

At 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 15<sup>th</sup> Day of October 2007.

Supervisor Walters calls the meeting to order at 7:00 p.m.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
D. Mark Cavalcoli	Councilman
Thomas Quatroche, Jr.	Councilman
Richard A. Smith	Councilman

TOWN BOARD MEMBERS

ABSENT:

Joan A. Kesner	Councilwoman
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OTHERS PRESENT: Catherine Rybczynski, Town Clerk; Richard Boehm, Deputy Town Attorney; Mary Dosch, Sr. Account Clerk, Andrew Reilly, Planning Consultant; Wayne Dresser, Town Financial Consultant; John Conlon, Assistant Chief of Police; Kurt Allen, Supervising Code Enforcement Officer; James Connolly, Highway Superintendent; John Farrell, Director of Senior Services; Gerard Kapsiak, Town Engineer.

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Walters asks for a moment of silence in memory of Judy Neiman the Town's Domestic Violence Advocate who passed away from cancer this past week. Judy was a very special person and will be greatly missed.

**1.**

On a motion of Councilman Smith, seconded by Councilman Cavalcoli, the following resolution was

ADOPTED                   Ayes 4                   Walters, Cavalcoli, Quatroche, Smith  
                                  Noes 0

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

October 1, 2007           Work Session

**2.**

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

ADOPTED                   Ayes 4                   Walters, Cavalcoli, Quatroche, Smith  
                                  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 22, 2007 at 6:00 pm 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 22, 2007 at 6:15 pm local time.

**3.**

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

ADOPTED                   Ayes 4                   Walters, Cavalcoli, Quatroche, Smith  
                                  Noes 0

**RESOLVED**, that the Town Board approve the hiring of 22 and terminations of 14 in the Recreation Department as follows:

1.	Gallson, Cameron	Lifeguard P/T	10/8/07	\$ 7.72
2.	Kuhrt, Timothy	Lifeguard P/T	10/8/07	\$10.34
3.	Birmingham, Jane	Rec. Att. P/T	10/8/07	\$10.30
4.	Steger, Andrew	Rec. Att. P/T	10/15/07	\$ 9.65
5.	DiOrio, Christine	Rec. Att. P/T	10/14/07	\$10.34
6.	Omphalius, Ellen	Rec. Att. P/T	10/9/07	\$ 8.24

7.	Scharlock, Matthew	Rec. Att. P/T	10/15/07	\$ 7.47
8.	Kustra, Christopher	Rec. Att. P/T	10/8/07	\$ 8.15
9.	Smith, Michael	Rec. Att. P/T	10/8/07	\$ 8.50
10.	Anzalone, Anthony	Rec. Att. P/T	10/8/07	\$ 9.28
11.	Wolbert, Mark	Lifeguard P/T	10/8/07	\$ 7.72
12.	Clendening, Robert	Rec. Att. P/T	10/8/07	\$10.34
13.	Gibson, Amy	Rec. Att. P/T	10/8/07	\$ 7.36
14.	Hibbard, Kyle	Rec. Att. P/T	10/8/07	\$ 7.36 reg. rate \$ 7.73 temp. rate
15.	King, Gilbert	Rec. Att. P/T	10/8/07	\$ 7.36
16.	Landes, Kenneth	Rec. Att. P/T Temp	10/8/07	\$ 7.75
17.	McFeely, Maria	Rec. Att. P/T	10/8/07	\$ 7.47
18.	Nye, Jeff	Rec. Att. P/T	10/8/07	\$ 7.36 reg. rate \$ 7.73 temp. rate
19.	Pokigo, Matthew	Rec. Att. P/T	10/8/07	\$10.00
20.	Reid, Gregory	Rec. Att. P/T	10/8/07	\$ 8.76 seasonal
21.	Turner, Ronald	Rec. Att. P/T	10/8/07	\$ 7.75 permanent
22.	Wozniak, Richard	Rec. Att. P/T	10/8/07	\$ 7.73

1.	Gallson, Cameron	Terminate	10/7/07
2.	Kuhrt, Timothy	Terminate	10/7/07
3.	Birmingham, James	Terminate	10/1/07
4.	Steger, Andrew	Terminate	10/14/07
5.	DiOrio, Christine	Terminate	10/13/07
6.	Omphalius, Ellen	Terminate	10/8/07
7.	Scharlock, Matthew	Terminate	10/14/07
8.	Drew, Adam	Terminate	10/7/07
9.	McFall, John	Terminate	10/7/07
10.	McGahey, Brad	Terminate	10/7/07
11.	McGahey, Meghan	Terminate	10/7/07
12.	Robb, James Jr.	Terminate	10/7/07
13.	Sadowski, Christopher	Terminate	10/7/07
14.	Saunders, Kelly	Terminate	10/7/07

**4.**

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

resolution was

ADOPTED                   Ayes 4                   Walters, Cavalcoli, Quatroche, Smith  
                                  Noes 0

**WHEREAS**, New York State Assembly Bill No. 4235 and New York State Senate Bill No. 2127 was passed in the Assembly and Senate on June 20, 2007,

**WHEREAS**, Governor Spitzer signed the bill on August 15, 2007, and

**WHEREAS**, the passage of this bill authorized the Town of Hamburg to provide Code Enforcement Services to the Villages of Hamburg and Blasdell,

**NOW THEREFORE BE IT RESOLVED**, that the Town of Hamburg commence Code Enforcement Services to the Villages of Hamburg and Blasdell, effective November 1, 2007,

**BE IT FURTHER RESOLVED**, that the Villages of Hamburg and Blasdell adopt resolutions to acknowledge passage of this bill.

**5.**

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

ADOPTED                   Ayes 4                   Walters, Cavalcoli, Quatroche, Smith  
                                  Noes 0

**WHEREAS**, the Town of Hamburg and the Village of Hamburg entered into an agreement for Code Enforcement Services on November 7, 2005, and

**WHEREAS**, the Town of Hamburg requested a Home Rule Message from the New York State Senate and Assembly to authorize code enforcement services to the Village of Hamburg, and

**WHEREAS**, Governor Spitzer signed this Home Rule Request on August 15, 2007,

**NOW THEREFORE BE IT RESOLVED**, that the Hamburg Town Board rescind the current agreement with the Village of Hamburg, and

**BE IT FURTHER RESOLVED**, that the Town of Hamburg provide Code Enforcement Services to the Village of Hamburg as authorized in the Home Rule Message.

Councilman Quatroche takes the time to thank Kurt Allen for picking up the ball during this whole process before the Home Rule Message was put together. His department did a lot of extra work especially with the agreement with the Village of Hamburg through the entire process

and they did a phenomenal job.

Kurt Allen thanks the Board members, Supervisor and everyone from the Village for their efforts on this.

**6.**

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

ADOPTED                    Ayes 4                    Walters, Cavalcoli, Quatroche, Smith  
                                      Noes 0

**RESOLVED**, that the Town Board authorize the Supervisor to request approval from the Commissioner of the Erie County Personnel Office for the permanent reinstatement of Jeffrey Adrian to the title of Assistant Code Enforcement Officer.

Supervisor Walters introduces Mr. Adrian to the audience and the Board.

**7.**

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

ADOPTED                    Ayes 4                    Walters, Cavalcoli, Quatroche, Smith  
                                      Noes 0

**WHEREAS**, the Town wishes to renovate and remodel part of Town Hall for the Safety Inspection and the Planning Departments, and

**WHEREAS**, the renovations will allow for improved work flow and coordination between these departments, and

**WHEREAS**, the funding for these renovations is currently available in the Town Outside Village Fund, fund balance

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the establishment of a capital project entitled "Improvement Building Inspection" (accounting code H24.3620.303) with authorized appropriations of \$260,000.

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the amending of the Town's 2007 adopted budget to provide for the transfer of funds relating to the cost of the renovations, as follows

Increase Appropriations:

B9950.9            Transfer to Capital Projects (Improve Bldg. Inspection)            \$260,000

Increase Appropriated Fund Balance:

B599	Appropriated Fund Balance	\$260,000
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Councilman Smith notes that this is a positive move for the Town having the two departments next door to each other within the same building. This will make for a better work flow for all the people coming into the building.

Supervisor Walters echoes Councilman Smith’s sentiments on this one. We need to make it easy when residents come in to do business. We need to have everything under one roof to make it easier. This will also bring the Building Inspection Department up to code.

Councilman Cavalcoli responds that they have been looking more and more to having a more efficient use of staff.

Kurt Allen extends his thanks to the Board on this. This will make a better quality environment and also better serve the public.

**8.**

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

ADOPTED	Ayes 4	Walters, Cavalcoli, Quatroche, Smith
	Noes 0	

**RESOLVED**, the Town Board accept the high bid of \$11,298.00 from West Herr Ford, Inc. 5640 Camp Road, Hamburg, New York for Bid #2-2007, One, Used 2007 Ford Taurus. DeLacy Ford, of West Seneca submitted the low bid of \$10,780.00, however they did not meet the Bid Specifications.

**9.**

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

ADOPTED	Ayes 4	Walters, Cavalcoli, Quatroche, Smith
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resolution was

ADOPTED           Ayes 4           Walters, Cavalcoli, Quatroche, Smith  
                          Noes 0

**RESOLVED**, that the Town Board approve the membership of the following into the Newton Abbott Fire Company:

Brian Baker  
276 Summit Ave.  
Orchard Park, NY 14127

Mitchell Foster  
25 Marlowe Ave.  
Blasdell, NY 14219

Stephen Handzel  
3837 Teachers Ln Apt 6  
Orchard Park, NY 14127

Robert Klinko, Jr.  
65 Magnolia St.  
Lackawanna, NY 14218

Maria Schubbe  
25 Marlowe Ave.  
Blasdell, NY 14219

**12.**

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

ADOPTED           Ayes 4           Walters, Cavalcoli, Quatroche, Smith  
                          Noes 0

**RESOLVED**, that the Town Board approve the membership of the following into the Scranton Volunteer Fire Company:

Thomas Chmielowiec Sr.  
4490 Rushford Dr.  
Hamburg, NY 14075

**13.**

On a motion of Councilman Cavalcoli, seconded by Councilman Smith, the following resolution was

ADOPTED                   Ayes 4                   Walters, Cavalcoli, Quatroche, Smith  
                                  Noes 0

**WHEREAS**, Jerome Orffeo, the owner of property located at 5511 South Abbott Road in the Town of Orchard Park (SBL No. 183.12-3-15), has applied to be a Fringe Customer to the Town of Hamburg’s 1993 Master Water Improvement Area (MWIA) for connection to the Town waterline that runs in front of his property, which was installed by the Town of Hamburg as part of the 1993 MWIA project; and

**WHEREAS**, the applicant has agreed to abide by the regulations governing Town of Hamburg Water Districts and to pay annual charges equivalent to the tax rate of the 1993 MWIA (SW-36), including frontage charges and assessed valuation charges associated with the remaining debt service for the 1993 MWIA,

**THEREFORE BE IT RESOLVED** that the Town Board, as Commissioners of the 1993 MWIA, approve the above parcel as a Fringe Customer to the 1993 MWIA, for connection to the Town of Hamburg waterline on South Abbott Road.

**14.**

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

ADOPTED                   Ayes 4                   Walters, Cavalcoli, Quatroche, Smith  
                                  Noes 0

**WHEREAS**; voters residing within the Armor Volunteer Fire Company, Inc. fire service area in the Town of Hamburg previously approved a referendum to establish a Service Award Program for members of the Armor Volunteer Fire Company, Inc. in accordance with Article 11-A of the New York State General Municipal Laws, and applicable case law; and

**WHEREAS**; persons who continued to serve as active volunteer firefighter members of the Armor Volunteer Fire Company, Inc. after having attained the “entitlement age” of 65 and having begun to be paid monthly payment service awards have been denied the opportunity to continue to earn Service Award Program credit for active volunteer firefighter service rendered after the attainment of age 65; and,

**WHEREAS**; such denial is age discrimination which is prohibited under both federal and New York State laws; and,

**WHEREAS**; Article 11-A has never included a provision which prohibited any active volunteer firefighter regardless of age or payment status from earning Service Award Program credit up to the maximum credit allowed under a program; and,

**WHEREAS;** denying credit in the Program for volunteer firefighter service rendered at any age by volunteers is inconsistent with the intent of the Program to help the Town of Hamburg and the Armor Volunteer Fire Company, Inc. recruit and retain active volunteer firefighters;

**NOW THEREFORE BE IT FURTHER RESOLVED,** To eliminate this discrimination in the administration of this program, the Town Board of the Town of Hamburg, by the adoption of this resolution, directs that Armor Volunteer Fire Company, Inc.'s Service Award Program administrative procedures shall be corrected retroactively to its inception to allow post age 62 active volunteer firefighters to earn Service Award Program service credit under the Point System and to thereby increase their monthly Service Award payments by twenty dollars \$20 for each year of service credit earned under the Point System during a calendar year. Such payment increases shall be effective the January 1<sup>st</sup> immediately following the calendar year in which the additional service credit was earned and the payment certain period remaining for an individual volunteer's monthly service award payments shall be based on the effective date of the initial monthly payment commencement date; and,

**BE IT FURTHER RESOLVED,** that volunteer firefighters who already have reached age 62 and have been paid service awards under the Program shall as soon as administratively possible be paid a lump sum in an amount equal to the amount that the volunteer would have been paid had the Armor Volunteer Fire Company, Inc. Service Award Program been administered from its original adoption in accordance with the previous paragraph.

Due to this correction in administrative procedures, the total calendar year 2008 cost of funding the Armor Volunteer Fire Company, Inc. Service Award Program may be as much as approximately \$70,000 for current firefighters including the cost of administration of approximately \$3,000. The increase to the annual cost to retroactively correct the credit awarded to senior volunteers for post age 62 active volunteer firefighter service earned prior to calendar year 2007 shall, as set forth in a resolution adopted by the Town of Hamburg Town Board on October 15, 2007, be amortized in seventeen equal annual payments over a seventeen year period. Such payments are included in the estimated cost of \$70,000 and shall be approximately \$20,253 per year with the first payment being made during calendar year 2009 and the last in calendar year 2025. The increase to the annual cost for service credit earned by post age 62 active volunteers during calendar years 2008 and beyond shall be as much as approximately \$20,253 per year for current firefighters.

All other provisions of the Armor Volunteer Fire Company, Inc. Service Award Program shall not change and the programs shall continue to be administered by the Town of Hamburg in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.



Noes 0

**RESOLVED**, that the Town Board approve alcohol waivers for the following November 2007 Taylor Road rentals:

11/3/07	11/16/07	11/24/07
11/4/07	11/17/07	11/25/07
11/9/07	11/18/07	
11/10/07	11/22/07	

**17.**

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

ADOPTED	Ayes 4	Walters, Cavalcoli, Quatroche, Smith
	Noes 0	

**RESOLVED**, that the Town of Hamburg recognizes October 23<sup>rs</sup> through October 31<sup>st</sup> as “Red Ribbon Week” and designates Wednesday, October 24<sup>th</sup> as the Red Ribbon Rally-“Take a Stand”, encouraging the Hamburg Community to participate in taking a stand against drug abuse.

Councilman Cavalcoli notes that every year the DARE Program promotes not using drugs, and resisting drugs and this year through the Character Council Government Committee of Hamburg, has put together a program on Wednesday, October 24<sup>th</sup> from 5:30 to 6:30pm in front of the Hamburg Town Hall, front lawn. Bring posters, wear red, bring signs and be creative. Win prizes and have refreshments.

Councilman Smith congratulates the Senior Citizens Department for their work at the Chamber of Commerce the other night.

John Farrell introduces Joe Pietras as a new member of the Senior Services Department, he started September 24<sup>th</sup>. He has worked for them in the past when the Senior Center was opened in 1992 and he welcomes him back.

Councilman Smith notes that the Senior Services Department has been credited throughout the County for innovative programs. It has gone to a point right now that another town is looking for assistance in setting up a Senior Program and fitness center. They elected the Town of Hamburg for leadership. It has been agreed that one of our employees on a limited basis can be shared with the Town of Brant.

**18.**

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

ADOPTED                   Ayes 4                   Walters, Cavalcoli, Quatroche, Smith  
                                  Noes 0

**RESOLVED**, that the Town Board authorize the Supervisor to sign an agreement with the Town of Brant for provision of an exercise program conducted at facilities in the Town of Brant for Senior citizens of the Town of Brant and surrounding areas. This will be a SilverSneakers program sponsored by Healthways Health Support Inc; the Town of Hamburg Senior Services currently sponsors a SilverSneakers Fitness Program at its Fitness Center. Healthways will reimburse the Town of Hamburg for each membership. There is no cost to the Town for participating in this program, reimbursement for instructors will be completely covered. The legal department has received the documents and approved them as to form. This contract will be subject to quarterly reports to the Town of Hamburg to assess it’s effectiveness.

Supervisor Walters comments that he and Councilman Smith had a conversation about this. His concern at the time and continues to be that the Town doesn’t incur any cost. The Town Board can monitor this through the quarterly reports. The preliminary estimates do say that there will be a positive financial benefit to the Town for this program. The revenues John expects to collect will exceed the cost. He applauds John Farrell for his effort.

Ferd Garcia questions if there is longevity to this agreement.

Councilman Smith responds that it’s terminated within 60 days of the date of signing. It goes for a year but can be terminated within 60.

Supervisor Walters notes that the contract itself is for one year, if it’s a mutual agreement it can be extended successive years.

