

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 9th day of May 2016.

2.

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

ADOPTED	Ayes 3	Walters, Best, Quinn
	Noes 0	

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

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

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk
Walter Rooth III, Town Attorney; Joseph Collins, Deputy Town Attorney; Mary Dosch, Sr. Account Clerk; Richard Lardo, Principal Engineering Assistant; Christopher Monaco, Police Captain; Tom Best Sr., Highway Superintendent; Martin Denecke, Director of Youth, Recreation and Senior Services; Christopher Hull, Director of Community Development; Drew Reilly, Planning Consultant; Thomas Taylor, Sr. Public Safety Dispatcher; Sean Crotty, Emergency Management Coordinator; Jerry Giglio, Safety Committee

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

PLEASE TAKE NOTICE that there has been presented to the Town Board on April 11, 2016, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #6, 2016; 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 to modify Condition No. 1 of the approved rezoning adopted by the Hamburg Town Board on November 23, 2015, rezoning 9.5 acres of vacant land (portion of the property located at 4819 Southwestern Boulevard). The property was rezoned from C-1 (Local Retail Business District) to R-3 (Multi Family District). The property is identified as tax map parcel S.B.L. No.170.16-4-8.

The modification will reduce the width of the required conservation easement from 50 feet to 25 feet in order to accommodate a driveway necessary for emergency access purposes on the south side of the proposed multifamily building located on the southwestern portion of 4819 Southwestern Boulevard.

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 May 9, 2016 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: April 11, 2016

Catherine Rybczynski
Town Clerk
Town of Hamburg

No correspondence was received.

Drew Reilly gives a brief presentation on the public hearing.

Sean Hopkins, lawyer for applicant, comments that as part of the review process for the project at 4819 Southwestern Blvd they were advised that in order to comply with the 2010 fire code of the State of New York, that they would need to provide a paved emergency access on the backside of the building located on the southwestern most portion of the site. In connection with the Town Board’s rezoning of the site on 11/23/ 2015 there was a condition that required a 50 foot conservation easement to be granted on the perimeter of all three sides of the R-3 zoned property. All they are asking to do is to decrease the size of the easement to 25 feet to provide that paved emergency access, the remainder of the easement would be the required 50 feet.

The Planning Board did review the request during its meeting on April 20th and did issue a positive recommendation. They also granted site plan approval conditioned on the Town Board approving the requested modification.

The following people spoke concerning the requested modification and the project: Laura Podkulski, Russ Gullo, Sean Hopkins, Drew Reilly, Councilman Quinn, Don Wiess, Chris Kurtz

The following people spoke against the requested modification (change to conservation easement): Russ Gullo, Chris Kurtz, Sara Kurtz, Tim Kaczmarczyk

3.

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 close the public hearing at 7:33 pm

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:

April 25, 2016 Work Session

April 25, 2016 Town Board Meeting

5.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, Special Olympics New York desires to enter into an agreement with the Town of Hamburg , for use of Woodlawn Beach State Park for Special Olympics New York to conduct its “Polar Plunge” event on December 3, 2016, and

WHEREAS, the Town of Hamburg grants Special Olympics New York the limited right to use the property identified as Woodlawn Beach State Park for the sole purpose of conducting the event, and

WHEREAS, Special Olympics New York agrees that the use of the property is subject to the conditions and restrictions outlined in the agreement,

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg enter into an agreement with Special Olympics New York, and

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

6.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

RESOLVED, that the Town Board authorize the travel request for Highway Employees Chris Wilson and Dan Bevelock, to attend the Certified Excavator Class, sponsored by Dig Safely New York on May 16, 2016 at the Buffalo Construction Exchange on Williams Street. The course fee is \$25.00 each and funds are available in Account #A5010.492.

7.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

WHEREAS, the condition of the properties and abandoned residential structure located at 3862 Sowles Road has been deemed by the Town Code Enforcement Official to be an attractive nuisance and endangerment to the public at large, and

WHEREAS, it was the determination of the Town Code Enforcement Official based on his formal inspection and report to the Town Board did proceed to condemn said vacant premises.

