

Supervisor Walters calls the meeting to order 6:00 pm

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Kevin S. Smardz	Councilman
Joseph A. Collins	Councilman
Jonathan G. Gorman	Councilman
Amy J. Ziegler	Councilwoman

OTHERS PRESENTS: Catherine A. Rybczynski, Town Clerk; Ken Farrell, Town Attorney; Mary Dosch, Sr. Account Clerk; Wayne Drescher, Finance Consultant; Brian Doyle, Deputy Town Attorney; Tom Best, Highway Superintendent; Marty Denecke, Director of Recreation; Mike Williams, Chief of Police; Drew Reilly, Planning Consultant

1.

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 created the Fairgrounds District, the boundaries of which are generally described in Section 280-214.2 of the Hamburg Town Code, and

WHEREAS, the Town of Hamburg wishes to officially describe and rezone the property included in the Fairgrounds District, as well as amend the zoning map to reflect its boundaries;

NOW, THEREFORE, BE IT RESOLVED that the Hamburg Town Board schedules a public hearing to be held on December 13, 2010.

BE IT FURTHER RESOLVED that the Planning Department is authorized to initiate the SEQR Lead Agency and 239-M referral process.

The following spoke concerning resolution #1:

Supervisor Walters, Drew Reilly

2.

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

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

WHEREAS, the Town of Hamburg and the Frontier Central School District previously entered into a Lease Agreement dated June 6, 2002, for the use of a portion of the Frontier Community Learning Center by the Town of Hamburg Youth Bureau running through June 30, 2012, and

WHEREAS, the Town of Hamburg will be completing consolidation of the Hamburg Youth Bureau into the Recreation Department in 2011, and

WHEREAS, the Town of Hamburg will no longer require the use of a portion of the Frontier Community Learning Center for its Youth Bureau,

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg shall cease all operations at the Frontier Community Learning Center, and vacate the premises on or before June 30, 2011, and

BE IT FURTHER RESOLVED that the Town of Hamburg shall cancel and terminate the aforementioned lease agreement effective June 30, 2011,

BE IT FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to take all steps and execute any documents necessary to effectuate the terms of this resolution.

3.

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

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

BE IT RESOLVED that the Town Clerk is authorized to schedule a public hearing on Proposed Local Law #14, 2010. The local law would provide for amendments to the Hamburg Town Code in accordance with the recommendations of the Town of Hamburg Code Review Committee, specifically:

Amendment #1 Chapter 280 – Zoning
Article XIV – C-2 General Commercial District
Article XVIII – M-1 Industrial – Research & Development District
Article XIX – M-2 Light Industrial District
Article XLVI – Special Use Permits

Amendments and additions to the above Articles

Purpose of amendments:

To provide for public mini-storage facilities in prescribed areas of the Town

Amendment #2 Chapter 190 – Garage/Yard Sales

Creation of a new chapter

Purpose of amendments:

To establish new local law provisions to regulate residential garage/yard sales

Amendment #3 Chapter 280 – Zoning
Article XVII – Waterfront Commercial District

Amendment to Section 280-110 (Permitted Uses)

Purpose of amendment:

To address existing residential structures in the WC District

Amendment #4 Chapter 280 – Zoning
Article XLIX – Definitions and Word Usage
Amendment to Section 280-342, new definition

Purpose of amendment:

To provide a definition of “patio home”

Amendment #5 Chapter 280 – Zoning
 Article XXXII – Off-Street Parking Requirements
 Amendment to Section 280-216
 Article XLIX – Definitions and Word Usage
 Amendment to Section 280-16, new paragraph E, and change existing E to F
 Amendment to Section 280-342, addition of the definition of “studio apartment”

Purpose of amendments:

To address the definition of and parking requirements for studio apartments

BE IT FURTHER RESOLVED that the Planning Department is authorized to initiate the SEQR Lead Agency and 239-M referral process

The following spoke concerning resolution #3:

Drew Reilly

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	

WHEREAS, a public hearing was held on October 25, 2010, for discussion and public comment concerning adoption of proposed local law #12, 2010, and

WHEREAS, proposed local law #12, 2010, amends Chapter 235 of the Code of the Town of Hamburg by adding a new article VIII to provide Cold War veterans with a real property tax exemption authorized by Section 458-b of the Real Property Tax Law of the State of New York, and

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board adopt the proposed amendment to Chapter 235 of the Town Code of the Town of Hamburg to read as follows:

ARTICLE VIII EXEMPTIONS PURSUANT TO REAL
PROPERTY TAX LAW SECTION 458-b

Section 235-30. Purpose

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.

Section 235-31. Definitions

As used in this Article:

1. "Cold War veteran" means a person, male or female, who served on active duty in the United States Armed Forces, during the time period from September 2, 1945 to December 26, 1991, was discharged or released therefrom under honorable conditions and satisfies any other requirements set forth in Section 458-b(1)(a) of the New York State Real Property Tax Law.
2. "Armed Forces" means the United States army, navy, marine corps, air force, and coast guard.
3. "Active duty" means full-time duty in the United States Armed Forces, other than active duty for training.
4. "Service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.
5. "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.
6. "Qualified residential real property" means the property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran; unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization subject to such time limitations, if any, as are set forth in Section 458-b(1)(f) of the New York State Real Property tax Law.
7. "Latest state equalization rate" means the latest final equalization rate established or Special Equalization Rate, as set forth in Section 458-b(1)(g).

