

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 13th day of September 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; Brian Doyle, Deputy Town Attorney; Chief of Police Michael Williams; Marty Denecke, Director of Recreation; Thomas Best, Sr. Highway Superintendent; Kurt Allen, Supervising Code Enforcement Officer; Drew Reilly, Planning Consultant; Peter Reszka, Planning Board Chairman; Mary Eisenhower, Executive Director of Youth Board; Tim Regan, Community Development Assistant; Jerry Giglio, Traffic Safety Consultant.

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Suzanne McKinney, Character Council, presents the August 2010 Character - Security. "Security is structuring my life around that which cannot be destroyed or taken away". The recipient is the Kathleen Mary House; Assistant Director Donna Braunscheidel is present to receive the award.

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

LEGAL NOTICE
TOWN OF HAMBURG

Notice of Routine Program Change
Town of Hamburg Local Waterfront Revitalization Program (LWRP)

Pursuant to the requirements of New York State Executive Law 42, and the New York State Department of State, the Town of Hamburg hereby gives notice of amendments to the Town of Hamburg Local Waterfront Revitalization Program.

A public hearing to receive public comments on the proposed amendments to the Town of Hamburg Local Waterfront Revitalization Program will be held on September 13, 2010 at 7:00 p.m. local time. At this time all interested persons may be heard.

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

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

and may also be found at the Town's website www.townofhamburgny.com, click on "Town Documents."

Dated: August 9, 2010

Cathy Rybczynski
Town Clerk
Town of Hamburg

No correspondence was received.

Wendy Salvati, Wendell Duscherer, gives a brief history and description of the LWRP; explains the proposed amendments.

The following spoke concerning the LWRP:

Ferd Garcia, resident, Drew Reilly, Wendy Salvati, George Lee

1.

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 close the public hearing.

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 meetings:

08/09/2010	Town Board Meeting
08/26/2010	Special Meeting

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

RESOLVED, that the Town Board approve the membership of the following into the Lake Shore Volunteer Fire Company, Inc.:

Andrew Incorvia
7 Forest Ridge Drive
Hamburg, N.Y. 14075

Brian Henry Newbigging
4129 Lake Shore Road
Athol Springs, N.Y. 14010

4.

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 October 2010 Taylor Road rentals:

10/1	10/2	10/3	10/8	10/9
10/10	10/15	10/16	10/17	10/20
10/22	10/23	10/24	10/29	10/30

5.

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, the Town Board authorize Lieutenant Peter Dienes to attend the “243rd Session of the FBI National Academy” in Quantico, Virginia, from Sept. 26th - Dec. 10, 2010.

No cost for Lodging and Meals	
Mileage - 400 mi., each way = 800mi. @ .22	\$200.00
plus Tolls (approximately)	
Registration Fee	\$100.00
Uniforms and books (approximately)	<u>\$500.00</u>
TOTAL	\$800.00

Money is available in account B3120.492.

The following spoke concerning resolution #5:

Steve Strnad and Police Chief Williams

6.

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 will receive federal Community Development Block Grant and HOME Investment Partnership funds for use in the 2011 program year, and

WHEREAS, citizen participation is requested in the development of the 2011 program year projects and also to review past program performance.

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to hold public hearings on the use of CDBG and HOME program needs, projects and funding for the 2011 program year.

BE IT FURTHER RESOLVED, that the public hearings be set for the following dates/times and that the appropriate notices be published:

- Wednesday, September 22, 2010 @ 6:00 p.m.
- Wednesday, October 13, 2010 @ 6:30 p.m.
- Wednesday, October 27, 2010 @ 2:00 p.m.
- Saturday, November 13, 2010 @ 2:00 p.m.
- Wednesday, December 1, 2010 @ 6:30 p.m.
- Saturday, December 11, 2010 @ 12:00 p.m.

The following spoke concerning resolution #6:

Steve Strnad, Councilman Collins

7.

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, at the April 8, 2009 Hamburg Town Board Meeting, the Hamburg Town Board authorized the Department of Community Development to enter into a contract with Magavern & Loretto, PC to provide "Confidential Financial Collection & Legal Services" for the Department of Community Development, and

WHEREAS, two clients with loans through the Housing Rehabilitation Loan Program are severely delinquent with their payments or have failed to pay anything from the inception on their loan,

NOW THEREFORE BE IT RESOLVED that the Town Board authorize the Department of Community Development, through its attorney, Magavern & Loretto, PC, to institute legal action against two homeowners/borrowers who have defaulted on their loan agreements under the Town of Hamburg Housing Rehabilitation Loan Program, and

BE IT FURTHER RESOLVED, that the Town Board authorizes Christopher Hull, Director of the Department of Community Development, to execute a Summons and Verified Complaint, and any other documents necessary to prosecute such actions.

