

1. Roll Call

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

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

ALSO PRESENT: Brad Rybczynski, Deputy Town Clerk; Samantha Tarczynski, Director of Finance; Walter Rooth III, Town Attorney; Jen Robertson, IT Director; Christopher Hull, Director, CDBG; Sean Crotty, Emergency Manager; Dan Stanford, Town Assessor; Martin C. Denecke, Director, Recreation, Youth and Senior Services; Pat Ryan, Director of Buildings and Grounds; Cami Jarrell, Town Engineer; Kevin Trask, Chief, Hamburg Police Department; Jen Kosmowski, Domestic Violence Director; Kate Hilliman, Traffic Safety Coordinator; Allisa Straus, Personnel;

2. Pledge of Allegiance

The Board and those in attendance recited the Pledge of Allegiance.

3. Public Hearing: Special Events Ordinance

LEGAL NOTICE
TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg, on November 16, 2020, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #9, 2020; this local law’s purpose is to preserve the public peace and good order, said local law provides for amendments to the Hamburg Town Code. The amendments can be described as follows:

1. No special event shall take place unless and until an application for a special event has been submitted to the Town Clerk and such permit has been issued thereby; and

2. Any person, group of person, partnership, association or corporation, individually or collectively, who shall violate or aid in, take part in or assist in the violation of this chapter shall be guilty of a violation and, upon conviction, be punished by a fine not exceeding \$1,000 as to an individual and not exceeding \$5,000 as to a corporation.

A detailed copy of the proposed amendments will be available, for public review, during regular business hours at the following **2 locations:**

HAMBURG TOWN HALL
Town Clerk's Office/upper level)
6100 South Park Avenue
Hamburg, New York 14075

And on the Town of Hamburg's website:
www.townofhamburgny.com Click on Legal
Notices & Bid

Therefore, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. (local time) on the 7th day of December, 2020, at which time all interested persons may be heard.

Dated: November 20, 2020
Catherine Rybczynski

Town Clerk
Town of Hamburg

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

A motion was offered by Supervisor Shaw, seconded by Councilman Connolly, to OPEN the Public Hearing on Proposed Local Law #9 (Special Events Ordinance).

The motion to OPEN the Public Hearing was APPROVED 5 - 0
AYES - Shaw, Connolly, Farrell, Hoak, Petrie
NOS - 0

The Public Hearing began at 7:02 PM

Supervisor Shaw asked if any interested persons wanted to speak on the proposed local law #9.

The Supervisor recognized the speakers as follows:

Ken Page, 3653 Sixth Street, Blasdell, NY 14219

Mr. Page stated that he objected to the proposed local law #9 because he believed it may only lead to more restrictions on residents. He continued that 60 days notice to apply and 45 days to respond by the town would limit free speech. He added that the requirement that proof of liability insurance be shown would also restrict access and free speech. He reasoned that the insurance was too difficult, if not impossible to get, and it is very expensive.

Councilman Michael Petrie

Mr. Petrie stated that he opposes the passage of the proposed local law #9 because if any person

wanted to challenge the law it would be prohibitively expensive. He also stated that the permit requires Town Board approval and as such is open to political influence and favoritism.

Councilwoman Elizabeth Farrell

Ms. Farrell said that she felt the timing of the proposed local law #9 was poor and that the effort to pass it was over reaching. She felt that a more incremental approach was warranted in this situation. Ms. Farrell also stated that the proposed law would be prohibitive to individuals or organizations who seek to exercise free speech.

Councilman Sean Connolly

Mr. Connolly began by stating that he agreed with Mr. Page, Councilman Petrie and Councilwoman Farrell, however he said that over the past few months he has not received any "push back" on the proposed local law #9. Also, he felt it was a rare event, in fact the only one in recent memory, that over 400 residents come together on town property for such a purpose as a rally, protest, etc. and it is unlikely to happen again. Mr. Connolly continued that he believed that many opportunities existed to exercise free speech in groups of less than 400. He also expressed concerns over the town being liable should something go wrong. Currently the town has no policy regarding mass gatherings and he feels it would be negligent for the town to not institute a policy to protect residents, police, the town, employees, etc.

Councilwoman Karen Hoak

Ms. Hoak asserted that the intent of the proposed local law #9 is not to prevent events from happening, but to keep people safe and to protect everyone.

Supervisor James Shaw

Mr. Shaw began by saying that Hamburg would not be unique in having an ordinance such as this. He then enumerated a list of possible scenarios in which the proposed local law #9 would prove to be a good decision; ie. damage to town property; in the event that a fight happened; etc. Mr. Shaw also stated that the 60 days prior to the event allows the town to do its due diligence on the organizers in order to determine the need for clean up, security, damage, traffic control, etc. to protect the town.

Carole Gillette (Facebook Comment) - "These scenarios can happen with 50 people."

Deb Mueller (Facebook Comment) - Permits are needed for town parks. Why is this any different?

