

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 23<sup>rd</sup> day of June 2014.

**2.**

On a motion of Deputy Supervisor Ziegler, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED           Ayes   2           Quinn, Potter-Juda  
                      Noes   0

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

ROLL CALL:           Amy Ziegler           Deputy Supervisor  
                      Michael Quinn, Jr.   Councilman  
                      Cheryl Potter-Juda   Councilwoman

ABSENT:             Steven J. Walters   Supervisor

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk  
Mary Dosch, Sr. Account Clerk, Walter Rooth III, Town Attorney; Gerard Kapsiak, Town Engineer; Michael Williams, Chief of Police; Tom Best, Sr., Highway Superintendent; Martin Denecke, Director of Youth, Recreation and Senior Services; Kevin Trask, Police Captain; Christopher Hull, Director of Community Development; Ted Casey, Traffic Safety Coordinator; Amy Ziegler, Deputy Supervisor

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

**3.**

On a motion of Councilwoman Potter-Juda, seconded by Councilman Quinn, the following resolution was

ADOPTED           Ayes 2       Quinn, Potter-Juda  
                      Noes 0

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

06/09/2014           Work Session  
06/09/2014           Town Board Meeting

**4.**

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

ADOPTED           Ayes 2       Quinn, Potter-Juda  
                      Noes 0

**RESOLVED**, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following July 2014 Taylor Road rentals:

7/02/14	7/03/14	7/04/14	7/05/14
7/06/14	7/08/14	7/09/14	7/10/14
7/11/14	7/12/14	7/13/14	7/16/14
7/17/14	7/18/14	7/19/14	7/20/14
7/22/14	7/23/14	7/24/14	7/25/14
7/26/14	7/27/14	7/30/14	7/31/14

**5.**

On a motion of Councilwoman Potter-Juda, seconded by Councilman Quinn, the following resolution was

ADOPTED           Ayes 2       Quinn, Potter-Juda  
                      Noes 0

**WHEREAS**, the Town of Hamburg received a request from Glenn Wetzl to rezone 29.29 acres of vacant land located on the northeast corner of Boston State Road and McKinley Parkway from R-A (Residential-Agricultural District) to PRD (Planned Residential Development District), and

**WHEREAS**, the Code Review Committee reviewed the application and met with the applicant on several occasions; and

**WHEREAS**, the Code Review Committee could not come to a consensus regarding moving forward and refers this application to the Town Board with concerns.

**NOW, THEREFORE, BE IT RESOLVED**, that the Hamburg Town Board hereby refers this rezoning request to the Planning Board for its review and recommendation.

**6.**

On a motion of Councilwoman Potter-Juda, seconded by Councilman Quinn, the following resolution was

ADOPTED                   Ayes   2           Quinn, Potter-Juda  
                                  Noes   0

**RESOLVED**, that the Town Board make the following appointment to the TOWN ZONING BOARD OF APPEALS:

Brad Rybczynski – MEMBER for a seven (7) year term commencing July 1, 2014, and ending December 31, 2021.

**7.**

On a motion of Councilwoman Potter-Juda, seconded by Councilman Quinn, the following resolution was

ADOPTED                   Ayes   2           Quinn, Potter-Juda  
                                  Noes   0

**RESOLVED**, that the Town Board approve the termination of personnel for the Domestic Violence Department as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time		Term date
						hrly rate	PT/Sea/temp	
1	4463	BUCCI, KATELIN		CLERK TYPIST P/T				6/16/2014

**8.**

On a motion of Councilwoman Potter-Juda, seconded by Councilman Quinn, the following resolution was

ADOPTED                   Ayes   2           Quinn, Potter-Juda  
                                  Noes   0

**WHEREAS**, the Town of Hamburg received a request from Braymiller Market to rezone the easterly most 2.08 acres of the 4.52-acre parcel of land located at 6936 Gowanda State Road from R-A (Residential-Agricultural District) to N-C (Neighborhood Commercial General Residence District) in order to bring the market into compliance with the Town Code; and

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

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

**WHEREAS**, on June 18, 2014, the Planning Board forwarded a positive recommendation regarding this proposed rezoning.

**NOW, THEREFORE, BE IT RESOLVED**, that the Hamburg Town Board hereby schedules a public hearing regarding this rezoning request to be held on July 14, 2014.