8. "Latest class ratio" means the latest final class ratio established by the New York State Board of Real Property Tax Services pursuant to Title 1 of Article 12 of the New York State Real Property Tax Law for use in a special assessing unit as defined in Section 1801 of the New York State Real Property Tax Law.

Section 235-32. Amount of Exemption; Limitations

Qualifying residential real property shall be exempt from taxation to the extent of fifteen (15%) of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand (\$12,000.) or the product of twelve thousand dollars (\$12,000) multiplied by the latest state equalization rate of the assessing unit, the latest class ratio, whichever is less.

In addition to the exemption provided by subdivision "1" of this Section where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars (\$40,000.) or the product of forty thousand dollars (\$40,000) multiplied by the latest state equalization rate of the assessing unit, or in the case of a special assessing unit, the latest class ration, whichever is less.

1. If a Cold War veteran receives either a veterans' exemption under Section 458 of the Real Property Tax Law, or an Alternative Veterans' exemption under Section 458-a of the Real Property tax Law, the Cold War veteran shall not be eligible to receive an exemption under this Article.

Section 235-33. Duration of Exemption

The exemption provided by subdivision "1" of Section 235-32 of this Article shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this section. Where a qualified owner owns qualifying residential real property on the effective date of this Article, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this Article, or such date as may be set forth in Section 458-b(2)(c) of the New York State real Property Tax Law. Where a qualified owner does not own qualifying residential real property on the effective date of this Article, or such other date as may be set forth in Section 458-b(2)(c) of the New York State real Property Tax Law, such ten year period shall be measured from the assessment roll prepared pursuant to the first to the first taxable status date occurring at least sixty (60) days after the date of purchase of qualifying residential real property;

provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty (60) days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this Section for the unexpired portion of the ten year exemption period.

Section 235-34. Application for Exemption

Application for the exemption set forth in this Article shall be made by the qualified owner, or all of the qualified owners, of the property on a form prescribed by the State Board. The owner or owners shall file the completed form in their local assessor's office on or before the first appropriate taxable status date. The owner or owners of the property shall be required to refile at such times and under such circumstances as may be set forth in Section 458-b(3) of the New York State real Property Tax Law. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the New York State Penal Law.

Section 2. This local law shall take effect upon filing of same with the Secretary of State of the State of New York.

5.

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, a public hearing was held on November 8, 2010, for discussion and public comment concerning adoption of proposed local law #13, 2010 to amend Chapter 100 of the Hamburg Town Code, entitled "Dogs", to enforce the mandates of the Agricultural and Markets Law, of the State of New York, and

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 BE IT RESOLVED that the Hamburg Town Board adopt the proposed amendment to Chapter 100 of the Town Code of the Town of Hamburg to read as follows:

§ 100-1. Purpose.

The purpose of this chapter shall be to preserve the public peace and good order in the Town of Hamburg and to contribute to the public welfare and the preservation and protection of the property and the persons of the inhabitants of said town by declaring and enforcing certain regulations and restrictions on activities of dogs within the town.

§ 100-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AT LARGE

Either: (1) Elsewhere than on the premises of the owner; or (2) on the premises of another person without the knowledge, consent and approval of said other person(s).

DOG

Both male and female dogs, licensed or unlicensed.

DOG CONTROL OFFICER

A person authorized by the Town Board to enforce the provisions of this chapter and provisions of the Agriculture and Markets Law of the State of New York.

IDENTIFICATION TAG

A tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

OWNER

Any person, firm, association or corporation owning, harboring, keeping or having the custody or control of any dog.

§ 100-3. Control of dogs.

A. No person owning, harboring or having the care, custody or charge of any dog, whether male or female or whether licensed or not, shall allow or permit such dog at any time to run at large within the Town of Hamburg, unless such dog shall be effectively restrained by a chain or a leash not exceeding eight feet in length in the care of a competent person. In no event should said dog enter upon the lands of another without his consent.

Nothing contained in (A) herein is intended to apply to a guide dog, a hearing dog, service dog, working search dog, war dog, detection dog, or therapy dog.

B. No owner of a dog [or of a duly approved kennel] within the Town of Hamburg shall suffer or permit any dog or dogs to create any unreasonably loud or disturbing noise of such intensity and duration as to be detrimental to the life, health or welfare of any individual, and the violation of any provisions hereof is prohibited and deemed to be a public nuisance, and such dog or dogs shall be so housed and confined in a place so constructed as to prevent such disturbing and unnecessary noise as may result from the habitual or continual barking of such dog or dogs. The provisions of this section shall be liberally construed to prevent excessive, unreasonable, disturbing and unnecessary noise, due consideration being given to the circumstances, time of day, particular location of each violation and the demands of the public health, safety and welfare.

C. Denial of Entry. No person, owner, agent and/or employee of any commercial or retail establishment, or association within the Town of Hamburg shall prevent a guide dog, hearing dog, therapy dog, or service dog (as defined in Article 7 of the New York State Agriculture and Markets law), while under the control of a person needing assistance, from entering their premise or a public location.

§100-4. Rabies vaccination required.

A (1). Any person owning, possessing or harboring a dog four (4) months of age or over in the Town of Hamburg shall be required to have the dog vaccinated to prevent the spread of rabies.

