

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 24th day of May 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; Kenneth Farrell, Town Attorney; Acting Chief of Police Michael Williams; Marty Denecke, Director of Recreation; Tom Best Highway Superintendent; Drew Reilly, Planning Consultant; Kurt Allen, Supervising Code Enforcement Officer; Shirley Spaulding, Senior Program Coordinator; Jerry Giglio, Traffic Safety Consultant; Peter Reszka, Planning Board Chairman; Tom Taylor, Senior Public Safety Dispatcher

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

The Character Council presentation for the month, presented by Suzanne McKenney, is for the character trait "Discretion" and the recipient is Rebecca Cook. The nomination was made by Robert Smith, the Director of Southtowns' Teacher Center.

1.

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:

05/10/2010	Town Board Meeting
05/17/2010	Work Session

2.

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 resignation of personnel for the Senior Services Department as follows:

- | | | | |
|-----------------------------|-------------------------------|----------|----------|
| 1. Kubasek – Burke, Deborah | Rec. Attendant – P/T
A6780 | 05/25/10 | \$8.00 |
| 2. Kruska, Bridget | Rec. Attendant – P/T
A6780 | 05/25/10 | \$8.00 |
| 3. Spaulding, Ashley | Rec. Attendant – P/T
A6780 | 05/25/10 | \$8.00 |
| 4. McDowell, Crystal | Clerk Typist – P/T | 05/25/10 | Resigned |

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

BE IT RESOLVED, that the request to rezone property located at 5811 South Park Avenue from C-2 to NC (Neighborhood Commercial) be removed from the table.

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

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]), the Hamburg Town Board has reviewed this rezoning request; and

WHEREAS, the rezoning of the property will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic consideration;

NOW, THEREFORE, BE IT RESOLVED that the Town Board has determined that the proposed rezoning is not anticipated to result in any significant effect on the environment and that a Negative Declaration is hereby issued.

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the Environmental Assessment Form.

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 received a request from Victor Liberatore, Jr. to rezone property located at 5811 South Park Avenue from C-2 to NC (Neighborhood Commercial); and

WHEREAS, the Code Review Committee reviewed the application and found merit in the rezoning of this property; and

WHEREAS, the Hamburg Town Board referred this rezoning request to the Planning Board for its review and recommendation; and

WHEREAS, on March 17, 2010 the Planning Board forwarded a positive recommendation to the Town Board regarding this rezoning request; and

WHEREAS, the Town Board held the required public hearing and received comments from the public regarding this rezoning request on April 26, 2010; and

WHEREAS, the requested rezoning is in compliance with the Town of Hamburg Comprehensive Plan; and,

WHEREAS, the Hamburg Town Board has issued a Negative Declaration;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamburg hereby rezones the parcel located at 5811 South Park Avenue from C-2 to NC (Neighborhood Commercial) with the following conditions:

1. Sidewalks will be installed at the applicant's expense.

BE IT FURTHER RESOLVED, that the zoning code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986 of the code of the Town of Hamburg entitled "Zoning" to provide for a change in the boundary of the zoning map whereby the zoning is changed from C-2 to NC for property located at 5811 South Park Avenue.

The following spoke concerning resolution No. 4: Councilman Collins and Drew Reilly

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. Allaire, Christopher	A7265(230) Rec. Attendant	06/02/2010	\$7.58 Seas.
2. Betrus, Thomas	A7265(230)	06/01/2010	Terminate
3. Betrus, Thomas	A7265(230) Rec. Attendant	06/02/2010	\$7.63 Seas.
4. Beyer, Jessica	A7265(230) Rec. Attendant	06/02/2010	\$7.37 Seas.
5. Canterbury, Carl	A7265(230) Rec. Attendant	06/02/2010	\$7.25 Seas.
6. Chojecki, Joanne	A7265(230) Rec. Attendant	06/02/2010	\$7.37 Seas.
7. Christy, Anthony	A7180(215)	06/02/2010	Terminate
8. Ferris, Brian	A7265(230) Rec. Attendant	06/02/2010	\$10.29 Seas.
9. Suchyna, Nathaniel	A7265(230) Rec. Attendant	06/02/2010	\$10.29 Seas.
10. Gallardo, Nicholas	A7265(230)	06/02/2010	Terminate
11. Gallardo, Nicholas	A7265(230)	06/02/2010	\$10.05 Seas.
12. Glose, Matthew	A7265(230) Rec. Attendant	06/02/2010	\$7.42 Seas.
13. Greenauer, LeeAnn	A7265(230) Rec. Attendant	06/02/2010	\$7.37 Seas.
14. Greenauer, Josh	A7265(230)	06/01/2010	Terminate
15. Greenauer, Josh	A7265(230) Rec. Attendant	06/02/2010	\$9.50 Seas.
16. Henry, Kelly	A7265(230) Rec. Attendant	06/02/2010	\$9.31 Seas.
17. Lease, Michael	A7265(230)	06/01/2010	Terminate
18. Lease, Micahel	A7265(230) Rec. Attendant	06/02/2010	\$7.64 Seas.
19. McGahey, Lindsey	A7265(230) Rec. Attendant	06/02/2010	\$8.25 Seas.
20. Motz, Melanie	A7265(230) Rec. Attendant	06/02/2010	\$7.37 Seas.
21. Newton, Katie	A7265(230) Rec. Attendant	06/02/2010	\$7.58 Seas.
22. Otremba, Steve	A7265(230)	05/18/2010	\$10.84 Seas.

