

Hamburg Town Board Work Session

Catherine A. Rybczynski, Clerk

08-03-2020

James Shaw, Supervisor	(Present)
Shawn Connolly, Councilmember	(Present)
Elizabeth Farrell, Councilmember	(Present)
Karen Hoak, Councilmember	(Present)
Michael Petrie, Councilmember	(Present)

ALSO PRESENT: Catherine Rybczynski, Town Clerk; Mark Walling, Deputy Town Attorney; Jason Bock, IT Assistant; Christopher Hull, Director, Community Development; Samantha Tarczynski, Director of Finance; Drew Reilly, Planning Consultant; Chuck Naughton, H.R. Consultant; Martin C. Denecke, Director, Youth, Recreation and Senior Services; Rick Nowak, Assistant Director, Buildings & Grounds; Alissa Straus, Sr. Personnel Clerk

1.

RESOLVED, that the Town Board opens the Work Session at 5:32 P.M.

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

ADOPTED	Ayes	5	Shaw, Connolly, Farrell, Hoak, Petrie
	Noes	0	
	Abstained	0	

Supervisor Shaw opened the meeting stating that he had items not on the agenda to discuss and guests who were in attendance to make a presentation to the Board. Mr. Shaw recognized Councilwoman Karen Hoak for the purpose of introducing the first guest.

Ms. Hoak introduced Max Donatelli, member chair of the Erie County Anti Stigma Coalition for mental illness. The coalition is made up of a variety of organizations throughout the community created as a result of a suicide of a family member of a founding member. Would like Hamburg to become the first town to become an organizational member (Item #16 on the Agenda addresses the request).

Drew Reiley Report

Mr. Reilly addressed a variety of items detailed his regular report, including the solar law, and unresolved zoning issues in the town. A discussion of the topics addressed followed.

Report attached

Martin Denecke, Director, Youth, Recreation and Senior Services, informed the Board that the Recreation Department is in talks with Brad Paddock regarding the possible leasing of the Orchard Acres baseball and softball diamonds. The park would be improved with the addition of a batting cage, parking, fencing, snack bar, etc. and the town would receive the field improvements and a donation to a charity as yet to be determined. Mr. Paddock would sublet the diamonds, run tournaments, etc. (Two organizations currently use the diamonds and would be grandfathered).

Councilwoman Farrell asked for comment from Mr. Denecke regarding service to Senior Citizens in town. He responded that the department is planning on moving forward with three (3) areas; van service, adult day care, and dining program. The van service and dining program target date for opening is August 10th and adult day care August 17th. No plan yet for the therapy pool, but it is on their “radar.”

2.

RESOLVED, that the Town Board go into Executive Session at 6:12 P.M. to discuss a personnel matter pertaining to an employee disciplinary matter and possible litigation.

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

ADOPTED	Ayes	5	Shaw, Connolly, Farrell, Hoak, Petrie
	Noes	0	
	Abstained	0	

Minutes from Executive Session attached

3.

RESOLVED, that the Town Board close the Executive Session at 6:35 P.M.

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

ADOPTED	Ayes	5	Shaw, Connolly, Farrell, Hoak, Petrie
	Noes	0	
	Abstained	0	

Upon adjournment of the Executive Session the Town Board resumed the Work Session.

Councilwoman Farrell informed the Board that CGI contacted the town offering banners

that would be put up around town for free. She mentioned a variety of different messages that may be used. Councilwoman Hoak also spoke in favor of the issue. The town will have to sign a letter of intent for three years. Company could purchase messages.

Councilwoman Farrell brought the town board up to date on the H. R. Suite project. Ms. Farrell called upon Alissa Straus to speak about upgrades brought to the town by Paychex. She stated that software updates are needed. An employee access component could be installed.

-Supervisor Shaw asked if the upgrades have a cost attached down the road. Also stated he felt that a resolution should be passed to make a change.

Supervisor Shaw and the Board discussed the agenda for the meeting.

Item #9 – Parking Violations – Supervisor Shaw asked the Legal Dept. about the missing low/high cost discussed at the previous meeting. Table item to have it corrected to reflect the cost range.

Items #10, 11 & 12 Solar Energy Proposed Local Law – Supervisor Shaw and the board discussed the item with the Legal Dept.

Item #13 – Ms. Farrell stated that she had an amendment to the item (will read at regular meeting).

Item #14 – Ms. Farrell stated it would be withdrawn because it needs to go the Traffic Safety Board for a vote (last meeting did not have a quorum).

Item #15 – Ms. Farrell stated that she had an amendment to the item (will read at regular meeting).

Items #17 and #18 – Supervisor Shaw asked if the items were duplicative. Town Clerk Catherine Rybczynski stated that both were needed. Mr. Reilly elaborated upon the need for two (2) resolutions; the first (1st) is to establish that the Board issued the Negative Declaration and the second (2nd) to approve the proposed code revision. Mr. Reilly stated that he would fix the resolutions.

Item #19 – The Board did not have any questions about the item.

Item #20 – Sidewalk installation on Dolphin.

Item #21 – Councilman Petrie asked about the legality of only allowing Hoover Beach, Inc. (HBI) the option to purchase the property. Mr. Shaw responded that HBI claims to have exclusivity regarding the purchase of the land in question. Twenty (20) days was given to HBI to produce tangible proof of their exclusivity claim. If they have the legal right to be the exclusive buyer then they will pay the fair market value. If they do not then it will go to auction.

Item #22 – No discussion.

Supervisor Shaw drew the Work Session meeting to a close with a motion to begin the Regular Session at 7:03 PM.

