

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 28th day of March 2011.

2.

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

| | | |
|---------|--------|-----------------------------------|
| ADOPTED | Ayes 4 | Walters, Collins, Gorman, Ziegler |
| | Noes 0 | |

RESOLVED, that the Town Board adjourn Executive Session and move into the regular meeting.

TOWN BOARD MEMBERS

PRESENT:

| | |
|--------------------|--------------|
| Steven J. Walters | Supervisor |
| 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, Town Attorney; Brian Doyle, Deputy Town Attorney; Chief of Police Mike Williams; Curt Herrmann, Sr. Recreation Supervisor; Christopher Hull, Director of Community Development; Tom Best Highway Superintendent; Kurt Allen, Supervising Code Enforcement Officer; Sarah desJardins, Planning Consultant; Jerry Giglio, Traffic Safety Consultant; Peter Reszka, Planning Board Chairman

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Catherine Rybczynski, Town Clerk, reads the following legal notice as published in the Hamburg Sun and the Front page:

LEGAL NOTICE
TOWN OF HAMBURG
NOTICE OF HEARING PROPOSED LOCAL LAW #3, 2011

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on March 14, 2011, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #3, 2011. This local law provides for a local law to require landlords to disclose the smoking policy for a dwelling unit, described as follows:

A LOCAL LAW TO REQUIRE LANDLORDS TO DISCLOSE THE SMOKING POLICY
FOR A DWELLING UNIT

Section 1: TITLE

This local law shall be known as Local Law No. (to be determined upon adoption) for the year 2011, Landlord Smoking Policy Disclosure Law.

Section 2: LEGISLATIVE FINDINGS AND INTENT

Landlords often incur additional costs when apartments are vacated by smokers. Many landlords incorrectly believe that their tenant(s) have a legal right to smoke and are unaware of their own legal right to implement policies that restrict smoking in the personal living units, common areas and exterior grounds of their buildings. Furthermore, exposure to secondhand smoke has been casually linked to a variety of adverse health outcomes in both adults and children.

The New York State Real Property Law states that every tenant has the right to be free of "dangerous, hazardous or detrimental" conditions, and enacting a disclosure law would offer a standardized method to inform concerned renters of possible exposure to harmful secondhand smoke in their homes.

This proposed smoking policy disclosure law would NOT require landlords to either allow or limit smoking, but rather would simply require that landlords disclose to tenants whether smoking is restricted or allowed within rental units and common areas as part of any new, written lease.

Providing information on a landlord's smoking policy will be beneficial to both prospective tenants who smoke and those who do not smoke in that it will allow them to make informed decisions before signing a lease.

Section 3: DEFINITIONS

Smoking: The term "smoking" means inhaling, exhaling, breathing, carrying or possessing any lighted cigar, cigarette, pipe, other tobacco product or similar lighted product in any manner or in any form.

Section 4: DISCLOSURE OF SMOKING POLICY

The rental agreement or lease for a dwelling unit [regulated under this chapter] must include a written disclosure of the smoking policy for the premises on which the dwelling is located. The disclosure must state whether smoking is prohibited on the premises, allowed on the entire premises or allowed in limited areas on the premises. If the smoking policy allows smoking in limited areas on the premises, the disclosure must identify the areas on the premises where smoking is allowed.

Section 5: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or

invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this local law.

Section 6: EFFECTIVE DATE

This Local Law shall take effect immediately upon passage and filing with the Secretary of State.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. (local time) on the 28th day of March, 2011, at which time all persons interested may be heard.

Dated: March 14, 2011

Catherine Rybczynski
Town Clerk
Town of Hamburg

No correspondence was received.

George Lee, Blasdel Taxpayers Assoc, questions if there will be a cost to the landlords for this and what is the reason for it.

Supervisor Walters responds that this requires that landlords have to disclose to tenants whether smoking is allowed in their apartment or not.

Councilwoman Ziegler responds that the reason for this is so the potential tenants will be aware of the smoking history in the apartment and some people don't like to be around smoke.

Mr. Lee questions if the permit will cost the tenant money.

Councilwoman Ziegler responds that there is not permit involved. All it requires is that the potential tenant be apprised as to what the smoking policy of the apartment is; whether smoking is or isn't allowed. The landlord has to put that in the lease.

