

A regular Town Board meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, 6100 South Park Avenue, Hamburg, New York on the 15th day of August 2011.

2.

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

ADOPTED	Ayes 4	Walters, Collins, Gorman, Ziegler
	Noes 0	

RESOLVED, that the Town Board adjourn Executive Session at 7:03 pm and move into the regular meeting.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Joseph A. Collins	Councilman
Jonathan G. Gorman	Councilman
Amy J. Ziegler	Councilwoman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Gerard Kapsiak, Town Engineer; Kenneth Farrell, Town Attorney; Brian Doyle, Deputy Town Attorney; Chief of Police Michael Williams; Marty Denecke Director of Recreation; Tom Best Highway Superintendent; Christopher Hull, Director of Community Development; Robert Hutchison, Town Assessor; Kurt Allen, Supervising Code Enforcement Officer; Drew Reilly, Planning Consultant; Michael Bartlett, Director of Industrial Development; Jerry Giglio, Traffic Safety Coordinator; Peter Reszka, Planning Board Chairman

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Walters asks for a moment of silence for Vera Kaiser, who was an active member of a taxpayer group and attended Town Board meetings faithfully; she will be missed.

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

**LEGAL NOTICE TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that there has been presented to the Town Board on June 27, 2011, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #7, 2011; said local law provides for an amendment to the Code of the Town of Hamburg, Chapter 280, entitled "Zoning", with the addition of Article LII, "Pre Permitted Site Incentive". The purpose of this amendment is described as follows:

The purpose and intent of these provisions are to offer the incentive of a "Pre-permitted Site Incentive" designation to applicants who propose to create an Industrial/Business Park in the appropriate areas of the Town of Hamburg. The "Pre-permitted Site Incentive" status, as achieved through this specific process, will allow future proposed projects within an industrial/business park to proceed directly to the Town for site and building permits. This incentive will enable the Town to achieve its goal for targeted growth patterns, economic benefits and providing the creation of critical jobs for the region.

A copy of the proposed amendment will be available, for public review, during regular business hours at the HAMBURG TOWN HALL, Town of Hamburg Clerk's Office, 6100 South Park Avenue, Hamburg, New York 14075, and on the Town of Hamburg's website: www.townofhamburgny.com, click on "Legal Notices and Bids."

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 August 15, 2011, at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: June 27, 2011

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski, Town Clerk, states no correspondence was received.

Drew Reilly, Planning Consultant, distributes a copy of the new proposed law. He then states the reasoning behind this proposed law and the specifics of it.

Mr. Reilly comments that they did receive correspondence from Erie County stating they had a few questions on how they would be involved in the County referral. They still would be involved in the referral it would just be at the time of the designation of pre-permitted. They wanted to know if it would speed the process and yes it would. The applicant needs to know they still need to get other regulatory approvals, but the step of going through the Planning Board is eliminated.

Joe Kilian questions if any other Towns have tried this yet.

Mr. Reilly responds, in Upstate New York, no but in Downstate there are several Towns that have pre-permitted sites.

No one spoke either for or against this rezoning.

3.

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

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

RESOLVED, that the Town Board close the public hearing.

4.

On a motion of Councilman Gorman, seconded by Councilman Collins, the following resolution was

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

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

- 07/18/2011 Work Session
- 07/18/2011 Executive Session
- 07/18/2011 Town Board Meeting

5.

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

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

RESOLVED, that the Town Board approve the membership of the following into the Scranton Volunteer Fire Company, Inc.:

Christopher Wehrmann
 4004 Ockler Ave.
 Hamburg, N.Y. 14075

Patrick Morin
 5400 South Park Ave., Apt. O-1
 Hamburg, N.Y. 14075

6.

On a motion of Councilman Collins, seconded by Councilman Gorman, the following resolution was

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

WHEREAS, the Town of Hamburg received a request from Gullo’s Garden Center, LLC to rezone vacant property located south of 4767 Southwestern Boulevard from R-A to C-1 in order to provide this contiguous property for use as a garden center; and

WHEREAS, the Code Review Committee reviewed the application and found merit in the rezoning of this property (and acknowledges the fact that there are issues to be resolved); and

WHEREAS, on June 15, 2011 the Planning Board reviewed this request and forwarded no recommendation to the Town Board;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Hamburg hereby scheduled a public hearing on this matter for September 12, 2011; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hamburg would like to act as Lead Agency, in accordance with the New York State Quality Review Act (SEQRA), and hereby authorizes the Planning Department to perform the appropriate notifications.

7.

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

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

RESOLVED, that the Town Board approve the membership of the following into the Big Tree Volunteer Firemen’s Co., Inc.:

Julie Jarrell
4191 South Park Ave.
Blasdell, N.Y. 14219

8.

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

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

RESOLVED, that the Town Board grant permission for Detective Angelo Butera to attend the Colonel Henry F. Williams International Homicide Seminar, in Albany, New York, September 17 - 22, 2011.

Registration Fee:	\$800.00
Includes: Supplies, lodging, meals and Hospitality	
Tolls (approximately)	\$ 50.00
TOTAL	\$850.00

Use of unmarked Town vehicle for transportation is requested.

Money is available in account B3120.492.

9.