No other persons either in person or on line "appeared" to be heard.

A motion was offered by Supervisor Shaw, seconded by Councilwoman Hoak, to adjourn the Public Hearing on Proposed Local Law #9.

The motion was APPROVED 5 - 0

AYES - Shaw, Connolly, Farrell, Hoak, Petrie

NO - 0

The Public Hearing on Proposed local Law #9 was closed at 7:21 PM.

4. Minutes of Previous Meetings

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

11.2.2020 Town Board Work Session

11.2.2020 Town Board Meeting

11.9.2020 Town Board Special Session

11.16.2020 Town Board Work Session

11.16.2020 Town Board Meeting

Moved: Hoak

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

ADOPTED

Ayes 5

Connolly, Farrell, Hoak, Petrie, Shaw

Nays 0

Abstain 0

5. 2021 1st Quarter Town Board Meeting Schedule

WHEREAS, the Town Law requires the town board of every town of first class to hold at least one (1) meeting in each month of the year:

NOW THEREFORE BE IT RESOLVED, that the regular MONTHLY MEETINGS of the Town Board of the Town of Hamburg, except as otherwise designated by the Town Board, shall be held in the Town Hall Court Room at 7:00 P.M. Prior to the start of the meetings, the Hamburg Town Board shall hold a public work session held at 5:30 P.M. Meetings for the first quarter of 2021 are as follows:

January 4th Re-Organizational Meeting,

January 11th

February 1st

February 22nd

March 8th

March 22nd

BE IT FURTHER RESOLVED that all meetings will begin with a Work Session starting at 5:30 p.m., followed by the Regular meeting beginning at 7:00 p.m. for the above stated meeting dates. Special meetings of the Town Board shall be called in accordance with the provisions of the Town Law and Public Officers Law.

Moved: Shaw

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

6. Hamburg Rejuvenation Event Funding

WHEREAS, the Hamburg Rejuvenation Project is planning a virtual Christmas presentation for December 19, 2020 at 7 pm as an alternative to the annual Christmas at the Cabin event cancelled by precautions necessary due to the COVID pandemic, and

WHEREAS, the Hamburg Rejuvenation Project previously returned their 2020 allocated budget to the Town,

NOW THEREFORE BE IT RESOLVED, the Hamburg Town Board approves paying up to \$350 in expenses related to the event.

Funds will be transferred to account A8510.451 as necessary, from contingency account A.1990.419

Moved: Farrell

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

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

7. Carry-over

BE IT RESOLVED that the Hamburg Town Board approve the request for Christopher Hull, Director of Community Development, to carry over five days of vacation to the 2021 calendar year based upon the Town Board resolution passed on November 16, 2020.

MOVED: FARRELL

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

ADOPTED

Ayes 5

Connolly, Farrell, Hoak, Petrie, Shaw

Nays 0

Abstain 0

8. Vacation Carry Over

Be it resolved the Town Board approve the request of 3 department of Youth, Recreation, & Senior Services staff members (Martin Denecke, Joseph Wenzel, and Joseph Pietras) to carry of 5 vacation days each into 2021.

Moved: Connolly

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

ADOPTED

Ayes 5

Connolly, Farrell, Hoak, Petrie, Shaw

Nays 0

Abstain 0

9. B&G Equipment

BE IT RESOLVED, that the Town Board approve the Buildings & Grounds Dept. to purchase one (1) new Equipment Trailer in the amount of \$5,511.00.

Funds are available in A.1640.413

JUSTIFICATION:

We are looking to replace one of our heavy duty tilt bed trailers due to age (2013), breakdowns, and rust. These trailers are used daily most of the year hauling heavy equipment exceeding 10,000 pounds. With the age and the heavy duty use it provides keeping equipment new and in good shape keeps the employees and public safe while hauling these heavy loads. We plan on auctioning the old trailer sometime in the spring of 2021.

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

10. B&G PAF

BE IT RESOLVED, that the Town Board approve the termination of the following employees in the Buildings & Grounds Dept.

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

11. B&G 2021 Budget Transfer

BE IT RESOLVED that the Town Board approve the following transfers for the 2021 Budget in an effort to restore the Buildings & Grounds "Motor Vehicle" account (A.7140.0202);

\$15,000 from A.7140.0413

\$5,000 from A.1620.0413

\$5,000 from A.7141.0303

\$2,000 from A.7410.0423

Moved: Shaw

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

Pat Ryan, Director of Buildings and Grounds, explained the budget transfers as giving the department the opportunity to continue the system of rotating vehicles currently in place.

12. Golf Course Equipment

BE IT RESOLVED, that the Town Board approve the purchase of one (1) new Toro Fairway Mower for the total purchase price of \$49,000.46 after trade-in, per NYS Contract # PC68896.