Steve Strnad questions if this involves New York State.

Councilwoman Ziegler responds that there is a large group from Roswell that asked her to sponsor this local law. This is for education purposes and to help alleviate exposure to second hand smoke.

3.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

RESOLVED, that the Town Board close the public hearing.

4.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

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

03/14/2011 Work Session
03/14/2011 Town Board Meeting

5.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

WHEREAS, a public hearing was held on February 14, 2011, for discussion and public comment concerning adoption of proposed local law #1, 2011, and

WHEREAS, proposed local law #1, 2011, calls for the amendment of Local Law #12, 1968, entitled "Shopping Centers and Other Areas of Assembly: Traffic Regulations" by adding thereto one new location as follows:

Berkley Place Association, Inc.
4330 and 4331 Berkley Place
Hamburg, New York 14075

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board adopt this proposed amendment to the Town Code of the Town of Hamburg.

6.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

BE IT RESOLVED that the Town Clerk is authorized to publish a legal notice for the Master Plumber License, Site Utility Contractor License and Journey Plumber License examination.

The examination is scheduled for May 3, 2011 at 6:00 p.m.

7.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Town Clerk as follows:

- | | | | | |
|------------------|---------|-----------|------------|-----------|
| 1. Braun, Sharon | re-hire | Clerk P/T | 03/29/2011 | \$9.78 |
| 2. Coffey, Molly | | Clerk P/T | 03/26/2011 | Terminate |

8.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

BE IT RESOLVED that the Town Board approve the purchase of 2011 John Deere 323D Compact Track Loader for the Buildings and Grounds Department. Unit is priced under NJPA Municipal Government Contract #081209. Equipment is to be shared by Buildings and Grounds Shop, Nike Base, and Golf Course. Funds are available in the following Machinery and Equipment Accounts: A.7140.201 (which prepayment has a balance of \$19,190.00), A.7141.201 (which prepayment has a balance of \$27,100.00), and ER.7250.201 (which prepayment has a balance of \$9,197.00). Total price is \$45,700.00. Four year lease payments will be \$12,285.07/year and the equipment will be owned outright after last payment.

Steve Strnad comments that the Building and Grounds Department seems to be spending a lot of money lately.

Supervisor Walters responds that the purchasing is done at the beginning of the year, especially with lawn equipment going into the spring/summer mowing season. There hasn't been much more purchasing than in normal years and there has not been an overspending as Councilwoman Ziegler pointed out giving the balances of each of the accounts used for purchase.

Mr. Strnad questions if this is replacing equipment or just an extra purchase.

Superintendent Best responds that this is in addition to. It is a piece of equipment that the Town has needed for over 12 years. The equipment they have is antiquated and doesn't work anymore. They haven't purchased in this town in the last 18 years.

Councilman Collins comments that there is an inventory file on all of his equipment.

Superintendent Best responds that he has filed a list of every piece of equipment with the Supervisor once a year.

9a.

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

| | | | |
|---------|------|---|-----------------------------------|
| ADOPTED | Ayes | 4 | Walters, Collins, Gorman, Ziegler |
| | Noes | 0 | |

RESOLVED, that the Town Board approve the termination of personnel for the Youth, Recreation and Senior Departments as follows:

1. Tennebruso, Robert Rec. Attendant 03/28/2011 Terminate

9.

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

| | | | |
|---------|------|---|-----------------------------------|
| ADOPTED | Ayes | 4 | Walters, Collins, Gorman, Ziegler |
| | Noes | 0 | |

BE IT RESOVLED that the Town Board approve the hiring of the following in the Buildings and Grounds Department:

- | | | | |
|-----------------------|--------------------|---------------|----------------|
| 1. Gerken, Thomas | Laborer, Part-time | start-3/29/11 | rate-\$9.00/hr |
| 2. Gerken, John | Laborer, Part-time | start-3/29/11 | rate-\$9.79/hr |
| 3. Connolly, Thomas | Laborer, Part-time | start-3/29/11 | rate-\$9.79/hr |
| 4. Gryns, John | Laborer, Part-time | start-3/29/11 | rate-\$9.79/hr |
| 5. Nelson, Brett | Laborer, Part-time | start-3/29/11 | rate-\$9.00/hr |
| 6. Mazur, Walter | Laborer, Part-time | start-3/29/11 | rate-\$9.00/hr |
| 7. Tennebruso, Robert | Laborer, Part-time | start-3/29/11 | rate-\$9.00/hr |

Steve Strnad questions if they live in the Town of Hamburg.

Superintendent Best responds that they do, however the residency law has not been passed and would like to know why his department is always questioned.

Mr. Strnad asks when the residency law will take effect.

Supervisor Walters responds that he can't give an exact date; the concerns are being reviewed by the Legal Department.

Mr. Strnad comments that the residency requirement should be for new hires only.

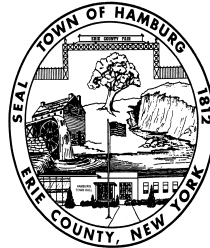
Councilman Collins comments that was his suggestion.

10.

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

| | | | |
|---------|------|---|-----------------------------------|
| ADOPTED | Ayes | 4 | Walters, Collins, Gorman, Ziegler |
| | Noes | 0 | |

TOWN OF HAMBURG



PROCLAMATION

March 28, 2011

WHEREAS, the Town of Hamburg recognizes that April, 2011 is the forty-third anniversary of the national Fair Housing Law, known as "Title VIII of the Civil Rights Acts of 1968", and

WHEREAS, the Town of Hamburg recognizes that every American has:

- * the right to fair housing
- * the right to live where they choose
- * the right to raise a family where they want
- * and the right to own a home with dignity without fear of discrimination, and

WHEREAS, the Town of Hamburg has been and continues to be proactive and dedicated toward the issue of fair housing, and

WHEREAS, the Town of Hamburg continues to fight housing discrimination with its own fair housing law, by working cooperatively with its fair housing agent, Housing Opportunities Made Equal, Inc., and by reaffirming its dedication to the goal of fair housing and fair housing opportunities for all persons.

THEREFORE FOR THESE REASONS, the month of April, 2011 shall be known as... "FAIR HOUSING MONTH" within the Town of Hamburg.

BE IT FURTHER RESOLVED that all residents are urged to recognize throughout the year the importance of fair housing and fair housing laws including their own towns fair housing law which serves the interest of our great community!

11.

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

| | | |
|---------|--------|-----------------------------------|
| ADOPTED | Ayes 4 | Walters, Collins, Gorman, Ziegler |
| | Noes 0 | |

WHEREAS, On December 6, 2010 the Hamburg Town Board authorized the Department of Community Development to advertise “Request for Proposals” for consultants to provide “Comprehensive Housing and Financial Counseling Services” for the Town of Hamburg including the Villages of Blasdell and Hamburg, and

WHEREAS, the Request for Proposals were opened on March 18, 2011 at 11:00 a.m. and subsequently reviewed by the Department of Community Development.

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to accept the proposal of and enter into a contract with **Belmont Housing Resources for WNY** to provide expanded “Comprehensive Housing & Financial Counseling Services” for the Town of Hamburg. The two year contract period begins April 1, 2011 and will expire March 31, 2013. Funding in the amount of \$39,600.00 is available in CD 8686.350; Administration and/or the Community Development Program Income Account.

12.

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

| | | |
|---------|--------|-----------------------------------|
| ADOPTED | Ayes 4 | Walters, Collins, Gorman, Ziegler |
| | Noes 0 | |

WHEREAS, On December 6, 2010 the Hamburg Town Board authorized the Department of Community Development to advertise “Request for Proposals” for consultants to provide "Legal Services for Financial Collections” for the Department of Community Developments Housing Loan Fund, and

WHEREAS, the Request for Proposals were opened on March 18, 2011 at 11:30 a.m. and subsequently reviewed by the Department of Community Development.

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to accept the proposal of and enter into a contract with the law firm of **Magavern & Loretto, P.C.** to provide “Legal Services for Financial Collections” for the Department of Community Development. The two year contract period begins April 1, 2011 and will expire March 31, 2013. Funding to be taken from the successful resolution of specific collections or for a specific hourly amount for court and non court items, including all fees and court costs. Funding is available in CD 8686.350; Administration and/or the Community Development Program Income Account.

