

A regular Town Board Meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York on the 25<sup>th</sup> day of January 2010.

**TOWN BOARD MEMBERS**

**PRESENT:**

Steven J. Walters	Supervisor
Kevin S. Smardz	Councilman
Joseph A. Collins	Councilman
Jonathan G. Gorman	Councilman
Amy J. Ziegler	Councilwoman

**ALSO PRESENT:** Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Gerard Kapsiak, Town Engineer; Robert Hutchison, Town Assessor; Christopher Hull, Director of Community Development; Mike Williams, Asst. Police Chief; Kenneth Farrell, Town Attorney; Brian Doyle, Deputy Town Attorney; Marty Denecke, Director of Recreation; Kurt Allen, Supervising Code Enforcement Officer; Tom Best Highway Superintendent; Joe Wenzel, Acting Director of Senior Services; Jerry Giglio, Traffic Safety Consultant; Peter Reszka, Planning Board Chairman

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Walters announces Character First presents a monthly award in recognition of a character trait and introduces Suzanne from the Character Council.

Suzanne comments that for January 2010 the Character Council of Hamburg recognizes an individual for the character Trait of Punctuality. By their definition Punctuality is showing esteem for others by doing the right thing at the right time. One person who personifies this definition is Dan Meyer from the Hamburg Sun. Mr. Meyer is now presented with the award.

**1.**

On a motion of Councilman Gorman, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes	5	Walters, Smardz, Collins, Gorman, Ziegler
	Noes	0	

**RESOLVED**, that the Town Board approve the minutes for the following meeting:

01/11/2010	Town Board Meeting
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**2.**

On a motion of Supervisor Walters, seconded by Councilwoman Ziegler, the following resolution was

ADOPTED	Ayes	5	Walters, Smardz, Collins, Gorman, Ziegler
	Noes	0	

**RESOLVED**, the Town Board authorize Officers John Baker and David Olday to attend a Traffic Crash Reconstruction Course, in Amherst, New York, February 1 through February 12, 2010, at a cost of \$825.00 ea, total of \$1,650.00.

Money is available in account B3120.492.

**3.**

On a motion of Councilman Gorman, seconded by Councilman Collins, the following resolution was

ADOPTED	Ayes	5	Walters, Smardz, Collins, Gorman, Ziegler
	Noes	0	

**BE IT RESOLVED** that a public hearing be scheduled to consider amendment to Local Law #12, 1968, "Shopping Centers and Other Areas of Assembly." This amendment would provide for the addition of the following new location:

First Niagara  
5334 Southwestern Boulevard  
Hamburg, NY 14075

The hearing is scheduled for February 22, 2010 at 7:00 p.m.

**4.**

On a motion of Councilman Gorman, seconded by Supervisor Walters, the following resolution was

ADOPTED                   Ayes   5           Walters, Smardz, Collins, Gorman, Ziegler  
                                   Noes   0

**BE IT RESOLVED**, that the Town Board approve the out-of-town travel request of Town Attorney, Kenneth Farrell, Deputy Town Attorney, Brian Doyle, and Planning Board Attorney, Cheryl McFadden-Zak, to attend the New York State Association of Towns Training School and Annual Meeting in New York City from February 14, 2010 through February 17, 2010. As part of their attendance, Town Attorney Farrell, Deputy Town Attorney Doyle, and Planning Board Attorney, Cheryl McFadden-Zak, will be attending sessions pertinent to the functions of Town Attorneys, and Planning Boards, for which required Continuing Legal Education/Professional Development credit hours are given. The estimated costs are as follows:

Airfare (3)		= \$ 600.00
Hotel (3)		= \$2,061.00
Meals (3 days @ \$40.00)	(3)	= \$ 360.00
Meeting Registration (3)		= \$ 300.00
Ground Transportation (3)	\$50x3	= \$ 150.00
	<b>Total</b>	<b>= \$3471.00</b>

Funds for this purpose have been included in the 2010 Budget for the Legal Department under Account Number A1420.492.

Actual receipts shall be submitted following attendance at the Training School/Annual Meeting for reimbursement from the aforementioned account.

**5.**

On a motion of Councilman Smardz, seconded by Councilwoman Ziegler, the following resolution was

ADOPTED                   Ayes   5           Walters, Smardz, Collins, Gorman, Ziegler  
                                   Noes   0

**BE IT RESOLVED** that the Town of Hamburg enter into a Contract with Rural Metro Medical Services for professional emergency advanced life support and ambulance service. The Contract term is for three (3) years commencing January 1, 2010 and terminating December 31, 2012.