Funds are available in ER.7250.201, ER.7250.460 & ER.7250.413

JUSTIFICATION:

18 mile creek golf course is requesting to purchase a Toro 3575 fairway mower on state contract for \$49,000.46 after trade in. This piece of equipment is essential to the continued maintenance of our always improving fairways. Our current fairway mower is in terrible shape. We have worked very hard over the past 6 years to improve to the overall health of the golf course . We've spent a lot of time and money on fairways this season in aeration , fertilizing , and over seeding . It is my belief that this piece of equipment is not only necessary, but will also give us the ability to turn out a better product every season . Which should always be our goal.

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

Mr. Ryan informed the Board that the old mower would be traded in, but it is only worth around \$4k.

13. Fairway Court Stop Sign

WHEREAS, Fairway Court is a road originating on Pleasant Avenue which dead-ends on Walden Drive, a residential street in the Town of Hamburg, and one of two main entry and exit routes for the Walden/Juno neighborhood, and

WHEREAS, the intersection of Fairway Court and Walden Drive creates a 3-way T-intersection, but which is only marked as a 2-way stop on Walden only, and

WHEREAS, this creates an unsafe and confusing traffic situation and meets the criteria for Multi-Way Stop Control Applications, and

THEREFORE, BE IT RESOLVED, upon recommendation of the Traffic Safety Advisory Board, and in accordance with the Federal and New York State Manual of Uniform Traffic Control Devices, that the Buildings and Grounds Department be directed to install and maintain the following 1. R1-1C Stop Signs on the Northeast corner of Fairway Court at its intersection with Walden Drive. Funds available in account DB.5110.0205 SIGns and Signals.

Moved: Farrell

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

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

14. Amsdell Road School Zone

Amsdell Road Speed Zone

WHEREAS, while Amsdell Road connects Route 5 and Route 20, it is lined by residences, and provides access to several large residential neighborhoods and Frontier Middle School, and

WHEREAS, the current posted speed limit on the road is 35 mph, and

WHEREAS, data collected by the Hamburg Police Department during the month of September 2020 indicates that many motorists drive above the posted speed limit, and

WHEREAS, the safety of pedestrians and cyclists in the area, particularly children walking to the Middle School, is of utmost importance to the Town of Hamburg,

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board recommend the installation of a school speed zone of 25 mph on Amsdell Road at Frontier Middle School, and

BE IT FURTHER RESOLVED, the Town of Hamburg Traffic Safety Coordinator shall provide the required documentation to Erie County Department of Highways to proceed with this project.

Moved: Farrell

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

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

15. BID AWARD: Police 2020 Ford Fusion

RESOLVED, the Town Board approve the lone bid for one new and unused, 2020 Ford Fusion, S,SWD, for \$18,486.43 less trade in of 2011 Chevy Tahoe, \$8000.00 for a total of \$10,486.43 to West Herr Ford, Hamburg, NY

Funds available in Motor Vehicle account B3120.202/Assset Forfeitures

Moved: Hoak

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

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

16. Resolution to Form Police Reform And Reinvention Collaborative Committee

WHEREAS, pursuant to Governor Cuomo’s Executive Order No. 203 “New York State Police Reform And Reinvention Collaborative”, each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color; and

WHEREAS, Hamburg welcomes this collaborative opportunity as it supports our continuous efforts to provide the highest level of professionalism and service to all members of, and visitors to, our community;

NOW, THEREFORE, BE IT RESOLVED, a Committee is hereby formed, to be known as the "Police Reform and Reinvention Collaborative Committee"; and

BE IT FURTHER RESOLVED, that the purpose of the Committee shall be as follows:

- Review the needs of the community served by its police agency, and evaluate the department's current policies and practices;
- Establish policies that allow police to effectively and safely perform their duties;
- Involve the entire community in the discussion;
- Develop policy recommendations resulting from this review;
- Offer a plan for public comment;
- Present the plan to the local legislative body to ratify or adopt it;
- Certify adoption of the plan to the State Budget Director on or before April 1, 2021; and

BE IT FURTHER RESOLVED, that Councilwoman Karen Hoak shall serve as liaison between the Police Reform and Reinvention Collaborative Committee and the Hamburg Town Board; and

BE IT FURTHER RESOLVED, that the following individuals be appointed to the Police Reform and Reinvention Collaborative Committee for a term of one year, effective immediately:

Laura El-Bahtity, Community Representative
 Meg Comerford, Community Representative
 Captain Pete Dienes, Town of Hamburg Police Department Representative
 Chris Dudek, Community Representative
 Alex Gill, Community Representative
 Amy Jeanty-Blum, Community Representative
 Paul McQuillen, Community Representative
 Reverend Vivian Ruth Waltz, Community Representative

MOVED: Hoak

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

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

17. Hire Probationary Public Safety Dispatcher

RESOLVED, that the Town Board approve the appointment of Connor J. Moses, to the full-time Public Safety Dispatcher position (Probational) effective December 20, 2020. Mr. Moses has met the Civil Service requirements for this position and is currently on the Civil Service List Exam #67-309. Salary is \$23.58 per hour, funds available in A3020.100

Moved: Hoak

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

18. Resolution - The Business Improvement Exemption Law

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The Business Improvement Exemption Law

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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; and

WHEREAS, a public hearing was held regarding this proposed local law on November 16, 2020 and no adverse comments were received.

