

A regular Town Board meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, 6100 South Park Avenue, Hamburg, New York on the 8th day of February 2016.

**2.**

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

**RESOLVED**, that the Town Board adjourn Executive Session at 7:00 pm and move into the regular meeting.

ROLL CALL:	Steven J. Walters	Supervisor
	Michael Quinn, Jr.	Councilman
	Thomas Best, Jr.	Councilman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk  
Walter Rooth III, Town Attorney; Joseph Collins, Deputy Town Attorney; Mary Dosch, Sr. Account Clerk; Richard Lardo, Principal Engineering Assistant; Gregory Wickett, Police Captain; Martin Denecke, Director of Youth, Recreation and Senior Services; Thomas Best, Sr., Highway Superintendent; Christopher Hull, Director of Community Development; Kurt Allen, Supervising Code Enforcement Officer; Thomas Taylor, Sr. Public Safety Dispatcher; Sean Crotty, Emergency Management Coordinator; Ted Casey, Traffic Safety Coordinator; Jerry Giglio, Safety Committee

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

**3.**

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

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

01/25/2016	Work Session
01/25/2016	Town Board meeting

**4.**

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

ADOPTED	Ayes	2	Best, Quinn
	Abstained	1	Walters
	Noes	0	

**RESOLVED,** that the Town Board amend resolution #14 from the Town Board meeting of January 25, 2016 changing the ending date of the term for Thomas Brown (Hamburg Ethics Board) from 12/31/2016 to 12/31/2020.

**5.**

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

**WHEREAS,** the Town of Hamburg received a request from James Cleary to rezone 0.88 acres of property located south of 5255 Southwestern Boulevard (a portion of SBL# 182.06-1-46) from R-2 (Single Family Residence District) to M-2 (Light Industrial District) in order to construct additional public mini-storage buildings; and

**WHEREAS,** the Code Review Committee reviewed the application and found merit in entertaining this request; and

**WHEREAS,** the current owner of the property to be rezoned is the Town of Hamburg (this property was dedicated parkland and was approved for alienation by New York State), and the applicant intends to purchase the property from the Town of Hamburg; and

**WHEREAS,** the Hamburg Town Board referred this rezoning request to the Planning Board for its review and recommendation; and

**WHEREAS**, on January 20, 2016 the Hamburg Planning Board forwarded a positive recommendation regarding this rezoning request, noting that the request is in conformance with the Town’s Comprehensive Plan, and the project as proposed will not negatively affect the surrounding neighborhood.

**NOW, THEREFORE, BE IT RESOLVED**, that the Hamburg Town Board hereby schedules a public hearing on this rezoning request to be held on March 14, 2016 at 7:00 pm.

**6.**

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was  
ADOPTED           Ayes 3       Walters, Best, Quinn  
                          Noes 0

**RESOLVED**, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following Feb. / March 2016 Taylor Road rentals:

02/13/16	02/26/16	03/05/16	03/06/16
03/12/16	03/13/16	03/19/16	03/27/16

**7.**

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was  
ADOPTED           Ayes 3       Walters, Best, Quinn  
                          Noes 0

**BE IT RESOLVED** that the Hamburg Town Board authorize the Department of Community Development to advertise “Request for Proposals/Request for Quotations” for completion of the following projects utilizing Community Development Block Grant (CDBG) and/or HOME Investment Partnership program funds:

- 1) Website Creation/Maintenance services.
- 2) CDBG/HOME Action Plan/IDIS services.

These projects are authorized under the Community Development Block Grant and HOME Investment Partnership programs. Funding for publication of the legal notices and projects are available within the CDBG and/or HOME Administrative Accounts.

**8.**

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was  
ADOPTED           Ayes 3       Walters, Best, Quinn  
                          Noes 0

**BE IT RESOLVED**, that the Town Board authorize Mary Dosch, Finance Director, to transfer the balance of the 2015 Adult Day Services Donation Fund in the amount of \$6,632.83 to the 2016 budget (account # A6780.486). This fund is made up of donations and is used to sponsor activities and entertainment for the Adult Day Services participants.