On a motion of Councilman Gorman, seconded by Councilwoman Ziegler, the following resolution was

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

WHEREAS, the Town of Hamburg has requested that Southwestern Blvd., LLC make certain improvements to the entrance to said real property commonly known as 4501 Southwestern Boulevard, Hamburg, New York, and

WHEREAS, the parties have now reached an agreement as to improvement of the entrance and granting of easement rights for future development of the parcel,

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board hereby approves the agreement between 4501 Southwestern Blvd., LLC, and the Town of Hamburg providing for the future improvements of the entrance to the real property located at 4501 Southwestern Boulevard, Hamburg, New York; and

BE IT FURTHER RESOLVED that the Supervisor is authorized to execute such agreement.

10.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

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

Dan Greening
5045 Berg Road
Orchard Park, N.Y. 14127

Brian Murphy
11 Vincent Ave.
Lackawanna, N.Y. 14218

11.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

RESOLVED, The Town Board authorize PSD Sean Crotty to attend Priority Dispatch EMD Quality Assurance Course, September 13-14, 2011 in Batavia, New York. Cost of Seminar is \$550.00 and monies are available in Account A3020.492. Use of a Town vehicle is requested.

12.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

RESOLVED, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following September 2011 Taylor Road rentals:

9/02/11	9/03/11	9/04/11	9/05/11
9/09/11	9/10/11	9/11/11	9/15/11
9/16/11	9/17/11	9/18/11	9/24/11
9/25/11	9/30/11		

13.

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

ADOPTED	Ayes 4	Walters, Collins, Gorman, Ziegler
	Noes 0	

At a regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, held at the Town Hall, 6100 South Park Avenue, Hamburg, New York, on the 15th day of August, 2011.

PRESENT:

- Hon. Steven J. Walters, Supervisor
- Amy J. Ziegler, Councilperson
- Joseph A. Collins, Councilperson
- Jonathan G. Gorman, Councilperson

In the Matter
of the

Proposed Dissolution of all 23 existing Town of Hamburg sanitary sewer districts, listed as follows: Town of Hamburg District SS-4-Cloverbank Sewer District, Town of Hamburg District SS-5-Locksley Park Sewer District, Town of Hamburg District SS-6-Osborne-Sagamore Sewer District, Town of Hamburg District SS-7-Osborne-Sagamore Extension 1 Sewer District, Town of Hamburg District SS-8-Osborne-Sagamore Extension 2 Sewer District, Town of Hamburg Sewer District SS-9-Osborne-Sagamore Extension 3 Sewer District, Town of Hamburg District SS-10-Amsdell Heights Sewer District, Town of Hamburg District SS-11-Taylor Road Sewer District, Town of Hamburg District SS-12-Bethford Heights Sewer District, Town of Hamburg District SS-13-South Lyth Sewer District, Town of Hamburg District SS-15-East Frontier Sewer District, Town of Hamburg District SS-16-Steifler Subdivision Sewer District, Town of Hamburg District SS-17-Salem Drive Sewer District, Town of Hamburg District SS-18-Benz Sewer District, Town of Hamburg District SS-19-Sheldon Acres Sewer District, Town of Hamburg District SS-20-Linwood Yovienne Sewer District, Town of Hamburg District SS-21-Hamburg Master Sewer District, Town of Hamburg District SS-22-Allen James Sewer District, Town of Hamburg District SS-23-Elmwood Oakwood Sewer District, Town of Hamburg District SS-24-Beacon Hill Sewer District, Town of Hamburg District SS-25-Northeast Sewer District, Town of Hamburg District SS-27-Ravenwood North Special Sewer District, and Town of Hamburg District SS-28-Highland Acres Sewer District, in the Town of Hamburg, County of Erie, New York, pursuant to Article 17-A of the Town Law.

Offered by: Supervisor Steven J. Walters

Seconded by: Councilwoman Ziegler

RESOLUTION OF THE TOWN OF HAMBURG, NEW YORK, ADOPTED AUGUST 15, 2011, APPROVING THE DISSOLUTION PLAN OF THE TOWN OF HAMBURG ENDORSED BY THE TOWN OF HAMBURG ON MAY 23, 2011 FOR THE DISSOLUTION OF ALL 23 EXISTING TOWN OF HAMBURG SANITARY SEWER DISTRICTS, WHICH ARE LISTED AS FOLLOWS:

TOWN OF HAMBURG DISTRICT SS-4-CLOVERBANK SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-5-LOCKSLEY PARK SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-6-OSBORNE SAGAMORE SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-7-OSBORNE-SAGAMORE EXTENSION 1 SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-8-OSBORNE-SAGAMORE EXTENSION 2 SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-9-OSBORNE-SAGAMORE EXTENSION 3 SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-10-AMSDELL HEIGHTS SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-11-TAYLOR ROAD SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-12-BETHFORD HEIGHTS SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-13-SOUTH LYTH SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-15-EAST FRONTIER SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-16-STEIFLER SUBDIVISION SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-17-SALEM DRIVE SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-18-BENZ SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-19-SHELDON ACRES SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-20-LINWOOD YOVIENNE SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-21-HAMBURG MASTER SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-22-ALLEN JAMES SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-23-ELMWOOD OAKWOOD SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-24-BEACON HILL SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-25-NORTHEAST SEWER DISTRICT, TOWN OF HAMBURG DISTRICT SS-27-RAVENWOOD NORTH SPECIAL SEWER DISTRICT, AND TOWN OF HAMBURG DISTRICT SS-28-HIGHLAND ACRES SEWER DISTRICT; AND WITH THE TOWN ASSUMING THE LEGAL OBLIGATION FOR THE MANAGEMENT, MAINTENANCE, OPERATION, AND REPAIR OF THE IMPROVEMENTS OR SERVICES HERETOFORE PROVIDED OR AUTHORIZED TO BE PROVIDED BY THESE DISTRICTS AS A TOWN FUNCTION, BUT WITH SUCH SEWER SYSTEM SERVICES TO CONTINUE TO BE PROVIDED BY ERIE COUNTY SEWER DISTRICT NO. 3 PURSUANT TO LEASE AGREEMENTS DATED JANUARY 1, 2007 AND DECEMBER 14, 2007 BETWEEN THE TOWN OF HAMBURG AND THE COUNTY OF ERIE.

Recitals

WHEREAS, the Town Board of the Town of Hamburg (herein called the “Town Board” and “Town”, respectively), in the County of Erie, New York, proposes to dissolve Town of Hamburg District SS-4-Cloverbank Sewer District, Town of Hamburg District SS-5-Locksley Park Sewer

District, Town of Hamburg District SS-6-Osborne-Sagamore Sewer District, Town of Hamburg District SS-7-Osborne-Sagamore Extension 1 Sewer District, Town of Hamburg District SS-8-Osborne-Sagamore Extension 2 Sewer District, Town of Hamburg District SS-9-Osborne-Sagamore Extension 3 Sewer District, Town of Hamburg District SS-10-Amsdell Heights Sewer District, Town of Hamburg District SS-11-Taylor Road Sewer District, Town of Hamburg District SS-12-Bethford Heights Sewer District, Town of Hamburg District SS-13-South Lyth Sewer District, Town of Hamburg District SS-15-East Frontier Sewer District, Town of Hamburg District SS-16-Steifler Subdivision Sewer District, Town of Hamburg District SS-17-Salem Drive Sewer District, Town of Hamburg District SS-18-Benz Sewer District, Town of Hamburg District SS-19-Sheldon Acres Sewer District, Town of Hamburg District SS-20-Linwood Yovienne Sewer District, Town of Hamburg District SS-21-Hamburg Master Sewer District, Town of Hamburg District SS-22-Allen James Sewer District, Town of Hamburg District SS-23-Elmwood Oakwood Sewer District, Town of Hamburg District SS-24-Beacon Hill Sewer District, Town of Hamburg District SS-25-Northeast Sewer District, Town of Hamburg District SS-27-Ravenwood North Special Sewer District, and Town of Hamburg District SS-28-Highland Acres Sewer District (collectively herein called the "Districts"), which Districts are wholly located within the Town, and were heretofore created by resolutions and orders duly adopted by the Town Board on their respective dates, with the Town having the legal obligation to manage, maintain, operate, and repair as a Town function, pursuant to Article 12-C of the Town Law, the improvements or services heretofore provided by said Districts, but with Erie County Sewer District No. 3 (ECSD No. 3) continuing to provide such sewer system services pursuant to Lease Agreements dated January 1, 2007 and December 14, 2007 between the Town of Hamburg and the County of Erie (the "Lease Agreements"); and

WHEREAS, following dissolution, the costs of any improvements provided or authorized to be provided by said Districts, including the principal of and interest on any bonds or other obligations authorized to be issued for the purposes of said Districts or which have been issued for the purposes of said Districts and are outstanding and unpaid as of the date of such dissolution, shall become the obligation of the Town and be borne by the entire area of the Town outside of its villages, but with ECSD No. 3 collecting special assessments pursuant to the Lease Agreements on all properties within ECSD No. 3, which includes all properties located within the Districts, and remitting to the Town an amount sufficient to pay debt service on any bonds or other obligations authorized to be issued for the purposes of said Districts. However, in the event that there should be any costs not paid pursuant to said Lease Agreements, such costs shall be the obligation of the Town and assessed, levied and collected from the lots and parcels of land in the area of the Town outside of its villages, in the same manner and at the same time as other Town charges; and

WHEREAS, it is proposed that the cost of the management, maintenance, operation, and repair of the improvements or services provided or authorized to be provided by said Districts to be dissolved shall remain an obligation of the Town, and to the extent that any such cost may not be paid by the County pursuant to the Lease Agreements, such cost shall thereafter be a charge upon the area of the Town outside of its villages, and shall be levied and collected in the same manner and at the same time as other Town charges; and

WHEREAS, pursuant to resolution adopted on May 23, 2011, the Town Board endorsed the Plan and directed that a copy of the Plan and a summary thereof be available in the Town Clerk's office and displayed on the Town website, and further directed that the summary of the plan be

published in the Official Newspapers of the Town as required under Article 17-A of the General Municipal Law; and

