

**1. Roll Call**

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

**ADOPTED                    Ayes 5                    Connolly, Farrell, Hoak, Petrie, Shaw**  
**Nays 0**  
**Abstain 0**

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; Samantha Tarczynski, Director of Finance; Martin C. Denecke, Director, Youth, Recreation and Senior Services; Pat Ryan, Director, Buildings & Grounds; Kate Hilliman, Director, Traffic Safety; Roger Gibson, Head Code Enforcement Officer; Ted Casey, Highway Superintendent; Cami Jarrell, Town Engineer; Jennifer Robertson, Director, IT; Dan Stanford, Town Assessor; Walter Rooth III, Town Attorney; Kevin Trask, Chief of Police; Kate Hilliman, Traffic Safety Coordinator

Meeting began at 7:01 PM

**2. Pledge of Allegiance**

The Pledge of Allegiance was recited by the Town Board.

**3. Proclamation - 90th Birthday of Donald Heidenburg**

A Proclamation in Honor of  
**Donald Heidenburg**  
On the Occasion of His 90<sup>th</sup> Birthday

WHEREAS the Town of Hamburg has had the good fortune to count among her residents Donald Heidenburg for over half a century, and

WHEREAS Mr. Heidenburg was born in the City of Buffalo to loving parents, Charles and Grace, the middle of three (3) children including his older brother, Robert, now residing in Kansas and younger sister, Carol, a resident of Florida, and

WHEREAS as a young lad Mr. Heidenburg grew up on the East Side of Buffalo where he worked in his grandparent's grocery store, attended East Side High School, worshipped at Resurrection Lutheran Church and made many friends, and

WHEREAS it was his close pals, Gordon Voss and the late Richard Harmel, who joined him in enlisting in the Marine Corp, in which he would serve our nation dutifully as a Staff Sergeant, and

WHEREAS upon completion of his service in the Marine Corp Mr. Heidenburg returned

home and began his studies at Bryant and Stratton which would lead to his career with the Bethlehem Steel Corporation in 1950 as a Superintendent of numerous mills until his retirement 43 years later in 1993, and

WHEREAS while employed by Bethlehem Steel Corporation Mr. Heidenburg also continued his pursuit of knowledge as he availed himself of the opportunity afforded by the G.I. Bill to pursue his degree in Business Administration at Lehigh University located in Bethlehem, PA, graduating in 1957, and

WHEREAS in his personal time Mr. Heidenburg has given selflessly to others as an active member of the Fraternal Order of Masons Living Stone Lodge in Colden, New York, and the Ismailia Shrine Center for over 50 years, and

WHEREAS it is as “Kasper” the Shriner Clown, and his award winning balloon creations, that Mr. Heidenburg has become a beloved and well known member of the Hamburg Community and beyond, and

WHEREAS Mr. Heidenburg has brought happiness, joy, laughter, and love to the hearts of innumerable people over the years during “Kasper’s” visits to hospitals, nursing homes, children’s parties and the Erie County Fair as well as earning him the honor and distinction of being named to the Erie County Fair Hall of Fame and as “Man of the Year” by the Hamburg Chamber of Commerce, and

WHEREAS Mr. Heidenburg was among the chosen in May of 2019 to take part in an “Honor Flight” trip to Washington along with is son, a Veteran of the U.S. Navy, as his escort, and

WHEREAS is an active member of the American Legion Post 527 as well as an Honorary Member of the Armor Volunteer Fire Company, and

WHEREAS on the date of November 13, 2020 Mr. Heidenburg will celebrate the 90<sup>th</sup> anniversary of his birth.