NOW THEREFORE BE IT RESOLVED, the Town Board does hereby enact "The Business Improvement Exemption Law" as Proposed Local Law # 7 of 2020, provided 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.

NOW THEREFORE BE IT RESOLVED, that proposed Local Law #7 of 2020, is adopted to authorize 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.

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

19. Glenn Wetzl Rezoning Big Tree Road REVISED

Whereas, the Town of Hamburg received a request from Glenn Wetzl to rezone 16.4 acres of vacant land (a portion of SBL # 160.19-2-1.1) located on the south side of Big Tree Road, east of 4255 McKinley Parkway from C-1 (Local Retail District) to R-3 (Multi-Family District) in order to construct a multi-family project that includes 104 attached units; and

Whereas, the Code Review Committee reviewed the application and recommended that the Town Board entertain this rezoning request with concerns; and

Whereas, the applicant has revised the rezoning request for this property and now requests that 22.4 acres be rezoned from C-1 (Local Retail District) to R-3 (Multi-Family District) in order to construct 156 attached units.

Now, Therefore, Be It Resolved, that the Hamburg Town Board hereby refers this revised rezoning request to the Planning Board for its review and recommendation; and

Be It Further Resolved, that the Hamburg Town Board would like to act as Lead Agency, in accordance with the New York State Environmental Quality Review Act (SEQRA) and hereby authorizes the Planning Department to perform the appropriate notifications.

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

20. PAF- Yth., Rec., Sr. Services

BE IT RESOLVED, that the Town Board approve the termination and hiring of personnel for the Youth, Recreation & Senior Services Dept. as follows:

MOVED: Connolly

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

21. RFP-Marina Feasibility Study

RFP- Marina Feasibility Study

WHEREAS, the Town of Hamburg was awarded an EPF LWRP grant to procure the necessary professional services to prepare the Town of Hamburg Marina Feasibility Study which will identify potential location(s), design(s), cost estimates, a market study, and a sustainability plan for the development of a safe harbor marina with docking facilities along the Town of Hamburg Lake Erie shoreline, and

WHEREAS, the Town of Hamburg will work with the Hoover Beach Community to ensure that the scope of the proposed project will offer recommendations to enhance the protection of the shoreline and serve as a catalyst for revitalization, and

WHEREAS, as per the project budget, the Town of Hamburg will receive reimbursement from NYSDOS for approximately 75% of the total project, and

WHEREAS, the findings and recommendations identified in the Town of Hamburg Marina Feasibility Study must be consistent with the policies of the approved Town of Hamburg Local Waterfront Revitalization Program (amended in 2012),

BE IT RESOLVED, that the Hamburg Town Board authorize the release and advertisement of a Request for Proposals (RFP) for professional services from qualified firms to prepare the Town of Hamburg Marina Feasibility Study. RFP to be released on 1/4/21 and opened on 3/1/21 at 11 a.m. by the Hamburg Town Clerk, and

BE IT FURTHER RESOLVED that the Town Board will provide continued support for this project in accordance with the executed contract between the Town of Hamburg and NYSDOS (#C1001321), and that EECG Consulting, LLC will manage and work with New York State Department of State (NYSDOS) to effectively develop and implement the project.

Moved: Farrell

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

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

22. Approve /Personnel Department Head

NOW, THEREFORE BE IT, RESOLVED, that Alissa Straus, Senior Personnel Clerk, be classified as an official Town Department Head for the Town of Hamburg Personnel Department, effective December 8, 2020. As such, the Personnel Department will no longer report to the Director of Administration and Finance, but rather directly to the Town Supervisor; and

BE IT FURTHER RESOLVED, that all terms and conditions of the employment status of Alissa Straus shall remain in full force and effect.

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

23. KVS Software Upgrade

Whereas the Town of Hamburg has relied upon the Finance Department utilizing KVS software for the Town's general ledger, voucher processing, check printing, and financial results since converting to a computerized system in 2004 and,

Whereas this system has been outdated for quite some time and,

Whereas the impacts of the systems deficiencies have been exacerbated by the impact of COVID-19 and,

Whereas KVS has a cloud based system upgrade available and,

Whereas this upgrade will improve security, transparency, accountability, and efficiency in unprecedented ways and,

Whereas the Town of Hamburg has the unique opportunity to receive a twenty percent discount (\$9,200 annually) on the system update indefinitely and,

Whereas the Director of Finance, Samantha Tarczynski, has secured an additional discount of twenty three percent (\$8,500) for the 2021 year due to her accounting software and municipal experience that KVS valued enough to select the Town's Finance Department as the first beta client to use this software and,