**19.**

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

ADOPTED                   Ayes 4                   Walters, Cavalcoli, Quatroche, Smith  
                                  Noes 0

**WHEREAS**, bids were opened for one new Ford 450 truck with an Air Flo Dump Body and Western Plow and one bid was received at a price of \$41,444. On September 24, 2007,

**BE IT RESOLVED**, that the bid of West Herr Ford is accepted. Funds are available in the appropriate account.

**20.**

On a motion of Supervisor Walters, with a unanimous second, the following resolution was

ADOPTED                   Ayes 4                   Walters, Cavalcoli, Quatroche, Smith  
                                  Noes 0

Proclamation recognizing the achievement of Ian B. Shick of rank of Eagle Scout

**21.**

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

ADOPTED                      Ayes 4                      Walters, Cavalcoli, Quatroche, Smith  
     Noes 0

TOWN BOARD    OCTOBER 15, 2007  
 AUDIT OF CASH DISBURSEMENTS

			VOUCHER #S
<b>OPERATING FUND:</b>			
BATCH #	132	\$29,641.46	21883
BATCH #	133	\$450,000.00	21953
BATCH #	134	\$612,041.21	21955-22024
BATCH #	135	\$85,936.42	22025-22090
BATCH #	136	\$575,000.00	22093
BATCH #	137	\$33,608.02	22094-22167
BATCH #	138	\$11,823.00	22168
BATCH #		\$312,118.66	UNPROCESSED
BATCH #			
<b>TOTAL OPERATING FUND DISBURSEMENTS:</b>			<b>\$2,110,168.77</b>
 <b>TRUST &amp; AGENCY:</b>			
BATCH #	43	\$15,092.72	
BATCH #	44	\$505,925.19	
BATCH #			
<b>TOTAL TRUST &amp; AGENCY DISBURSEMENTS:</b>			<b>\$ 521,017.91</b>
 <b>CAPITAL FUND DISBURSEMENTS:</b>			
BATCH #	66	\$500,000.00	62332
BATCH #	67	\$7,926.41	22091-22092
BATCH #		\$41,550.04	UNPROCESSED

BATCH #  
 BATCH #

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 549,476.45

PAYROLL:

PR # #20 \$490,209.13  
 PR #  
 PR#

TOTAL PAYROLL DISBURSEMENTS: \$ 490,209.13

PETTY CASH \$0.00 \$ 0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$3,670,872.26

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

Councilman Cavalcoli notes that the Master Plan Update Committee will be meeting next Thursday October 25, 2007 at 6:00 pm to look at the final draft being submitted.

Councilman Smith adds that the Traffic Safety Board had a meeting to discuss changing around Exit 57 to make it a “T” intersection. This is an update noting they are moving along with that.

Councilman Quatroche reports that concerns have been received from people along Smith Rd. The highway department is going to do work with cleaning a ditch from Smith to Lakeview Rd as a continuing step to alleviate some of the back up in that area. They are hopeful and confident that this will help alleviate some of the water issues that they have there. They are continuing to work out a long term solution for that area. This is the initial look at this but again, it does need some more studying and some more work as the years go on.

Supervisor Walters reminds everyone that a week from Monday at 6:00 pm is the Budget Hearing for the Town. A copy of the tentative budget is on file at the Clerk’s Office if anyone would like to review it.

Gerard Kapsiak reports that the Storm Water Quality public forum meeting on October 4<sup>th</sup>, approximately 35 people from the public. This is in continuing compliance with the Storm Water regulations that Federal and State government has set on us.

### **Reports From The Public**

Joe Killian asks if this Budget meeting will be the only one.

Supervisor Walters responds that the meeting will be here, he doesn't suspect there will be any additional meetings unless there are major issues that come up. Then there will be time to schedule additional meetings if necessary.

Councilman Quatroche notes that usually the night before election it would be voted on but this year it was moved up a few weeks.

Steve Strnad questions if the truck resolution was a single bid and if it was, why.

Councilman Quatroche notes it was and it was because nobody else bid on it.

Don Weiss compliments Gerard Kapsiak on the railroad crossings. He lives near the crossing and remembers a few times in the winter getting stuck between the tracks. He questions if there are any drawings available so that people can see what this will look like compared to right now.

Supervisor Walters responds that there is a picture in the paper, not of this crossing, of what they look like with the crossings themselves.

Don Weiss notes that his concern is if it will increase the dangers and someone getting stuck on the tracks.

Gerard Kapsiak responds that there was a public meeting in March 2006 at which a presentation was made on it.

Max Tresmond questions how people are going to be warned that a train is coming if it's not blowing it's whistle.

Gerard Kapsiak responds that it's a hard question to answer. The trains themselves do make noise.

Supervisor Walters notes that is a valid question and questions what happens if the gate malfunctions. That's something that needs to be answered, the noise is secondary to the safety aspect.

Don Weiss notes there should be a way to guarantee maximum safety.

Gerard Kapsiak notes that it the railroad engineer if he perceives a danger or hazard on the tracks