NOW, THEREFORE BE IT, RESOLVED that the Hamburg Town Board does hereby pause in its deliberations to join the Hamburg Town Clerk, Catherine Rybczynski, Town of Hamburg Employees, Mr. Heidenburg’s family, especially his children, grandchildren, and great grandchildren, friends, and the Hamburg Community to wish Mr. Heidenburg a very happy birthday and many happy returns, and

BE IT ALSO RESOLVED that the Hamburg Town Board, with gratitude for his dedication and commitment to brightening the lives of others through his role as “Kasper the Clown” and as a citizen of our great town on the occasion of his birthday, do hereby declare that November 13, 2020 be known throughout the Town of Hamburg as Donald “Kasper the Clown” Heidenburg Day, and

RESOLVED that the Town Clerk, Catherine Rybczynski, be directed to forward a certified copy of this proclamation to Mr. Heidenburg.

MOVED: Shaw

**On a motion of Supervisor Shaw, seconded by Councilman Hoak, the following resolution**

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was

**ADOPTED**

**Ayes 5**

**Connolly, Farrell, Hoak, Petrie, Shaw**

**Nays 0**

**Abstain 0**

The Proclamation was read and presented to Mr. Donald Heidenburg.

The Motion to approve was offered by Supervisor Shaw and seconded unanimously by all members of the Board.

The item was APPROVED 5 - 0

Supervisor Shaw AYE

Councilman Connolly AYE

Councilwoman Farrell AYE

Councilwoman Hoak AYE

Councilman Petrie AYE

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**4. Minutes of Previous Meetings**

RESOLVED that the Hamburg Town Board does hereby approve the minutes of the previous meetings as follows:

9.28.2020 Hamburg Town Board Work Session

9.28.2020 Hamburg Town Board Regular Meeting

10.5.2020 Hamburg Town Board Work Session

10.5.2020 Hamburg Town Board Regular Meeting

Moved: Hoak

**On a motion of Councilman Hoak, seconded by Councilman Petrie, the following resolution was**

**ADOPTED**

**Ayes 5**

**Connolly, Farrell, Hoak, Petrie, Shaw**

**Nays 0**

**Abstain 0**

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**5. Lake Ave Crosswalk - Reject**

**WHEREAS**, the Town of Hamburg has made a commitment to improve the safety for the residents living in the Our Mother of Good Counsel Apartments; and

**WHEREAS**, the Town of Hamburg also has a commitment to all residents for the fiscally responsible management of the Town; and

**WHEREAS**, Town Board authorized the public bid of a contract, in accordance with General Municipal Law of the State of New York, to construct a crosswalk across Lake Avenue and bids were received and opened on September 18, 2020; and

**WHEREAS**, the Town received a single interested bidder and the cost greatly exceeded the budget estimate of the work.

**THEREFORE BE IT RESOLVED**, that the Town Board deems that it is in the best interest of the Town to reject the bid in accordance the contract and rebid the project in the spring 2021 in the hope of attracting additional bidders at the onset of the construction season.

MOVED: SHAW

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

**ADOPTED**                      **Ayes 5**                      **Connolly, Farrell, Hoak, Petrie, Shaw**  
**Nays 0**  
**Abstain 0**

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**6. B&G Equipment - Nike**

**BE IT RESOLVED**, that the Town Board approve the Buildings & Grounds Dept. to purchase one (1) new John Deere PR84B Power Rake. After trade-ins the total purchase price is \$4,500.

Funds available in A.7141.460

MOVED: Shaw

**JUSTIFICATION:**

The John Deere Power Rake PR84B is an attachment for our skid steer. Our department ends up doing most of our own landscape work, this piece of equipment will make it much more efficient. This attachment will save time and money by making it possible to have 1 operator to do the job of many, and it will allow us to use the existing materials on the job site. By trading in 2 pieces of equipment which we don't use, we are reducing the price by half.

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

**ADOPTED**                      **Ayes 5**                      **Connolly, Farrell, Hoak, Petrie, Shaw**  
**Nays 0**  
**Abstain 0**

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**7. B&G Equipment - Town Hall**

**BE IT RESOVED**, that the Town Board approves the Buildings & Grounds Dept. to purchase one (1) new John Deere Z950M Z-track mower for the total purchase price of \$4,200 after trade-in.