WHEREAS, pursuant to an Order duly adopted on June 27, 2011, the Town Board determined to proceed with the dissolution of the Districts in accordance with the Plan, and adopted an Order describing the proposed dissolution, the basis of assessing all improvement costs, and specifying July 18, 2011, at 7:00 o'clock P.M. (Prevailing Time), or as soon thereafter as such matter may be heard, as the time when, and the Town Hall, 6100 South Park Avenue, Hamburg, New York, as the place where, the Town Board would meet to consider the proposed dissolution of the Districts in accordance with the Plan, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto as may be required by Law; and

WHEREAS, a Notice of such Public Hearing was duly published and posted pursuant to the provisions of Article 17-A of the General Municipal Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board at said Town Hall on the 18th day of July, 2011, commencing at 7:00 o'clock P.M. (Prevailing Time), or as soon thereafter as such matter could be heard, at which all interested persons desiring to be heard were heard, including those in favor of and those opposed to the proposed dissolution of the Districts in accordance with the provisions of the Plan;

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 proposed dissolution plan together with a summary thereof has been published, posted, and placed on the Town's website as required under Article 17-A of the General Municipal Law; and

(b) the Notice of Public Hearing was published and posted as required by Law, and is otherwise sufficient; and

(c) it is in the public interest to dissolve the Districts and to have the Town assume the obligation to manage, maintain, operate, and repair as a Town function, pursuant to Article 12-C of the Town Law, the improvements or services heretofore provided or authorized to be provided by the Districts, with the understanding that ECSD No. 3 is to continue to provide such sewer system services pursuant to the Lease Agreements as long as said Lease Agreements shall remain in effect.

Section 2. The dissolution of Town of Hamburg District SS-4-Cloverbank Sewer District, Town of Hamburg District SS-5-Locksley Park Sewer District, Town of Hamburg Sewer District SS-6-Osborne-Sagamore Sewer District, Town of Hamburg Sewer District SS-7-Osborne-Sagamore Extension 1 Sewer District, Town of Hamburg Sewer District SS-8-Osborne-Sagamore Extension 2 Sewer District, Town of Hamburg Sewer District SS-9-Osborne-Sagamore Extension 3 Sewer District, Town of Hamburg District SS-10-Amsdell Heights Sewer District, Town of Hamburg District SS-11-Taylor Road Sewer District, Town of Hamburg District SS-12-Bethford Heights Sewer District, Town of Hamburg District SS-13-South Lyth Sewer District, Town of Hamburg Sewer District SS-15-East Frontier Sewer District, Town of Hamburg Sewer District SS-16-Steifler Subdivision Sewer District, Town of Hamburg Sewer District SS-17-Salem Drive Sewer District, Town of Hamburg District SS-18-Benz Sewer District, Town of Hamburg District SS-19-Sheldon Acres Sewer District, Town of Hamburg

Sewer District SS-20-Linwood Yovienne Sewer District, Town of Hamburg District SS-21-Hamburg Master Sewer District, Town of Hamburg Sewer District SS-22-Allen James Sewer District, Town of Hamburg Sewer District SS-23-Elmwood Oakwood Sewer District, Town of Hamburg Sewer District SS-24-Beacon Hill Sewer District, Town of Hamburg District SS-25-Northeast Sewer District, Town of Hamburg Sewer District SS-27-Ravenwood North Special Sewer District, and Town of Hamburg Sewer District SS-28-Highland Acres Sewer District is hereby approved, and such Districts shall be dissolved effective on September 1, 2011.

Section 3. Upon dissolution, all the property of the Districts shall become the property of the Town and the costs of any improvements provided or authorized to be provided by said Districts, including the principal of and interest on any bonds or other obligations authorized to be issued for the purposes of said Districts or which have been issued for the purposes of said Districts and which are outstanding and unpaid as of the date of such dissolution shall be borne by the entire area of the Town outside of its villages, but with the understanding that ECSD No. 3 will continue to collect special assessments upon the properties within ECSD No. 3, which includes all properties located within the Districts, and remit to the Town an amount sufficient to pay the debt service on all outstanding obligations of the Districts being dissolved as such payments become due. In the event that the amount of the funds received from the County may be insufficient, such costs are to be assessed, levied, and collected from the several lots and parcels of land in the area of the Town outside of its villages, in the same manner and at the same time as other Town charges.

Section 4. The management, maintenance, operation, and repair of such improvements or services provided or authorized to be provided by said Districts hereby dissolved shall thereafter be the responsibility of the area of the Town outside of its villages,

with such services to continue to be performed by ECSD No. 3 under the terms of the Lease Agreements.

Section 5. This action is taken with the understanding that the Town and County will proceed to enter into an agreement under which the Town will transfer all assets of the former Districts to the County, with the County to assume all future responsibility for capital improvements, repairs, operation, and maintenance of the sewer system, following which the Town will no longer be involved in providing such sanitary sewer services.

Section 6. The Town Clerk of the Town is hereby authorized and directed, within ten (10) days after adoption of this resolution, to file certified copies hereof with the State Comptroller in the office of the New York State Department of Audit and Control in Albany, New York, and to duly record a certified copy hereof in the Office of the Clerk of Erie County.

Section 7. This resolution shall be effective immediately.

