

Supervisor Walters calls the meeting to order at 8:00 a.m.

**TOWN BOARD MEMBERS**

**PRESENT:**

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

**ALSO PRESENT:** Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Gerard Kapsiak Town Engineer; Robert Hutchison, Town Assessor; Kenneth Farrell, Tom Best Highway Superintendent; Kurt Allen, Supervising Code Enforcement Officer; Tom Taylor, Senior Public Safety Dispatcher; Jerry Giglio, Traffic Safety Consultant; Barbara Brauch, Justice Court Administrator; Mike Bartlett, Director of Hamburg Industrial Development; Jennifer Reinagel, Community Development Aide; David Bellissimo, Planning Board; Nathan Neil, Bond Counsel; Craig Cwick, IDA Attorney

**1.**

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

<b>ADOPTED</b>	Ayes	5	Walters, Smardz, Collins, Gorman, Ziegler
	Noes	0	

**BE IT RESOLVED,** that the Hamburg Town Board approve the request of Christopher Hull; Director of Community Development, to carry over five (5) unused days of vacation to the 2011 calendar year due to the departments work load and lack of staffing compounded by an employee being out on maternity leave.

**2.**

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

<b>ADOPTED</b>	Ayes	5	Walters, Smardz, Collins, Gorman, Ziegler
	Noes	0	

**WHEREAS,** the Town of Hamburg is a Community Development Block Grant (CDBG) entitlement community as determined by the United States Department of Housing and Urban Development (HUD), and

**WHEREAS,** the Town of Hamburg Department of Community Development administers the CDBG program for the town and for the Villages of Blasdell and Hamburg, and

**WHEREAS**, the Department of Community Development has followed its approved Citizen Participation Plan in developing its preliminary 2011 application for CDBG funding, which must be completed and sent to HUD by January 7, 2011.

**NOW THEREFORE BE IT RESOLVED**, that the Hamburg Town Board authorize Supervisor Steven J. Walters and the Department of Community Development to sign any and all documents, contracts and certifications required for receipt of the 2011 federal CDBG funds from HUD.

**3.**

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

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

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

Pete Knezevic  
253 Labelle Ave.  
Blasdell, N.Y. 14219

**4.**

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

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

**RESOLVED**, that the Hamburg Town Board appoint Paul Pellicano as a Director of the Town of Hamburg Land Development Corporation replacing Janet Plarr effective immediately, and that the Hamburg Town Board appoint Amy Ziegler as a Director of the Town of Hamburg Land Development Corporation, replacing Kevin Smardz, effective immediately.

**5.**

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

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

**BE IT RESOLVED**, that the Town Board approve the out-of-town travel request of Councilwoman Amy J. Ziegler to attend the New York State Association of Towns Training School and Annual Meeting in New York City from February 20-23, 2011. As part of her attendance, Councilwoman Ziegler will be attending sessions pertinent to the function of councilman, and further, shall act as voting delegate, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be authorized to complete the Certificate of Designation and file same with the Association of Towns no later than February 1, 2011.

**6.**

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

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

**BE IT RESOLVED**, that the Town Board approve the out-of-town travel request of Town Attorney, Kenneth Farrell, Deputy Town Attorney, Brian Doyle, Town Prosecutor, Carl Morgan, and Planning Board Attorney, Cheryl McFadden-Zak, to attend the New York State Association of Towns Training School and Annual Meeting in New York City from February 20, 2011 through February 23, 2011. As part of their attendance, Town Attorney Farrell, Deputy Town Attorney Doyle, Town Prosecutor Morgan, and Planning Board Attorney, Cheryl McFadden-Zak, will be attending sessions pertinent to the functions of Town Attorneys, Town Prosecutors, and Planning Boards, for which required Continuing Legal Education/Professional Development credit hours are given. The estimated costs are as follows:

Airfare (4)	= \$ 800.00
Hotel (4)	= \$2,748.00
Meals (3 days @ \$40.00) (4)	= \$ 480.00
Meeting Registration (4)	= \$ 400.00
Ground Transportation (4) \$50x3	= \$ 200.00
Total	= \$4628.00

Funds for this purpose have been included in the 2011 Budget for the Legal Department under Account Number A1420.492. Any costs to obtain Continuing Legal Education/Professional Development credit hours shall not be reimbursed by the Town of Hamburg, but must be paid by the individual attorneys if they desire to obtain such credits.

