

TOWN BOARD MEMBERS PRESENT:

Steven J. Walters	Supervisor
Michael Quinn	Councilman
Thomas Best, Jr.	Councilman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk
Mary Dosch, Sr. Account Clerk; Walter Rooth, III, Town Attorney; Joe Collins, Deputy Town Attorney; Luke Malecki, Financial Consultant; Kurt Allen, Supervising Code Enforcement Officer; Shawn Dailey, Engineering Consultant; Sarah desJardins, Planning Consultant; Thomas Taylor, Sr. Public Safety Dispatcher

Supervisor Walters calls the meeting to order at 5:30 pm.

Supervisor Walters comments that a couple of meetings ago they spoke about the LOSAP programs in the individual fire companies throughout the town. During that time the Town Board was provided a copy of the actuarial report that was done 2 or 3 years ago by a firm out of the Rochester area to take a look at. The Town had a fire company committee that was put in place about that time. They met with several different companies concerning the LOSAP programs and ultimately the town recommended that all six fire companies go under one investment group to consolidate all the LOSAP program funds to receive a higher rate of return. At the time Big Tree was already in the recommended program, Woodlawn and Lakeshore went into the program and Newton Abbott, Armor and Scranton opted to stay in their current programs. After they discussed this as a Town Board it was decided that, because there are two new members on the Town Board that are not familiar with the situation, they should invite the three companies in that opted not to move to the other program. That is why they are present this evening, to discuss how their programs are doing.

Councilman Best comments that down the line, they want to make sure that the LOSAP programs are sustainable and they will not have to use taxpayers dollars to fund them. The three companies that went with the LOSAP program have had a successful rate of return.

The Town Board, Luke Malecki, Mike Quinn and Kurt Covert from Scranton Volunteer Fire Co., Joe Sajak and Randy Courtney from Armor Volunteer Fire Co., and Mark Bernas from Newton Abbot Fire Company discuss their LOSAP programs and what would be best for the fire companies and the town moving forward.

It is decided that the fire companies would have to see actual numbers before deciding to move into the town LOSAP program. The Town Board would like to see the actual numbers as well. Mr. Malecki comments that it is not as simple as looking at numbers.

Supervisor Walters comments that they will get the fire companies copies of the all the pertinent reports so that a decision could be made.

The fire companies request that all six companies be present for a future meeting.

Carl Morgan, Town Justice, introduces Nicole Dayka, to discuss a Youth Court for the Town of Hamburg.

Ms. Dayka explains that there are Youth Courts presently in Clarence, Lancaster and Orchard Park. Youth Court is a voluntary alternative for young kids who face disciplinary action through school or law enforcement. It is for youth who admit to the charge who appear for sentencing in a court of their peers. The panel of judges listen to both sides of the issues and recommendation and a sentence is based upon what the peers believe. It is all heard in the court room. It uses a restorative justice approach and it would be for first time non-violent minor incidents that give a second chance to kids and a chance to re-start the system. It makes them accountable for their actions. This would be for younger kids, between 12 and 15 years of age, through school referrals plus police referrals. This is their first step, meeting with the Town Board. The next step would be to meet with the School Administrators for their thoughts.

Judge Morgan comments that they do not need funding. That is provided through the County. They would need the agreement of the Town Board to help get the program off the ground. From his perspective, on the short time he has been on the bench, the town has a real problem with the youth. Every case he is seeing involves drugs in some fashion, dangerous drugs. The earlier they get the kids the more chance they have on saving them. He is 100% in favor of whatever will work to help them.

Supervisor Walters questions if they have thought out how this would work logistically.

Ms. Dayka responds that they thought they could have youth court in town hall on a Wednesday evening once a month. This would be to begin with to see where the needs are and how the referrals come in. The Jurors would be kids from the Hamburg and Frontier School Districts as well as St. Francis. It would be an application process and they would interview them. It is a great opportunity for kids to get involved (business law and participation in government). They are hoping to get the applications out in the spring, train over the summer and be ready to operate in September.

The Town Board and Ms. Dayka discuss this issue.

Don Wiess comments that they had a youth court in the 1960's, it worked well.

Shawn Dailey, Engineering Consultant, comments that there is a resolution on the agenda concerning the grant through the Lake Erie Watershed Protection Alliance for the outlet at the Town Park Beach. They will be submitting the application in hopes that it will be approved.

Sarah desJardins, Planning Consultant, comments that they have three rezoning issues presently. There are some questions concerning the Kryszak rezoning. As it stands he does not have enough acreage to do what he is asking. He will need a variance from the ZBA. They could rezone it conditionally upon his receiving the variance or the Planning Board could tell him to go to the ZBA for approval first.

Supervisor Walters questions if they can confirm whether or not the issue was brought up about food and beverage when they were before the Planning Board. Perhaps the best option would be for the Town Board to send the project back to the Planning Board stating that they want the Planning Board to address the issue.

The Town Board agrees to send it back to the Planning Board specifically to discuss the sale of alcohol assuming that the issue was never brought up.

Ms. desJardins comments that the next issue is the Cleary rezoning.

Walt Rooth, Town Attorney, comments that this is the rezoning on Able Road by Southwestern Blvd. The Town received a letter from a neighbor saying that they would like to buy the land from the Town instead of Mr. Cleary buying it. They would like to leave it as greenspace for the Town. The Town is under contract with Mr. Cleary, however if the rezoning does not go through they would not be under contract anymore because the contract is conditional upon the rezoning.

Elizabeth Fadale comments that before they purchased the property on Able Road, the adjoining/adjacent 3 acres to the rezoning of Southwestern Blvd., there were numerous individuals that wanted to purchase the property. They wanted to knock down the single family home and rezone it as industrial. This was brought to the Town and they were told that the property could not be rezoned to light industrial and had to stay single family. After that she purchased the property in May of last year and they have been working with the building department. They made them get wetland survey's, drainage plans, fill permits, building permits and no one ever said anything to her about Mr. Cleary trying to purchase the property and rezone it. They expect to have \$250,000 invested in her property when they are complete. The .88 piece of parcel in question is part of greenspace that was deeded over to Marrano when they finished the Country Woods Subdivision. How can the Town sell property that was deeded over to them as greenspace and allow it to be rezoned to light industrial? When they talked to Mr. Allen he told them that nothing from Amsdell east down Route 20 would ever be rezoned to light industrial. The portion in question is 70 feet wide. There is a 50 foot setback so that only allows 20 feet he can use. How is he going to fit a building and a driveway into that space? If the Town is going to sell the .88 acres they would like the opportunity to purchase the property at fair market value and keep it greenspace. Her 3 acres, on Able Road, is made up of four parcels. If Mr. Cleary is able to purchase and rezone the .88 acres, she would then expect to be able to rezone their rear two parcels to light industrial so that they could move their family light industrial business into Hamburg.

Councilman Best questions when Mr. Cleary submitted the application for rezoning.

Supervisor Walters responds that it was about 1 ½ years ago. They had to go through an alienation process with New York State. In this particular instance, from Creekview to Route 20 there is Town parkland. The Town Board at the time decided that by selling the .88 acres to Mr. Cleary that they would be cutting off the passive parkland from Route 20. Therefore no one could walk from Creekview through to Route 20. The majority of the park would remain in place but it would be cut off from Route 20, which both the Town Board and Recreation Department felt would make the parkland safer for children and therefore endorsed the sale of land to Mr. Cleary.

Councilman Quinn comments that they would still have the 50 feet of greenspace and they could put conditions on the rezoning.

Mr. Fadale comments that they bought the property as residential and that is how they want it to stay.

Ms. Fadale comments that it will really have a negative effect on the value of their property.

Supervisor Walters comments that they appreciate their input. No decisions are going to be made tonight. The Town Board will continue to review the matter.

The Fadale's, the Town Board and the Town Attorney discuss whether or not the Town could take other offers for the property.

Supervisor Walters comments that the approval of a rezoning of property would have to be prefiled on the Town Board meeting agenda. The agenda would be available online the Thursday afternoon before a Monday meeting if they would like to check whether it is up for approval or not.

Ms. desJardins comments that she has one last item which is the Hanania rezoning. This was for the apartment complex where Howard Road meets Southwestern Blvd. The rezoning was approved last month and the application offered a 50 foot conservation area, which was a condition of the rezoning. After the Engineer and Building Department looked at the plans they asked the developer to have a loop going around the back of the project. Mr. Allen comments that is was a code requirement for fire apparatus which encroaches on the 50 foot buffer. They have a request from the developer to amend the condition of the approval. They have to basically start the process over. They will have to hold another public hearing and a notice was sent to the County as well.

The Town Board, Ms. desJardins and Mr. Allen discuss how it will affect the surrounding properties.

Ms. desJardins comments that the Planning Board will forward a recommendation to the Town Board on April 20th on this as well.

Councilman Best comments that the Town Board still uses the 1958 Rules of Order. Should this be updated? He comments that he will work on that.

1.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

RESOLVED, that the Town Board move into Executive session at 6:43 pm on personnel matters and a property matter.