Funds available in A.1620.413

Moved: Shaw

**JUSTIFICATION**

Typically after about 3 years, the cost of repairs and down time to our mowers makes it necessary to adhere to the rotation policy that Buildings & Grounds Dept. has tried to follow. In that way we get the best trade-in value and keep our equipment up to date and safe for the operators.

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

**ADOPTED**                      **Ayes 5**                      **Connolly, Farrell, Hoak, Petrie, Shaw**  
   **Nays 0**  
   **Abstain 0**

**8. B&G Equipment - Sr. Center**

**BE IT RESOVED**, that the Town Board approves the Buildings & Grounds Dept. to purchase one (1) new John Deere Z930M Z-track mower for the total purchase price of \$6,500 after trade-in.

Funds available in A.6781.413

MOVED: Shaw

**JUSTIFICATION**

Typically after about 3 years, the cost of repairs and down time to our mowers makes it necessary to adhere to the rotation policy that Buildings & Grounds Dept. has tried to follow. In that way, we get the best trade-in value and keep our equipment up to date and safe for the operators.

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

**ADOPTED**                      **Ayes 5**                      **Connolly, Farrell, Hoak, Petrie, Shaw**  
   **Nays 0**  
   **Abstain 0**

**9. Resolution - Special Assessments**

**BE IT RESOLVED** that the Town Board of the Town of Hamburg adopt the special assessments indicated on the attached "Letter of Authorization" as part of the 2021 Town of Hamburg Budget.

Moved: Shaw

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

**ADOPTED**

**Ayes 5**

**Connolly, Farrell, Hoak, Petrie, Shaw**

**Nays 0**

**Abstain 0**

Corrected amount to add \$532.00 for sidewalks for a new total of \$56,962.86 as read into the record by Supervisor Shaw.

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- 10. Calling for a Public Hearing for Proposed Local Law RE: The Business Improvement Exemption Law**

**Calling for a Public Hearing for Proposed Local Law Re:  
The Business Improvement Exemption Law**

**WHEREAS**, the Retail Moratorium Ad Hoc Committee of the Town Board regularly met for approximately sixteen (16) months to consider retail plaza vacancy rates with a view to developing local initiatives to favorably impact vacancy rates, improve employment opportunities and positively impact the Town’s property tax base; and

**WHEREAS**, that Ad Hoc Committee has recommended to the Town Board that it consider the filing and adoption of a local law entitled “The Business Improvement Exemption Law” pursuant to Section 485-b of the Real Property Tax Law; and

**WHEREAS**, Section 485-b of the Real Property Tax Law authorizes Towns and other municipalities to enact local laws authorizing a partial exemption from real property taxation for commercial, business or industrial property constructed, altered, installed or improved on or after the effective date of the local law; and

**WHEREAS**, the cost of such construction, alteration, installation or improvement must exceed \$10,000.00, ordinary maintenance and repairs do not qualify for exemption and the property must not be receiving, or have received, any other exemption authorized by the Real Property Tax Law with respect to the same improvements unless during the period of the prior exemption, payments in lieu of taxes were made in amounts that were at least equal to the taxes that would have been paid had the property been receiving the Section 485-b exemption; and

**WHEREAS**, pursuant to the authority granted by the State of New York, Erie County currently provides section 485-b exemptions which are maximized during the first (1st) year following the completion of a qualifying project to the extent of fifty (50) percent of the increase in the assessed value attributable to the resulting improvement. The exemption amount then decreases by five (5) percent in each of the next nine (9) years;

**NOW THEREFORE BE IT RESOLVED**, the Town Board hereby proposes to enact “The Business Improvement Exemption Law” as Proposed Local Law # 7 of 2020, providing as follows:

**Section I.** This local law, using Section 485-b of the Real Property Tax Law,

authorizes a partial exemption from real property taxation for commercial, business or industrial property constructed, altered, installed or improved on or after the effective date of this law. The cost of such construction, alteration, installation or improvement must exceed \$10,000.00. Ordinary maintenance and repairs do not qualify for exemption. The property must not be receiving or have received any other exemption authorized by the Real Property Tax Law with respect to the same improvements, unless during the period of the prior exemption, payments in lieu of taxes were made in amounts that were at least equal to the taxes that would have been paid had the property been receiving the Section 485-b exemption. This local law does not limit the exemption by specific geographic areas and to sectors and sub sectors of businesses as defined in the North American Industry Classification System.

