

A regular meeting of the Town Board 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 26th day of January, 2009.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Thomas M. Best, Sr	Councilman
Joan A. Kesner	Councilwoman
Kevin Smardz	Councilman

ABSENT:

Thomas Quatroche, Jr.	Councilman
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OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk
Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Carmen Kesner, Chief of Police; Kurt Allen, Supervising Code Enforcement Officer; Tim Ellis, Traffic Safety Coordinator; Gerard Kapsiak, Town Engineer; Martin Denecke, Director of Recreation; Tim Regan, Community Development Assistant; Fred Kingsbury, Real Property Appraiser;

Pledge of Allegiance was recited.

Information on fire exits was provided.

1.

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

ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

RESOLVED, that the Town Board approve the minutes of the following meetings:

1/12/09 Town Board Meeting

2.

Resolution #2 withdrawn

3.

On a motion of Councilwoman Kesner, seconded by Councilman Best, the following resolution was

ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

BE IT RESOLVED, that the Town Board approve travel request of Bob Hutchison, Town Assessor, to attend the seminar Valuation Case Studies 2009, as a presenter. The class is sponsored by the Western New York/Ontario International Chapter of the Appraisal Institute and will be held on January 26, 2009 in Ellicottville, NY. There is no cost to the Town and re-certification credits for appraisal and assessment purposes will be obtained.

Hotel (3)		= \$2,800.00
Meals (3 days @ \$40.00)	(3)	= \$ 360.00
Meeting Registration	(3)	= \$ 300.00
Ground Transportation (3)	\$50x3	= \$ 150.00
Total		= \$4060.00

Funds for this purpose have been included in the 2009 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.

Steve Strnad asks if this is something new or if this is past practice.

Supervisor Walters responds that this is past practice. This is the annual meeting and the Town sends several representatives to attend. This allows our Town attorneys to learn what other communities are doing as well.

Ferd Garcia questions why one person is taking Amtrak.

Ken Farrell, Town Attorney, responds that he is taking Amtrak because he gets a lot of reading done on the train.

6.

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

ADOPTED	Ayes 4	Walters, Best, Kesner, Smardz
	Noes 0	

WHEREAS, the Town of Hamburg is a member of the Northeast-Southtowns (NEST) Solid Waste Management Board, which is comprised of 37 municipalities located within Erie County that meet bimonthly and work cooperatively with the Erie County Dept. of Environment and Planning in regionally addressing issues associated with solid waste collection, hauling, recycling, and disposal operations, including compliance with associated State mandated regulatory requirements; and

WHEREAS, in accordance with the 1993 Joint Municipal Agreement which created the NEST Solid Waste Management Board, each municipality is to annually designate a primary representative and one or more alternates to serve on the NEST Board,

THEREFORE BE IT RESOLVED, that the Town Board hereby designates the following to serve as the Town of Hamburg’s representatives on the NEST Board for the year 2009:

Primary Representative: Supervisor Steven J. Walters
 Alternate Representatives: Gerard M. Kapsiak, Town Engineer
 Richard Krautsack, Deputy Highway Superintendent
 Susan C. Attridge, Town Resident

BE IT FURTHER RESOLVED, that the Town Clerk is requested to provide one certified copy of this resolution to the Engineering Department, for transmittal to the Erie County Dept. of Environment and Planning.

7.

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

ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

BE IT RESOLVED, that in accordance with Section 230-26 of the Town Code, the Town Board hereby adopts the following 2009 Public Improvement Permit (PIP) Cost Estimating Schedule. This includes construction cost estimate increases averaging 5%, which is reflective of changes in the Construction Cost Index since the schedule was last revised in June 2008.

TOWN OF HAMBURG
PUBLIC IMPROVEMENT PERMITS COST ESTIMATING SCHEDULE 2009

- For Projects up to \$10,000: 6% of estimated cost (minimum \$20.00)
- For Projects from \$10,000 to \$20,000: \$600.00 plus 5.0% of estimated cost over \$10,000
- For Projects from \$20,000 to \$30,000: \$1100.00 plus 4.5% over \$20,000
- For Projects from \$30,000 to \$100,000: \$1550.00 plus 4.0% over \$30,000
- For Projects over \$100,000: \$4350.00 plus 3.5% over \$100,000

*Plus \$20.00 filing fee for each permit

Clearing, Stripping, and Erosion Control

\$ 450.00 per acre of development
 \$1900.00 per acre of topsoil and seeding

Storm Sewer Lines

8"	\$23.00	per	lineal	foot	27"	\$ 58.00	per	lineal	foot
10"	\$25.00	"	"	"	30"	\$ 61.00	"	"	"
12"	\$28.00	"	"	"	36"	\$ 75.00	"	"	"
15"	\$33.00	"	"	"	42"	\$ 85.00	"	"	"
18"	\$40.00	"	"	"	48"	\$ 89.00	"	"	"
21"	\$44.00	"	"	"	54"	\$ 97.00	"	"	"
24"	\$53.00	"	"	"	60"	\$103.00	"	"	"