The foregoing resolution was seconded by Councilwoman Ziegler and duly put to a vote on roll call, which resulted as follows:

AYES:	Supervisor Walters	yes
	Councilman Collins	yes
	Councilman Gorman	yes
	Councilwoman Ziegler	yes

NOES:

The resolution was declared adopted.

CERTIFICATE

I, Catherine A. 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 August 15, 2011, 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 of Hamburg this ____ day of _____, 2011.

(SEAL)

Catherine A. Rybczynski, Town Clerk
Town of Hamburg

14.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution

RS 2417-A

(12/10)

BE IT RESOLVED, that the Town of Hamburg / Location code 30333 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Supervisor	Steven J. Walters	4467	41792722	6	1/1/10-12/31/13	N	30.51		
Town Justice	Gerald Gorman	3364	14690010	6	1/1/10-12/31/13	N	13.40		
Town Justice Board Member	Jonathan G. Gorman	3057	41785403	6	1/1/10-12/31/11	N	4.89		
Appointed Officials									
Planning Bd. Chair	Peter Reszka	1591	14422026	6	1/1/08-12/31/14	N	4.55		
Zoning Bd. of Appeals	Joseph Shaw, Esq.	6264	30850895	6	1/1/11-12/31/11	N	0.96		

If additional rows are needed, please use form RS2417-B and attach.

*Exceeds maximum allowance

On this 15 day of August, 2011

Date enacted: August 15, 2011

(Signature of clerk)

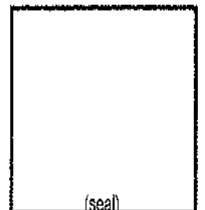
I, Catherine A. Rybczynski, clerk of the governing board of the Town of Hamburg, of the State of New York, do hereby certify that I have
 (Name of Employer)

compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 15th day of August, 2011 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 4 members, and that ___ of such members were present at such meeting and that ___ of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the Town of Hamburg

(Name of Employer)



(seal)

This document consists of 2 page(s) (see additional RS2417-B forms attached).

Steve Strnad comments that he didn't remember a resolution like resolution #14 being adopted in the past.

Supervisor Walters responds that this was presented last year. This was due to a change in the New York State regulations that govern elected and appointed officials.

Mr. Farrell comments that it requires additional recording of all elected and appointed officials, more than what was required before in order to properly qualify for the credit in the retirement system.

15.

On a motion of Councilman Collins, seconded by Councilwoman Ziegler, the following resolution was

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

WHEREAS, the Town of Hamburg Planning Board has approved the Preliminary Plat Plan for the Villas at Brompton Subdivision - Phase 3; and

WHEREAS, two (2) fire hydrants are to be installed within the subdivision to provide proper fire protection for the development; and

WHEREAS, although the developer has agreed to pay for the cost of installation of the fire hydrants, it is necessary that the Town agree to such installation, as the Town is charged for the maintenance of fire hydrants under the Direct Service Agreement with the Erie County Water Authority; and

WHEREAS, the subdivision is located in the Town Hydrant District, and property owners within the subdivision will be paying associated charges to such district as part of their annual Town and County tax bill,

THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, AS FOLLOWS:

1. The Town Board considers that the installation of the additional fire hydrants to serve the Villas at Brompton Subdivision - Phase 3 will be beneficial to the health and safety of residents of the Town of Hamburg, and is therefore in the public interest.
2. The development of the subdivision will result in increased revenue to the Town of Hamburg including revenue for fire protection, so that the cost to the Town for the annual maintenance of the fire hydrants will be offset by the additional revenue generated by the subdivision.

- 3. The Town Board agrees that the cost of the hydrant maintenance fees for the additional fire hydrants being installed as part of the subdivision shall be paid by the Town of Hamburg through revenues generated by the Town Hydrant District.
- 4. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to the Erie County Water Authority.

16.

On a motion of Councilman Collins, seconded by Councilman Gorman, the following resolution was

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

WHEREAS, the Town of Hamburg Planning Board has approved the Preliminary Plat Plan for the Deer Springs Subdivision - Part 4, Phase 2; and

WHEREAS, twelve (12) fire hydrants are to be installed within the subdivision to provide proper fire protection for the development; and

WHEREAS, although the developer has agreed to pay for the cost of installation of the fire hydrants, it is necessary that the Town agree to such installation, as the Town is charged for the maintenance of fire hydrants under the Direct Service Agreement with the Erie County Water Authority; and

WHEREAS, the subdivision is located in the Town Hydrant District, and property owners within the subdivision will be paying associated charges to such district as part of their annual Town and County tax bill,

THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, AS FOLLOWS:

- 1. The Town Board considers that the installation of the additional fire hydrants to serve the Deer Springs Subdivision - Part 4, Phase 2 will be beneficial to the health and safety of residents of the Town of Hamburg, and is therefore in the public interest.
- 2. The development of the subdivision will result in increased revenue to the Town of Hamburg including revenue for fire protection, so that the cost to the Town for the annual maintenance of the fire hydrants will be offset by the additional revenue generated by the subdivision.
- 3. The Town Board agrees that the cost of the hydrant maintenance fees for the additional fire hydrants being installed as part of the subdivision shall be paid by the Town of Hamburg through revenues generated by the Town Hydrant District.

- 4. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to the Erie County Water Authority.

17.

On a motion of Councilman Collins, seconded by Councilwoman Ziegler, the following resolution was

ADOPTED	Ayes 4	Walters, Collins, Gorman, Ziegler
	Noes 0	

WHEREAS, the Town of Hamburg Planning Board has approved the Preliminary Plat Plan for the Arthur Court Subdivision; and

WHEREAS, one (1) fire hydrant is to be installed within the subdivision to provide proper fire protection for the development; and

WHEREAS, although the developer has agreed to pay for the cost of installation of the fire hydrant, it is necessary that the Town agree to such installation, as the Town is charged for the maintenance of fire hydrants under the Direct Service Agreement with the Erie County Water Authority; and

WHEREAS, the subdivision is located in the Town Hydrant District, and property owners within the subdivision will be paying associated charges to such district as part of their annual Town and County tax bill,

THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, AS FOLLOWS:

- 1. The Town Board considers that the installation of the additional fire hydrant to serve the Arthur Court Subdivision will be beneficial to the health and safety of residents of the Town of Hamburg, and is therefore in the public interest.
- 2. The development of the subdivision will result in increased revenue to the Town of Hamburg including revenue for fire protection, so that the cost to the Town for the annual maintenance of the fire hydrant will be offset by the additional revenue generated by the subdivision.
- 3. The Town Board agrees that the cost of the hydrant maintenance fee for the additional fire hydrant being installed as part of the subdivision shall be paid by the Town of Hamburg through revenues generated by the Town Hydrant District.
- 4. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to the Erie County Water Authority.

18.

On a motion of Councilman Collins, seconded by Councilman Gorman, the following resolution was

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

WHEREAS, the Town of Hamburg proposed a new Home Occupation Law and held a public hearing on this proposed law; and

WHEREAS, the Town of Hamburg received input on this law that caused changes to this proposed law; and

WHEREAS, revisions to the proposed law have been completed, and revisions to other sections of the Zoning Law that would be affected by the Home Occupation Law have been created; and

WHEREAS, these revisions have been presented to the Code Review Committee and recommended by that Committee to the Town Board.

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg Town Board hereby sets a new public hearing on these proposed law revisions for September 12, 2011 at 7:00 p.m.

19.

On a motion of Councilman Collins, seconded by Councilwoman Ziegler, the following resolution was

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

WHEREAS, Zoning Code problems and issues have been identified by the Code Review Committee, and other issues have been referred to them; and

WHEREAS, the Code Review Committee has created revisions to Article XXXII, "Off-Street Parking Requirements", Article X, "R-3 Zoning District", Article XVIII, "M-1 Zoning District", Article XLIX, "Definitions", Article XIII, "C-1 Zoning District, Article XLVI, "Special Use Permits" and Article XXXIX, "Supplemental Lot Size and Open Space Requirements"; and

WHEREAS, the Code Review committee has recommended these revisions of the Zoning Code to the Town Board; and

WHEREAS, the Town Board would like to begin the process of potentially adopting these revisions.

NOW THEREFORE BE IT RESOLVED that these proposed Code revisions be referred to the Planning Board for its review and comment; and

BE IT FURTHER RESOLVED that the Hamburg Town Board, in accordance with SEQR, wishes to establish itself as SEQR Lead Agency and conduct a Coordinated Review and authorizes the Planning Department to begin this process.

20.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

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

1. Morford, Rosina	P/T Clerk	08/27/2011	Terminate
2. Braun, Sharon	P/T Clerk	08/27/2011	Terminate
3. Morford, Rosina	P/T Clerk -Seasonal	08/29/2011	\$9.78
4. Braun, Sharon	P/T Clerk - Seasonal	08/29/2011	\$9.78
5. Brown, Barbara	P/T Tax Clerk	08/29/2011	\$9.78

21.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

WHEREAS, the Town of Hamburg Department of Community Development is the owner of the following described parcels of land:

SBL#’s	170.66 -3:	Parcels 15 - 35 (21 total parcels)
	170.66 -4:	Parcels 3 - 45 (43 total parcels)
	170.74 -2:	Parcels 4 - 21 (18 total parcels)
	170.67 -1:	Parcels 33 - 36 (4 total parcels)
	170.67 -4:	Parcels 39 - 45 (7 total parcels)
	170.75 -6:	Parcels 8 - 13 (6 total parcels)
	(Total of 99 individual parcels of land)	

WHEREAS, said premises were purchased utilizing federal Community Development Block Grant funds, and

WHEREAS, on June 27, 2011, the Hamburg Town Board adopted a resolution authorizing the sale of said property subject to a permissive referendum, and

WHEREAS, no such permissive referendum was filed nor any opposition to the sale of the land was declared.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board authorize the Department of Community Development to advertise the sale of these parcels of land for a minimum bid price of \$150,000.00 with all legal and closing expenses for these parcels to be paid for by the purchaser as part of said purchase. Funding for publication of sale is available in the Community Development Program Income account.