	Rec. Attendant		
23. Parkin, Jocelin	A7265(230)	06/02/2010	\$7.37 Seas.
	Rec. Attendant		
24. Ryan, Katy	A7265(230)	06/01/2010	Terminate
25. Ryan, Katy	A7265(230)	06/02/2010	\$8.00 Seas.
	Rec. Attendant		
26. Silverman, Scott	A7265(230)	06/15/2010	Terminate
27. Silverman, Scott	A7265(230)	06/16/2010	\$8.74 Seas.
28. Motz, Lisa	A7310(320)	06/02/2010	Terminate
29. Motz, Lisa	A7310(320)	06/03/2010	\$10.84
	Rec. Attendant		
30. Biellak, Paul	A7310(320)	06/03/2010	Terminate
31. Biellak, Paul	A7310(320)	06/04/2010	\$8.24 Seas.
	Rec. Attendant		
32. Smith, Elizabeth	A7180(215)	06/02/2010	\$7.62 Seas.
	Lifeguard		
33. Maher, John	A7180(215)	06/02/2010	\$7.85 Seas.
	Lifeguard		
34. Reimondo, Rachel	A7265(230)	06/02/2010	\$7.37 Seas.
	Rec. Attendant		
35. Farrell, Meghan	A7265(230)	06/02/2010	\$7.25 Seas.
	Rec. Attendant		
36. Bellagamba, Michelle	A7265(230)	06/02/2010	\$7.25 Seas.
	Rec. Attendant		
37. Krasinski, Alexander	A7265(230)	06/02/2010	\$7.25 Seas.
	Rec. Attendant		

6.

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 site plan application from Buffalo Computer Graphics, which is obtaining property located on the north side of Bayview Road and plans to relocate the business there; and

WHEREAS, the applicant appeared before the Planning Board, which determined that the site plan was not in accordance with the Findings of the Generic Environmental Impact Statement (GEIS) issued for the Ravenwood North Industrial Park, because the Findings stated that only one entrance would be allowed on Bayview Road and this is the second entrance being proposed on Bayview Road; and

WHEREAS, the applicant has indicated that the dedicated curb cut for this property is necessary for the business to succeed at this location; and

WHEREAS, the Planning Board and Traffic Safety Advisory Board have recommended that this applicant be allowed to install a curb cut for the new business; and

WHEREAS, the Town Board has evaluated the project against the original GEIS and its Findings and has reviewed the situation with Town staff; and

WHEREAS, the above review and input has led the Town Board to determine that two entrances on Bayview Road would not adversely affect the traffic safety in this area (it would be less than what was anticipated in the original GEIS) and that the Findings Statement will be amended to provide for two entrances on Bayview Road with conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby amends the Findings Statement to allow Buffalo Computer Graphics' new entrance location with the following conditions:

1. The exact configuration of the new entrance location will be addressed during site plan review with the Planning Board.
2. The Planning Board will determine whether the applicant and the owner of K-Technologies will be required to install a cross access between the two properties, as well as enter into a cross access agreement.

and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Planning Department to draft this amended Findings to be incorporated into the Town's files.

7.

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 hiring and termination of personnel for the Town Clerk's Department as follows:

- | | | | |
|--------------------|-----------|------------|-----------|
| 1. Enser, Nicholas | Clerk P/T | 04/30/2010 | Terminate |
| 2. Morford, Rosina | Clerk P/T | 05/25/2010 | \$9.59 |

8.

