

TOWN BOARD MEMBERS PRESENT:

Steven J. Walters	Supervisor
Michael Quinn	Councilman
Cheryl Potter-Juda	Councilwoman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk
Walter Rooth III, Town Attorney; Mary Dosch, Sr. Account Clerk; Patrick Ryan, Deputy
Superintendent of Buildings and Grounds

Supervisor Walters calls the meeting to order at 6:00 pm. He then states that they have representatives from Energy Mark, to talk about the ESCO which, back in 2012 and 2013, the Town Board worked to put together. There was one step left to be done and that was to authorize National Fuel to accept the Town as an ESCO. Things kept getting put off and it was suggested that Energy Mark come in again and talk about their program.

Kevin Klup, Energy Mark, comments that gas is stored in the off-season. The price in January is high and then by May no one is heating their homes and his company stores the gas underground. What they project as the best option is for the Town to become their own Gas Company. The Village of Hamburg has done this since 1999 and everyone in the Village is supplied by them and they have done very well. In February of 2014 they did a comparison of the Town to the Village price and the Village's price was \$2500.00 per year less (for Town Hall). The Town signed a two year contract to get things started. The next step is getting it approved through the State and then doing a kick-off with the residents. They are finally in the next stretch and they need to finalize.

Tim comments that the State of New York Public Service Commission has taken an aggressive stance in trying to get municipalities to create their own energy companies. If the Town is serious he would recommend that the Town look over case 14-N-0224. They are in the comment period and the program itself is supported by the Governor on down to try to get communities to form aggregation groups and as a result of these groups there will be better pricing, they can customize and fit your price which is something you can't do with a utility. If you want to buy all green energy you can. The Town is almost complete and he would recommend getting this finished and then start looking at the latest provisions. The timing would be perfect for this program. It is an opt out program so as soon you form your pool all the Town residents become part of that pool. If they don't want to be part of it they can opt out. Normally it is an opt in program so this will reduce the marketing efforts of the municipality. This is not just for the Town of Hamburg it is for across New York State.

Mr. Klup comments that it mentions the Village of Hamburg as a successful program that has been going for over a decade.

Tim comments that the options are finish it or kill it. With this new program it is perfect timing for the Town not to kill but become their own ESCO because to have all the customers come into it automatically is fantastic. They don't have to incur all the marketing costs that the Village of Hamburg had to incur. He will find out all the details in December.

Mr. Klup explains, in further detail, how the ESCO would work.

Supervisor Walters wants to clarify the responsibility for the Town once this is created.

Mr. Klup comments that before the new program was available they suggested that the Town enclose a flyer in everyone's gas bill stating that if they wanted to join the ESCO they should call. The Town wouldn't have to do that if the Public Service Commission gets their way because everyone will be enrolled the first day. They would have to opt out if they wanted.

Tim comments that they would go through an RFP process for the supply of gas somewhere down the road. After their contract expires they would be able to canvass the market.

Councilwoman Potter-Juda questions how many Towns are in their program now.

Tim responds with a list of surrounding Towns and states that they also supply at the wholesale level, the School and municipal cooperative, to eighty school districts and also smaller municipalities. The difference is when you have your own aggregation program, when residents get the bill it will have the Town of Hamburg as the supplier.

Mr. Klup comments that the bill is for supply and delivery. They will still be charged for delivery because the pipes are still owned by National Fuel but the supply would come from the Town owned ESCO.

Councilwoman Potter-Juda questions if there are any additional fees.

Mr. Klup responds that the Town is taking out the middleman. Energy Mark would supply them wholesale behind the scene. They are the second largest storer of gas on the pipeline.

Councilman Quinn questions if there are any administrative costs associated with this.

Tim comments that the Village of Hamburg has some clerical time but they set their own rate and they recover that through the rate. The Town sets its own rate. Some of that comes back to the Town and stays there, some goes to the supplier and some goes to the utility company.

Mr. Klup describes how the Village recoups their money and comments that they should talk to the Village of Hamburg.

Supervisor Walters responds that he has spoken with Don Witkowski, Village Administrator, many times. The bottom line is that the Village is very happy with the program. It has been a big savings for the Village residents with respect to their gas prices.