Steve Strnad questions why the Town would hire outside attorneys and not use the Town Legal Department to help the Community Development Department.

Ken Farrell responds that the number of legal matters that the Town is required to handle exceeds the staffing that they have, so they need to hire a number of different attorneys for different rolls to assist the Town. It is a more efficient way of handling the legal services that the Town requires because if they were to hire everyone in-house it would cost more in benefits and other add-ons which they do not have to pay to the private firms they hire. They pay a per diem or hourly rate. This way they are able to hire attorneys that specialize in the areas needed. The attorneys hired for Community Development have a cap per year and have never exceeded that cap.

Councilman Collins comments that as liaison to Community Development he knows that it is a very specialized area, with a lot of steps to follow in order to get the money back.

13.

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

| | | | |
|-------|------|---|------------------|
| FAILS | Ayes | 2 | Collins, Gorman |
| | Noes | 2 | Walters, Ziegler |

RESOLVED, that the Hamburg Town Board accepts the resignation of Brendan Lovullo from the PLANNING BOARD and appoint David Phillips to fill the position.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board makes the following appointment to the PLANNING BOARD:

David Phillips for a seven (7) year term commencing January 1, 2011 to December 31, 2018.

14.

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

| | | | |
|-------|------|---|------------------|
| FAILS | Ayes | 2 | Collins, Gorman |
| | Noes | 2 | Walters, Ziegler |

WHEREAS, the resignation of Vincent Gugliuzza from the Town's Zoning Board of Appeals has created a vacancy on the Board.

WHEREAS, the Zoning Board of Appeals is in need of filling this vacancy.

WHEREAS, Councilman Joseph Collins is the liaison with the Zoning Board, Planning Board and Building Department and is in agreement with these Boards that the vacant position be filled.

WHEREAS, Councilman Collins, as liaison of the Town’s Zoning Board of Appeals, has determined that William Clark is qualified to fill this vacant position. That William Clark is an attorney-at-law licensed to practice in New York State and a resident of the Town of Hamburg. Mr. Clark will provide valuable input to the town’s Zoning Board of Appeals which is a Quasi Judicial Board.

THEREFORE BE IT RESOLVED, that William Clark be appointed for a seven year term on the Hamburg Zoning Board of Appeals commencing April 1, 2011 to March 31, 2018.

15.

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

| | | |
|---------|--------|-----------------------------------|
| ADOPTED | Ayes 4 | Walters, Collins, Gorman, Ziegler |
| | Noes 0 | |

WHEREAS, the Town of Hamburg has completed the process of updating the Town’s Local Waterfront Revitalization Program (LWRP) and can proceed to its adoption, and

WHEREAS, the New York State Department Of State (NYSDOS) has recommended its adoption with the conditions that the Town adopt the Consistency Review Law, and the amendments to the zoning map, prior to adopting the LWRP amendment, and

WHEREAS, the Town, as directed previously by the NYSDOS, has already adopted all of the zoning revisions (WC Zoning and Overlay District) except for the rezoning of Woodlawn Beach State Park to PR (Park Recreation) District.

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board refers this zoning amendment proposal to the Planning Board for their review and recommendation, and sets a Public Hearing on this proposed rezoning for April 25, 2011 at 7:00 p.m.

BE IT FURTHER RESOLVED that the Planning Department is authorized to perform a Lead Agency mailing and County referral on this action.

16.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

RESOLVED, that the Town Board approve Mary Ellen Knaszak from the Hamburg High School to do an internship in the Highway Department effective March 29, 2011 at no cost to the Town.

17.

