

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 14th day of December 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 7:08 pm and move into the regular meeting.

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

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk
Walter Rooth, III, Town Attorney; Richard Lardo, Principal Engineering Assistant; Greg Wickett, Police Chief; Kurt Allen, Supervising Code Enforcement Officer; Drew Reilly, Planning Consultant; Tom Best, Sr. Highway Superintendent; Milt Bradshaw, Town Assessor; Barbara Brauch, Clerk of Justice Court; Thomas Taylor, Sr. Public Safety Dispatcher; Sean Crotty, Emergency Management Coordinator; Amy Ziegler, Deputy Supervisor

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

3.

On a motion of Councilman 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 meeting:

11/23/2015 Work Session
11/23/2015 Town Board Meeting

4.

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 authorize Thomas Mauerman, a student at Hilbert College, to do Internship in the Police Department at no cost to the Town.

5.

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 James Cleary to rezone 0.88 acres of property located south of 5255 Southwestern Boulevard (a portion of SBL# 182.06-1-46) from R-2 (Single Family Residence District) to M-2 (Light Industrial District) in order to construct additional public mini-storage buildings; and

WHEREAS, the Code Review Committee reviewed the application and found merit in entertaining this request; and

WHEREAS, the current owner of the property to be rezoned is the Town of Hamburg (this property was dedicated parkland and was approved for alienation by New York State), and the applicant intends to purchase the property from the Town of Hamburg.

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby refers this rezoning request to the Planning Board for its review and recommendation.

6.

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 Woodlawn Volunteer Fire Company, Inc.:

Ernest C. Jewett
146 Arthur Ave.
Blasdell, N.Y. 14219

Michael Hosie
25 Miller Ave.
Blasdell, N.Y. 14219

7.

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 authorize The Recreation Department to issue alcohol waivers for the following Dec.2015 /January 2016 Taylor Road rentals:

12/30/2015 01/02/2016 1/07/2016 1/09/2016

1/16/2016

8.

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

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

WHEREAS, Christopher Cahill an employee in the Town of Hamburg’s Highway Department will earn an additional week’s vacation on December 13th, 2015;

WHEREAS, due to the lateness in the year there isn’t the time or the seniority to schedule time off before the end of the year;

THEREFORE BE IT RESOLVED, that the Town Board approve the carryover of one week’s vacation for Chris into 2016.

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, recent improvements made by the Town of Hamburg to the Hamburg Public Library, located at 102 Buffalo Street, Hamburg, New York, have resulted in changes to the grade and contour of the land in the northwest section of the property owned by 76 Buffalo Street, LLC, (“Elderwood Property”), and

WHEREAS, the Town of Hamburg desires the right to make certain improvements within the property owned by 76 Buffalo Street, LLC (“Easement Area”) in order to prohibit uncontrolled pedestrian and vehicular cross egress between the properties, and

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg enter into a Property Line Improvements Easement Agreement with 76 Buffalo Street, LLC, in order to perform the necessary work to mitigate any potential safety concerns, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to sign the Property Line Improvements Easement Agreement, and documents required for recording of the easement.

10.