WHEREAS, the Town has received no response by the listed owner nor has any remedial work been undertaken to alleviate the known hazards. Currently the unsafe conditions which persist on the premises only have become more hazardous to the public.

THEREFORE BE IT RESOLVED, that the Town Board based on the review of the report prepared by the Town Code Enforcement Official and the absence of response by the property owner, order the demolition of the abandoned building, and

BE IT RESOLVED, the Town Board authorize the Town Code Enforcement Official to administer the proposed demolition by establishing the scope of work, necessary contracts and cost estimates including the necessary remedial work to render the property safe, and

NOW, BE IT FURTHER RESOLVED, that the Town Board further order that a notice be forwarded to the owner of the structure and the property on which the structure is located in a manner as prescribed by Local Law No. 5-1972 , Section 80-3 (paragraph C.).

The following spoke concerning resolution #7: Joe Kilian (United Council of Hamburg Taxpayers) and Supervisor Walters

8.

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 Newton Abbott Fire Company, Inc.:

Kristina M. Flack	Adam Fanning	Joey Pattison	Ronald Dubel
4051 Sheldon Rd.	4947 Milestrip Rd.	3631 Milestrip Rd.	4241 Elmwood Ave.
Orchard Park, NY 14127	Blasdell, NY 14219	Blasdell, NY 14219	Blasdell, NY 14219

9.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

BE IT RESOLVED, that the Library at the Hamburg Senior Community Center be named after John H. Farrell, the Town of Hamburg’s first and longtime Senior Services Director who passed away in 2009. A plaque in his honor will be unveiled at a ceremony to be held at the Senior Center Library on Saturday, May 14, 2016.

10.

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 termination, hiring and rehiring of personnel for the Youth, Recreation and Senior Services Department:

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/tem hourly rate	Termination Date
1	2513	Bentley, Joan		Rec Attd- A6772				5/9/2016
2	3854	Boswell, James		Van Driver-A6772-Seas				4/1/2016
	3854	Boswell, James	R	Van Driver-A6772-P/T	4/2/16		\$10.97	
3	4639	Cole, Riley	R	Rec Attd-EW7251-Seas	5/10/16		\$9.00	
4	4669	Gunning, Daniel	R	Rec Attd-EW7251-Seas	5/10/16		\$9.00	
5	4553	Harvey, Ryan	R	Rec Attd-EW7251-Seas	5/10/16		\$9.00	
6		Hite, Taylor	N	Lifeguard-ET7180-Seas	5/10/16		\$9.00	
7		Holfelder, Evan	N	Lifeguard-EW7251-Seas	5/10/16		\$9.00	
8	4227	Hotho, Eileen		Rec Attd-A7310-P/T				5/2/2016
	4227	Hotho, Eileen	R	Rec Attd-A7310-Seas	5/3/16		\$12.50	
9	4318	Joslin, Mark		Rec Attd-ER7251-P/T				5/13/2016
	4318	Joslin,Mark	R	Rec Attd-ER7251-Seas	5/14/16		\$9.00	
10	4586	Kaznowski, Lyndsey	R	Rec Attd-EW7251-Seas	5/10/16		\$9.00	
11	4654	Kaznowski, Taylor	R	Rec Attd-EW7251-Seas	5/10/16		\$9.00	
12	4552	Kryszak, Nicholas	R	Rec Attd-EW7251-Seas	5/10/16		\$9.00	
13	4221	Kumiega, Mark		Rec Attd-ER7251-P/T				5/11/2016
	4221	Kumiega, Mark	R	Rec Attd-ER7251-Seas	5/12/16		\$9.00	
14	4642	LaRosa, Gabrielle	R	Rec Attd-EW7251-Seas	5/10/16		\$9.00	
15	4633	Lotocki, Kimberly	R	Rec Attd-EW7251-Seas	5/10/16		\$9.00	
16	4387	Morris, Mark	R	Rec Attd-EW7251-Seas	5/10/16		\$9.00	
17	4660	Olday, Alexander	R	Rec Attd-EW7251-Seas	5/10/16		\$9.00	
18	4347	Plarr, MacGregor	R	Rec Attd-EW7251-Seas	5/10/16		\$9.75	
19		Reed, Thomas	N	Lifeguard-EW7251-Seas	5/10/16		\$9.00	
20	4115	Rost, Pamela		Rec Attd-A6772-P/T				5/14/2016
	4115	Rost, Pamela	R	Rec Attd-A6772-Seas	5/15/16		\$12.22	
21	3821	Sadowski, Christopher		Rec Attd-ER7251-P/T				5/15/2016
	3821	Sadowski, Christopher	R	Rec Attd-ER7251-Seas	5/16/16		\$10.18	
22	3726	Scharlock, Matthew		Rec Attd-ER7251-P/T				5/15/2016
	3726	Scharlock, Matthew	R	Rec Attd-ER7251-Seas	5/16/16		\$9.50	
23	4357	Simoncelli, Eric		Rec Attd-ER7251-P/T				5/14/2016
	4357	Simoncelli, Eric	R	Rec Attd-ER7251-Seas	5/15/16		\$9.00	
24	4568	Sortisio, Zachary	R	Rec Attd-EW7251-Seas	5/10/16		\$9.00	
25		Tornabene, Alexandria	N	Lifeguard-ET7180-Seas	5/10/16		\$9.00	
26	4683	Zagarrigo, Phyllis		Rec Attd- A6780				5/9/2016
27		Hilaire, Rachel	N	Rec Attd-A6780-P/T	5/16/16		\$9.00	
28		Lauria, Theresa	N	Rec Attd-A6780-P/T	5/16/16		\$9.00	
29	3807	Betrus, Thomas	R	Rec Attd-EW7251-Seas	5/10/16		\$11.25	
30	1729	Otremba, Steven	R	Rec Attd-EI7265-Seas	5/10/16		\$12.75	