Tim comments that it should go into effect in the spring. He then comments that they are so close to forming their own ESCO that they should move ahead with it. He would think that after this passes that 10 times as many Villages and Towns will be forming their own ESCO's for the various benefits and because of the opt out issue.

Councilman Quinn questions if everyone starts storing their own gas won't the prices rise in May and June as well?

Mr. Kulp responds that storing gas is not something most people can do. There are long term leases underground. Most of the guys you receive mailings from don't even own storage. They are the second largest holder on the pipeline, second only to National Fuel. Everyone would love to buy in May and June when it is low but you must have storage. Most are third party suppliers, brokers. Right now their price is low because there is so much gas that is close and it is stranded. There are not enough pipelines. Now they are taking the pipelines through Pennsylvania to the ocean to ship to England, etc. The prices will then start to creep up.

Tim comments that he personally set up the Village of Sloan and Hamburg and is willing to handle the administrative charges for nothing. They are so close it doesn't make sense to not move ahead.

Sean Hopkins comments on the rezoning of 4819 Southwestern Blvd. They had a hearing on September 28th and during the public hearing they asked him to follow up with residents on the public comments. A week ago they sent a letter to everyone within 500 feet responding to their comments. The only additional information, that came up within the past week, is Peter Evenhouse who is an adjacent property owner, raised a legitimate concern that if they down zoned the entire piece from C-1 to R-3 it would trigger an increased setback on his property. If he wants to expand his printshop in the future he would now be subject to a more intense setback than he has now. Based on discussions with Peter, Sarah and Kurt Allen, what they have done is they have taken a 50 foot area of the conservation easement and left it zoned C-1 thereby not making any changes to the setback on his property. He then asks if the Town Board has any additional questions and states that they are hoping that the Town would be potentially be in a position to issue a SEQRA determination.

Councilman Quinn questions if they have heard anything from the residents along the back of the parcel.

Mr. Hopkins responds that they haven't yet but they did submit the letter. The biggest issue that came up at the public hearing was from neighbors along Sowles Road that thought that the project was closer to them than it was. They added dimensions to the plan so that you can tell there are no single family homes that are even remotely close to this project. He thinks based on that that they will be okay. The 50 foot conservation easement all the way around the project will remain untouched.

Pat Ryan, Deputy Superintendent of Buildings and Grounds, states that he would like to request permission to purchase a used bucket truck. This allows them to get up in the air for tree trimming, putting up decorations, outside lighting etc.

The current truck they have has been deemed unsafe. They originally thought it would cost around \$60,000 but they were able to find a used one from Kellogg's Bucket Trucks in Pennsylvania. The truck they are looking at has 68,000 miles on it for \$20,000 and they do have the money in their sign budget.

Supervisor Walters questions when the previous truck was purchased.

Mr. Ryan responds that the bucket was purchased 25 years ago. It has been transferred over to a couple of different trucks. The truck it is on now is a 2001.

Councilman Quinn questions if they are getting the entire truck and bucket.

Mr. Ryan responds yes, the entire unit, and it looks like it is in great condition. They would have it inspected and gone over before they purchased it. The real issue is safety. When you are up in the air you want to make sure it is safe.

Supervisor Walters questions why was this deemed unsafe.

Mr. Ryan responds that it was R B Uren which is a company in Niagara Falls that they take this truck to for all the repairs.

Councilman Quinn questions if the truck itself is safe and could they remove the bucket.

Mr. Ryan responds that if they were to purchase this then they could remove the bucket and keep the truck for future use.

Supervisor Walters questions if this is a Highway Truck or Buildings and Grounds Truck.

Mr. Ryan responds that it would be a Buildings and Grounds Truck. They would also use it for traffic signals. Highway does borrow this. The second issue he has is with the roof. He has an equipment tag out notification which states that it does not meet current safety requirements, as per attached:

RB-Uren Corp

U'REN EQUIPMENT INC. NIAGARA FALLS 716-283-4466 ROCHESTER 585-254-3330

EQUIPMENT TAG OUT NOTIFICATION

CUSTOMER: Town of Hamburg

ADDRESS: 2718 Lakerien Rd.

