



WORK SESSION AGENDA

May 2, 2016

MAYOR'S REPORT

SPECIAL PROJECT COORDINATOR PAUL BECKER

CODE ENFORCEMENT – KURT ALLEN/JEFF ADRIAN

VILLAGE ADMINISTRATOR WITKOWSKI

DEPUTY MAYOR TALLMAN

- A) ARC
- B) Planning

TRUSTEE GAUGHAN

- A) Beautification
- B) Recreation
- C) Hamburg Holidays

TRUSTEE HACKATHORN

- A) Justice
- B) Historic Preservation
- C) Economic Development

VILLAGE ATTORNEY MURPHY

POLICE CHIEF MICHAEL MELISZ

PUBLIC WORKS SUPERINTENDENT SHUTTLEWORTH

- A) Updates

RECREATION SUPERVISOR HAEICK

FIRE DEPARTMENT, CHIEF STERNER

VILLAGE OF HAMBURG

Vision: *The Most Desirable Community in Western New York Where Quality of Life, Affordability and Innovation is the Norm.*

Mission: *Village Representatives and Employees that care for the Community by efficiently providing services while preparing for the future.*

GUIDELINES FOR PUBLIC EXPRESSION: (HAMBURG VILLAGE BOARD POLICY ESTABLISHED 4/19/99)

1) The public shall be allowed to speak only during the Public Expression periods of the meeting or at such other times as a majority of the Board shall allow. 2) Speakers must give their name, address and organization, if any. 3) Speakers must be recognized by the presiding officer. 4) Speakers must limit remarks to three (3) minutes per person and a maximum of twelve (12) minutes regarding each subject matter. 5) Speakers may not yield any remaining time they may have to another speaker. 6) All remarks shall be addressed to the Board as a body and not to any member thereof. 7) Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Unacceptable behavior will not be tolerated and might result in removal from the building. 8) Interested parties or their representatives may address the Board by written communication.

MEETING AGENDA

MAY 2, 2016

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

**** PUBLIC HEARING RE: LOCAL LAW NO. 5 OF 2016 ****

3. APPROVE THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES FROM MONDAY, APRIL 18, 2016

4. CHARACTER COUNCIL OF HAMBURG, INC.: The virtue for May is wisdom. Wisdom is seeing and responding to life situations from a perspective that transcends my current circumstances.

5. PUBLIC EXPRESSION – See signup sheet

6. CORRESPONDENCE

A) Dept. of Justice. re: Monthly Report for March 2016

B) Dennis Gleason re: announcement of his retirement as Village of Hamburg Police Chief effective April 29, 2016

C) Norm Zintz re: Request to hold the 3rd Annual *Flavor of Hamburg* event in the village on Saturday, August 27, 2016

D) Martin Moot re: Notice of his resignation as a village crossing guard effective April 28, 2016

All correspondence is received, reviewed and filed

7. TRUSTEE REPORTS

8. STAFF REPORTS

9. FURTHER PUBLIC EXPRESSION: Relating only to matters discussed during the meeting

10. MAYOR'S REPORT

11. CLOSE MEETING – Announcement of future meetings

MOTIONS
REGULAR BOARD MEETING

1. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to approve the minutes of the Regular Meeting of the Board of Trustees held on Monday, April 18, 2016.

AYES:
NAYS:

2. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to authorize the transfer of \$19,709.48 from the Municipal Facilities Capital Reserve A.0878 into the General Fund Fire Building Maintenance account A.3410.0402 for the installation and replacement of fire hall heaters.

AYES:
NAYS:

3. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to increase the budget of A.3989.0402 in the amount of \$824.35 from fund balance. This is money reimbursed for damages caused by the November 2014 storm and will be used for replacement of radios and installation of an antenna.

AYES:
NAYS:

4. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to increase the budget of A.3989.0402 in the amount of \$1,980.00 from fund balance. This is money reimbursed for damages caused by the November, 2014 storm and will be used for survey work relating to the cleaning of the Smith Road ditch and brook channel.

AYES:
NAYS:

5. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to transfer \$23.97 from A.1110.0400 Village Justice contractual into A.1110.0200 Village Justice Equipment.

AYES:
NAYS:

6. **MOTION** by Trustee Hackathorn, seconded by Trustee _____,

WHEREAS, every eight minutes one woman in the U.S. loses her battle with lung cancer; and

WHEREAS, lung cancer is the #1 cancer killer of women and men in the U.S.; and

WHEREAS, the number of women dying from lung cancer has nearly doubled over the past 30 years; and

WHEREAS, advocacy and increased awareness will result in more and better treatments and early detection for people with lung cancer that will ultimately save lives; and

**MOTIONS
REGULAR BOARD MEETING**

WHEREAS, *LUNG FORCE* is a fast-growing initiative led by the American Lung Association, with the mission of making lung cancer history – uniting the nation in the fight against lung cancer.

BE IT RESOLVED that the Village of Hamburg hereby designates the second full week in May as Women’s Lung Health Week throughout the Village of Hamburg, and encourages all residents of the Village of Hamburg to learn more about the detection and treatment of lung cancer.

