

Hamburg Town Board Work Session

Catherine A. Rybczynski, Town Clerk

5.3.2021

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

ALSO PRESENT: Catherine Rybczynski, Town Clerk; Walter Rooth III, Town Attorney; Tom Lardo, Engineering; Jenny Robertson, IT Director; Kevin Trask, Chief, HPD; Patrick Ryan, Director of Buildings and Grounds; Samantha Tarczynski, Budget Director; Paul McQuillan, Safety Director; Drew Reilly, Planning Consultant

Supervisor Shaw opened the meeting with the recitation of the Pledge of Allegiance by all those in attendance.

Supervisor Shaw called upon Sean Hopkins for a presentation regarding a proposed car wash on Route 20. Mr. Hopkins stated that although the presentation will sound familiar the proposed location is a new one and meets the two criteria in which the previously proposed car wash did not meet and subsequently resulted in it not moving forward. The location is properly zoned for a car wash and has controlled egress from the location. However, the Town Board in 2006 approved a business park at the location and in the process prohibited a car wash. Mr. Hopkins is asking the Town Board to consider removing that prohibition, which would require a public hearing. Mr. Hopkins closed by offering to send a letter to the Town Board detailing the request.

Supervisor Shaw next recognized Chris Hannotte, Chair, Hamburg Water Tower, a group intent on painting the Hamburg water tower as a Hamburger. The water tower is no longer functioning and does not contain any water. It does generate income as a host for cell towers that helps fund telecommunications for the Hamburg Police Department. States that the tower acts as “marketing” for the town, but it is in poor shape now. Will need to deal with the lead based paint on the structure and deferred maintenance. The approach to painting has been changed to lower the cost.

Councilwoman Hoak asked what sort of maintenance is needed for the proposed coating. It can be power washed annually, but it is not necessary. It requires very low maintenance. If a breach in the coating occurred it should be addressed and dulling can be combatted with pressure washing.

Ms. Hannotte asked that the town grant writer be made available to help procure money from various sources. Additionally, asking that the town consider providing matching funds should they be required to secure a grant. Stated that demolition would cost \$100,000.00.

Councilwoman Hoak asked what condition the water tower is currently in and if any work was needed to get the tower in shape. Ms. Hannotte replied that she believes the structure is safe for the purpose.

Councilman Connolly asked how the cost was cut in half? Should the lead paint be removed? It was explained that the previous proposed method required much more time.

Councilwoman Farrell asked how the liability would be covered? Ms. Hannotte replied that the contractor would hold the liability.

Councilwoman Hoak asked about fundraising. Ms. Hannotte replied \$10,000.00 has been raised under trying times.

Supervisor Shaw stated he would send an email to Board Members and discuss the request.

Supervisor Shaw stated that the Code Review Committee has a draft RV law to be considered. He also said that he has gotten calls asking for a “pooper scooper” law and with questions about back yard fires. He asked that Board Members get back to him with their thoughts.

Supervisor Shaw also mentioned that Councilman Petrie, Tom Lardo, and he heard each of the proposals for the Town Wide Drainage Feasibility Study. He encouraged everyone to have a look at the proposals that are available in Engineering. He commended Barb Frankiewicz of Nussbaumer & Clark for her work. No recommendation would be made today, but further discussion could be had at the following meeting after time was given to Board Members to see the proposals.

Councilman Petrie commended Ms. Frankiewicz and the Engineering Department for their professionalism.

Supervisor Shaw revisited the matter of the Former Police Department area now vacant. Now need proposal for asbestos removal.

Supervisor Shaw asked Drew Reilly to give his report. (See Below)

Rezoning Items:

Brierwood PUD - potential rezoning for multi-family (applicant requesting C-1 to PUD). The Town Board has referred this request to the Planning Board, and the Planning Board is reviewing. The SEQR coordinated review process has been completed and the Planning Board made a recommendation at their 3/3/21 meeting. The recommendation was as follows, “Due to the relatively small area relative to the well-reviewed larger development that was previously approved for rezoning associated with this site and due to the fact that there were previous full Environmental Impact Statements done for this site, the Planning Board believes that the proposal is consistent with the approved larger development and past rezoning. Further, the proposal is consistent with other development along this busy thoroughfare, which includes multiple planned communities and developments. Given the small incremental difference with the expanded rezoning request, placement of storm water facilities on much of these parcels and robust analysis previously done, the Planning Board recommends rezoning of this area to PUD.”
The Town Board has called for a public hearing on 5/3/21 (but it is not on the agenda).

