

A regular meeting of the Town Board of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York on the 16th day of November, 2009.

TOWN BOARD MEMBERS

PRESENT:

| | |
|-----------------------|--------------|
| Steven J. Walters | Supervisor |
| Joan M. Kesner | Councilwoman |
| Thomas Quatroche, Jr. | Councilman |
| Kevin Smardz | Councilman |

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Carmen Kesner, Chief of Police; Kurt Allen, Supervising Code Enforcement Officer; Robert Hutchison, Jr., Town Assessor; Thomas Best, Sr., Highway Superintendent; Martin Denecke, Director of Recreation; Kenneth Farrell, Town Attorney; Gerard Kapsiak, Town Engineer

Pledge of Allegiance was recited.

Information on fire exits was provided.

Suzanne McKenney presents the Character Council award of Initiative to Barb Brill.

Supervisor Walters notes that there is an award coming from the Shoreline Committee tonight.

Councilman Quatroche reports that one of the committees that has always been dear to his heart has been the shoreline revitalization committee. They are a group of very dedicated people. One of the founding members of the Shoreline Revitalization Committee, Paul Burke who was very active in our community and always came ready to participate. The award is presented in honor of Paul Burke to his family.

Larry Cobado, Co-Chairman of the Shoreline Revitalization Committee presents an award to Councilman Thomas Quatroche, for his leadership in serving as their liaison.

1.

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

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

RESOLVED, that the Town Board approve the minutes of the following meeting(s):

11/02/09 Budget Hearing

2.

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

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

WHEREAS, the existing culvert that conveys Waterfalls Village Creek beneath Howard Road sustained damage from the August 9, 2009 severe rainfall event, resulting in an open joint which has undermined the edge of the road and adjacent sidewalk, created a hazardous sinkhole, and exposed public utilities which cross the creek at this location; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has determined that necessary repairs to this structure are eligible for 75% Federal and 12½% State funding assistance being provided under Presidential Disaster Declaration FEMA-1857-DR; and

WHEREAS, the Town Superintendent of Highways requested and received a proposal from Donald Gallo, Consulting Engineer, P.C., for providing design, bid assistance, general services during construction, and construction inspection of the proposed remedial measures, at a total fee of \$13,950. This proposal has been reviewed by the Superintendent of Highways and Town Engineer, who have determined that Donald Gallo, P.C. is experienced and qualified in projects of this type, and that their proposal and fee are reasonable and acceptable for the services to be provided,

THEREFORE BE IT RESOLVED, that Donald Gallo, P.C. is awarded an engineering services contract for this project, at a total fee of \$13,950, and that the Supervisor is authorized to sign their October 30, 2009 proposal/agreement in this regard. Funding for these services is to be from the Federal and State disaster assistance being provided to the Town, with the 12½% local share to be from Account No. H96-5120.460.

Supervisor Walters notes that engineer is going prepare the bid specs and then they will go out for a bid. When the bids come back the lowest responsible bidder will be taken.

3.

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

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

WHEREAS, the Town of Hamburg has received \$187,300 in Energy Efficiency and Conservation Block Grant funding from the U.S. Department of Energy for the performance of an energy efficiency study and implementation of various energy conservation measures, in order to reduce energy consumption and associated costs for Town buildings and facilities; and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has offered to provide technical assistance to the Town during the energy efficiency study activities, through their Flexible Technical (FlexTech) Services program, for which NYSERDA will contribute 50% of the study cost, up to \$30,000; and

WHEREAS, Wendel Duchscherer, an authorized NYSERDA FlexTech contractor, has submitted a proposal to the Town for performing the energy efficiency study at a total not to exceed fee of \$60,000, which has been reviewed by the Town Engineer and Superintendent of Buildings & Grounds, and determined to be reasonable and acceptable for the services to be provided,

THEREFORE BE IT RESOLVED, that Wendel Duchscherer is awarded an engineering services contract for this project, at a not to exceed cost to the Town of \$30,000, which represents 50% of the total study cost, and that the Supervisor is authorized to sign their October 30, 2009 proposal/agreement in this regard, as well as the October 8, 2009 NYSERDA Participation Agreement for their FlexTech assistance services and 50% funding contribution. The funding for the Town's portion of the study cost is to be from the U.S. Department of Energy grant received by the Town.

4.