(2) Subsection (A)(1) shall not apply to any dog whose life would be endangered by a rabies vaccination, provided that a written statement, certified by a duly licensed veterinarian, specifying such condition, is presented to the Town Clerk and filed with the Town Clerk's Office.

§100-5. License requirements.

A(1) License required. Any person owning, possessing or harboring a dog four (4) months of age or over in the Town of Hamburg shall obtain a current license for said dog and shall place and keep on such dog a collar to which shall be securely attached a valid identification tag for that dog, in accordance with the requirements of this chapter.

(2) At the time of licensing or license renewal, a current, valid certificate, indicating that the dog has been vaccinated to prevent the spread of rabies, or a written statement that the dog's life would be endangered by a rabies vaccination, certified by a duly licensed veterinarian, as provided for in §100-4 (A)(2) above, must be surrendered to the Town Clerk's office.

§ 100-6. License fees.

- A. Applications for a license or a renewal thereof shall be accompanied by a non-refundable processing fee in an amount determined from time to time by resolution of the Town Board, plus one (\$1.00) dollar mandated NYS surcharge for an altered dog, or three (\$3.00) dollars mandated NYS surcharge for an unaltered dog. A senior citizen discount of three (\$3.00) dollars shall be applicable (65 years of age or older) to the base fee upon proper proof. A portion of the fee shall be paid over to the agency designated pursuant to Article 7 of the Agriculture and Markets Law to be used for animal population control efforts. No license fee or part thereof shall be refunded because of a subsequent death, loss, spaying or neutering, or removal from the Town of such dog.

§100-7 License Application

A. An application for a license or renewal shall be in the form prescribed by the Hamburg Town Clerk and shall provide for the following minimum information:

- (1) The name, residence address and telephone number of each owner; and
- (2) The name, sex, approximate age, breed, color, markings and other identifying details for the dog; and
- (3) State whether the dog has been spayed or neutered; and
- (4) Such other information or documentation deemed necessary by the Town Clerk to effectuate the purpose of this chapter.

B. Rabies certification. The application for a license or renewal shall be accompanied by a statement certified by a licensed veterinarian showing that the dog has received the rabies vaccine; or, in lieu thereof, a statement certified by a licensed veterinarian that because of the dog's age or other reason, the life of the dog would be endangered by the administration of the vaccine.

C. Spayed/Neutered Certificate. In the case of an altered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian or a sworn affidavit signed by the owner in the form acceptable to the Town Clerk showing that the dog has been spayed or neutered, except that such certificate or affidavit is not required if same is already on file with the Town Clerk. In lieu of the spayed or neutered certificate an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as an altered dog.

§100-8 Issuance of license; identification tag.

A. Upon validation by the Town Clerk, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk. Such record shall be made available upon the request to the State Commissioner of Agriculture and Markets, or successor thereof.

B. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license can not be transferred to another dog.

C. Identification tag.

- (1) The Town Clerk shall assign an identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times.**
- (2) No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned.**
- (3) Any person wishing to replace a tag previously issued shall pay the sum of three (\$3.00) dollars to the Town Clerk for a replacement tag.**

D. The owner or keeper of any dog shall provide proof of said license upon request of the Dog Control Officer, Police Officers or other authorized officials.

§100-9 Term of license and renewals.

All licenses issued pursuant to this article, and any renewal thereof, shall expire on the last day of the month which is one (1) year after the date of issuance, except in the event an applicant for a license or renewal presents a statement certified by a licensed veterinarian, in lieu of a rabies certificate, then the license shall be issued for one (1) year from the date of the statement.

§100-10 Change of address or ownership; lost or stolen dog; death

A. Change in address. In the event of a change in address of the owner of record of any dog, the owner of record shall (new owner in case of change in ownership) within ten (10) days of the change, file with the Town Clerk a written notification of such change.

B. Change in owner. In the event in the change of ownership, the new owner shall immediately apply for a new license for the dog. Such new owner shall be liable for any violation of this chapter from the date of change in ownership, even if prior to the application for a new license for the dog.

C. Lost or stolen dog. If any dog which has been licensed is lost or stolen, the owner of record shall, within ten (10) days of discovery of such loss or theft, file with the Town Clerk a written notification of such event. In the case of loss or theft, the owner of record shall not be liable for any violation of this chapter committed after such notification has been made.

D. Death of dog. In case of the death of a licensed dog, the owner of record shall notify the Town Clerk of the dog's death either before or upon receipt of a renewal notice from the Town Clerk.

§ 100-11. Enforcement.

A. It shall be the duty of the dog control officer of the Town of Hamburg to enforce the provisions of this chapter.

B. A dog control officer shall have all the powers of a constable or a peace officer in the execution of the provisions of this chapter, including the service of a summons and/or the service of an appearance ticket, pursuant to § 114 of the Agriculture and Markets Law of the State of New York, and shall keep such records as required by this article and by Article 7 of the Agriculture and Markets Law of the State of New York.

§ 100-12. Seizure and impounding.

Any dog control officer or police officer or peace officer may seize and impound a dog found to be at large in violation of § [100-3A](#), §100-5 or §100-8 of Chapter [100](#) of the Code of the Town of Hamburg.

§ 100-13. Redemption; impoundment fees.

