

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Kevin S. Smardz	Councilman
Jonathan G. Gorman	Councilman
Amy J. Ziegler	Councilwoman

ABSENT:

Joseph A. Collins	Councilman
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ALSO PRESENT: Catherine A. Rybczynski, Town Clerk;  
Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Chief of Police  
Michael Williams; Tom Best, Highway Superintendent; Brian Doyle, Assistant Town  
Attorney; Tammy Harbold; Human Resources Consultant

**1.**

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

ADOPTED	Ayes	4	Walters, Smardz, Gorman, Ziegler
	Noes	0	

**RESOLVED**, that the Town Board move into Executive Session on a personnel matter at 6:00 p.m.

**2.**

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

ADOPTED	Ayes	4	Walters, Smardz, Gorman, Ziegler
	Noes	0	

**RESOLVED**, that the Town Board adjourn Executive Session at 6:35 p.m.

**3.**

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

ADOPTED                   Ayes 4       Walters, Smardz, Gorman, Ziegler  
                                  Noes 0

**WHEREAS**, a Request for Quotes for an Automatic Teller Machine (RFQ) to be located at Hamburg Town Hall was issued by the Town Legal Department on September 13, 2010, and

**WHEREAS**, two (2) quotes were received from the following companies:

- 1) National Bank Equipment
- 2) ATM Cash Machines

**WHEREAS**, the quotes have been reviewed by the Town Attorney who has determined that National Bank Equipment is experienced and qualified, and that their quote is reasonable and acceptable for the services to be provided,

**NOW THEREFORE BE IT RESOLVED** that the Town Board authorizes the Legal Department to accept the quote of National Bank Equipment, and enter into an agreement to provide one (1) ATM machine to be located in Hamburg Town Hall,

**BE IT FURTHER RESOLVED** that the Town Board authorizes the Supervisor to sign an agreement with National Bank Equipment to provide the ATM machine.

**4.**

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

ADOPTED                   Ayes 4       Walters, Smardz, Gorman, Ziegler  
                                  Noes 0

**RESOLVED**, that the Town Board authorize the Highway Superintendent, Thomas Best, to purchase, under State Contract, (1) New 2011 Ford Expedition for \$34,912.00.

This vehicle will replace (1) 2000 F-250, 4x4 with plow and (1) 2001 Ford Ranger 4x4, both surplus junk, being auctioned 10/9/10.

Funds are available in account DB5130.201 (machinery and equipment).

**5.**

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

ADOPTED                   Ayes 4       Walters, Smardz, Gorman, Ziegler  
                                   Noes 0

**RESOLVED**, that the Town Board authorize the Town Clerk to open 2 single bids. One from West Herr Ford, for Two (2), 2010 New and Unused, Mid Sized sedans and one from AutoMax, for Two (2), 2010 or newer, Used Chevrolet Impala vehicles.

**6.**

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

ADOPTED                   Ayes 4       Walters, Smardz, Gorman, Ziegler  
                                   Noes 0

**BE IT RESOLVED**, that the Town Clerk be authorized to advertise for a public hearing on the 2011 Town of Hamburg Budget. The hearing is to be scheduled for November 1, 2010, at 7:00 p.m. local time.

**7.**

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

ADOPTED                   Ayes 4       Walters, Smardz, Gorman, Ziegler  
                                   Noes 0

**RESOLVED**, that the Town Board authorize Kyle Abdo, to do Internship in the Police Department, at no cost to the Town.

**8.**

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

ADOPTED                   Ayes 4       Walters, Smardz, Gorman, Ziegler  
                                   Noes 0

**RESOLVED**, that the Town Board approve the membership of the following into the Woodlawn Volunteer Fire Co., Inc.:

John Jewett, Jr.  
 4308 Elmwood Ave.  
 Blasdell, N.Y. 14219

Nickolas Kryszak  
 38 Silver Street  
 Blasdell, N.Y. 14219

Alicia Weller  
 3662 7<sup>th</sup> Street  
 Blasdell, N.Y. 14219

**9.**

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

ADOPTED                   Ayes 4       Walters, Smardz, Gorman, Ziegler  
                                   Noes 0

**RESOLVED**, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following November 2010 Taylor Road rentals:

11/5	11/6	11/7	11/13
11/14	11/21	11/25	11/27
11/28			

**10.**

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

ADOPTED                   Ayes 4       Walters, Smardz, Gorman, Ziegler  
                                   Noes 0

**BE IT RESOLVED**, that the Town Board appoint Jeffery Neureuter to the Board of Assessment Review for a five year term, beginning October 1, 2010 and ending September 30, 2015.

**11.**

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

ADOPTED                   Ayes 4       Walters, Smardz, Gorman, Ziegler  
                                   Noes 0

**WHEREAS**, Landlords often incur additional costs when apartments are vacated by smokers because of the need for additional paint to cover smoke stains, the need to replace stained window blinds and damaged carpets, and the need to clean air ducts; and

**WHEREAS**, many landlords incorrectly believe that their tenant(s) have a legal right to smoke and are unaware of their own legal right to implement policies that restrict smoking in the personal living units, common areas and exterior grounds of their buildings; and

**WHEREAS**, because exposure to secondhand smoke has been casually linked to a variety of adverse health outcomes in both adults and children, New York State has instituted comprehensive policies which prohibit smoking in virtually all indoor workplaces. Currently however, in New York State, Buffalo is the only municipality that discloses whether smoking is restricted or allowed in apartments; and

**WHEREAS**, in July 2009, the U.S. Department of Housing and Urban Development (“HUD”) released a memo indicating that it is possible for HUD landlords to insert smoke free policies in their leases and that Public Housing Authorities are permitted and strongly encouraged to implement a non-smoking policy at their discretion; and

**WHEREAS**, the City of Buffalo legislation, implemented in March 2010, requires landlords to disclose their smoking policy to tenant(s) as part of new, written leases, and this law has received the support of housing advocates, property owners and government officials; and

**WHEREAS**, Buffalo Housing Court Judge Henry Nowak, the Erie-Niagara Tobacco-Free Coalition (“the Coalition”), Roswell Park Cancer Institute and others have advocated for legislation that would require Buffalo landlords to disclose their smoking policies to tenants as part of all new written, rental agreements; and

**WHEREAS**, the New York State Real Property Law states that every tenant has the right to be free of “dangerous, hazardous or detrimental” conditions, and enacting a disclosure law would offer a standardized method to inform concerned renters of possible exposure to harmful secondhand smoke in their homes; and

**WHEREAS**, this proposed smoking policy disclosure legislation would NOT require landlords to either allow or limit smoking, but rather would simply require that landlords disclose to tenants whether smoking is restricted or allowed within rental units and common areas as part of any new, written lease; and

**WHEREAS**, providing information on a landlord’s smoking policy will be beneficial to both prospective tenants who smoke and those who do not in that it will allow them to make informed decisions before they sign a lease; and

**WHEREAS**, the smoking policy disclosure requirement within new, written leases would be simple, clear and informative and function in a similar way as do policies regarding pet ownership; and

**WHEREAS**, by intention, this legislation would include no enforcement mechanism, as it is believed landlords would follow the law voluntarily because it is in their best interest as well as that of their tenants; and

**WHEREAS**, the Coalition and HOME (Housing Opportunities Made Equal) have stated their willingness to help educate the public on this new legislation and to work with the town to ensure the seamless implementation of a disclosure requirement; Specifically, the Coalition has pledged to spearhead an informational campaign with seminars, face-to-face landlord meeting, mailings, paid advertising and an aggressive media campaign; and

**WHEREAS**, Roswell Park Cancer Institute, HeathNow New York, the P<sup>2</sup> Collaborative of Western New York, the Asthma Coalition of Western New York, the Western New York Cancer Coalition, the American Cancer Society, and the Niagara County Department of Health have all written letters in support of the adoption of a landlord smoking policy disclosure law.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board strongly supports the development and enacting of a landlord smoking policy disclosure law for the Town of Hamburg; and

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Town Board directs the Department of Law to draft a landlord smoking policy disclosure law for the Town of Hamburg to be filed with the Town Clerk for review by the Town Board; and

**NOW, THEREFORE BE IT FINALLY RESOLVED**, that the Town Board hereby requests that a certified copy of this Resolution be forwarded to the Erie-Niagara Tobacco-Free Coalition, Roswell Park Cancer Institute, HealthNow New York, the P<sup>2</sup> Collaborative of Western New York, the Asthma Coalition of Western New York, the Western New York Cancer Coalition, the American Cancer Society, the Niagara County Department of Health, and the Erie County Department of Health.

**12.**

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

ADOPTED	Ayes 4	Walters, Smardz, Gorman, Ziegler
	Noes 0	

**RESOLVED**, that the Town Board approve the Transfer of Appropriations for Building and Grounds Department, within the 2010 Budget, as follows:

From: Permanent Improvements	A1620.303	\$4,000.00
To: Permanent Improvements	A7141.303	\$4,000.00

Funds needed for a new flagpole at the Nike Base.

**13.**

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

ADOPTED                      Ayes 4              Walters, Smardz, Gorman, Ziegler  
     Noes 0

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

- |                      |                                       |            |            |
|----------------------|---------------------------------------|------------|------------|
| 1. Korabek, Mary Lou | Clerk Typist, Seasonal<br>(A6780)     | 09/27/2010 | Terminate  |
| 2. Korabek, Mary Lou | Clerk Typist, Part-Time<br>(A6780)    | 09/28/2010 | \$8.80/hr. |
| 3. Spaulding, Amy    | Rec. Attendant – Part-Time<br>(A6780) | 10/04/2010 | Terminate  |
| 4. Kruska, Bridget   | Rec. Attendant – Part-Time<br>(A6780) | 10/04/2010 | Terminate  |

**14.**

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

ADOPTED                      Ayes 4              Walters, Smardz, Gorman, Ziegler  
     Noes 0

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

Gill, Chad	Laborer, Seasonal	terminated 9-11-10
Jewett, John	Laborer, Seasonal	terminated 9-3-10
Kolb, John	Laborer, Part-time	terminated 9-4-10
Moncton, Alec	Laborer, Part-time	terminated 9-11-10
Zeis, Clark	Laborer, Seasonal	terminated 9-11-10

**15.**

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

ADOPTED                      Ayes 4              Walters, Smardz, Gorman, Ziegler  
     Noes 0

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

- |                       |                               |            |            |
|-----------------------|-------------------------------|------------|------------|
| 1. Bermingham, James  | A7180(215)<br>Rec. Attendant  | 10/04/2010 | \$10.80 PT |
| 2. McGahey, Lindsey   | A7265(230)<br>Rec. Attendant  | 10/04/2010 | \$8.25 PT  |
| 3. Schmitt, Christine | A7310(320)<br>Lifeguard       | 10/04/2010 | \$10.84 PT |
| 4. DiOrio, Christine  | A7310(320)<br>Rec. Attendant  | 10/10/2010 | \$10.84 PT |
| 5. Omphallias, Ellen  | ER7251(225)<br>Rec. Attendant | 10/10/2010 | \$8.75 PT  |
| 6. Horwood, Nicholas  | A7270(238)                    | 10/04/2010 | Terminate  |
| 7. Moncton, Alec      | A7265(230)<br>Rec. Attendant  | 10/04/2010 | \$7.25 PT  |
| 8. Kassem, Ramsey     | A7310(320)<br>Rec. Attendant  | 10/04/2010 | \$7.64 PT  |

**16.**

**RESOLVED**, that the Town Board approve the Audit of Cash Disbursements as follows:

TOWN BOARD OCTOBER 4, 2010  
 AUDIT OF CASH DISBURSEMENTS

VOUCHER #'S

OPERATING FUND:

BATCH #100	\$16,986.00	43752
BATCH #101	\$200.00	43753
BATCH #102	\$1,127,222.95	43755-43849

TOTAL OPERATING FUND DISBURSEMENTS:                      \$1,144,408.95

TRUST & AGENCY:

TOTAL TRUST & AGENCY DISBURSEMENTS:                      \$0.00

## CAPITAL FUND DISBURSEMENTS:

BATCH #33	\$13,633.73	43754	
TOTAL CAPITAL FUND DISBURSEMENTS:			\$13,633.73
PAYROLL:			
PR #P/R 20	\$624,062.70		
TOTAL PAYROLL DISBURSEMENTS:			\$624,062.70
PETTY CASH			\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$1,782,105.38

Martha Salzman, President of the Library Board of Trustees, introduces Jack Edson to speak on a proposed addition to the Hamburg Library on Buffalo Street in the Village of Hamburg; states that the County Budget designates five library centers; Hamburg is one of them; need direction on moving forward with proposed addition.

Jack Edson gives a power point presentation giving a brief history; description of services; handicap accessibility; parking; grants and incentives; 1,000 sq ft addition to library.

Steve Ruesch, Vice President of Armor Volunteer Fire Co., Inc., explains the need for an increase in their Budget from 2010 to 2011; fundraising to keep down costs includes: Bingo, pull-tabs at EC Fair, two meat raffles, Boot Drive.

The following spoke concerning the Polar Plunge:

Laura Hahn and Supervisor Walters

**17.**

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

ADOPTED                    Ayes 4            Walters, Smardz, Gorman, Ziegler  
                                      Noes 0

**RESOLVED,** that the Town Board move into Executive Session with the Human Resources Consultant and Town Attorney at 7:40 p.m.

**18.**

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

ADOPTED                    Ayes 4            Walters, Smardz, Gorman, Ziegler  
                                      Noes 0

**RESOLVED,** that the Town Board adjourn at 8:25 p.m.

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Catherine A. Rybczynski, Town Clerk