The following spoke concerning resolution #11: Amy Ziegler, Martin Denecke, Don Wiess and Councilman Best

11.

On a motion of Councilman Quinn, seconded by Supervisor Walters, 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 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	
1	3998	MILITELLO, FRANK	R	LABORER/A7140.100/SEA	5/10/2016		\$10.67	
2		SLEMMER, ERIC	N	LABORER/A7140.100/SEA	5/10/2016		\$9.00	
3	2925	SORTISIO, JAMES	R	LABORER/A7140.100/SEA	5/10/2016		\$10.09	
4	4581	STEIGER, AUSTIN	R	LABORER/A7140.100/SEA	5/10/2016		\$9.00	
5	4242	KRAUSE, ROBERT	R	LABORER/EW7250.100/SEA	5/10/2016		\$9.00	
6	4612	IORELLO, LOUIS, JR	R	LABORER/ET7250.100/SEA	5/10/2016		\$9.00	
7	4617	GATES, BRANDON	R	LABORER/EI7266.100/SEA	5/10/2016		\$9.00	
8	3978	PAWLOWSKI, RODNEY	R	LABORER/A7140.100/F/T		\$27.71		5/8/2016
9	3978	PAWLOWSKI, RODNEY	R	LABORER/EW7250.100/F/T	5/9/2016	\$27.71		
10	4482	DONOVAN, RYAN	R	LABORER/EW7250.100/SEA	5/10/2016		\$9.00	
11	4250	SPIRIDONOV, PETER	R	LABORER/EW7250.100/SEA	5/10/2016		\$9.00	
12	4627	FEURSTEIN, SHAWN	R	LABORER/EI7266.100/SEA	5/10/2016		\$9.00	
13	4370	JUREK, RYAN	R	LABORER/EI7266.100/SEA	5/10/2016		\$9.00	
14		KING, JAMES	N	LABORER/A7140.100/SEA	5/10/2016		\$9.00	
15		JONES, SETH	N	LABORER/A7140.100/SEA	5/10/2016		\$9.00	
16		JONES, GARRETT	N	LABORER/A7140.100/SEA	5/10/2016		\$9.00	
17	4618	BENNETT, ETHAN	R	LABORER/ET7250.100/SEA	5/10/2016		\$9.00	