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

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

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Recreation Department as follows:

1. Grosjean, Kristin	A7310(320)	05/25/2010	Terminate
2. Grosjean, Kristin	A7180(215)	05/26/2010	\$9.51 Seas.
	Lifeguard		
3. Rousseau, David	A7310(320)	05/25/2010	Terminate
4. Rousseau, David	A7180(215)	05/26/2010	\$7.62 Seas.
	Lifeguard		
5. Scherer, Kenneth	A7310(320)	05/25/2010	Terminate
6. Scherer, Kenneth	A7180(215)	05/26/2010	\$7.62 Seas.
	Lifeguard		
7. Schmitt, Christine	A7310(320)	06/02/2010	Terminate
8. Schmitt, Christine	A7180(215)	06/03/2010	\$10.84 Seas.
	Lifeguard		
9. Smith, Lindsay	A7310(320)	05/25/2010	Terminate
10. Smith, Lindsay	A7180(215)	05/26/2010	\$8.22 Seas.
11. Duszkievicz, Christopher	A7310(320)	05/25/2010	Terminate
12. Duszkievicz, Christopher	A7180(215)	05/26/2010	\$7.40 Seas.
	Lifeguard		
13. Nowak, Kyle	A7310(320)	05/25/2010	Terminate
14. Nowak, Kyle	A7180(215)	05/26/2010	\$7.40 Seas.
	Lifeguard		
15. Diplock, Megan	A7310(320)	05/10/2010	Terminate
16. Janicki, Alison	A7180(215)	05/26/2010	\$7.85 Seas.
	Lifeguard		
17. Lane, Sean	A7180(215)	05/26/2010	\$7.85 Seas.
	Lifeguard		
18. Denecke, Patrick	ER7251(225)	05/18/2010	\$7.63 Seas.
	Rec. Attendant		

The following persons commented on resolution No. 8: Councilman Collins, Councilwoman Ziegler, Assistant Town Attorney Brian Doyle, Councilman Gorman, Supervisor Walters and Town Attorney Ken Farrell.

9.

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 of the following in the Buildings And Grounds Department. Funds are available in A7140.100.

- | | | | |
|--------------------|--------------|----------|--------|
| 1. Reiford, Casey | Laborer, P/T | 05/25/10 | \$8.00 |
| 2. Jewett, John | Laborer, P/T | 06/14/10 | \$8.00 |
| 3. Blette, Gregory | Laborer, P/T | 05/31/10 | \$8.00 |

10.

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

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

WHEREAS, the Town of Hamburg administration has assured residents that town government will be open and transparent.

WHEREAS, the town has numerous departments that oversee and plan day to day operations.

WHEREAS, the town department heads meet on every third Tuesday of the month.

WHEREAS, being a newly elected town representative, Councilman Collins has asked to be allowed to attend department head meetings to learn how the departments operate and keep up to date on town department issues.

WHEREAS, town employee, Linda Rogers, has advised that the department head meetings are not open and that attendance is by invitation only (see attached note of Linda Rogers).

THEREFORE, BE IT RESOLVED: That town department head meetings hereafter be open to Town Council Members.

The following persons commented on resolution No. 9: Supervisor Walters, Councilman Collins, Town Attorney Ken Farrell, Assistant Town Attorney Brian Doyle, Ferd Garcia and Bob Reynolds.

11.

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 advertising of a legal notice for a bid for One (1) New and Unused 2011 Six Man Crew Cab Dump F-650 or Equivalent 10 Foot Dump Box for the Highway Department. Funds are available in Account H26.5130.0201 - Machinery and Equipment.

The following persons spoke on resolution No. 11: Councilman Collins and Superintendent Best

12.

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

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

RESOLVED, that the Town Board authorize the Recreation Department to advertise for bids for summer program transportation needs.

13.

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

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

BE IT RESOLVED, that the Town Board approve the hiring/termination of the following in the Buildings and Grounds Department:

Powers, Andrew	Laborer, P/T	05/24/10	Terminate
Powers, Andrew	Laborer, Seas	05/25/10	\$8.00

14.

On a motion of Councilman Collins, 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 Transfer of Appropriations, within the 2010 Budget, as follows:

From: Mileage	A8686.452	\$100.00
To: Postage	A1670.433	\$100.00

Transfer of \$100.00 to the Town Clerk's postage budget to enable the Department of Community Development to mail targeted housing rehabilitation brochures.

15.

