

Supervisor Walters calls the meeting to order at 6:05 p.m.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Thomas M. Best, Sr.	Councilman
Thomas Quatroche, Jr.	Councilman
Kevin Smardz	Councilman

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Drew Reilly, Planning Consultant

1.

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

ADOPTED:	Ayes 4	Walters, Best, Quatroche, Smardz
	Noes 0	

BE IT RESOLVED, the Town Board authorizes the Finance Department to increase appropriation account A1410.203 Office Equipment in the amount of \$6155.00. This will be funded through account A599 Appropriated Fund Balance (STAR funding), and

BE IT FURTHER RESOLVED, the Town Board authorizes the purchase of seven Dell Pentium Computers and one HP printer at a total cost of \$6154.98. Funds are available in account A1410.203.

2.

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

ADOPTED: Ayes 4 Walters, Best, Quatroche, Smardz
 Noes 0

BE IT RESOLVED, that the Town Clerk is authorized to advertise for a public hearing on the 2008 Town of Hamburg Budget. The hearing is to be scheduled for October 27, 2008 at 7:00 p.m. local time.

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to advertise for a public hearing on the Capital Improvements Program. The hearing is to be scheduled for October 27, 2008 at 7:00 p.m. local time.

3.

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

ADOPTED: Ayes 4 Walters, Best, Quatroche, Smardz
 Noes 0

WHEREAS, there is pending litigation, JANICE CONSTABLE and PAUL CONSTABLE, Erie County Supreme Court Index Number 2006-10982, and

WHEREAS, counsel for the parties have exchanged pleadings, conducted discovery and various other proceedings, and have engaged in settlement negotiations, and

WHEREAS, the Defendant has advised they would accept the sum of \$6,000 in full and final satisfaction of all claims, and

WHEREAS, counsel for the Town of Hamburg, Lewis & Lewis recommends that the Town pay the sum of \$6,000, in settlement of this claim based on the following:

- a) Settlement is recommended by defense counsel for the Town retained to defend the Town of Hamburg
- b) Although liability is somewhat tenuous, certain factual issues have been raised concerning potential negligence
- c) Injuries are severe; the plaintiff suffered a fractured right leg and a burst fracture of the L1 vertebrae; plaintiff also underwent right shoulder surgery, and spinal surgery with hardware implantation
- d) The amount of the settlement is significantly less than the cost of continued defense and trial

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg pay the Plaintiff the sum of \$6,000 in full and final satisfaction of all claims against the Town of Hamburg in the action JANICE CONSTABLE and PAUL CONSTABLE VS. TOWN OF HAMBURG, Erie County

Supreme Court Index Number 2006-109812. Payment is to be made upon receipt of signed General Release and Stipulation of Discontinuance of this action from the Plaintiff.

4.

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

ADOPTED: Ayes 4 Walters, Best, Quatroche, Smardz
 Noes 0

WHEREAS, the Town’s current computer system servers and backup systems are in need of significant improvement, and

WHEREAS, these systems house information that is critical to Town operations and services provided to residents, and

WHEREAS, the town has studied the most effective ways to deal with both current and future computer requirements, and

WHEREAS, after study of Town systems, it has been determined that the acquisition of new servers with virtualization and SAN backup is the most efficient and cost effective solution to Town system requirements

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorize the purchase of such computer equipment and installation at a cost not to exceed \$80,000.

BE IT FURTHER RESOLVED, that the Town Board authorizes the transfer of funds within the Town’s 2008 adopted budget to provide for the cost of such computer equipment, as follows:

Increase Appropriations:

General Fund (funds 60% of cost):

A1680.207 Central Data Processing-Equipment \$48,000.00

Part Town Fund (funds 40% of cost):

B1680.207 Central Data Processing-Equipment \$32,000.00

Decrease Appropriations:

General Fund (funds 60% of cost):

A1680.423 Central Data Processing-Service Contracts \$20,000.00

A9950.975 Transfer to Capital Projects \$28,000.00

Part Town Fund (funds 40% of cost):

B9060.860 Employee Benefits-Health Ins.

\$32,000.00

Supervisor Walters notes that this will have a couple benefits to the Town. The first being reducing the servers from ten to two for the entire Town and also take two of the existing servers and create an internal back up system. This way if the servers go down the back up can be put in place and functions can continue.