CONTACT: Mike Bennett PHONE: 646-1290
491-4581

UNIT BC-1 MODEL AF32-FB

SERIAL NUMBER: 7-93-326-794

MANUFACTURER: AerLib

R.B. U'REN EQUIPMENT INSPECTOR: ED McCaathy

CHECK ALL THAT APPLY:

- THIS UNIT IS OBSOLETE. MANUFACTURER STRONGLY RECOMMENDS UNIT TO BE PUT OUT OF SERVICE
- DOES NOT MEET CURRENT SAFETY REQUIREMENTS
- UNIT IN POOR CONDITION
- UNIT NEEDS TO BE PUT OUT OF SERVICE
- PARTS ARE NOT AVAILABLE FOR THIS UNIT
- UNIT IS OPERATING BUT WITH NO MANUFACTURER LIABILITY INSURANCE COVERAGE
- UNIT IS UNSAFE. DEATH OR SERIOUS INJURY MAY RESULT FROM USE OF THIS EQUIPMENT
- THIS UNIT DOES NOT PASS ANSI REQUIREMENTS
- UNIT DOES NOT HAVE AN UP TO DATE ANNUAL INSPECTION
- MANUFACTURER IS NO LONGER IN BUSINESS
- UNIT IS IN NEED OF REPAIRS AS PER ESTIMATE # _____ ATTACHED. CUSTOMER HAS DECLINED R.B. U'REN EQUIPMENT TO PERFORM NECESSARY REPAIRS. UNIT SHOULD NOT BE USED UNTIL REPAIRS ARE COMPLETED.

R.B. U'REN EQUIPMENT INC. STRONGLY RECOMMENDS THAT THIS UNIT BE PUT OUT OF SERVICE.

BEFORE RELEASING THIS EQUIPMENT BACK TO THE ABOVE NAMED CUSTOMER,

Steve Pollow, AN AUTHORIZED TECHNICIAN OF R.B. U'REN EQUIPMENT HAS EXPLAINED THE ITEMS CHECKED ABOVE IN-DEPTH AND THE HAZARDS INVOLVED SHOULD THE ABOVE STATED EQUIPMENT BE USED.

BY SIGNING BELOW YOU ARE ACKNOWLEDGING THAT YOU ARE AN AUTHORIZED REPRESENTATIVE OF Town of Hamburg, THAT YOU HAVE BEEN INFORMED OF AND COMPLETELY UNDERSTAND ALL OF THE ABOVE, AND THAT R.B. U'REN EQUIPMENT WILL BE HELD HARMLESS OF ANY AND ALL LIABILITY RESULTING FROM THE USAGE OF THE ABOVE STATED EQUIPMENT. YOU ALSO AGREE TO INFORM ALL NECESSARY PERSONNEL WITHIN YOUR COMPANY OF THE SAME.

SIGNATURE: [Signature]

PRINTED NAME: John Jewett

DATE: 10/23/15

Witnessed by: [Signature]

Printed name: Steve Pollow

Councilwoman Potter-Juda asks if there is any way it could be repaired.

Mr. Ryan responds that they have tried repairing it many times. Basically they said they would not work on that truck anymore. They did not have the proper mounting mechanism. A truck like that needed a certain suspension on it so that when you took the weight to the right or left the truck would not tip over and the boom itself is so old that they don't consider it safe when they have an employee up in the air so high.

Mr. Ryan comments that the other issue is bonding for the roof on the Town Park and the roof on the Lakeshore Library.

Supervisor Walters responds that they did a general purpose bond, not a specific bond. There were three specific bonds and they decided to eliminate those and put everything together under one general purpose bond. They passed the bond and have received the funds. Now they are waiting for the projects to be presented to the Board.

Mr. Ryan responds that they received a quote for the Hamburg Town Park for \$29,500 with a 40 year warrantee for a steel roof.

Councilman Quinn questions if there is a certain time of the year when they couldn't do it anymore?

