

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 2nd day of November, 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; Brian Doyle, Deputy Town Attorney; Gerard Kapsiak, Town Engineer; Wayne Drescher, Town Financial Consultant; Martin Denecke, Director of Recreation; Carmen Kesner, Chief of Police; Mary Eisenhauer, Youth Bureau Director; Robert Hutchison, Jr., Town Assessor; Kurt Allen, Supervising Code Enforcement Officer; Jennifer Kosmowski, Domestic Violence Advocate; Joe Wenzel, Recreation Supervisor; Thom Taylor, Sr. Public Safety Dispatcher; Barbara Brauch, Clerk of Justice Court.

Pledge of Allegiance was recited.

Information on fire exits was provided.

Supervisor Walters notes that because the Town Board meeting was cancelled last week there will be a special meeting from 6:30 -7:00 p.m to do town business before the Public Hearing that is scheduled.

1.

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

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

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

- 09/14/09 Town Board Meeting
- 09/21/09 Work Session
- 09/28/09 Town Board Meeting
- 10/19/09 Work Session
- 10/21/09 Special Meeting

2.

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

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

RESOLVED, that the Town Board approve the terminations of two and reclassification of one in the Town Clerks Office as follows:

1. Kellerman, Sharon	Tax Clerk, Seas. P/T	10/17/09	Terminate
2. Brown, Barbara	Tax Clerk, Seas. P/T	10/17/09	Terminate
3. Allen, Jacqueline	Tax Clerk, Seas. P/T	10/31/09	Terminate
4. Allen, Jacqueline	Clerk, P/T	11/01/09	\$9.59

3.

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

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

RESOLVED, the Town Board grant permission for Police Officers Chandra Walsh, Nina Deming and Michelle Rickard-Puleo to attend the “Street Survival Seminar for Women” in Atlantic City, New Jersey, November 16th and 17th, 2009.

Registration:	\$193.50 ea.	\$580.50
Flight/Hotel	\$220.00 ea.	\$660.00
Meals: 2 days @ \$ 40.00 ea./per day		<u>\$240.00</u>
	TOTAL	\$1,480.50

Money is available in account B3120.492.

4.

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

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz

 Noes 0

WHEREAS, Glenn Christner applied to the Zoning Board of Appeals building permit #2009-01308, to construct a garage addition located at 87 Sharon Avenue.

WHEREAS, this application was paid for twice

THEREFORE BE IT RESOLVED, that Glenn Christner be issued a refund for the Zoning Board of Appeals application in the amount of \$150.00:

Glenn Christner
246 Buffalo Street
Hamburg, New York 14075

5.

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

was

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

WHEREAS, Richard Proy applied to the Zoning Board of Appeals building permit #2009-01352, to construct a garage addition located at 217 Kenton Place

WHEREAS, the property owner decided not to build

THEREFORE BE IT RESOLVED, that Richard Proy be issued a refund for the Zoning Board of Appeals application in the amount of \$150.00:

Richard Proy
8174 Cole Road
Colden, New York 14033

6.

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

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

RESOLVED, the Town Board authorize the Police Department to advertise for one (1), new and unused, 2009 Unmarked, Police Interceptor.

Money is available in account B3120.202.

7.

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

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

BE IT RESOLVED, that the Town Board authorize Wendel Engineering to add two new labeling tools to the Town’s Internet based GIS system. The addition of these improvements will enhance the effectiveness and efficiency of the system. The total cost is \$700 and funds are available in account A1355.440

8.

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

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

RESOLVED, that the Town Board approve the hiring of 16 and termination of three in the Recreation Department as follows:

1. Silverman, Scott	Rec. Att’d P/T	11/16/09	\$8.74
2. Rieske, Alexander	Rec. Att’d P/T	11/02/09	\$7.37
3. Bushen, Amy	Rec. Att’d P/T	11/02/09	\$8.50
4. Echeverria, Samuel	Rec. Att’d P/T	11/02/09	\$7.25
5. Farrell, Shannon	Rec. Att’d P/T	11/02/09	\$7.25
6. Reger, Christopher	Rec. Att’d P/T	11/02/09	\$7.37
7. Tobia, Katie	Rec. Att’d P/T	11/30/09	\$7.25
8. Todorov, Jessica	Rec. Att’d P/T	12/07/09	\$7.37
9. McFeely, Maria	Rec. Att’d P/T	11/09/09	\$7.92
10. Reid, Gregory	Rec. Att’d P/T	11/02/09	\$9.26
11. Sadowski, Christopher	Rec. Att’d P/T	12/07/09	\$8.75
12. Scharlock, Matthew	Rec. Att’d P/T	11/23/09	\$8.25
13. Steger, Amy	Rec. Att’d P/T	11/23/09	\$9.00
14. Zoda, John	Rec. Att’d P/T	11/02/09	\$9.76
15. Sausner, Bryn	Rec. Att’d P/T	10/26/09	\$7.37
16. Zdrojewski, Thomas	Rec. Att’d	12/13/09	Terminate
17. Zdrojewski, Thomas	Rec. Att’d Seas	12/14/09	\$10.57
18. Cox, David Brady	Rec. Att’d	10/26/09	Terminate
19. Hosken, Maureen	Rec. Att’d	10/26/09	Terminate

9.

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

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

RESOLVED, that the Town Board approve the membership of the following into the Big Tree Volunteer Firemen’s Company, Inc.

Jarrett Tyrell Eleam
5400 South Park Ave. I-10
Hamburg, NY 14075

10.

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

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

RESOLVED, that the Town Board approve the appointment of CHARLENE ALMASI to the full time position of POLICE CLERK (probationary) to the Police Department effective November 2, 2009. Ms. Almasi met the Civil Service requirements for this position and is currently on the Civil Service list, established January 22, 2009, Exam #061167. Salary is \$15.73 per hour per CSEA White Collar, funds are available in B3120.100.

Supervisor Walters notes Ms. Almasi is present tonight and aks her to be recognized.

11.

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

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

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

1. Roland, Cynthia	Laborer, P/T	10/27/09	\$9.92
2. Fraser, Samuel	Laborer, P/T	10/17/09	Terminate
3. Sortisio, James	Laborer, P/T	10/16/09	Terminate
4. Mach, Hank	Laborer, P/T	09/18/09	Terminate
5. Erickson, Charles	Laborer, Seasonal	10/23/09	Terminate
6. Carden, Michael	Laborer, Seasonal	10/10/09	Terminate
7. Chmielowiec, Thomas	Laborer, Seasonal	11/02/09	Terminate
8. Chmielowiec, Thomas	Laborer, P/T	11/03/09	\$8.00
9. Connolly, Thomas	Laborer, Seasonal	10/05/09	\$9.59

10. Connolly, Thomas	Laborer, P/T	10/06/09	\$9.59
11. Grys, John	Laborer, Seasonal	10/05/09	Terminate
12. Grys, John	Laborer, P/t	10/06/09	\$9.59
13. Kales, George	Laborer, Seasonal	10/05/09	Terminate
14. Kales, George	Laborer, P/T	10/06/09	\$9.59
15. Mazur, Walter	Laborer, Seasonal	10/12/09	Terminate
16. Mazur, Walter	Laborer, P/T	10/13/09	\$8.00
17. Nelson, Brett	Laborer, Seasonal	11/04/09	Terminate
18. Nelson, Brett	Laborer, P/T	11/05/09	\$8.22
19. Pawlowski, Rodney	Laborer, Seasonal	10/13/09	Terminate
20. Pawlowski, Rodney	Laborer, P/T	10/14/09	\$10.17
21. Wickett, Thomas	Laborer, Seasonal	10/18/09	Terminate
22. Wickett, Thomas	Laborer, P/T	10/19/09	\$8.47
23. Williams, Joseph	Laborer, Seasonal	11/02/09	Terminate
24. Williams, Joseph	Laborer, P/T	11/03/09	\$8.00
25. Figiel, Stanley	Laborer, Seasonal	10/12/09	Terminate
26. Figiel, Stanley	Laborer, P/T	10/13/09	\$9.59
27. Gearhart, John	Laborer, Seasonal	10/12/09	Terminate
28. Gearhart, John	Laborer, P/T	10/13/09	\$8.00
29. Cahill, Christopher	Laborer, Seasonal	11/03/09	Terminate
30. Cahill, Christopher	Laborer, P/T	11/04/09	\$9.92

12.

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

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

RESOLVED, that the Town Board approve the reclassification of one in the Senior Services Dept as follows:

- | | | | |
|-----------------|------------------|----------|-----------|
| 1. Boswell, Jim | P/T Van Driver | 11/01/09 | Terminate |
| 2. Boswell, Jim | Van Driver-Seas. | 11/01/09 | \$9.77 |

13.

On a motion of Councilman Smardz, seconded by Supervisor Walters, 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 waterline extension work for the Lowes store on Southwestern Blvd., which was installed under Public Improvement Permit No. 949, be received and accepted, and that the Supervisor is authorized to sign the report.

14.

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

WHEREAS, as part of the ongoing Town of Hamburg Water System Improvement Project, an additional fire hydrant has been necessary to be installed at the following location:

Community Development/Town Contract
• 4032 Lincoln Avenue

THEREFORE BE IT RESOLVED, that the Town of Hamburg agrees to pay the annual hydrant fee charged by the Erie County Water Authority for the maintenance of this additional hydrant, which is currently \$160.80 per year.

BE IT FURTHER RESOLVED, that one certified copy of this resolution be provided to the Engineering Department, for transmittal to the Erie County Water Authority.

15.

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

This resolution is to amend Resolution #1 of the Town Board Meeting of October 21, 2009

WHEREAS, the Town Board passed a resolution on October 21, 2009 relating to a referendum to be conducted at a Special Election on November 17, 2009, and said resolution inadvertently included a reference to local personal registration, this amending resolution is to correct and restate the resolution, omitting the aforementioned reference; and

WHEREAS, a petition for the submission of a proposition, hereinafter described, was filed in the Town Clerk of the Town of Hamburg on the 3rd day of September 2009, subscribed and authenticated in accordance with law by electors of said town qualified to vote upon said proposition, said electors equaling in number, at least five per centum of the total votes cast for Governor in said town at the last general election held for the election of State officers; and

WHEREAS, the aforesaid petition called for the submission to the voters of the Town of Hamburg of a proposition on whether to decrease representation on the Town Board from four (4) council members to two (2) council members in the Town of Hamburg, New York, such that the Hamburg Town Board shall be comprised of the Supervisor and two (2) council members beginning on January 1, 2012.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That a special election of the registered voters of the Town of Hamburg is hereby authorized and directed to be held on the 17th day of November, 2009, between the hours of 8:00 a.m. and 8:00 p.m. for the purpose of voting by ballot on such proposition.

2. The polling places at each election are hereby designated and districts shall be consolidated so as to allow the use of one (1) voting machine at any polling place so established for more than one district, as set forth in Schedule A attached hereto and made a part hereof.

3. The Town Clerk is hereby ordered and directed to give notice of such election by publication thereof in the Hamburg Sun, such publication to be at least ten (10) days prior to the date of such special election, and by posting on the sign board of the Town, a copy of such notice at least ten (10) days prior to the date of such special election.

4. The notice of such special election shall be in substantially the form set forth in Exhibit 1, attached hereto and made a part hereof.

5. The Town Clerk is hereby ordered and directed to contact and make necessary arrangements with the Erie County Board of Elections for the purpose of bi-partisan selection designation of qualified election inspectors and for the purpose of provision of voting machines and/or ballots in sufficient quantity for use at such special election and to prepare for the use of the election officers the necessary oaths and certificates of election and to procure and deliver to such

election officers any and all necessary paraphernalia for the proper conduct of such election.

6. This resolution shall take effect immediately.

EXHIBIT 1

NOTICE OF SPECIAL ELECTION

Notice is hereby given that a special election of the residents and taxpayers of the Town of Hamburg, County of Erie, New York, will be held in said Town on the 17th day of November 2009, at which the polls will be kept open between the hours of 8:00 a.m. and 8:00 p.m. for the purpose of voting by ballot upon the following proposition:

Shall the representation on the Town Board be decreased from

four (4) council members to two (2) council members in the Town of Hamburg, New York, such that the Hamburg Town Board shall be comprised of the Supervisor and two (2) council members beginning on January 1, 2012.

The polling places at such election will be as set forth in Schedule A.

All electors of the Town of Hamburg as shown by the roll of the same established by the Erie County Board of Elections for the purposes thereof shall be qualified to vote in such special election and upon such proposition.

PROPOSITION

Shall the representation on the Town Board be decreased from four (4) council members to two (2) council members in the Town of Hamburg, New York, such that the Hamburg Town Board shall be comprised of the Supervisor and two (2) council members beginning on January 1, 2012.

TO:

Repair & maintenance	A7266.413	\$3000.00
Repair & maint. Contractual	A7266.460	\$2000.00

Accounts are both over drawn. Funds needed to correct negative balance and for remainder of calendar year.

21.

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

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



Town of Hamburg

Office of Supervisor

BIG TREE ELEMENTARY BLUE RIBBON SCHOOL DAY

WHEREAS, today we are honoring Big Tree Elementary School for their Blue Ribbon award; and

WHEREAS, the Blue Ribbon award honors public and private schools, at all levels, that are either academically superior or have made dramatic gains in student achievement; and

WHEREAS, Big Tree Elementary School has been honored for being academically superior; and

WHEREAS, a high quality of students that have attended Big Tree Elementary is a testament to this achievement; and

WHEREAS, this achievement is not earned without the support of the teachers, parents and community.