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

ADOPTED Ayes 3 Walters, Gorman, Ziegler
 Noes 1 Collins

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

| | | | |
|------------------------|-------------------------------------|------------|-------------|
| 1. Zdrojewski, Shannon | Rec. Attd.- Seasonal (A7180.215) | 03/21/2011 | Terminate |
| 2. Zdrojewski, Shannon | Rec. Attd.- P/T | 03/22/2011 | \$10.35/hr. |
| 3. Boswell, James | Van Driver – Seas. (A6772.100) | 04/01/2011 | Terminate |
| 4. Boswell, James | Van Driver – P/T | 04/02/2011 | \$9.97/hr. |
| 5. Notto, Diane | Rec. Attd. P/T (A6772.100) | 03/28/2011 | Terminate |
| 6. Notto, Diane | Rec. Attd. Seasonal | 03/29/2011 | \$9.18/hr. |
| 7. McGahey, Meghan | Rec. Attd. P/T (ER7251.225) | 03/29/2011 | \$8.16/hr. |
| 8. Zoda, John | Rec. Attd. P/T (ER7251.225) | 03/29/2011 | \$9.96/hr. |
| 9. Hibbard, Kyle | Rec. Attd. (A7310.320) | 03/28/2011 | Terminate |
| 10. Hibbard, Kyle | Rec. Attd. P/T (ER7251.225) | 03/29/2011 | \$8.36/hr. |
| 11. DiOrio, Christine | Rec. Attd. (A7310.320) | 03/28/2011 | Terminate |
| 12. DiOrio, Christine | Rec. Attd. P/T (ER7251.225) | 03/29/2011 | \$11.06/hr. |

| | | | |
|------------------------|--------------------------------|------------|-------------|
| 13. Steger, Joseph | Rec. Attd. (A7310.320) | 03/28/2011 | Terminate |
| 14. Steger, Joseph | Rec. Attd. P/T (ER7251.225) | 03/29/2011 | \$11.06/hr. |
| 15. Clendening, Robert | Van Driver P/T (A6772.100) | 03/28/2011 | Terminate |
| 16. Clendening, Robert | Rec. Attd. P/T (ER7251.225) | 03/29/2011 | \$11.06/hr. |

Councilman Collins questions if these are kids that will come in for the Recreation summer programs.

Curt Herrmann responds that these people are returning employees for the golf course and are all Hamburg residents.

Councilman Collins questions if the salaries are coming out of the enterprise fund for the golf course.

Supervisor Walters responds that if you look at the account number underneath the title anything that starts with A is coming out of the general Fund and ER is coming out of the golf course money.

18.

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

| | | |
|---------|--------|-----------------------------------|
| ADOPTED | Ayes 4 | Walters, Collins, Gorman, Ziegler |
| | Noes 0 | |

BE IT RESOLVED, that the Town Board approve the travel request of Catherine Rybczynski, Town Clerk, and Dawn Aydelotte, Deputy Town Clerk to attend the New York State Town Clerks Association conference in Buffalo, NY from April 30-May 4, 2011. The estimated costs are as follows:

| | |
|--------------------------|-----------------|
| Conference Registration | \$155.00 |
| Notary Class (Aydelotte) | <u>\$ 50.00</u> |
| Total | \$205.00 |

Funds to be transferred from A1970.492 to A1410.451.

19.

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

| | | |
|---------|--------|-----------------------------------|
| ADOPTED | Ayes 4 | Walters, Collins, Gorman, Ziegler |
| | Noes 0 | |

BE IT RESOLVED, upon the recommendation of the Traffic Safety Advisory Board, that **W11-7** Horse Crossing signs with appropriate supplemental panels be erected and maintained by the Building and Grounds Department in accordance with the Manual of Traffic Control Devices at the following locations:

On South Creek Road @ house number 2772
 South Creek Road @ Eighteen Mile Creek Bridge

20., 21., 22., 23.

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

| | | |
|---------|--------|-----------------------------------|
| ADOPTED | Ayes 4 | Walters, Collins, Gorman, Ziegler |
| | Noes 0 | |



Town of Hamburg

Office of Supervisor

In Recognition of John E. Hojnacki

WHEREAS, Upon the retirement from the position of Working Crew Chief of the Buildings and Grounds Department with the Town of Hamburg, and

WHEREAS, John E. Hojnacki has served the Town of Hamburg for thirty four years and in these capacities demonstrated his dedication to excellence in this role, and

WHEREAS, The leadership, dedication and hard work that John E. Hojnacki has exemplified has earned him the highest respect and admiration of his coworkers, and

WHEREAS, The Town of Hamburg has been fortunate for John E. Hojnacki's outstanding dedication and service to the town;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg commends and thanks John E. Hojnacki for his dedication and service to the Town of Hamburg as Working Crew Chief and wishes him well as he enjoys his well deserved retirement and success in all his future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 24th day of March 2011.

