

Supervisor Walters calls the meeting to order at 8:00 am

**TOW BOARD MEMBERS**

**PRESENT:**

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

**OTHERS PRESENT:** Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Barbara Brauch, Court Clerk; Carmen Kesner, Chief of Police; Kurt Allen, Supervising Code Enforcement Officer.

**1.**

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

<b>ADOPTED</b>	Ayes 5	Walters, Best, Kesner, Smardz, Quatroche
	Noes 0	

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

**FROM:**

1. Heat, light and power	A1620.422	\$8000.00
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Cost reduction efforts

**TO:**

1. Personal Services	A3310.100	\$8000.00
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Funds needed to fund payroll for remainder of year.

**2.**

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

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

**BE IT RESOLVED**, the transfer of funds for the Recreation Department as follows:

FROM:

1. Personal Services                   A7265.100           \$2400.00

Efficient management of staffing

TO:

1. Personal Services                   A7020.100           \$2400.00

Transferred funds out due to miscalculation. Should have used A7265 originally.

**3.**

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

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

**RESOLVED**, that the Town Board approve the transfer of funds in the Finance Department as follows:

FROM:

1. Contingency Account               A1990.419           \$2750.00

Nature of account

TO:

1. Town Board Personal Services    A1010.100           \$2750.00

To balance account

**4.**

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

was

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

**RESOLVED**, that the Town Board approve the membership of the following into the Scranton Volunteer Fire Company, Inc. for the month of December

Heather Armstrong	Ashley Slemmer
Ashley Gedra	Charles Smith
Thomas Hamm	Sandra Husted
Shaun Keen	Scott Wilson
Mark Rine	Amanda Guadagno
Michael Seifert	Andrew Lotocki

**5.**

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

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

**WHEREAS**, New York State has created the Economic Development Zone Program, now known as the Empire Zones Program, to encourage industrial and commercial development in select municipalities across the State, and

**WHEREAS**, the City of Lackawanna, as an eligible municipality in the County of Erie, received designation of an Empire Zone and was re-designated as distinct and separate contiguous areas pursuant to Section 957 (d) of the general municipal law, and

**WHEREAS**, New York State has amended the Zones program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects, and

**WHEREAS**, the City of Lackawanna intends to amend the City of Lackawanna Empire Zone boundaries to encourage industrial and commercial development and to allow for the designation of lands in the Town of Hamburg for a Regionally Significant Project, and

**WHEREAS**, Great Lakes Concrete Products, LLC located at 5690 Camp Road, Hamburg, New York meets the criteria of 957 (d) of the general municipal law as a regionally significant project

by creating 50 new manufacturing jobs for inclusion within the City of Lackawanna Empire Zone in an area outside the distinct and separate contiguous areas, and

**WHEREAS**, the Town of Hamburg wishes to support and concur with the Empire Zone designation as a Regionally Significant Project on behalf of Great Lakes Concrete Products, LLC, and

**NOW THEREFORE BE IT RESOLVED**, that the Town of Hamburg Town Board, in its capacity as governing body of the Town of Hamburg, does hereby support and concur with the City of Lackawanna Empire Zone to include the properties more particularly described below as follows:

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Village and Town of Hamburg, County of Erie and State of New York, being part of Lots No. 3, 4, 11 & 12, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the south line of Elmview Avenue (60 feet wide), distant 425.57 feet easterly from its intersection with the east line of Grimsby Drive (60 feet wide); thence southerly at an angle in the southeast quadrant of  $89^{\circ}22'17''$ , a distance of 410 feet to a point; thence westerly at an interior angle of  $270^{\circ}37'43''$ , a distance of 125.44 feet to a point; thence southerly at an interior angle of  $89^{\circ}22'17''$ , a distance of 796.30 feet to a point in the south line of Lot 12; thence westerly at an angle in the northwest quadrant of  $89^{\circ}22'49''$ , along the south line of Lot 12, a distance of 12.88 feet to a point; thence southerly at an interior angle of  $90^{\circ}00'48''$ , a distance of 565.20 feet to a point; thence easterly at an interior angle of  $89^{\circ}59'12''$ , a distance of 352.62 feet to a point; thence southerly at an angle in the southwest quadrant of  $89^{\circ}52'21''$ , a distance of 698.49 feet to a point in the westerly line of the Buffalo & Southern Railroad, thence northeasterly at an interior angle of  $22^{\circ}11'58''$ , and along the westerly line of the Buffalo & Southern Railroad, a distance of 2,306.10 feet to a point in the southwesterly line of the new Camp Road; thence northwesterly at an interior angle of  $110^{\circ}55'9''$ , and along the southwesterly line of the new Camp Road, a distance of 35.00 feet to an angle point in the southwesterly line of the new Camp Road; thence northwesterly at an exterior angle of  $153^{\circ}31'43''$ , and along the southwesterly line of the new Camp Road, a distance of 195.00 feet to an angle point in the southwesterly line of the new Camp Road, thence northwesterly and along the southwesterly line of the new Camp Road, along a curve to the left having a radius of 755 feet, an arc distance of 276.40 feet to a point in the southeasterly line of Elmview Avenue; thence southwesterly along the southeasterly line of Elmview Avenue, a distance of 76.94 feet to a point in the northeasterly line of Old Camp Road; thence southeasterly along the northeasterly line of Old Camp Road at an interior angle of  $106^{\circ}33'52''$ , a distance of 162.17 feet to an angle point; thence southwesterly along the northeasterly line of Old Camp Road, at an interior angle of  $165^{\circ}57'42''$ , a distance of 108.02 feet to a point; thence southwesterly at an interior angle of  $248^{\circ}4'30''$ , a distance of 52.99 feet to a point in the southwesterly line of Old Camp Road; thence northwesterly along the southwesterly line of Old Camp Road, at an exterior angle of  $69^{\circ}4'51''$ , a distance of 53.53 feet to a point on the easterly line of Englewood Avenue; thence southerly along the easterly line of Englewood Avenue at an interior angle of  $69^{\circ}4'51''$ , a distance of 213.00 feet to a point; thence westerly at right angles 50.00 feet to a point in the westerly line of Englewood Avenue; thence northerly at right angles along the westerly line of Englewood Avenue, a distance of 43.51 feet to a point; thence westerly at an interior angle of  $67^{\circ}40'53''$ , a distance of 204.80 feet to a point; thence northerly at an interior angle of  $269^{\circ}22'17''$ , a distance of 100.00 feet to a point; thence easterly at an interior angle of  $270^{\circ}37'43''$ , a distance of 246.95 feet to a point in the westerly line of Englewood Avenue; thence northerly along the westerly line of Englewood Avenue, at an interior angle of  $112^{\circ}19'7''$ , a distance of 80.51 feet to a point in the southwesterly line of Old Camp Road; thence northwesterly along the southwesterly line of Old Camp Road, a distance of 25.98 feet to an angle point; thence northwesterly along the southwesterly line of Old Camp Road, at an interior angle of  $194^{\circ}2'18''$ , a distance of 175.57 feet to a point in the southerly line of Elmview Avenue; thence westerly along the southerly line of Elmview Avenue, at an interior angle of  $122^{\circ}43'26''$ , a distance of 190.90 feet to a point; thence southerly at an angle in the southwest quadrant of  $89^{\circ}41'40''$ , a distance of 154.85 feet to a point; thence westerly at an angle in the northwest quadrant of  $90^{\circ}33'34''$ , a distance of 63.39 feet to a point; thence southwesterly at an interior angle of  $157^{\circ}25'52''$ , a distance of 68.00 feet to a point; thence westerly at an interior angle of  $202^{\circ}34'8''$ , a distance of 183.13 feet to a point; thence northerly at an angle in the northeast quadrant of  $89^{\circ}26'26''$ , a distance of 182.32 feet to a point in the south line of Elmview Avenue; thence westerly along the south line of Elmview Avenue at an interior angle of  $89^{\circ}41'40''$ , a distance of 433.88 feet to the point or place of beginning.

This parcel containing 46.40 acres more or less.

**ALSO 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 No. 11, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the north line of Lot Number 11 at a distance of 122 feet west of the intersection of the north line of said lot with the westerly line of property now or formerly owned by G. Pomeroy as measured along the northerly line of said lot; running thence southerly and on a line deflecting easterly from the north line of said lot on an interior angle of  $89^{\circ}59'25''$ , a distance of 851.38 feet to the northeast corner of premises conveyed to Robert D. Neale and Mary M. Neale, his wife, by deed recorded in the Erie County Clerk's Office in Liber 7870 at page 473; thence westerly along the north line of lands so conveyed to Neale and parallel with the north line of Lot No. 11, a distance of 155.6 feet to the northwest corner of lands so conveyed to Neale; thence northerly along the west line of lands conveyed to William W. Herold, Jr. and Paula Elizabeth Herold, his wife, by deed recorded in the Erie County Clerk's Office in Liber 3612 at page 146, a distance of 851.38 feet to the north line of Lot No. 11; thence easterly along the north line of Lot No. 11, a distance of 155.6 feet to the point of beginning.

This parcel containing 3.04 acres more or less.

**ALSO ALL THAT TRACT OR PARCEL OF LAND** situate in the Village and Town of Hamburg, County of Erie and State of New York, being part of Lot No. 11, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at the point of intersection of the north line of lands conveyed to Tranquil Morrow by deed recorded in the Erie County Clerk's Office in Liber 5571 of Deeds at page 388 and the west line of lands conveyed to George L. Pomeroy and Katherine D. his wife by deed recorded in the Erie County Clerk's Office in Liber 1483 of Deeds at page 390, said point being 224.75 feet north of the center line of Church Street as measured along the west line of lands conveyed to Pomeroy by aforesaid deed; thence northerly along the west line of lands so conveyed to Pomeroy by aforesaid deed 100.0 feet to the True Point and Place of Beginning; thence continuing northerly along last course a distance of 1624.89 feet to the north line of Lot Number 11; thence westerly along the north line of Lot Number 11, a distance of 122.0 feet to the northeast corner of lands conveyed to William W. Harold, Jr. and Paula Elizabeth his wife by deed recorded in the Erie County Clerk's Office in Liber 3612 of Deeds at page 146; thence southerly along the east line of lands so conveyed to Harold by aforesaid deed, 1617.65 feet to a point; thence easterly at right angles to the last mentioned line 122.0 feet to the True Point and Place of Beginning.