**9.**

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

ADOPTED                   Ayes   3           Walters, Best, Quinn  
                                   Noes   0

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

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/tem hourly rate	Termination Date
1	3055	Doody, Joseph		Van Driver-A6772-P/T				2/16/2016
	3055	Doody, Joseph	R	Van Driver-A6772-Seas.	2/17/16		\$12.32	
2	4361	Duszkiewicz, Benjamin	R	Lifeguard-A7310-P/T	2/9/16		\$10.00	
3	2697	Hornberger, Rory		Van Driver-A6772-P/T				2/16/2016
	2697	Hornberger, Rory	R	Van Driver-A6772-Seas.	2/17/16		\$12.24	
4	4040	Jedynak, Richard		Van Driver-A6772-P/T				2/16/2016
	4040	Jedynak, Richard	R	Van Driver-A6772-Seas.	2/17/16		\$10.44	
5	4655	Lauria, Stephanie	R	Rec Attd.-A7310-P/T	2/9/16		\$9.00	
6	4678	Manganello, Jack		Van Driver-A6772-Seas.				2/14/2016
	4678	Manganello, Jack	R	Van Driver-A6772-P/T	2/15/16		\$9.00	
7	3744	Melewski, Mark		Rec Attd-E17265-Seas.				2/6/2016
	3744	Melewski, Mark	R	Rec Attd-E17265-P/T	2/7/16		\$10.25	
8	4321	Meyer, Jennifer		Rec Attd-A6772-Seas.				2/9/2016
	4321	Meyer, Jennifer	R	Rec Attd-A6772-P/T	2/10/16		\$10.75	
9	4379	Sauerwein, Robert		Van Driver-A6772				2/8/2016
10	3167	Wiencek, Paul		Van Driver-A6772-Seas.				2/24/2016
	3167	Wiencek, Paul	R	Van Driver-A6772-P/T	2/25/16		\$10.00	

**10.**

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

ADOPTED                   Ayes   2           Best, Quinn  
                                   Noes   1           Walters

**BE IT RESOLVED**, as a matter of clarification, that the position of Senior Clerk was abolished at the Reorganizational meeting of 2016 due to fiscal and budgetary concerns and not a termination of an individual employee.

**11.**

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

ADOPTED                   Ayes   3           Walters, Best, Quinn  
                                   Noes   0

**BE IT RESOLVED**, that the Town Board approve the hiring of the following personnel for the Legal Department as follows:

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/tem hourly rate	Termination Date
1	4594	Krupski, Jennifer	R	P/T CLERK	2/22/16	\$15.00		

**12.**

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

ADOPTED                   Ayes   3           Walters, Best, Quinn  
                                   Noes   0

**BE IT RESOLVED**, that the Town Engineer’s report on the completion and acceptance of the PLEASANT CREEK SUBDIVISION PHASE 1 work performed under Public Improvement Permit Nos. 1016, 1017, and 1018 be received and accepted, and that the Supervisor is authorized to sign the report, and

**BE IT FURTHER RESOLVED**, that this action does not relieve the developer of the responsibility for completing the required street lighting installations under Public Improvement Permit No. 1019.

**BE IT FURTHER RESOLVED**, that this resolution becomes effective on the day the report is signed by the Supervisor.

**13.**

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

ADOPTED                   Ayes   3           Walters, Best, Quinn  
                                   Noes   0

**BE IT RESOLVED**, that the Town Engineer’s report on the completion and acceptance of the WILLOW WOODS SUBDIVISION street light installation work performed under Public Improvement Permit No. 1005 be received and accepted, and that the Supervisor is authorized to sign the report.

**BE IT FURTHER RESOLVED**, that the Town Board authorize New York State Electric and Gas (NYSEG) to connect eleven (11) 70-watt high pressure sodium luminaries in accordance with the existing rate tariff, and

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be provided to the Engineering Department for transmittal to NYSEG, and that this resolution becomes effective on the day the report is signed by the Supervisor.

**14.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                      Noes 0

**BE IT RESOLVED**, that the management of the Dog Control Office be turned over the Town Clerk's Office.

**15.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                      Noes 0

**RESOLVED**, that the Town Board approve the Audit of Cash Disbursements as follows:

TOWN BOARD  
AUDIT OF CASH DISBURSEMENTS February 8, 2016

	VOUCHER #'S
OPERATING FUND:	
BATCH #9   \$336.77	80839
BATCH #10  \$3,189.46	80840-80848
BATCH #11  \$35.00	80849
BATCH #12  \$52,109.30	80850-80890
BATCH #13  \$112.39	80891-80893
BATCH #14  \$145,648.44	80894-80951
BATCH #15  \$25,111.01	80952-80958
BATCH #16  \$10,334.06	80960-80985
 TOTAL OPERATING FUND DISBURSEMENTS:	 \$236,876.43
TRUST & AGENCY:	
 TOTAL TRUST & AGENCY DISBURSEMENTS:	 \$0.00
CAPITAL FUND DISBURSEMENTS:	

BATCH #4	\$1,000.00	80959	
TOTAL CAPITAL FUND DISBURSEMENTS:			\$1,000.00
PR #P/R 2	\$730,770.57		
TOTAL PAYROLL DISBURSEMENTS:			\$730,770.57
PETTY CASH			\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$968,647.00

### **Reports from the Town Board and Department Heads**

Councilman Quinn – no report

Councilman Best thanks everyone for their well wishes. He was in the hospital due to a hockey injury. He also adds that he is proud to be connected to the Town of Hamburg and the job our Officers did and how they handled the burial of Detective Angelo Butera. Also thanks to the Fire Police and surrounding agencies, the family will be forever grateful.