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 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	4494	Aroune, Ellen		Rec Attd-A7310				12/15/2015
2	4405	Busha, Christopher		Rec Attd-A7310-P/T				11/28/2015
	4405	Busha, Christopher	R	Rec Attd-ET7180-P/T	11/29/15		\$8.75	
3	4561	Criscione, Kristen		Rec Attd-A7310				12/15/2015
4	2926	DiOrio, Christine		Rec Attd-ER7251				12/15/2015
5	4342	Dooman, Shayla		Rec Attd-A6772				12/15/2015
6	4093	Farrell, Shannon C.		Rec Attd-A7310				12/15/2015
7	4384	Heil, Remington		Rec Attd-A7310				12/15/2015
8	4670	Lake, Michael		Rec Attd-A7310				12/15/2015
9	3905	Lease, Warren		Rec Attd-A7310-P/T				11/28/2015
	3905	Lease, Warren	R	Rec Attd-EI7265-P/T	11/29/15		\$11.50	
10	4626	McDermott, Evan		Rec Attd-A7310-P/T				11/28/2015
	4626	McDermott, Evan	R	Rec Attd-EI7265-P/T	11/29/15		\$9.00	
11	4387	Morris, Mark		Rec Attd-A7310				12/15/2015
12	4390	Pike, Joel		Rec Attd-A7310				12/15/2015
13	4597	Tallman, Rebecca		Lifeguard-A7310				12/15/2015
14	4575	Tierney, Mackenzie		Rec Attd-A7310				12/15/2015
15	4671	Wysocki, David		Rec Attd-A7310				12/15/2015
16		Zagarrigo, Phyllis	N	Rec Attd-A6780-P/T	12/15/15		\$9.00	
17	1709	Zdrojewski, Shannon		Rec Attd-A7310-P/T				11/28/2015
	1709	Zdrojewski, Shannon	R	Rec Attd-ET7180-P/T	11/29/15		\$11.75	
18	3943	Kassem, Ramsey		Rec Attd-A7310				12/15/2015
19	3744	Melewski, Mark		Rec Attd-A7310-Seas				11/28/2015
	3744	Melewski, Mark	R	Rec Attd-EI7265-Seas	11/29/15		\$10.25	
20	4264	Kazibut, Kacper		Rec Attd-A7310-P/T				11/28/2015
	4264	Kazibut, Kacper	R	Rec Attd-ET7180-P/T	11/29/15		\$8.75	

Supervisor Walters comments that before he moves on to resolution 11, he listened to what was said at the Work Session today and he also spent a great deal of time over the last couple of months reviewing the information that has come in. He has an e-mail, that was circulated to the Town Board by the Planning Consultant, from an attorney from the New York State Department of State which answered a lot of questions. They also received memos from the Planning Department and from the Town Attorney's Office in relation to the proposed rezoning that is the subject of resolutions 11 and 12. Based upon the e-mail that was provided, one of the main points is with respect to the 100 foot buffer around the property. The question directly posed was whether or not the asking for the 100 foot buffer, when there is a protest petition out there, is valid. Ms. Philip, from the Department of State, said unequivocally that that is not an impediment to the developer's request (the protest petitions). While it does invalidate the protest petition based upon category three of the State Law that applies to those petitions, asking that the 100 foot not be rezoned per the New York Department of State is a perfectly legal request. That was the first thing he reviewed. The second thing he looked at were the resident requests. He read and re-read everything that came through on this matter. Looking at the development itself, while not every issue was totally mitigated by the developer he thinks every issue to some degree was mitigated. The developer has proposed doing additional drainage work, he has stated that he will not pursue regular access onto Newton Road or McKinley Parkway, only an emergency access point from McKinley, the frontage lots will not be presented (no curb cuts), so he believes that the concerns that were brought up by the residents have been attempted to be mitigated. The other thing is that while this is a zoning change and is now allowing for more patio homes than if single family homes were built, this is a piece of private property and he is very slow to tell someone what they can do with their own property. His beliefs are very strong on property

rights in this matter. Those three things combined, the information provided by the Department of State, the mitigation efforts, and certainly looking at the initial plan which was over 60 homes and the last plan that has just over 40 homes, he is inclined to go forward with the developer request of the 24 acre rezoning. The Town Board has, in the past, accepted requests for a change in the zoning from the developer. They just did that at the last Town Board meeting. He believes that the policy has been set by the Town Board and should be consistent and he will be reading the resolutions as they are listed in the agenda.

Councilman Quinn responds that he doesn't believe they have set a precedent, as far as the rezoning goes. This instance is different than the last instance when they rezoned. There has been a lot of support from the residents to not go forward with this project. These residents have come to all the Planning Board meetings and have gotten petitions signed. Throughout this process the Planning Board itself has voted against this project. The Conservation Board has voted against it and to go against these two Boards and the people that they have appointed to those Boards to do just this job, goes against everything that they are supposed to do. As such, he believes that they should read a different resolution. This resolution would force the Town Board to have a super majority vote to pass this rezoning. The developer wants to bring forth this resolution, and not rezone an area, that would make it legal for them to not answer for any petitions that the residents would bring forth. He is sure the developer will do a good job, if this goes through. They will try to do whatever they can, but this area has problems. It has drainage problems. They can guess that the issues will be addressed but that doesn't mean that they will be. The residents have come out in strong support against this and he doesn't feel they should subvert this whole process, he thinks the developer should go back to the Planning Board and try again under this new plan. He thinks that would be fair to the residents and to the Planning Board and the Conservation Board.