The following spoke concerning resolution #11: Amy Ziegler, Councilman Best and Dennis Chapman

12.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, the Town Board authorize the following Buildings & Grounds Department’s employees to attend the Art & Science of Practical Rigging. The course is to be held in Longmont, Colorado, October 16, 2016 through October 21, 2016.

Brian Stewart

Registration		\$1,129.00
Lodging:	5 nights @ \$150.00	\$750.00
Meals:	\$240.00	\$240.00
Airfare:	\$371.50	\$371.50
Car rental:		<u>\$126.15</u>
		\$1,487.65
TOTAL (Approximate)		\$2,616.65

Money is available in account A1970.492.

The following spoke concerning resolution #12: Don Wiess, Tom Best, Sr.

13.

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

ADOPTED	Ayes 3	Walters, Best, Quinn
	Noes 0	

RESOLVED, that the Town Board authorize the travel request for Highway Superintendent Thomas Best and Deputy Highway Superintendent Jason Collard to attend the 2016 Highway School sponsored by the Association of Towns of the State of New York at Ithaca College, Ithaca, New York, from June 5, 2016 – June 8, 2016. Estimated cost for the seminar including registration, meals and lodging is approximately \$1500.00 for both.

BE IT FURTHER RESOLVED, that the Town Board approve the transfer of funds from A1970.492 (Central Training & Seminars) to A5010.492 (Highway Administration Seminars).

14.

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

ADOPTED	Ayes 3	Walters, Best, Quinn
	Noes 0	

Town of Hamburg

Municipal Clerk’s Week

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the Office of Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

- WHEREAS,** Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering service to all, and
- WHEREAS,** the Municipal Clerk serves as the information center on functions of local government and the community, and
- WHEREAS,** Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations, and
- WHEREAS,** it is most appropriate that we recognize the accomplishments of the Office of Municipal Clerk.

NOW, THEREFORE, We, the Town Board of the Town of Hamburg, do recognize the week of May 1 through May 7, 2016, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Catherine A. Rybczynski, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

IN WITNESS WHEREOF, We have caused the seal of the Town of Hamburg to be affixed this 9th day of May 2016.

Supervisor Steven J. Walters

Councilman Michael Quinn

Councilman Thomas Best, Jr.

15.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

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

TOWN BOARD
 AUDIT OF CASH DISBURSEMENTS May 9, 2016

	VOUCHER #'S	
OPERATING FUND:		
BATCH #71	\$579.18	82478
BATCH #72	\$23,202.96	82479-82505
BATCH #73	\$14,800.00	82506
BATCH #74	\$93,077.04	82507-82556
BATCH #75	\$12,343.15	82557
BATCH #76	\$113,498.18	82558-82608
BATCH #77	\$28,011.15	82609-82624
BATCH #78	\$100.00	82627
BATCH #79	\$194,022.59	82628-82670
TOTAL OPERATING FUND DISBURSEMENTS:		\$479,634.25
TRUST & AGENCY:		
TOTAL TRUST & AGENCY DISBURSEMENTS:		\$0.00
CAPITAL FUND DISBURSEMENTS:		
BATCH #13	\$1,400.00	82625-82626
TOTAL CAPITAL FUND DISBURSEMENTS:		\$1,400.00
PAYROLL:		
PR #P/R 9	\$614,375.91	
TOTAL PAYROLL DISBURSEMENTS:		\$614,375.91
PETTY CASH		\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$1,095,410.16

Reports from Town Board Members and Department Heads

Councilman Quinn – no report

Councilman Best reports that the Stormwater report is complete, it is on the Town's website and he will be reporting on that further next week. As for Municipal Clerk's Week, he thanks Cathy Rybczynski for the great job that she does not only in our community but other communities as well. She is well respected for the job that she does and the appreciation our citizens have for her is unbelievable. He then thanks the Hamburg Rejuvenation for all the work they did for the Townwide Clean-up this past Saturday. There is nothing better than volunteering for your community. People came out in force to make Hamburg the great Town that it is. He thanks the committee and all the volunteers. The next community event is the Blast on the Beach.

