

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 22nd day of February 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; John Conlin, 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; Peter Reszka, Planning Board Chairman

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

**7:00 Public Hearing on proposed Local Law #1, 2010 adding one new location to “Shopping Centers and Other Areas of Assembly: Traffic Regulations”.**

Catherine Rybczynski, Town Clerk, reads the following notice as published in the Hamburg Sun and the Front Page:

LEGAL NOTICE  
TOWN OF HAMBURG  
NOTICE OF HEARING PROPOSED LOCAL LAW # 1, 2010

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg, on January 25, 2010, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #1, 2010; this local law provides for the amendment of Local Law #12, 1968, entitled "Shopping Centers and Other Areas of Assembly: Traffic Regulations;" by adding thereto one new location as follows:

First Niagara  
5334 Southwestern Boulevard  
Hamburg, New York 14075

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. (local time) on the 22nd day of February, 2010, at which time all person interested may be heard.

Dated: January 25, 2010

Catherine Rybczynski  
Town Clerk

Catherine Rybczynski, Town Clerk, comments there was no correspondence received on this public hearing.

**1.**

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**, that the Town Board close the public hearing at this time.

**2.**

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

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

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

01/25/2010                      Town Board Meeting

02/01/2010                      Work Session

**3.**

On a motion of Supervisor Walters, 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 appointment of Jacqueline Barnes to the full time position of Personnel Clerk (probationary) effective February 8, 2010. Ms. Barnes has met the Civil Service requirements for this position and is currently on the Civil Service list, established June 24, 2008, Exam #064381. Salary is \$17.00 per hour, funds available in A1430.100.

**4.**

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 of Hamburg has received correspondence from residents and property owners on Southwestern Boulevard, between the new Lowes store and Howard Road, requesting that their property be rezoned to Commercial in accordance with the Town’s comprehensive Plan, and

**WHEREAS**, the code Review Committee and Planning Department have reviewed this request and found merit with it, and

**WHEREAS**, the Code Review Committee has recommended to the Town Board that they consider rezoning six (6) of the properties (addresses 4888, 4882, 4876, 4870, and 4862 Southwestern Blvd., and the vacant adjoining parcel on Southwestern Blvd.) located in this area from R-2, Single Family Residence- Attached, to C-1, Local Retail Business District.

**NOW THEREFORE BE IT RESOLVED** that the Hamburg Town Board finds merit in this request to investigate rezoning of this area to commercial and therefore, refers the rezoning concept to the Planning Board for their additional input (they previously provided input on a similar request several years ago), and

**BE IT FURTHER RESOLVED** that the Town Board would like to be Lead Agency in accordance with the New York State Environmental Quality Review Act, SEQRA, and authorizes the Planning Department to complete an EAF and perform the Lead Agency mailing, and

**BE IT FINALLY RESOLVED** that the Hamburg Town Board set a Public Hearing on this Rezoning request for March 22, 2010 @ 7:00 P.M. in the Hamburg Town Hall to receive public comment on this potential rezoning.

**5.**

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 Recreation Department as follows:

1. Wolbert, Mark	A7310(320)	02/03/2010	Terminate
2. Kuhrt, Timothy	A7310(320)	02/03/2010	Terminate
3. Tutuska, Dennis	A7265(230)	02/12/2010	Terminate
4. Lantzy, Josh	A7265(230)	02/15/2010	\$7.37 PT
	Rec. Attendant PT		
5. Diplock, Megan	A7310(320)	02/15/2010	\$7.88 PT
	Rec. Attendant PT		
6. Nowak, Kyle	A7310(320)	02/09/2010	\$7.40 PT
	Lifeguard PT		
7. McFeely, Maria	A7310(320)	02/09/2010	\$9.00 PT
	Lifeguard PT		
8. Sadowski, Christopher	A7310(320)	02/09/2010	\$9.00 PT
	Lifeguard PT		
9. Henry, Kelly	A7265(230)	02/03/2010	Terminate
10. Wenzel, John	A7310(320)	02/03/2010	Terminate
11. Roward, Patrick	A7180(215)	02/03/2010	Terminate

**6.**

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

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

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

03/13/2010	03/14/2010	03/20/2010	03/21/2010
03/26/2010	03/27/2010	03/28/2010	

**7.**

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 the Police Department to purchase off the New York State Bid, Contract #PC64892, one (1), new and unused, 2010 Chevy Tahoe, Four wheel drive, special services vehicle, for a cost of \$27,319.22.

