications of proposed projects and removes confusing density requirements for multi-family structures in the R-3 and R-4 zones

WHEREAS, the Town of Hamburg has researched, developed and made amendments to the Code of the Town of Hamburg, Chapters 230 - Subdivision of Land and 280-Zoning, which incorporates notification requirements and requires a Public Hearing for site plan approval, incorporates proper notification and public hearing procedure for subdivision approval, and

eliminates standard density requirements for multi-family dwellings and regulates maximum lot coverage based on bulk requirements in the R-3 and R-4 zones, and

WHEREAS, the Town Board held the required Public Hearing on November 6, 2006 and received no adverse comments, and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act, SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has issued a Negative Declaration.

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg hereby adopts these proposed amendments to the Code of the Town of Hamburg.

THEREFORE BE IT FURTHER RESOLVED, that the Planning and Legal Departments are directed to produce the final copy of the proposed code modifications and submit them to the Department of State and General Code Publishers Corporation as required.

Drew Reilly explains the proposed Code amendments.

Councilman Cavalcoli comments that a lot of the changes were in response to comments from the public and situations learned from past experience.

14.

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 Transfer of Appropriations for the Planning Department within the 2006 Budget as follows:

From: Contingency Account	B1990.419	\$5,000.00
To: Planning -Cons. Fees	B8020.456	\$5,000.00

To fund account through year end.

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 approve the Transfer of Appropriations for the Finance Department, within the 1006 Budget as follows:

From: Assessing - Hosp. & Med.	A1355.860	\$11,156.00
To: Data Proc. - Hosp. & Med	A1680.860	\$ 4,255.00
" " - Dental	A1680.865	\$ 69.00
Hwy. Admin. - Hosp. & Med.	A5010.860	\$ 6,777.00
" " - Dental	A5010.865	\$ 55.00

To fund Med. Insurance & Dental through year end.

16.

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 open and accept the single bid for 2007 Police Uniforms and Equipment, to include the Dog Control Officer and Public Safety Dispatchers from Sewing Technology, Inc., 691 Seneca Street, Buffalo, New York.

17.

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 #171	\$ 216,522.19	15622 - 15708
BATCH #172	\$1,205,000.00	15709 - 15710
BATCH #173	\$1,100,441.24	15713 - 15799
TOTAL OPERATING FUND DISBURSEMENTS:		\$2,521,963.43
TOTAL TRUST & AGENCY DISBURSEMENTS:		\$ 0.00
CAPITAL FUND DISBURSEMENTS:		
BATCH #84	\$ 850,000.00	15711 - 15712
BATCH #85	\$ 36,024.38	15800 - 15805
TOTAL CAPITAL FUND DISBURSEMENTS:		\$ 886,024.38
TOTAL PAYROLL:		\$ 0.00
TOTAL PETTY CASH:		\$ 0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$3,407,987.81

Reports From Town Board Members and Department Heads

Councilwoman Hochul reports that she carried a copy of our resolution concerning the tolls to a meeting of the Greater Buffalo Niagara Regional Transportation Council last Wednesday and

they actually listened to her and there will be a meeting on January 3rd where they will pass a resolution supporting this. We received a letter from Legislator Robert Reynolds that he wrote to Assemblyman David Gantt, Chairperson, N.Y. State Assembly Transportation Committee, supporting this as well.

Jim Connolly, Highway Superintendent, comments that they will still try and pick up the extra tree limbs, weather permitting.

Drew Reilly reports on the Lowes Project, the Town Board is lead agent and declared a positive declaration on the project. They have prepared a draft scope and the Planning Board is reviewing that.

Business From the Floor

Steve Strnad comments that there are more late resolutions than pre-filed.

Councilman Cavalcoli responds that because of the Holidays, with staff being off and in order to make sure all the resolutions were correct and all the data was in there, they didn't get filed in time.

18.

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, that the Town Board adjourn to Executive Session at 7:50 p.m. on Legal and Personnel issues.

19.

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 9:55 p.m.

20.

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 9:55 p.m.

Catherine Rybczynski, Town Clerk