**BE IT FURTHER RESOLVED** that the Supervisor is authorized to sign the Contract on behalf of the Town of Hamburg.

**6.**

On a motion of Supervisor Walters, seconded by Councilman Gorman, the following resolution was

ADOPTED                   Ayes   5           Walters, Smardz, Collins, Gorman, Ziegler  
                                  Noes   0

**BE IT RESOLVED**, in furtherance of the Erie County STOP D.W.I Program contract which runs from January 1, 2008 through December, 31, 2010, that the Town of Hamburg enter into an Intermunicipal Agreement with the County of Erie for participation in the ongoing "STOP-DWI Total Station FX3 Software Grant".

**BE IT FURTHER RESOLVED**, that the Supervisor is authorized to sign the contract on behalf of the Town.

**7.**

On a motion of Councilwoman Ziegler, seconded by Councilman Smardz, the following resolution was

ADOPTED                   Ayes   5           Walters, Smardz, Collins, Gorman, Ziegler  
                                  Noes   0

**RESOLVED**, that the Town Board approve the hiring and termination of personnel for the Senior Services Department as follows:

- |                       |                                  |            |           |
|-----------------------|----------------------------------|------------|-----------|
| 1. Parker, Nancy      | Rec. Attd. P/T ADC (A6780.100)   | 01/25/2010 | \$8.00    |
| 2. Harms, Robert      | Cleaner P/T                      | 01/25/2010 | Terminate |
| 3. Kruszka, Joan      | Rec. Attd. P/T ADC (A6780.100)   | 01/25/2010 | \$9.50    |
| 4. Felice, Laureen E. | Rec. Attd. P/T ADC               | 01/31/2010 | Terminate |
| 5. Geary, Michelle    | Fitness Attd./Aerobic Instructor | 01/25/2010 | \$11.00   |

**8.**

On a motion of Councilman Smardz, seconded by Supervisor Walters, the following resolution was

ADOPTED                   Ayes   5           Walters, Smardz, Collins, Gorman, Ziegler  
                                  Noes   0

**WHEREAS**, provisions under a Court Stipulation and Order (agreed by Lamar Outdoor Advertising and the Town of Hamburg) allowances have made for the relocation of Bulletin Boards, Poster Panels and Existing Signs where the existing locations of such signs become impractical for any reason, and

**WHEREAS**, a Bulletin Board located at 4580 Big Tree Road, due to the condemnation of property of which it is located must be removed as the consequence of the NYSDOT Route 20 reconstruction project, and

**WHEREAS**, Lamar Outdoor Advertising has referred for consideration to the Town of Hamburg an alternative site of comparable location to erect and maintain a substitute Bulletin Board of similar size and structure at 5225 Southwestern Boulevard, and

**WHEREAS**, the Hamburg Town Board acting in accordance with the court Stipulation and Order has reviewed and accepted the alternative sign relocation as presented by Lamar Outdoor Advertising.

**THEREFORE BE IT RESOLVED**, the Town Board provide formal approval allowing Lamar Outdoor Advertising to erect a replacement Bulletin Board sign structure at 5225 Southwestern Boulevard (S.B.L. 170.00-3-17.111) in accordance with the submitted drawings.

**BE IT FURTHER RESOLVED**, the Town Board authorize the Code Enforcement Department to issue the necessary permits to effectuate this order.

**9.**

On a motion of Councilman Smardz, seconded by Councilwoman Ziegler, the following resolution was

ADOPTED	Ayes 5	Walters, Smardz, Collins, Gorman, Ziegler
	Noes 0	

**WHEREAS**, the Town Board is dedicated to the betterment of public service to its community,

**WHEREAS**, the Town Board and the Town Code Enforcement Department have collectively identified improvements to enhance the method of providing electrical safety inspections within the Town thereby better serving both our residents and contractors, and

**WHEREAS**, in pursuit of this endeavor the Town Board has defined and created the position of Electrical Inspector whose responsibility is to uphold and enforce all applicable state and local rules and regulations pertaining to electrical wiring installations, including the wiring of systems, appliances and equipment.

**NOW, THEREFORE, BE IT RESOLVED**, after reviewing the credentials of applicants qualified and interested in such position and upon the recommendations presented by the Supervising Code Enforcement Official, the Town Board has determined to make the provisional appointment of Lon Robinson to fill the full time position of Electrical Safety Inspector effective January 26, 2010, and

**BE IT FURTHER RESOLVED**, upon designation of the Electrical Inspector appointment and the establishment of electrical inspection services within the Town Code Enforcement Department effective January 26, 2010, that the Town of Hamburg no longer recognizes any other electrical inspection agency to issue electrical permits or perform electrical inspection services within its Township with exception of permits which have previously been granted prior to the effective date, and

**BE IT FURTHER RESOLVED**, that the Town Board approves the transfer of funds from account A3620.456 (Consultants) to A3620.100 (Personal Services) to appropriate the necessary funding for this position.