**Section II.** The colloquial name of this local law, which is a Town of Hamburg adoption and implementation of Section 485-b of the Real Property Tax Law, shall be "The Business Improvement Exemption Law."

**Section III.** Duration and Computation of Exemption. The exemption in the first (1st) year is fifty (50) percent of the increase in the assessed value attributable to the improvement. The exemption amount then decreases by five (5) percent in each of the next nine (9) years. This declining percentage continues to be applied to the increase in assessed value determined in the first year of the exemption, unless there is a change in level of assessment for an assessment roll of fifteen (15) percent or more, as certified by the State Board of Real Property Services, in which case an adjustment is required.

**Section IV.** Application for Exemption. The exemption applies to charges imposed upon real property by or on behalf of the Town of Hamburg for municipal purposes and to special *ad valorem* levies except those levied for fire district, fire protection district or fire alarm district purposes. The exemption does not apply to costs incurred for ordinary maintenance and repairs or to property used primarily for residential purposes other than hotels or motels.

**Section V.** Filing for Exemption. Application for exemption from Town of Hamburg taxes must be filed, using form (RP-485-b), with the Town Assessor, not the State Board of Real Property Services.

**Section VI.** Filing Application. The RP-485-b application must be filed in the Assessor's Office on or before the taxable status date of March 1st, and within one (1) year from the date of completion of the improvements.

**Section VII.** Exemption Retention Conditions. Once the exemption has been granted, the exemption may continue for the authorized period provided that the eligibility requirements continue to be satisfied. It is not necessary to reapply for exemption after the initial year in order for the exemption to continue.

**Section VIII.** Severability. Should any part of this Local Law be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not affect, impair, or invalidate the remainder thereof, but shall be restricted in its operation in effect to the part of this Local Law specifically determined to be invalid.

**Section IX.** Effective Date. This Local Law shall take effect immediately upon filing

thereof in the Office of the Secretary of State of the State of New York.

**BE IT FURTHER RESOLVED**, the Town Board sets a Public Hearing on this Proposed Local Law at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on November 16, 2020.

Moved: Shaw

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

**ADOPTED**                      **Ayes 5**                      **Connolly, Farrell, Hoak, Petrie, Shaw**  
**Nays 0**  
**Abstain 0**

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**11. Sidewalk Billing**

BE IT RESOLVED that the Town Board authorize the imposition of billing \$8/Square Foot for the paving of the attached resident's sidewalks. The contractor who did the work charged \$27-\$28 per square foot which is a lot higher than the industry norm of \$8/square foot.

Moved: Shaw

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

**ADOPTED**                      **Ayes 5**                      **Connolly, Farrell, Hoak, Petrie, Shaw**  
**Nays 0**  
**Abstain 0**

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**12. Purchase Debris Blower**

**On a motion of Councilman Petrie, seconded by Councilman Hoak, the following resolution was**

**ADOPTED**                      **Ayes 5**                      **Connolly, Farrell, Hoak, Petrie, Shaw**  
**Nays 0**  
**Abstain 0**

BE IT RESOLVED, that the Town Board approve the purchase of one new Pro Force Debris Blower for the total purchase price of \$7,746.18 per NYS Contract #PC68896, for use at the Golf Course. Funds are available in ER.7250.201.

Justification:

The debris blower is an essential piece of equipment used at the Golf Course for daily operations to keep leaves and debris off the greens, fairways, and tee boxes. The one we have currently was purchased used for \$5,000, and is in need of replacement. By purchasing a blower off the State Contract bid list we save almost \$3,000. Using the available funds this year reserves our 2021 budget for next year's expenses.