Councilwoman Potter-Juda comments on the drainage system by quoting Drew Reilly from the Work Session held earlier. He stated that there is a drainage issue there now and they haven't built anything. "This project will help the situation, it will not fix the situation, but it will definitely help the situation." Drew also mentioned that the County needs to be brought in on this to help fix the problem that already exists there.

Councilman Quinn questions which resolution she would like read.

Councilwoman Potter-Juda responds that she is going with the resolution on the agenda.

11.

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

ADOPTED	Ayes	2	Walters, Potter-Juda
	Noes	1	Quinn

WHEREAS, the Town of Hamburg received a request from Glenn Wetzl to rezone vacant land located on the northeast corner of Boston State Road and McKinley Parkway from R-A (Residential-Agricultural District) to PRD (Planned Residential Development District), and

WHEREAS, the Hamburg Town Board referred this rezoning request to the Planning Board on June 23, 2014; and

WHEREAS, after numerous revisions to the Plan and applicant requesting tabling of the project, the Hamburg Town Board on February 9, 2015 initiated the SEQR Coordinated Review, and comments were received from Involved Agencies; and

WHEREAS, on April 27, 2015 the Hamburg Town Board declared itself Lead Agency under SEQRA; 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 Town has completed Part 2 of the Environmental Assessment Form and evaluated the information developed in part 3 (stormwater information, a traffic study, wetlands study, correspondence from other agencies, visual analysis and other information supplied by the applicant) and considered the reduced rezoning area (24.24 acres) proposed by the applicant; 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.

12.

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

ADOPTED	Ayes 2	Walters, Potter-Juda
	Noes 1	Quinn

WHEREAS, the Town of Hamburg received a request from Glenn Wetzl to rezone vacant land located on the northeast corner of Boston State Road and McKinley Parkway from R-A (Residential-Agricultural District) to PRD (Planned Residential Development District), and

WHEREAS, the Hamburg Town Board referred this rezoning request to the Planning Board on June 23, 2014; and

WHEREAS, after numerous revisions to the Plan and applicant requesting tabling of the project, the Hamburg Town Board on February 9, 2015 initiated the SEQR Coordinated Review, and comments were received from Involved Agencies; and

WHEREAS, on April 27, 2015 the Hamburg Town Board declared itself Lead Agency under SEQRA; and

WHEREAS, on October 7, 2015 the Hamburg Planning Board, by a vote of four (4) to three (3), forwarded a negative recommendation to the Town Board regarding the requested rezoning, and

WHEREAS, the Hamburg Town Board held the required public hearing on this proposed rezoning on November 9, 2015; and

WHEREAS, the applicant has amended the rezoning plan to include less acreage of land to be rezoned (leaving a buffer of RA land surrounding the proposed PRD); 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, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law which proposes to amend the Town's Zoning Map as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Town Zoning map as follows:

Rezone portions (24.24 acres) of the parcel of land identified as SBL # 196.00-1-1.112 from R-A, Residential- Agricultural District to PRD, Planned Residential Development District in accordance with the Plan submitted by the applicant (plan from Carmina Wood Morris DPD dated September 1, 2015), which will act as the zoning of the site; and

WHEREAS, the Town of Hamburg received petitions opposed to this rezoning and the Town has reviewed these petitions (written protest) and found that they do not meet any of the criteria listed in NYS Town law section 265 to require the approval of a super majority (three- fourths) of the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamburg hereby rezones the above referenced property with the following conditions:

1. The applicant will provide conservation easements in the name of the Town of Hamburg for the lands to be preserved as shown on the plan from Carmina Wood Morris DPD dated September 1, 2015, that shall be approved by the Town's Legal department.