**10.**

On a motion of Councilman Smardz, seconded by Councilwoman Ziegler, the following resolution was

ADOPTED	Ayes 5	Walters, Smardz, Collins, Gorman, Ziegler
	Noes 0	

Be It Resolved that the Town approve the following fees:

**TOWN OF HAMBURG  
ELECTRICAL FEE SCHEDULE**

**MINIMUM FEE: \$80.00**

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**SERVICE & METER EQUIPMENT:**

100 Amp - 225	\$ 100.00
With transfer switch	\$ 15.00
Over 225 Amp - 400	\$ 125.00
Over 400 Amp - 600	\$150.00
Over 600 Amp - 1000	\$175.00
With transfer switch	\$ 50.00
On replacement of service exceeding 2 meters, add \$12.00 for each	

**RESIDENTIAL FEES:**

One & two family dwelling (not to exceed 200 Amps - 3 trips & 2,000 sq. ft.)	\$200.00
One & two family dwelling (3 trips & in excess of 2000 sq. ft. )	\$300.00

**RESIDENTIAL ADDITIONS OR ALTERATIONS TO EXISTING COMPLEX:**

One & two family dwelling additions - 2 trips & up 1,000 sq. ft.)	\$100.00
One & two family dwelling additions - 2 trips & up 2,000 sq. ft.)	\$ 150.00
Multi-family dwelling (per unit)	\$150.00

**RESIDENTIAL SWIMMING POOLS, & SPAS:**

Residential in ground	\$150.00
Residential above ground	\$100.00
Spas & Hot Tubs	\$100.00

**RESIDENTIAL GENERATORS:**

Flat fee	\$100.00
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**COMMERCIAL SWIMMING POOLS:**

Pools	\$200.00
Spas & Hot Tubs	\$150.00

**SIGNS**

Flat fee	\$100.00
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**COMMERCIAL FEES:**

Minimum		\$100.00
Outlets	\$1.50 /ea	
Fixtures & devices	\$1.50 /ea	

**TRANSFORMERS:**

Not to exceed 200 KVA	\$ 50.00
Over 200 KVA	\$ 75.00
Over 500 KVA	\$ 100.00

**MOTORS, GENERATORS:**

Single unit of group not exceeding 5 motors which total capacity does not exceed:

1 H.P. or KVA	\$ 15.00
1 H.P. - 20 H.P. or KVA	\$ 30.00
Over 20 H.P. - 75 H.P or KVA	\$ 70.00
Over 75 H.P or KVA	\$ 75.00

**ELECTRIC RANGES - WATER HEATERS OR SIMILAR DEVICES:**

Single Unit of 20 KW or less	\$ 25.00
Each additional outlet for devices of 20 KW or less	\$ 15.00
Cable heat (first unit)	\$ 70.00
Each additional unit	\$ 15.00
Heat pumps and/or air conditioners	\$ 70.00

**RE-INSPECTION:**

Conducted as a result of defective workmanship found during initial inspection:

Residential re-inspection	\$ 100.00
Commercial re-inspection	\$150.00

**ELECTRICAL EVALUATION:**

Visual inspection resulting from no initial permit or as-built conditions:  
 Calculated on site through report  
 (Minimum fee)

\$100.00

Fees may vary based on local conditions and/or special requests at the discretion of the local electrical inspector

**11.**

On a motion of Supervisor Walters, seconded by Councilwoman Ziegler, the following resolution was

ADOPTED                      Ayes    5            Walters, Smardz, Collins, Gorman, Ziegler  
     Noes    0

**RESOLVED**, the Town Board accept the low bid of \$124,634.00 from West-Herr Ford, 3675 Southwestern Blvd., Orchard Park, New York for Five (5) New and Unused, 2010 Police Interceptors, and One (1) New and Unused, 2010 Ford Expedition, Special Services Vehicle.

Money is available in account B3120.202.

**12.**

On a motion of Supervisor Walters, seconded by Councilwoman Ziegler, the following resolution was

ADOPTED                      Ayes    3            Walters, Smardz, Ziegler  
     Noes    2            Collins, Gorman

- |    |                  |                 |            |           |
|----|------------------|-----------------|------------|-----------|
| 1. | Harms, Robert    | Laborer P/T     | 01/26/2010 | \$9.92    |
| 2. | Kocsis, Eugene   | Laborer, P/T    | 01/26/2010 | \$9.92    |
| 3. | Hamels, Kimberly | Laborer, P/T    | 01/26/2010 | \$9.92    |
| 4. | Conlon, James    | Laborer, P/T    | 01/20/2010 | Terminate |
| 5. | Deinzer, Deborah | Cleaner         | 01/26/2010 | \$15.92   |
| 6. | Deinzer, Deborah | Laborer, P/T    | 01/26/2010 | Terminate |
| 7. | Rogers, Linda    | Clerk, Seasonal | 01/26/2010 | \$15.92   |
| 8. | Rogers, Linda    | Clerk, P/T      | 01/26/2010 | Terminate |