**9.**

On a motion of Councilman Quinn, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes 2	Quinn, Potter-Juda
	Noes 0	

**WHEREAS**, the Town of Eden employs one part-time building inspector/code enforcement officer, and

**WHEREAS**, the Town of Eden part-time building inspector/code enforcement officer may be unavailable to perform said duties from time to time, and

**WHEREAS**, a situation may arise where either municipality may need the assistance of the other municipality's code enforcement officer, and

**WHEREAS**, the Town of Hamburg and the Town of Eden wish to enter into a mutual aid agreement relative to New York State Code Enforcement Inspections and other services relating to New York State Uniform Code and Local Zoning Codes;

**NOW THEREFORE BE IT RESOLVED** that the Town of Hamburg shall enter into an agreement with the Town of Eden for such mutual aid and assistance, and

**BE IT FURTHER RESOLVED** that either party may cancel this agreement on ninety (90) days advanced written notice, and

**BE IT FURTHER RESOLVED** that the Supervisor is authorized to sign the inter-municipal agreement on behalf of the Town of Hamburg.

**10.**

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

ADOPTED                   Ayes   2           Quinn, Potter-Juda  
                                   Noes   0

**RESOLVED**, that the Town Board approve the hiring, termination 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/tem hourly rate	Termination Date
1	4000	Galus, Emily		Rec Attd-P/T-A7310				6/23/2014
	4000	Galus, Emily	R	Rec Attd-Seas-A7310	6/24/14		\$9.50	
2		Gawlak, Lauren	N	Lifeguard-Seas-ET7180	6/24/14		\$8.00	
3	3440	Greenauer, Joshua		Rec Attd-P/T-EI7265				6/23/2014
	3440	Greenauer, Joshua	R	Rec Attd-Seas-EI7265	6/24/14		\$10.44	
4	4472	Pike, Jamie		Rec Attd-P/T-A7310				6/23/2014
	4472	Pike, Jamie	R	Rec Attd-Seas-A7310	6/24/14		\$8.00	
5	4264	Kazibut, Kacper		Rec Attd-P/T-EI7265				6/14/2014
	4264	Kazibut, Kacper	R	Rec Attd-Seas-EW7251	6/15/14		\$8.00	
6	4343	Lease, Ryan		Rec Attd-Seas-A7310				6/28/2014
	4343	Lease, Ryan	R	Rec Attd-Seas-EI7265	6/29/14		\$8.00	
7	3905	Lease, Warren		Rec Attd-P/T-A7310				6/20/2014
	3905	Lease, Warren	R	Rec Attd-Seas-A7310	6/21/14		\$11.25	
8	4106	McGahey, Lindsay		Rec Attd-P/T-EI7265				6/28/2014
	4106	McGahey, Lindsay	R	Rec Attd-Seas-EI7265	6/29/14		\$9.17	
9	655	Nelson, Gay Lynn		Rec Attd-P/T-A7310				6/23/2014
	655	Nelson, Gay Lynn	R	Rec Attd-Seas-A7310	6/24/14		\$12.50	
10	4224	Pezzino, Joseph		Rec Attd-P/T-EI7265				6/28/2014
	4224	Pezzino, Joseph	R	Rec Attd-Seas-EW7251	6/29/14		\$8.12	
#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/tem hourly rate	Termination Date
11	4473	Redanz, Katherine		Rec Attd-P/T-A7310				6/23/2014
	4473	Redanz, Katherine	R	Rec Attd-Seas-A7310	6/24/14		\$8.00	
12	3704	Reid, Gregory		Rec Attd-P/T-ER7251				6/20/2014
	3704	Reid, Gregory	R	Rec Attd-Seas-ER7251	6/21/14		\$10.20	
13	4116	Steenberg, Ashley	R	Rec Attd-Seas-A6772	6/29/14		\$11.50	
14	3794	Steger, Amy (Bushen)		Rec Attd-P/T-A7310				6/28/2014
	3794	Steger, Amy (Bushen)	R	Rec Attd-Seas-A7310	6/29/14		\$9.50	
15	3062	Steger, Andrew		Rec Attd-P/T-ET7180				6/28/2014
	3062	Steger, Andrew	R	Rec Attd-Seas-ET7180	6/29/14		\$11.10	
16	4186	Sullivan, Amanda (Vara)	R	Rec Attd-Seas-A7310	6/24/14		\$9.00	
17	4476	Walczyk, Alyssa		Rec Attd-P/T-EI7265				6/14/2014
	4476	Walczyk, Alyssa	R	Lifeguard-Seas-EW7251	6/15/14		\$8.00	
18		Kolbmann, Christina	N	Lifeguard-Seas-ET7180	6/24/14		\$8.00	