Rick Lardo reports that they are moving ahead with the Quiet Zone project. The contractors started, this week, slip lining sewers in Mr. Vernon.

Tom Best Sr. reports on Buildings and Grounds that through the efforts of Councilman Quinn and Senator Panepinto it appears that the Town is in line for a \$95,000 grant from the State for our Hamburg Town Park for dredging.

Marty Denecke announces that the Donny Thiry Foundation presented the Recreation Department with a generous donation of \$7,000. Those funds are used to enhance their programs for children and adults with disabilities. For the Youth Bureau, they received a \$500 stipend to do a Stop Alcohol Abuse Town Hall meeting through [stopalcoholabuse.net](http://stopalcoholabuse.net).

### **Business from the Floor**

Catherine Creighton comments that she is present on behalf of the Town of Hamburg Command Officers Association. On January 15, 2016 the Town of Hamburg Command Officers Association met and by an overwhelming majority voted to have “No Confidence” in Supervisor Steven Walters. The Association asks that the Town Board immediately appoint an alternate agent for the Town until the matter is resolved and are asking that the Town Board conduct an independent investigation into the actions of the Supervisor, the agents of the Town and the insurance company concerning health care rates.

Jack Chiappone Jr., President of the Town of Hamburg Public Safety Dispatchers Union (IAFF 2478) states that on January 14, 2016 they held a meeting regarding the Health Care Insurance for the Town employees and held a vote of “No Confidence” in Supervisor Walters which passed

unanimously. They would like a full investigation and would like him removed from any future dealings and negotiations with this Union.

Tom Boyer, President of the Town of Hamburg P.B.A., comments that on January 15, 2016 their membership also voted "No Confidence" in Supervisor Walters which was overwhelmingly approved in regards to health care rates. The PBA is asking the Town to conduct an independent audit as well as appoint an interim representative to deal with all things related to contract negotiations and employee labor issues.

Denise Chimera, President of CSEA Erie County Local 815 speaking on behalf of the CSEA Town of Hamburg White Collar Union, comments that on January 21, 2016 the membership voted and approved, by an overwhelming majority, the statement of "No Confidence" in the continuing capability of Steven Walters to serve in the position of Hamburg Town Supervisor. CSEA believes that the best course of action is for Supervisor Walters to tender his resignation.

Robert Mueller, Labor Relations Specialist CSEA Western Region 6 speaking on behalf of the CSEA Town of Hamburg Blue Collar Unit, comments that on January 25, 2016 the membership voted and approved, by an overwhelming majority, a statement of "No Confidence" in the continuing capability of Steven Walters to serve in the position of Hamburg Town Supervisor. Should the Town Supervisor not tender his resignation CSEA urges the Town Board to limit Mr. Walters ability to act on behalf of the Town of Hamburg.

Don Weiss comments that he has confidence in the Supervisor's leadership.

Supervisor Walters responds that everything he has done has been for the taxpayers in trying to keep taxes as low as he can so that Town residents can live, grow a business and work here.

Mr. Mueller responds that CSEA and every other Union present negotiated a health care agreement in 2007 that was a win win solution that incented the employees to choose the less expensive health care plan. This saved the Town millions of dollars as well as saving the employees money. Past history shows that collective bargaining is the way to save taxpayers money. Millions of dollars have been saved in the past because each of the Unions have sat down and worked collaboratively with the Town of Hamburg. The Supervisor has destroyed the trust necessary to achieve the long term savings that the Unions have a track record of.

Bill Knab comments that nothing can be done without a thorough investigation.

#### 16.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

**RESOLVED**, that the Town Board move into Executive Session at 7:31 pm on several personnel issues.

**17.**

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

ADOPTED           Ayes 3       Walters, Best, Quinn  
                      Noes 0

**RESOLVED,** that the Town Board adjourn at 8:20 pm.

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Catherine A. Rybczynski, R.M.C.  
Town Clerk