Whereas the Town will also receive a forty percent discount (\$6,084) on necessary training in 2021,

Now, therefore be it, resolved, that the Town Board of the Town of Hamburg authorize the Director of Finance, Samantha Tarczynski, to sign all necessary documents pertaining to the upgrade of the current KVS software to the KVS cloud software. These documents will be reviewed by the Town Attorney, as necessary, and

Be it further, resolved, after discounts the 2021 cost of this software is \$28,479 and the one time installation and training costs will not exceed \$9,126. While the costs are already known, the monetary savings can only be estimated at this time but include reduced reliance on IT infrastructure and networks, reduced consulting fees, and reduced staffing time due to processing town wide, and

Be it, resolved, funds are available within department A1310 and A1670 during the 2020 and 2021 budget years. The preparation for implementation will begin immediately in order to meet the KVS Cloud beta requirement to begin implementation in late January 2021.

Moved: Shaw

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

24. Audit of Cash Disbursements of December 7, 2020

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

RESOLVED, that the Hamburg Town Board does hereby RECEIVE & FILE the Audit of Cash Disbursements dated December 7, 2020.

Moved: Shaw

TOWN BOARD AUDIT OF CASH DISBURSEMENTS

MONDAY DECEMBER 7, 2020

OPERATING FUND		
Batch Number	Voucher Number	Amount
127	111083	\$ 599.64
128	111084	\$ 179.46
129	111085-111123	\$ 236,071.59
130	111143	\$ 2,557.50
131	111144-111202	\$ 166,069.10
132	111203-111261	\$ 253,301.09
133	111268-111447	\$ 136,329.50
134	111448-111458	\$ 223,812.65
135	111459	\$ 179.46
136	111463-111591	\$ 673,819.66
137	UNPROCESSED	\$ 438,481.15
Total Operating Fund Disbursements		\$ 2,131,400.80
TRUST AND AGENCY FUND		
Batch Number	Voucher Number	Amount
Total Trust and Agency Fund Disbursements:		\$ -
CAPITAL FUND		
Batch Number	Voucher Number	Amount
20	111267	\$ 1,174.90
21	111262-11264	\$ 61,499.45
22	111460-111462	\$ 57,848.40
23	111592	\$ 10,801.00
Total Capital Fund Disbursements		\$ 131,323.75
PAYROLL		
Payroll Number		Amount
Total Payroll Disbursements		\$ -
PETTY CASH		
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$ 2,262,724.55

25. Business from the Floor

Department Head Reports

Brad Rybczynski, Deputy Town Clerk: Reported that tax bills have been sent to the county and

may no longer be paid in town Hall.

Martin C. Denecke, Director of Recreation, Youth, & Senior Services: Informed the Board that the annual toy drive is underway. The goal is to serve 250 children.

Kevin Trask, Chief of Police: Stated that he is looking forward to working with the "Police Reform and Reinvention Collaborative Committee" adding that Alex Gill, the student he is mentoring and assisting the Committee, has some great ideas and a framework for getting the group started.

Sean Crotty, Emergency Services Manager/Sr. Dispatch Officer: He offered his thanks to the Board for all of their support.

Samantha Tarczynski, Finance Director: Began by informing the Board that she is working from home because of the current COVID-19 situation in Finance. She also thanked the Board for their approval of the "KVS Software Upgrade" and for the Board trusting her judgment and recommendation to proceed with the purchase despite the short duration and limited opportunities to discuss the KVS upgrade as a Board.

Jennifer Kosmowski, Domestic Violence Director/Advocate: Told the Board that she is very busy and has been getting a lot of inquiries regarding services and options for those in need of assistance. Also, she has been referring clients to appropriate service providers.

Brigid Lavelle, Court Administrator: Ms. Lavelle was unable to attend, but did speak with her Town Board Liaison, Councilwoman Hoak, to pass on the most current and accurate information available concerning the courts. Ms. Hoak summarized her conversation and informed the Board that new protocols have been issued to the court system from the state. For example, no in person traffic court appearances will be permitted, only ten (10) cases may be addressed per hour, etc.

Kate Hilliman, Traffic Safety Director: Reported that she is looking through the updated OSHA manual recently completed to see what improvements may be implemented in town. Also reported that she is currently working cooperatively with Amherst Traffic Safety Coordinator to share resources, best practices, etc. and will be looking at traffic calming for neighborhoods in town in the new year.

Reports from Board Members

Councilman Michael Petrie: Wished all town residents a safe and Merry Christmas.

Councilwoman Elizabeth Farrell: Shared information about the Rejuvenation Committee's upcoming virtual event being held in place of the annual Christmas event at "The Log Cabin" on December 15th. She also wished everyone Merry Christmas and Happy Holidays.