8.

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

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

BE IT RESOLVED that the Town of Hamburg extend the present workers' compensation third party claim administration contract with First Niagara Risk Management, Inc. for one (1) additional year, through June 30, 2011. The terms and conditions will remain the same with an annual fee of \$18,844.00.

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the contract extension.

9.

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

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

WHEREAS, the property located at 5641 Greenmeadow Ct was left in an abandoned state.

WHEREAS, as the result of neglect due to the abandonment, the property has become an attractive nuisance to the contiguous neighborhood and the general public.

WHEREAS, due to the property being left in an unsafe manner, the Town Code Enforcement Officer contracted services to secure the property, clean up the property and

make it safe. This action was executed in accordance with Local Law No. 5-1972, Sections 80-5 and 80-6 of the Town of Hamburg.

NOW, THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$125.00. (One Hundred dollars and twenty-five) to Dan Cappola, General Construction, to provide the necessary enclosures in order to secure the building

BE IT FURTHER RESOLVED, for payment of such services, that the Town Board increase appropriations to Account A3620.469 ,(Clean-up of Properties) through Account A1990.419

BE IT FURTHER RESOLVED, the Town Board authorize the Town Attorney to institute the appropriate actions against the owners of the aforementioned properties for recovery of costs incurred by the Town in connection with these proceedings as provided by Local Law #5-1972 Section 80-7.

10.

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, the Hamburg Town Board authorized the Town of Hamburg to enter into an Agreement with Prospect Lawn Cemetery Association on August 9, 2010, to provide funding in monthly installments of \$1,000 commencing on September 1, 2010, and

WHEREAS, under the terms and conditions of the Agreement Prospect Lawn Cemetery Association shall appoint/elect three (3) new directors to its Board of Directors, such persons to be named by the Town,

NOW THEREFORE BE IT RESOLVED that the three appointed/elected directors, named by the Town, to the Prospect Lawn Cemetery Association Board of Directors are authorized as volunteers of the Town of Hamburg, and as such shall be covered by any applicable insurance coverages maintained by the Town of Hamburg for its volunteers, including but not limited to public officials coverage.

The following spoke concerning resolution #10:

Steve Strnad and Supervisor Walters

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

RESOLVED, that the Town Board approve the Transfer of Appropriations for the Highway/B & G Department, within the 2010 Budget, as follows:

From: Central Training & Seminars	A1970.492	\$1,325.00
To: Superintendent of Highways - Seminars	A5010.492	\$750.00
Playgrounds & Rec. Centers - Seminars	A7140.492	\$575.00

For the following classes: DEC Certification; Blood borne Pathogens; NYSDEC Structural & Rodent

12.

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 Donna Gavin to attend “Advanced Microsoft Word 2007” on November 3, 10, and 17 at the Hamburg High School. The cost of the class is \$60.00. Funds are available in A1690.492.

The following spoke concerning resolution #12:

Bob Reynolds, Supervisor Walters and Ken Farrell

13.

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 Senior Services Department and Adult Day Care as follows:

1. Kubasek-Burke, Deborah	Rec. Attd – PT (A6780) ADC	09/13/2010	Terminate
2. Taylor, Kathleen	Rec. Attd – PT (A6780) ADC	09/14/2010	\$8.00
3. Mammoser, David J.	Van Driver – Seas. (A6772)	08/30/2010	Terminate
4. Mammoser, David J.	Van Driver – PT (A6772)	08/31/2010	\$9.25
5. Parker, Nancy	Rec. Attd. – Seas (A6780) ADC	09/06/2010	Terminate
6. Parker, Nancy	Rec. Attd. – PT (A6780) ADC	09/07/2010	\$8.00
7. DiChristopher, Marianne	Rec. Attd. – Seas (A6780) ADC	09/06/2010	Terminate
8. DiChristopher, Marianne	Rec. Attd. – PT (A6780) ADC	09/07/2010	\$8.00
9. Kruska, Joan	Rec. Attd. – Seas (A6780) ADC	09/06/2010	Terminate
10. Kruska, Joan	Rec. Attd. – PT (A6780) ADC	09/07/2010	\$9.25