Mr. Ryan responds that it would have to be done pretty soon, depending on the roofing company. Does the bonding run out after a certain amount of days?

Supervisor Walters responds that would be the grant for the Lakeshore Library roof. They received a matching grant from the NYS Library Capital Grants Program. With that they will have to start the project within a certain amount of time. Starting the project is just signing a contract with a roofing company.

Mr. Ryan requests permission to proceed.

Supervisor Walters comments that the funding is there and that roof does need to be replaced. With respect to the Town Park roof, there was an indication that there might be some grant money available from the Assemblyman's Office. Was that explored?

Mr. Ryan responds not that he is aware of. He will find out.

Supervisor Walters comments that grant money might have been for Woodlawn. The Assemblyman's Office had some grant money to do some work at Woodlawn and their office came back and said that the State, not the Town, owns the park. The project at Woodlawn was

the same amount of money as the Town Park so the suggestion was that since they had this money dedicated to the Town, for Park improvement, from their standpoint does it matter which park. So, before the Board can make a decision on the Town Park they need to find out where that grant money stands.

Councilman Quinn questions if they could do this in-house?

Mr. Ryan responds that they did do that at the NIKE Base. The Town Park is a little different. You can get on the roof but the backend has a severe drop off, because of the hill. This makes it extremely dangerous. When they have made repairs in the past they had to tie someone off and it is very hard as far as safety issues are concerned. They would rather have professionals do this.

Councilwoman Potter-Juda questions if it has to be a steel roof?

Supervisor Walters comments that a steel roof is good for 40 years and much more durable as far as the wind coming off the lake.

Councilman Quinn questions how quickly do they have to make a decision on the Library roof?

Supervisor Walters comments that they have to find out when the grant expires. He feels that they should put bids out as soon as they can. Then they can approve the contract at the next Board meeting.

Linda Rogers questions if the passing of the resolution for the bucket truck is time sensitive?

Pat Ryan comments that he is going to have to remove that truck from the fleet. It is almost like he has been put on notice and he doesn't want to put anyone up in the truck. The Rejuvenation Committee wants to put the Christmas decorations up, they have to take the Flags down and there are all sorts of things at this time of year.

Supervisor Walters questions has the new truck been inspected yet?

Mr. Ryan responds that they will have to send their signs and signals crew to Pennsylvania to get it and bring it back for inspection. The company that inspected the old truck suggested the company from PA. They are a very reputable company. They read all the reviews online and he was surprised by the price.

Supervisor Walters and Councilman Quinn both say that they are in favor of this.

Councilman Potter-Juda comments that if the truck is still usable why can't they take the truck and put a new boom on it.

Mr. Ryan responds that it is cheaper to buy a whole new one, this is an unbelievable price. Also, the way the boom is mounted on there was unsafe and the suspension of the truck was not made for a boom like that.

Supervisor Walters questions if anyone has any suggestions with respect to the budget, other than the labor negotiations pertaining to the health care issue.

Councilman Quinn questions when it has to be approved.

Supervisor Walters responds that it will have to be voted on by November 17th and they will have to hold a special meeting. They will have to pass the override resolution today.

Councilman Quinn questions what the percentage increase is.

Supervisor Walters responds between 8 and 9%.

Councilman Quinn responds couldn't they just cut every department by 6%?

Supervisor Walters comments that the reality is that the majority of the spending in the Town is personnel. They have no control over other areas in the budget such as gas and utilities. If they are looking for savings of \$700,000 or more that will result in layoffs.

Councilman Quinn questions what about reserves. Haven't they used the reserves in the past?

Supervisor Walters responds that they have used reserves and are continuing to use reserves. What they did do over the last three to four years was use more in reserves expecting that pension rates would go down appreciably. Obviously they haven't and they can't continue to use that excess in the general fund because they will run out. So, they have to scale that back to a more conservative number. That is what they are dealing with in terms of the general fund long term and then short term they are dealing with the spike in the health care. He will update where they are with contract negotiations in Executive Session. They could adopt the budget tonight with amendments.

The Town Board agrees to hold the special meeting and work on changes to the budget in the meantime.