Supervisor James Shaw: Reminded all that December 7, 2020 was the 79th Anniversary of the Japanese attack on Pearl Harbor. He continued by requesting that everyone remember the sacrifice of all those who perished in World War II defending our great nation as well as remembering the more than 300,000 individuals, of whom some are members of our family, friends, neighbors, co-workers, and a valued and loved part of our community.

Councilwoman Karen Hoak: Wished everyone a happy holiday season. Also stated that she has heard very good things about the cleaning effort in town hall.

Brad Rybczynski, Deputy Town Clerk: Stated that the Town Clerk, Catherine Rybczynski sent a

message wishing everyone a Merry Christmas and Happy New Year.

Councilman Sean Connolly: Thanked the Board members for making him feel so welcomed during his first year on the board. Happy Holidays.

26. Meeting is adjourned by Supervisor

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	

Meeting Adjourned at 8:05 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.

Brad Rybczynski
Hamburg Deputy Town Clerk

2021
1st QUARTER TOWN BOARD MEETING SCHEDULE

JANUARY	4	-	REORGANIZATION MEETING	7:00 P.M.
	11	-	TOWN BOARD MEETING	7:00 P.M.
FEBRUARY	1	-	TOWN BOARD MEETING	7:00 P.M.
	22	-	TOWN BOARD MEETING	7:00 P.M.
MARCH	8	-	TOWN BOARD MEETING	7:00 P.M.
	22	-	TOWN BOARD MEETING	7:00 P.M.

Work Session will be from 5:30 - 7:00 p.m. on dates unless otherwise specified

TOWN OF HAMBURG - PERSONNEL ACTION FORM


Date of Request

Department-

Department Head Signature



Supervisor Signature



Date 12/3/20

TOWN BOARD MEETING OF December 7, 2020

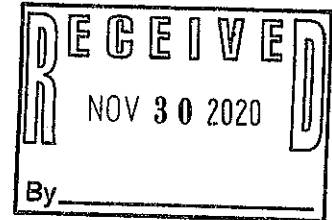
request that a Town Board Resolution be adopted approving the following personnel action:

	Emp #	Emp Name	N or R	Position	Start date	Full time	hrly rate	PT/Sea/temp	hrly rate	Term date
1	3134	Grys, John		PT Laborer/ER. 7250.100					\$11.80	11/23/2020
2	4064	Mazur, Walter		PT Laborer/ER. 7250.100					\$11.80	11/23/2020
3	4975	Wilson, Michael		PT Laborer/ER. 7250.100					\$11.80	11/23/2020
4	3712	Gerken, John		PT Laborer/ER. 7250.100					\$11.80	11/23/2020
5	3925	Connelly, Thomas		PT Laborer/ER. 7250.100					\$11.80	11/23/2020
6										
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20										
21										



6122 South Park Avenue
Hamburg, New York 14075
716.648.4145
www.HamburgIDA.com

November 25, 2020



Supervisor James Shaw
Town of Hamburg
6122 South Park Avenue
Hamburg, New York 14075

RE: Proposed Local Law #7 of 2020 "The Business Improvement Exemption Law"

Dear Honorable James Shaw, Hamburg Town Supervisor;

On behalf of the Town of Hamburg Industrial Development Agency Board of Directors, please accept our letter of support of this proposed local law.

Mindful application of the 485-b through The Business Improvement Exemption Law will encourage investment in other business sectors in the Town of Hamburg that are ineligible for industrial development agency assistance. In addition, it will add jobs and boost productivity in under-utilized properties through the Town. Last, it will incentivize the adaptive re-use of dormant and vacant buildings.

Similar incentives applied through the Town of Hamburg Industrial Agency and Industrial development partners statewide leverage \$135.00 of new investment for every \$1.00 in tax exemption. Furthermore, these incentives created over 229,000 new jobs in 2018 alone.

This pandemic has curtailed new investment in our Town. COVID has forced many businesses to shutter and has forced many working residents to unemployment. This is the Town's opportunity to offer support to investment in this harsh climate. This is an opportunity to reinvigorate our local economy and open our arms to commercial investment in the Town. This boost is timely and necessary.

Regards,

Andrew Palmer, Board Chairman
Hamburg Industrial Development Agency

cc: Hamburg Town Board, Hamburg Town Clerk



November 21, 2020

Sarah desJardins
Town of Hamburg Planning Department
6100 South Park Avenue
Hamburg, New York 14075

Re: Proposed Residential Project - 0 Big Tree Road & 0 Wilson Drive
Applicant/Project Sponsor: Wetzl Development, LLC
Town of Hamburg Planning Board
File No. 10011.10

Dear Sarah:

During its meeting on Wednesday, November 18th, the Planning Board expressed its preference for the layout of the proposed residential project as depicted on the updated Concept Plan [Drawing C-100 – Date: 11/02/20] submitted on November 9th on behalf of Wetzl Development, LLC (“Project Sponsor”).