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

WHEREAS, certain properties within the Town have been neglected or abandoned and as consequence the growth of weeds, grass and other rank vegetation has exceeded twelve inches in height, the standard established by Town of Hamburg Local Law No 9-1974, Village of Blasdell Chapter 95 Article 1, Village of Hamburg Local Law No. 3 - 1998 Section 182-2

WHEREAS, the Town Code Enforcement Official has identified these properties to be violation of said local law and based on his formal inspections has mailed a notice of

16.

On a motion of Councilwoman Ziegler, 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 Domestic Violence Department as follows:

- | | | | |
|---------------------|------------------------|------------|-----------|
| 1. Reynolds, Brigit | Clerk Typist, P/T | 10/12/2010 | Terminate |
| 2. Reynolds, Brigit | Clerk Typist, Seasonal | 10/13/2010 | \$10.38 |

17.

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. Brown, Barbara | Tax Clerk P/T Seasonal | 09/13/2010 | \$9.75 |
| 2. Catanzaro, Beverly | Tax Clerk, P/T Seasonal | 09/13/2010 | \$9.75 |
| 3. Allen, Jacqueline | Clerk P/T | 09/01/2010 | |
| | Terminate | | |

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 authorize the Supervisor to sign an agreement, for a Bicentennial Project, between Faces for Fundraising and the Town of Hamburg Bicentennial Celebration Committee. Funding for this agreement is available in account A6410.436 - Publicity.

The following spoke concerning resolution #18:

Councilman Collins and Supervisor Walters

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, the Town Board authorize the Police Department to advertise for the following vehicles:

- Two (2), New and Unused, 2010 Unmarked Police vehicles, and
- Two (2), Used 2010 Unmarked Police vehicles

Money is available in account B3120.202.

The following spoke concerning resolution #19:

Supervisor Walters Dennis Chapman

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 construction of the extension of the concrete box culvert that conveys Waterfalls Village Creek beneath Howard Road was inspected for the Town of Hamburg by Donald Gallo, Consulting Engineer, who has certified that the work has been satisfactorily completed in accordance with the plans and specifications for the project, and all contract closeout submittal requirements have been complied with,

THEREFORE BE IT RESOLVED, that the Town Board hereby accepts this contract as complete, and approves the release of final payment. The total amount paid under this contract is \$52,325, which is the previously approved contract amount of Gardenville Landscape & Nursery, LLC, the contractor for this project. Federal and State disaster assistance for 87½ percent of the cost of this project has been approved to be received by the Town of Hamburg.

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 adopted Local Law No. 3-2007, a Town Law regulating all aspects of Commercial Wind Energy Conversion Systems (WECS) and,

WHEREAS, Sections 280-343 E. and 280-346 of Article L (WECS) provide for the Town to collect fees from an applicant proposing to develop such systems to cover those costs borne upon the Town associated with the planning review, placement, construction and post construction monitoring of commercial WECS project.

NOW THEREFORE BE IT RESOLVED, the Town Board approve the following fees:

WECS Application Review Fee	\$2000.00 base application and filing fee plus reimbursement of all costs associated with the Town of Hamburg’s review and processing of application for WESC project.
WESC Site Development Fee	\$100.00 base application and filing Fee plus \$0.02 sq. ft. net developed site area.
WECS Permit Fee	\$100.00 base application and filing fee plus \$.0050 per total verified construction cost of each wind turbine (WECS) unit. Fee not to exceed \$5,000. per unit
WESC Post-Construction Annual Permit Fee	\$500.00 (flat fee) per year for each wind turbine (WECS) unit.

The following spoke concerning resolution #21:

Joe Kilian and Supervisor Walters

22.

On a motion of Councilman Smardz, seconded by Supervisor Walters, 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 employees in the Buildings and Grounds Department:

Holland, Michael	Laborer, Seasonal	8/21/10	Terminated
Whalen, Gerald	Laborer, Seasonal	8/14/10	Terminated
Lovullo, Michael	Laborer	8/12/10	Terminated
Cahill, Christopher	Laborer, Seasonal	9/15/10	Terminated
Pawlowski, Rodney	Laborer, Seasonal	9/13/10	Terminated
Pawlowski, Rodney	Laborer	9/14/10	\$21.31/hr (Start)
Gearhart, John	Laborer, Seasonal	9/16/10	Terminated
Gearhart, John	Laborer, Temp. Full Time	9/17/10	\$21.31/hr (Start)
Fiorello, Louis (Start)	Temp. Maintenance Worker	9/14/10	\$25.46/hr

The following spoke concerning resolution #22:

Ferd Garcia and Steve Strnad

23.