A. Any dog found to be at large and seized by any dog control officer or peace officer shall be held for the redemption period and may be redeemed by the owner within the time and in the manner prescribed by § 118 of Article 7 of the Agriculture and Markets Law of the State of New York, provided that the owner pays the following impoundment fees and said owner shows due proof that said dog is duly licensed or that said owner thereupon properly licenses said dog:

The owner of any dog impounded by the Town of Hamburg shall be entitled to redeem that dog within five (5) business days, from the day the dog is impounded excluding the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays the following fees:

1. Ten (\$10.00) dollars, plus an amount to be determined from time to time by resolution of the Town Board per day of impoundment for the first impoundment of any dog owned by that person;

2. Twenty (\$20.00) dollars, plus an amount to be determined from time to time by resolution of the Town Board per day of impoundment for the second impoundment of any dog owned by that person within one (1) year of the first impoundment;

3. Thirty (\$30.00) dollars, plus an amount to be determined from time to time by resolution of the Town Board per day of impoundment for the third impoundment of any dog owned by that person within one (1) year of the first impoundment

B. If the dog is licensed a notice of impoundment shall be sent by the Dog Control Officer to the owner of record by regular U.S. Mail as soon as practicable.

C. Return of the dog to the owner of record shall be dependent upon admission of ownership or the keeping of said dog, and assumption of responsibility by the owner. If said dog is unlicensed, a current license shall be obtained and all impound fees shall be paid prior to the release of the dog, in addition to any fees charged for boarding, medical costs or other care costs.

D. Failure of an owner to redeem any dog, after due notice, shall not relieve said owner from payment of the prescribed impoundment fees set forth herein. [and as set forth in Article 7 of the Agriculture and Markets Law of the State of New York.]

E. The seizure of any dog shall not relieve any person from any violation provided for in § 100-14B of this chapter.

§ 100-14. Penalties for offenses.

A. It shall be a violation, punishable as provided in Subsection B of this section, for the owner of any dog to permit, at any time, a violation of this chapter.

B. A violation of this section shall be punishable, where prosecuted, pursuant to the Penal Law, by a fine of not more than \$25, except that:

(1) Where the person was found to have violated this section within the preceding five years, the fine may not be more than \$50.

(2) Where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than \$100 or imprisonment for not more than 15 days, or both.

§ 100-15 Effective Date.

This local law to take effect immediately upon passing and filing with the Secretary of State.

6.

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 Transfer of Appropriations, within the 2010 Budget as follows,:

From: Contingency A1990.419 \$10,000

To: Litigation A1420.457 \$10,000

To fund unanticipated expense.

7.

On a motion of Councilman Smardz, 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 Transfer of Appropriations, within the 2010 Budget, as follows:

From: Contingency A1990.419 \$1497.50

To: Small Boat Launch A7230.406 \$1497.50
 Equip. Rental

8.

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

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

1. Tenebruso, Robert	Laborer, Seasonal	11/20/2010	Terminate
2. Nelson, Brett	Laborer, Seasonal	11/20/2010	Terminate
3. Best, Frederick	Laborer, Seasonal	11/21/2010	Terminate
4. Best, Frederick	Laborer, P/T	11/22/2010	\$9.59
5. Bates, Cynthia	Laborer, P/T	11/16/2010	\$9.92

Supervisor Walters reports on the 2011 Budget stating that in 2006 the Town Budget was \$42,141,938.00 and based upon projected growth, which was determined by using the previous 10 years of budgeting, the projected growth was about 3.5% per year; with that growth the 2011 Budget was projected to be \$50,051,403. The actual Budget that was submitted is \$39,234,258 which is 10.5 million less. He wants to clarify certain issues that have come up. One issue is the Video Lottery terminal revenues; Town has received 1.1 million over the last four years; getting increased revenues does nothing to affect spending; during that time the town's mortgage revenues and interest earned has gone to virtually nothing. At one point we were receiving over 2 million dollars per year in mortgage tax; today it is under 1 million; interest earnings have dropped over 5%; Employee pensions have gone up over 90% the last 2 years which equates to about 1.3 million dollars in additional State mandated spending that the Town has to do. At the same time, the Town was able to reduce its fund balance appropriation; fund balance is used to stabilize the Budget year to year in case of an unexpected increase; the tax rate doesn't need to fluctuate; it is our reserve, essentially our savings account. Since 2006 they have reduced the appropriated fund balance use by over 30%; this equates to over 1 million dollars per year. With the reduced spending, despite seeing a reduction in the appropriated fund balance; a reduction in mortgage tax and interest; and increase in pension, the Budget submitted will be the fourth consecutive year that the taxes have been stable or have gone down. The proposed Budget has a tax reduction for every resident in the Town of Hamburg. Comments have been made on the tax rate; being flat or a slight reduction. For illustration purposes, if the previous administration had gone every year with no increase in the tax rate, the taxes for every Town resident would be 50% less than they currently are; the point is, it is an arduous process and isn't easy to even come in with a flat tax rate, much less a decrease. Another issue that keeps coming up is the Highway Department Budget; appropriations in the 2009 Highway Budget; in 2009 they increased spending in the Highway Department by 8%; highest increase they ever received due to the rise in oil/gas etc.; another thing they have done over the last several years is reduce the Town's debt load. They have reduced the entire Town's debt load by over 35%; for anyone saying we are burdening our children and grandchildren with costs; we are borrowing; we are spending today with no way to pay; they recognize that in the Town and have taken steps to stop the borrowing and get the debt paid off. The projected budgets, over the last 5 years, versus what the actual budgets were; the savings to the Town was over 29 million dollars. This year alone the actual budget, versus the expected budget, showed a savings of over 10 million dollars. This has occurred through cost cutting measures; through efficiencies; and by being tight with the money. There has been a lot of discussion about salaries; he hears what people are saying; he has always tried to put the Town first, above personal or political ambitions; as such he is forgoing any request for a raise and is reducing his request for the stipend by \$5,000. In these economic times they should not hire someone else, with salary and benefits that will convert to the legacy costs that our children will be responsible for; he is asking the Town Board to adopt the Budget, he presented in September, with the 15 changes he is proposing with the following resolution.