The updated Concept Plan evaluated by the Planning Board during its meeting on November 18th increases the acreage to be rezoned to R-3 from 16.4 acres to 22.4 acres by including approximately 6 acres of the portion of the Project Site currently zoned R-1 within the acreage to be rezoned. The portion of the Project Site to be rezoned to R-3 would consist of a total of 156 attached residential units for lease (2-story buildings consisting of 64 units with attached garages on the portion of the Project Site closest to Big Tree Road and single-story building consisting of 92 units with attached garages on the remaining acreage to be rezoned to R-3).

Pursuant to the updated Concept Plan, the previously proposed eighteen (18) lots residential subdivision with a public roadway connecting to Big Wilson Drive has been eliminated and replaced with additional Permanent Open Space that would ensure that will ensure no development will occur behind any of the existing homes on Wilson Drive. Additionally, pursuant to the layout depicted on the updated Concept Plan, the Permanent Open Space to remain undeveloped would consist of 20.1 acres, or nearly 50% of the Project Site.

Pursuant to our telephone calls on November 19th and yesterday, thank you for confirming that a draft resolution will be prepared and filed with the Town Clerk’s Office by the filing deadline for the next meeting of the Town Board on **Monday, December 7th** so that the Town Board will in a position to consider referring the rezoning of approximately 22.4 acres of the Project Site to R-3 to accommodate the proposed residential project to the Planning Board for its continued review during its meeting on **Wednesday, January 6th at 7:00 p.m.**

Please feel free to contact me at 510-4338 or via e-mail at shopkins@hsr-legal.com if you have any questions regarding this letter or the status of the proposed residential project.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC



Sean W. Hopkins, Esq.

Enc.

cc: Glenn Wetzl [Via e-mail and mail]

Christopher Wood, P.E., Carmina Wood Morris DPC [Via e-mail and mail]

REZONING APPLICATION

Prepared By:

Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 510-4338
E-mail: shopkins@hsr-legal.com

In The Matter of the Application for Amendment of Ordinance

-of-

Wetzel Development, LLC

Requesting Rezoning of Portion 0 Big Tree Road

From C-1 and R-1 to R-3 [Approximately 22.4 Acres]

Petitioner(s)

To the Honorable Town Board of the Town of Hamburg, New York

The Petition of: Wetzel Development, LLC c/o Sean Hopkins, Esq.

Address 5500 Main Street, Suite 343

Town Williamsville, NY 14221

in the County of Erie and State of New York, respectfully shows:

The Petitioner(s) is/are the owner(s) of certain premises situation in the Town of Hamburg, County of Erie and State of New York, and more particularly described as follows:

SBL# 160.19-2-1.1

Location 0 Big Tree Road

Record Title Owner and Address: Seven Corners Development

316 Hillsdale Avenue East, Toronto MS41T8

Zoning change requested from C-1 and R-1 to R-3

Petitioner's Interest in Land Title: Contract Vendee

The Petitioner(s) desire(s) that the said premises, or so much thereof as the Town Board shall approve, be rezoned for the following uses and for the following reasons:

A description of the proposed project is attached as Exhibit "1". A copy of the Concept Plan

[Drawing C-100 - Date: 11/02/20] depicting the layout of the proposed multifamily project is attached as Exhibit "3".

The Petitioner(s) enclose(s) herewith the sum of \$_____ to pay the cost of publishing a notice of a public hearing, which the petitioner(s) request(s) be called by your Honorable Body pursuant to the provisions of the said Zoning Ordinance.

The Petitioner(s) hereby attach the following to this application:

- * Survey of the property to be rezoned - Attached as Exhibit "2".
- * Legal description of the property to be rezoned - Updated Legal Description to be submitted.
- * Short Environmental Assessment Form (EAF) - A completed Part 1 of the Full Environmental Assessment Form will be submitted.

The Petitioner establishes that no previous application has been made for the relief herein sought except: This application is an amendment of the previous rezoning application for the residential project dated September 22, 2020.

Dated this 21st day of November, 2020

Sean Hopkins

Sean Hopkins, Esq., Attorney for Petitioner

Signature of Owner(s)



Camina Wood Morris
 47 West Street, Suite 200
 New York, NY 10012
 P: 212.410.1100
 F: 212.410.1101