Actual receipts shall be submitted following attendance at the Training School/Annual Meeting for reimbursement from the aforementioned account.

**7.**

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

ADOPTED	Ayes 3	Walters, Smardz, Ziegler
	Abstain	Collins
	Noes 1	Gorman

**WHEREAS**, the Town of Hamburg recently entered into an agreement with the State of New York Office of Parks, Recreation and Historical Preservation (OPRHP) for the operation and maintenance of Woodlawn Beach State Park by the Town, and

**WHEREAS**, the OPRHP has informed the Town that the State will be out of the park within sixty (60) days at which point the Town will commence its operations, and

**WHEREAS**, it is advantageous to the Town to begin immediately marketing and promoting the Park and booking reservations during this sixty day period, and

**WHEREAS**, the Town would like to utilize Linda Rogers, Public Relations and Marketing Consultant, to undertake these tasks,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby agrees to amend the contract between the Town of Hamburg and Linda Rogers to include marketing and promoting of Woodlawn Beach State Park and booking reservations for the Park. Ms Rogers will be required to work a minimum of ten (10) hours per week and the rate of pay shall remain at \$24.62 per hour. The agreement shall run until December 31, 2011 and the Town of Hamburg shall reserve the right to terminate the agreement at any time.

**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	

**WHEREAS**, the construction of the Town funded portion of the 2009 Waterline Reconstruction Project, which is part of the overall Hamburg Water System Improvement Project, was inspected by the Town Engineering Department, and has been certified by the Town Engineer and Nussbaumer & Clarke, Inc. as having been satisfactorily completed in accordance with the plans and specifications for the project, and all contract closeout submittal requirements have been complied with,

**THEREFORE BE IT RESOLVED**, that the Town Board hereby accepts this contract as complete, and approves the release of final payment. The total amount paid under the Town funded portion of this contract is \$314,210.05, which represents a decrease of \$70,687.95 in the originally bid and awarded contract amount of E&R General Construction, Inc., the contractor for this project. This decrease was able to be realized through the utilization of Federal economic stimulus funds which were acquired for this project through the efforts of the Town of Hamburg Department of Community Development.

**9.**

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 construction of the waterline replacement project along the South Park Avenue bridge over the New York State Thruway, which is part of the overall Hamburg Water System Improvement Project, was inspected by the Town Engineering Department, and has been certified by the Town Engineer and Nussbaumer & Clarke, Inc. as having been satisfactorily completed in accordance with the plans and specifications for the project, and all contract closeout submittal requirements have been complied with,

**THEREFORE BE IT RESOLVED**, that the Town Board hereby accepts this contract as complete, and approves the release of final payment. The total amount paid under this contract is \$397,769.20, which is \$5,712.80 less than the previously approved contract amount of Nichols, Long & Moore Construction Corp., the contractor for this project.

**10.**

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

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

**RESOLVED,** that the Town Board approve the Inter Departmental Transfers as follows:

From:	To:	Amount:
A1310.455	A1320.454	\$4,000.00
A3121.451	A3125.440	\$225.00
A7266.100	A7140.100	\$42183.00
A7141.440	A7230.456	\$1000.00
A9060.895	A1440.100	\$38499.00
A9060.895	A3121.100	\$15096.00
A9060.895	A3620.100	\$18099.00
A9060.895	A1110.100	\$3306.00
A9060.860	A1110.100	\$61404.00

To balance accounts at year end.

**11.**

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

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

**RESOLVED,** that the Town Board approve the Transfer of Appropriations for the Recreation Department, within the 2010 Budget, as follows:

From:	Personal Services	A7020.100	\$17,000
	Personal Services	A7020.100	\$10,000
To:	Personal Services	A7310.100	\$17,000
	Personal Services	A7265.100	\$10,000

To balance accounts due to 27 Payrolls in fiscal year; Joe Wenzel's salary changed to Sr. Services; extra part-time needed to cover functions handled by Joe Wenzel.