Open Meetings Law, Public Officers Law, Article 7, §106. Minutes.

Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town's vault.

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

***Hamburg Town Board Executive Session**
Catherine A. Rybczynski, Clerk
08-03-2020

James Shaw, Supervisor	(Present)
Shawn Connolly, Councilmember	(Present)
Elizabeth Farrell, Councilmember	(Present)
Karen Hoak, Councilmember	(Present)
Michael Petrie, Councilmember	(Present)

ALSO PRESENT: Catherine Rybczynski, Town Clerk; Walter Rooth III, Town Attorney; Mark Walling, Deputy Town Attorney; Charles Naughton, Labor Relations Consultant, Alissa Straus, Sr. Personnel Clerk

1.

RESOLVED, that the Town Board enter an Executive Session at 6:16 P.M. to discuss a personnel matter pertaining to an employee disciplinary matter and possible litigation.

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

ADOPTED	Ayes	5	Shaw, Connolly, Farrell, Hoak, Petrie
	Noes	0	
	Abstained	0	

2.

BE IT RESOLVED, pursuant to Town Board Resolution on July 20, 2020, adopting the Report dated June 26, 2020, and the disciplinary recommendations set forth therein, imposing discipline on a Highway Department Laborer, that the Town Attorney is directed to issue a written directive to the Personnel Supervisor and that the Highway Department Laborer shall serve his five (5) work day unpaid suspension on August 10, 2020 through August 14, 2020 (inclusive) so that no wages may be paid for such dates, and

BE IT FURTHER RESOLVED, that the Personnel Supervisor is directed to deduct the sum of one hundred dollars (\$100.00) from the paycheck of the Highway Department Laborer as and for the fine imposed as part of said disciplinary action.

On a motion by Councilman Petrie, seconded by Councilwoman Farrell, the following resolution was

ADOPTED	Ayes	4	Connolly, Farrell, Hoak, Petrie
	Noes	0	
	Abstained	1	Shaw

3.

RESOLVED, that the Town Board adjourns the Executive Session at 6:35 P.M.

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

ADOPTED	Ayes	5	Shaw, Connolly, Farrell, Hoak, Petrie
	Noes	0	
	Abstained	0	

Open Meetings Law, Public Officers Law, Article 7, §106. Minutes.

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

Report from Drew Reiley

MEMO

To: Hamburg Town Board
From: Drew Reilly – Wendel
Date: August 3, 2020
RE: Planning Report- 8/3/20 meeting

The following is an update to the Town Board on Planning Department's projects/activities. Please reach out to me, if you have any questions concerning any of these items. I will also be at the August 3rd Work Session and can answer any questions.

Rezoning Items:

JSEK Hamburg, LLC - Requesting a rezoning of a portion of 4535 Southwestern Boulevard from C-1 to C-2 in order to construct a car wash facility. The application has been referred by the Town Board to the Planning Board and the Planning Board has been reviewing the application over the last couple of meetings (a traffic impact study has now been submitted). Once the Planning Board finishes their reviews and provides their input to the Town Board, the Town Board can set a public hearing and ultimately make a decision (SEQR and Rezoning) on the application. At the Planning Board's 4/9/20, the Planning Board tabled this item to put together their formal recommendation to the Town Board. The Planning Board made their formal recommendation (voted to recommend denial of the rezoning) at their 4/22/20 meeting and have worked on finalizing their report to the Town Board. The applicant would like the public hearing to occur at a "live" public meeting. The Town Board held a public hearing on 7/20/20, and now needs to provide direction and input on a SEQR and Rezoning decision (Deny, Approve, Approve with Conditions)

Briarwood PUD - potential rezoning for multi-family (applicant requesting C-1 to PUD). Awaiting information from the applicant- process not started.

Site to the east of the old Wal-Mart building request for a rezoning from C-1 to R-3 for multi-family housing. Awaiting information from the applicant- process not started.

Planning Board Meetings:

The Planning Board held their last meetings on 7/15/20. Agenda items included; a site plan request for a coffee shop and co-working space at 4900 Lakeshore road, the Moncton 3 lot subdivision (approved), Cleary wedding/event center on Taylor road, and the Stachera Open Development Area recommendation to the TB.

Based on the Planning Board's issuance of a SEQR Positive Declaration last year on the AL asphalt plant project, the applicant has submitted a "Draft Scoping Document" dated March 6, 2020. The Planning Board, to meet the deadline of issuing a Final Scoping document, held a special meeting on 4/29/20 to finalize the document. The Final Scope was issued and it has been filed and noticed in accordance with the SEQR law (copy available on the Town's website). We now await the applicant's submittal of a Draft EIS.

Code review committee

- The committee met on 6/24/20, and the following was discussed; Briarwood area rezoning (C-1 to R-3), property to the east of the old Wal-Mart site (C-1 to R-3 for multi-family), the proposed solar law, and other outstanding code items.
- The Committee will meet if any rezoning applications are received or at the request of the Supervisor's office. Some rezoning requests are being considered by a sub-group of the committee.
- The Town Board may want to review the outstanding Code issues and provide direction to the Code Review Committee on prioritizations for 2020. It is also my understanding that the Planning Board is working on a "mixed use zoning district". See tonight's Planning items in separate memo

Resolutions/Actions/Public Hearings:

There are resolutions to approve the solar law and the building department code amendments.

Other Planning Department activities:

We continue to work with the Comprehensive Plan Committee in preparing for the completion of an update to the Comprehensive Plan. Thank you for choosing Wendel to complete this important project.