

A regular Town Board meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, 6100 South Park Avenue, Hamburg, New York on the 23rd day of November 2015.

2.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board adjourn Executive Session at 7:05 pm and move into the regular meeting.

ROLL CALL: Steven J. Walters Supervisor
 Michael Quinn, Jr. Councilman
 Cheryl Potter-Juda Councilwoman

ALSO PRESENT: Barbara S. Allen, Deputy Town Clerk
Craig Cwick, Deputy Town Attorney; Mary Dosch, Sr. Account Clerk; Richard Lardo, Principal Engineering Assistant; Greg Wickett, Police Chief; Martin Denecke, Director of Youth, Recreation & Senior Services; Kurt Allen, Supervising Code Enforcement Officer; Drew Reilly, Planning Consultant; Tom Best, Sr. Highway Superintendent; Christopher Hull, Director of Community Development

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

3.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

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

11/09/2015	Work Session
11/09/2015	Town Board meeting
11/17/2015	Special Meeting

4.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

RESOLVED, that the Town Board approve the appointment of Lou McDonald to serve as a member of the Town of Hamburg Industrial Development Agency to replace Michael Petrie as a result of a request from the Village of Blasdell.

5.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

RESOLVED, that the Town Board approve the appointment of Lou McDonald to serve as a member of the Town of Hamburg Land Development Corporation to replace Michael Petrie as a result of a request from the Village of Blasdell.

6.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

WHEREAS, the Town of Hamburg received a request from the Hanania Family Partnership LP to rezone 9.5 acres of vacant land (portion of the property located at 4819 Southwestern Boulevard) from C-1 (Local Retail Business District) to R-3 (Multifamily District) in order to construct an “upscale attached residential project”; and

WHEREAS, on March 9, 2015 the Hamburg Town Board referred this rezoning request to the Planning Board for its review and recommendation; and

WHEREAS, on March 9, 2015 the Hamburg Town Board initiated the SEQRA Coordinated Review Process and received input from various Involved Agencies; and

WHEREAS, on June 8, 2015 the Hamburg Town Board declared itself Lead Agency under SEQRA; and

WHEREAS, on July 15, 2015 the Hamburg Planning Board forwarded a positive recommendation to the Town Board regarding this rezoning and having thoroughly reviewed the environmental documentation recommended a Negative Declaration; and

WHEREAS, the Town Board has reviewed the EAF submitted by the applicant, comments and input from the Planning Department, Planning Board, other Involved Agencies, the public and information submitted by the applicant on the project, and has reviewed the Town’s Comprehensive Plan; and

WHEREAS, the Hamburg Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed rezoning will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations.

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby issues a Negative Declaration and authorizes the Supervisor to sign the EAF, which will act as the SEQR Negative Declaration.

7.

On a motion of Councilwoman Potter-Juda, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes 3	Walters, Quinn, Potter-Juda
	Noes 0	

WHEREAS, the Town of Hamburg received a request from the Hanania Family Partnership LP to rezone approximately 9.5 acres of vacant land (portion of the property located at 4819 Southwestern Boulevard) from C-1 (Local Retail Business District) to R-3 (Multifamily District) in order to construct an “upscale attached residential project”; and

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

WHEREAS, the Hamburg Town Board referred this request to the Planning Board and the Hamburg Planning Board issued a positive recommendation to the Town Board regarding this request; and

WHEREAS, the Hamburg Town Board held the required public hearing on this proposed rezoning on September 28, 2015; and

WHEREAS, the Hamburg Town Board has determined that the proposed rezoning will not result in any significant negative effect on the environment and has issued a Negative Declaration; and

WHEREAS, the applicant, in response to comments received at the public hearing and based upon direction from the Town, has modified their rezoning request to leave an area of commercially zoned property along the northern boundary of the site (reducing the creation of setback problems for adjoining businesses but maintaining a conservation easement on these lands).