9.

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

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

RESOLVED, that the Town Board does hereby adopt the Town of Hamburg 2011 Budget as previously filed by the Town Supervisor and known as the "Preliminary" 2011 Budget with the following amendments:

General Fund:

Decrease	A.1410.100	Town Clerk-Personal Services	\$ 2,156.00
Decrease	A.1220.100	Supervisor-Personal Services	\$ 2,464.00
Decrease	A.1110.100	Town Justices-Personal Service	\$ 3,580.00
Decrease	A.5010.100	Superintendent of Highways-Personal Services	\$ 2,448.00
Decrease	A.6772.100	Programs for Aging-Personal Services	\$ 9,500.00
Decrease	A.7020.100	Recreation Administration	\$ 7,900.00
Increase	A.1355.100	Assessing-Personal Services	\$66,817.00
Decrease	A.1355.456	Assessing-Consultant Fees	\$32,045.00
Increase	A.2410.000	Revenues-Rental of Property (Chamber)	\$ 4,000.00
Increase	A.2544.000	Revenues-Dog Licenses	\$10,000.00
Increase	A.2707.000	Revenue-Senior Day Care	\$30,000.00
Increase	A.2040.000	Revenue-Boat Launch Fees	\$ 7,000.00
Increase	A.2001.045	Revenue-Taylor Road Park Fees	\$ 4,000.00
Increase	A.2302.005	Revenue-Dispatch Fees	\$30,000.00
Decrease	A.1340.100	Personal services	\$ 5,000.00

Councilwoman Ziegler comments that the amendments are certainly recognized as favoring the residents; she is proposing a set of conditions before she is willing to support that resolution. What she would propose is a further reduction in the budget for personal services in the amount of \$7,500 for a total tentative allowance of \$7,500; she would ask that there be a commensurate reduction in Consultant Fees that would correlate to funds paid to Wayne Drescher and his firm. If there is a deduction in the amount paid to the outside consultant, at \$145.00 per hour, they could garnish support for a budget that certainly will end up in a 0% tax increase. She would also ask that the Board consider, so they have the requisite transparency, some sort of voucher or accounting of the time the Supervisor would spend, over and above, doing duties that would not typically fall within his job description. She would ask that during those relevant periods that he provide some accounting of doing those duties that would ordinarily be handled by Wayne Drescher or his firm; with that they would be doing the responsible thing; that would be the transparency and accounting that this Board and the citizens of the Town deserve. She cannot support a budget that sees an additional employee with a present value salary package of over \$100,000.

Supervisor Walters comments that he would be agreeable to provide an accounting to this Board for review; for the 2012 Budget cycle. This Board does need to ensure that these are funds that are justified.

Councilman Smardz comments he appreciates the work Supervisor Walters has done; he will not support the \$10,000 stipend; he has already made this commitment to the taxpayers; in the private sector people are taking on extra duties; we are getting compensated very fairly in the Town; he won't support the additional \$10,000 stipend for this 2011 Budget.

Councilman Gorman comments that dog licenses are a new source of revenue, however with the increase in revenues from Senior Day Care, what is the increase in fees from last year?

Supervisor Walters responds that revenue was based on 18 people per day at the Adult Day Care Center, currently they are handling 26 per day, an increase of 8 people per day; that revenue reflects the correct amount of participants; there is a waiting list.

Marty Denecke comments that there are some days when they can't get everyone in, actual capacity is 29, but they are averaging 26 people.

Supervisor Walters comments that with Taylor Road Park there is an increase of \$4,000. In 2010 the Town reached its' anticipated revenue in July, so we are bringing in more than anticipated and this increase reflects that. On the boat launch, the dredging costs have gone up significantly over the past couple of years, this is a reflection that they need to close the gap and it will take an effort by the Recreation Department to either raise revenues or get more people to sign up for the program.

Councilman Gorman asks if they need the usage to increase or will they increase fees.

Marty Denecke comments that the usage has been steady for the last number of years; they had a Recreation Advisory Board meeting last week and they recommended an increase of \$5.00 and to also implement a daily use fee, still for residents only, but a \$10.00 fee for residents who may only want to launch 3-4 times. That might attract more people.

Councilman Gorman asks if the Senior daily rate is staying the same for the Adult Day Care.

Marty responds that has not yet been discussed. That will be determined by the Senior Citizen Advisory Board. They need to examine that and project according to attendance.

Councilman Collins questions how they could get more seniors into the facility without increasing the space.

Marty comments that they met regarding trying to expand the facility; nothing to report yet; met with County, Building Inspection & Engineering.

Councilman Collins comments that he understands that the Senior Day Care has met their projection of around \$200,000; so the staff has done what they needed to do with the space they have; where could they expand.

Supervisor Walters comments that they met with the ECIDA, who owns the railroad, looking for options; those options may include purchasing additional property; not appropriate to discuss at this time; they are looking at different options; the revenue has increased by 30%; the revenue increase in this budget only reflects a 10% increase.

Councilman Collins comments that he is concerned about a rate increase for the seniors.

Councilman Gorman asks Mr. Denecke to talk to the Advisory Committee that they want to avoid raising the fees.

Marty comments he is relatively new to the Senior Services Department and he needs to make sure he has a handle on that part of the Budget; will do everything he can to keep things at the current cost.

Councilman Collins suggests an increase for Taylor Road as opposed to an increase for the seniors and the families who are trying to support them.

Ken Farrell wants to clarify if the projections are based on the attendance of 18.

Supervisor Walters responds yes.

Ken Farrell questions does the projected revenue include the expansion of the County Stay Fit Dining Program for weekend meals that they just approved.

Marty responds that is a different program; Ken responds different line item then.

Councilman Gorman comments that he proposed an alternative budget with over \$600,000 in cuts; close to a 5% tax deduction; is disappointed by the calls that they need to work together and be bipartisan and not one of his proposals made it into the proposed budget. He would have liked to give the taxpayers some relief. He understands they are facing increased mandates from the State; increased costs; his goal was to go farther. Holding the line is good; was hoping for a discussion and decrease in the budget.

Steve Strnad questions why Councilman Gorman's proposals were not taken into consideration.

Supervisor Walters responds that they were playing phone tag today; was agreeable to taking a look at the proposals but feels that some of the proposals put off today, to do tomorrow; would have put us into a hole; they just got back into a cycle with the Police Department; they have taken steps, for vehicle replacement, such as taking a car and instead of trading it in they pushed it down to another department that needed a vehicle. The Assessing Department for example would put low mileage on it. They don't want to get into the situation of borrowing for vehicles. In this budget are a few vehicles that are needed next year, for example, dog control, the old one is rusting and falling apart. Another proposal that was made was with our grant writer. The two most recent grants totaled almost \$650,000. We pay the grant writer anywhere from \$5,000 to \$20,000 per year depending on how much work is done. That is one place they could look at to reduce spending a little more. Litigation expenses were another issue brought up. Unfortunately, the Town gets sued; a slip and fall case; challenging an assessment on their property; many other reasons. As do all Towns across the country so we have to have money budgeted to defend those lawsuits. This year they spent more on the litigation side but spent a lot less on the judgment side. We are defending the cases aggressively and that has been a benefit to the Town.

Council Collins questions how much of the litigation is done in house and how much is hired out.

Ken Farrell responds the Town wants to employ the best possible people who concentrate in the areas where that concentration is needed because of the specialty or niche of the law. Although they may have handled a case like that sometimes they certainly hire outside council to do it because of the level of expertise for the case because there might be so much in damages and therefore so much at stake. The Town tries to maintain a balance; a trend has been to pull more inside and do more in-house, partly because he has had experience from his own private practice. You can never handle it entirely.

Councilman Gorman comments that he obviously wants the Police to be able to replace patrol cars; to have none of his changes considered in the budget is disheartening. He is trying to cut the budget for the taxpayers.

Steve Strand comments that the Highway Department spent a lot more money over the past year than in previous years.

Councilman Gorman responds that the Highway Department was in his proposed cuts; they have invested a significant amount of money in the Highway Department to build up the garage and purchase plow trucks; his thought was they invested over the last year and a half, lets take a year off. Tighten the belt for one year and revisit it next year.

Steve Strnad comments on the revenue received from the lottery.

Supervisor Walters responds that any money received will help the tax rate; there are other things that hurt the tax rate; mortgage tax has gone down 60-70% in the last several years; interest earnings has gone down over 90%.

Steve Strnad questions if we didn't get the million dollars from the lottery, would taxes be higher.

Supervisor Walters responds it would have been more difficult; any revenue received is positive; his point is you can't just look at one aspect of the budget; yes we have gotten more money from the video lottery but it is dwarfed by the negatives that were out of their control; mortgage tax; interest earnings; pensions. With the lottery funds they were able to reduce the use of the fund balance by over one million dollars; that allows the Town to build that fund up for times when costs go up quickly and they don't want the cost to go directly to the taxpayers so they will have those reserves to do that. You cannot look at one small aspect of the budget; you have to look at the overall picture; work on both the positives and negatives.

Councilman Collins questions what the recommended percentage for the fund balance is.

Supervisor Walters responds, depending on who you talk to, it's recommended anywhere from 7 to 15% and we are above the recommendation, but there is no recommendation either high or low.

Councilman Collins comments that prior administrations were at around 38%.

Supervisor Walters responds no the year he took over they were at less than 5%.

Ferd Garcia questions if the video lottery money is mandated by the State to be spent in any particular area, like bond reduction.

Supervisor Walters responds that it is meant only to be spent in the general fund as they see fit. It is restricted to the general fund.

Marty Denecke questions if he heard the proposed budget correctly; is he reducing personnel lines in the Department of Aging and Recreation by \$9,500 and \$7,500 respectively.

Supervisor Walters responds that is correct.

Marty Denecke questions what that means.

Supervisor Walters responds that the Program for the Aging (\$9,500 decrease) is a result of Mr. Farrell's position and the \$7,900 decrease for Recreation Administration is a reduction of the proposed increases for several individuals.

Marty Denecke summarizes a letter he e-mailed to the Town Board members; the people in the Recreation Department, Senior Services and Youth have been asked to do a lot. All the services will be combined after Thanksgiving into one Department. In addition, they will be taking over the operation of Woodlawn State Park. They are excited about the challenges and will always be professional and committed public servants; with that said, he is very disappointed that the Town Board has decided to decrease the recommended amounts that he provided for them back when the merger was first discussed. Not only were those numbers cut, but, that was before they knew about the Youth Department and Woodlawn State Park. He feels there should be considerations for those too. His Department, Recreation, by itself, has had an outstanding fiscal record. The two Department heads they are replacing, John Farrell and Mary Eisenhauer, the raw salary benefit package is over \$200,000. Those are savings that they are helping to create and they are asking for fair raises based on the increased work load and responsibilities. Please keep these factors in mind if they would continue to consider this. In fiscal years 2007, 2008 and 2009 their total revenues exceeded spending. They expect that to happen again at the end of this year. His Department has reduced spending four out of the past five years. At the end of each fiscal year they turn in unexpended appropriations; for example last year, 2009, they turned in \$38,000; things that have a very positive impact on the budget. Last year, A-fund, revenues outside of the golf course, they set a record; it was \$58,000 over the budgeted amount; a surplus they helped to create. They expect that to be broken by another \$15 – 20 thousand at the end of this year. Last year they brought in an additional \$83,000 in grant sponsorships and donations to support their programs. In addition, this year they are around \$70,000 in surplus and they have a major grant application pending. They have increased the budget responsibilities by 75%, in terms of appropriations, they are expecting to bring in \$350,000 more in revenues and they have 50 more staff to supervise; they have an excellent record of public service; National, State and local honors. He will make a few more comments to try and make his case; to try and be fair to them in terms of what their compensation should be. With the Senior Services Department they thought they had negotiated a fair amount; he low-balled what other people thought would be appropriate because he believes in good, efficient government; Once those numbers were accepted he was told it would take six months; he has been working without a raise and would hope they would consider that. Whether they merge or not, management confidential employees and Department Heads would have received at least a slight raise; whatever they negotiated back at that time should be there plus the percentage (1 or 2%) added onto that.

With the Youth Department, they are saving a full time salary, they met with State representative of Child and Family Services and they know that they will continue to get the same level of State funding for the Youth Department; that takes time and effort. His final plea, they are willing to make our government better; more efficient; not asking to break the bank; just want consideration on what this group of employees does and how well they do it; please put a value on their effort; track record; and spirit of cooperation. Not recognizing their contributions would be demoralizing to all involved. Thank you for the time and consideration.

Patti Michalek questions if they could reduce the paving in the Highway Department; if not why not.

Supervisor Walters responds that it cost them about \$100,000 to do one mile of road; back in 2006 the Town Board borrowed \$500,000 for Highway Improvement supplements to the \$300,000 per year; so it wasn't just \$300,000 that was being spent on Highway Improvements it was also the extra \$500,000. Over the course of the year that was drawn down; that account was closed out in 2009; there is no extra money to supplement; even though the budget number is increased from 2007, the amount available is decreased; his belief is that they should not be borrowing for road repair; vehicles; they should be operating on pay as you go; 4 miles is not a lot of road in this Town. We have a lot of roads to pave; they try to do the worse roads every year and hopefully stay on top of things; he would have a concern if they reduced that because the surplus is gone.

Patti Michlek questions if everyone on the Town Board is getting itemization from Department Heads, prior to their meeting; when working on a budget all her department heads get together and discuss a give and take approach; if one department needs more money another may be willing to provide it.

Supervisor Walters responds that the Department Heads are required to send their itemization to him and their liaison. Every Board Member does not get every department; those Department Heads are instructed to follow up with their liaisons to make sure their aren't any questions; as for her other point they do try to do some of that; reduce spending in one account in order to not reduce spending in a different account; however there are restrictions. They have three main operating funds; general fund; A fund, B fund and D fund. Audit and control says they must remain separate; money cannot be transferred for one to another.

Dave Bellissimo comments that as a business man in the Town of Hamburg for 25 years; he applauds Councilwoman Zeigler for her suggestion to reduce the Stipend from \$15,000 to \$7,500 and the fact that the Supervisor won't be taking his \$2,500 raise that brings it to a \$10,000 decrease; it seems like they are getting a great value in his salary and the stipend only goes to the person responsible for working on the Budget; now, if the next person who gets elected as Supervisor does not want to do the work on the budget, the stipend is not expended; they would have to hire administration to do the budget. He asks that the Board take the experience they have and move this budget forward.

Dr. Nowak comments that she spoke with Councilman Gorman; in every Department she sees a miscellaneous line budgeted; no one explains what that means; she also questions the uniform expenditure for the Police Department; there are four unions that haven't reached an agreement; how does this affect the budget.

Supervisor Walters responds that the uniform allowance is a contractually negotiated item for both the PBA and Command Officers Union; right now they are negotiating their contract and he cannot get into the details; as for miscellaneous, it can change from year to year in individual departments; there are clear restrictions on what qualifies.

Dr. Nowak comments on the amount spent on litigation; specifically the dog park; questions the cost and how much will be charged for usage; creating an issue for litigation.