**11.**

On a motion of Councilman Quinn, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	2	Quinn, Potter-Juda
	Noes	0	

**WHEREAS**, the Town of Hamburg is committed to the safety and security of all employees, and

**WHEREAS**, a policy has been established and is in place to meet the requirements of New York State Labor Law §27b, and

**NOW THEREFORE BE IT RESOLVED** that the Town of Hamburg Workplace Violence Prevention Statement Policy and Incident Reporting is adopted as per the attached document.

**Town of Hamburg**  
**Workplace Violence Prevention Statement**  
**Policy & Incident Reporting**

The Town of Hamburg is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on the Town of Hamburg property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Hamburg has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Hamburg will provide counseling services or referrals for employees.

All personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

An employee has the right to file a complaint with the NYS Dept of Labor PESH Office if the employer does not address the employee's written complaint/concern within a reasonable period of time.

Designated Contact Person:

Alternative Contact Person:

Name: Michael K. Reilly

Cindy Conlon

Title: HR Consultant

Title: Paralegal

Phone: 649-6111 ext. 2450

Phone: 649-6111 ext. 2370

Location: HR Office

Location: Town Attorney's Office

**12.**

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

ADOPTED	Ayes	2	Quinn, Potter-Juda
	Noes	0	

**WHEREAS**, the Town of Hamburg and the County of Erie executed a HOME Cooperation Agreement on June 5, 2002, and

**WHEREAS**, a key purpose of said Agreement was to formalize the inclusion of the Town of Hamburg, a Metropolitan City, as so defined by Section 102 (a)(6) of the Housing and Community Development Act of 1974, as amended, into the Erie County HOME Consortium, and

**WHEREAS**, said Consortium consists of those communities comprising the Erie County Urban County for purposes of the federal Community Development Block Grant program and the Towns of Hamburg and West Seneca for the HOME Consortium, and

**WHEREAS**, through its membership in the HOME Consortium, the Town of Hamburg has participated in a variety of affordable housing programs ranging from Homebuyer Assistance to Housing Rehabilitation, and

**WHEREAS**, the June 5, 2002 HOME Cooperation Agreement includes certain automatic renewal provisions which occur following specific three-year cycles, and

**WHEREAS**, the Federal Department of Housing and Urban Development (HUD) requires clarifications and adjustments to the existing automatic renewal provisions.

**NOW THEREFORE BE IT RESOLVED** that the Supervisor of the Town of Hamburg is hereby authorized to execute a First Amendatory Agreement to the June 5, 2002 Cooperation Agreement with Erie County as it pertains to forming a Consortium for the HOME Investment Partnership Program, and

**BE IT FURTHER RESOLVED** that said Agreement shall contain the automatic renewal provisions for successive three year qualification periods as so required by HUD, and

**BE IT FURTHER RESOLVED** that certified copies of this resolution shall be forwarded to the Deputy Commissioner of the Erie County Department of Environment and Planning, Thomas J. Dearing, 95 Franklin Street, Room 1062, Buffalo, New York 14202.

**14.**

On a motion of Councilman Quinn, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED                      Ayes    2            Quinn, Potter-Juda  
     Noes    0

**RESOLVED,** that the Town Board approve the 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		Donovan, Ryan	N	Laborer/Seasonal	6/23/2014		\$8.00	
2		Duggan, John	R	Laborer/Seasonal	6/23/2014		\$8.24	

**15.**

On a motion of Councilman Quinn, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED                      Ayes    2            Quinn, Potter-Juda  
     Noes    0

**RESOLVED,** the Town Board authorize the following Buildings & Grounds' employee to attend the L1 Tree Climbing & Work Positioning Course. The course is to be held in Farmington Hills, Michigan on September 24, 2014 through September 26, 2014.

Brian Stewart

Registration:		\$669.00
Lodging:	3 nights @ \$150.00	\$450.00
Meals:		\$120.00
Tolls:		\$100.00 (approximate)
Total		\$1339.00

Use of a Town Vehicle for transportations is requested. Money is available in account A1970-492.

### 16.

On a motion of Councilman Quinn, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	2	Quinn, Potter-Juda
	Noes	0	

**RESOLVED**, that the Town Board authorize the following Highway Department's employees to attend the Art & Science of Practical Rigging. The course is to be held in Longmont, Colorado on October 12, 2014 through October 16, 2014.

Registration:

Carl Schweikert		\$899.00
James Brand		\$824.00
Total		\$1,723.00
Lodging:	4 nights @ \$150.00	\$600.00
Meals:	\$200.00 per employee	\$400.00
Airfare:	\$368.00 per employee	\$736.00
Car rental:		\$300.00
TOTAL (Approximate)		\$3459.00

Money is available in account A1970.492.

**17.**

On a motion of Deputy Supervisor Ziegler, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED           Ayes 2           Quinn, Potter-Juda  
                           Noes 0

**RESOLVED**, that the Town Board approves the Memorandum of Understanding between the Town and the Southtown Police Club regarding the Town of Hamburg Police Narcotics Officers.

**BE IT FURTHER RESOLVED**, that the Town Board approve the increase of pay to Detective rate of \$40.91 per hour for the 2 Patrol Officers assigned to Narcotics, effective May 4, 2014. This is per the Memorandum of Understanding.

**18.**

On a motion of Deputy Supervisor Ziegler, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED           Ayes 2           Quinn, Potter-Juda  
                           Noes 0

**RESOLVED**, that the Town Board approve the hiring 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/tem hourly rate	Termination Date
1		Kaznowski, Lyndsey	N	Rec Attd-P/T-A7310	6/24/14		\$ 8.00	

**19.**

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

ADOPTED           Ayes 2           Quinn, Potter-Juda  
                           Noes 0

**BE IT RESOLVED**, that the Town Board authorize Supervisor Walters and Mary Dosch to review and release checks during the summer months due to the reduced Town Board Meeting Schedule effective June 24<sup>th</sup> through September 5, 2014.



TOTAL TRUST & AGENCY DISBURSEMENTS: \$0.00

CAPITAL FUND DISBURSEMENTS:

BATCH #20	\$279.30	69497
BATCH #21	\$37,182.50	69648-69654
BATCH #22	\$176,367.00	69710

TOTAL CAPITAL FUND DISBURSEMENTS: \$213,828.80

PAYROLL:

PR #P/R #13 \$688,062.07

TOTAL PAYROLL DISBURSEMENTS: \$688,062.07

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$1,555,101.13

**Reports from Town Board Members and Department Heads**

Councilwoman Potter-Juda – no report

Councilman Quinn reports that he attended the Erie County Highway Superintendents meeting with Highway Superintendent Best. After attending the meeting he realized that there is more the Town can do concerning recycling and how we handle waste. They were invited to tour West Seneca's operation and possibly implement some programs or procedures they are using in that town. He would also be happy to invite other Town's to tour how our Highway Department works.

Deputy Supervisor Ziegler comments that Supervisor Walters asked her to sit in his place and asked her to share some information. She thanks Jennifer Kosmowski, Domestic Violence Advocate. The Town received a very positive letter from a woman who availed herself of those services. The services offered in this Town are second to none. Supervisor Walters received a letter from People, Inc. thanking the Town for supporting the New York State Department of Health Senior Service Supportive Housing Service Grant. She refers to a letter from Lynne Dixon thanking the Town for allowing her the use of the Woodlawn Beach Lodge for the safe Boating Course that was held this week. Finally, a letter from the Frontier Central School District thanking those involved in renting the Hamburg Community Senior Center for all the help and accommodations made during their Budget Vote and School elections. There was a record attendance day at Woodlawn Beach on June 22 with close to 1500 cars passing through the gate. They have surpassed the numbers from June 2013 and she thanks the staff and all those involved in the running of the Beach.

Marty Denecke, Director of Youth, Recreation and Senior Services, reports that, with school ending this week, they are offering a wide variety of Youth programs. These include, but are not limited to, swimming lesson, tennis lessons, golf lessons, 2 day camps, playground programs, summer tot and more. He then announces that on Woodlawn Beach, July 3<sup>rd</sup> and 5<sup>th</sup> they will have fireworks displays. They expect big crowds and will charge at the gate to help cover the costs.