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

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

BE IT RESOLVED, that due to the existing Town of Hamburg owned street light Pole No. 34 located at the Route 5/Route 179 (Hamburg Turnpike) interchange being defective, the Town Board authorizes National Grid to install a new aluminum pole and street light which will be owned and maintained by National Grid, at an annual cost to the Town of \$234.07.

BE IT FURTHER RESOLVED, that the Town Clerk is requested to provide the Engineering Department with two (2) certified copies of this resolution for transmittal to National Grid.

5.

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

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

RESOLVED THAT THE TOWN BOARD CLOSE OUT THE FOLLOWING CAPITAL ACCOUNTS AS LISTED AND TRANSFER THEIR REMAINING BALANCES TO A NEW ACCOUNT **“H98 - GENERAL CAPITAL IMPROVEMENT PROJECTS”** THIS ACCOUNT WILL BE USED FOR NEW OR EXISTING PROJECTS AS APPROVED BY THE TOWN BOARD.

| <u>H22 BASEBALL AND RECREATION PROJECTS</u> | | |
|--|------------------------------|--------------------|
| H22 7140.303.2 | LAKESHORE FIRE | \$ 680.00 |
| H22 7140.303.21 | LAKEVIEW TERRACE BUILDING | \$ 270.00 |
| H22 7140.303.24 | PLAYGROUNDS - PERMANENT IMP. | \$ 27.20 |
| H22 7140.419 | CONTINGENCY | \$ 45,780.23 |
| H22 7141.303.11 | SLEDDING HILL PROJECT | \$ 7,900.00 |
| H22 7180.303 | FITNESS CENTER IMPROVEMENTS | \$ 37.50 |
| H22 7270.303 | SKATE PARK | <u>\$ 4,560.00</u> |
| | | \$ 59,254.93 |
| <u>H23 GOLF COURSE ACQUISITION & DESIGN</u> | | |
| H23 7250.303 | PERMANENT IMPROVEMENTS | \$ 6,999.51 |
| H23 9901.970 | BOND INTEREST | \$ 6.02 |
| H23 7250.419 | CONTINGENCY | <u>\$ 3,201.27</u> |
| | | \$ 10,206.80 |

H24 GEN. RESERVE FOR BLDG.ACQUISITION

| | | |
|----------------|----------------------------------|----------------|
| H24 1320.456 | BOND CONSULTANT | \$ 1,072.72 |
| H24 1620.303.3 | VARIOUS TOWN HALL IMPROVEMENTS | \$ 21,345.67 |
| H24 1620.303.4 | AIR CONDITIONING -TOWN HALL | \$.61 |
| H24 1620.419 | CONTINGENCY | \$104,857.75 |
| H24 3120.304 | GARAGE / ADDITIONS | \$ 199.14 |
| H24.3620.303 | BUILDING INSPECTIONS RENOVATIONS | \$ 1,687.07 |
| H24 5110.303 | HIGHWAY GARAGE IMPROVEMENTS | \$ 355.00 |
| H24 5010.303 | HIGHWAY GARAGE | \$.29 |
| H24 6772.303 | AQUATIC FITNESS | \$ 2,449.75 |
| H24 7140.460 | REPAIR & MAINTENANCE | \$ 227.20 |
| H24 7510.303 | DUNN HOUSE | \$ 200.00 |
| H24.7989.303 | LAKE FRONT ACCESS | \$ 6,086.80 |
| H24 7410.303 | LIBRARY PERMANENT IMPROVEMENTS | \$ 26,022.50 |
| H24 8120.202 | RESERVE FOR SEWER JET | \$ 58,413.88 |
| H24 8540.303 | 18 MILE CREEK STABLIZATION | \$ 10,191.50 |
| H24 8730.301 | ACQUISITION LAND NORTH STREET | \$ 1,211.74 |
| H24 8760.201 | EMERGENCY MGMT. EQUIPMENT | \$ 4,296.83 |
| H24 9901.970 | BOND INTEREST | \$ <u>1.36</u> |
| | | \$238,619.81 |

H46 RESERVE FOR GREEN SPACE

| | | |
|--------------|-------------|-------------|
| H46 1990.419 | CONTINGENCY | \$ 1,544.06 |
|--------------|-------------|-------------|

H49 RESERVE FOR SENIOR VAN

| | | |
|--------------|-------------|----------|
| H49 6772.419 | CONTINGENCY | \$ 69.34 |
|--------------|-------------|----------|

