

Agenda

Catherine Rybczynski Town Clerk

Town Board of the Town of Hamburg

November 7, 2016

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Fire Exit Information**
- 4. Adoption of Minutes**
- 5. Presentations of Prefiled resolutions by the Town Board**
- 6. Adoption of Budget**
- 7. Business from the Floor**
- 8. Meeting is adjourned by the Supervisor**

1.

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

10/13/2016	Budget Work Session
10/17/2016	Work Session
10/17/2016	Town Board Meeting
10/24/2016	Budget Hearing

Moved: Best

2.

RESOLVED, that the Town Board approve the termination and rehiring of personnel for the Domestic Violence Department as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1	4500	O'Brien, Elizabeth	R	Clerk Typist P/T			\$11.59	10/17/2016
2	4500	O'Brien, Elizabeth	R	Clerk Typist P/T-Seasonal	10/18/2016		\$11.59	

Moved: Best

3.

RESOLVED, that the Town Board approve the Recreation Department issuing alcohol waivers for the following November (one additional) and December Taylor Road rentals:

11/11/2016	12/02/2016	12/04/2016	12/09/2016
12/10/2016	12/11/2016	12/16/2016	12/17/2016
12/18/2016	12/23/2016	12/24/2016	12/25/2016
12/26/2016	12/29/2016	12/30/2016	12/31/2016

Moved: Walters

4.

RESOLVED, that the Town Board approve the termination and rehiring of personnel for the Town Clerk's Office as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1	4238	BRAUN, SHARON	R	P/T CLERK SEASONAL		\$12.25		10/18/2016
2	4770	HITE, KIMBERLY	N	P/T CLERK SEASONAL		\$12.25		10/19/2016
3	4159	MORFORD, ROSINA		P/T CLERK SEASONAL				10/22/2016
4	4159	MORFORD, ROSINA	R	P/T CLERK	10/24/2016	\$12.25		
5	4510	RYDZIK, SUZANNE		P/T CLERK SEASONAL				10/22/2016
6	4510	RYDZIK, SUZANNE	R	P/T CLERK	10/24/2016	\$12.25		

Moved: Best

5.

BE IT RESOLVED, that the Town Engineer's report on the completion and acceptance of the TREEHAVEN ESTATES PHASE 6 street light installation work performed under Public Improvement Permit No. 1027 be received and accepted, and that the Supervisor is authorized to sign the report.

BE IT FURTHER RESOLVED, that the Town Board authorize National Grid to connect two (2) 70-watt high pressure sodium luminaries in accordance with the existing rate tariff, and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to National Grid, and that this resolution becomes effective on the day the report is signed by the Supervisor.

Moved: Best

6.

WHEREAS, Kelly Canfield, the owner of property located at 5521 South Abbott Road in the Town of Orchard Park (SBL No. 183.12-3-16), 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 her 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.

Moved: Best

7.

RESOLVED, the Town Board authorize Detective Paul Randall and Police Officer Jeffery Bullard to attend the Gracie Survival Tactics Certification Course, in Arlington, Texas, November 6 – 11, 2016.

Cost of Seminar:	\$1,790.00
Flight:	985.62
Lodging: (Approximate)	700.00
Car Rental:	258.06
Meals: 6 days X \$40.00 x 2	480.00
Gas: (Approximate)	50.00

TOTAL: \$4,263.68

Money is available in account B3120.492.

Moved: Walters

8.

WHEREAS, the Hamburg Town Code contains and specifies the local laws, and ordinances of the Town of Hamburg; and

WHEREAS, the Hamburg Code Review Committee has evaluated these regulations based on issues raised by Town boards, departments and officials; and

WHEREAS, the Hamburg Code Review Committee has prepared draft language for these proposed amendments relating to temporary permits, barb wire fencing, dog control, Peddling and Soliciting, smoking on Town property and mandatory training ; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has conducted an environmental review of these Zoning Code revisions; and

WHEREAS, the Town has identified that there are no other Permitting or Approval agencies for this action; and

WHEREAS, a public hearing was held on October 17, 2016 regarding these Zoning Code amendments, and no adverse comments were received; and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to adopt these Zoning Code amendments by enacting a Local Law; and

WHEREAS, these proposed zoning amendments were referred to Erie County in accordance with General Municipal law section 239-m and the County had no adverse comments.

NOW, THEREFORE BE IT RESOLVED that the Hamburg Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed enactment of this Local Law will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues the attached SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations, and

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the Environmental Assessment Form (EAF) and the Planning Department is authorized to complete the required notices and filings.

Moved: Walters

9.

WHEREAS, the Hamburg Town Code contains and specifies the local laws and ordinances of the Town of Hamburg; and

WHEREAS, the Hamburg Code Review Committee has evaluated these laws and ordinances based on issues raised by Town boards, departments and officials; and

WHEREAS, the Hamburg Code Review Committee has prepared draft language for these proposed amendments and recommended them to the Town Board, and

WHEREAS, the Hamburg Planning Board has reviewed and recommended these revisions; and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law as follows:

- 1. Amend Chapter 280 (Zoning), "Article XLV. Zoning Board of Appeals", by deleting from Section 280-310, under paragraph B. Special Permits, sub-paragraph (1) Temporary structures and uses, and sub-paragraph (2) Permitted temporary structures or uses; extension of time.*

Amendment is as follows: Delete 280-310 B. (1) and (2)

- 2. Amend Chapter 280 (Zoning), "Article XXXIX. Supplemental Lot Size and Open Space Regulations", by amending Section 280-277 A. (2) to have the Planning Board approve barb wire fencing instead of the ZBA.*

Amendment is as follows: Amend 280-277 A. (2) by removing "Zoning Board of Appeals" and replacing with "Planning Board".

3. *Amend Chapter 100 (Dogs), under Section 100-3 Control of dogs, paragraph A., sub-paragraph (2), by removing “service dog, working search dog, war dog, detection dog or therapy dog”.*

Amendment is as follows: amend Section 100-3, paragraph A., sub-paragraph (2) by deleting “service dog, working search dog, war dog, detection dog, or therapy dog”

4. *Amend Chapter 100 (Dogs), under Section 100-13 Redemption; impoundment fees, by adding a new paragraph B.*

Amendment is as follows:

If the Dog Control Officer or Police Officer finds a dog that has been reported to be running at large, and the owner is found by the DCO or Police Officer, and the owner can show proof that the dog is duly licensed and has a current rabies shot, the dog may be returned to the owner and sections 100-13, A (1)-(3) are waived by the Town of Hamburg.

The remainder of the section shall be “re-lettered”, C. through F.

5. *Amend Chapter 191. Peddling and Soliciting, Article II. Transient Retail Merchants to require a background check:*

Amend Chapter 191, Peddling and Soliciting, Article II Transient Retail Merchants

Amend §191-20. License Application by adding the following:

The police officer designated by the Police Chief to order and review criminal records (“Criminal Records Officer”) may cause the fingerprints of any applicant for a Transient Retail Merchant license and any applicable fee to be forwarded to the Division of Criminal Justice Services (DCJS) in the form and manner as prescribed by DCJS for a complete criminal background and investigation upon receipt of the appropriate fee from the applicant.

The Criminal Records Officer, the Town Clerk, and the Town Attorney shall review the criminal history record information (CHRI) disseminated by DCJS in connection with the applicant’s criminal background and investigation.

In making the determination of the applicant’s fitness for the requested permit, based upon the information provided by DCJS, New York State Correction Law §§701 through 703b and §§751 through 753 shall be given due consideration.

6. *Amend Chapter 213. Smoking, Section 213-2. Definitions, by adding to the definition “e-cigarettes”, as follows:*

Amend §213.2. Definitions to add the following under Smoking:

...tobacco substitute, electronic cigarette or e-cigarette, or smokeless tobacco...

Amend §213.2 Definitions to add the following term:

Electronic Cigarette or E-Cigarette

A battery operated device that contains a cartridge and/or liquids consisting of chemicals, nicotine and/or flavoring that are turned into vapor which may be inhaled by a user.

Smokeless Tobacco

Any product that consists of cut, ground, powdered or leaf tobacco that is intended to be placed by the consumer in an oral cavity.

7. *Amend Chapter 227. Streets and Sidewalks, Article II. Sidewalk Maintenance and Repair, §227-A*

WHEREAS, the Town Board conducted a public hearing on October 17, 2016 and received no adverse comments; and

WHEREAS, the Town Board has issued a Negative Declaration and referred these proposed code revisions to Erie County in accordance with General Municipal Law section 239-m.

WHEREAS, the proposed Town Code amendments are in accordance with the Town’s Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board amends the Code of the Town of Hamburg to provide for the amendments to the Town Code as referenced above.

This Local Law shall take effect upon filing in the office of the Secretary of State of the State of New York.

Moved: Walters

10.

RESOLVED, the Town Board authorize Police Officer Jonathan Cross to attend the DCJS SWAT Operator Course, a four (4) week course – October 31-November 4, 2016, November 7-10, 2016, December 5-9, 2016, and December 12-16, 2016, in Oriskany, New York.

Meals: \$40.00 per day x 20days	\$800.00
Tolls: (approximately)	\$100.00
Gas: if needed	<u>\$200.00</u>
TOTAL:	\$1,100.00

Use of Unmarked Police vehicle for transportation is requested.

Money is available in account B3120.492.

Moved: Walters

11.

BE IT RESOLVED that the Town Board of the Town of Hamburg adopt the special assessments indicated on the attached “Letter of Authorization” as part of the 2017 Town of Hamburg Budget.

Moved: Walters

Letter of Authorization

To: Erie County Real Property Tax Department
From: Town of Hamburg
Subject: Unpaid items to be included in tax warrant
Date: October 31, 2016

In accordance with New York State Town Law, section 198, the town board has opted to enforce various unpaid accounts for water, sewer, refuse and other unpaid town services as indicated below, by placing a lien upon the real property for which such services were provided. **Be sure to include a copy of the resolution(s) adopting all special town charges.**

In light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the town assessor's master computer assessment roll file, which is also hereby being delivered by the assessor with this letter of authorization.

• Total Unpaid Water	\$6,553.18
• Total Unpaid Sewer	\$ _____
• Total Unpaid Refuse	\$34,296.00 + \$91,312.00 (\$125,608.00)
• Total Ag Penalty	\$ _____
• Total Other Charges	\$ _____
• Total Omitted Taxes	\$ _____
Total of Items Above	\$132,161.18

Certification Town of Hamburg
Town Supervisor, Steven J. Walters

Date: October 31, 2016
Catherine A. Rybezyński
Town Clerk, Catherine A. Rybezyński

Assessors Use Only

Date RPS file submitted to County RPTS _____

I hereby certify that the entries on the master assessment roll file delivered herewith equal the amounts as required by the town board as provided for above.

Milton Bradshaw
Assessor, Milton Bradshaw

11-2-16
Date

County RPTS Use Only

Date filed received _____ By: _____

File in balance Yes _____ No _____

Town of Hamburg
2017 Budget
Special Assessments

Erie County Water Authority delinquent water charges
Total \$6,553.18

Removal of weeds, grass and brush
Total \$34,296.00

Costs associated with unsafe building conditions/emergency enclosures
Total \$91,312.00

TOTAL \$132,161.18

12.

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

Edgar Reigh
35 Foster Ridge
Hamburg, New York 14075

Moved: Walters

13.

