

Agenda

Catherine Rybczynski, Town Clerk

Town Board of the Town of Hamburg

March 8, 2010

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Fire Exit Information**
- 4. Adoption of Minutes**
- 5. Presentations of Prefiled Resolutions by the Town Board**
- 6. Reports or Requests from Town Board Members**
- 7. Business from the floor**
- 8. Meeting adjourned by the Supervisor**

1.

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

02/22/2010	Town Board Meeting
03/01/2010	Work Session

Moved: Gorman

2.

RESOLVED, the Town Board authorize the Finance Department to transfer, from the various departments listed below, a total of \$17,014.49 to A.1690.421 for the purpose of consolidating all Verizon cell phones accounts into one central phone account in the IT Departments budget. The transfer of amounts is as follows:

Engineering	A.1440.421	1624.88
Domestic Violence	A.3225.421	1000.00
Building Inspection	A.3620.421	3515.43
Sr. Services	A.6772.421	1000.00
B&G	A.1620.421	1080.00
Traffic Control	A.3310.421	994.18
Highway	A.5132.421	2100.00
Recreation	A.7310.421	1700.00
B&G	A.7141.421	600.00
B&G	A.7140.421	900.00
Ice Rink	A.7265.421	500.00
Emerg Mgmt	A.8760.421	2000.00

TOTAL= \$17,014.49

Moved: Walters

3.

WHEREAS, on March 3, 2010 at 11:00 a.m. there was a bid opening for the 2010 and 2011 Monthly Rubbish Pickup for the Town of Hamburg,

WHEREAS, only one (1) bid was received from Waste Management,

THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to open this bid which will be reviewed by the Highway Superintendent and the Town Board.

Moved: Smardz

4.

WHEREAS, the New York State Department of Transportation ("NYSDOT") has notified the Town of Hamburg that the construction and maintenance of a drainage ditch and drainage structure in the Towns of Hamburg and Evans requires the appropriation of 8,864 square feet of permanent easement within a portion of vacant Town of Hamburg Parcel No. 194.00-3-24.12, located east of and adjacent to 6249 Southwestern Boulevard in the Town of Hamburg, New York; and

WHEREAS, the NYSDOT has offered \$500.00 for the appropriated land, and

WHEREAS, the Town of Hamburg has determined that the appropriation will not materially affect the use of the property; and

WHEREAS, the Town of Hamburg has found that the reimbursement for the appropriation is reasonable, and that there are no objections to the appropriation.

NOW THEREFORE BE IT RESOLVED that the NYSDOT's offer of \$500.00 for the appropriation of 8,864 square feet of permanent easement of Town of Hamburg Parcel No. 194.00-3-24.12, located east of and adjacent to 6249 Southwestern Boulevard in the Town of Hamburg, New York is acceptable; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to sign the NYSDOT Agreement of Adjustment and Release of Owner for said property appropriation subject to approval as to form by the Town Attorney.

Moved: Gorman

5.

BE IT RESOLVED, that the Town Board approve the travel request of Gerard Kapsiak, Town Engineer, to attend the Western New York Stormwater Conference and Tradeshow to be held at the Buffalo Niagara Convention Center on March 25, 2010. The registration fee for this is \$75, funds for which have been included in the 2010 Budget under Account No. A1990.419, and are approved to be transferred for this purpose to Engineering Dept. Account No. A1440.492.

Moved: Smardz

6.

THE ADOPTION OF THE FOLLOWING RESOLUTION WAS
OFFERED BY SUPERVISOR WALTERS

RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK,
ADOPTED MARCH 8, 2010 AUTHORIZING THE
INCORPORATION OF HAMBURG NEW YORK LAND
DEVELOPMENT CORPORATION AS A LOCAL
DEVELOPMENT CORPORATION

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 that the Hamburg New York Land Development Corporation (the "Corporation") be incorporated as a not-for-profit corporation under Section 402 of the Not-For-Profit Corporation Law of the State of New York (the "Not-For-Profit Corporation Law") and as a local development corporation pursuant to Section 1411 of the Not-For-Profit Corporation Law, for the purpose of acting in the public interest and lessening the burdens of government by issuing bonds on behalf of the Town for various projects; and