This money was encumbered under account B3120.202.

**8.**

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

ADOPTED           Ayes 4       Walters, Smardz, Collins, Gorman, Ziegler  
                       Noes 0  
                       Abstain       Collins

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

1. Clarkson, Maureen	Rec. Attd. PT-ADC (A6780)	11/30/2009	Terminate
2. Malota, Jill	Rec. Attd. PT-ADC (A6780)	09/30/2009	Terminate
3. Mangle, Judith	Rec. Attd. PT-ADC (A6780)	03/01/2009	Terminate
4. Meyer, Bonita	Rec. Attd. PT-ADC (A6780)	01/09/2009	Terminate
5. Meyer, Mary	Rec. Attd. PT-ADC (A6780)	09/30/2009	Terminate

6. Polanowski, Teresa	Rec. Attd. PT-ADC (A6780)	04/30/2009	Terminate
7. Sullivan, Ashley	Rec. Attd. PT-Sr. Serv. (A6772)	09/30/2009	Terminate
8. Scott, Diane	Rec. Attd. PT-Sr. Serv. (A6772)	01/04/2010	Terminate
9. Nutefall, Kathryn	Rec. Attd. PT-Sr. Serv. (A6772)	01/04/2010	Terminate
10. McGraw, Sherwood	Rec. Attd. PT-Sr. Serv. (A6772)	01/04/2010	Terminate
11. Farrell, Susan	Rec. Attd. PT-Sr. Serv. (A6772)	01/31/2010	Terminate
12. Notto, Mary Ann	Rec. Attd. PT-Sr. Serv. (A6772)	02/23/2010	\$11.00 PT

**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 of Hamburg received a request from Victor Liberatore, Jr. to rezone property located at 5811 South Park Avenue from C-2 (General Commercial) to NC (Neighborhood Commercial) in order to convert existing office space to residential use, 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.

**10.**

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

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

**WHEREAS**, the Village of Blasdell has agreed to pay the annual hydrant maintenance fee to the Erie County Water Authority (ECWA) for a fire hydrant to be installed on a Town of Hamburg watermain to service 3675 Jeffrey Blvd., which is located within the Village of Blasdell; and

**WHEREAS**, Modern Corporation has agreed to have the hydrant installed by ECWA, at no cost to the Town,

**THEREFORE BE IT RESOLVED**, that the Town Board authorizes ECWA to install a fire hydrant at 3675 Jeffrey Blvd., and that the annual hydrant fee is to be paid to ECWA by the Village of Blasdell.

**BE IT FURTHER RESOLVED**, that the Town Clerk is requested to provide the Engineering Department two certified copies of this resolution, for transmittal to ECWA and the Village of Blasdell.

**11.**

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

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

**WHEREAS**, the recent NYSDOT realignment of the intersection of Big Tree Road and Southwestern Blvd. has resulted in the new sections of Big Tree Road being without street lighting. Following a review of the area with representatives of New York State Electric and Gas (NYSEG), the Town Engineer has recommended that four new street lights and poles, and one street light on an existing pole, be installed,

**THEREFORE BE IT RESOLVED**, that the Town Board authorizes NYSEG to install four 150 watt and one 100 watt high pressure sodium fixtures with brackets, four new wood poles, and 655 feet of overhead wire, together with the removal of the existing street light on Pole No. 138, all as described in a 2/18/10 proposal from NYSEG, and in accordance with the terms and conditions of the current NYSEG street light tariff. NYSEG has estimated that this will result in an increased annual billing to the Town of Hamburg of \$1,525, together with a one time wiring charge of \$1,310.

**BE IT FURTHER RESOLVED**, that the Town Clerk is requested to provide two certified copies of this resolution to the Engineering Dept. for transmittal to NYSEG.

**12.**

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

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

**WHEREAS**, proposals have been received by the Town Engineer from five engineering consultants for providing professional engineering services for the Hamburg Golf Course Flood Mitigation Study; and

**WHEREAS**, the proposals have been reviewed by the Engineering, Recreation, and Buildings and Grounds Departments, resulting in the recommendation that the contract be awarded to Wendel Duchscherer, on the basis of their experience, qualifications, and overall responsiveness to the requirements of the Request for Proposals, as well as their fee proposal being reasonable for the work to be performed,

**THEREFORE BE IT RESOLVED**, that Wendel Duchscherer is awarded the contract for this project, at a total not-to-exceed fee of \$30,000, and that the Supervisor is authorized to sign their 1/20/10 proposal/agreement in this regard. Funding for these services is available under Account No. H23 7250.440 The Town of Hamburg has requested Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program funding for this purpose which, if received, would reimburse the Town for 75% of the study and implementation costs.