Wetzel Rezoning - Site to the east of the old Wal-Mart building request for a rezoning from C-1 to R-3 for multi-family housing along Big Tree Road. The applicant presented an alternative rezoning plan to the Planning Board and the applicants returned to the Town Board for your consideration and the Town Board did a "re-referral" to the Planning Board (Rezoning of C-1 and R-1 property to R-3). While this rezoning application was at the Planning Board, the Planning Board received a subdivision application for the property to the east of this site (Parker road subdivision). In reviewing these two projects, the Planning Board believes and has requested that the Town Board allow the Planning Board to be Lead Agency on this rezoning application, so that they can complete the SEQR evaluations together on these projects (cumulative impacts).

The Town Board held the public hearing and has allowed the Planning Board to be SEQR Lead Agency and they continue to review the project. After SEQR is completed by the Planning Board, the project will return to the Town Board for action on the rezoning request.

The former Pizza Hut at McKinley and Milestrip; rezoning from R-2 to C-1 (portion of site). This rezoning was referred to the Planning Board and the Planning Board has completed their review and provided a recommendation (the report is in the agenda, but the resolution is not included).

Planning Board Meetings:

The Planning Board held their last meeting on 4/21/21 (approval was given to Switzer Precision Crafted Metals and the Dollar General). The next meeting will be held on 5/5/21. The Agenda includes two new projects; a brewery/restaurant and a revision to the Waterford Pines project, and the carryover of the Wetzel rezoning and the Parker road subdivision, Odor Stop on Southwestern, Apollo Concrete (Riley Blvd.), a request to amend the approved site plan (multi-family units) for the Village at Cedar Valley development, and the Chick-Fil-A is back on the agenda.

For the Car Wash on Riley Boulevard, our research has shown that the Rezoning and SEQR Findings Statement do not allow Car Washes in this business Park. The applicant is coming to the Town Board Work Session tonight to request a change to the rezoning and Findings Statement.

Code review committee

- The committee met on 4/7/21 in the Building Department meeting room. The results of that meeting can be discussed at an upcoming Town Board Work session (three "rezoning applications" and several Code issues; new and old).
- A mixed-use zoning district has been completed by the Planning Board.

Resolutions/Actions/Public Hearings:

The Planning Department has submitted resolutions to approve the McKinley Mall Incentive Zoning law.

The Town Board is also approving the Battery Energy Storage law.

The resolution calling a public hearing for the Alivana Aesthetics rezoning did not make it on the agenda (does the TB want to act on this tonight – it is not a decision, just calling a public hearing).

We will need direction on the 18 Mile Creek protection law. Once direction is provided, we will make requested revisions (provided ideas for these revisions), complete resolutions and potentially file these for a future meeting.

The Town Board will also need to provide direction on the Thruway Interchange rezoning project. Once direction is received and meetings take place with property owners, a final plan can be put together (new zoning district and areas to be rezoned) and we can proceed with potential adoption.

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. The Committee and Wendel have set up sub-committees which are focused on specific topics and will help to involve others in the community with the Plan. A survey of residents has been completed and included

over 1700 responses. **The first public meeting (virtual) was held on 4/20/21.** Please see Councilwoman Farrell (or contact me) for additional information on the Plan. The goal is to have a Plan completed by the end of 2021. Meetings have taken place about other large multi-family projects that may be proposed in the Town (no applications have been received).

The Town of Hamburg has completed your contract with the NYSDOS to complete the update to the Town's LWRP. Wendel with a team of WWS Planning and Mr. Melewski has been hired to complete this project. A kick-off meeting will be scheduled in the near future.