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

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/tem hourly rate	Termination Date
1	4404	Avery, Maxwell		Rec Attd- A7310				11/8/2016
2	113	Boswell, David		Rec Attd-ER7251				11/8/2016
3	3854	Boswell, James		Van Driver-A6772-P/T				10/31/2016
	3854	Boswell, James	R	Van Driver-A6772-Seas	11/1/16		\$10.97	
4	4709	Casey, Owen		Lifeguard-A7310				11/8/2016
5		Compise, Jared	N	Rec Attd-EI7265-P/T	11/8/16		\$9.00	
6	4721	Dake, Joshua		Rec Attd-A7310-Seas				11/14/2016
	4721	Dake, Joshua	R	Rec Attd-A7310-P/T	11/15/16		\$9.00	
7	4703	Ellis, Christopher		Rec Attd-ER7251-P/T				11/12/2016
	4703	Ellis, Christopher	R	Rec Attd-EI7265-P/T	11/13/16		\$9.00	
8		Grasso, Maria	N	Rec Attd-EI7265-P/T	11/8/16		\$9.25	
9	3440	Greenauer, Joshua		Rec Attd-EI7265-Seas				11/12/2016
	3440	Greenauer, Joshua	R	Rec Attd-A7310-P/T	11/13/16		\$10.69	
10	3905	Lease, Warren		Rec Attd-EI7265-Seas				11/21/2016
	3905	Lease, Warren	R	Rec Attd-A7310-P/T	11/22/16		\$11.50	
11		Lorquet, Mark	N	Van Driver-A6772-P/T	11/8/16		\$9.00	
12	4265	Michalek, Colin		Lifeguard-A7310				11/8/2016
13	4637	Miller, Michael		Rec Attd-EW7251				11/8/2016
14	4662	Padovani, Michael		Rec Attd-EI7265-Seas				11/26/2016
	4662	Padovani, Michael	R	Rec Attd-EI7265-P/T	11/27/16		\$9.00	
15	3943	Perry, Ramsey		Rec Attd-ER7251-P/T				11/12/2016
	3943	Perry, Ramsey	R	Rec Attd-A7310- P/T	11/13/16		\$9.75	
16	4224	Pezzino, Joseph		Rec Attd-EI7265-Seas				11/7/2016
	4224	Pezzino, Joseph	R	Rec Attd-EI7265-P/T	11/8/16		\$9.00	
17	3980	Picciano, Ronald		Rec Attd-ER7251				11/8/2016
18	4638	Pietras, Sarah		Rec Attd-A7310				11/8/2016
19	3704	Reid, Gregory		Rec Attd-EI7265-Seas				11/21/2016
	3704	Reid, Gregory	R	Rec Attd-EI7265-P/T	11/22/16		\$10.45	
20	4736	Reinagel, Brittany		Rec Attd-A7310-Seas				11/14/2016
	4736	Reinagel, Brittany	R	Rec Attd-A7310-P/T	11/15/16		\$9.00	
21	4437	Ringo, Nolan		Rec Attd-ER7251-P/T				11/12/2016
	4437	Ringo, Nolan	R	Rec Attd-A7310-P/T	11/13/16		\$9.00	
22	4269	Schelter, Chelsea		Lifeguard-A7310				11/8/2016
23		Smith, Gabrielle	N	Lifeguard-A7310-P/T	10/21/16		\$9.25	
24	4750	Sortisio, Ryan		Rec Attd-EW7251-Seas				11/5/2016
	4750	Sortisio, Ryan	R	Rec Attd-A7310-P/T	11/6/16		\$9.00	
25	3808	Steger, Amy		Rec Attd-ER7251				11/8/2016
26	4358	Volk, Charles		Rec Attd-ER7251				11/8/2016
27		Weimer, Emily	N	Lifeguard-A7310-P/T	10/21/16		\$9.25	
28	4223	Wicka, Paul		Rec Attd-EI7265-P/T				11/12/2016
	4223	Wicka, Paul	R	Rec Attd-ET7180-P/T	11/13/16		\$11.00	

Moved: Walters

14.

WHEREAS, the Town of Hamburg operates and maintains the Woodlawn Beach State Park on behalf of the New York State Office of Parks, Recreation and Historic Preservation; and

WHEREAS, in order to make the picnic grove area located at the north end of the park more appealing for use by a larger variety of patrons, the Town desires to convert an existing storage building into a restroom facility; and

WHEREAS, the Town has secured a grant for the construction of the restroom facilities which must conform to the requirements established by the New York State Office of Parks, Recreation and Historic Preservation which include that all new facilities be designed by a licensed professional engineer.

THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to enter into an agreement under the current Town Engineering Services contract with GHD Consulting Services Inc. not to exceed the amount of \$45,000 for the design and bidding of the improvements; Funding available from Acct # H98 1620.460.

BE IT FURTHER RESOLVED, that one (1) certified copy of this resolution be provided to the Town Engineering Department, for transmittal to GHD Consulting Services Inc.

Moved: Best

15.

BE IT RESOLVED, that the Town Board authorize the out of town travel for Tim Jerome of the Recreation Department to attend the National Alliance for Youth Sports (NAYS) Congress in Orlando, FL. The event is scheduled for November 14-18, 2016. Some of Mr. Jerome's expenses (registration, accommodations) are covered due to his position as an Advisory Board Member for NAYS.

Approximate Conference expenses include the following:

Air Fare:	\$568.00
Meals (5 days)	\$200.00
Incidentals	<u>\$ 32.00</u>
Total	\$800.00

Moved: Walters

16.

WHEREAS, a public hearing was held on October 24, 2016, for discussion and public comment concerning adoption of proposed local law #10, 2016

WHEREAS, proposed local law #10, 2016, is a local law to override the tax levy limit established in General Municipal Law Section 3-c,

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board adopt this proposed local law to read as follows:

A Local Law of the Town of Hamburg to override the tax levy limited established in General Municipal Law Section 3-c, as follows:

Be it enacted by the Town Board of the Town of Hamburg:

A local law to override the tax levy limit established in General Municipal Law §3-c.

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Hamburg to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of no less than sixty (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Hamburg, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4. Severability

If a court determines that any, clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Moved: Walters