**12.**

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

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

**RESOLVED**, that the Town Board approve the Transfer of Appropriations for the Planning Department, within the 2010 Budget, as follows:

From: Contingency	B1990.419	\$10,352.00
To: Planning - Consultant Fees	B8020.456	\$10,352.00

To fund for final invoices from Wendel Duchscherer.

**13.**

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

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

**RESOLVED**, that the Town Board approve the Transfer of Appropriations for the Building and Grounds Department, within the 2010 Budget, as follows:

From: Heat, Light & Power	A7266.422	\$43,855.00
To: Repair & Maintenance	A7266.460	\$18,855.00
Motor Vehicles	A7140.202	\$25,000.00

To fund for account shortages.

**14.**

On a motion of Councilwoman Ziegler, 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 termination of personnel for the Senior Services/Adult Day Care as follows:

- |                   |                            |            |           |
|-------------------|----------------------------|------------|-----------|
| 1. Piper, Laurie  | P/T Clerk (A6780)          | 12/20/2010 | Terminate |
| 2. Doyle, Britney | P/T Rec. Attendant (A6780) | 12/20/2010 | Terminate |

**15.**

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

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

**RESOLVED**, that the Town Board approve the hiring of personnel for the Building and Grounds Department as follows:

- |                      |                    |            |        |
|----------------------|--------------------|------------|--------|
| 1. Kolb, Christopher | Laborer, Part-Time | 12/06/2010 | \$8.47 |
|----------------------|--------------------|------------|--------|

**16 & 17.**

On a motion of Supervisor Walters, with a unanimous second, the following proclamations were

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



# Town of Hamburg

## Office of Supervisor

### In Recognition of Sandy Puleo

- WHEREAS,** Upon the retirement from the position of Clerk to Town Justice with the Town of Hamburg, and
- WHEREAS,** Sandy Puleo has been a dedicated, reliable and hard working member of the Town of Hamburg Justice Court for the past twenty-three years, in the performance of her duties as Judge Walter L. Rooth's Clerk, and
- WHEREAS,** During her years with the Town of Hamburg, Sandy Puleo has been blessed with and lovingly raised a wonderful family in her three children, Dawn, Sherri and Joe. Sandy has also been blessed with five wonderful granddaughters, Rachel, Emily, Megan, Sydney and Sara, and been closely involved in their lives, and
- WHEREAS,** Sandy Puleo has decided that it is now time to leave court behind, and have more time to devote to her family, friends and all of her other interests.

**NOW THEREFORE BE IT RESOLVED,** that the Town Board of the Town of Hamburg commends and thanks Sandy Puleo for her dedication and service to the Town of Hamburg as Clerk to Town Justice, and wishes her well as she enjoys her well deserved retirement and success in all her future endeavors.



**IN WITNESS WHEREOF,** I have caused the seal of the Town of Hamburg to be affixed this 15<sup>th</sup> day of December 2010.

Steven J. Walton  
Supervisor  
Town of Hamburg

- Joseph A. Collins, Councilman  
Jonathan G. Gorman, Councilman  
Kevin Smardz, Councilman  
Amy J. Ziegler, Councilwoman



# Town of Hamburg

## Office of Supervisor

### In Recognition of Marilyn Tonnies

**WHEREAS,** Upon the retirement from the position of Senior Clerk Typist with the Town of Hamburg, and

**WHEREAS,** Marilyn Tonnies has been a dedicated, reliable and hard working member of the Town of Hamburg Justice Court for the past twenty-three years, in the performance of her duties as Senior Clerk Typist, and

**WHEREAS,** During her years with the Town of Hamburg, Marilyn Tonnies has been blessed with and lovingly raised a wonderful family in her three children, Michelle, Mary Jo and Joe. Marilyn has also been blessed with four wonderful grandchildren, Madeline, Andrew, James and Brady, and been closely involved in their lives, and

**WHEREAS,** Marilyn Tonnies has decided that it is now time to leave court behind, and have more time to devote to her family, friends and her trusty companion, Pumpkin.