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/termination of the following in the Buildings and Grounds Department:

Nelson, Brett	Laborer, P/T	terminate 6/3/10	
Nelson, Brett	Laborer, Seasonal	start 6/4/10	rate \$8.22/hr
Cahill, Christopher	Laborer, P/T	terminate 6/2/10	
Cahill, Christopher	Laborer, Seasonal	start 6/3/10	rate \$9.92/hr
Chmielowiec, Thomas	Laborer, P/T	terminate 6/1/10	
Chmielowiec, Thomas	Laborer, Seasonal	start 6/2/10	rate \$8.00/hr
Williams, Joseph	Laborer, P/T	terminate 6/1/10	
Williams, Joseph	Laborer, Seasonal	start 6/2/10	rate \$8.00/hr

16.

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

Deborah Lovallo
23 Foster Ridge Drive
Hamburg, N.Y. 14075

17.

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, that the Town Board approve the hiring and termination of personnel for the Dog Control Department as follows:

- | | | | |
|---------------------|-----------------------------|------------|-----------|
| 1. Stoberl, Richard | Dog Control Officer – P/T | 06/13/2010 | Terminate |
| 2. Stoberl, Richard | Dog Control Officer – Seas. | 06/010 | \$12.22 |

18.

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 authorize an alcohol waiver for the annual Hamburg Historical Society Dinner held on June 4th at the Dunn House.

19.

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 Audit of Cash Disbursements as follows:

TOWN BOARD MAY 24, 2010
 AUDIT OF CASH DISBURSEMENTS

VOUCHER #'S

OPERATING FUND:

BATCH #55	\$155,958.69	41436-41524
BATCH #56	\$457,121.89	UNPROCESSED

TOTAL OPERATING FUND DISBURSEMENTS: \$613,080.58

TRUST & AGENCY:

TOTAL TRUST & AGENCY DISBURSEMENTS: \$0.00

CAPITAL FUND DISBURSEMENTS:

BATCH #14	\$1,279.21	41357
BATCH #15	\$5,400.00	41435

TOTAL CAPITAL FUND DISBURSEMENTS: \$6,679.21

PAYROLL:

TOTAL PAYROLL DISBURSEMENTS: \$0.00

PETTY CASH

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$619,759.79

Reports from Town Board Members and Department Heads

Councilman Collins – no report

Councilwoman Ziegler – no report

Councilman Smardz – no report

Councilman Gorman reports the Downsizing meeting is tomorrow night at 6:00 p.m.; anyone welcome to attend.

Supervisor Walters reports that law enforcement held a torch run for the Special Olympics on May 20th; Veterans Committee has scheduled, on July 24th from 9:00 to 12:00 pm, a Veterans Outreach at Town Hall; anyone that wants to join Bi-Centennial Committee is welcome.

Councilman Collins reports that the Bi-Centennial is on the calendar for the Rejuvenation Committee for discussion.

Catherine Rybczynski, Town Clerk, reports that there is a page on the Town website for Veterans with information on events for Memorial Day. Please pause and take time this weekend to thank a Veteran and remember them.

Marty Denecke reports that the Town Beach will open for swimming on June 5th.

Highway Superintendent, Tom Best, reports that he met with representatives from Cintas Corp. in anticipation of combining 10 to 15 of our present vendors into one. This will amount to a large savings for the Town.

Acting Chief Michael Williams reminds everyone to get a beach sticker to park at the Town Beach.

Business from the Floor

Don Weiss gives a presentation concerning the proposed Senior Apartments on vacant land located West of Briercliff Drive; need for a supplemental “EIS”; soil testing; gas well sealing; sound abatement (railroad tracks only 100 feet away).

The following commented on the Bay View and Route 5 intersection:

Joseph Kilian and Supervisor Walters

The following commented on the Armor Inn:

Joseph Kilian and Kurt Allen, Supervising Code Enforcement Officer

The following commented on the Power Commission wanting to put 167 windmills in Lake Erie from Buffalo, to Erie PA:

Joe Kilian and Supervisor Walters

The following commented on a request to rename 6490 Taylor Road due to emergency response problems; on denial of same; keep house numbers; street sign:

Bill Haslinger, Kristie Stromecki, Supervisor Walters, Supervising Public Safety Dispatcher Tom Taylor, Councilman Gorman and Town Attorney Ken Farrell.

20.

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 8:20 p.m. on a personnel matter.

21.

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 8:50 p.m.

Catherine A. Rybczynski, Town Clerk