Steven J. Walters
Supervisor
Town of Hamburg

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





Town of Hamburg
Office of Supervisor

In Recognition of Sean M. Fanning

WHEREAS, Upon the retirement from the position of Working Crew Chief of the Buildings and Grounds Department with the Town of Hamburg, and

WHEREAS, Sean M. Fanning has served the Town of Hamburg for thirty four years, and in these capacities demonstrated his dedication to excellence in this role, and

WHEREAS, The leadership, dedication and hard work that Sean M. Fanning has exemplified has earned him the highest respect and admiration of his coworkers, and

WHEREAS, The Town of Hamburg has been fortunate for Sean M. Fanning's outstanding dedication and service to the town;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg commends and thanks Sean M. Fanning for his dedication and service to the Town of Hamburg as Working Crew Chief and wishes him well as he enjoys his well deserved retirement and success in all his future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 1st day of April 2011.

Steven J. Walters
 Supervisor
 Town of Hamburg

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





Town of Hamburg
Office of Supervisor

In Recognition of William M. Sweeney

WHEREAS, Upon the retirement from the position of Laborer of the Buildings and Grounds Department with the Town of Hamburg, and

WHEREAS, William M. Sweeney has served the Town of Hamburg for thirty four years, and in these capacities demonstrated his dedication to excellence in this role, and

WHEREAS, The leadership, dedication and hard work that William M. Sweeney has exemplified has earned him the highest respect and admiration of his coworkers, and

WHEREAS, The Town of Hamburg has been fortunate for William M. Sweeney's outstanding dedication and service to the town;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamburg commends and thanks William M. Sweeney for his dedication and service to the Town of Hamburg as Laborer and wishes him well as he enjoys his well deserved retirement and success in all his future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 24th day of March 2011.

Steven J. Daniels
Supervisor
Town of Hamburg

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





Town of Hamburg
Office of Supervisor

WHEREAS, today we are recognizing the achievement of rank of Eagle Scout; and

WHEREAS, Kevin W. Eisenried and his fellow scouts cleaned and painted a stairwell access at the Youth Center in the Village of Hamburg; and

WHEREAS, the Boy Scouts of America has a long tradition of developing fine young men who service their communities; and

WHEREAS, the Boy Scouts instill values in their members that stay with them throughout their lives.

NOW THEREFORE, on behalf of the Town Board of the Town of Hamburg, we salute:

Kevin W. Eisenried

for his achievement of Eagle Scout. Congratulations and continue your hard work and dedication to the troop. Good luck with your future endeavors.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 2nd day of April 2011.

STEVEN J. WALTERS
Supervisor
Town of Hamburg

Joseph Collins, Councilman
Jonathan Gorman, Councilman
Amy Ziegler, Councilwoman



24.

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

ADOPTED Ayes 4 Walters, Collins, Gorman, Ziegler
 Noes 0

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

TOWN BOARD March 28, 2011
 AUDIT OF CASH DISBURSEMENTS

| | VOUCHER #'S |
|--|-----------------------|
| OPERATING FUND: | |
| BATCH #29 \$168.00 | 46748 |
| BATCH #30 \$11,328.00 | 46754-46756 |
| BATCH #31 \$200,000.00 | 46757 |
| BATCH #32 \$304,849.21 | 46758-46865 |
| BATCH #33 \$35.00 | 46866 |
| BATCH #34 \$908,156.15 | 46867-46986 |
| BATCH #35 \$3,889.42 | 46992 |
| TOTAL OPERATING FUND DISBURSEMENTS: | \$1,428,425.78 |
| TRUST & AGENCY: | |
| TOTAL TRUST & AGENCY DISBURSEMENTS: | \$0.00 |
| CAPITAL FUND DISBURSEMENTS: | |
| BATCH #9 \$197,137.94 | 46851-46855 |
| BATCH #10 \$3,559.43 | 46988-46991 |
| TOTAL CAPITAL FUND DISBURSEMENTS: | \$200,697.37 |
| PAYROLL: | |
| PR#P/R 6 \$560,193.09 | |
| TOTAL PAYROLL DISBURSEMENTS: | \$560,193.09 |
| PETTY CASH | \$0.00 |
| TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: | \$2,189,316.24 |

Reports from Town Board Members and Department Head

Councilman Collins reports that there is a vacancy on the Zoning Board of Appeals. An issue came up and they need to fill that vacancy.

