

A Special 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 29th day of May 2018.

ROLL CALL:	James M. Shaw	Supervisor
	Elizabeth Farrell	Councilman
	Michael Petrie	Councilman
	Michael Mosey	Councilman
	Thomas Best, Jr.	Councilman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk; Ted Casey, Highway Superintendent; Steven Walters, Town Attorney, Ken Farrell, Deputy Town Attorney; Jerry Giglio, Traffic Safety Coordinator and Health and Safety Coordinator; Samantha Tarczynski, Director of Administration and Finance; Mike Quinn, Engineering Consultant; Gregory Wickett, Chief of Police; Mike Quinn, Engineering Consultant; Drew Reilly, Planning Consultant; Joe Wenzel, Recreation Department.

Supervisor Shaw opens the Special Town Board Meeting at 6:00 P.M.

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

1.

On a motion of Supervisor Shaw, seconded by Councilman Farrell, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Mosey, Petrie
 Noes 0

RESOLVED, that the Town Board moved into Executive Session at 6:02 pm.

1. Prospective litigation regarding Zoning applications by Erie County Agricultural Society.
2. Involves a well-known individual in the community and a matter of significant positive financial impact to the Town of Hamburg.

2.

On a motion of Supervisor Shaw, seconded by Councilman Mosey, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Mosey, Petrie
 Noes 0

RESOLVED, that the Town Board adjourn Executive Session and move back into the Special Town Board meeting at 6:18 PM.

Town Vehicle Policy

The following spoke concerning this topic:

Supervisor Shaw, Councilman Best, Councilman Petrie

Jerry Giglio, Traffic Safety Coordinator and Health and Safety Coordinator, will e-mail the policy and the topic will be discussed at the June 11, 2018 Work Session. Liaisons will get feedback from each individual department on their specific needs prior to the meeting.

Hamburg Development Company

The following spoke concerning this topic:

Supervisor Shaw, Steve Walters, Town Attorney, Councilman Petrie, Drew Reilly, Planning Consultant, Councilman Mosey, Councilman Best, Bob Mahoney, Town Resident, Nick Budney, Town Resident

Drew Reilly, Planning Consultant, will send Supervisor Shaw and the Town Attorney's office the handouts or references he has on the topic tomorrow that he obtained at a conference pertaining to the revolving loan fund.

Supervisor Shaw will get the information together on the revolving loan fund and send a memo to Hamburg Development Company summarizing what has been discussed. He hopes a definitive answer will be reached by June 11, 2018, if not sooner.

Resolution to Extend Cell Tower Moratorium

3.

On a motion of Supervisor Shaw, seconded by Councilman Petrie, the following resolution was

ADOPTED	Ayes	5	Shaw, Best, Farrell, Mosey, Petrie
	Noes	0	

RESOLVED, that the Town Board call for a Public Hearing.

WHEREAS, The Town of Hamburg has previously adopted its Zoning Law which provides for allowable uses in the various zoning districts of the Town of Hamburg as well as regulating structures within the Town of Hamburg; and

WHEREAS, the Town of Hamburg has observed an increase in discussions and potential applications for new Telecommunication’s Facilities (cell towers and micro-cells) within the region and currently the Town of Hamburg has regulations adopted in 1996 that do not address the changing technology related to these facilities, and

WHEREAS, the Town Board of the Town of Hamburg has determined that it is necessary to update the Town’s Telecommunications Facilities Law; Article XLVII of the Zoning Code, and

WHEREAS, the Town Board believes that it is in the best interest of the Town of Hamburg to impose a moratorium on the approval and construction of additional Telecommunications Facilities within the Town of Hamburg pending the adoption of provisions to better regulate such facilities; and

WHEREAS, the Hamburg Town Board adopted a Moratorium on November 27, 2017, and

WHEREAS, the Moratorium is set to expire at the end of May, 2018 and the Town has not completed the needed Zoning Code amendments and wishes to extend the Moratorium, and

WHEREAS, the Town would like to extend the Moratorium for another six months, thus making the local law adopted a 12 month moratorium, and

WHEREAS, the Town has introduced the following proposed Local Law, entitled “Amendment to the Code of the Town of Hamburg Placing a Six Month Moratorium extension on Telecommunications Facilities within the Town” and presented a copy to each member of the Board, which reads as follows:

A Local Law entitled "Amendment to the Code of the Town of Hamburg Placing a Six Month Moratorium on Telecommunications Facilities within the Town", and

Be in enacted by the Town Board of the Town of Hamburg as follows:

SECTION 1. TITLE

This Law shall be entitled "Amendment to the Code of the Town of Hamburg Placing a Six Month Moratorium Extension on Telecommunications Facilities within the Town".

SECTION 2. PURPOSE

The purpose of this local law is to amend the Code to place an additional six month moratorium on the approval and construction of Telecommunications Facilities within the Town to allow time for the completion of amendments to the Telecommunications Facilities law, Article XLVII of the Town Zoning Code. This Amendment, among other things, will address the changing technology such as micro-cells, where facilities can be located, height requirements, process and procedures and other amendments as may be necessary to promote and preserve the health, safety and welfare of the Town of Hamburg and its citizens.

SECTION 3. AMENDMENT OF PRIOR LAW

1. Chapter 280 of the Code of the Town of Hamburg is further amended as follows:

Chapter 280 is amended to add new Section which shall read as follows:

“For the period commencing on the effective date of this Local Law and for six months thereafter, there shall be a moratorium on the approval and construction of Telecommunications Facilities within the Town of Hamburg, thereby extending the previous moratorium”.

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portion thereof.

SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

SECTION 6. GRANDFATHER CLAUSE

Any applications received after November 27, 2017 shall continue to be subject to this Moratorium; and

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS;

A hearing before the Town Board of the Town of Hamburg, in the County of Erie shall be held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York at 7:00 p.m. on the

11th day of June, 2018, for the purpose of hearing all persons interested in the proposed Local Law; and

BE, IT FURTHER

RESOLVED, that the Town Clerk publish a notice of public hearing in the Hamburg Sun, designated as the official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and (c) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and

BE, IT FURTHER

RESOLVED, that the Town Clerk is to make copies of the proposed Local Law, entitled “Amendment to the Code of the Town of Hamburg Placing a Six Month Moratorium Extension on Telecommunications Facilities within the Town”, available at her office for inspection and distribution to any interested person during business hours

Cell Tower Application for 3801 Pleasant Avenue

The following spoke concerning this topic:

Councilman Petrie, Drew Reilly, Planning Consultant, Supervisor Shaw, Councilman Best, Councilman Mosey, Anthony Gullo, Town Resident, Don Chaney, Esq., Attorney for Applicant, Steve Walters, Town Attorney, Don Rosiek, Town Resident, Frank Rosiek, Town Resident, Councilman Farrell

Drew Reilly, Planning Consultant, will get a wetlands consultant to go out to the Smith Road location to take a look and tell the Town Board the potential, hopefully before the June 11th Town Board meeting.

4.

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

ADOPTED Ayes 5 Shaw, Best, Farrell, Mosey, Petrie
 Noes 0

RESOLVED, that the Town Board postpone the topic until June 11th, 2018.

Zoning Applications by Erie County Agriculture Society

Supervisor Shaw states the Town Board talked about this topic in Executive Session. They have discussed the Erie County Agriculture Society having two pending zoning applications on two sub-lots on McKinley and Clark. They have discussed whether or not it's legally justifiable to give them an early green light on these applications before they go to the Planning Board. No determination was made. A little more due diligence and legal research has to be done.

Hamburg Boat Launch

The following spoke concerning this topic:

Supervisor Shaw, Ted Casey, Highway Superintendent, Councilman Best, Mike Quinn, Engineering Consultant, R.J. Stoberl, William Mayer

Supervisor Shaw asks Samantha Tarczynski, Director of Administration and Finance, to do a rough analysis over the next month or so of the revenue through permits and money expended year to date.

Town Attorney's Status

Supervisor Shaw states they have resolved several lawsuits and they've agreed to a methodology for handling things in the future that hopefully will result in considerable savings. He extends the credit to the Town Attorneys. They are talking about a final plan for the attorneys based upon what they can save the Town and what their compensation is.

Marty Starkman – Multi-Sports Complex

The following spoke concerning this topic:

Supervisor Shaw, Councilman Best, Councilman Petrie

Supervisor Shaw states that he is going to tell Mr. Starkman for the time being to place this matter on the backburner.

A Determination as to the Signing of Town Vouchers by Board Liaisons

The following spoke concerning this topic:

Supervisor Shaw, Councilman Petrie, Councilman Mosey

Supervisor Shaw suggests Councilman Petrie talk the topic over with the other council members and see how they feel about it. Councilman Petrie will then draft a resolution for the June 11th meeting.

Questions from the Floor

Dennis Chapman, Town Resident, Councilman Petrie, and Samantha Tarczynski, Director of Administration and Finance, discuss the Voucher Process.

Dennis Chapman, Supervisor Shaw and Samantha Tarczynski, Director of Administration and Finance discuss where the source of funding for the Assistant Accounting position.

5.

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

ADOPTED Ayes 5 Shaw, Best, Farrell, Mosey, Petrie

 Noes 0

RESOLVED, that the Town Board adjourn the Special Town Board meeting at 7:32 pm.

Catherine A. Rybczynski, R.M.C.
Town Clerk