

Hamburg Town Board Special Meeting Minutes
Catherine A. Rybczynski, RMC, Town Clerk
February 10, 2020

1.

Roll Call

Members Present:

James M. Shaw	Supervisor
Shawn Connolly	Councilman
Elizabeth Farrell	Councilwoman
Michael Petrie	Councilman

Karen Hoak Councilwoman EXCUSED

Also Present: Catherine A. Rybczynski, Town Clerk; Walter Rooth III, Town Attorney; Michael Quinn, Engineering Consultant; Drew Riley, Planning Consultant; William Clark, Chair, Planning Board; Jennifer Puglisi, Planning Board Attorney; Pat Ryan, Director, Buildings and Grounds; Rick Nowak, Assistant Director of Buildings and Grounds

2.

Pledge of Allegiance

3.

Agenda

A. AL Asphalt (Mr. Shaw offered comments and updates on the status of the situation)

- Article 78 action brought against the town by AL Asphalt to challenge the determination of the Planning Board that a full environmental impact review must be conducted and contended that it only required a Type 2 SEQR as the property is properly zoned. In short, AL Asphalt claimed the Planning Board misclassified the project.
- Attorneys for the town argued that the Planning Board was correct and that the
- Article 78 was premature as they had not yet exhausted all of their options. Supreme Court agreed with the Town.
- AL Asphalt filed a Notice of Appeal and has six (6) months to perfect or they may complete the Planning Board Process.

- The court has asked both parties to continue to talk and attempt to come to a compromise, but they are not there yet.

Resident questions/statements:

1. Have all the board members been fully informed of all the details of the case? Mr. Shaw responded that the Board members know everything he does.
2. What is the town's goal in negotiations? Mr. Shaw stated he opposes the placement of an asphalt plant at the Camp Road site and believes the board members agree; and wants the parcel re-zoned to mixed use.
3. Any discussion of monetary settlement? Mr. Shaw replied he can't speak to any monetary compensation.
4. Stated that they appreciate the effort of the board and asked that they do not interpret less people at the meetings an indication of less interest in the outcome.
5. Can you give a timeline? Mr. Shaw said he is unable to do so until he learns if the board has reached a consensus on how to move forward.
6. Will residents be told what Board members were for or against the project? Not in the short term, but once the issue is decided that information should be easy to ascertain.
7. Are there any alternate sites? Mr. Shaw replied that he could not divulge any specifics.
8. The Village of Hamburg has a clause in their code prohibiting M-3 toxins, but the Village of Blasdell does not have the same protection. Is there any way they can take preemptive action to protect themselves? Mr. Shaw stated that he didn't think preemptive action was the best idea because precluding any and all M-3 uses could be construed as arbitrary and capricious. The petitioner has a right to have their application judged on the merits. *Drew Riley, Planning Consultant, stated that the clause referenced is in the Town of Hamburg code and therefore would apply anywhere in the town.
9. Has there been consideration to change the zoning? How does that work? Mr. Shaw answered that the Board may not rezone the property now while the current case is pending. The town is undergoing a complete review of our masterplan and looking at zoning throughout the town. Councilwoman Farrell confirmed the Supervisors reply and added that they hope to have the process completed in 12 – 18 months and they are looking at a mixed use type of zoning for the parcel in question. She added that the committee will also seek out public input and cooperation.

A short pause in the meeting took place to allow for residents to leave the meeting. Those remaining “work for the town and those with a vested interest,” according to Mr. Shaw.

B. L. E. D. Energy Savings Proposal

- Mike Quinn, Engineering Consultant, started this portion of the meeting by summarizing the process and offering his opinion and advice to the board on how they may proceed.

- Mr. Quinn stated that he believed the process was rushed, timing not right, and the Board not given enough time to consider the information and that they must now consider what they want done and how to proceed.
- Stated that the bulk of the savings comes from taking over the street lights and saving money on the maintenance fees. Also stated that there was some savings from the L. E. D. lights, but that it was small in comparison. He also cautioned that the town would then be responsible for caring for the lights if taken over.
- The Board may choose to take over the lighting, change to L. E. D., replace the HVAC, etc. and institute all the changes enumerated or move forward in a piecemeal fashion.
- Mr. Quinn said that a more detailed RFP may need to be developed and that the first RFP was “loosey-goosey” and did not offer enough specifics or guidance.
- Mr. Quinn stated that, in his opinion, he would choose to put the project under an Energy Performance contract and forget about it.
- Four proposals each with their own take and approach.
- Councilman Petrie stated he believed that the full board needs to be present to make any decisions on the issue.
- Mr. Quinn asked, Does this audit reflect the needs of the town?
- Mr. Ryan stated he saw redundancy in the audit and would like more input into the process.
- Mr. Shaw asked Mr. Nowak if B&G had a good grasp of the HVAC systems and L. E. D. lights already replaced to which he replied, yes. He added that the list is always evolving and that they could certainly go through the buildings and create a list of needs.
- Mr. Shaw gave representatives from Wendel and LED Energy Solutions an opportunity to speak. Each of the companies made a brief presentation.
- Russell Gugino asked for clarification as to whether or not Wendel has already been chosen. Stated that he has heard that Wendel had already been chosen and are just waiting for the final word. Spoke about the ability of L. E. D. Energy Solutions to perform the work with no out of pocket cost to the town. Mr. Gugino continued that he believed that L. E. D. Energy Solutions was rated first in responding to the RFP and requested the Board convene a special meeting, similar to the one Wendel presented in earlier in the process, to have the chance to present to the new board members.
- Mr. Shaw responded that there was no “pre-race handicap favorite” and he had three (3) reasons for voting to table, they are as follows:
 - Process was rushed
 - Confusion about accuracy in the RFP process
 - Two (2) new board members were joining the Board

- Mr. Shaw added that in fairness there should be a 30 minute presentation time made available for the bidders.

4.

RESOLVED, that the Town Board enter into Executive Session to discuss settlement options regarding AL Asphalt project at 7:53 PM.

On a motion of Supervisor Shaw, seconded by Councilmember Connolly, the following resolution was

ADOPTED 4 – 0

Supervisor Shaw	(Aye)
Councilmember Connolly	(Aye)
Councilmember Farrell	(Aye)
Councilmember Hoak	(Excused)
Councilmember Petrie	(Aye)

5.

RESOLVED, that the Town Board adjourn the Executive Session to resume the Special Session at 8:45 PM.

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

ADOPTED 4 – 0

Supervisor Shaw	(Aye)
Councilmember Connolly	(Aye)
Councilmember Farrell	(Aye)
Councilmember Hoak	(Excused)
Councilmember Petrie	(Aye)

7.

RESOLVED, that the Town Board does hereby adjourn the Special Session at 8:47 PM.

On a motion of Supervisor Shaw, seconded by Councilmember Connolly, the following resolution was

ADOPTED 4 - 0

Supervisor Shaw	(Aye)
Councilmember Connolly	(Aye)
Councilmember Farrell	(Aye)
Councilmember Hoak	(Excused)
Councilmember Petrie	(Aye)

Meeting Adjourned at 8:47 PM