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamburg hereby rezones a portion of the property located at 4819 Southwestern Boulevard (as illustrated on the map dated 11/19/15, drawing C-100 from Carmina Wood Morris DPC) from C-1 (Local Retail Business District) to R-3 (Multifamily District) with the following conditions:

1. The only access to Southwestern Boulevard from these lands will be the new access road (no additional curb cuts will be allowed).
2. Conservation easements as shown on the above referenced plan shall be provided to the Town of Hamburg.

BE IT FURTHER RESOLVED that the Zoning Code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986 of the Code of the Town of Hamburg Chapter 280 entitled "Zoning" to provide for a change in the boundary of the Zoning Map whereby the Zoning is changed from C-1 (Local Retail Business District) to R-3 (Multifamily District) for a portion of the property located at 4819 Southwestern Boulevard (as illustrated on the attached map dated 11/19/15, drawing C-100 from Carmina Wood Morris DPC)

8.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

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

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/tem hourly rate	Termination Date
1	4466	Chilcott, Joshua		Rec Attd.-A7310-Seas				11/20/2015
	4466	Chilcott, Joshua	R	Rec Attd-A7310-P/T	11/21/15		\$8.75	
2		Cross, Courtney	N	Rec Attd-A6772-P/T	11/19/15		\$8.75	
3	4679	Kuznicki, Thomas		Rec Attd-ER7251-P/T				11/24/2015
4	4254	McGraff, Maryann		Rec Attd-A6772-P/T				11/24/2015
5	3306	Nye, William		Rec Attd-ER7251-P/T				11/23/2015
	3306	Nye, William	R	Rec Attd-A7310-P/T	11/24/15		\$9.75	
6	3980	Picciano, Ronald		Rec Attd-ER7251-P/T				11/24/2015
7	3808	Steger, Amy		Rec Attd-ER7251-P/T				11/23/2015
	3808	Steger, Amy	R	Rec Attd-A7310-P/T	11/24/15		\$10.18	
8	4358	Volk, Charles		Rec Attd-ER7251-P/T				11/24/2015
9	4540	Voye, James		Rec Attd-ER7251-P/T				11/24/2015
10	4607	Walker, Samone		Rec Attd-A7310-Seas				11/14/2015
	4607	Walker, Samone	R	Rec Attd-A7310-P/T	11/15/15		\$8.75	
11		White, Mary Ann	N	Rec Attd-A6772-P/T	11/19/15		\$8.75	

9.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

WHEREAS, James Cleary, has expressed an interest in purchasing a parcel of land, currently owned by the Town of Hamburg, which is adjacent to his business located on Southwestern Boulevard, and

WHEREAS, the parcel can be identified as part of S.B.L. No. 182.06-1-46 (the “Premises”), and

WHEREAS, it has been determined that the fair market value of the parcel is \$13,000.00, to be paid by James Cleary upon sale of the property.

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg enter into a Contract of Sale with James Cleary, and

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the Contract of Sale for the property.

BE IT FURTHER RESOLVED that pursuant to NYS Town Law §64, this resolution is subject to permissive referendum.

10.

On a motion of Councilman Quinn, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes 3	Walters, Quinn, Potter-Juda
	Noes 0	

WHEREAS, Assembly Bill 01548 and Senate Bill 00782 have been introduced in the 2015-2016 Legislative Session to amend Public Health Law to require all acute care facilities and nursing homes to meet standards for appropriate staffing ratios of nursing and unlicensed direct care staff; and

WHEREAS, the proposed amendment would establish minimum nurse to patient ratios based on peer-reviewed academic research and evidence based recommendations; and

WHEREAS, the proposed amendment would require public disclosure of facility staffing requirements; and

WHEREAS, a Residential Health Care Facility Council would be established that would assist in the development and maintenance of required minimum staff hours of care per resident per day; and