****End of Report from Drew Reilly****

Twin Willows: Cami Jarrell, Town Engineer, reported that it will be \$2500.00 for the camera work on the pipe. She asked if money was approved. Supervisor Shaw stated that he was unaware if the camera work was included in Phase I & II already approved by the Board. Supervisor Shaw asked that Ms. Jarrell craft a resolution requesting the funding.

Tanko Project: Supervisor Shaw reported that National Fuel and NYSEG have been contacted.

Five (5) proposals have been submitted for the clock tower. Would like all Board members to look at proposals and speak with Tom Lardo with the hope of making a decision at the next meeting.

Councilwoman Farrell stated that an opportunity is available from Compeer, at no charge, with multiple possibilities for training in Mental Health. Councilwoman Hoak agreed that it is a wonderful idea for town employees. Supervisor Shaw stated that it will be added to the agenda on May 17th.

Councilman Petrie brought up a concern about the treatment by a Board Member towards another employee saying that he saw the recording of the incident and asked Supervisor Shaw if he had the chance to address the issue with the Board member. He replied that he planned on speaking with the Chairman of that particular board, but has not yet done so. Supervisor Shaw stated that it may be inappropriate to discuss an employee matter outside of an Executive Session.

Supervisor Shaw reviewed the agenda for the Regular Meeting.

Item #8 – POLICE: Out of Town Travel Request: An amendment will be proposed to recognize the previously approved moratorium on training and travel as a result of the economic circumstances caused by the COVID – 19 pandemic. Additionally, it will recognize that fortunes have turned a bit and the economic outlook is not nearly as dire as previously anticipated.

Item #11 – B&G PAF: Supervisor Shaw asked for clarification on the change of PT to FT for employees and hiring process for summer help. Pat Ryan, B&G Director explained that he needed more help during the summer for grass cutting, care of the parks, etc.

Item #15 – Managerial/Confidential Personnel Rules and Regulations update: Councilman Petrie stated that he did not agree that the Board should be able to relax or grant a waiver for anyone hired by the town to live out of the town.

Item #16 – Renewal of Evans Ins. Agency Service Agreement: Councilwoman Hoak asked if there is enough time to request bids for a replacement. Councilman Petrie stated that an RFP was recently done. Supervisor Shaw stated that if there was any objection to renewing the contract a determination would need to be made as to whether or not there would be enough time to go through the RFP process.

Item #24 – DATO Rezoning – Schedule Public Hearing: Amend to have the Public Hearing on June 7, 2021 at the request of the applicant.

1.

RESOLVED, that the Hamburg Town Board does hereby enter into Executive Session and adjourning the Work Session at 6:37 P.M. to discuss litigation involving the town.

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

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

Minutes of Executive Session attached.

2.

RESOLVED, that the Hamburg Town Board does hereby exit the Executive Session and adjourn the Work session at 6:47 PM.

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

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

The Work Session was brought to a close at 6:47 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 May 3, 2021

Members Present:

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

Also Present: Catherine A. Rybczynski, Town Clerk; Walter Rooth, III, Town Attorney

1.

RESOLVED, that the Town Board adjourn the Work Session and enter into Executive Session to discuss a legal matter at 6:37 P.M.

On a motion of Supervisor Shaw, seconded by Councilman Petrie, the following resolution was ADOPTED 5 - 0

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

2.

RESOLVED, that the Town Board does hereby approve the resolution as presented below.

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

ADOPTED 5 – 0

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

NOW THEREFORE BE IT RESOLVED that the Town Supervisor is authorized to sign the Stipulation of Discontinuance on behalf of the Town of Hamburg for full and final satisfaction of all claims against the Town of Hamburg in the action, William Ullmark and Jamie Ullmark v. Town of Hamburg, et al in New York State Supreme Court, Erie County (Index No. 814439/2020).

3.

RESOLVED, that the Town Board adjourn the Executive Session and resume the Work Session at 6:47 PM.

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

ADOPTED 5 – 0

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

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