

A regular meeting of the Town Board 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 14<sup>th</sup> day of September, 2009.

**TOWN BOARD MEMBERS**

**PRESENT:**

Steven J. Walters	Supervisor
Joan M. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman
Kevin Smardz	Councilman

**OTHERS PRESENT:** Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Gerard Kapsiak, Town Engineer; Martin Denecke, Director of Recreation, Robert Hutchison, Town Assessor, Michael Williams, Assistant Chief of Police, Rick Krautsack, Deputy Highway Supervisor, Tim Regan, Community Development Assistant, Tim Ellis, Traffic Safety Coordinator, Kurt Allen, Supervising Code Enforcement Officer, Andrew Reilly, Planning Consultant

Pledge of Allegiance was recited.

Information on fire exits was provided.

Councilman Quatroche asks everyone for a moment of silence for Paul Burke who was on the Shoreline Revitalization Committee for about 20+ years passed away. Paul was always an active member of the community.



**NOW, THEREFORE BE IT RESOLVED**, that the Town Board approve the payment of \$350. (Three Hundred and fifty dollars) to Dan Cappola, General Construction, to provide the necessary enclosures in order to secure the building

**BE IT FURTHER RESOLVED**, the 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 Attorney institute the proper procedures to collect reimbursement of \$350.

Ferd Garcia questions if this is Maple Ave in the village and questions why the Town is taking that over.

Supervisor Walters responds that it is and in 2007 the Town and village building inspections merged.

**4.**

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

ADOPTED                      Ayes 4                      Walters, Kesner, Quatroche, Smardz  
    Noes 0

**WHEREAS**, Anthony Ervolina applied for a building permit #2009-971; to construct a fence located at 2269 Oakley Place.

**WHEREAS**, the property owner decided not to build the fence,

**THEREFORE BE IT RESOLVED**, that Anthony Ervolina be issued a refund for the building permit in the amount of \$35.00:

Anthony Ervolina  
2269 Oakley Place  
Lakeview, New York 14085

**5.**





resolution was

ADOPTED

Ayes 4

Walters, Kesner, Quatroche, Smardz

Noes 0

**RESOLVED**, that the Town Board approve the hiring of 7 and terminations of 68 in the Recreation Department as follows:

1. Blake, Christopher	Rec. Att'd	09/13/09	Terminate
2. Cannan, Sean	Rec. Att'd	09/13/09	Terminate
3. Denecke, Patrick	Rec. Att'd	09/13/09	Terminate
4. Hibbard, Kyle	Rec. Att'd	09/13/09	Terminate
5. McGahey, Megan	Rec. Att'd	09/07/09	Terminate
6. Clendening, Robert	Rec. Att'd P/T	09/14/09	10.84
7. Horwood, Nicholas	A7270(238)	08/28/09	Terminate
8. Tenebruso, Alexandra	Rec. Att'd P/T	09/08/09	\$7.37
9. Nelson, Brett	Rec. Att'd P/T	09/10/09	\$8.22
10. Greenauer, Josh	Rec. Att'd P/T	09/14/09	\$9.50
11. Smith, Kelly	Lifeguard P/T	09/14/09	\$8.00
12. Tutuska, Dennis	Rec. Att'd Seas P/T	09/14/09	\$8.75
13. Benzinger, Michael	Rec. Att'd	09/13/09	Terminate
14. Czuprynski, Paul	Rec. Att'd	09/13/09	Terminate
15. Danyluk, John	Rec. Att'd	09/13/09	Terminate
16. Juda, Chelsea	Rec. Att'd	09/13/09	Terminate
17. McFall, John	Rec. Att'd	09/13/09	Terminate
18. Arouni, Paul	Lifeguard	09/13/09	Terminate
19. Bagle, Jamie	Lifeguard	09/13/09	Terminate
20. Brown, Robert	Lifeguard	09/13/09	Terminate
21. Brown, William	Lifeguard	09/13/09	Terminate
22. Buchanan, Kelly	Lifeguard	09/13/09	Terminate
23. Cannan, Colleen	Lifeguard	09/13/09	Terminate
24. Carpenter, Katelyn	Lifeguard	09/13/09	Terminate
25. Cavaretta, Peter	Lifeguard	09/13/09	Terminate
26. Czuprynski, Alex	Lifeguard	09/13/09	Terminate
27. Dougherty, Megan	Lifeguard	09/13/09	Terminate
28. Doyle, Kristen	Lifeguard	09/13/09	Terminate
29. Feurstein, Jerry	Lifeguard	09/13/09	Terminate
30. Geraci, Jessica	Lifeguard	09/13/09	Terminate
31. Gordon, Andrew	Lifeguard	09/13/09	Terminate
32. Hernandez, Kaitlyn	Lifeguard	09/13/09	Terminate
33. Hoffman, Paul	Lifeguard	09/13/09	Terminate
34. Lipomi, Alicia	Lifeguard	09/13/09	Terminate
35. Lorusso, Joseph	Lifeguard	09/13/09	Terminate
36. Markulis, Mark	Lifeguard	09/13/09	Terminate
37. McAnaney, Patrick Jay	Lifeguard	09/13/09	Terminate

38. Monaco, Trey	Lifeguard	09/13/09	Terminate
39. Morgante, Peter	Lifeguard	09/13/09	Terminate
40. Nelson, Gaylynn	Lifeguard	09/13/09	Terminate
41. O'Mara, Allyson	Lifeguard	09/13/09	Terminate
42. Ork, Elizabeth	Lifeguard	09/13/09	Terminate
43. Parkin, Jocelin	Lifeguard	09/13/09	Terminate
44. Rice, Morgan	Lifeguard	09/13/09	Terminate
45. Rich, Katherine	Lifeguard	09/13/09	Terminate
46. Rich, Sara	Lifeguard	09/13/09	Terminate
47. Rindfus, James	Lifeguard	09/13/09	Terminate
48. Tobia, Vincent	Lifeguard	09/13/09	Terminate
49. Worhol, Edward	Lifeguard	09/13/09	Terminate
50. Zeis, Olivia	Lifeguard	09/13/09	Terminate
51. Allier, Christopher	Rec. Att'd	09/13/09	Terminate
52. Allen, Jacqueline	Rec. Att'd	09/05/09	Terminate
53. Battin, Megan	Rec. Att'd	09/13/09	Terminate
54. Beyer, Jessica	Rec. Att'd	09/13/09	Terminate
55. Canterbury, Carl	Rec. Att'd	09/13/09	Terminate
56. Chojecki, Jessica	Rec. Att'd	09/13/09	Terminate
57. Chojecki, Joanne	Rec. Att'd	09/13/09	Terminate
58. Glose, Matthew	Rec. Att'd	09/13/09	Terminate
59. Greenauer, Lee Ann	Rec. Att'd	09/13/09	Terminate
60. Gugliuzza, Andrew	Rec. Att'd	09/13/09	Terminate
61. McGahey, Lindsey	Rec. Att'd	09/13/09	Terminate
62. Motz, Mellanie	Rec. Att'd	09/13/09	Terminate
63. Newton, Katie	Rec. Att'd	09/13/09	Terminate
64. Otremba, Steve	Rec. Att'd	09/13/09	Terminate
65. Smith, Joseph	Rec. Att'd	09/13/09	Terminate
66. Walsh, Erin	Rec. Att'd	09/13/09	Terminate
67. Duzkiewicz, Christopher	A7180(215)	09/13/09	Terminate
68. Janicki, Alison	A7180(215)	09/13/09	Terminate
69. Lane, Sean	A7180(215)	09/13/09	Terminate
70. Maher, John	A7180(215)	09/13/09	Terminate
71. Michalek, John Connor	A7180(215)	09/13/09	Terminate
72. Smith, Elizabeth	A7180(215)	09/13/09	Terminate
73. Ryan, Wendy	A7180(215)	09/13/09	Terminate
74. Ignatius, Christopher	Rec. Att'd P/T	09/14/09	\$8.16

**10.**

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

ADOPTED                      Ayes 4                      Walters, Kesner, Quatroche, Smardz  
    Noes 0

**BE IT RESOLVED**, that the Town Engineer's report on the completion and acceptance of the VILLAS AT BROMPTON SUBDIVISION PHASE 2 work performed under Public Improvement Permit Nos. 944, 945, 946, 947, and 948 be received and accepted, and that the Supervisor is authorized to sign the report, and

**BE IT FURTHER RESOLVED**, that the Town of Hamburg agrees to pay the Erie County Water Authority the annual hydrant fee for the maintenance of two (2) new hydrants installed as part of the subdivision work, and

**BE IT FURTHER RESOLVED**, that the Town Board authorize New York State Electric & Gas (NYSEG) to connect three (3) 50-watt high pressure sodium luminaries in accordance with the existing rate tariff, and

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be provided to the Engineering Department for transmittal to NYSEG, and that this resolution becomes effective on the day the report is signed by the Supervisor.

**11.**

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

ADOPTED                      Ayes 4                      Walters, Kesner, Quatroche, Smardz  
    Noes 0

**WHEREAS**, the Town of Hamburg has previously issued, to various Engineering firms, a "Request for Quote for Professional Services for Nike Base Sports Complex", to review the current and projected future status and integrity of the Ice Arena structure and all related operational systems, including but not limited to mechanical, electrical, HVAC, plumbing, etc., and

**WHEREAS**, five (5) proposals were received from the following firms:

- 1) Wendel Duchscherer Architects & Engineers
- 2) Trautman Associates
- 3) Watts Architecture & Engineering, P.C.
- 4) Nussbaumer & Clarke, Inc.
- 5) Buffalo Engineering, P.C.

**WHEREAS**, the proposals have been reviewed by the Town Attorney and Recreation Director who have determined that Wendel Duchscherer Architects & Engineers are experienced and qualified in projects of this type, and that their fee is reasonable and acceptable for the services to be provided,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board authorize Supervisor Walters to sign an agreement with Wendel Duchscherer Architects & Engineers to provide professional services for the Nike Base Sports Complex to review the current and projected future status and integrity of the Ice Arena structure and all related operational systems, including but not limited to mechanical, electrical, HVAC, plumbing, etc.

Councilwoman Kesner questions how much this is.

Ken Farrell responds that it is \$20,800.00 the rest of the funds for the contract are being paid for by the Recreation Trust and Agency Fund. Gerard Kapsiak is working on another grant called the Energy Efficiency & Conservation Block Grant Program.

**12.**

Resolution pulled.

**13.**

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

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smardz
	Noes 0	

**RESOLVED**, that the Town Board approve the request of Town Assessor, Bob Hutchison to attend a free Pictometry seminar on September 16, 2009 in Rochester, New York.

**14.**

On a motion of Councilwoman Kesner, seconded by Councilman Quatroche, the following resolution was

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smardz
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1. Anzalone, Anthony	Rec. Att'd P/T	09/15/09	\$9.78
2. Diplock, Megan	Rec. Att'd P/T	09/15/09	\$7.88
3. Lantzy, Josh	Rec. Att'd Seas	09/15/09	\$7.37

**21.**

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

ADOPTED                      Ayes 4                      Walters, Kesner, Quatroche, Smardz  
     Noes 0

**WHEREAS**, on June 1, 2009 the Hamburg Town Board authorized the Department of Community Development to advertise for bids for the 2009 Waterline Reconstruction project, and

**WHEREAS**, the bids were opened on September 11, 2009 at 11:00 a.m. and subsequently reviewed by the Departments of Community Development and Engineering, Malcolm Pirnie, Inc., Nussbaumer & Clarke and representatives of both Villages, and

**WHEREAS**, the following contractors submitted bids on the project which was based upon the total bid for all four project areas.

<u>Contractor:</u>	<u>Bid "C-1":</u>	<u>Bid "C-2":</u>
E&R General Construction	\$ 531,253.00	\$ 526,823.00
Man O Trees	\$ 886,238.50	\$ 886,320.50
Marwal	\$ 963,268.83	\$ 960,318.83
Visone Construction	\$1,001,298.00	\$ 999,218.00
New Frontier Excavating	\$1,073,052.13	\$1,073,052.13

**NOW, THEREFORE BE IT RESOLVED**, that the Hamburg Town Board authorize the Department of Community Development to accept the bid of and enter into a contract with E&R General Construction to complete the 2009 Waterline Reconstruction project for the Town of Hamburg which includes the CDBG projects for the Villages of Blasdell and Hamburg. Funding for the contract is available in the following accounts: CD34-Recovery Act/Stimulus Funds; CD 35 8662.354; CD 35 8662.355; Town of Hamburg Bond Fund issued for the project.

**22.**

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

ADOPTED                      Ayes 4                      Walters, Kesner, Quatroche, Smardz  
     Noes 0



## VOUCHER #'S

## OPERATING FUND:

BATCH # 81	\$600.00	35676
BATCH # 82	\$77,777.59	35677-35772
BATCH # 83	\$255,249.95	35780-35869
BATCH # 84	\$500.00	35870
BATCH # 85	\$14,854.00	35871
BATCH # 86	\$160,779.13	35872-25980
BATCH # 87	\$39,146.27	35984
BATCH # 88	\$1,400,000.00	35985
BATCH # 89	\$332,809.09	35986-36076
BATCH # 90	\$94,243.53	36090-36150
BATCH # 91	\$331,028.55	36151-36224
BATCH # 92	\$204,540.38	36235-36306
BATCH # 93	\$719.39	36307
BATCH # 94	\$69,478.70	36308-36369
BATCH # 95	\$39,028.84	36378-36458
BATCH # 96	\$20,975.14	36459

## TOTAL OPERATING FUND DISBURSEMENTS:

\$3,041,730.56

## TRUST &amp; AGENCY:

BATCH # 20	\$10,900.00
BATCH # 21	\$51,098.22
BATCH # 22	\$10,000.00
BATCH # 23	\$3,500.00
BATCH #	
BATCH #	

## TOTAL TRUST &amp; AGENCY DISBURSEMENTS:

\$75,498.22

## CAPITAL FUND DISBURSEMENTS:

BATCH # 45	\$5,371.29	35672-35675
BATCH # 46	\$1,039,580.00	35981-35983,
BATCH # 47	\$54,601.82	35773-35779
BATCH # 48	\$148,490.58	36077-36089
BATCH # 49	\$236,538.07	36225-36235
BATCH # 50	\$58,164.91	36370-36377
BATCH #		

## TOTAL CAPITAL FUND DISBURSEMENTS:

\$1,542,746.67

## PAYROLL:

P/R # 16	\$638,910.08	
P/R # 17	\$643,130.06	
P/R # 18	\$750,553.02	
<b>TOTAL PAYROLL DISBURSEMENTS:</b>		<b>\$2,032,593.16</b>
<b>PETTY CASH</b>		<b>\$0.00</b>
<b>TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:</b>		<b>\$6,692,568.61</b>

### **Reports of the Town Board**

Councilman Smardz reports that Erie County performed an onsite assessment of the Senior Services and the Town of Hamburg came back with a very positive score.

Supervisor Walters recognizes Jim Eberhardt for receiving the Code Enforcement Official of the year by New York State. Also the Town of Hamburg has recently signed a memorandum of understanding with the Lakeshore Vol. Fire Co. and Woodlawn Vol. Fire Co. for the Town's new fueling policy through Mobil and they decided to get on board with this to save money for the taxpayers. Lastly, since the last board meeting a petition was filed with the Town Clerk's Office regarding the downsizing of the Town Board. The Town Board has learned that an invitation to hold a debate has been extended to the Town Board and as of today an invitation has not been received by the Supervisor's Office nor the Town Clerk's Office. The board would like to officially reach out to Kevin Gaughan and his organization to hold an informational meeting. This will be an opportunity for the residents to hear the pros and cons of the downsizing.

Catherine Rybczynski, Town Clerk, reports receiving from the Office of the County Executive, a public notice that reads:

**PUBLIC NOTICE**  
**30 DAY PERIOD**  
**FOR INCLUSION OF LANDS**  
**INTO AN AGRICULTURAL DISTRICT**  
**FOR 2009**

The Erie County Legislature on September 23, 2004 designated November 1<sup>st</sup> through November 30<sup>th</sup> as the annual thirty-day period during which land owners may submit requests to include

predominately viable agricultural land into an existing certified agricultural district as per New York State Agricultural and Markets Law Section 303-b.

The Erie County Department of Environment and Planning (ECDEP) (Room 1063) at 95 Franklin Street Buffalo, New York 14202 will accept applications for addition into an agricultural district.

Town Supervisors, Clerks and Assessors in Erie County and ECDEP at the above-mentioned address have copies of the application form to provide to any persons requesting them.

If you have any questions or problems concerning the 30 day period process, please contact ECDEP Planner John Opalka at (716) 858-6229.

Catherine Rybczynski, Town Clerk, also publicly thanks Legislator Reynolds who helped the police department get the vaccinations for our dog control officers. They are finally getting their vaccination in October. Also, publicly thank Assemblyman Quinn who helped establish a veterans outreach office in Town Hall, that will open sometime in October. There will be more information coming on that too.

Gerard Kapsiak notes that regarding the waterline project the low bid on that was \$531,253.00 which was about \$200,000 less than the engineer's estimate for the project. This is being funded in part by Community Development funds and Town of Hamburg bond funds. There will be a computer electronics recycling day coming up on Saturday, September 26<sup>th</sup> at ECC South Campus from 9:00 am- 1:00 pm.

Marty Denecke reports the Town Arena opens for ice on Saturday, September 19<sup>th</sup>.

Tim Regan recaps what Mr. Kapsiak reported that there was several hundred thousand dollars saved on the waterline.

Assistant Chief Williams reports that the Dispatch Department is scheduled to move to the new office tomorrow.

### **New Business from the Floor**

John Haffner questions if there is any more news on the round a bout at South Park and Big Tree and most of the residents are against it including the Big Tree Fire Co.

Supervisor Walters responds that when they had the public meeting several month ago Mr. Ellis, Mr. Kapsiak and he was there. He expressed some concerns to the State and the State seems to be pretty set to go forward with the round a bout. The Town Board has not taken any official action in terms of being for or against the project. He asks Mr. Ellis if at their next meeting review the proposal and send a recommendation to the Town Board as to whether it's something they should officially go on

record against.

Tim Ellis responds that he will do that. They have received the notification from the State that they intended to go through with this about a month ago.

Councilwoman Kesner asks if there is correspondence from the residents opposing this.

Mr. Ellis will check into this and report back.

Douglas Eich notes he is against curb cut for K-Tech (Ravenwood). They propose a single curb cut for both properties, if this goes through, plan on multiple curb cuts.

Drew Reilly responds that when the applicant came in they were advised that it was not allowed. If they proceed it would be their decision and their costs and change the findings. Originally when Ravenwood was put in the decision was there would only be one access onto Bayview Rd.

Harry Howald notes they have a noise problem at Woodlawn Beach with the trains. There is a petition going around and will be brought to the Town Board.

Supervisor Walters notes that he and Mr. Allen will investigate this to see what can be done.

Ron Biersback questions resolution #12 that was dropped. He sent a letter to the Board members to let them know the concerns about increased traffic, increased use of parking lot as playground. They are not in favor of that and would like the neighborhood to remain an R-1

Supervisor Walters thanks Mr. Biersback and the other residents who wrote letters and they are the reason this resolution was pulled. Originally it was the Board's understanding that there was not any opposition in the neighborhood regarding this.

Laura Podkulski questions if there is any new information on the Tops rezoning on McKinley.

Supervisor Walters responds that at this point the Town Board is not prepared to move forward in any way with the Tops rezoning at this time. They need time to sit down with the developer to discuss some issues first.

Mike Maher updates the Board that an agreement has been reached with Ryan Homes and Eddy & Lewin as to what will be built on the lots. It's not totally completed but it's agreed upon. He thanks all Town employees and Supervisor Walters, Ken Farrell and Kurt Allen for all the help they provided to get to this agreement.

Steve Strnad questions who is doing Tom Best's job as Town Board member in his absence.

Supervisor Walters responds that each board member has taken on a little more .