WHEREAS, the Journal of American Medical Association (JAMA) published research that estimated five additional deaths per thousand patients occurred in hospitals that routinely staff with a 1:8 nurse to patient ratio compared to those staffing with a 1:4 nurse to patient ratio; and

WHEREAS, the JAMA research also found the odds of patient death increased by 7% for each additional patient the nurse must care for at one time; and

WHEREAS, the Federal Agency for Healthcare Research & Quality (AHRQ) found hospitals with lower nursing and staffing levels had higher rates of pneumonia, shock, cardiac arrest, urinary tract infections and upper gastrointestinal bleeds which all led to higher cost and mortality from hospital acquired complications; now therefore, be it

RESOLVED, the Hamburg Town Board urges New York State lawmakers to support the passage of New York State Assembly Bill 01548 and Senate Bill 00782 to amend the Public Health Law in relation to enacting the “Safe Staffing for Quality Care Act” and require acute care facilities and nursing homes to implement certain direct-care nurse to patient ratios in all nursing facilities; and, be it further

RESOLVED, the Clerk of the Hamburg Town Board shall forward copies of this resolution to Governor Andrew Cuomo, Assembly and Senate Majority and Minority Leaders, Assembly and Senate Health Committee Chairmen, Assembly Ways and Means Committee Chairman, Senate Finance Committee Chairman, all Town of Hamburg elected Assemblymen and Senators, the New York State Nurses Association, and the Communication Workers of America District 1.

11.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board approve the membership of the following into the Scranton Volunteer Fire Company, Inc.:

Matthew Morse
5278 Southwestern Blvd., Apt. 901
Hamburg, N.Y. 14075

12.

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

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

RESOLVED, that the Town Board approve the membership of the following into the Lake Shore Volunteer Fire Company, Inc.:

Michael James DeCaprio
4947 Chapman Pkwy
Hamburg, N.Y. 14075

13.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED Ayes 3 Walters, Quinn, Potter-Juda
 Noes 0

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

David Augustyniak, Jr.
4387 Manor Lane
Hamburg, N.Y. 14075

14.

On a motion of Supervisor Walters, seconded by Councilwoman Potter-Juda, the following resolution was

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

RESOLVED, that all overtime, with the exception of mandatory and/or emergency overtime, requires pre-approval from the Town Board Liaison.

BE IT FURTHER RESOLVED, that when mandatory and/or emergency overtime is approved that the department provide written response to the Town Board Liaison within twenty-four hours.

15.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

TOWN BOARD
AUDIT OF CASH DISBURSEMENTS November 23, 2015

OPERATING FUND:	VOUCHER #'S
BATCH #233 \$136,386.17	79562-79363
BATCH #234 \$3,705.93	79564-79576
BATCH #235 \$58,707.37	79635
BATCH #236 \$22,211.17	79577-79634
BATCH #237 \$535.28	79636-79637
BATCH #238 \$98.03	79638
BATCH #239 \$46,372.17	79639-79669
BATCH #240 \$5,706.40	79670-79693
BATCH #241 \$51,083.92	79694-79710
BATCH #242 \$47,877.32	79712-79767
BATCH #243 \$48,397.25	79768
BATCH #244 \$5,839.89	79769-79791
BATCH #245 \$696.71	79775
BATCH #246 \$1,224.67	79792
BATCH #247 \$8,202.30	79793-79821
BATCH #248 \$278,539.47	79826-79903
BATCH #249 \$87,865.73	79904
TOTAL OPERATING FUND DISBURSEMENTS:	\$803,449.78

TRUST & AGENCY:

BATCH #6	\$18.81	79561
BATCH #7	\$32.23	79711

TOTAL TRUST & AGENCY DISBURSEMENTS:	\$51.04
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CAPITAL FUND DISBURSEMENTS:

BATCH #51	\$16,230.18	79822-79825
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TOTAL CAPITAL FUND DISBURSEMENTS:	\$16,230.18
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PAYROLL:

PR #P/R 24	\$867,477.64
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TOTAL PAYROLL DISBURSEMENTS:	\$864,477.64
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PETTY CASH	\$182.80
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TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:	\$1,687,391.44
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Reports from Town Board Members and Department Heads:

Councilwoman Potter-Juda reports that the Rejuvenation Committee is once again having the Christmas at the Cabin. It is an Open House with Santa and will be held on Saturday December 5th from 1:00 pm to 4:00 pm. Santa will arrive around 1:30 pm. It will be held at 6765 Taylor Road in the Log Cabin along with the visit from Santa there will be Caroling, crafts, refreshments and live reindeer. This is free, compliments of the Hamburg Rejuvenation Committee, and they encourage everyone to bring a non-perishable food donation. For more information contact the Town Clerk's Office at 649-6111 ext. 2360.

Supervisor Walters wants to remind everyone that the Christmas Parade is this Saturday in the Village of Hamburg at 11:00 am. Secondly he would like to congratulate St. Francis on winning the Monsignor Martin Football Championship and then he wishes everyone a very happy and healthy Thanksgiving holiday.

Christopher Hull, Director of Community Development, reports that they are starting their 2016 HUD Application, but as usual the Federal Government doesn't have a budget yet.

Rick Lardo, Principal Engineering Assistant, reports that they are moving ahead on the Quiet Zone. They put out the notices of intent and all the interested parties have 60 days to comment.

Martin Denecke, Director of Youth, Recreation and Senior Services, wants to remind everyone that they are in the middle of their annual Toy Drive, in conjunction with Western Holiday Partnership, which collects and distributes toys to needy children. They have a number of drop-off locations including Town facilities and some of their business partners.

Supervisor Walters reports that the Town also works in conjunction with some of the local Girl Scout Troops to collect Christmas trees and ornaments. Any artificial trees that are in good shape along with ornaments, lights, etc. can be brought to Town Hall and will be distributed to needy families over the holidays.

Business from the Floor

John McKendry wants to thank the Town Board along with everyone in the Engineering Department and Tom Best Sr. for moving ahead with shutting down all the train horns.

Robert Mueller, Civil Service Employees Association (CSEA) Labor Relations Specialist, comments that he serves as the chief spokesperson and lead negotiator for CSEA Town of Hamburg Blue Collar Unit and CSEA Town of Hamburg White Collar Unit. He sent a letter of correspondence to the Supervisor last week and copied the other Board members along with some other elected officials regarding an article in the Buffalo News on the 2016 Budget. He then refers to that letter (filed in the Town Clerk's Office) reviewing three points he wanted noted and then makes one point concerning lay-offs:

1. CSEA was never forwarded a proposal from the Town. Each health insurance meeting that was held was informational, not a negotiation.
2. The only party that has attempted to negotiate is CSEA. He has a copy of an email dated November 4, 2015 asking the Town for dates for those negotiations which is the next business day following the last health insurance meeting.
3. It was asserted that there was no representative from the Blue Collar Unit at the last health insurance meeting. He was present and he is the lead negotiator and chief spokesperson on behalf of both CSEA White and Blue Collar units.
4. The collective bargaining unit requires that all part-time personnel in both the divisions of Highway and Buildings and Grounds be laid off before any full time bargaining unit employee can be laid off. If you eliminate two full time bargaining unit positions the domino effect of that is that all the part time personnel at Woodlawn Beach, at Town Park, at the Golf Course and at the NIKE Base must be laid off first. All summer help, to pick up brush, mow lawns, etc. cannot be hired until such time as the full time employees are brought back.

Is the Town Board willing to rescind this decision, amend the budget and eliminate those lay-offs?