**13.**

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

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

**RESOLVED**, that the Town Board approve the hiring of personnel for the Justice Court as follows:

- |                        |                   |            |         |
|------------------------|-------------------|------------|---------|
| 1. Bartkowiak, Michael | P/T Court Officer | 02/23/2010 | \$14.04 |
| 2. Full, Edward        | P/T Court Officer | 02/23/2010 | \$14.04 |

**14.**

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 following appointments to the DOWNSIZING PREPARATION BOARD for a one (1) year term commencing January 1, 2010 and ending December 31, 2010:

Cindy Conlon

**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 approve the following appointments to the VETERANS COMMITTEE for a one (1) year term commencing January 1, 2010 and ending December 31, 2010:

Dennis Chapman

**16.**

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 following appointments to the YOUTH ADVISORY BOARD for a two (2) year term commencing January 1, 2010 and ending December 31, 2011:

Mary Blakeslee

Marlene Castiglia

**17.**

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

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

**RESOLVED**, that the Town Board authorize the following closed tournament dates/times at the Hamburg Golf Course in 2010 for the following organizations:

Hamburg Seniors Golf Club (all shotgun starts)

- June 8<sup>th</sup>               7:30 am to 12:00 pm
- July 7<sup>th</sup>               7:30 am to 12:00 pm
- Aug. 20<sup>th</sup>             7:30 am to 12:00 pm
- Aug. 27<sup>th</sup>             Rain day .... Used only if needed

Hamburg Women's Golf Club (all shotgun starts)

- June 10<sup>th</sup>             8:00 am to 12:00 pm (9 holes only)
- July 15<sup>th</sup>             8:00 am to 12:00 pm
- Aug. 19<sup>th</sup>             8:00 am to 12:00 pm (9 holes only)

Hamburg Men's Golf Club

- June 13<sup>th</sup>             7:30 am to 11:30 am (shotgun start)
- July 18<sup>th</sup>             7:30 am to 11:30 am (shotgun start)
- July 31<sup>st</sup>             9:00 am to 11:30 am (consecutive starts)
- Aug. 15<sup>th</sup>             6:45 am to 11:45 am (consecutive starts)
- Sept. 11<sup>th</sup>            7:00 am to 11:45 am (consecutive starts)

WNY Publinks Golf Association (Robert Fortin – Hamburg Men's Golf Club – Tournament Director)

- Aug. 7<sup>th</sup>             10:30 am to 12:00 pm (consecutive starts)

**18.**

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

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

**RESOLVED**, that the Town Board approve the out-of-town travel request for Martin Denecke to travel to New York State Recreation and Parks Society Conference and Business Expo. The conference will be held in Saratoga, N.Y. from March 21 to 24, 2010 with a cost to the Town as follows:

Registration	\$300.00 (includes some meals)
Meals	\$ 40.00
Incidentals	<u>\$ 53.00</u>
Total	\$750.00

**19.**

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

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

**RESOLVED**, that the Town Board authorize the Supervisor to sign a lease agreement with Ice Time of WNY allowing them to operate the pro shop at the Hamburg Town Arena for the remainder of the 2010 season.

**20.**

On a motion of Councilman Smardz, seconded by Councilwoman Ziegler, 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 Building and Grounds Department as follows:

- |                          |                   |            |           |
|--------------------------|-------------------|------------|-----------|
| 1. Braman, Sandra        | Laborer, seasonal | 02/14/2010 | Terminate |
| 2. Braman, Sandra        | Laborer, P/T      | 02/15/2010 | \$10.17   |
| 3. Boswell, Rosalie      | Laborer, seasonal | 02/14/2010 | Terminate |
| 4. Boswell, Rosalie      | Laborer, P/T      | 02/15/2010 | \$10.17   |
| 5. Granica, Anthony      | Laborer, Seasonal | 02/16/2010 | Terminate |
| 6. Prior, George         | H.E.O.            | 01/30/2010 | Terminate |
| 7. Sortisio, Christopher | laborer           | 02/15/2010 | \$24.87   |
| 8. Sortisio, Christopher | H.E.O.            | 02/16/2010 | \$24.87   |

**21.**

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 Board approve the purchase of a 2010 Ford F350 4x4 Pickup Truck for the Buildings and Grounds Department in the amount of \$36,572.85. Funds are available in account A1640.202 (Motor Vehicles) in the amount of \$30,000. A transfer of \$6, 572.85 will be made from account A7140.202 (Motor Vehicles).

**22.**

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 FEBRUARY 22, 2010  
AUDIT OF CASH DISBURSEMENTS

		VOUCHER #'S	
OPERATING FUND:			
BATCH #10	\$1,842.99	39325	
BATCH #11	\$423,079.51	39326-39443	
BATCH #12	\$2,513.70	39447	
BATCH #13	\$13,937.50	39448	
BATCH #14	\$665,376.44	39449-39599	
BATCH #15	\$272,741.20	39600	
BATCH #16	\$1,856.09	39607	
BATCH #17	\$1,437.94	39608	
BATCH #18	\$19,045,000.00	39609	
BATCH #19	\$940,050.71	39610-39733	
TOTAL OPERATING FUND DISBURSEMENTS:			\$21,367,836.08
TRUST & AGENCY:			
TOTAL TRUST & AGENCY DISBURSEMENTS:			\$ 0.00
CAPITAL FUND DISBURSEMENTS:			
BATCH #2	\$4,954.75	39444-39446	
BATCH #3	\$124,547.39	39601-39606	
TOTAL CAPITAL FUND DISBURSEMENTS:			\$ 129,502.14
PAYROLL:			
PR # P/R 3	\$824,270.59		
TOTAL PAYROLL DISBURSEMENTS:			\$ 824,270.59
PETTY CASH			
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$22,321,608.81

## **REPORTS FROM TOWN BOARD MEMBERS AND DEPARTMENT HEADS**

Councilman Collins reports that the Townwide Clean-up this year will be held on May 1<sup>st</sup>; it will be Countywide this year.

Councilman Gorman reports that they are getting ready to start meetings of the Downsizing Committee and he would welcome suggestions on how the Town could downsize in costs and moving the Town forward; e-mail him with any suggestions.

Supervisor Walters no report

Councilwoman Ziegler no report

Councilman Smardz no report

Kurt Allen, Supervising Code Enforcement Officer, reports that effective today (new State Law) carbon monoxide detectors are required in dwellings that have sources of carbon monoxide; contact Code Enforcement Department with questions.

Tom Best, Highway Superintendent, reports that we are down on salt use, comparing the year 2009 and 2010, 2300 ton from last year. This is a significant savings and he attributes it to the new trucks.

Supervisor Walters introduces the Lake Shore Volunteer Fire Department for a presentation.

Michael Gates, Lakeshore Vol. Fire Company and soon to be elected to the Office of President of the Southwestern Association of Volunteer Firemen, (which covers Erie, Cattaraugus, Chautauqua and Allegheny Counties). They will be hosting the 103<sup>rd</sup> Annual Convention, Aug 3-6, 2011 in Hamburg.

K. Andrew Harris explains the schedule for the event. He requests a liaison from the Town Board and Town of Hamburg Police to insure communication between the Town Board and Fire Company.

Supervisor Walters congratulates them and pledges his support.

Councilman Collins requests to be the liaison for this event.

## **BUSINESS FROM THE FLOOR**

The following residents commented on the Fitness Center:

Ray Roll, Laura Hahn, Dakota Wolf, Patrick Castiglia and Don Brennan

The following residents commented on the Supervisors Police stipend:

Don Borzelleri, Michelle Hoff, Ferd Garcia and David Bellissimo

The following residents spoke on the 10% pay cut for Councilman:

Elizabeth Reszka, Kim Reszka and David Bellissimo

The following spoke on vacant buildings in the Town of Hamburg:

Dennis Chapman

The following spoke on the removal of Councilman Collins as liaison to the Buildings and Grounds Department:

Don Borzelleri and Michelle Hoff

The following spoke on the hiring of a new electrical inspector:

Ferd Garcia

The following spoke on the money to be received from the Windmills:

Joe Kilian

**23.**

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,** that the Town Board move into Executive Session at 8:17 p.m.

**24.**

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,** that the Town Board adjourn Executive Session at 8:27 p.m.

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Catherine A. Rybczynski, Town Clerk