On a motion of Councilwoman Ziegler, 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 Recreation Department as follows:

1. Czuprynski, Paul	ER7251(225)	08/21/2010	Terminate
2. Danyluk, John	ER7251(225)	08/21/2010	Terminate
3. Juda, Chelsea	ER7151(225)	08/21/2010	Terminate
4. McGahey, Megan	ER7151(225) Rec. Attendant	08/30/2010	\$8.00 P/T
5. Wicka, John	A6780(100) Reg. Dept ER7251(225) Temp. Dept.	09/13/2010 “	\$7.25 “

6. Bellagamba, Michelle	A7265(230)	08/30/2010	Terminate
7. Benzin, Samantha	A7265(230)	08/30/2010	Terminate
8. Betrus, Thomas	A7265(230)	08/30/2010	Terminate
9. Beyer, Jessica	A7265(230)	08/30/2010	Terminate
10. Canterbury, Carl	A7265(230)	08/30/2010	Terminate
11. Chojecki, Joanne	A7265(230)	08/30/2010	Terminate
12. DiMatteo, Mary	A7265(230)	08/30/2010	Terminate
13. Farrell, Meghan	A7265(230)	08/30/2010	Terminate
14. Ferris, Brian	A7265(230)	08/30/2010	Terminate
15. Feuerstein, Christopher	A7265(230)	08/30/2010	Terminate
16. Feuerstein, Ryan	A7265(230)	08/30/2010	Terminate
17. Higgins, Kali	A7265(230)	08/30/2010	Terminate
18. Jurek, Chelsie	A7265(230)	08/30/2010	Terminate
19. Krasinski, Alexander	A7265(230)	08/30/2010	Terminate
20. Maher, Megan	A7265(230)	08/30/2010	Terminate
21. McGahey, Lindsey	A7265(230)	08/30/2010	Terminate
22. Motz, Melanie	A7265(230)	08/30/2010	Terminate
23. Newton, Katie	A7265(230)	08/30/2010	Terminate
24. Otremba, Steve	A7265(230)	08/30/2010	Terminate
25. Parkin, Jocelin	A7265(230)	08/30/2010	Terminate
26. Reimondo, Rachel	A7265(230)	08/30/2010	Terminate
27. Suchyna, Nathaniel	A7265(230)	08/30/2010	Terminate
28. Walter, Lauren	A7265(230)	08/30/2010	Terminate
29. Walter, Matthew	A7265(230)	08/30/2010	Terminate
30. Ignatius, Christopher	A7310(320) Rec. Attendant	09/13/2010	\$8.16 P?T
31. Lantzy, Raymond	A7310(320) Rec. Attendant	09/13/2010	\$9.00 P/T
32. Mack, Matthew	A7310(320) Rec. Attendant	09/13/2010	\$7.25 P/T
33. Markulis, Mark	A7310(320) Rec. Attendant	09/13/2010	\$7.37 P/T
34. Melewski, Mark	A7310(320) Rec. Attendant	09/13/2010	\$8.74 P/T
35. Anzalone, Anthony	A7265(230) Rec. Attendant	09/13/2010	\$9.78 P/T
36. Brady, Korleen	A7310(320)	09/13/2010	Terminate
37. Brown, William M.	A7310(320)	09/13/2010	Terminate
38. Brown, Robert	A7310(320)	09/13/2010	Terminate
39. Buchanan, Kelly	A7310(320)	09/13/2010	Terminate
40. Dougherty, Megan	A7310(320)	09/13/2010	Terminate
41. Fabin, Bethany	A7310(320)	09/13/2010	Terminate
42. Farrell, Shannon	A7310(320)	09/13/2010	Terminate
43. Feuerstein, Gerald	A7310(320)	09/13/2010	Terminate
44. Geroci, Jessica	A7310(320)	09/13/2010	Terminate
45. Gorcia, Kelly	A7310(320)	09/13/2010	Terminate