Storm Water Detention \$2500.00 per acre foot
Swales By Developer \$ 2.90 per lineal foot

Water Lines

8" \$37.00 per lineal foot
10" \$40.00 " " "
12" \$42.00 " " "

Pavement 30' wide asphalt/concrete
Light \$103.00 per lineal foot
Standard \$ 118.00 " " "
Heavy \$ 141.00 " " "

(cul-de-sacs - add 50 lineal feet from end of radius to account for additional pavement area)

Sidewalk By Developer \$10.00 per lineal foot
Light Standards \$1400 per light standard

Buildings, Bridges, Pump Stations, Pressure Reducing Pits, and/or other facilities not included in the above schedule - the inspection fee shall cover all costs incurred by the Town, as determined by the Town Engineer. This shall include the cost of contracting with an inspection consultant, if the Town does not have the necessary specialized inspection expertise on staff.

Subdivision Review Fee - a review fee of \$60 per lot for up to 20 lots plus \$40 for each additional lot over 20 lots is to be paid by the developer upon the submittal of construction plans for subdivision development to the Town Engineering Department.

NOTE: In the event that work is started on a project prior to obtaining all required approvals and permits, the fee charged for the permits shall be triple the above costs.

Adopted: 01/26/09

8.

On a motion of Councilman Smardz, seconded by Councilman Best, the following resolution was ADOPTED
Ayes 4 Walters, Best, Kesner, Smardz
Noes 0

WHEREAS, recently enacted Federal and State Phase II Stormwater Regulations require that the Town of Hamburg review and accept Stormwater Pollution Prevention Plans submitted by developers and contractors for construction projects located within the Town which will result in a land disturbance of one acre or more; and

WHEREAS, Local Law No. 4 of 2007, as adopted by the Town Board on July 16, 2007, authorizes the Town Board to establish fees to be charged by the Town for providing services associated with the stormwater program,

THEREFORE BE IT RESOLVED, that the Town Board adopt the following fee schedule to be paid to the Town by developers or contractors performing construction activities, for the review of Stormwater Pollution Prevention Plans by the Town Engineering Department:

1 to 5 acre land disturbance = \$500
 5 to 10 acre land disturbance = \$750
 Greater than 10 acre land disturbance = \$1,000

Note:

- (1) The above fees do not include the required weekly inspection of development sites during construction for compliance with the stormwater program requirements. These inspections are to be performed by a qualified inspector retained by the developer or contractor, who is required to submit weekly stormwater inspection reports to the Town of Hamburg.
- (2) After the first year, an additional fee of \$250 per year is to be paid by the developer or contractor until the project is fully completed and accepted by the Town. This fee is for the review and administration of the weekly inspection reports.

9.

On a motion of Councilman Best, seconded by Councilwoman Kesner, the following resolution was ADOPTED

Ayes 4	Walters, Best, Kesner, Smardz
Noes 0	

WHEREAS, following review of a request from area residents for a street light at the intersection of Lake Shore Road (NYS Route 5) and Hewson Road, the Town Engineer has recommended that a street light is warranted at this location,

THEREFORE BE IT RESOLVED, that the Town Board authorizes National Grid to install one, 150 watt high pressure sodium fixture on National Grid Pole No. 133, in accordance with the terms and conditions of the current National Grid street light tariff. National Grid has estimated that this will result in an increased billing to the Town of Hamburg of \$89 per year for street lighting costs.

BE IT FURTHER RESOLVED, that the Town Clerk is requested to provide two certified copies of this resolution to the Engineering Department, for transmittal to National Grid.

10.

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

Ayes 4	Walters, Best, Kesner, Smardz
Noes 0	

BE IT RESOLVED, that an advertisement for bids for waterline replacement Contract No. 14, which is part of the overall Hamburg Water System Improvement Project, is authorized to be

published in the official Town newspapers, with the bid opening scheduled for Wednesday, March 4, 2009 at 11:00 a.m. local time.

11.

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

ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

BE IT RESOLVED, that the Town Board schedules a public hearing on proposed local law #1, 2009. This proposed local law will provide for a new chapter to the Hamburg Town Code that will outline training requirements for Planning Board and Zoning Board of Appeals Members to comply with New York State Town Law requirements.

The hearing is to be scheduled for February 9, 2009 at 7:00 p.m.

Ferd Garcia questions who brought this up.

Supervisor Walters questions if he means the training. He adds that this is a New York State requirement.

12.