13. AUDIT OF CASH DISBURSEMENTS November 2, 2020

RESOLVED that the Hamburg Town Board does hereby RECEIVE & FILE the "Town Board Audit of Cash Disbursements" for Monday, November 2, 2020 as follows:

**TOWN BOARD AUDIT OF CASH DISBURSEMENTS**

MONDAY NOVEMBER 2, 2020

<b>OPERATING FUND</b>		
Batch Number	Voucher Number	Amount
123	110993	\$ 74.69
124	110994-111025	\$ 12,985.43
125	111026-111027	\$ 40,350.00
126	111028-111082	\$ 347,660.64
<b>Total Operating Fund Disbursements</b>		<b>\$ 401,070.76</b>
<b>TRUST AND AGENCY FUND</b>		
Batch Number	Voucher Number	Amount
<b>Total Trust and Agency Fund Disbursements</b>		<b>\$ -</b>
<b>CAPITAL FUND</b>		
Batch Number	Voucher Number	Amount
<b>Total Capital Fund Disbursements</b>		<b>\$ -</b>
<b>PAYROLL</b>		
Payroll Number		Amount
P/R #22		\$ 708,580.71
<b>Total Payroll Disbursements</b>		<b>\$ 708,580.71</b>
<b>PETTY CASH</b>		
<b>TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:</b>		<b>\$ 1,109,651.47</b>

MOVED: Shaw

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

**ADOPTED**                      **Ayes 5**                      **Connolly, Farrell, Hoak, Petrie, Shaw**  
**Nays 0**  
**Abstain 0**

RESOLVED, that the Hamburg Town Board does hereby RECEIVE & FILE the Audit of Cash Disbursements for November 2, 2020.

Moved: Shaw

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#### **14. Business from the Floor**

##### **Reports of Department Heads**

Cami Jarrell, Town Engineer - Twin Willow and Thurston Ave work will begin Wednesday morning.

Kate Hilliman, Traffic Safety - Meeting to be held on the 16th and working on a form for street signage.

Martin C. Denecke, Director of youth, Recreation and Senior Services - On Sunday at 11 am a ribbon cutting will be held for the new Nike Base fitness equipment.

Catherine Rybczynski, Town Clerk - Offered her appreciation to her staff for their hard work during the recent early voting period held in Town Hall. She stated that they did a great job at fielding questions normally asked of the Board of Elections.

Samantha Tarczynski, Finance Director - working on debt issuance, 2019 audit completion, year-end, etc.

##### **Board Members**

Councilman Petrie reminded residents to check their smoke alarms and CO2 detectors along with turning back their clocks.

#### **15. Meeting is adjourned by Supervisor**

**On a motion of Councilman Hoak, seconded by Councilman Farrell, the following resolution was**

**ADOPTED**                      **Ayes 5**                      **Connolly, Farrell, Hoak, Petrie, Shaw**  
**Nays 0**  
**Abstain 0**

Meeting is adjourned at 7:26 PM

## Letter of Authorization

To: Erie County Real Property Tax Department  
From: Town of Hamburg  
Subject: Unpaid items to be included in tax warrant  
Date: November 2, 2020

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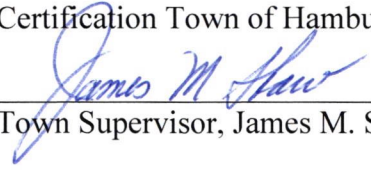
In accordance with New York State Town Law, section 198, the town board has opted to enforce various unpaid accounts for water, sewer, refuse and other unpaid town services as indicated below, by placing a lien upon the real property for which such services were provided. **Be sure to include a copy of the resolution(s) adopting all special town charges.**

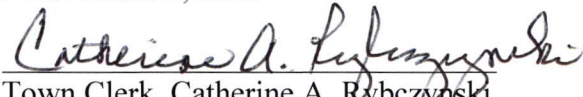
**In light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the town assessor's master computer assessment roll file, which is also hereby being delivered by the assessor with this letter of authorization.**

