

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 9th day of February, 2009.

TOWN BOARD MEMBERS

PRESENT:

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

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Robert E. Hutchison, Jr., Town Assessor; Kurt Allen, Supervising Code Enforcement Officer; Tim Regan, Community Development Assistant; Sarah DesJardins, Planning Consultant Assistant; Kenneth Farrell, Town Attorney; Martin Denecke, Director of Recreation; Mike Williams, Assistant Chief of Police; Gerard Kapsiak, Town Engineer

Pledge of Allegiance was recited.

Information on fire exits was provided.

7:00 p.m. Public Hearing

Legal Notice
Town of Hamburg
Notice of Hearing Proposed Local Law #1, 2009

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on January 26, 2009, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #1, 2009; this local law provides for the adoption of a new ordinance to outline training requirements for Planning Board and Zoning Board of Appeals Members to comply with New York State Town Law requirements. The proposed local law reads as follows:

Training Requirements for Planning Board and Zoning Board Members

Town Law §267(7-a) and §271(7-a) requires all Zoning Board of Appeal and Planning Board members, and people appointed as alternates to such boards, to receive a minimum number of hours of training each year. Accordingly, in order to ensure compliance with these requirements, and to enhance the qualifications of Zoning Board of Appeal and Planning Board members, whose decisions can affect the function and appearance of communities well into the future, while impacting property interests important to individual residents, the following training requirements are established:

Section 1:

Each member of the Zoning Board of Appeals and Planning Board, including any alternates to either board, shall receive a minimum of four hours per year of training related to the areas of zoning, planning and/or land use. Members who are attorneys licensed in the State of New York are exempt from such requirements.

Section 2:

Acceptable forms of training shall include traditional classroom-style training. No self study training shall be accepted.

Section 3:

Acceptable providers of training shall include the regional planning counsel; the Erie County Planning office; a New York State agency; a New York State association, e.g. The Association of Towns, Conference of Mayors or New York Planning Federation; and an accredited college.

Section 4:

Each member shall submit to the Town Attorney, certificates of completion or other documents verifying their compliance with these training requirements on or before January 1 of the year following the year in which the training was completed. Upon receipt, such verification shall be forwarded to the Town Board for review. If the Town Board, in its sole discretion, determines that any such training is not acceptable, it shall provide the member with notice, including a statement of the reason why such training is deemed unacceptable, and allow the member 120 days to attend additional training to replace the training hours disapproved by the Town Board.

Section 5:

Any member may submit information regarding a particular training course to the Town Board in advance of attending such course, with a request for approval of such training course. The Town Board shall indicate its approval or rejection of such training course in writing, to the member within fifteen (15) days of receipt of the member's request.

Section 6:

Training received by a member in excess of four (4) hours in any one (1) year may be carried over into succeeding years.

Section 7:

Any member who fails to meet the minimum training requirements set forth in both the New York State Town Law and herein will not be eligible for reappointment to their respective board.

Section 8:

A member failing to meet the minimum training requirements set forth in both the New York State Town Law and herein may be removed prior to the expiration of their term, upon prior notice and the opportunity for a hearing. The member shall notify the Town Board, in writing, within ten (10) days of receipt of the notice of removal that he/she requests a hearing. The Town Board shall schedule a hearing regarding such removal within twenty (20) days of receipt of the member's request; and the Town Board shall forward its decision in writing to the member within ten (10) days from the date the hearing was completed.

Section 9:

No decision of a Zoning Board of Appeals or Planning Board shall be voided or declared invalid because of a failure of a member or members to comply with the training requirements set forth

herein.

Section 10:

While the training received by a member to meet the training requirements recited herein can also be utilized to meet the requirements set forth in the New York State Town Law, members are not excused from complying with the requirements set forth in the New York State Town Law, if such requirements are greater than those set forth herein.

Section 11:

This law shall take effect immediately.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. on the 9th day of February, 2009, at which time all persons interested may be heard.

Dated: January 26, 2009

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine A. Rybczynski, Town Clerk notes there is no correspondence received.

Ken Farrell gives a brief description of the Proposed Local Law # 1, 2009. This provides for mandatory training for all members of the planning board and zoning board of appeals.

Joe Killian questions who teaches the courses.

Mr. Farrell replies that they are offered by a number of bodies in the Association of Towns and State of New York.