46. Hagen, Jonathan	A7310(320)	09/13/2010	Terminate
47. Hatton, Casey	A7310(320)	09/13/2010	Terminate
48. Hauser, Matthew	A7310(320)	09/13/2010	Terminate
49. Hernandez, Kaitlyn	A7310(320)	09/13/2010	Terminate
50. Hietanen, Benjamin	A7310(320)	09/13/2010	Terminate
51. Hoffman, Paul	A7310(320)	09/13/2010	Terminate
52. Hosken, Maureen	A7310(320)	09/13/2010	Terminate
53. Kmidowski, Brian	A7310(320)	09/13/2010	Terminate
54. Lewis, Lyndsay	A7310(320)	09/13/2010	Terminate
55. LoRusso, Joseph	A7310(320)	09/13/2010	Terminate
56. Ludwig, Emily	A7310(320)	09/13/2010	Terminate
57. MaAnaney, Patrick J.	A7310(320)	09/13/2010	Terminate
58. McAnaney, Patrick Jay	A7310(320)	09/13/2010	Terminate
59. Monaco, Trey	A7310(320)	09/13/2010	Terminate
60. Morgante, Peter	A7310(320)	09/13/2010	Terminate
61. Nelson, Gay Lynn	A7310(320)	09/13/2010	Terminate
62. Patakey, Cathrine	A7310(320)	09/13/2010	Terminate
63. Patronik, Nicholas	A7310(320)	09/13/2010	Terminate
64. Podyma, Brandon	A7310(320)	09/13/2010	Terminate
65. Rednoz, Elizabeth	A7310(320)	09/13/2010	Terminate
66. Reger, Christopher	A7310(320)	09/13/2010	Terminate
67. Rich, Kimberly	A7310(320)	09/13/2010	Terminate
68. Rich, Sara	A7310(320)	09/13/2010	Terminate
69. Rogers, Josh	A7310(320)	09/13/2010	Terminate
70. Rindfus, James	A7310(320)	09/13/2010	Terminate
71. Smith, Meghan	A7310(320)	09/13/2010	Terminate
72. Tobia, Katie	A7310(320)	09/13/2010	Terminate
73. Traina, Rachele	A7310(320)	09/13/2010	Terminate
74. Vara, Amanda	A7310(320)	09/13/2010	Terminate
75. Warhol, Edward	A7310(320)	09/13/2010	Terminate
76. Zacchigna, Paul	A7310(320)	09/13/2010	Terminate
77. Zeis, Olivia	A7310(320)	09/13/2010	Terminate
78. Kumiega, Mark	A7265(230)	09/13/2010	\$8.00 P/T
	Rec. Attendant		
79. Wellner, Kevin	A7310(320)	09/13/2010	Terminate
80. Ryan, Wendy	A7180(215)	09/13/2010	Terminate

24.

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 waive the reading of the resolution #25 due to the length of the resolution with an explanation to follow.

25.

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

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

REFUNDING BOND RESOLUTION
September 13, 2010

A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE TOWN OF HAMBURG, ERIE COUNTY, NEW YORK, IN THE AMOUNT OF \$3,500,000 TO ADVANCE REFUND THE TOWN OF HAMBURG \$5,655,000 PUBLIC IMPROVEMENT SERIAL BONDS - 2002.

WHEREAS, the TOWN OF HAMBURG, in the County of Erie, by its Town Council has determined it necessary for the Town the Town would benefit from a current refunding of the Town of Hamburg \$5,655,000 Public Improvement Serial Bonds - 2002 (the "Refunded Bonds") because the present value of the total payments of both principal and interest to become due on the refunding bonds is less than the present value of the principal and interest payments to become due at their stated maturities on the principal amount of bonds to be refunded that are outstanding as of the date of the issue of the refunding bonds after deducting therefrom all costs and expenses incidental to the issuance of the Town of Hamburg Refunding Bonds - 2010 (the "Refunding Bonds").

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of Hamburg, Erie County, New York, as follows:

Section 1. The Refunding Bonds are issued pursuant to Section 90.00 of the New York State Local Finance Law (the "Local Finance Law").

Section 2. The Refunded Bonds, dated June 1, 2002 and pursuant to a resolution adopted by the Town Board on March 11, 2002, were issued for certain public improvements, including resurfacing streets and roads, reconstructing town buildings, reconstructing library buildings, constructing a senior van storage building, and improvements to town parks (the "Project"). The Refunded Bonds were issued in fully registered form and were registered in the name of Cede & Co., as nominee of The Depository Trust Company. Interest on the Bonds is payable semi-annually on June 1 and December 1 of each year until maturity and commenced on June 1, 2003.

Section 3. The maximum period of probable usefulness of the Project at the time of the Refunded Bonds was fifteen (15) years.

Section 4. The advance refunding is hereby authorized for \$3,500,000.00. This amount does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law.

Section 5. It is hereby determined that the maximum maturity of the bonds herein authorized will not be in excess of seven (7) years.

Section 6. The plan for the advance refunding is by the issuance of general obligation serial bonds of the Town in an aggregate principal of \$3,500,000.00, which is hereby authorized to be issued therefore pursuant to the Local Finance Law.

Section 7. The faith and credit of the Town of Hamburg, Erie County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the chief fiscal officer of the Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution shall be published in full in the official newspaper of the Town, which is hereby designated as the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is subject to permissive referendum and shall not become effective until either approved by the qualified voters of the Town pursuant to a petition being filed or 30 days shall have expired without a petition being filed.

Section 13. The principal amount of Refunding Bonds does not exceed an amount sufficient to pay the sum of (a) the principal amount of the Refunded Bonds, which is outstanding as of the date of issue of the Refunding Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to, and including, either the date or dates such bonds mature or, if such bonds are to be called for redemption prior to their maturities, the date or dates set for such redemption in accordance with the refunding financial plan, (c) redemption premiums, if any, payable on the Refunded Bonds as of such redemption date or dates, and (d) costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the escrow contract and all fees and charges of the escrow holder.

Section 14. The amounts used to accomplish the refunding shall require debt service payments of

2010	\$ 7,921.25
2011	511,016.25
2012	512,719.00
2013	513,534.25
2014	518,201.25
2015	516,200.00
2016	517,008.00
2017	515,941.50

The total savings in principal and interest is \$173,058.54. The gross present value debt service savings is \$164,966.62. The net present value cash flow savings at 1.711% Average Incremental Cost is \$164,966.62. The contingency or rounding amount is

\$2,206.91. Therefore, the net present value benefit is \$167,173.53. The effective net present value benefit is 4.924%.

Section 15. The Supervisor, as the chief fiscal officer of the Town, shall file with the finance board a certificate, approved by the state comptroller, which shall be final and conclusive upon all parties, setting forth the present value of the total debt service savings to the issuer resulting from the issuance of the Refunding Bonds computed in accordance with the provisions of § 90.10(b)(2)(a) of the Local Finance Law, except that the actual amount, rather than an estimate, of the amount of accrued interest to be paid on such bonds shall be used in determining the effective interest cost thereof. The certificate shall be in the form and shall contain such information as shall be prescribed by the state comptroller. The certificate shall not be approved until ten days after the filing of such certificate in the office of the state comptroller.

Section 16. The Town elects to call in and redeem such portion of the bonds to be refunded as is to be called for payment prior to the date of their maturity in accordance with Section 14 hereof. The escrow holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided by Section 53.00(a) of the Local Finance Law.

Section 17. The Supervisor, as the chief fiscal officer of the Town, is hereby delegated the duty to contract on behalf of the Town with a bank or trust company located and authorized to do business in this state for the purpose of having such bank or trust company act as the escrow holder of the proceeds, inclusive of any premium, from the sale of such Refunding Bonds, together with all income derived from the investment of such proceeds, and any other moneys to be provided by such issuer to effectuate the refunding financial plan.

Supervisor Walters explains resolution #25.

26.

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, Town Highway Superintendent Tom Best wishes to expand the existing Highway Garage Facility for the expressed purpose of sheltering highway equipment and,

WHEREAS, projected cost estimates to construct the necessary accommodations for such purpose have been established to be \$615,000.00, and

WHEREAS, the actual cost is \$494,944.00.

NOW, THEREFORE BE IT RESOLVED, that the Town Board approve the borrowing of \$500,000.00 from the Town Outside Village Fund, allocated into the Capital Projects Fund Account No. H265130.304 (Highway Equipment Storage Project).

The following spoke concerning resolution #26:

Ferd Garcia and Supervisor Walters

27.

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

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

WHEREAS, bids were opened on August 31, 2010 for the Town of Highway Department Garage Addition Project and,

WHEREAS, Eight (8) responsive bids were received and are summarized as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alt. Bid</u>	<u>Total</u>
Building Innovation Group	\$ 430,792.00	\$ 64,152.00	\$ 494,944.00
Picone Construction Corporation	\$ 456,789.00	\$ 65,800.00	\$ 522,589.00
Kirst Construction, Inc.	\$ 450,000.00	\$ 85,800.00	\$ 535,800.00
Kulback's Construction, Inc.	\$ 473,000.00	\$ 69,434.00	\$ 542,434.00
The Peyton Barlow Company, Inc.	\$ 504,000.00	\$ 93,000.00	\$ 597,000.00
Hadala Construction, Inc.	\$ 516,000.00	\$ 91,000.00	\$ 607,000.00
Sicoli Construction Services, Inc.	\$ 533,000.00	\$ 84,600.00	\$ 618,300.00
Sicoli & Massaro, Inc.	\$ 652,700.00	\$109,000.00	\$ 761,700.00

WHEREAS, the bids have been reviewed by Town Highway Superintendent Tom Best with the assistance of Kurt Allen, Project Consultant/Manager who have collectively determined that Building Innovation Group is a qualified and responsible bidder and recommends the contract be awarded to them.

NOW, THEREFORE BE IT RESOLVED, that the contract for Town of Highway Department Garage Addition Project be awarded to Building Innovation Group of East Rochester New York for Contract GC-1 (Base Bid) and Alternate Bid in the total amount of \$494,944.00, and that Town Highway Superintendent is authorized to sign the contractual agreement with their firm in addition to issuing the Notice of Award and Notice to Proceed. Funding for this project is available in Capital Account No. H265130.304 (Highway Equipment Storage Project)

The following spoke concerning resolution #27:

Councilman Collins, Kurt Allen, Kenneth Farrell, Councilman Gorman, Dennis Chapman, Bob Reynolds, Ferd Garcia

28.

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 authorize Sean Crotty, Jack Chiappone and Jeff Sweetland to attend “APCO” Crisis Negotiations for Telecommunicators Course, September 22, 2010 in Batavia, New York. Cost of Seminar is \$199.00 per student and monies are available in account A3020.492; total cost is \$597.00; use of Town vehicle is requested.

TOTAL CAPITAL FUND DISBURSEMENTS:		\$373,816.40
PAYROLL:		
PR #17	\$685,164.54	
PR #18	\$614,828.30	
TOTAL PAYROLL DISBURSEMENTS:		\$1,299,992.84
PETTY CASH	\$161.04	\$161.04
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$3,317,361.30

Reports from Town Board Members and Department Heads

Councilman Collins reports that the Hamburg Community Development Department did reach out to a number of business entities to try and work out funding so they can come in and open up something; the projects are listed; he gets the reports if anyone is interested.

Supervisor Walters thanks everyone who attended the 911 remembrance ceremony and reminds everyone of the Pearl Harbor remembrance ceremony in a few months.

Catherine A. Rybczynski, Town Clerk, reports that Tax bills are out and collection has begun.

Martin Denecke, Director of Recreation, announces that the Hamburg Town Arena opens for iceskating on Saturday, September 18th.

Tom Best, Highway Superintendent, comments on the Erie County Agricultural Society; all of the property; buildings and money generated that are tax free; he will pursue making sure that they pay their fair share of taxes and the Town of Hamburg should pursue that as well.

Police Chief Michael Williams reports the Town of Hamburg received a grant to combat methamphetamines and as a result of that grant the Hamburg Police Department was able to close down a meth lab on Parker Road; thanks to the officers responsible.

Business from the Floor

The following spoke concerning taxing the Erie County Agricultural Society:

Ferd Garcia

The following spoke on damage to the prop of his boat at the Town boat launch:

John DiMaria

The following spoke concerning the early retirement incentive:

Steve Strnad and Supervisor Walters

The following spoke concerning the Armor Inn:

Joe Kilian and Supervisor Walters

The following spoke concerning thanking the Town for repairs to Fairgrounds Road:

Bob Reynolds

The following spoke concerning the bus turn around at Milestrip and Abbott Road:

Ms. Abbott

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	

RESOLVED, that the Town Board move into Executive Session at 8:22 p.m. on a personnel matter on a specific employee.

31.

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 10:05 p.m.

Catherine A. Rybczynski, Town Clerk