2. A Declaration of Restrictions shall be recorded at the Erie County Clerk's Office for the lands to remain zoned RA, including property along Newton Road, McKinley Parkway and Boston State Road labelled as "Permanent Open Space to Remain Zoned RA" on the PRD Subdivision Plan prepared by Carmina Wood Morris DPD dated September 1, 2015, including language permanently prohibiting the development of these lands for residential purposes or publicly accessible roadway or driveway connections to Newton Road, McKinley Parkway and Boston State Road. The content and form of the Declaration of Restrictions shall be reviewed and approved by the Town Attorney's office prior to recording at the Erie County Clerk's Office.
3. There shall only be one publicly accessible roadway connection from the Project Site to adjacent public roadways and such publicly accessible roadway connection shall be onto Boston State Road. There shall not be any publicly accessible roadway connections to either McKinley Parkway or Newton Road.
4. The Applicant shall be required to install a gated emergency access driveway connection from the Project Site onto McKinley Parkway at the location opposite Grandview Avenue depicted on the PRD Subdivision Plan dated September 1, 2015. The emergency access gate to be installed shall remain closed to the public and future residents of the clustered residential subdivision at all times and shall only be accessible by emergency personnel.
5. An enhanced stormwater management system shall be installed in connection with the construction of the clustered residential subdivision. The enhanced stormwater management system shall include, at a minimum, the stormwater management improvements depicted on the PRD Subdivision Plan prepared by Carmina Wood Morris DPD dated September 1, 2015 consisting of multiple stormwater management areas and related improvements to satisfy the stringent stormwater quantity and quality standards of the New York State Department of Environmental Conservation and the Town's Engineering Department. The enhanced stormwater management system shall also include diversion of the two existing ditches that cross the Project Site into the stormwater management areas to reduce the rate of stormwater runoff that is conveyed from off-site properties into the two on-site ditches based on existing conditions without there being any development located on the Project Site. The stormwater management system to be designed by a licensed engineer including a fully engineered drainage plan and the required drainage calculations shall be subject to review and approval by the Town's Engineering Department during the subdivision review process for the clustered residential subdivision.
6. The Applicant shall be required to install a split rail fence with decorative columns on the Project Site with the permanent open space at the intersections of Newton Road and McKinley Parkway and McKinley Parkway and Boston State Road as depicted on the PRD Subdivision Plan dated September 1, 2015.

7. Only development of single family detached homes as illustrated on the PRD plan shall be allowed and no further development or subdivision of the property, beyond what is illustrated on the approved PRD Plan, shall be allowed.

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 R-A (Residential-Agricultural District) to PRD (Planned Residential Development District) for portions (approximately 24.24 acres) of the vacant land (SBL # 196.00-1-1.112) located on the northeast corner of Boston State Road and McKinley Parkway (as illustrated on the attached map from Carmina Wood Morris DPD dated September 1, 2015).

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

BE IT RESOLVED, that the Town Board authorize the Supervisor to sign a contract agreement between the Erie County Youth Bureau and the Town of Hamburg Youth Bureau for a 2016 supplementary funding grant.

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

BE IT RESOLVED, that the Town Board authorize the Supervisor to sign a partnership agreement between Big Brothers and Big Sisters of Erie County (BBBSEC) and the Town of Hamburg Youth Bureau for a site based mentoring program serving children in our community. The program will be run by BBBSEC at no cost to the Town other than use of space in the Hamburg Senior Community Center. Insurance requirements have been met and are on file with the Legal Department.

15.

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, there is a vacancy on the Zoning Board of Appeals due to the death of one of its members;

WHEREAS, this vacancy should be filled in order to maintain the best functions of the Zoning Board of Appeals;

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board hereby appoints Nicole Falkiewicz to the vacancy on the Zoning Board of Appeals commencing immediately and ending June 30, 2020.

16.

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

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

WHEREAS, Ray Pawlowski, an employee in the Town of Hamburg Buildings and Grounds Department, has one (1) week of vacation time left; and

WHEREAS, due to scheduling conflicts at Woodlawn Beach for the remainder of the year it would be difficult to use vacation time.

NOW THEREFORE BE IT RESOLVED, that the Town Board approve the carryover of one week’s vacation for Ray into 2016.

17.

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.:

William Tomczak	Scott Krone	Gena Simin
5546 Scranton Rd Apt. Y2	5546 Scranton Rd Apt 10	3853 Harvard Ave.
Hamburg, N.Y. 14075	Hamburg, N.Y. 14075	Hamburg, N.Y. 14075

18.

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

ADOPTED Ayes 2 Walters, Potter-Juda
 Noes 1 Quinn

RESOLVED, that the Town Board renew the contract with New Wave energy through 2016 and authorize the Supervisor to sign the contract.