- |                               |   |
|-------------------------------|---|
| • Total Unpaid Water          | \$ 3,450.22   |
| • Total Unpaid Sewer          | \$  |
| • Total Unpaid Refuse         | \$  |
| • Total Ag Penalty            | \$  |
| • Total Other Charges         | \$52,980.64 grass cutting, board ups, demolition<br>and tree removal, sidewalk repair |
| • Total Omitted Taxes         | \$  |
| • <b>Total of Items Above</b> | <b>\$56,430.86</b>  |
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Certification Town of Hamburg

Date: November 2, 2020

  
Town Supervisor, James M. Shaw

  
Town Clerk, Catherine A. Rybczynski

**Assessors Use Only**

Date RPS file submitted to County RPTS 11/4/2020

**I hereby certify that the entries on the master assessment roll file delivered herewith equal the amounts as required by the town board as provided for above.**

  
Assessor, Dan Stanford

11/2/2020  
Date

**County RPTS Use Only**

Date filed received \_\_\_\_\_ By: \_\_\_\_\_

File in balance Yes \_\_\_\_\_ No \_\_\_\_\_

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ADDRESS	5-B-1	OWNER	area repaired			\$7 / SF		\$14 / SF		\$28 / SF		Date Compl
			SF	Amount	Amount	Amount	Amount	Amount				
3795 Howard Rd	170.12-3-9	Poleon	20	\$140	\$280	\$560					11/4/2019	
Sheldon Road	160.15-2-2-11	Fraccica	100	\$700	\$1,400	\$2,800					11/4/2019	
4915 Chapman Pkwy	169.16-9-14-1	Sanderson	97.2	\$680.40	\$1,360.80	\$2,721.60					11/4/2019	
5073 Chapman Pkwy	169.19-4-5	Cidell	28	\$196	\$392	\$784					11/5/2019	
5108 Chapman Pkwy	169.19-3-4	Wagner	40.68	\$284.76	\$569.52	\$1,139.04					11/5/2019	
4890 Morgan Pkwy	169.16-7-16	Acanfora	23	\$161	\$322	\$644					11/5/2019	
4954 Morgan Pkwy	169.16-9-19	Heilig	122	\$854	\$1,708	\$3,416					11/5/2019	
5089 Morgan Pkwy	169.19-5-14	Skrzeczowski	136.0686	\$952.48	\$1,904.96	\$3,809.92					11/6/2019	
4778 Rogers Rd	169.12-5-8	More	196	\$1,372	\$2,744	\$5,488					11/20/2019	
4758 Kennison Pkwy	169.12-9-13	Laufer	41.68	\$291.76	\$583.52	\$1,167.04					11/20/2019	
4819 Kennison Pkwy	169.16-11-10	Grimes	89.68	\$627.76	\$1,255.52	\$2,511.04					11/20/2019	
4845 Kennison Pkwy	169.16-11-4	Deloy	108	\$756	\$1,512	\$3,024					11/20/2019	
4870 Kennison Pkwy	169.16-12-11	Sills	121.4	\$849.80	\$1,699.60	\$3,399.20					11/20/2019	
4893 Mt Vernon Blvd	169.16-10-12	Skolnik	40	\$280	\$560	\$1,120					11/6/2019	
4988 Mt Vernon Blvd	169.16-13-23	Sante	63	\$441	\$882	\$1,764					11/6/2019	
5018 Clifton Pkwy	169.15-3-6	Clark	15	\$105	\$210	\$420					11/20/2019	
5072 Mt Vernon Blvd	169.15-3-12	Vacanti	36	\$252	\$504	\$1,008					11/6/2019	
5080 Mt Vernon Blvd	169.15-3-14	Hodge	48	\$336	\$672	\$1,344					11/6/2019	
5093 Mt Vernon Blvd	169.19-3-20	Powers	21	\$147	\$294	\$588					11/6/2019	
		Totals:	1,346.7086	\$9,426.96	\$18,853.92	\$37,707.84						