

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 25th day of October 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; Asst. Chief of Police Steve Mikac; Marty Denecke, Director of Recreation; Rick Krautsack Deputy Highway Superintendent; Kurt Allen, Supervising Code Enforcement Officer; Christopher Hull, Director of Community Development; Jerry Giglio, Traffic Safety Consultant.

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Councilman Collins asks Karen Rogers to present, on behalf of the Hamburg Town Rejuvenation Project, the 2010 Beautification Awards to the following groups: The Franciscan Sisters of St. Joseph's Motherhouse; Amvets Post 897; Main Street Ice-cream; Shear Satisfaction; Hamburg Wal-Mart; Benderson Development Co.; Dr. James Blake; Mike's Village Service; Villarini & Henry; for volunteer service to Hamburg golf Course – Dorothy Romanczuk, Pat Kinn and Marie Moscato.

Councilman Smardz presents signs to groups for the Adopt-a-Playground program as follows:

Unitarian Church of Hamburg; Boy Scout Troop 4; Frontier High School Ecology Club

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

LEGAL NOTICE
TOWN OF HAMBURG
NOTICE OF HEARING PROPOSED LOCAL LAW #12, 2010

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on September 27, 2010, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #12, 2010. This local law provides for the amendment to the Code of the Town of Hamburg, Chapter 235, entitled "Taxation", to add a new section to provide for a Cold War Veterans Exemption that would apply to honorably discharged veterans who served between September 2, 1945 and December 26, 1991, not already receiving an Alternative or Eligible Funds Veteran Exemption, described as follows:

The purpose of this Article is to grant Cold War veterans who meet the requirements set forth in Section 458-b of the New York State Real Property Tax Law with a real property tax exemption.

The complete text of the proposed local law can be found at the Town's website: www.townofhamburgny.com, click on "Legal Notices and Bids."

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. (local time) on the 25th day of October, 2010, at which time all persons interested may be heard.

Dated: September 27, 2010

Catherine Rybczynski
Town Clerk
Town of Hamburg

The following spoke concerning the proposed Cold War Veterans Exemption:

Supervisor Walters, Ferd Garcia, Matt Hillman, Councilman Collins, Ed Dempsey

1.

On a motion of Supervisor Walters, seconded by Councilman Gorman, 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:

- 09/20/2010 Work Session
- 09/23/2010 Special Meeting
- 09/25/2010 Town Board Meeting
- 10/04/2010 Work Session

3.

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 Town of Boston has a single Dog Control Officer who performs the regular and necessary duties of said Officer, and

WHEREAS, the Boston Dog Control Officer from time to time may be unavailable to perform said duties due to illness, vacation, etc.; and

WHEREAS, the Town of Boston seeks to enter into an inter-municipal agreement with the Town of Hamburg to provide dog control services in the event the Boston Dog Control Officer is unavailable; and

WHEREAS, the Town of Hamburg does have Dog Control Officers and would be willing and able to provide dog control services to the Town of Boston if the Boston Dog Control Officer is unavailable;

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg enter into an Agreement with the Town of Boston to provide dog control services to the Town of Boston; and

BE IT FURTHER RESOLVED that the Town of Boston shall pay to the Town of Hamburg the sum of \$30.00 for on duty calls, and the sum of \$45.00 for call outs, for each service call made by the Town of Hamburg Dog Control Officer in the Town of Boston, which shall be paid on a monthly basis;

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the inter-municipal agreement on behalf of the Town of Hamburg.

4.

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 approve Jackie Barnes to attend a Health Care Reform seminar given by Vanner Benefits, LLC on November 4, 2010 in Buffalo, New York. The seminar will be at no cost to the town.

5.

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 PSD's Thomas Partridge, Patricia Bissonette and Sharon Welsh to attend "APCO" Active Shooter Incidents for Public Safety Communications Course, October 27, 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 a Town vehicle is requested.

6.

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 of Hamburg is a charter member of the Western New York Stormwater Coalition, which is comprised of 44 local municipalities and agencies that have been meeting monthly since February 2001 to cooperatively work on developing and implementing a stormwater management program in compliance with Federal and State mandated regulations, for enactment by each member of the Coalition; and

WHEREAS, in order to provide a framework for working together on overlapping compliance issues and pursuing joint funding opportunities, the Coalition members entered into a Memorandum of Agreement in 2005 which formally created the Coalition and established the rights and responsibilities of its members. It also included By-Laws which govern the Coalition officers and members, conduct of the Coalition proceedings, and associated administrative matters; and

WHEREAS, in that the term of the Memorandum of Agreement and By-Laws was for a five year period which will be ending on December 31, 2010, it is necessary that these documents be updated by the Coalition to incorporate current regulatory requirements and other applicable standards, for approval by each member of the Coalition for the next five year period; and

WHEREAS, the updated documents have been submitted to and reviewed by the Town Legal Dept. and Town Engineer, who have recommended that they be approved and entered into by the Town of Hamburg,

THEREFORE BE IT RESOLVED, that the Town Board hereby approves entering into the updated Memorandum of Agreement and By-Laws for the Western New York Stormwater Coalition, and authorizes the Supervisor to execute the documents on behalf of the Town of Hamburg.

BE IT FURTHER RESOLVED, that the Town Clerk is requested to provide a certified copy of this resolution to the Engineering Dept., for transmittal to the Erie County Dept. of Environment and Planning, together with the signed Memorandum of Agreement and By-Laws in this regard.

7.

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

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

WHEREAS, Jennifer Taber, owner of property located at 5196 Electric Avenue, has expressed an interest in acquiring a portion of Town owned property directly behind her residence, and

WHEREAS, the property can be generally described as a 35 feet wide right-of-way which was dedicated to the Town in July 1905 as part of Map Cover 744, labeled as "Proposed Location of Drainage Ditch", and the legal description of the property is described on Schedule "A" attached hereto, and

WHEREAS, various Town departments have reviewed the request and determined the property has never been used for drainage purposes and it is not considered that the property is needed for such, and

WHEREAS, the estimated market value of the property has been determined to be \$500.00 to be paid by Ms. Taber along with any and all costs associated with the said transfer upon the closing of the transfer of the property.

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg shall transfer title of the property to Jennifer Taber upon payment by Ms. Taber of the sum of \$500.00 and all closing costs.

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the Quit Claim Deed and recording documents, and

BE IT FURTHER RESOLVED that pursuant to Town Law Section 64, this resolution is subject to permissive referendum.

SCHEDULE "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Number Five (5), Township Nine (9), and Range Eight (8) of the Holland Land Company's Survey, and being more particularly described as follows:

Commencing at a point on the west line of Electric Avenue, the said point also being the southeast corner of Sublot No. 60, Block G as shown on Map Cover 744 filed in the Erie County Clerk's office; thence westerly along the south line of Sublot No. 60 to the southwest corner of said Sublot No. 60 and the point or place of beginning; thence westerly along the extension of the south line of said Sublot No. 60, a distance of 35.0 feet more or less to the east line of Sublot No. 63, Block G, as shown on Map Cover 744 filed in the Erie County Clerk's Office; thence northerly along the east line of said Sublot No. 63 and the east line of Sublot No. 35, Block G, as shown on Map Cover 744 filed in the Erie County Clerk's office a distance of 84.04 feet more or less to a point; thence easterly along the extension of the north line of Sublot No. 38, Block G, as shown on Map Cover 744 filed in the Erie County Clerk's Office, a distance of 35.0 feet more or less to the northwest corner of said Sublot No. 38; thence southerly along the west line of said Sublot No. 38 and said Sublot No. 60, a distance of 84.04 feet more or less to the point or place of beginning, intended to convey that portion of the "Proposed Location of Drainage Ditch" parcel in Block G, as shown on Map Cover 744, filed in the Erie County Clerk's Office.

Prepared by: Hamburg Engineering Dept.

Date Prepared: 9/20/10

8.

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 accept the single bid from West Herr Chevrolet, Camp Road, Hamburg, New York, for Two (2) 2011 New and Unused, Unmarked Midsized Sedans for a total of \$39,944.00. This amount includes the trade-in of two Unmarked Police vehicles. Money is available in account B3120.202.

The following spoke concerning resolution #8:

Councilman Collins

9.

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

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

WHEREAS, Town wishes to further improve its efficiency and internal control over the purchase of materials and services, and

WHEREAS, the Town has requested proposals and conducted interviews with several banks such that the Town may be able to more effectively purchase and pay for goods and services, earn rebates on such purchase, improve internal control over purchases and assist in the prevention of fraud, and

WHEREAS, the Town believes that it can accomplish these goals with the initiation of a purchase card system,

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorize the establishment of a purchase card system for the acquisition of goods and services and payment of invoices, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town to enter into an agreement with JP Morgan Chase Bank for the purpose of establishment and operation of such purchase card system.

The following spoke concerning resolution #9:

Councilman Collins

10.

On a motion of Councilwoman Ziegler, seconded by Councilman Gorman, 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. Cox, David	A7265(230) Rec. Attendant	11/08/2010	\$7.37 P/T
2. Gallardo, Nicholas	A7265(230) Rec. Attendant	11/02/2010	\$10.05 P/T
3. Greenauer, Josh	A7265(230) Rec. Attendant	11/02/2010	\$9.50 P/T
4. Greenauer, Lee Ann	A7265(230) Rec. Attendant	11/02/2010	\$7.37 P/T
5. Lease, Michael	A7265(230) Rec. Attendant	11/02/2010	\$7.64 P/T
6. Biellak, Paul	A7310(320) Rec. Attendant	11/04/2010	\$8.24 P/T
7. Bushen, Amy	A7310(320) Rec. Attendant	11/08/2010	\$8.50 P/T
8. Eisenbeis, Erin	A7310(320) Rec. Attendant	11/08/2010	\$7.37 P/T
9. Mcfeely, Maria	A7310(320) Rec. Attendant	11/10/2010	\$9.00 P/T
10. Motz, Lisa	A7310(320) Rec. Attendant	11/03/2010	\$10.84 P/T
11. Przybysz, Dawn	A7310(320) Rec. Attendant	11/08/2010	\$9.00 P/T
12. Quinn, Christian	A7310(320) Rec. Attendant	11/08/2010	\$7.25 P/T
13. Todorov, Jessica	A7310(320) Rec. Attendant	11/08/2010	\$7.37 P/T
14. Martin, Jeffery	ER7251(225) Rec. Attendant	11/08/2010	\$7.25 P/T
15. Reid, Gregory	A7265(230) Rec. Attendant	10/30/2010	\$9.26 P/T
16. Metauro, Christina	A7310(320)	10/25/2010	Terminate
17. Schouldice, Victoria	A7310(320)	10/25/2010	Terminate
18. Zdrojewski, Shannon	A7180(215) Rec. Attendant	10/21/2010	\$10.15 Seas.

11.

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 as follows:

1. Catanzaro, Beverly	Seasonal P/T Tax Clerk	10/20/2010	Terminate
2. Brown, Barbara	Seasonal P/T Tax Clerk	10/20/2010	Terminate
3. Moford, Rosina	Seasonal P/T Clerk	10/20/2010	Terminate
4. Moford, Rosina	P/T Clerk	10/21/2010	\$9.59

12.

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

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

WHEREAS, effective January of 2011, New York State will require the processing of dog licenses and applications to be performed by local municipalities; and

WHEREAS, it is the intention of the Town Board to comply with new state regulations regarding the licensing of dogs, processing of applications, and other mandated functions; and

WHEREAS, pursuant to §617.5(c)20 and 27 of SEQRA amending the Code of the Town of Hamburg to comply with state regulations is a Type II, and therefore this proposed action requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD HEREBY SCHEDULES a public hearing to be held on the 8th day of November, 2010 at 7:00 p.m. at Hamburg Town hall, 6100 South Park Avenue, Hamburg, New York to consider adopting proposed local law No. 13, amending the Code of the Town of Hamburg, Chapter 100, "Dogs".

13.

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

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

WHEREAS, Drew Reilly, PE, AICP, Wendel Duchscherer Architects & Engineers, has prepared a seminar entitled "Planning Processes", to be attended by members of the Town of Hamburg Planning Board, in order to comply with mandatory training requirements of Planning and Zoning Board of Appeals Members, and

WHEREAS, the session will be two (2) hours of training towards the required four (4) hours of yearly training for local boards,

NOW THEREFORE BE IT RESOLVED that the Town Board approve Mr. Reilly's seminar, and finds the material acceptable to meet the requirements of mandatory training as set forth in Local Law #1, 2009.

14.

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

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

BE IT RESOLVED the Town Board authorize travel requests for Highway Department Employee, Raymond Pawlowski to attend the Department of Horticulture, Cornell University; Turf Grass Short Course/Sports Turf – Golf Turf training on Monday, December 13, 2010 – Friday December 16, 2010. This training will be held at Cornell University, Ithaca, New York.

