

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 March 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; Steven Mikac Acting Police Chief; Kenneth Farrell, Town Attorney; Brian Doyle, Deputy Town Attorney; Kurt Allen, Supervising Code Enforcement Officer; Rick Krautsack Working Crew Chief; Peter Reszka, Planning Board Chairman; Jerry Giglio, Traffic Safety Consultant; Tim Regan, Community Development Assistant; Sarah DesJardins, Planning Consultant; Curt Herrmann, Recreation Supervisor; Joe Wenzel, Recreation Supervisor

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

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

LEGAL NOTICE
TOWN OF HAMBURG

REZONING OF 6 PROPERTIES ALONG SOUTHWESTERN BOULEVARD
Addresses: 4888, 4882, 4876, 4870, 4862, and the vacant adjoining parcel

PLEASE TAKE NOTICE that there has been presented to the Town Board on February 22, 2010, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #2, 2010; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-entitled Zoning, and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property along Southwestern Boulevard located west of Howard Road and east of the Lowe's store. The properties are identified as tax map parcels S.B.L. Nos. 170.16-4-2, 170.16-4-3, 170.16-4-4, 170.16-4-5, 170.16-4-6, and 170.16-4-7. The property is to be rezoned from R-2 (Single Family Residence, Attached District) to C-1 (Local Business District).

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 March 22, 2010 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: February 22, 2010

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski, Town Clerk, states that there was no correspondence received.

Sarah DesJardins, Planning Consultant, gives a brief presentation on the properties involved in the rezoning.

The following persons spoke in favor of the rezoning:

Ken Bloom, Tammy Bogenowski, Blanche Herrmann

The following persons spoke in opposition to the rezoning:

Kim Klubeck, Gerald Kresge, Kathy Dixon, Mike Greco, Dominic Govenettio

The following persons commented on the rezoning (not for or against):

Bob Reynolds, Ferd Garcia, George Lee, Kurt Allen, Councilman Collins, Supervisor Walters

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 Supervisor Walters, 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 meeting:

03/08/2010	Town Board Meeting
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3.

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, bids were opened on March 8, 2010 for the Monthly Rubbish Pickup for 2010 and 2011,

WHEREAS, one (1) bid was received from Waste Management of New York L.L.C.,

WHEREAS, the bid amounts were:

2010	\$149,900.00
2011	\$154,750.00

WHEREAS, the pickup period will be for seven months, beginning in April and ending in October.

BE IT RESOLVED, that the Supervisor is authorized to sign the appropriate contract for these services with Waste Management.

Funds are available in Account #B8160.0444.

The following spoke concerning resolution 3: Steve Strnad, Mark Kallin, Supervisor Walters

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, in accordance with the provisions of Local Law No. 10-1986, as amended by Local Laws Nos. 3-2005 and 4-2005, Section 280-340 A.(Petition for an amendment of the Town Zoning Code), the Town requires the applicant to erect a sign on the subject property indicating that the property has been petitioned for a rezoning and,

WHEREAS, the Town Planning Department imposes a fee to cover the expense of furnishing the sign for such purpose.

NOW THEREFORE BE IT RESOLVED, that Town Board approve that a two hundred dollars (\$200.00) fee be submitted at the time the application is made. One hundred fifty dollars (\$150.00) will be refunded to the applicant upon return of the sign in good condition.

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 authorize the transfer of \$750 from A1970.492 (Central Training and Seminars) to A7020.492 (Rec. Dept. Seminars). The purpose of the transfer is to fund the previously approved travel request of Martin Denecke.

6.

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 Recreation Department to issue alcohol waivers for the following April Taylor Road rentals:

4/03/10	4/04/10	4/09/10	4/10/10
4/11/10	4/16/10	4/17/10	4/18/10
4/23/10	4/24/10	4/25/10	4/30/10

The following spoke concerning resolution 6: Joe Kilian, Curt Herrmann

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, that the Town Board grant permission for Paula Bucci and Tamara Harbold to attend The Essentials of HR Law on April 30th in Buffalo; Cost is \$358.00. Also request transfer from A1970.492 (central training & seminars) to A1430.492 (personnel-seminars) for the cost of this workshop.

The following spoke concerning resolution 7: Ferd Garcia, Steve Strnad, Ken Farrell

8.

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

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

BE IT RESOLVED, the Town Board authorizes the Finance Department to increase appropriation account A1410.207 Computer Equipment in the amount of \$2,936.00. This will be funded through account A599 Appropriated Fund Balance (STAR funding), and

BE IT FURTHER RESOLVED, the Town Board authorizes the purchase of four Dell Optiplex Computers at a total cost of \$2,936.00 Funds are available in account A1410.207.

The following spoke concerning resolution 8: Steve Strnad, Ferd Garcia

9.

On a motion of Councilman Gorman, 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 out-of-town travel request of Catherine Rybczynski, Town Clerk, to attend the New York State Town Clerks Association conference in Saratoga Springs, NY from April 25-28, 2010. The estimated costs are as follows:

Conference Registration	\$125.00
Hotel	<u>\$498.69</u>
Total	\$623.69

Funds to be transferred from A1970.492 to A1410. 451.

The following spoke concerning resolution 9: Ferd Garcia, Steve Strnad

10.

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 Town of Hamburg recognizes that it is illegal to discriminate in the sale or rental of housing based upon race, color, religion, national origin, sex, marital status, disability, age, familial status and source of income, and

WHEREAS, federal, state and Town of Hamburg “fair housing” laws have been enacted to ensure and protect housing opportunities for all persons, and

WHEREAS, the Town of Hamburg has contracted with Housing Opportunities Made Equal Inc. (HOME) to provide comprehensive fair housing services to all persons and to ensure the towns annual “Fair Housing & Equal Opportunity” certification as required by HUD is achieved.

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board authorize the Supervisor to sign a new two year contract covering the period of April 1, 2010 to March 31, 2012 by and between the Town of Hamburg and Housing Opportunities Made Equal Inc. to provide the town with “comprehensive fair housing services”. This contract ensures the town's compliance with its “Fair Housing & Equal Opportunity” certification as required by HUD for the towns CDBG and HOME programs. Funding for this contract in the annual amount of \$25,000.00 is available in CD 8686.350 and/or the CDBG Program Income Savings Account.

The following spoke concerning resolution 10: Steve Strnad, Tim Regan

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	

TOWN OF HAMBURG

PROCLAMATION

April, 2010

WHEREAS, the Town of Hamburg recognizes April, 2010 as the forty-second anniversary of the national Fair Housing Law, Title VIII of the Civil Rights Acts of 1968, and

WHEREAS, every American has the right to fair housing, the right to live where they choose, the right to raise a family where they want, the right to own a home in dignity without fear of discrimination, and

WHEREAS, the Town of Hamburg has been and continues to be dedicated to the issue of fair housing by updating and strengthening its own Fair Housing Law originally passed in 1986, and

WHEREAS, the Town of Hamburg continues to fight discrimination with its own Fair Housing Law, by working cooperatively with local Fair Housing agencies such as Housing Opportunities Made Equal, Inc and also by proclaiming its dedication to the goal of Fair Housing and Fair Housing Opportunities for all persons.

THEREFORE FOR THE REASONS STATED, April, 2010 in the Town of Hamburg shall be known as.....

“FAIR HOUSING MONTH”

BE IT FURTHER RESOLVED that all residents are urged to recognize the importance of fair housing laws including the Town of Hamburg’s fair housing law which serves the interests of our great community and all communities nationwide!

12.

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

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

RESOLVED, the Town Board authorize Jaymison Walter, a student at Hilbert College, to do Work-Study, in the Police Department at no cost to the Town.

13.

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

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

WHEREAS, the Estate of James A. Wilson is the owner of a parcel of unimproved real property (S.B.L. No. 171.13-3-16) located on the north side of Sowles Road, and described as:

THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, Farm Lot 6, Township 9, Range 8, County of Erie and State of New York, Sowles Road, North side, (LANDLOCKED), 1.77 acres.

("hereinafter the Premises")

WHEREAS, Julianne Wilson, Administratrix of the Estate of James A. Wilson, desires to donate the property to the Town of Hamburg, and

WHEREAS, the Premises is adjacent to a Town Park, and

WHEREAS, the Town is desirous of obtaining the Premises,

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg hereby accepts the donation of the Premises, to be held by the Town, and used as public parkland, and that Steven J. Walters as Supervisor of the Town of Hamburg is authorized to execute all documents that may be required to complete the transfer to the Town of all rights, title and interest to the property,

BE IT FURTHER RESOLVED that the Town of Hamburg will be responsible for all filing fees in connection with the land donation and transfer.

14.

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 Domestic Violence Department as follows:

- | | | | |
|---------------------|---------------------------|------------|-----------|
| 1. Reynolds, Brigit | Clerk Typist P/T Seasonal | 03/12/2010 | Terminate |
| 2. Reynolds, Brigit | Clerk Typist P/T | 03/13/2010 | \$10.38 |

The following spoke concerning resolution 14: Ferd Garcia

15.

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 of personnel for the Recreation Department as follows:

- | | | | |
|-----------------------------|---------------------------|------------|------------|
| 1. Duszkiewicz, Christopher | A7310(320) Lifeguard | 03/23/2010 | \$7.40 PT |
| 2. Zdrojewski, Shannon | A7180(215) Rec. Attendant | 03/21/2010 | \$10.15 PT |
| 3. Walsh, Matthew | A7265(230) Rec. Attendant | 03/19/2010 | \$7.50 PT |

The following spoke concerning resolution 15: Steve Strnad, Curt Herrmann

16.

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

Michael Gallerani

17.

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

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

WHEREAS, pursuant to NYS Agriculture and Markets Law, the Town of Hamburg is required to enter into a lease agreement for harboring and euthanizing dogs which may be picked up during the normal course of duties of the Hamburg Dog control Officer,

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg enter into Shelter Lease Agreement with "Adoring Pets Veterinary Health Center" for the period January 1, 2010 through December 31, 2010, with two one (1) year renewable extensions, and

BE IT FURTHER RESOLVED that the Town of Hamburg enter into a Secondary Shelter Lease Agreement with the Erie County SPCA, for the period January 1, 2010 through December 31, 2010,

BE IT FURTHER RESOLVED that Supervisor Steven Walters is authorized to sign the agreements on behalf of the Town of Hamburg.

The following spoke concerning resolution 17: Steve Strnad

18.

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 approve the hiring and termination of personnel for the Sr. Services Department as follows:

1. Clendening, Robert	Sr. Services (A6772)	04/12/2010	Terminate
2. Wheelock, Patricia	Adult Day Care (A6780)	03/30/2010	Terminate
3. Parker, Nancy		04/05/2010	Terminate
4. Parker, Nancy	Rec. Attd - Adult Day (A6780)	04/05/2010	\$8.00 Seas. PT
5. DiChristopher, Marianne		04/05/2010	Terminate
6. DiChristopher, Marianne	Rec. Attd - Adult Day (A6780)	04/05/2010	\$8.00 Seas. PT
7. Kruska, Joan		04/05/2010	Terminate
8. Kruska, Joan	Rec. Attd - Adult Day	04/05/2010	\$9.25 Seas. PT
9. Notto, Diane		04/05/2010	Terminate
10. Notto, Diane	Rec. Attd - Sr. Services (A6772)	04/05/2010	\$9.00 Seas. PT

11. Boswell, James		04/01/2010	Terminate
12. Boswell, James	Van Driver - Sr. Services (A6772)	04/01/2010	\$9.77 PT

19.

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 hiring of the following in the Buildings and Grounds Department. Funds are available in A.7140.100

Connolly, Thomas	Laborer, P/T	start 3/29/10	\$9.59/hr
Grys, John	Laborer, P/T	start 3/29/10	\$9.59/hr
Gerken, John	Laborer, P/T	start 3/29/10	\$9.59/hr
Mazur, Walter	Laborer, P/T	start 3/29/10	\$8.00/hr
Nelson, Brett	Laborer, P/T	start 3/29/10	\$8.22/hr

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	

WHEREAS, the Town of Hamburg has received a rezoning request from Victor Liberatore, Jr. to rezone property located at 5811 South Park Avenue from C-2 (General commercial) to N-C (Neighborhood Commercial), and

WHEREAS, the Town of Hamburg entertained this request and referred it to the Hamburg Planning Board for their review, comment and recommendation, and

WHEREAS, the Hamburg Planning Board reviewed this proposal at their 3/17/2010 meeting, and

WHEREAS, the Hamburg Planning Board, based on discussions of the project and listening to the concerns of nearby residents, has recommended this down zoning and refers the Town Board to their meeting minutes for more information about their recommendation.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board hereby sets a Public Hearing on this rezoning request for April 26, 2010 at 7:00 p.m. to receive public comment on this proposal.

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	

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 2010:

Primary Representative: Supervisor Steven J. Walters
 Alternate Representatives: Gerard M. Kapsiak, Town Engineer
 Thomas M. Best, 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.

22.

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 transfer of Appropriations for the Highway Department, within the 2010 Budget, as follows:

From:	Office Equipment	A5010.0203	\$4,000.00
	Repair & Maint. Supplies	A8540.0413	\$9,000.00
To:	Repairs & Maintenance	A5010.0460	\$13,000.00

Funds are needed for repairs and maintenance.

The following spoke concerning resolution 22: Councilman Collins, Bob Reynolds, Rick Krautsack

23.

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 transfer of Appropriations for the Zoning Board, within the 2010 Budget, as follows:

From:	Contingency	B1990.419	\$700.00
To:	Zoning Board Miscellaneous	B8010.451	\$700.00

Funds are needed for rezoning signs.

24.

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

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

RESOLVED, the Town of Hamburg is an **Equal Opportunity Employer** and will not condone or allow discrimination in the workplace in any form. Employees rights to a non-hostel work environment are protected by Federal or State Laws including Title VII of the Civil Rights Act of 1964, Age discrimination in Employment Act of 1967 (ADEA); Americans with Disabilities' Act of 1990 (ADA) or the Equal Pay Act of 1963 (EPA).

THEREFORE, BE IT RESOLVED, the Town of Hamburg, its Elected Officials, Department Heads and/or Supervisors will not take any retaliatory actions against Town employees who exercise their rights under the above Federal and State Anti-Discrimination Laws.

The following spoke concerning resolution 24: Supervisor Walters, Councilman Collins, Councilman Gorman, Ken Farrell, Ryan Snyder

25.

The following resolution was moved by Councilman Gorman and seconded by Councilman Collins:

WHEREAS, the motion to approve a 10% reduction of the Town Board's salaries has been tabled, and

WHEREAS, at the March 8, 2010 Town Board meeting, Town Attorney, Kenneth Farrell has indicated that any action to reduce an elected official's salary during their term in office may require a referendum pursuant to New York Home Rule Law §23 2(e), and

WHEREAS, the Appellate Division 4th Department, the highest court in our jurisdiction, has ruled in the case of Sacco vs. Maruca 175 AD 2d 578 (4th Dept 1991) that reduction in elected officials salaries, as set forth in the budget, are not to be reduced without a local law subject to mandatory referendum, and

WHEREAS, the proper legal procedure to allow Councilman Gorman and Collins to reduce their wages by 10% has not been determined.

THEREFORE, BE IT RESOLVED, that the Town Attorney, Kenneth Farrell provide to this Board a legal opinion on the proper procedure to allow a 10% reduction in the salary of an elected Board official.

The following spoke concerning resolution 25: Supervisor Walters, Councilman Collins, Councilman Gorman, Ken Farrell

On a motion of Councilman Gorman, seconded by Councilman Collins, resolution 25 was WITHDRAWN

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

26.

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

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

WHEREAS, the Town Code Chapter 8 requires a three member Board of Ethics pursuant to General Municipal Law Article 18.

THEREFORE BE IT RESOLVED, that Councilman Jonathan Gorman, liaison to the Town Courts and Legal Departments, be appointed to fill the vacancy on the Town Ethics Board.

The following spoke concerning resolution 26: Councilman Collins, Supervisor Walters, Ken Farrell

27.

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 Transfer of Appropriations for the Legal Department, within the 2010 Budget, as follows:

From:	Central Travel & Seminar	A1970.492	\$772.87
To:	Seminars	A1420.492	\$772.87

To fund travel expense per Board approval 01/ 25/ 2010.

28.

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 Transfer of Appropriations for the Justice Court, within the 2010 Budget, as follows:

From:	Central Training & Seminars	A1970.492	\$762.40
To:	Seminars	A1110.492	\$762.40

To fund travel expense approved by Supervisor 02/09/2010.

29.

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

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

WHEREAS, bids were opened on March 18, 2010 for the replacement of the existing waterline along the South Park Avenue bridge over the New York State Thruway, which is part of the overall Town of Hamburg Water System Improvement Project; and

WHEREAS, three bids were received, which are summarized as follows:

<u>Bidder</u>	<u>Total Bid</u>
Nichols, Long & Moore Construction Corp.	\$388,650.00
CMH Company, Inc.	\$390,895.00
Kandey Company, Inc.	\$423,000.00

WHEREAS, the bids have been reviewed by Nussbaumer & Clarke, Inc., who determined that Nichols, Long & Moore Construction Corp. is a qualified and responsible bidder, and recommended that the contract be awarded to them.

THEREFORE BE IT RESOLVED, that the contract for this project is awarded to Nichols, Long & Moore Construction Corp. of Lancaster, New York in the amount of \$388,650.00, that the Town Supervisor is authorized to sign the contractual agreement with their firm, and that the Town Engineer is to issue the Notice of Award and Notice to Proceed at the appropriate times. Funding for this work is available from the bonds which were issued for this project under Capital Fund Account No. H97-8310.0303.

30.

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

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

WHEREAS, construction will soon be starting for the replacement of the existing waterline along the South Park Avenue bridge over the New York State Thruway, which is part of the overall Town of Hamburg Water System Improvement Project; and

WHEREAS, while full-time inspection of this work is to be performed by the Town Engineering Department, it is expected that there will be a periodic need for specialized inspection of the structural and welding aspects of the project; and

WHEREAS, the Town Engineer has requested and received a proposal from Nussbaumer & Clarke, Inc. for providing such specialized inspection services utilizing qualified inspection personnel on an as-needed basis, which is anticipated to be for a maximum of 120 hours,

THEREFORE BE IT RESOLVED, that Nussbaumer & Clarke, Inc. is awarded a contract for providing specialized construction inspection services as needed and requested by the Town Engineering Department, at a rate of \$72 per hour including all expenses, with the total cost not to exceed \$8,640. The Town Supervisor is authorized to sign their March 1, 2010 proposal letter/agreement in this regard. Funding for these services is available from the bonds which were issued for this project, under Capital Fund Account No. H97-8310.0331.

7. McGahey, Megan	A7310(320)	03/29/2010	Terminate
8. McGahey, Megan	ER7251(225)	03/30/2010	\$7.62 Seasonal
9. Picciano, Ronald	ER7251(225)	04/05/2010	\$7.73 PT
	Rec. Attendant		
10. McDonnell, Mary	A7310(320)	03/22/2010	Terminate
11. McDonnell, Pam	A7310(320)	03/22/2010	Terminate

33.

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

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

RESOLVED, that the Town Board appoint Deputy Supervisor Kevin Smardz to the Board of Ethics to fill the vacancy of Tom Best.

34.

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

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

TOWN BOARD MARCH 22, 2010
 AUDIT OF CASH DISBURSEMENTS

VOUCHER #'S

OPERATING FUND:

BATCH #26	\$1,488,705.60	40018-40114
BATCH #27	\$140,917.27	40115-40195
BATCH #28	\$32,863.35	40196-40289

TOTAL OPERATING FUND DISBURSEMENTS: \$1,662,486.22

TRUST & AGENCY:

TOTAL TRUST & AGENCY DISBURSEMENTS: \$0.00

CAPITAL FUND DISBURSEMENTS:

BATCH #6	\$8,415.58	40290-40292
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TOTAL CAPITAL FUND DISBURSEMENTS: \$8,415.58

PAYROLL:

PR #P/R 6	\$557,542.47
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TOTAL PAYROLL DISBURSEMENTS:	\$557,542.47
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PETTY CASH

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:	\$2,228,444.27
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Reports from Town Board Members and Department Heads

Councilwoman Ziegler reports that on April 29th from 7:00 to 9:00 pm and May 1st from 11:00 am to 2:00 pm there will be donated prom dresses available free of charge at the Eden Boys and Girls Club, 824 Main St., Eden N.Y.

Councilman Collins reports the Annual Clean-up will be held on May 3rd for the Town of Hamburg, Village of Hamburg, Village of Blasdell and Countywide. If anyone wants to help or sponsor contact him. They are also working on the Blast on the Beach to be held July 31st.

Councilman Gorman reports that they will be holding the first downsizing committee meeting on March 23rd, even if you are not on the committee they are looking for suggestions.

Supervisor Walters reports they did receive a list of recommendations from the Fitness Center Committee. They are reviewing that and they do plan on holding a second meeting. He also reports Department Heads need to get resolutions in on time. The Veterans Committee will meet on March 23 to address the needs and concerns of the Veterans in our Community.

Gerard Kapsiak, Town Engineer, reports that with the award of the waterline contract tonight that was the final contract for the replacement work that was required by the Erie County Water Authority. The transfer to the County Water Authority will take place sometime this summer. The bids came in one million less than the estimate because of the bidding climate. We were also able to get State and Federal grants to help with the cost.

Curt Herrmann, Recreation Department, reports that the Town received a defibrillator from the family of Jeffery Scott, whose son passed away because one was not available, so the family raised money to present them to municipalities.

Tim Regan, Community Development, wants to remind everyone to fill out their census forms. The Town receives money based on those figures.

Acting Police Chief Mikac reports that the Police Department is in the process of replacing some Police vehicles.

Business from the Floor

The following persons, from taxpayer groups, had questions for the Town Board concerning late resolutions and take home vehicles for Town employees:

Joe Kilian, Steve Strnad

The following person spoke and submitted petitions in support of EduKids:

Diane Comerford

35.

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 on a personnel matter at 8:37 p.m..

36.

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 at 9:00 pm.

Catherine A. Rybczynski, Town Clerk