Joe Killian asks if they are learning planning board law

WHEREAS; denying credit in the Program for volunteer firefighter service rendered at any age by volunteers is inconsistent with the intent of the Program to help the Town of Hamburg and the Lake Shore Fire Protection District recruit and retain active volunteer firefighters;

NOW THEREFORE BE IT FURTHER RESOLVED, to eliminate this discrimination in the administration of this program, the Town Board of the Town of Hamburg, by the adoption of this resolution, directs that Lake Shore Volunteer Fire Company, Inc. Service Award Program administrative procedures shall be corrected retroactively to January 1, 1991 to allow post age 55 active volunteer firefighters to earn Service Award Program credit under the Point System and to thereby increase their monthly Service Award payments by twenty dollars \$20 for each year of service credit earned under the Point System during a calendar year. Such payment increases shall be effective the January 1st immediately following the calendar year in which the additional service credit was earned and the payment certain period for an individual volunteer's monthly service award payments shall be based on the effective date of the initial monthly payment commencement date; and,

BE IT FURTHER RESOLVED, that volunteer firefighters who already have reached age 55 and have been paid service awards under the Program shall as soon as administratively possible be paid a lump sum in an amount equal to the amount that the volunteer would have been paid had the Lake Shore Fire Protection District Award Program been administered from its original adoption in accordance with the previous paragraph.

Due to this correction in administrative procedures, the total calendar year 2009 cost of funding the Lake Shore Volunteer Fire Company, Inc. Service Award Program may be as much as approximately \$325,000 for current firefighters including the cost of administration of approximately \$4,000 and the cost of the insurance premiums of approximately \$2,500.

The increase to the annual cost to retroactively correct the credit awarded to senior volunteers for post age 55 active volunteer firefighter service earned prior to calendar year 2007 shall, as set forth in a resolution adopted by the Town of Hamburg Town Board on June 11, 2007, be amortized in ten equal annual payments over a ten year period.

Such payments are included in the estimated cost of \$325,000 and shall be approximately \$22,000 per year with the first payment being made during calendar year 2009 and the last in calendar year 2018.

The increase to the annual cost for service credit earned by post age 55 active volunteers during calendar years 2009 and beyond shall be as much as approximately \$22,000 per year for current firefighters and, therefore, the program cost beginning in calendar year 2009 may ultimately be as much as \$147,000.

All other provisions of the Lake Shore Volunteer Fire Company, Inc. Service Award Program shall not change and the programs shall continue to be administered by the Town of Hamburg in accordance with Article 11-A of the New York State General Municipal Law as such law is

amended from time to time.

Councilman Best requests an explanation.

Ken Farrell replies that there has been decisions regarding age discrimination as it pertains to the service credit program. They are amending their service credit program to extend the age at which their members can earn service credit. The cost to the Town really doesn't change at all, they submit a budget to the Town each year.

Councilwoman Kesner notes that because this is a Federal law, make sure this provision is provided to all fire companies.

Ken Farrell responds that we do not have the authority to make the request for the amendment of the program, it's still their program.

Ford Beckwith questions why this has to go back to 1991 and are the people going to get to vote on this.

Ken Farrell notes that the initial program when it was put in place was subject to a referendum and that's what the reference is to in this resolution. This goes back to 1991 because that is when the program was put in place.

Steve Strnad notes that over the past 10 - 15 years there has been less people volunteering for the fire company.

Ferd Garcia questions if there is an age limit to where you can be a fire fighter

Mr. Farrell responds that he doesn't think it is clear.

Jeff Dinan notes that when past members getting money for years that they were over 55, they are not getting it automatically for every year, they're only getting it for the year they would have qualified.

5.

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

resolution was

ADOPTED

Ayes 5

Walters, Best, Kesner, Quatroche, Smardz

Noes 0

RESOLVED, that the Town Board approve the recommendation of the Chief of Police in appointing JONATHAN MONACO to the vacant position of POLICE OFFICER (probationary) with the Town of Hamburg Police Department. Mr. Monaco is currently on the Civil Service List for Police Officer, established April 11, 2008, Exam #063533. Salary is \$23.02 per hour. Appointment effective February 22, 2009.

Supervisor Walters notes that Mr. Monaco is in attendance and asks him to rise and be recognized. Al Monaco, Jonathan's father, is a former police officer and presents his son with his new badge.

Councilwoman Kesner congratulates Jonathan's mother for such a good job.

6.

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

ADOPTED

Ayes 5

Walters, Best, Kesner, Quatroche, Smardz

Noes 0

BE IT RESOLVED, that an advertisement for bids for waterline replacement Contract No. 15, 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 18, 2009 at 11:00 am local time

7.