NOW THEREFORE, on behalf of the Town Board of the Town of Hamburg, we congratulate Big Tree Elementary School for their Blue Ribbon award. I, Steven J. Walters, Supervisor of the Town of Hamburg, do hereby also proclaim Tuesday, November 10, 2009 "Big Tree Elementary Blue Ribbon School Day" in the Town of Hamburg.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 10th day of November 2009.

STEVEN J. WALTERS
Supervisor
Town of Hamburg

Joan A. Kesner, Councilwoman
Thomas J. Quatroche, Councilman
Kevin Smardz, Councilman



22.

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

ADOPTED

Ayes 4

Walters, Kesner, Quatroche, Smardz

Noes 0



Town of Hamburg

Office of Supervisor

- WHEREAS,** *Christmas in the Country* at the Hamburg Fairgrounds has become an annual tradition that the community looks forward to every year; and
- WHEREAS,** *Christmas in the Country* averages 52,000-55,000 people during the four-day event with estimated merchandise sales during that time ranging from \$3.2-\$3.8 million dollars and features more than 400 booths of artisans from 24 different states, Canada, Great Britain and Germany; and
- WHEREAS,** *Christmas in the Country* has helped raise more than \$1.1 million during the show's history for local charities; and
- WHEREAS,** *Christmas in the Country* has created a positive economic impact of millions of dollars for our community; and
- WHEREAS,** today, *Christmas in the Country* is celebrating its 25th Anniversary;
- WHEREAS,** *Christmas in the Country* was named the number one Arts & Craft Show in the nation by *Sunshine Artist Magazine*, the leading trade journal of the crafting industry.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board congratulates *Christmas in the Country* for bringing 25 years of Christmas joy to our community and for being named the number one Arts & Craft Show in the nation.

BE IT FURTHER RESOLVED, that the Town Board hereby declares that Wednesday November 4, 2009 be forever known as *Christmas in the Country Day* in the Town of Hamburg, New York.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 4th day of November 2009.



Steven J. Walter
Supervisor
Town of Hamburg

Joan A. Kesner, Councilwoman
Thomas J. Quatroche, Jr., Councilman
Kevin Smardz, Councilman



**LEGAL NOTICE
TOWN OF HAMBURG
NOTICE OF PRELIMINARY BUDGET**

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Hamburg for the fiscal year beginning January 1, 2010 has been completed and filed in the Office of the Town Clerk, 6100 South Park Avenue, Hamburg, New York, where it is available for inspection by any interested person, at reasonable hours. Additionally, an exemption report is also available for inspection.

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Hamburg pursuant to Section 121(b)(1) of the State and Local Fiscal Assistance Act of 1972, as amended, and all other applicable statutes, will meet and review said preliminary budget and hold a public hearing thereon at Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York at 7:00 p.m. (local time) on the 2nd day of November, 2009, and that at such hearing any person may be heard in favor or against the preliminary budget as compiled and for or against any items therein contained.

PURSUANT to Section 108 of the Town Law, the proposed salaries of the following Town Officers are hereby specified as follows:

Supervisor	\$82,123
Councilman (4) each	\$19,210
Town Clerk	\$71,870
Highway Superintendent	\$81,584

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG

Dated: September 21, 2009

CATHERINE RYBCZYNSKI
Town Clerk
Town of Hamburg

Patti Michalek notes she noticed there was a \$40,000 decrease in the Youth Bureau and asks for an explanation.

Supervisor Walters notes there was a retirement last year. The Youth Director asked that rather than rehire that position she felt the two remaining on her staff could pick up the additional work. Those staff members were given a little extra pay and they picked up 100% of the work of the person that left.

Patti Michalek then questions the gulf course and the flooding that there were no funds for that.

Supervisor Walters responds that the gulf course is an enterprise fund and they are suppose to fund itself. Improvements are being made to the gulf course every year. The storm that occurred last August was actually called a 200 year storm, that is what FEMA designated it.

Patti Michalek questions the Operating Engineers and the Town accepting their help.

Supervisor Walters responds that they have spoke to the Operating Engineers and they have indicated their willingness to help out. They do charge minimally.

Jon Gorman questions that with the general fund balance being the lowest it's been in 20 years his concern is with revenues being down does the general fund being low effect potentially the bond rating.

Supervisor Walters notes that the fund balance is actually the highest it's been in quite some time.

Councilman Quatroche thanks the department heads for doing more with less.

26.

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

ADOPTED

Ayes 4

Walters, Kesner, Quatroche, Smardz

Noes 0

RESOLVED, that the Town Board close the public hearing.

27.

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

ADOPTED

Ayes 4

Walters, Kesner, Quatroche, Smardz

Noes 0

RESOLVED, that the Town Board adjourn at 7:31 p.m.

Catherine A. Rybczynski, Town Clerk