This parcel containing 4.55 acres more or less.

**EXCLUDING:**

**ALL THAT TRACT** or parcel of land situated in the Town of Hamburg, County of Erie, State of New York, being part of Lots 3, 4, and 12, Township 9, Range 8 of the Holland Land Company's Survey, being further bounded and described as follows

**BEGINNING AT A POINT** on the northwesterly line of the Buffalo Southern Railway lands, at its intersection with the south line of Lot 4 thence northeasterly along the northwesterly line of said railway lands, 325.09 feet; thence northwesterly at an interior angle of 90 degrees, 22.00 feet; thence southwestly at an interior angle of 90 degrees, 111.91 feet; thence westerly at an exterior angle of 112 degrees 4 minutes 30 seconds, 444.70 feet; thence southerly at an interior angle of 90 degrees, 150.00 feet; thence westerly at an exterior angle of 90 degrees, 637.16 feet; thence southerly at an interior angle of 90 degrees, 60.03 feet to the south line of Lot 12; thence easterly at an interior angle of 89 degrees 45 minutes 51 seconds, and along the south line of Lot 12, 506.02 feet to the southeast corner of Lot 12; thence southeasterly at an exterior angle of 117 degrees 28 minutes 58 seconds, 625.22 feet to the northwesterly line of the aforementioned railway lands; thence northeasterly at an interior angle of 49 degrees 47 minutes 30 seconds, along said railway lands, 599.56 feet to the point of beginning. Containing 6.22 acres, more or less:

6.

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

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

**RESOLVED**, that the Town Board approve the promotion in Police Department as follows:

- |                 |                          |          |             |
|-----------------|--------------------------|----------|-------------|
| 1. Trask, Kevin | Lieutenant               | 12/31/08 | Termination |
| 2. Trask, Kevin | Lieutenant of Detectives | 01/01/09 | \$42.42     |

Councilman Best questions if this position was abolished at one time.

Supervisor Walters responds that it wasn't abolished it just wasn't filled. Kevin has been working in this capacity for approximately two years.

Chief Kesner notes that he's done a fabulous job for us.

7.

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

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

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

TOWN BOARD DECEMBER 30,2008  
AUDIT OF CASH DISBURSEMENTS

OPERATING FUND:		VOUCHER #'S
BATCH # 147	\$113,406.25	31000
BATCH # 148	\$9,072.00	31001
BATCH # 149	\$395,837.74	31103-31163
BATCH # 150	\$32,982.03	31164-31221
BATCH # 151	\$45,729.64	31229-31260
BATCH #		

TOTAL OPERATING FUND DISBURSEMENTS: \$597,027.66

TRUST & AGENCY:

BATCH # 37 \$161.00

BATCH # 38 \$12,800.00

BATCH #

BATCH #

TOTAL TRUST & AGENCY DISBURSEMENTS: \$12,961.00

CAPITAL FUND DISBURSEMENTS:

BATCH # 74 \$6,757.52 31099-31102

BATCH # 75 \$95,640.23 31217-31219

BATCH # 76 \$237,701.44 31222-31228

BATCH #

BATCH #

BATCH #

TOTAL CAPITAL FUND DISBURSEMENTS: \$340,099.19

PAYROLL:

PR # #26 \$583,194.76

PR #

PR#

TOTAL PAYROLL DISBURSEMENTS: \$583,194.76

PETTY CASH \$21.23 \$21.23

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$1,533,303.84

Supervisor Walters reminds everyone that the re-org meeting is in less than a week. He adds that if there is any recommendations for the committees to please let him know. He also notes that Mr. Connolly will be retiring on the 9th.

Councilman Best questions if the Town is legally bound to have a Superintendent of Highways.

Supervisor Walters responds that there is a Deputy Superintendent who will be the acting Highway Superintendent until such time the Board takes formal action.

Councilman Best notes that he wants to see the position filled in a reasonable time. It's too important a department to leave open like that.

Supervisor Walters suggests to the Board and he has talked to Drescher & Malecki to see if they would be able to send an accountant to the Highway and Building and Grounds Department to do an inventory and audit to help with the decision making. They said they could probably start within a week of giving them the go ahead and they would like to talk to Mr. Connolly to get an idea of how the department works and what's going on.

Councilman Best responds that he thinks that is a great idea.

Councilwoman Kesner notes that any time they can look at a department and see if things can be done things better, if there's need for changes then it should be done.

**8.**

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

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

**RESOLVED**, that the Town Board move into Executive Session at 8:15 am

**9.**

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

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

**RESOLVED**, that the Town Board adjourn Executive Session at 8:40 am

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Catherine A. Rybczynski, Town Clerk