WHEREAS, the Corporation will be a public instrumentality of, but separate and apart from, the Town; and

WHEREAS, the purpose for which the Corporation is to be formed and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), is to lessen the burdens of government by fulfilling the purposes now or hereafter referred to in Section 1411(a) of the Not-For-Profit Corporation Law including, without limitation, by means of engaging in the following activities:

(a) promoting community and economic development and the creation of jobs in the non-profit and for-profit sectors for the citizens of the Town by developing and providing programs for not-for-profit institutions, manufacturing and industrial businesses and other

entities to access low interest tax-exempt and non-tax-exempt financing for their eligible projects;

(b) issuing and selling one or more series or classes of bonds, notes and other obligations (the "Obligations") through public sale, private placement, or negotiated underwriting to finance activities referred to in this paragraph, on a secured or unsecured basis;

(c) engaging the services of one or more underwriters, placement agents, consultants, attorneys, financial advisors and other persons whose services may be appropriate or desirable in connection with the financing referred to above;

(d) undertaking projects and activities within the Town that are appropriate functions for a non profit local development corporation for the purpose of relieving and reducing unemployment, promoting and providing for retention of jobs and additional and maximum employment, bettering and maintaining job opportunities, carrying on research and other activities for the purpose of aiding the Town by attracting new industry to the Town or by encouraging the development of, or retention of, an industry in the Town, and lessening the burdens of government and acting in the public interest;

(e) entering into contracts with any other economic development organizations sponsored by the Town to help achieve the purposes described in this paragraph;

(f) assisting local development companies in securing guaranteed loans to small business within the Town; helping existing and new business entities; providing financial and technical assistance for the construction or improvement of plants or facilities for use by others; developing, operating or maintaining commercial, not-for-profit and recreational facilities; acquiring, selling, leasing and mortgaging real property; making improvements on real property; administering community development funds and other similar grant programs; purchasing machinery and equipment to aid building construction and rehabilitation; providing financial and technical assistance for the improvement of neighborhood and residential property; promoting the expanded economic growth of the Town through promotion and development of small business operations within the Town; relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities and instructing or training individuals to improve or develop their capabilities for such jobs; the training of community residents in the development of their business skills; the reduction of unemployment; the promotion of maximum employment by bettering and maintaining job opportunities; the stimulation of the economic growth of the community; and the development and the improvement of commercial, for-profit, not-for-profit and residential properties; and

(g) in general, performing any and all acts and things, and exercising any and all powers which may now or hereafter be lawful for the Corporation to do or exercise under and pursuant to the laws of the State of New York for the purpose of accomplishing any of the foregoing purposes of the Corporation; and

WHEREAS, the activities referred to above will achieve the lawful public purposes of lessening the burdens of government, the carrying out of such purposes and the exercise of the powers conferred on the Corporation being the performance of an essential governmental function, it being understood that the performance of such activities will assist the Town in reducing unemployment and promoting additional job growth and economic development; and

WHEREAS, no part of the income of the Corporation will inure to the benefit of any private person, the Corporation has not been formed for pecuniary profit or for financial gain, and all income and earnings of the Corporation will be used exclusively for its corporate purposes or accrue and be paid to the Town;

NOW, THEREFORE, 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 Town hereby approves of the Corporation's creation;
and
(b) it is in the public interest that the Town Board authorize the Corporation to issue bonds on behalf of the Town.

Section 2. The Town Board hereby approves the Certificate of Incorporation and the By-Laws of the Corporation in substantially the respective forms attached hereto.

Section 3. The Town Board hereby appoints the initial Board of Directors of the Corporation as indicated in the attached Certificate of Incorporation.

Section 4. The Town Board hereby authorizes the Corporation, after due incorporation, to make appropriate filings and requests with the Internal Revenue Service and the New York State Department of Taxation and Finance for the purpose of gaining applicable exemptions and conferrals of tax-exempt status.