Supervisor Walters reports that Pastor Lou Guadagno of the Old Time Baptist Church passed away yesterday. They were one of the larger organizations that volunteer for the Townwide Clean-up and Pastor Lou was the one that started their involvement. He asks for a moment of silence in memory of Pastor Lou.

Marty Denecke, Director of Youth, Recreation and Senior Services, reports that this Saturday May 14th they have a special event at the Hamburg Senior Community Center from 10:00 am to 2:00 pm. The event is an open house to showcase their Spring and Summer recreation programs and they will also be celebrating National Old Americans Month with information on their Senior programs and Adult Day Care. They will have entertainment, demonstrations, prizes and food trucks.

Tom Best, Sr., Highway Superintendent, reports on the B & G Department stating that at the Town Boat Launch the dredging was completed last week, both docks are in but unfortunately there was rebar that was lifted from the cement on the bottom. It is dangerous and they closed it today. He has professional divers coming in tomorrow to take care of that and hopefully it will be open sometime later tomorrow.

Sean Crotty, Emergency Services Coordinator, reports that on April 21st, along with Frontier School District, they hosted an active shooter exercise. It was a very realistic exercise that engaged many departments within the Town. He commends Frontier Central for stepping up and taking the lead on conducting the exercise. They had many emergency service partners from the FBI, State Police, Regional Assets as well as all the Fire departments and Police departments in the Town of Hamburg. It was a huge undertaking but all the participants learned a great deal and this will improve the emergency preparedness for the community.

Drew Reilly reports that he submitted his reports to the Town Clerk (available in Work Session minutes).

Business from the Floor

Paul Radchuk questions what is going on with the old Calkins Junk yard property.

Supervisor Walters responds that it is for sale.

Joe Kilian comments that the STAR program has changed. They are now going to bill the entire amount, send a check for the savings and then the homeowner will have to pay tax on that. That is despicable.

Supervisor Walters responds that is not a change in Town law it is a change in State Law.

Catherine Rybczynski, Town Clerk, responds that it is for new applicants only. It will affect anyone applying for STAR from March 1st of last year on along with anyone buying a new home.

Laura Podkulski comments that she is tired of the garbage that is blowing in her yard from Harbor Freight. She spoke to Kurt Allen and he said he would have an answer tonight.

Councilman Best responds that Mr. Allen told them that Benderson was going to extend the fence. He comments that he will follow up tomorrow with Mr. Allen.

Cathy Fini states that she lives near Wanakah Grill and this is the second year they are having outdoor bands on the week end. Who should she speak to with questions?

Supervisor Walters responds that would probably be Code Enforcement. She should speak with Kurt Allen.

Don Wiess comments that he was at the Planning Board meeting regarding the Sports Bar. He would like to report the emotion and the solidarity of the Bayview Coalition. They have signed petitions against the project on Jeffrey Boulevard. There are two group homes within a close vicinity of this. There is very strong opposition to this. They also discussed an ice cream truck to be placed next to the Public House on Route 5 on a piece of property with only seven parking spaces. There is a Transient Merchant Law in the Town of Hamburg. There is a public hearing on May 18th in front of the Planning Board regarding this. He cannot understand how someone could put an ice cream truck in an area where children would have to cross a busy street to get to it. He is against both projects.

Laura Podkulski reports that an ice cream shack opened up next to Bounce Magic where the old Wal-Mart was.

16.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board move into Executive Session at 8:06 pm on contractual issues.

17.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board adjourn at 8:45 pm.

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