22.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

RESOLVED, that the Town Board approve the hiring of personnel for the Youth, Recreation & Senior Departments as follows:

1. Myer, Jennifer	Rec. Attd. Seasonal (A6780.100)	08/01/2011	\$8.00
2. Welsevich, Emily	Rec. Attd.	06/30/2011	\$7.25
3. Wicka, John	Rec. Attd. (ER7251.225)	06/28/2011	\$9.00
4. Hibbard, Kyle	Rec. Attd. (ER7251.225)	06/28/2011	\$9.00
5. Silverman, Scott	Rec. Attd. (A7265.230)	06/28/2011	\$10.30
6. Kassem, Ramsey	Rec. Attd. (A7310.320)	06/28/2011	\$8.50
7. Rich, Sara	Rec. Attd. (A7310.320)	06/28/2011	\$9.00
8. Rousseau, David	Lifeguard (A7180.215)	06/28/2011	\$8.70
9. Lane, Sean	Lifeguard (A7180.215)	06/28/2011	\$8.25
10. Duzskiewicz, Christopher	Lifeguard (A7180.215)	06/28/2011	\$8.00
11. Smith, Elizabeth	Lifeguard (A7180.215)	0628/2011	\$7.75
12. Mencer, Andrew	Lifeguard (A7180.215)	0628/2011	\$7.75
13. Pullano, Rebecca	Lifeguard (A7180.215)	0628/2011	\$7.75
14. Bonetto, Ryan	Lifeguard (A7180.215)	0628/2011	\$7.75

23.

On a motion of Councilman Gorman, seconded by Councilman Collins, the following resolution was

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

BE IT RESOLVED, upon recommendation of the Traffic Safety Advisory Board, that a R2-1C Speed Limit 30 MPH sign and also a THE-1 SLOW DOWN BE A GOOD NEIGHBOR sign be erected and maintained by the Buildings and Grounds Department in accordance with the New York State Manual of Traffic Control Devices at the following location:

On the Southwest corner of Lyth Road at the intersection of Willett Road., and

BE IT FURTHER RESOLVED, upon recommendation of the Traffic Safety Advisory Board, that THE- SLOW DOWN BE A GOOD NEIGHBOR signs be erected and maintained by the Buildings and Grounds Department in accordance with the New York State Manual of Traffic Control Devices at the following locations:

On Armor Drive on the Northeast corner of its terminus @ South Abbott Rd.
And on its Southwest corner @ its terminus with Clark Street.

24.

On a motion of Councilwoman Ziegler, seconded by Councilman Collins, the following resolution was

ADOPTED	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

WHEREAS, PROSPECT LAWN CEMETARY ASSOCIATION, INC. presently operates the Prospect Lawn Cemetery located on 6561 Gowanda State Road, Town of Hamburg, and

WHEREAS, the Town of Hamburg recognizes the benefits provided to Town residents by the Prospect Lawn Cemetery Association, Inc.; and

WHEREAS, General Municipal Law §165-a provides that “Any municipal corporation may appropriate and provide funding to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law. In lieu of or in addition to providing funding to a public cemetery corporation, any municipal corporation may provide goods and/or services to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law”; and

WHEREAS, the Town is willing to assist Prospect Lawn to see these programs continue, and

WHEREAS, to effectuate this assistance, the Town on August 9, 2010 entered into a one year agreement with Prospect Lawn Cemetery Association to provide funding in monthly installments of \$1,000.00 per month from September 1, 2010 through August 31, 2011.

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg renew the agreement as amended to run from September 1, 2011 through August 31, 2012.

BE IT FURTHER RESOLVED, that pursuant to the agreement, the Town Board appoint the following to serve, at the pleasure of the Town Board, on the Prospect Lawn Cemetery Association, Inc. Board of Directors:

1. Steven J. Walters
2. Betty Newell
3. Mary Dosch

25.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

RESOLVED, that the Town Board approve the audit of cash disbursements as follows:

TOWN BOARD AUGUST 15, 2011
 AUDIT OF CASH DISBURSEMENTS

	VOUCHER #'S
OPERATING FUND:	
BATCH #82 \$126,384.38	48902-49043
BATCH #83 \$223,423.24	49046-49116
BATCH #84 \$370,874.97	49124-49196
BATCH #85 \$12,337.10	49197
BATCH #86 \$25,744.78	49198-49261
BATCH #87 \$365,912.91	49269-49286
BATCH #88 \$70,175.42	49287-49345
BATCH #89 \$2,000.00	49252
BATCH #90 \$189,693.17	49353-49443
BATCH #91 \$95,888.65	49444-49485
BATCH #92 \$65,392.89	49487-49555
TOTAL OPERATING FUND DISBURSEMENTS:	\$1,547,827.51
TRUST & AGENCY:	
BATCH #2 \$64.81	
TOTAL TRUST & AGENCY DISBURSEMENTS:	\$64.81
CAPITAL FUND DISBURSEMENTS:	

BATCH #28	\$625.00	49044-49045
BATCH #29	\$39,591.42	49117-49121
BATCH #30	\$7,719.33	49262-49268
BATCH #31	\$7,610.77	49246-49351
BATCH #32	\$395.00	49486

TOTAL CAPITAL FUND DISBURSEMENTS: \$55,941.52

PAYROLL:

PR#P/R 15	\$640,327.99
PR#P/R 16	\$655,531.41

TOTAL PAYROLL DISBURSEMENTS: \$1,295,859.40

PETTY CASH

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$2,899,693.24

Report from Town Board members and Department Heads

Councilman Collins reports that the Blast on the Beach went well, the Hamburg Rejuvenation Project put a lot of effort into it.