Ken Farrell responds that he should talk to the Attorney for the Zoning Board of Appeals concerning that.

Councilman Gorman reports on the potential loss of revenue from the video lottery terminals. He contacted Senator Kennedy's Office to express his concern over the loss of that revenue and the Town will receive 45% of the 2008 revenue. We will have to tighten our belts moving forward. The Town needs to look at every department and try and identify some funds to help with that shortfall.

Councilwoman Ziegler reports that there is a fundraiser scheduled to support the dog park on April 10th from 1:00 to 6:00 pm at the Woodlawn Fire Hall. The donation is \$25.00 per person with food, beverages, Chinese auction, etc.

Supervisor Walters reports on the video lottery funding stating that he did request, at the February Department Head Meeting, that the departments should submit a contingency budget to him in an effort to make up for potential lost revenues. In the budget compromise the Senate proposal, which will provide 45% of the 2008 figures, is the proposal that was finalized; this in response to an effort from a lot of people.

Ken Farrell reports through the research on workers compensation cases they found some cases that exceeded the threshold excess coverage so the Town received a check for \$12,668 which represents not just a one time payment but moving forward all the continuing charges for indemnity or medical will be reimbursed by the excess carrier. He thanks Mary Dosch and Paul Bucci for their help.

Chief Williams asks everyone to remember Trooper Dobson.

Christopher Hull thanks the Town Board for passing the Fair Housing Month Proclamation earlier tonight. He will be presenting the Fair Housing Month Proclamation passed by the Town Board tonight to the Fair Housing and Equal Opportunity division of HUD tomorrow morning at the annual ceremony marking April as Fair Housing Month.

Superintendent Best reports that the new Storage Facility is complete. The Budget came in under the projected \$500,000 total, call his department for an appointment for a tour. They are working on a minor renovation at the golf course, should be done by opening day. The new fence will be installed at the dog park on Lakeview Road behind the ice arena, weather permitting. A ten foot section of fence can be purchased for \$125.00 with recognition of the sponsorship on a plaque displayed on the adopted area. With the shortfall in the video lottery money he respectfully asks the Board to reconsider taxing the Erie County Agricultural Society.

Betty Newell, Chamber of Commerce, states she would encourage the Board not to tax the Erie County Agricultural Society. Go after the State, the State should be cutting expenses not taking money away.

Councilman Collins comments on an inappropriate comment made by Superintendent Best at the last Department Head meeting, which was an open meeting. He received phone calls from people that were offended by it; wondering if any action will be taken.

Business from the Floor

Paula Takach, Hamburg Rejuvenation Committee, reads a letter (attached)

To: Hamburg Town Council
 From: Members of the Rejuvenation Project
 Re: Status of Administrative Coordinator Appointment
 Date: March 28, 2011

The members of the Hamburg Rejuvenation Project met on Tuesday March 15, 2011 and determined that the following major town events are in jeopardy of cancellation this year if an administrative coordinator based out of town hall is not made available:

- Blast at the Beach
- Sponsor/Volunteer Recognition Night
- Christmas at the Cabin
- Beautification Awards
- National Night Out
- Town Wide Cleanup

We understand there was a staffing re-alignment over the last several months but find it extremely disconcerting that thus far no accommodation has been made to transition the administrative tasks required by the Rejuvenation Project to another town employee. There have been prior conversations about this request in person with Supervisor Walters where a detailed list of tasks was presented but no final decision has been communicated as to how the town plans to delegate the work.