H56 BLASELL WATER FEASIBILITY STUDY

| | | |
|--------------|----------------------|---------------------|
| H56 8340.331 | ENGINEERING SERVICES | \$ 30,000.00 |
| H56 8340.419 | CONTINGENCY | \$ <u>24,306.01</u> |
| | | \$ 54,306.01 |

H57 B & G MAINTENANCE FACILITY

| | | |
|----------------|----------------------|-----------------|
| H57 7140.331.2 | CONSTRUCTION SERVICE | \$.98 |
| H57.7140.419 | CONTINGENCY | \$ <u>15.92</u> |
| | | \$ 16.90 |

H60 CONSTRUCTION OF BREAKWALL

| | | |
|--------------|-------------|--------------|
| H60 7180.419 | CONTINGENCY | \$ 33,460.17 |
|--------------|-------------|--------------|

H62 ICE ARENA IMPROVEMENTS

| | | |
|----------------|-------------|------------------|
| H62 7266.303.1 | PHASE ONE | \$ 81.07 |
| H62 7266.419 | CONTINGENCY | \$ <u>206.19</u> |
| | | \$ 287.26 |

H66 BOND MONIES

| | | |
|---|----------------------|---------------|
| H66 1320.456 | BOND CONSULTANT | \$.84 |
| <u>H67 WANAKAH WATER SEAWAY IMP.</u> | | |
| H67 8310.331 | CONSTRUCTION | \$.09 |
| H67 8310.331.1 | PHASE ONE | \$ 3,773.00 |
| H67.8310.331.4 | PHASE FOUR | \$ 19,073.69 |
| H67 8310.419 | CONTINGENCY | \$ 25,485.37 |
| H67 8310.332 | ENGINEER SERVICES | \$ 2,282.43 |
| H67 8310.332.1 | PHASE ONE | \$ 564.85 |
| H67 8310.332.2 | PHASE TWO | \$ 5,086.62 |
| H67 8310.332.3 | PHASE THREE | \$ 5,520.84 |
| H67 8310.332.4 | PHASE FOUR | \$ 75.65 |
| H67 8310.332.5 | CONSTRUCTION COST | \$ 24,398.99 |
| | | \$ 86,261.53 |
| <u>H68 BOND MONIES 2001</u> | | |
| H68 1620.419 | CONTINGENCY | \$ 214.44 |
| <u>H69 NYSERDA ENERGY PERF. PROGRAM</u> | | |
| H69 1620.332 | ENGINEER SERVICES | \$ 1,334.39 |
| H69 1620.419 | CONTINGENCY | \$ 1,080.82 |
| | | \$ 2,415.21 |
| <u>H70 2002 BOND MONIES</u> | | |
| H70 1620.303.1 | ENERGY AUDIT | \$ 4,333.21 |
| H70.3120.303 | REMODEL POLICE BLDG | \$.08 |
| H70 5110.303 | RESURFACE TOWN ROADS | \$ 501.40 |
| H70 1620.419 | CONTINGENCY | \$107,036.71 |
| | | \$111,871.40 |
| <u>H71 INDUSTRIAL ACCESS RD (SMITH RD)</u> | | |
| H71 5110.419 | CONTINGENCY | \$ 2,606.14 |
| <u>H72 HAMBURG LANDFILL IMPROVEMENTS</u> | | |
| H72 1320.456 | BOND CONSULTANT | \$.20 |
| H72 7140.419 | CONTINGENCY | \$ 180,000.00 |
| | | \$ 180,000.20 |
| <u>H84 BIKE TRAIL</u> | | |
| H84 7280.331 | ENGINEER SERVICES | \$ 8,270.94 |
| H84 7280.419 | CONTINGENCY | \$ 1,303.75 |
| | | \$ 9,574.69 |

6.

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

ADOPTED

Ayes 4

Walters, Kesner, Quatroche, Smardz

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

RESOLVED, that the Town Board authorize Tim Jerome to attend the 2010 National Alliance for Youth Sports (NAYS) congress in Orlando Florida, from Dec. 2nd-5th, 2009. As a National Advisory Board Member, Tim’s congress registration and accommodations are compliments of NAYS. Costs fo the Town include the following:

Round trip airfare - \$200.00
Meals for 4 days - 160.00
Incidentals - 40.00
Total \$400.00

Funds are available in Acct. A7020.