Gerard Kapsiak, Town Engineer, reports on the Railroad Quiet Zones installed on Cloverbank and Rogers Road stating that at 12:01 am June 24<sup>th</sup> the Quiet Zone will officially go into effect. They have scheduled a meeting with the Erie County Highway Department to discuss the possibility of doing this at other Railroad crossings in Hamburg. This would include crossings on Pleasant Ave., Lakeview Road and North Creek Road and they have Bayview Road under consideration. They will have sufficient funding remaining from the Federal Grant to do at least two more of the crossings. Concerning the Big Tree Road Bridge under the CSX tracks, he did talk to the director of the bridge group at CSX and he said he is aware of the condition, has reviewed the inspection reports and pictures and they determined that the bridge is structurally sound and the falling concrete is an aesthetic issue and also potentially hazardous due to falling debris. They are scheduling it for repair, but not until next year, where they plan to put Shotcrete on the abutments to provide a smooth surface. They are also looking at the Camp Road bridges because he has heard some concerns about them as well.

Councilman Quinn comments that there is someone in the audience that is interested in the Pleasant Ave. Railroad crossing. Does he have information on that?

Mr. Kapsiak responds that they will discuss that at the meeting with the County Highway Department. In the past, the County has told the town that the only option is if the Town takes over the road which the Highway Superintendent has been resistant to. Hopefully there will be other options discussed at the meeting.

Councilwoman Potter-Juda questions why the Town has to take the road over.

Mr. Kapsiak responds that the County does not want to have the liability or maintenance associated with having the dividers put into the middle of the road at the railroad tracks.

Catherine Rybczynski, Town Clerk, reports that last week the County Clerk and his staff came to Town Hall to issue ID cards for the "Thank A Vet" Program. They had 178 veterans that applied for the card and within 2 weeks they will get the IDs from the County Clerk's Office. She wants to thank Councilman Quinn and the Veterans Committee and the County Clerk's Office for bringing this to Hamburg Town Hall.

Captain Trask thanks the Board for passing the resolution about the Narcotics Officers. We are very fortunate in Hamburg to have Narcotics Officers that are supremely knowledgeable and motivated.

Tom Best, Sr., Highway Department, reports that this morning they started their second out of seventeen streets that they will pave in the Town. One of the Town's employees, Darin Smith, has been deployed and will be leaving for Afghanistan this Wednesday. He thanks the Board for passing the resolution for the tree climbing school. The first course they took has already been beneficial for the Buildings and Grounds and Highway Department. The course approved this evening will complete the second stage of training.

Councilman Quinn comments that he thinks that the money they spend on this training is very beneficial because tree trimming is one of the most dangerous occupations. This could save a life or prevent an injury.

Ted Casey, Traffic Safety Coordinator, reports that the next meeting of the Traffic Safety Committee is July 10<sup>th</sup>.

### **Business from the Floor**

John McKendry comments on the meeting with Erie County concerning the Railroad crossing on Pleasant Ave. stating that he is against the Town of Hamburg taking over Pleasant Avenue.

Vic Tomasullo comments that he is concerned about the increased train traffic near Burke Playground in Lake View. He is concerned about the safety of the children. He agrees that he doesn't want to over burden the Highway Department and would love to see Erie County cooperate with the Town, but he doesn't see that happening. He is hoping that the Town can continue the project because he feels Pleasant is the next Railroad crossing to be completed. The projects completed have quieted it down in a few chosen areas but he would like to see the funding continue which would make it quiet through the entire area.

Joe Kilian comments that at a meeting they had with the Railroad companies 10 years ago they explained that the trains had horns for wide open spaces and city horns. You can hear a difference between the horns when they come through. They are supposed to be using the city horns when they come through, but that isn't what they are using. They have two horns in the front and two in the back. He feels they should call the Federal Railroad Association to come down and monitor the horns. They are too loud.

### **22.**

On a motion of Deputy Supervisor Ziegler, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	2	Quinn, Potter-Juda
	Noes	0	

**RESOLVED**, that the Town Board adjourn at 7:32 pm.

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