On a motion of Supervisor Walters, with a unanimous second, the following resolution was

ADOPTED

Ayes 5

Walters, Best, Kesner, Quatroche, Smardz

Noes 0

RESOLVED, that the Town Board with heartfelt gratitude, proudly recognizes with sincere appreciation for your contributions to school or community the following STAR recipients:

FRONTIER CENTRAL SCHOOL:

Clayton DelPrince	Patrick McGuire
Kimberly Fitzgerald	William Pike
Michael Grundtisch	James "Grant" Wrap
Shelby Harris	Lindsey Zawierucha
Claire McGuire	

HAMBURG CENTRAL SCHOOL:

Tess Bierl	Heather Lockwood
Bethany Deyell	Maxim Przybyl
Ryan Ferris	Matthew Springer
Erin Haffey	Gerald Whelan

HOPEVALE UNION FREE SCHOOL:

Katelyn Pohl

IMMACULATA ACADEMY:

Sarah Horvath	Kristen Kaszubowski
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ST. FRANCIS HIGH SCHOOL:

Seokho Bang	Nathanael Kankeiwicz
Matthew Ganci	

8.

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

ADOPTED

Ayes 5

Walters, Best, Kesner, Quatroche, Smardz

Noes 0

BE IT RESOLVED, that the Hamburg Town Board appoint the following five (5) people to serve on the listed volunteer boards:

Bryan Wittmeyer	Senior Citizens Advisory Board	(1 year term)
Kim Reszka	Rejuvenation Project Committee	(1 year term)
Eric Partridge	Rejuvenation Project Committee	(1 year term)
Kara Sauerwein	Youth Board	(3 year term)
Elizabeth Reszka	Seaway Trail Visitor Center Advisory Board	(1 year term)

9.

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

ADOPTED	Ayes 5	Walters, Best, Kesner, Quatroche, Smardz
	Noes 0	

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

			VOUCHER #'S
OPERATING FUND:			
BATCH #	10	\$23,269.81	31871-31904
BATCH #	11	\$198,395.58	31906-32022
BATCH #	12	\$40,718.85	32048-32124
BATCH #			
TOTAL OPERATING FUND DISBURSEMENTS:			\$262,384.24
TRUST & AGENCY:			
BATCH #	3	\$79.28	
BATCH #			
TOTAL TRUST & AGENCY DISBURSEMENTS:			\$79.28
CAPITAL FUND DISBURSEMENTS:			

BATCH #	7	\$17,671.66	32023-32036
BATCH #	8	\$14,614.68	32037-32047

TOTAL CAPITAL FUND DISBURSEMENTS:	\$32,286.34
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PAYROLL:

PR #	3	\$702,034.72
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TOTAL PAYROLL DISBURSEMENTS:	\$702,034.72
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PETTY CASH	\$0.00
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TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:	\$996,784.58
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Reports from the floor

Councilman Quatroche notes that the Recreation Department is seeking grant money in the amount of \$2500.00 to support the youth football program. The February break away festival is Sunday, February 15 - February 20, 2009 at the Hamburg Town Ice Arena.

Councilwoman Kesner publicly congratulates the two police officers who rescued a gentleman out of a burning car and asks Assistant Chief Williams to pass that along to them. We are proud of the work they do here in the Town of Hamburg.

Catherine Rybczynski reminds everyone that there is one more week to pay taxes without penalty. February 17th is the last day and the office will be open 8:00 am - 6:00 pm all this week as well as next Tuesday the 17th.

Robert Hutchison reminds everyone that March 1st is the deadline for applications for exemptions.

George Lee reports that Blasdell is working on elections that are coming up in March.

Reports from the public

Steve Strnad reports that about a week ago the taxpayer association had a meeting with Mr. Walker regarding the ice rink. He is wondering why bids were not sought for this.

Supervisor Walters responds that this was put out for bids and they were the lone proposal.

Ferd Garcia notes that Lakeshore had a meeting and a lot was explained to them. The operator is responsible for seven years and the rest the Town would be responsible. However if he goes under the taxpayers are stuck with the whole thing.

Albert Bloom, Maelou Dr. resident, notes he has sent letters regarding the flooding on his property. He hasn't heard anything regarding this.

Supervisor Walters responds that he recalls seeing the letter but Mr. Bloom hasn't received anything because a letter was sent back acknowledging receipt of his letter. His letter was forwarded to the Highway Department for them to send someone out to take a look at the conditions and make recommendations to the Town Board as to what can be done to rectify the situation.

10.

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

Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
Noes 0

RESOLVED, that the Town Board move to Executive Session at 7:40 p.m.

11.

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

Ayes 5 Walters, Best, Kesner, Quatroche, Smardz
Noes 0

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

Catherine A. Rybczynski, Town Clerk