BE IT FURTHER RESOLVED, the Town Board approve the cost of:

- | | |
|-----------------------------|--|
| • Training registration fee | \$600.00(All educational materials included) |
| • Hotel | 675.00 (Campus Hotel) |
| • Meals | <u>200.00</u> (\$40.00 per day) |

Total cost	\$1475.00
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Use of a town vehicle is requested.

15.

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 Big Tree Volunteer Firemen’s Company, Inc.:

Joshua Kranz (as a Restricted Member)
4163 W. Highland Parkway
Blasdell, New York 14219

Justin Kranz (as a Restricted Member)
4163 W. Highland Parkway
Blasdell, New York 14219

16.

On a motion of Councilman Collins, seconded by Councilman Gorman, the following resolution

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

WHEREAS, long time employee Rose Mary McManus has presented a letter to the Town Board advising she did not have intentions of retiring.

WHEREAS, Employee McManus has the right to withdraw or amend her retirement letter.

WHEREAS, the Town Board has authority under 4 NYCRR 5.3 to allow Employee McManus to withdraw and amend her retirement letter as the Town Board is the appointing authority.

THEREFORE, BE IT RESOLVED, that the Town Board, as appointing authority, under 4 NYCRR 5.3 hereby authorizes the withdrawal and amendment of Ms. McManus’s letter of intent to retire and that the town immediately notify the appropriate agencies Ms. McManus is not retiring and will continue as a full time employee.

The following spoke concerning resolution #16:

Supervisor Walters, Councilman Collins

Supervisor Walters reports that the Bi-Centennial Committee met; is starting to break up into sub-committees; many events planned; contact Supervisors Office to volunteer. Also, the Town of Hamburg is creating a Dog Park; ground breaking ceremony to be held on Sat. Nov. 6th at 10:00 am; Nike Base behind the ice arena; public and dogs invited.

Catherine Rybczynski, Town Clerk, reports that \$44 million has been collected so far in School taxes; will continue to collect through end of November; on November 1st additional DMP (Doe Permits) will be available on a first come first serve basis. Thanks Board on behalf of the community for the proposed Cold War Veterans Exemption.

Ken Farrell reports they just finalized a use and dissemination agreement with the Dept. of Criminal Justice Information Services; thanks Officer Scott Fraser; enables the Town to do background checks for perspective employees and Peddlers and Solicitors; drafted local law regarding landlord smoking policies disclosures; dog licensing will be a function of local government and falls on the Town Clerk and they are assisting her in drafting the appropriate local law to comply with that responsibility; finished insurance requirements for construction of windmills; review and manage workers comp claims.

Gerard Kapsiak, Town Engineer, reports that the work that was required to be performed for the Erie County Water Authority, to take over the Town Water System, has been completed within the time frame set by the Water Authority; we are in line for the Water Authority to take over ownership of the Town Water System as of January 1st 2011.

Marty Denecke, Director of Recreation, reports that the Children's Guild and Steve Tasker are fully financially supporting the Monday night football program for children with disabilities; on Halloween Sunday they will hold a public skate with various activities for children; contact Recreation for details.

Supervisor Walters thanks Mr. Hutchison, Town Assessor for his help on the Cold War Veterans Exemption.

Mr. Hutchison announces that 3,500 tax exemptions have been mailed out for Seniors for enhanced STAR renewals; return as soon as possible; have obtained all parcel boundaries from the County for GIS updates

Asst. Chief Mikac reports that two Officers, Mike Lavelle and Pete Dienes, are receiving a State recognition award for M.A.D.D.

Business from the Floor

The following spoke concerning the WICKS Law as it applies to the renovation of the Town Highway Garage; responsible bidders ordinance:

John DiMaria, Alan Pero (and several members of Local 17), James Smolinski, Jr. (runs apprenticeship training on Pleasant Ave.), John Bugman (retired member Local 17), John Borsellari (Buffalo Carpenters 289), Supervisor Walters, Councilman Collins, Ken Farrell, Councilman Gorman, Ken West, Jim Dodge

The following spoke concerning the legal basis for banning a representative from attending Town meetings:

Patricia Michalek, Ken Farrell, Joseph Collins

18.

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

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

RESOLVED, that the Town Board move into Executive Session at 8:15 p.m. on a personnel matter.

19.

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

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

RESOLVED, that the Town Board adjourn Executive Session at 9:40 p.m.

Catherine Rybczynski, Town Clerk