Councilman Gorman reports that the Downsizing Committee is finalizing their report that they will present at a Work Session. Before this is presented they will notify everyone of the date.

Supervisor Walters reports that for Woodlawn Beach State Park the revenues for the month of July were \$75, 589.00, which bring the total for June and July to \$113,417.00. The present estimated expenses at the Park, through July 31, were \$131,454.00. There is about a month left for the Park to be open, but the pavilion will continue to be rented throughout the year. They are doing great with the rental of the pavilion for next year as well. Obviously, right now they are running at an estimated \$18,000 loss. There has been a lot said lately about whether the Town can afford to run Woodlawn Beach. This is a recreation opportunity for the residents of the Town and the community at large and this is a gem. For anyone who hasn't been down there please visit and take a look. It is a beautiful facility. Everyone overseeing the day to day at the Park are doing a great job. People have said that they were afraid to go in the past because of how bad the Park was, but they are coming back. They had an event for the Veterans a couple of weeks ago and one of the vendors commented that she was going home to Williamsville to get her kids to bring them back because it was so beautiful. That gives an idea of what the community feeling is for this Park. It shouldn't be all about dollars and cents. Yes they want to break even and yes they think they will eventually do that. However, this is an asset for our community.

For the month of July the revenues brought in for the Hamburg Town Park were \$70,075.00 and the estimate expenditures were \$170,536.00. The Town Park is also running in the red by just over \$100,000 but that doesn't mean they should close the Town Park. We need to look at what Woodlawn brings to Hamburg and the surrounding communities. They have been told by local business owners that when Woodlawn closed they lost customers. The benefit is beyond dollars and cents. The last year the State ran the Park they brought in \$50,000 for the entire season, so we are well beyond that and headed in the right direction.

Councilman Collins comments that he agrees that if they keep an eye on what is spent, they can make this a success.

Councilman Gorman comments that they do need to keep a careful eye on what it is costing the Town and see where the numbers lead at the end of the season.

Councilwoman Ziegler wants to acknowledge the formal ribbon cutting at the Dog Park and thank Linda Rogers for all the work that was put into that facility. It is very popular and well attended.

Supervisor Walters reports that on Sunday, September 11th the Town will be holding its annual remembrance ceremony. Because it falls on a weekend they will have an afternoon event at 2:00 pm. This is the tenth anniversary and hopefully a lot of people will attend.

Catherine Rybczynski, Town Clerk, reports that in the beginning of the month she transferred approximately \$104,000 to the Town accounts, which is a sum of the interest and penalties collected on the Town & County Taxes. Today was the beginning of Hunting License sales with 76 licenses sold the first day. Office is also busy preparing for School tax collection.

Marty Denecke reports that August 31st there will be a Big Band concert at Woodlawn Beach State Park that is free to everyone.

Kurt Allen comments that Steve Strnad requested information on the Electrical Inspector at the last meeting. He has the numbers broken down if Mr. Strnad would like to meet with him after the meeting to review it.

Christopher Hull, Community Development, reports that the 2011 Projects are underway. For the Village of Hamburg, the waterline bids are out right now with the opening on August 31st. The Village of Blasdell project will be going out for bid in early September.

Tom Best Sr., Highway Superintendent, reports that the Highway Department is in the middle of the paving season. Thanks to Chris Hull they have attained some additional Community Development money to go to a targeted area so they will be paving the entire community of Steelton.

Betty Newell, Chamber of Commerce, comments that the Farmers Market is open every Saturday from 7:30 am to 1:00 pm.

Business from the Floor

David Bellisimo questions how many parks are there in the Town of Hamburg.

Supervisor Walters responds over 50 parks.

Mr. Bellisimo questions how many break even.

Supervisor Walters responds that he doesn't believe any of them do.

Mr. Bellisimo responds the point is they are good for the community. Residents look forward to those amenities because that is what they pay taxes for. How do you look at an issue like Woodlawn State Park and deem it unnecessary when it adds to everyone's opportunity, be it personal or business. Surrounding businesses have been flourishing over the past few months.

Councilman Collins responds that, no question, parks are for the kids and recreation. However they need to keep an eye on the money spent. Woodlawn was an issue because the State lost so much money on it. They need to approach it the right way and not let it get out of control like the State.

Steve Strnad comments that he requested information on the outside attorney cost for the Highway Garage.

Mr. Farrell responds that it was approximately \$23,000.00.

Mr. Strnad comments that he was surprised it wasn't brought up in his report, the taxpayers should know what the lawsuits are costing the taxpayers. He understood that the Town was not liable in the Highway Garage litigation.

Mr. Farrell responds that the Court held that the contract price was below the Wicks Law threshold and there was no discernable harm to the Town or basis for any penalty. The Town was not required to pay any penalty and neither was the contractor.

Joe Kilian comments that the Welcome to Hamburg sign in the Hoover Beach area is overgrown with weeds.

Highway Superintendent Best responds that he will take care of it first thing in the morning.

26.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

RESOLVED, that the Town Board adjourn at 7:50 p.m.

Catherine A. Rybczynski, Town Clerk