NO. DESCRIPTION DATE
 REVISIONS

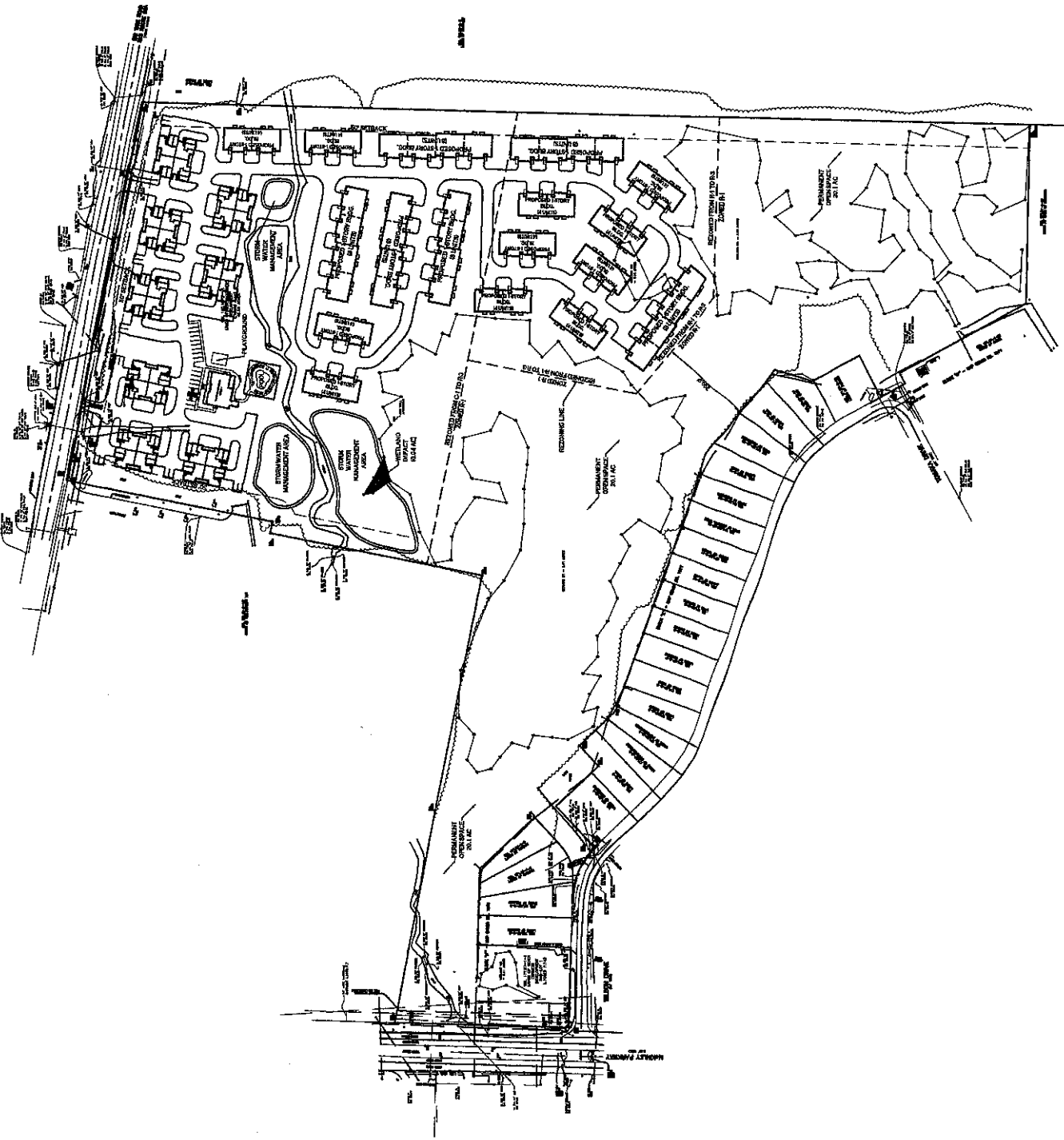
PROJECT NAME:
 New Construction
 Multi-Family Development
 Town of Hamburg, New York
 Big Tree Road

TOWN OF HAMBURG
 C. V. NICK
 AS NAMED
 DRAWN BY:
 SCALE:

DRAWING NAME:
 Concept Site
 Plan

DRAWING NO.
C-100
 Project no.: 20.062

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SITE DATA: R3 AREA

SITE AREA - 65.5 AC TOTAL SITE (24 AC RETURNED TO R3)
 TOTAL DEVELOPABLE AREA - 41.5 AC
 CONCEPTUAL R3 RESIDENTIAL UNIT COUNT - 100
 CONCEPTUAL COMMERCIAL UNIT COUNT - 100
 MAX. RESIDENTIAL UNIT WITH ATTACHED GARAGE

MEASURE	DESCRIPTION	MEASURE	DESCRIPTION
FRONT	190 FT	REAR	190 FT
RIGHT	190 FT	LEFT	190 FT
REAR	190 FT	FRONT	190 FT
FRONT	190 FT	REAR	190 FT
RIGHT	190 FT	LEFT	190 FT
LEFT	190 FT	RIGHT	190 FT
FRONT	190 FT	REAR	190 FT
RIGHT	190 FT	LEFT	190 FT
REAR	190 FT	FRONT	190 FT
LEFT	190 FT	RIGHT	190 FT
FRONT	190 FT	REAR	190 FT
RIGHT	190 FT	LEFT	190 FT
REAR	190 FT	FRONT	190 FT
LEFT	190 FT	RIGHT	190 FT

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