Supervisor Walters responds that the response to the Town, when they wanted to talk to the Unions about the enormous increase in health care, was that CSEA would not agree to anything unless it included a full successor agreement. They wouldn't carve out health care, even the minor changes they were proposing. That effectively shut the door to getting anything done before the budget was passed. They just met this past Thursday on the White Collar Union contract and negotiated for many hours. They are still negotiating and working on that. With respect to someone not being present, his comment was that there was no local representative from the CSEA Blue Collar Union. Yes, Mr. Mueller showed up and does represent the Blue Collar and he conceded that point. But, the local rep from White Collar was there along with local reps from the other three unions.

Supervisor Walters and Mr. Mueller discuss their issues concerning the negotiations and/or lack of negotiations on health insurance.

Mr. Mueller questions when will the Town be prepared to sit down and start negotiations with the CSEA Bargaining Units?

Supervisor Walters responds that the Town sent a letter stating that they wanted to negotiate a successor agreement.

Mr. Mueller responds let's set a date.

Supervisor Walters responds call my office tomorrow.

Laura Podkulski comments that she submitted a complaint on November 4th about the garbage dumpster, next to Harbor Freight, that is not in the corral. She still has not heard back, it is still outside of the corral and the garbage is all blowing in her yard. Somebody needs to go over there and take care of it. She does not deserve that junk in her yard and should not have to be the one to take care of it.

Mr. Allen responds that his department will follow up on it and take care of it.

Marcia Amador Crosby reads the following letter:

Marcia Amadori Crosby
4170 Tisbury Lane
Hamburg, New York 14075
November 23, 2015

Honorable Members of
Hamburg Town Board
6100 South Park Avenue
Hamburg, New York 14075

I am a resident of the Berkley Square complex located between Big Tree and Bay View Roads. I am a widow who purchased a patio home from Alliance Builders in May 2010 unaware of the potential building of the fire Station. I have serious concerns regarding the construction of the Big Tree Fire Station on Big Tree Road. I was never notified of the actual construction of this facility, but however was advised by letter from the Hamburg Town Planning Dept. on a variance for driveways located on Bristol Street which runs off of Big Tree Road. I did in fact attend several Planning Board Meetings and realized that the actual construction was already a "done" deal on the fire hall itself since the property had been purchased in 2007.

Since August the construction has disrupted an until then very quiet neighborhood. The wooded area on Big Tree Road has been completely decimated of trees that had previously absorbed traffic noise as well as impacted upon aesthetics of the area. At many times I have experienced walls and windows in my home shaking due to the constant traffic of 5000 lb. dump trucks, as well as cranes and other heavy construction equipment conducting numerous trips in and out of the work zone. I can only imagine what the impact could be to the foundation of my home due to the ground disruption and vibration from the heavy equipment. Also at this point I would assume that my home purchased for \$255,000 has also been completely devalued.

The driveways from the six garages are located directly behind my home. I will be exposed to lights, sirens and pollution from the exhaust of the vehicles being housed there. Dan Anzalone of the Big Tree Fire Dept. informed me that they receive 1200 calls on an annual basis when I contacted them regarding my issues. This will affect my sun room, living and master bedroom areas. I am requesting that some type of sound barriers next to the berm with pine trees located at the back of my property be erected to alleviate this issue. Perhaps the pre-fab barriers that have been placed in neighborhoods adjacent to the NYS Thruway could be an option. I find it ironic that I pay over \$5200 in property taxes to reside in this neighborhood and part of that includes funding this 3.5 million structure which has completely disrupted my quality of life; and will continue to do so even more after completion. Perhaps the Hamburg Planning Board should have been concerned with better "planning issues" for taxpaying residents in this area.

I would appreciate any assistance offered on my behalf. Thank you.

Sincerely,


Marcia Amadori Crosby

Supervisor Walters comments that he will refer her concerns to Drew Reilly, Planning Consultant, and asks Mr. Reilly to take a look into the noise barrier and report back to the Town Board.

16.

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

ADOPTED	Ayes	3	Walters, Quinn, Potter-Juda
	Noes	0	

RESOLVED, that the Town Board adjourn at 7:50 pm.

Barbara S. Allen, Deputy Town Clerk