AYES:

NAYS:

7. **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to authorize the hiring of one (1) Clerk PT Seasonal (Non-Competitive) for the Clerk-Treasurer’s Department.

Barbara J. Brown	\$13.59/hr
4525 South Park Avenue	
Blasdell, NY 14219	

AYES:

NAYS:

8. **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to authorize Village Administrator Donald Witkowski to sign an Agreement between the Village of Hamburg and Latitude Technologies 3345 Silverstone Drive, Plano, Texas to provide electronic messaging services for the Village’s gas utility.

AYES:

NAYS:

9 **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to authorize Mayor Thomas J. Moses, Sr. to enter into an Agreement between the Village of Hamburg and Robert P. Nunn d/b/a Nunn’s Auto & Tire effective June 1, 2016 regarding the lease of Village property located at 199 Buffalo Street.

AYES:

NAYS:

10. **MOTION** by Trustee Hackathorn, seconded by Trustee _____,

WHEREAS, the Village of Hamburg Board of Trustees is proposing to replace the existing water storage tanks owned by the Village and the installation of approximately 29,000 linear feet of water along various streets, as well as other water system improvements; and

WHEREAS, after comparing the thresholds in 6 NYCRR 617.4 and 5, the Village Board of Trustees has determined that the proposed project is a Type 2 action as it involves the repair or replacement of existing facilities that does not require substantial changes to the existing water system.

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees declares itself Lead Agency for purposes of SEQRA; and

**MOTIONS
REGULAR BOARD MEETING**

BE IT FURTHER RESOLVED that the proposed project has been determined not to have a significant impact on the environment and is not subject to further review under SEQRA.

AYES:

NAYS:

11. **MOTION** by Trustee Hackathorn, seconded by Trustee _____,

A BOND RESOLUTION, DATED MAY 2, 2016, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HAMBURG, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING A WATER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$9,500,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,500,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, the Village Board of Trustees of the Village of Hamburg, in the County of Erie, New York (the "Village") desires to undertake a capital improvements project for the reconstruction of and construction of improvements to the Village Water System;

NOW THEREFORE,

BE IT RESOLVED, by the Board (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake a water system capital improvements project generally consisting of the construction of a water storage tank to replace the existing tanks owned by the Village and the installation of approximately 29,000 linear feet of water main and select water services along various streets in the Village, as well as other water system improvements more fully identified in a preliminary engineering report prepared by GHD, and including all preliminary work and necessary equipment, materials, and site work and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$9,500,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate amount not to exceed \$9,500,000, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

**MOTIONS
REGULAR BOARD MEETING**

SECTION 3. It is hereby determined that such Purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

**MOTIONS
REGULAR BOARD MEETING**

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

* * * * *

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

**MOTIONS
REGULAR BOARD MEETING**

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

12. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to authorize the transfer of \$65,000 from the Water Reserve A.878 into the Capital Fund H52.2015.0400 Water System Rehabilitation.

AYES:

NAYS:

13. **MOTION** by Deputy Mayor Tallman, seconded by _____, to recommend the Village Board disapprove Site Plan Application #2015-00747, without prejudice, for storage facility at 3815 Westview Avenue, Industrial zoned. Said Site Plan having been reviewed by the Planning Commission at their meeting of April 12, 2016, and the Planning Commission having made a recommendation in writing to this Board that said Site Plan be approved, noting changes in the landscaping plan, the three lots be combined into one lot, confirmation that the drainage lines are working, and approval from the fire department. It was also noted that there has been no response yet to the county referral. This Board having reviewed said Site Plan and the Board of Trustees hereby: **DISAPPROVES**: Site Plan Application #2016-00108, without prejudice to the applicant to resubmit the plan after satisfactory completion of the SEQRA process and acceptance of a SWPP.

AYES:

NAYS:

14. **MOTION** by Deputy Mayor Tallman, seconded by _____, to recommend the Village Board approve Site Plan Application #2016-00108, for site work/façade renovations at 140 Pine Street (*Hamburg Village Square*), C2, pending resolution of zoning variances and approval of materials by the Architectural Review Committee. Plans were presented on behalf of the owner Iskalo Development Corp. Said Site Plan having been reviewed by the Planning Commission at their meeting of April 12, 2016, and the Planning Commission having made a recommendation in writing to this Board that said Site Plan be approved, and this Board having reviewed said Site Plan, the Board of Trustees hereby: **APPROVES**: Site Plan Application #2016-00108, for site work/façade renovations at 140 Pine Street (*Hamburg Village Square*), as recommended by the Planning Commission.

AYES:

NAYS:

MOTIONS
REGULAR BOARD MEETING

15. **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to recommend that the Village Board approve the Application for Certificate of Compliance for building design standards submitted by Iskalo Development Corp, 140 Pine Street, (*Hamburg Village Square*) for façade renovations as presented, with the applicant to provide the specifications of materials and colors on the drawings for the file. Said application having been reviewed by the Architectural Review Committee (ARC) at their meeting of April 19, 2016, and the Architectural Review Committee having made a recommendation to this Board that said application be approved, and this Board having reviewed said application, the Board of Trustees hereby **APPROVES**: the Application for Certificate of Compliance for building design standards submitted Iskalo Development Corp, 140 Pine Street, (*Hamburg Village Square*) for façade renovations as recommended by the Architectural Review Committee.

AYES:

NAYS:

16. **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to recommend that the Village Board approve the Application for Certificate of Compliance for building design standards submitted by Tom Baker, 4255 Clark Street, (*Can Bottle Return*) for a 2.5' x 20' beige sign with red, green and black letters and graphic, and gooseneck lighting. Said application having been reviewed by the Architectural Review Committee (ARC) at their meeting of April 19, 2016, and the Architectural Review Committee having made a recommendation to this Board that said application be approved, and this Board having reviewed said application, the Board of Trustees hereby **APPROVES**: the Application for Certificate of Compliance for building design standards submitted by Tom Baker for 4255 Clark Street (*Can Bottle Return*) for signage and lighting as recommended above by the Architectural Review Committee.

AYES:

NAYS:

17. **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to recommend that the Village Board approve the Application for Certificate of Compliance for building design standards submitted by Chuck Milton, 5556 Camp Road, (*Instalube*) for a 48" x 84", double-sided monument sign of stone (color – fossil beige) with a stone cap and ledge. The monument sign will replace the existing pole sign. Ground-mounted lights will provide illumination and should be placed so they do not shine into oncoming traffic. A building sign and other improvements are being considered, but the applicant will return at a later date with any additional proposals. Said application having been reviewed by the Architectural Review Committee (ARC) at their meeting of April 19, 2016, and the Architectural Review Committee having made a recommendation to this Board that said application be approved, and this Board having reviewed said application, the Board of Trustees hereby **APPROVES**: the Application for Certificate of Compliance for building design standards submitted by Chuck Milton, 5556 Camp Road, (*Instalube*) for a monument sign and lighting as recommended above by the Architectural Review Committee.

AYES:

NAYS:

MOTIONS
REGULAR BOARD MEETING

18. **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to recommend that the Village Board approve the Application for Certificate of Compliance for building design standards submitted by John Rummel, 18 Buffalo Street, (*Nothnagle Realtors*) for a 2' x 3' green, gold and white aluminum sign above the front awning. The awning will also be replaced, with the business name and logo printed on the valance. A second sign, 4' x 6' aluminum and plastic, will be on the rear of the building. No lighting is proposed at this time. Said application having been reviewed by the Architectural Review Committee (ARC) at their meeting of April 19, 2016, and the Architectural Review Committee having made a recommendation to this Board that said application be approved, and this Board having reviewed said application, the Board of Trustees hereby **APPROVES**: the Application for Certificate of Compliance for building design standards submitted by John Rummel, 18 Buffalo Street, (*Nothnagle Realtors*) for signage and an awning as recommended above by the Architectural Review Committee.

AYES:

NAYS:

19. **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to recommend that the Village Board approve the Application for Certificate of Compliance for building design standards submitted by Caryn Rowell, 22 Main Street, (*The Grange*) for a proposed trellis in the side alley, front patio enclosed with rectangular, powder-coated steel railings and vinyl signage. Approval of the patio railing enclosure is subject to compliance with the Village Code. Vinyl signage will be located in the top transom window. Said application having been reviewed by the Architectural Review Committee (ARC) at their meeting of April 19, 2016, and the Architectural Review Committee having made a recommendation to this Board that said application be approved, and this Board having reviewed said application, the Board of Trustees hereby **APPROVES**: the Application for Certificate of Compliance for building design standards submitted by Caryn Rowell, 22 Main Street, (*The Grange*) for a trellis, front patio and vinyl signage as recommended above by the Architectural Review Committee.

AYES:

NAYS:

20. **MOTION** by Deputy Mayor Tallman, seconded by Trustee _____, to recommend that the Village Board approve the Application for Certificate of Compliance for building design standards submitted by Katie Wentland, 12 Main Street, (*Spot Coffee*) for a purple awning with red striping and business name on the valance at the rear of the building, and a 72" diameter round sign on the east side of the building. Placement of the round sign will be above the ground light, at a height between the upper and lower floor windows and projecting out approximately 1½" from the building. ARC Chairman Mike Lennon suggested any exterior work on a contributing structure in an historic district requires State Office of Historic Preservation review if grant money or tax credits were involved. Said application having been reviewed by the Architectural Review Committee (ARC) at their meeting of April 19, 2016, and the Architectural Review Committee having made a recommendation to this Board that said application be approved, and this Board having reviewed said application, the Board of Trustees hereby **APPROVES**: the Application for Certificate of Compliance for building design standards submitted by Katie Wentland, 12 Main Street, (*Spot Coffee*) for an awning and signage as recommended above by the Architectural Review Committee.

AYES:

NAYS:

MOTIONS
REGULAR BOARD MEETING

21. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to hire the following Laborer PT Seasonal, to be assigned to the Department of Public Works.

John Quinliven
292 Prospect Avenue

\$10.00/hr

AYES:

NAYS: