

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 25th day of April 2016.

2.

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 Executive Session at 7:11 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; Tom Best Sr., Highway Superintendent; Martin Denecke, Director of Youth, Recreation and Senior Services; Christopher Hull, Director of Community Development; Kurt Allen, Supervising Code Enforcement Officer; Drew Reilly, Planning Consultant

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

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

Legal Notice
Town of Hamburg
Notice of Hearing Proposed Local Law #5, 2016

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on March 28, 2016, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #5, 2016. The purpose of the proposed local law is to amend various sections of Chapter 109 of the Hamburg Town Code, entitled "Fair Housing", as suggested by the Town of Hamburg Department of Community Development, and in accordance with the recommendations of the Town of Hamburg Code Review Committee.

A copy of the proposed amendments will be available, for public review, during regular business hours at the following locations:

Hamburg Town Hall
6100 South Park Avenue
Hamburg, New York 14075
(Town Clerk's Office)

Dept. of Community Development
6122 South Park Avenue
Hamburg, New York 14075

And may also be found at the Town's website www.townofhamburgny.com, click on "Legal Notices and Bids."

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 25th day of April, 2016, at which time all persons interested may be heard.

Dated: March 28, 2016

Catherine Rybczynski
Town Clerk
Town of Hamburg

No correspondence was received.

Christopher Hull, Director of Community Development, introduces Scott Gehl, Executive Director and DeAnn Eason, Associate Director of H.O.M.E. He then reviews the following information pertaining to the public hearing:

Hamburg Community Development

6100 South Park Avenue * Hamburg * New York * 14075
(716) 648 - 6216 * www.townofhamburgny.com/cdbg

Director of Community Development: Christopher Hull

Hamburg Town Board: Supervisor Steven J. Walters * Councilman Thomas M. Best, Jr. * Councilman Michael P. Quinn, Jr.



Bullet Points for Public Hearing Monday, April 25, 2016 - 7:00 p.m. Chapter 109; Fair Housing Amendments

- ★ **History of Chapter 109:** First Law; August 4, 1986 (L. L. No. 8) {Thirty (30) Years ago}
Amended; March 14, 2005 (L. L. No 2)
 - 1) New Amendments sent to Code Review Committee; March, 2016
 - 2) Public Hearing; April 25, 2016 - 7:00 p.m.
 - 3) Town Board Approval; (Earliest passage would be May 9, 2016)

- ★ **Public Hearing Talking Points:**
 - I) The Town of Hamburg is THE leader in fair housing in WNY.
 - II) This helps assure our continued eligibility to receive federal CDBG and HOME funding from the United States Department of Housing & Urban Development (HUD) which we use to complete numerous projects each year. (Road reconstruction, sewer lines, water lines, FTHB, Housing Renovation, Mobile Home Renovation, etc.)
 - III) As part of receiving the federal funding, the Town contract's with Housing Opportunities Made Equal, Inc.(HOME) to assist us with fair housing issues. We ask HOME to review our policies and code to make certain it complies with recent fair housing developments and laws.
 - IV) Tonight's Public Hearing will review the proposed amendments sent to the Town's "Code Review Committee" in March, 2016 by the Department of Community Development. These amendments are up for review at tonight's hearing. No action will be taken tonight. A minimum of two weeks must be waited prior to the Town Board taking any further action.

- Specific topics be amended/added:**
 - I) Section 109-2 of Hamburg's Fair Housing Law deals with definitions. The first two changes deal with this section.
 - A) A recommendation was made to include a new protected class into our law. (Military Status) This will protect active duty military as well as members of the reserves and National Guard from housing discrimination.
[This is the same definition included in the NYS Human Rights Law]
 - B) A recommendation to elaborate on the existing definition of "Source of Income" and "Sexual Orientation" in order to make the definitions more clear.
 - II) Section 109-6 deals with Enforcement. A recommendation was made to permit us to refer cases of discrimination to outside counsel in the event of a conflict of interest. (This actually happened last year.)

- III) A recommendation to add a new paragraph (D) Conciliation: This would allow us to negotiate out-of-court settlements in cases of discrimination. Such settlements are usually both quicker and less expensive for all parties involved.
- IV) Section 109-11 is entitled "Affirmatively Furthering Fair Housing", which is what the Town must certify to in order to receive its federal funding each year.
 - A) Defines the term "affordable housing".
 - B) Deals with the concept of "Inclusionary Zoning".
 - 1) Newly built rental housing of eight or more units must include a small percentage (10%) of units affordable to families of limited means. This both creates new housing for limited-income households (such as senior citizens & persons with disabilities) and assure that such families get to live with everyone else.
 - 2) This is targeted to help families with incomes from 50 to 80 percent of the Erie County median income (HUD's definition of low and moderate income).
 - C) This section offers developers two financial incentives in return for building affordable units.
 - 1) They can receive a density bonus of one additional market-rate unit for each affordable unit developed.
 - 2) The requirement to rent these units to households of limited means expires after 30 years, at which time they can be rented for any price the market will bear.
- ★ Scott Gehl, the executive director of HOME, is here to respond to any questions. Mr. Gehl (who has received both HUD's Pioneer of Fair Housing Award and the Erie County Bar Association's Liberty Bell Award) has advised the Town of Hamburg on fair housing issues since we first enacted our law 30 years ago.
- ★ HOME is WNY's premier fair housing agency and the Town has contracted with them for technical assistance for thirty years.

Mr. Gehl comments that the Town of Hamburg has always been the leader in Fair Housing in Western New York. One of the things that all communities, that receive federal funding, have to do is certify that they are affirmatively for the Fair Housing. Hamburg is the leading community and will continue to receive Federal support. They value their relationship working with the Town and have great compliments for the Town Board in keeping Hamburg in the premier position it is.

The following persons commented on Specific Topics (IV) B) 1) & 2) (noted above): Joe Kilian (United Council of Taxpayers), Scott Gehl, Christopher Hull

The following persons spoke on Specific Topics IV) C) 1) (noted above): Councilman Quinn, Scott Gehl, Christopher Hull

The following persons spoke concerning accessibility in any dwelling with four or more units: Don Wiess, Scott Gehl

No one spoke in opposition to local law #5.

3.

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 close the Public Hearing.

4.

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:

04/11/2016 Work Session
04/11/2016 Town Board Meeting

5.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, the Hamburg Town Board entered into a Labor Relations Consultant Agreement on February 22, 2016, to retain the services of Charles Naughton, Esq., for the purpose of acting as human resource management and labor relations consultant, and

WHEREAS, due to the current work load, it is necessary to amend the terms of the agreement, from an hourly rate to a weekly fixed amount, and

WHEREAS, after discussions between Charles Naughton and the Hamburg Town Board, it has been agreed to change the payment terms of the Labor Relations Consultant Agreement to pay Mr. Naughton \$1000.00 per week for his time to address the Town of Hamburg personnel issues, and

WHEREAS, this modification to the Labor Relations Consultant Agreement can be changed by either party with thirty days (30) notice,

NOW THEREFORE BE IT RESOLVED that effective April 11, 2016 the Town of Hamburg will pay Charles Naughton the sum of \$1,000.00 per week for services rendered as Town of Hamburg human resource management and labor relations consultant.

The following persons spoke concerning resolution #5: Joe Killian, Councilman Best, Amy Ziegler, Walt Rooth, Don Wiess, and Supervisor Walters

6.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

RESOLVED, the Town Board authorizes the Police Department to purchase a used 2010 Chevrolet Tahoe, for a cost of \$15,000.00 from the Lakeview Fire District. This purchase is a negotiated sale type purchase and therefore exempt from competitive bidding.

This vehicle will be used by Detective Paul Randall for his Detective and Emergency Management duties.

Money is available in account B3120.202.

7.

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

ADOPTED	Ayes	2	Walters, Quinn
	Abstained	1	Best
	Noes	0	

RESOLVED the Town Board approve the termination and rehiring of personnel for the Buildings and Grounds Department as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
	4244	Bieber, Robert	R	Laborer/P/T/A7140.100				4/30/2016
	4244	Bieber, Robert	R	Laborer/Sea/A7140.100	5/1/2016		\$9.00	
	2827	Best, Sherri	R	Clerk/P/T/A7140.100				4/30/2016
	2827	Best, Sherri	R	Clerk/Sea/A7140.100	5/1/2016		\$15.75	
	4441	Clinton, Scott	R	Laborer/P/T/A7140.100				4/30/2016
	4441	Clinton, Scott	R	Laborer/Sea/A7140.100	5/1/2016		\$9.00	
	4534	Collins, Michael	R	Laborer/P/T/A7140.100				4/30/2016
	4534	Collins, Michael	R	Laborer/Sea/A7140.100	5/1/2016		\$9.00	
	4616	Deinzer, Nathan	R	Cleaner/P/T/A7140.100				4/30/2016
	4616	Deinzer, Nathan	R	Cleaner/Sea/A7140.100	5/1/2016		\$9.92	
	4533	Fiorello, Charles	R	Laborer/P/T/ET7250.100				4/30/2016
	4533	Fiorello, Charles	R	Laborer/Sea/ET7250.100	5/1/2016		\$9.00	
	2961	Hanson, Kyle	R	Laborer/P/TEI7266.100				4/30/2016
	2961	Hanson, Kyle	R	Laborer/Sea/EI7266.100	5/1/2016		\$9.50	
	4455	Love, Kevin	R	Laborer/P/T/A7140.100				4/30/2016
	4455	Love, Kevin	R	Laborer/Sea/A7140.100	5/1/2016		\$9.00	
	3958	McKnight, Amy	R	Cleaner/P/TEW7250.100				4/30/2016
	3958	McKnight, Amy	R	Cleaner/Sea/EW7250.100	5/1/2016		\$9.92	
	4501	Mielcarek, Peter	R	Cleaner/P/T/A7140.100				4/30/2016
	4501	Mielcarek, Peter	R	Cleaner/Sea/A7140.100	5/1/2016		\$10.42	
	4149	Nowak, Kyle	R	Laborer/P/T/EI7266.100				4/30/2016
	4149	Nowak, Kyle	R	Laborer/Sea/EI7266.100	5/1/2016		\$9.75	
	3972	Reed, Edward	R	Laborer/P/T/EW7250.100				4/30/2016
	3972	Reed, Edward	R	Laborer/Sea/EW7250.100	5/1/2016		\$9.00	
	4537	Scinta, Michael	R	Laborer/P/T/ET7250.100				4/30/2016
	4537	Scinta, Michael	R	Laborer/Sea/ET7250.100	5/1/2016		\$9.00	
	4543	Lasko, Bruce	R	Laborer/P/T/A7140.100				4/30/2016
	4543	Lasko, Bruce	R	Laborer/Sea/A7140.100	5/1/2016		\$9.00	

The following spoke concerning resolution #7: Councilman Best, Joe Kilian, Tom Best Sr.

8.

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

ADOPTED Ayes 3 Walters, Best, Quinn

 Noes 0

WHEREAS, the Town of Hamburg is in the process of undertaking a project to establish railroad quiet zones at the Lakeview Road, Pleasant Avenue and Bayview Road grade crossings of CSX Transportation and the Norfolk Southern Railway in the Town; and

WHEREAS, the Town's engineering consultant for this project has developed and presented various alternative improvements which would serve to further the project objectives and allow the railroad quiet zones to be implemented; and

WHEREAS, the Town has evaluated the feasible alternatives presented by the Town's engineering consultant and has identified Alternative 5, Traffic Channelization Device Installation with Pavement Milling and Overlay, as the Preferred Alternative; and

WHEREAS, the Town is required to evaluate all proposed actions for any adverse effects that they may have on the environment, in compliance with the State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

WHEREAS, the State Environmental Quality Review Act has established that certain actions identified in Section 617.5(c) of SEQRA are Type II actions which are not subject to environmental review under Article 8 of the Environmental Conservation Law,

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg hereby determines that the proposed Hamburg Railroad Quiet Zone project is a Type II action as defined in SEQRA in accordance with Sections 617.5(c)(4) and 617.5(c)(16), and that the project will also not result in any significant adverse impacts on the environment based on the criteria contained in Section 617.7(c); and

BE IT FURTHER RESOLVED, that a copy of this resolution, together with the project’s Final Design Report and appropriate documentation, shall be placed on file in the office of the Town Clerk, where the same shall be available for public inspection during normal business hours; and

BE IT FURTHER RESOLVED, that an advertisement for bids for the construction of this project is authorized to be published in the official Town newspapers. The dates of publication and bid opening are to be determined by the Town Engineer following approval of the plans and specifications and receipt of authorization to proceed with construction from the New York State Dept. of Transportation and the Federal Highway Administration.

9.

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 membership of the following into the Big Tree Volunteer Firemen’s Company, Inc.:

David J. Davis
4374 Abbott Parkway
Blasdell, New York 14219

Jenna Reed
3227 S. Lyth Road
Blasdell, New York 14219

10.

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, hiring 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/temp hourly rate	Termination Date
1	4599	Bogner, Mary Catherine		Rec Attd-A6780-P/T				4/2/2016
	4599	Bogner, Mary Catherine	R	Rec Attd-A6780-Seas	4/3/16		\$9.00	
2		Ellis, Christopher	N	Rec Attd-ER7251-Seas	4/26/16		\$9.00	
3	4339	Pitillo, Joan		Rec Attd-A6780-P/T				4/2/2016
	4339	Pitillo, Joan	R	Rec Attd-A6780-Seas	4/3/16		\$10.00	
4		Schoff, Jacob	N	Rec Attd-ER7251-Seas	4/26/16		\$9.00	

11.

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 termination and rehiring of personnel for the Town Clerk’s Office as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time hrly rate	PT/Sea/temp hrly rate	Term date
1								
2	4159	MORFORD, ROSINA		P/T CLERK				4/23/2016
3	4159	MORFORD, ROSINA	R	P/T CLERK SEASONAL	4/25/2016	\$12.25		
4								

12.

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 APRIL 25, 2016**

VOUCHER #'S

OPERATING FUND:

BATCH #63	\$6,524.67	82212-82235
BATCH #64	\$53,795.58	82236-82287
BATCH #65	\$100,079.36	82288-82289
BATCH #66	\$2,122.93	82290-82299
BATCH #67	\$11,421.05	82300-82327
BATCH #68	\$26,174.27	82328-82387
BATCH #69	\$516,519.38	82390-82432
BATCH #70	\$213,484.21	82451-82477

TOTAL OPERATING FUND DISBURSEMENTS: \$930,121.45

TRUST & AGENCY:

TOTAL TRUST & AGENCY DISBURSEMENTS: \$0.00

CAPITAL FUND DISBURSEMENTS:

BATCH #11	\$823.81	82388-82389
BATCH #12	\$1,739.50	82433

TOTAL CAPITAL FUND DISBURSEMENTS: \$2,563.31

PAYROLL:

PR # P/R 8 \$601,853.08

TOTAL PAYROLL DISBURSEMENTS: \$601,853.08

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$1,534,537.84

Reports from Town Board Members and Department Heads

Councilman Best reminds everyone that the Townwide Clean-up will be held on May 7th with a kick-off time of 8:30 am. If you want to register contact Cathy Rybczynski, Town Clerk. He then thanks Marty Denecke for the invite to the Youth Awards Banquet. Three of his friends were honored, Donny Thiry, Mary Blakeslee and Michael Dundon. When the Town merged the Youth, Recreation and Senior Services Department Mr. Denecke had to take on a lot more duties and he has done a good job of that. He also thanks Christopher Hull and Scott Gehl for the work they have done in making the Town of Hamburg the leader in H.O.M.E. in Erie County. He attended a ceremony where they were both honored and there was admiration throughout the audience for what both gentlemen have done here in Hamburg.

Councilman Quinn comments on the quality of the shirts that were provided by the Veterans Committee.

Supervisor Walters – no report

Catherine Rybczynski, Town Clerk, reports that they are at 96% of tax collection. They collect until the end of June. The delinquent notices will go out next week.

Christopher Hull, Director of Community Development, thanks the Code Review Committee and the Town Board for allowing them to submit the updates for the Fair Housing Law.

Marty Denecke, Director of Youth, Recreation and Senior Services, reports that today is the first day that the arena is open as a sport court. For further information contact his department. On May 14th they will be holding an open house highlighting all the Recreation programs and the Senior Center programs. Everyone is welcome. They are also hosting a chicken barbeque event run by the Lion's Club on Sunday, May 1st between 12:00 pm and 5:00 pm with tickets available at their office. The Lion's Club is very generous to their programs and they support their Y.E.S. volunteers on a regular basis.

Chief Wickett announces that this Saturday they are holding a prescription fill give back event with the DEA at the Senior Center on Route 20 from 10:00 am to 2:00 pm. This is an opportunity to get rid of any prescription drugs, over the counter drugs or needles, safely. It is a drive through event.

Tom Best, Sr., Highway Superintendent, reports that thanks to the Operating Engineers both of the beaches, Woodlawn and the Town Park, are getting in good shape. Also thanks to them they are doing the dredging at Town Park and the boat launch should be open by the weekend. They are presently evaluating Town roads to see which roads they have the money to pave and Overlook subdivision is high on the list, the complete list will be posted on the website in the next two weeks.

Business from the Floor

John McKendry comments that his FOIL request, concerning the old Riefler concrete site, was supposed to be complete and submitted to him, to give to the Town Board on April 14th, and it has been postponed. He asked if the transport trucks had permits and what route they take. He is thinking there are probably no permits in place. Wednesday 30 people will be at Broadway and Dick Road counting for 24 hours all the trains going east and west with the number of cars and their contents. He then reports that there was a train fire, somewhere in the town, on an engine. It was discussed with the conductor what he thought they should do to put a crude oil fire out. Scranton Fire Department has foam and the City of Buffalo has 900 gallons of foam. There is a discrepancy as to when the foam should be put on the fire. How can we orient our Volunteer Fire Departments if no one knows how to put out the fire? He then comments again on the three signals that need to be looked at along Route 5 at Pleasant Ave., at Cloverbank Road and at the Hamburg Town Park.

Councilman Best comments that the signal at the Town Park is terrible.

Supervisor Walters responds that Councilman Quinn reached out to Ted Casey, Traffic Safety Coordinator.

Councilman Quinn questions if Mr. McKendry has reached out to the Railroad companies in regards to their own fire division. They would have the best knowledge on how to deal with the fires.

Joe Kilian, United Council of Taxpayers, comments on the old FOITS property and questions who owns it now.

Councilman Quinn responds that it was recently sold to a Mr. Backus.

Joe Kilian then comments on the Operating Engineers dredging the boat launch, what is the cost?

Superintendent Best responds that by using them it is a reduced rate but they still have to pay them. The labor is voluntary but they have to pay for equipment. For years they have put this out to bid but no one seems to want to bid on it. They are lucky that the engineers are willing to put their equipment in the water to do this.

13.

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 7:51 pm.

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