**13.**

On a motion of Supervisor Walters, seconded by Councilwoman Ziegler, the following resolution was

ADOPTED                      Ayes    5            Walters, Smardz, Collins, Gorman, Ziegler  
                                       Noes    0

TOWN BOARD January 25, 2010  
 AUDIT OF CASH DISBURSEMENTS

		VOUCHER #'S
OPERATING FUND:		
BATCH #2	\$1,242.60	38853
BATCH #3,	\$97,463.67	38854-38966
BATCH #4	\$262,792.44	38974-39118
TOTAL OPERATING FUND DISBURSEMENTS:		\$361,498.71
TRUST & AGENCY:		
TOTAL TRUST & AGENCY DISBURSEMENTS:		\$0.00
CAPITAL FUND DISBURSEMENTS:		
BATCH #1	\$9,131.20	
TOTAL CAPITAL FUND DISBURSEMENTS:		\$9,131.20
PAYROLL:		
PR # P/R 2	\$611,625.34	
TOTAL PAYROLL DISBURSEMENTS:		\$611,625.34
PETTY CASH		
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$982,255.25

**Reports from Town Board Members and Department Heads**

Councilman Smardz – no report

Councilwoman Ziegler – no report

Councilman Collins – no report

Councilman Gorman – no report

Supervisor Walters – no report

Catherine Rybczynski, Town Clerk, reports that on January 14, 2010 she transferred \$107,285.37 from her accounts for the last six months which includes earned interest and penalties from the Tax and Town Clerk's Accounts to the General Fund.

Kenneth Farrell, Town Attorney, reports that the Town has had the resolution of two significant litigations against the Town of Hamburg. Both cases were resolved by way of summary judgment motion. The first involved an accident at the CSX cloverbank crossing where a motion was made to dismiss the case against the Town and so we will not be required to expend additional legal funds to defend the case any further and there will not be a trial against the Town. The second was a personal injury case where a gentleman was hurt in an excavation cave-in and that was also dismissed against the Town of Hamburg.

Gerard Kapsiak, Town Engineer, reports that the Town received FEMA funding approval for the August storm damage. Various projects were funded for a total of \$282,000 and of that the Federal Government pays 75% which is about \$212,000, the State pays 12.5% which is \$35,000 and the Town's remaining share is \$35,000.

Marty Denecke, Director of Recreation, reports that in late 2009 they received a \$7,500 grant from the U. S Tennis Association and with that they will be implementing indoor tennis programs in school gyms in the winter and spring and will have the normal outdoor program in the summer. It is called quick-start tennis and it is for 6-8 year olds. The first session begins in February, for further info contact Recreation.

Robert Hutchison, Town Assessor, reports the Article 7 filed by Republic Steel was dismissed due to a technical defect.

Lynn Dixon, Erie County Legislator, reports that the phone number to contact her remains the same as with Legislator Reynolds (649-2640) and e-mail address is [lynn.dixon@erie.gov](mailto:lynn.dixon@erie.gov).

At this time Supervisor Walters, Councilman Smardz and Councilwoman Zeigler present financial information concerning the closing of the fitness center.

### **Business from the Floor**

The following people spoke in opposition to the fitness center closing: Nick Buscaglia, Joe Petrocarlo, Bob Mancuso, Dick Major, Ruth Shatzel, Amy Jones, Michael Ruggiero, Roger Forth, Martin Mann, Leona Rockwood

The following spoke in favor of the Fitness center closing: Angela Mirusso

Laura Hahn invites all Town Board members to attend a Locksley Park Taxpayer meeting.

Joe Kilian, United Council of Hamburg Taxpayers, requests a meeting to discuss 20 questions.

**14.**

On a motion of Supervisor Walters, seconded by Councilman Gorman, the following resolution was

ADOPTED                      Ayes    5            Walters, Smardz, Collins, Gorman, Ziegler  
    Noes    0

**RESOLVED**, that the Town Board move into Executive Session, at 8:20 p.m., with the Finance Director on a Personnel issue, the Highway Superintendent and the Legal Department.

**15.**

On a motion of Supervisor Walters, seconded by Councilman Gorman, the following resolution was

ADOPTED                      Ayes    5            Walters, Smardz, Collins, Gorman, Ziegler  
    Noes    0

**RESOLVED**, that the Town Board adjourn Executive Session at 9:24 p.m.

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Catherine A. Rybczynski, Town Clerk