The Rejuvenation Project has a strong volunteer base that has, and would like to continue, to raise the quality of life in Hamburg. The Project does this through the recognition of business owners for well maintained properties and the welcoming of residents to family friendly events such as the Blast at the Beach and Christmas at the Cabin. The events sponsored by the Project have become family traditions for Hamburg residents and are talked about with envy by non-residents from neighboring communities. In the years that the Project has been active, it has clearly helped to make a name for Hamburg as a desirable place to live which in turn has helped to increase the town's tax base through the influx of new homeowners. It would be a terrible shame for Hamburg to lose this good image and the resulting benefits because of an oversight by this town board in establishing an administrative coordinator to support the Project.

The Project needs to move forward now with plans for the above events or risk not being able to secure the appropriate support from outside departments (police, buildings & grounds, recreation, YES, etc) and vendors/sponsors, to provide the additional cash and gift donations needed to supplement the town funding. We are asking that this town board seriously consider the ramifications of losing the momentum the Project has built by not immediately providing the administrative support necessary to keep these events on track.

We are also looking to the future of Hamburg if the Project is forced to announce the cancellation of any of these events, especially the Blast at the Beach. The perception that Hamburg is unable or unwilling to continue hosting these events will surely become a topic for conversation not only within our town limits but throughout the Western New York area. Can we afford and do we really want to draw that kind of publicity over this issue when it can be avoided by appointing someone to perform these duties?

Please provide the Project with the name and contact information for the administrative coordinator no later than April 1, 2011. If no coordinator can be assigned, please provide justification as to the reason for this decision so that the Project can re-assess its ability to remain active on behalf of the Town of Hamburg.

Thank you,
 Members of the Hamburg Rejuvenation Project

Supervisor Walters responds that he met with them and assistance was offered. They did not get a response as to whether assistance was needed.

Paula questions who would be helping.

Supervisor Walters responds that one person would not be available at all times but they would make folks available as needed. They could have provided a central person for the work to be funneled through as well. Assistance was offered and that offer is still on the table.

Paula comments that the preferred venue is having one person to streamline their ability to communicate with the Town to get the support they need. Is it possible to have someone appointed?

Supervisor Walters responds that Councilman Collins is their liaison, also he spoke with Marty Denecke from Recreation on this and he said staff would be made available for this. She could also direct it to his offices attention to be appropriately distributed.

Paula responds that it would be more secure for them if they had one person to go through at all times.

Councilman Collins comments that he did ask if he could get someone appointed as the Councilpersons Secretary, it is in the budget. He cannot fundraise for the Town because it violates the Election Law. He went to the marketing person, who is doing a great job but she is swamped.

Councilwoman Ziegler responds that, with a \$600,000 shortfall, she cannot support a paid Town employee to caretake a volunteer organization.

Paula responds that there are certain things that need to be done by the committee that should not legally be done by volunteers, such as using official letterhead, asking for donations, reaching out to various internal departments such as Buildings and Grounds or Police. As volunteers they don't carry the leverage or legal capacity to do that. They need someone within the Town to help support that.

Councilwoman Ziegler responds that Supervisor Walters offered assistance and they have a capable liaison.

Councilman Collins comments that this committee has never cost the Town money, it was always outside fundraising. They went to the businesses that provide the hotdogs, etc. and there isn't someone designated as the Town authority to write for the Board and ask the businesses to support the events.

Supervisor Walters wants to clarify that the Rejuvenation Project is an officially constituted committee of the Town of Hamburg, it has the authority to send out letters. If they need to send letters or coordinate departments, get that information to his Secretary's attention and they will get someone to get those letters out, who can send a memo to various Departments. What they will not do is hire someone for this specific purpose, they will use existing staff to get the work done that needs to get done. Make sure to include timelines with their request.

Paula questions if he is specifically naming Krista as the point person for the Rejuvenation Project.

Supervisor Walters comments that he does not want to name an official person, but she will be the first contact. She will get the right person to help them out.

Laura Hahn wants to comment on the rejuvenation project. Take the Clean-up for example, the coordinator coordinates the Building and Grounds Department for that day, the Police Department, community groups, donations, sponsors, etc. Will the Town provide someone to do that for their group.

Supervisor Walters responds that they will find someone to get the work done.

25.

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

| | | | |
|---------|------|---|-----------------------------------|
| ADOPTED | Ayes | 4 | Walters, Collins, Gorman, Ziegler |
| | Noes | 0 | |

RESOLVED, That the Town Board adjourn at 8:13 p.m.