19.

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 Audit of Cash Disbursements as follows:

TOWN BOARD
AUDIT OF CASH DISBURSEMENTS December 14, 2015

VOUCHER #'S

OPERATING FUND:

BATCH #250	\$36,552.64	79905-79919
BATCH #251	\$59,660.22	79920-79921
BATCH #252	\$174,641.42	79922-79980
BATCH #253	\$13,939.50	79981
BATCH #254	\$3,802.50	79982
BATCH #256	\$131,258.22	79984-80050
BATCH #257	\$37,086.17	80051
BATCH #258	\$36,894.93	80053-80062
BATCH #259	\$3,753.97	80063-80070
BATCH #260	\$367,200.81	80071-80137
BATCH #261	\$3,095,334.17	80147-80150
BATCH #262	\$12,546.75	80151-80180
BATCH #263	\$697.50	80181-80188
BATCH #264	\$41,539.84	80189-80212
BATCH #265	\$75,387.68	80213-80246

TOTAL OPERATING FUND DISBURSEMENTS: \$4,090,538.98

TRUST & AGENCY:

TOTAL TRUST & AGENCY DISBURSEMENTS: \$0.00

CAPITAL FUND DISBURSEMENTS:

BATCH #52	\$39,576.28	80138-80146
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TOTAL CAPITAL FUND DISBURSEMENTS: \$39,576.28

PAYROLL:

PR #P/R 25	\$858,777.64
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TOTAL PAYROLL DISBURSEMENTS: \$858,777.64

PETTY CASH \$0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$4,988,892.90

Reports from Town Board Members and Department Heads

Councilman Potter-Juda thanks the people of the Town of Hamburg for electing her 2 years ago and giving her the opportunity to serve them. It has been a pleasure and an honor to be a Councilwoman and be an active member of the community as that Councilwoman. She has been the liaison to many committees and has been active in all of them and that has been a pleasure. It has meant a great deal to her to serve the wonderful people of Hamburg.

Councilman Quinn thanks Councilwoman Potter-Juda for her service to the Town as well. She has put in a lot of hours and it is not easy to be in that position.

Supervisor Walters thanks Councilwoman Potter-Juda as well for her service. It was a rocky start but it is fair to say that they have come to respect each other and to work well together on a professional level as well as on friendly terms. That is a testament to her character and her commitment to the community.

Tom Best Sr., Highway Superintendent, reports that Erie County has contacted him and the renovations are completed on Lake View and Pleasant and they are requesting that the Town take over those roads before the establishment of the Quiet Zones. Does he have the authority to sign that or do they need a Town Board resolution.

Walt Rooth, Town Attorney, responds that they need a resolution to do that. He has called the County, a number of times, and he has not heard back.

Mr. Best then reports that this morning he sent out 29 termination notices, 2 full time and 27 part time employees. This is the first time in the history of the Town that they have done this. He wants clarification that is what the Town Board wants him to do.

Supervisor Walters responds that the intention of the Town Board was to recognize the fact that they could not raise taxes over 10% in the Town. When that is the case difficult decisions need to be made. Certainly they did not take that duty lightly and nobody took pleasure in those determinations, but they represent 57,000 people in this Town.

Business from the Floor

Mike Welch comments that he wants to put on the record that the Planning Board and the Conservation Board both gave negative recommendations on resolutions number 11 and 12. Secondly, he wants it put on the record that he would like an opinion from the Town Attorney whether or not voting on the motion as of the strict rule put the Town into litigation and thirdly he wants to put into record that they will be filing an Article 78.

John McKendry, comments that WNY Peace Center, on the weekend of Dec. 7th, manned the tracks at Pleasant and they counted trains for 24 hours to include the number of crude oil (bomb) trains that were being carried eastward. Sean Crotty assisted him on the 2 am shift.

One train went east with 124 full crude oil tankers. They also visited the Brenner Oil site which is within 15 blocks of the High School and if there was an oil spill they would be affected. The Village of Hamburg needs to address this. He will get the Town Board a copy of what is going through Hamburg (number of crude oil trains). He reports that he spoke with Ted Casey concerning the speed limit on Route 5 heading into the Town of Evans, the traffic signal at Cloverbank Road, the Town Park signal and the Pleasant Avenue signal along Route 5 also need to be checked. Also, the speed of traffic on Route 5, during rush hour, heading into the City needs to be monitored.

Robert Mueller, CSEA spokesperson, comments that it was said that the Town had attempted to initiate negotiations with CSEA, but CSEA was the only party to attempt the negotiations. It was claimed that CSEA was not fully represented during health insurance meetings. He attended those meetings and he is the Chief Spokesperson for CSEA and has full authority to represent CSEA at those meetings. Finally, they sent out 29 layoff notices which is based on a budget that purportedly eliminated two full time positions. Did all the Town Board members understand what that would entail?

Supervisor Walters responds that the Town Board members have done their due diligence and if not he would hope they would ask questions.

Mr. Mueller responds that he feels that the Town Board did not have the proper information when the vote was taken.

Supervisor Walters responds that he provided all the documentation that was necessary.

Mr. Mueller comments his final point is that if the residents are paying taxes for a government that cannot fulfill its basic operations because 29 of its employees are laid off along with 40 more that are hired seasonally to do the jobs at Woodlawn Beach, the Town Park Beach, the NIKE Base and the Golf Course, assist with brush pickup and multiple other jobs that need to be done, isn't that government in fact failing it's residents.

Supervisor Walters responds that the Town Government has never failed its residents and will not.

Mr. Mueller responds how does the Supervisor anticipate that those basic operations, that are almost wholly reliant on the part time workforce, will continue to function in 2016 if there are no employees to do the job?

Supervisor Walters responds that there are employees.

Councilwoman Potter-Juda questions Mr. Best how many full time employees there are in the Buildings and Grounds and the Highway Department.

Mr. Best responds 61 total full time employees, not enough keep the services of the Town residents.

Councilwoman Potter-Juda responds that 29 are part time employees, some of which were recently hired.

Mr. Mueller responds that two of those are full time employees along with the 40 seasonal vacancies for the summer. How will they provide the services?

Supervisor Walters responds that he just answered that.

Mr. Mueller and Supervisor Walters discuss problems with scheduling negotiations concerning health insurance.

Dennis Chapman questions if employees are allowed to fax their time sheets in in order to get paid.

Supervisor Walters responds that is a question for the Personnel Department. The Town has time clocks and department heads that certify the time sheets.

Mr. Chapman responds that he is aware of time sheets that were hand written and some of them were faxed in and he assumed as, CFO, the Supervisor authorized payment on those.

Supervisor Walters responds that department heads certify their time sheets.

Mr. Chapman responds that he has copies of time sheets that were faxed in and not signed by a department head.

Supervisor Walters responds that he would like to review those time sheets.

Tom Best Jr., comments that when they voted to lay off the Buildings and Grounds and Highway persons, was it the intention of the Town Board to lay off just those two people and the funding for those two people? The seasonal Highway and B & G budget is about \$237,000 and the two employees with benefits would amount to about \$140,000. Was it the Town Boards intention to just save that \$140,000?

Supervisor Walters responds that was their intention.

Mr. Best responds that he feels the Board should reconsider the effect on the Town of Hamburg. The golf course will be forced to close along with Woodlawn Beach and the Town Park. They need the seasonal employees, and with the contract they are unable to lay off just two people, they have to lay off 77 seasonal employees as well.

Councilman Quinn responds that a tentative budget is proposed and then before a certain date the Town Board has to vote on whether they adopt an amended budget or whether they adopt the tentative budget that was first proposed. When he came into the last budget meeting he was ok voting for the layoffs. After so many years of not having a tax increase, coupled with the insurance costs, they had to have a tax increase. Then at the meeting the Supervisor found more

money to save and it would be against what he does for the citizens to not lower the tax increase. He is not for getting rid of jobs and if the department heads would have been there it would have been better. He didn't know the particular caveats of all the contracts, he didn't have it memorized and he didn't have the contract with him. So, no, he did not know that they had to lay all those people off. It is his understanding that, as they move forward, they can find some money and bring those people back. He is hoping that all the unions can come together and work with the administration on the health care problem. It was his understanding that some unions were willing and others were not. He is hoping that as they move forward, they can make cuts in other places and bring people back.

20.

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 at 8:02 pm

Catherine A. Rybczynski, R.M.C.
Town Clerk