5.

On a motion of Councilman Quatroche, with a unanimous second, the following resolution was ADOPTED: Ayes 4 Walters, Best, Quatroche, Smardz
 Noes 0

WHEREAS, the New York State Local Government Commission on Efficiency and Competitiveness has made certain recommendations to the Governor which affects the operation of local government, and

WHEREAS, one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the County level under the direction of the New York State Health Commissioner, and

WHEREAS, the NYS Department of Health has developed a program bill (Senate Bill #S8184 and Assembly Bill #A11560) that would allow the commissioner to consolidate the function of the local Registrars of Vital Statistics, and

WHEREAS, the Commissioner could consolidate these services without County Legislature approval as is required by law currently, and

WHEREAS, the NYS Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics duties to changes in the “Pandemic Flu and Public Health Emergency Preparedness Law”, and

WHEREAS, the local city, town and village clerks have provided this service professionally, efficiently and in a timely and cost effective manner over the years, and

WHEREAS, the Hamburg Town board feels with the current high costs and financial stress to citizens, including fuel and the County’s geography from Hamburg, this would put additional undue burden on residents as these services would be located much further away and the local registrar’s currently charge \$10.00 per certified copy and the state proposes to allow the County to charge \$30.00 per certified copy, thereby tripling their current costs, and

NOW THEREFORE BE IT RESOLVED, that in the interest of its residents and good, efficient, cost effective government the Town of Hamburg opposes the consolidation of the function of the local Registrars of Vital Statistics to the County, and

Drew Reilly gives a brief history of what has happened thus far with the Izzo rezoning. He notes that this project has been around longer than he's been around. This originally stated in 1986 with a proposal to do residential development on this property. The property is presently zoned RA, in 1999 they proposed to rezone the property commercial because the comprehensive plan does call for this area to be commercial. Basically they asked for this to be rezoned C-2. The project died back then because he didn't have a legitimate access to the property. Now it's time for the Board to make a decision on this. Mr. Izzo just wants to market his property he currently has no plans for it.

Councilman Best asks Mr. Reilly if any of the conditions listed are contrary to C-1 zoning.

Mr. Reilly responds they are not. With going to a C-1 zoning you don't need any restrictions of uses. The only things allowed in C-1 zoning is retail, office, and some smaller type commercial uses.

Councilman Best asks Mr. Reilly if Mr. Izzo is aware of the conditions that they currently have.

Mr. Reilly responds that Mr Izzo is not, he wanted to meet with them first and then get a meeting with Mr. Izzo. With the Board approving the rezoning doesn't make this project a done deal. It lets them talk about commercial but he still has to work with Benderson and the State DOT to work out the intersection.

Councilman Quatroche requests a buffer to be in place and asks what the residents requested and asks if there has been a meeting between Izzo and the property owners.

Drew Reilly responds that it's his understanding that has not occurred.

Supervisor Walters notes that the residents will be contacted the same way as the public hearing which was a letter to everyone on the one side of Dartmouth.

Councilman Quatroche notes that they haven't had something to react to, so they can give the Board their input on it before they vote on it.

Drew Reilly responds that he will meet with Mr. Izzo he will make sure Mr. Izzo understands the conditions that the Town is considering to place, a notice will then be sent to the residents saying this is going to be an action at the October meeting.

Mr. Reilly notes that the letter was sent to the Village on the Tops facility and they have scheduled another public meeting. The public meeting on the Tops facility is September 23rd at 7:15 p.m. Also, at the last meeting he mentioned they are getting a lot of correspondence on a project at the northeast corner of South Park and Big Tree. His understanding from Marrano is that the project is dead. They had a year to get approval and they never did. He will be checking on this because there has been a lot of correspondence and phone calls on this.

Supervisor Walters asks how he was initially contacted about that.

Ford Beckwith responds John Ryan knocked on his door with a letter saying they wanted to put a project across the street from his house and build a housing complex.

Drew Reilly is going to check on the status of this project.

7.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was
ADOPTED: Ayes 4 Walters, Best, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board move into executive session on a personnel matter at 6:37 p.m.

8.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was
ADOPTED: Ayes 4 Walters, Best, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board adjourn executive session at 7:10 p.m.

Catherine A. Rybczynski, Town Clerk