Section 5. The Town Board hereby authorizes the Corporation, after due incorporation, to issue bonds, notes and other obligations on behalf of the Town (the "Bonds"), which Bonds will be special obligations of the Corporation payable solely from the revenues and other amounts derived by the Corporation from its projects, and neither the State nor the Town will be liable for the payment of the principal or interest on any of the Bonds.

Section 6. 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 7. This resolution shall take effect immediately.

Town of Hamburg, New York

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

AYES:

NOES:

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 the Incorporation of Hamburg New York Land Development Corporation as a Local Development Corporation adopted _____, 2010, 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 ____ day of _____, 2010.

(SEAL)

Town Clerk

7.

WHEREAS, the people of the Town of Hamburg recognize the importance of honorable character qualities based upon the moral standards held by our Founding Fathers on which they established our nation and legal system; and

WHEREAS, we desire to build upon our heritage by making the Town of Hamburg a place where families are strong, homes and streets are safe, education is effective, business is productive, neighbors care about one another, and citizens are free to make wise choices for their lives and families; and

WHEREAS, we recognize that individuals are responsible for their actions and that daily decisions should be based upon objective moral standards which are the basis of universally-recognized character qualities, including gratefulness, honesty, truthfulness, diligence, generosity, responsibility, compassion, and loyalty; and

WHEREAS, lack of commitment and irresponsibility have resulted in an increasing number of family problems causing personal, social, and financial consequences to individual family members and to this town as a whole; and

WHEREAS, there is a need for more positive role models among our young people to help prevent juvenile rebellion and delinquency and foster a community culture where good character is praised and encouraged; and

WHEREAS, if people fail to demonstrate positive character qualities and make wrong moral choices, the health, safety and welfare of the citizens are endangered, resulting in a financial burden upon the taxpayers for the costs of law enforcement; and

WHEREAS, many current societal problems will be alleviated when the citizens of this town live by positive and constructive character qualities which distinguish between right and wrong; and

WHEREAS, teaching positive character qualities to juvenile delinquents has been shown to produce a change in behavior, reducing recidivism rates; and

WHEREAS, our schools should be a safe atmosphere where character is exemplified, taught, and rewarded and where learning is encouraged; and

WHEREAS, encouraging employees by recognizing positive character qualities has resulted in an increase in workplace morale, employee safety, and corporate profits; and

WHEREAS, the emphasis of positive character qualities in every sector of society can only occur as individuals commit themselves to exemplifying character in their personal lives and inspiring others to do the same;

THEREFORE BE IT RESOLVED, that the people of the Town of Hamburg pledge their commitment to character and designate themselves as a Character Town in order to formally launch a town-wide initiative to encourage character in our schools, businesses, churches, town government, media, community groups, and families, and we urge the leaders of each of these jurisdictions to support and contribute to this noble endeavor.

Moved: Walters

8.

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

1. Catanzaro, Beverly	Tax Clerk - PT Seasonal	02/20/2010	Terminate
2. Wachowiak, Kathleen	Tax Clerk - PT Seasonal	02/20/2010	Terminate
3. Allen, Jacqueline	Tax Clerk - PT Seasonal	03/06/2010	Terminate
4. Allen, Jacqueline	Tax Clerk - PT	03/06/2010	\$9.59

Moved: Gorman

9.

RESOLVED, that the Town Board approve the following appointments to the ZONING BOARD OF APPEALS for a one (1) year term commencing January 1, 2010 and ending December 31, 2010:

Timothy Quinlivan, as Ass't Attorney

Moved: Collins

10.

BE IT RESOLVED, that Resolution No. 10 from the February 22, 2010 Town Board meeting, regarding a fire hydrant installation at 3675 Jeffrey Blvd., be rescinded. This action is necessary due to the inability to establish an acceptable arrangement for billing and payment of the associated hydrant maintenance fee.

BE IT FURTHER RESOLVED, that the Town Finance Dept. is authorized to refund the \$19,000 previously paid by Modern Corp./Natural Environmental, Inc. for the installation of this hydrant by the Erie County Water Authority, which was deposited into Town Hydrant Fund Account No. SH1900.303.

Moved: Smardz