Supervisor Walters responds on the miscellaneous question; for example, the Assessing Department takes pictures of houses; they have miscellaneous to cover the cost of pictures; Association Dues; those are the type of things the money is spent on.; it changes from year to year.

Dr. Nowak questions if anyone has gotten together a list of cars.

Supervisor Walters responds that the Superintendent of Highway and Buildings and Grounds should be able to put together a list of vehicles.

Ken Farrell, Town Attorney, responds some people use the Town Park, some people use Taylor Road, some people use the Nike Base; or a dog park; it is a policy decision that the Board is considering in how they will run it going forward; in terms of cost projections and the overall expense for everything; it is something that they do not have data on because it hasn't been done before. Not every taxpayer uses the boat launch, will use the dog park; no matter where you are an accident can happen; the town has to deal with that; everyone is working hard to make sure we have the safest parks available; for those who say it is unfair to other taxpayers who don't use it – they will impose a fee. Finally, on miscellaneous, in his department they don't always expend the entire amount, they usually have money left over and that may be the case in other Departments you would have to look at the accounting of it.

Ferd Garcia comments that miscellaneous would be for unforeseeable expenses.

Mike Amodeo questions why they are no further ahead on having every individual Board member agreeing on a budget. It seems like they are doing things in the best interest of the Town but why can't they get together and get something passed. When will that happen; they are only 5 days away.

Supervisor Walters comments he hopes it is today; there is a budget on the table.

Diane Neuhauser questions if there is a freeze on pay hikes in all departments.

Supervisor Walters responds that most pay hikes are contractual in nature and they are not allowed to do that.

Diane asks if there is a freeze on hiring.

Supervisor Walters explains that the State has thousands of employees, we have 200, some departments have 2 or 3 and to put a blanket freeze on hiring would be unwise. What they have done in the past is that every time an employee leaves the Town they look at that position to determine whether or not that position needs to be filled. Over the last four years they have reduced over \$800,000 in net payroll costs by doing that.

Diane comments on the list of cars.

Councilman Collins questions if they have projections on new vehicles; do department heads notify you.

Supervisor Walters comments that each department head gets a packet; one of those forms is a vehicle replacement request; they have to fill out what vehicle they want to replace and why. There are close to 200 vehicles in this town he doesn't know the condition of those vehicles nor is it his responsibility.

Jim Connolly comments that he heard him comment that mortgage tax decreased 60-70%. Last year it was budgeted at \$950,000 and this year it is at the same amount.

Supervisor Walters comments that it was over a period of years; you can't look at one piece of a history.

Jim Connolly responds he understands, they offset the loss in those areas and reduced the cost; at this stage that has been accomplished; now they are at the stage to continue that process. Another area mentioned was a freeze on jobs; you can not replace people if you can get the job done; Blue collar workers have a minimum level of staffing; he applauds him for taking advantage of the early retirement incentive where you can reduce positions because of the incentives that were offered by the State. This made it possible to reduce labor costs which are enormous. As far as the Highway Funding he did use up all the loan money in his last year.

Councilman Collins comments that they did not agree to the numbers affecting salaries for the Recreation Department.

Ken Farrell comments that the Town Board has the discretion to continue to make amendments until they adopt the budget by majority vote or by the November 20th deadline.

10.

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

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

RESOLVED, that the Town Board does hereby adopt the Town of Hamburg 2011 Budget as previously filed by the Town Supervisor and known as the “Preliminary” 2011 Budget with revisions that were reported at the 11/08/2010 Town Board Meeting with \$608,600 in cuts reflected in accounts A1640.202; A3510.202; A7141.201; A8760.202; A1420.457; A1930.456; A1340.100; DB 5110.210; DB 5142.9950.975; B3120.202.

Ken Farrell clarifies that this is the 2011 tentative budget without any amendments other than his.

Councilman Gorman responds correct.

Ken Farrell asks if one of the amendments includes dropping the litigation account to 0, because that would make it difficult for the Town to defend itself. He wants the Town Board to be clear what they are voting on – the tentative budget with all of his amendments.

Supervisor Walters comments that they need to schedule a Special Meeting because they are running out of time.

11.

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

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

TOWN BOARD NOVEMBER 15, 2010
AUDIT OF CASH DISBURSEMENTS

VOUCHER #'S

OPERATING FUND:

BATCH #115	\$10,205.10	44553
BATCH #116	\$2,546.79	44554
BATCH #117	\$162,415.86	44555-44629

TOTAL OPERATING FUND DISBURSEMENTS:	\$175,167.75
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TRUST & AGENCY:

TOTAL TRUST & AGENCY DISBURSEMENTS:	\$0.00
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CAPITAL FUND DISBURSEMENTS:

BATCH #40	\$500.00	44630
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TOTAL CAPITAL FUND DISBURSEMENTS:	\$500.00
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PAYROLL:

PR #P/R 23	\$653,247.47
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TOTAL PAYROLL DISBURSEMENTS:	\$653,247.47
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PETTY CASH	\$0.00
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TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:	\$828,915.22
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Drew Reilly reports on the Local Waterfront Revitalization Program amendment; they are very close to adopting it.

Wendy Salvati explains amendments to the original Plan from 1987; copy of amendments available on the Towns website www.townofhamburgny.com.

Drew comments that they would like to adopt the plan by December 13th and is there to answer any questions.

12.

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 adjourn at 7:45 p.m.

Catherine Rybczynski, Town Clerk