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

ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

WHEREAS, the Town of Hamburg received a request from Penn Dixie to rezone five acres of vacant land located on Jeffrey Boulevard, contiguous to the western boundary of the 49-acre Penn Dixie Paleontological and Outdoor Education Center from M2 to PR (Parks/Recreation) in order to construct an education building, parking and access for the site, and

WHEREAS, the Code Review Committee reviewed the application and found merit in the rezoning of this property;

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby refers this rezoning request to the Planning Board for its review and recommendation.

13.

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

ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

RESOLVED, that the Town Board awards the “Communications Console Bid” to FM Communications in the amount of \$163,800.00. FM Communications was the most responsible bidder. Monies are available in account H243020.303

Supervisor Walters notes that this is part of the Police/Dispatch rebuild. This is going to bring the state of the art equipment into our dispatching center and this should be operational the middle to end of next month.

18.

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

Ayes 4	Walters, Best, Kesner, Smardz
Noes 0	

RESOLVED, that the Town Board award the “Uninterrupted Power Supply Bid” to Electrical Service & Systems Installation Inc. in the amount of \$19,250.00. Electrical Service & Systems Installation Inc. was the lowest bidder. Monies are available in account H243020.303

Councilman Best questions what this is.

Supervisor Walters responds that it is an uninterrupted power source where if the power goes down the system stays up and running for dispatch.

19.

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

Ayes 4	Walters, Best, Kesner, Smardz
Noes 0	

BE IT RESOLVED, that the town Board accepts the bid from Mobil Fleet Program for fleet fuel services.

Supervisor Walters notes that this is something that has been in the works for quite some time. Currently the Town has eight tanks throughout the Town and is responsible for those tanks. This system will provide increased accountability, security, safety and efficiency.

20.

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

Ayes 4	Walters, Best, Kesner, Smardz
Noes 0	

TOWN BOARD JANUARY 26, 2009
AUDIT OF CASH DISBURSEMENTS

		VOUCHER #S
OPERATING FUND:		
BATCH # 3	\$1,000,000.00	31441
BATCH # 4	\$129,209.22	31450-31548
BATCH # 5	\$120.00	31549
BATCH # 6	\$82,227.08	31553-31656
BATCH # 7	\$271,948.36	UNPROCESSED
TOTAL OPERATING FUND DISBURSEMENTS:		\$1,483,504.66
TRUST & AGENCY:		
BATCH # 1	\$6,800.00	
TOTAL TRUST & AGENCY DISBURSEMENTS:		\$6,800.00
CAPITAL FUND DISBURSEMENTS:		
BATCH # 2	\$23,883.87	31442-31449
BATCH # 3	\$85,753.17	UNPROCESSED
BATCH #		
TOTAL CAPITAL FUND DISBURSEMENTS:		\$109,637.04
PAYROLL:		
PR #	2 \$628,575.12	
PR #		
TOTAL PAYROLL DISBURSEMENTS:		\$628,575.12
PETTY CASH		\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$2,228,516.82

Reports from the Town Board

Councilman Best notes that the Town Highway audit continues and reports that there has not been any major problems out there. The Deputy Superintendents are doing the day to day operations very nicely.

Catherine Rybczynski, Town Clerk, reports that Hamburg was one of the Towns that was undercharged on the tax bills. Because of the law suit between the legislature and the County Executive, the bills were held up about two weeks. Tuesday the bills were being pulled and on Wednesday it was discovered that the properties in the Lakeview Fire District had no fire district charge on their bills. The County was notified and on Thursday the County reprinted approximately 3,700 bills for the Lakeview Fire District. The bad bills were pulled and replaced with the new ones. Unfortunately in some of the multiple mailings there were a few Lakeview bills that went out by mistake. As those come in error we will notify the residents that they still have another charge for the Lakeview Fire District. Then Friday all of the bills were picked up by our mailing company and over the weekend the news stories came out that certain towns were undercharged. We happen to be one of them. There was a charge for community colleges, it's a respread on the tax bill. If somebody goes to a community college outside of Erie County, the County gets charged. The charge on our tax warrant right now is approximately \$8500.00 when it should have been \$122,000.00. The difference is going to be added onto next years bill and right now we don't know the exact amount. There will not be a penalty because it didn't show up this year.

Chief Kesner notes they received a grant for the criminal justice for \$32,000 for radios, overtime and equipment.

New business from the floor

Ferd Garcia questions if the salary schedule went out yet.

Supervisor Walters responds that it is out and on the website.

21.

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

ADOPTED

Ayes 4
Noes 0

Walters, Best, Kesner, Smardz

RESOLVED, that the Town Board move to Executive Session on four pending litigation matters at 7:32 p.m.

22.

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

ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

RESOLVED, that the Town Board adjourn Executive Session at 8:30 p.m.

Catherine A. Rybczynski, Town Clerk