**NOW THEREFORE BE IT RESOLVED,** that the Town Board of the Town of Hamburg commends and thanks Marilyn Tonnies for her dedication and service to the Town of Hamburg as Clerk to Town Justice, and wishes her well as she enjoys her well deserved retirement and success in all her future endeavors.

IN WITNESS WHEREOF, I have caused  
the seal of the Town of Hamburg to be affixed  
this 15<sup>th</sup> day of December 2010.

Steven J. Walters  
Supervisor  
Town of Hamburg

Joseph A. Collins, Councilman  
Jonathan G. Gorman, Councilman  
Kevin Smardz, Councilman  
Amy J. Ziegler, Councilwoman



**18.**

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**, the Town wishes to assist with continued and controlled economic growth and development within the Town, and

**WHEREAS**, there is very little remaining within the Town borders that is zoned and appropriate for heavy industrial development, and

**WHEREAS**, the Town has the opportunity to assist in the acquisition of such property by providing a loan to the Hamburg New York Land Development Corporation for the sole purpose of acquisition of such property from Mittal Steel Corporation.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the investment of \$750,000 from the Town Outside Village Fund to the Hamburg New York Land Development Corporation, with the following terms and conditions:

- Loan amount \$750,000
- Interest rate of 2%, payable December 31<sup>st</sup> of each year, except in the year of final payment, when final interest is due with last principal payment.
- Repayment terms – principal is due as parcels of the original land track are sub-divided and sold. As parcels are divided and sold a minimum of 60% of the sale price must be transferred to the Town as principal reduction payments.
- Security for loan – a mortgage lien will be recorded on the land with the Town named as first lien holder. No further loans or encumbrances will be placed on such property without the specific authorization of the Town Board of the Town of Hamburg.
- It shall be considered a material default by the Hamburg New York Land Development Corporation to sell the property for more than 20% below market value or to sell the property for less than \$25,000 per acre, whichever of those amounts is less unless the Town through resolution of the Town Board consents to the below market sale.

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the Town Supervisor to enter into and sign documents as required within the terms and conditions as outlined above.

The following spoke concerning resolution #18:

Councilman Collins, Ken Farrell

**19.**

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

ADOPTED	Ayes 4	Smardz, Collins, Gorman, Ziegler
	Noes 1	Walters

**WHEREAS**, Real Property owned by a non profit organization which is used for purposes not associated with that of the non profit organization is taxable under New York State Real Property Law; and

**WHEREAS**, the Town of Hamburg taxes all non profit organizations for the uses of real property not covered under the non profit status; and

**WHEREAS**, in order to be fair and without prejudice to all non profit organizations, local fire districts, police organizations and Hamburg School Districts; and

**WHEREAS**, unlike non profit organizations real property owned by the Erie County Agricultural Society and used for purposes other than Agricultural Society purposes is exempt from real property tax under Section 450 of Real Property Tax Law;

**THEREFORE BE IT RESOLVED** the Town Board of the Town of Hamburg request that the New York State Legislature amend Section 450 of Real Property Tax Law to make taxable real property owned by an Agricultural Society which is not predominately used within the scope of an Agricultural Society for purposes of operating an annual fair or for agricultural purposes.

**BE IT FURTHER RESOLVED** that it is not the intent of the Town Board to remove the real property tax exemption from property which is predominately used by the Agricultural Society for its normal business operations.

The following commented on resolution #19:

Tom Best, Ken Farrell, Councilman Collins, Supervisor Walters



The following spoke concerning the Athol Springs Shoreline Project:

Ken Farrell, Gerard Kapsiak, Councilman Collins, Supervisor Walters, Councilman Gorman, Councilwoman Ziegler, David Bellissimo

**20.**

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

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

**RESOLVED**, that the Town Board Move into Executive Session on a Litigation matter at 8:43 a.m.

**21.**

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

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

**RESOLVED**, that the Town Board adjourn Executive Session at 9:15 a.m.

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Catherine A. Rybczynski, Town Clerk