9.

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

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

RESOLVED, that the Town Board is authorized to transfer \$48,336.27 from Acct.#T37 (Trust & Agency) to account #A7310.206 for purchase of 2 playground structures. This purchase represents a 50% savings, thanks to our participation in the “Fighting Obesity Through Play” grant program.

10.

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

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

RESOLVED, that the Town Board grant permission for Mary Dosch and Paula Bucci to attend the NYS Government Finance Officers Association Seminar at Buffalo, NY on December 3rd, 2009. Cost of Registration is \$85.00. Funds are available in A1310.492.

11.

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

resolution was

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

RESOLVED, that the Town Board approve the hiring of two and terminations of two in the Buildings & Grounds Department as follows:

- | | | | |
|---------------------|----------------|----------|-----------|
| 1. Militello, Frank | Laborer, P/T | 10/31/09 | Terminate |
| 2. Granica, Anthony | Laborer, P/T | 11/09/09 | Terminate |
| 3. Grancia, Anthony | Laborer, Seas. | 11/10/09 | \$9.92 |
| 4. Macturk, Pamela | Laborer, P/T | 11/10/09 | \$9.92 |

12.

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

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

RESOLVED, that the Town Board approve the reclassifications of two in the Police/DCO Department as follows:

- | | | | |
|---------------------|----------------------------|----------|-----------|
| 1. Mindel, William | Dog Control Officer, Seas. | 11/14/09 | Terminate |
| 2. Mindel, William | Dog Control Officer, P/T | 11/15/09 | \$12.22 |
| 3. Stoberl, Richard | Dog Control Officer, Seas. | 11/14/09 | Terminate |
| 4. Stoberl, Richard | Dog Control Officer, P/T | 11/15/09 | \$12.22 |

13.

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

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

RESOLVED, that the Town Board approve the transfer of appropriations in the Buildings & Grounds Department as follows:

FROM:

 Repair & Maintenance A7140.460 \$7000.00

TO:

 Repair & Maintenance A7141.460 \$7000.00

14.

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

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

WHEREAS, for Contract No. 16 of the Town of Hamburg Water System Improvement Project, plan deposit checks from one of the bidding contractors were erroneously forwarded to the Town by the project consulting engineer, following which they were deposited into Town Bank Account No T-30,

THEREFORE BE IT RESOLVED, that the contractor, L.J. Quigiano II, Inc., be issued a refund from Account no. T-30 in the amount of \$100.00, as follows:

L.J. Quigiano II, Jr.
2395 Lockport Road
Sanborn, New York 14132

15.

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

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

BE IT RESOLVED, that the Town Board schedules a public hearing on proposed local law #10, 2009. This proposed local law will provide for a new chapter to the Hamburg Town Code that will set rules and regulations governing Secondhand Dealers.

The hearing is to be scheduled for December 14, 2009 at 7:00 p.m.

16.

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

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

WHEREAS, the Town of Hamburg received a request from EduKids to rezone property located at 5235 Roberts Road from R-1 to R-3 in order to construct a new child care facility building, and

WHEREAS, the Code Review Committee reviewed the application and found merit in the rezoning of this property, and

WHEREAS, on August 3, 2009 the Town Board did refer this request to the Planning Board for its review and recommendation, and

WHEREAS, on August 19, 2009 the Town of Hamburg Planning Board issued a positive recommendation to the Town Board with conditions regarding this request, and

WHEREAS, it is necessary to reschedule the public hearing previously scheduled for October 26, 2009

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby schedules a public hearing to be held on December 14, 2009 at 7:00 p.m.

17.

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

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

BE IT RESOLVED, that the Town Board approve the membership of three into the Lake Shore Volunteer Fire Company, Inc. as follows:

Elizabeth Forkl
5327 Rogers Rd Apt D
Hamburg, NY 14075

Mike VanWie
2261 Oakley Place
Lakeview, NY 14085

Rev. James Ervin Brazell, Jr.
4591 Southwestern Unit G4
Hamburg, NY 14075

18.

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

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

WHEREAS, on April 2, 2008, the Town of Hamburg entered into an Agreement with Mary Nosky, doing business as the Tee Off, for operation of the refreshment stand located at the Hamburg Golf Course, for the 2008, 2009 and 2010 season, and

WHEREAS, due to substantial flooding to the Hamburg Golf Course during the 2009 season, and the need to close the Hamburg Golf Course for repairs, Mary Nosky, doing business as the Tee Off, has requested amendments and an extension of the agreement with the Town of Hamburg,

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board approves the following amendments and extension to the agreement:

- 1) The amount paid to the Town of Hamburg for the 2010 golf season shall equal \$14,000;
- 2) Mary Nosky, doing business as the Tee Off shall have the right to operate the refreshment stand through the 2011 season, which represents a one (1) year extension to the original agreement;
- 3) The amount paid to the Town of Hamburg for the 2011 golf season shall equal \$16,000;
- 4) Any remaining provisions and requirements of the original agreement not modified by this resolution shall remain in full force and effect.

19.

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

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

BE IT RESOLVED, that the Town Board adopt the 2010 preliminary budget.

20.

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

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

RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

| | | | |
|---|--------------|-------------|----------------|
| OPERATING FUND: | | VOUCHER #S | |
| BATCH # 113 | \$ 22,461.66 | 37535-37594 | |
| BATCH # 114 | \$ 2,637.65 | 37595 | |
| BATCH # 115 | \$ 86,084.74 | 37596-37655 | |
| BATCH # 116 | \$610,804.49 | UNPROCESSED | |
| TOTAL OPERATING FUND DISBURSEMENTS: | | | \$ 759,614.40 |
| TRUST & AGENCY | | | |
| BATCH # | | | |
| BATCH # | | | |
| TOTAL TRUST & AGENCY DISBURSEMENTS: | | | \$ 0.00 |
| CAPITAL FUND DISBURSEMENTS: | | | |
| BATCH # 59 | \$ 18,759.52 | UNPROCESSED | |
| BATCH # | | | |
| TOTAL CAPITAL FUND DISBURSEMENTS: | | | \$ 18,759.52 |
| PAYROLL: | | | |
| PR # 23 | \$634,153.38 | | |
| PR # | | | |
| TOTAL PAYROLL DISBURSEMENTS: | | | \$ 634,153.38 |
| PETTY CASH | | | \$ 152.12 |
| TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: | | | \$1,412,679.42 |

Reports of the Town Board

Councilman Quatroche notes he as always enjoyed his time on the shoreline committee with all the wonderful people. The Recreation Advisory Board is one of those committees that works very hard with Marty Denecke and his staff. He commends the Recreation Department for going after grant money again to double the money for the playgrounds. He thanks the department heads for their hard work on the budget. It's always difficult to do more with less and everyone of the department heads work hard to do that.

Councilwoman Kesner reports that she is the liaison to the Hamburg Rejuvenation Committee and on December 5th from 2:00 - 5:00 it's Christmas at the Cabin on Taylor Rd. There will be a mail box where the children can drop off their letters to Santa and Santa will answer all the letters. There will be free refreshments and live reindeer but they still need carolers so if anyone is interested they can call the Council office. She thanks the department heads for the budget and this has been worked on all year long.

Councilman Smardz had no report.

Supervisor Walters reports that December 6th is the Polar Plunge at the Hamburg Town Park. This is sponsored by several law enforcement agencies in the area including Hamburg. There will be a link on the Town website if anyone wants to donate or participate in the event. He thanks all the department heads as well for their exceptional work on this budget. December 7th will be the Pearl Harbor remembrance ceremony at Town Hall 11:00.

Councilman Quatroche takes a moment to congratulate Supervisor Walters, Councilwoman Ziegler and the rest of the folks who won the election.

Catherine Rybczynski reminds everyone to vote on Tuesday, November 17th on the Downsizing. There are 21 polling locations open. Charlotte Ave is not open but voters will be going to the Community Center on Prospect Ave. and if you vote at the Frontier Learning Center on Orchard you will be going to the Cloverbank School instead. These are the only exceptions, everyone else votes at their normal polling location. The hours are from 8:00 am to 8:00 pm. If anyone has any questions about where to vote they can give her office a call.

Marty Denecke announces that on Wednesday from 5:30 - 7:30 at the Taylor Road cabin they are hosting business after hours with the Hamburg Chamber of Commerce, there is a \$5.00 admission fee.

Carmen Kesner reports that on November 25th there will be additional patrols out.

Tom Best, Sr reports the new 30 X 60 shelter at the Nike Base has been completed. And last weekend they finished planting 73 trees throughout the town that was funded by New York State grant.

Business from the floor:

