

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 25th day of April 2011.

**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; Assistant Chief of Police John Conlon; Marty Denecke Director of Recreation; Tom Best Sr. Highway Superintendent; Tim Willard, Assistant Director of Housing and Code Enforcement; Wendy Salvati, Planning Consultant

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

**2.**

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

<b>ADOPTED</b>	Ayes	4	Walters, Collins, Gorman, Ziegler
	Noes	0	

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

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

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Hamburg, in the County of Erie, State of New York, will meet at Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, on Monday, May 9, 2011, at 7:00 p.m. for the purpose of conducting a public hearing for the adoption of a Waterfront Consistency Review Law, as required pursuant to the amendment of the Town of Hamburg's Local Waterfront Revitalization Program and in cooperation with the New York State Department of State in accordance with the provisions of NYS Executive Law, Article 42. At said public hearing, the Town Board will hear all persons interested in said subject matter thereof. Copies of the proposed law are available for public review on the Town's website.

Dated: April 11, 2011

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG  
Catherine Rybczynski, Town Clerk

No correspondence was received.

Wendy Salvati, Planning Consultant, comments that the Town adopted a Local Waterfront Revitalization Program in 1987 and is in the process of updating that plan and adopting an amendment. As part of the review process the Department of State, who is overseeing this process, is requesting that the Town adopt the Local Waterfront Revitalization Review Law. What the law does is establish the framework that allows the policies, the recommendations, the procedures that are set forth in the local waterfront program to be pulled into the review process. When the Town adopted the LWRP in 1987 they did not set this type of structure up. Anything that is proposed within the Town's waterfront has to be consistent with the policies, procedures and recommendations of the LWRP. That is what this law does. This law will be used by the Hamburg Shoreline Revitalization Committee. They will be the body that would be charged with making sure that anything proposed in the waterfront area goes through this consistency review process. Right now the Department of State is doing the reviews and this would allow the Town to take local responsibility.

Joe Kilian comments that the Hamburg Shoreline Revitalization Committee has not met since 2008. How will this committee make a finding if they don't meet?

Mr. Kapsiak, Town Engineer, responds that they will meet on an as needed basis. The reason they have not met recently is because there has not been anything to present. The chairman is Larry Cobado. They will meet soon because they are making progress on some past projects.

Mr. Kilian questions what the Town has done to the lakeshore since 1987.

Ms. Salvati responds that the Town originally adopted this in 1987 and under that program made improvements to the Town Park. In 2008 they started the process to amend this document to bring it up to date. A copy is on the website which states what it proposes in projects and other recommendations.

Councilman Collins comments that with the downsizing of the Board the residents should step up and join committees. Let him know.

**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:

04/25/2011                    Work Session  
04/25/2011                    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 Town of Hamburg Buildings & Grounds vehicle sustained damage as a result of an incident that occurred on April 11, 2011, and

**WHEREAS**, Gallagher Bassett, insurance company for the driver of the other vehicle involved in this incident, has accepted full responsibility for the damage,

**NOW THEREFORE BE IT RESOLVED** that the Town Board authorize the Supervisor to sign a General Release accepting payment in the amount of \$4,841.24, as full settlement for the damage to the Town vehicle.

**6.**

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

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

**WHEREAS**, in conformance with the policies and recommendations of the Town of Hamburg LWRP Amendment, the Town of Hamburg is proposing to rezone the Woodlawn Beach State Park property from C-3 (Office), R-3 (Multi-Family) and M-3 (General Industrial) to PR (Parks and Recreation); and

**WHEREAS**, on April 25, 2011 the Hamburg Town Board held the required public hearing and received comments from the public; and

**WHEREAS**, the Hamburg Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has conducted a coordinated review and 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 Town of Hamburg Town Board hereby determines that the proposed rezoning of Woodlawn Beach State Park is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued.

**7.**

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

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

**WHEREAS**, the Town of Hamburg is proposing to rezone the Woodlawn Beach State Park property from C-3 (Office), R-3 (Multi-Family) and M-3 (General Industrial) to PR (Parks and Recreation) in accordance with the policies and recommendations of the proposed Town of Hamburg LWRP (Local Waterfront Revitalization Program) Amendment; and

**WHEREAS**, the Code Review Committee reviewed the application and found merit in the rezoning of this property, as it is in conformance with the Town of Hamburg Comprehensive Plan and the proposed Hamburg LWRP Amendment; and

**WHEREAS**, the Hamburg Town Board referred this request to the Planning Board for review and recommendations and the Planning Board recommended the rezoning of the property; and

**WHEREAS**, the Hamburg Town Board held the required public hearing on this proposed rezoning on April 25, 2011 to gather public comments; 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 SEQR Negative Declaration.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Hamburg hereby rezones the lands identified as Woodlawn Beach State Park, S.B.L. Number 150.00-1-17, from C-3 (Office), R-3 (Multi-Family) and M-3 (General Industrial) to PR (Parks and Recreation).

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

To amend Local Law #10 of the year 1986 of the Code of the Town of Hamburg Chapter 280 entitled "Zoning" to provide for a change in the boundary of the Zoning Map whereby the Zoning is changed from C-3 (Office), R-3 (Multi-Family) and M-3 (General Industrial) to PR (Parks and Recreation) for the Woodlawn Beach State Park property.

**8.**

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 authorize the Recreation Department to issue alcohol waivers for the following June 2011 Taylor Road rentals:

6/02/11	6/03/11	6/04/11	6/05/11
6/06/11	6/07/11	6/09/11	6/10/11
6/11/11	6/12/11	6/14/11	6/16/11
6/17/11	6/18/11	6/19/11	6/21/11
6/22/11	6/23/11	6/24/11	6/25/11
6/26/11	6/30/11		

**9.**

On a motion of Councilman Collins to Table, seconded by Councilman Gorman, the motion

FAILED                    Ayes    2            Collins, Gorman  
                                      Noes    2            Walters, Ziegler

Second Vote:

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

FAILED                    Ayes    2            Walters, Ziegler  
                                      Noes    2            Collins, Gorman

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

1. Kassem, Ramsey	Rec. Attd. P/T (A7310)	05/09/2011	Terminate
2. Kassem, Ramsey	Rec. Attd. Seas. (A7310)	05/10/2011	\$7.79/hr.
3. DiOrio, Christine	Rec. Attd. P/T (ER7251)	05/09/2011	Terminate
4. DiOrio, Christine	Rec. Attd. Seas. (ER7251)	05/10/2011	\$11.06/hr.
5. Scharlock, Matthew	Rec. Attd. P/T (ER7251)	05/15/2011	Terminate
6. Scharlock, Matthew	Rec. Attd. Seas. (ER7251)	05/16/2011	\$8.42/hr.
7. Sadowski, Christopher	Rec. Attd. P/T (A7310)	05/15/2011	Terminate

8. Sadowski, Christopher	Rec. Attd. Seas. (A7310)	05/16/2011	\$9.18/hr.
9. Hibbard, Kyle	Rec. Attd. P/T (ER7251)	05/16/2011	Terminate
10. Hibbard, Kyle	Rec. Attd. Seas. (ER7251)	05/17/2011	\$8.36/hr.
11. Steger, Amy	Rec. Attd. P/T (A7310)	05/15/2011	Terminate
12. Steger, Amy	Rec. Attd. Seas. (ER7251)	05/16/2011	\$9.18/hr.
13. Danyluk, John	Rec. Attd. Seas. (ER7251)	05/10/2011	\$7.37/hr.
14. Czuprynski, Paul	Rec. Attd. Seas. (ER7251)	05/10/2011	\$8.00/hr.
15. Nelson, GayLynn	Rec. Attd. Seas. (A7310)	05/10/2011	\$10.84/hr.
16. Warhol, Edward	Rec. Attd. Seas. (A7310)	05/13/2011	\$10.50/hr.
17. McAnaney, Patrick J.	Rec. Attd. Seas. (A7310)	05/13/2011	\$10.50/hr.
18. Lipka, Barbara K.	Rec. Attd. Seas. (ER7251)	05/10/2011	\$8.50/hr.
19. Steenberg, Ashley	Rec. Attd. P/T (A6772)	05/10/2011	\$11.00/hr.
20. McGrath, Marianne	Rec. Attd. P/T (A6772)	05/10/2011	\$7.50/hr.
21. McGahey, Meghan	Rec. Attd. P/T (ER751)	05/09/2011	Terminate
22. McGahey, Meghan	Rec. Attd. Seas. (ER7251)	05/10/2011	\$8.16/hr.

Councilman Collins makes a motion to table the above resolution stating there has been no discussion on this.

Councilman Gorman comments that he doesn't want to approve any hiring without discussing the need for it and will second to table the resolution.

Supervisor Walters asks Mr. Denecke to comment on what the personnel will be doing.

Mr. Denecke responds that most of the people are already working for the Recreation Department. They are being terminated as part time and being hired as seasonal. 90% are currently working for the Town. If they haven't been working they are return employees. For the most part they are being put on for the golf course, Senior Services and some of the summer youth programs that will be beginning soon.

Steve Strnad questions if they live in Hamburg.

Councilwoman Ziegler responds that they do.

Councilman Collins is concerned with where the money is coming from. Is the ER7251 specifically for the golf course or could they work at Woodlawn Beach.

Mr. Denecke responds that they will work at the golf course; if they were to work anywhere else they would change the account by resolution.

**10.**

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

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

**BE IT RESOLVED** that the Town Board approve removing resolution # 16, from the Town Board Meeting of April 11, 2011, from the table.

**11.**

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

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

**BE IT RESOLVED** that the Town Board approve the pay rate change for the following in the Buildings and Grounds Department:

Granica, Michael	H.E.O.	Rate- \$26.48
Granica, Michael	H.E.O.	Rate- \$25.86 eff. 5/10/11

Ferd Garcia questions why there is a reduction in his pay.

Councilwoman Zeigler responds that Mr. Granica was under a medical restriction which required him to perform a different job, thus a decrease in his pay.

**12.**

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 hiring of the following in the Buildings and Grounds Department:

Gibbens, Richard	Laborer, Seasonal	start-5/10/11	rate-\$9.92/hr
Scott, Joseph	Laborer, Seasonal	start 5/10/11	rate-\$9.59/hr
Militello, Frank	Laborer, P/T	start 5/10/11	rate-\$10.17/hr
Sortisio, James	Laborer, P/T	start 5/10/11	rate-\$9.59/hr
Kales, George	Laborer, P/T	start 5/10/11	rate-\$9.59/hr
Kolb, John	Laborer, P/T	start 5/10/11	rate-\$8.00/hr
Figiel, Stanley	Laborer, P/T	start 5/10/11	rate-\$9.59/hr
Flis, Paul	Laborer, Seasonal	start 5/10/11	rate-\$8.00/hr
Pfeffer, Laurie	Laborer, Seasonal	start 5/10/11	rate-\$8.00hr
Spiridonov, Peter	Laborer, Seasonal	start 5/10/11	rate-\$8.00/hr
Gill, Chad	Laborer, P/T	start 5/10/11	rate-\$8.00/hr
Mead, Angelo	Laborer, P/T	start 5/10/11	rate-\$8.00hr
Gureski, James	Laborer, P/T	start 5/10/11	rate-\$8.00/hr

Steve Strnad questions if they are Town of Hamburg residents.

Councilwoman Ziegler responds yes.

**13.**

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

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

**WHEREAS**, the conditions of the following property within the Town has been deemed by the Town Code Enforcement Official to be an endangerment and attractive nuisance to the citizens of our Town.

<u>Address/location</u>	<u>Current/Last Known Property Owner</u>
3644 South Creek Road. (SBL# 195.15-2-13)	JMS Properties

**WHEREAS**, it was the determination of the Town Code Enforcement Official, based on his formal inspections and reports to the Town Board and in accordance with the provisions of Local Law No. 5-1965, Section 76-13. and Local Law No. 5-1972, Section 80-3, to proceed to condemn the above property.

**WHEREAS**, the Town has received no response by the listed owner nor has any remedial work been undertaken to alleviate the known hazards. Currently the unsafe conditions and progressive deterioration which persist on the listed premises have only become more hazardous to the neighboring properties and our community.

**THEREFORE BE IT RESOLVED**, that the Town Board based on the review of the report prepared by the Town Code Enforcement Official and the absence of response by the property owners, orders the demolition of the above listed structures and complete removal of all unsafe debris and refuse left on the properties.

**NOW, BE IT FURTHER RESOLVED**, the Town Board authorizes the Town Code Enforcement Official to initiate the process in order to expedite the demolition of said properties including the necessary remedial work to render all the subject properties safe, including defining demolition scope and establishing cost estimates as required.

Joe Kilian comments that if the building is going to be demolished maybe the Fire Departments could use it for training exercises.

Supervisor Walters responds that Mr. Allen took the Chief down there to look at it but it wasn't able to be done.

Councilman Collins comments that they had a problem with a section of the law pertaining to that. Was this taken care of?

Ken Farrell responds that section of the law was changed last year. It was reviewed by the Code review committee and revisions were made.

**14.**

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

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

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

1. MacTurk, Pamela	Laborer P/T	05/10/2011	Terminate
2. Romanello, Marion	Laborer, P/T	05/09/2011	Terminate
3. Romanello, Marion	Cleaner, Full Time	05/10/2011	\$14.56
4. Krause, Robert	Laborer, P/T	05/10/2011	\$8.00
5. Blette, Gregory	Laborer, P/T	06/01/2011	\$8.00
6. Kummer, Wayne	Laborer, P/T	05/10/2011	\$8.00
7. Jewett, John	Laborer, P/T	05/10/2011	\$8.00
8. Flanagan, Denis	Laborer, P/T	05/10/2011	\$8.00
9. Giacomini, Matthew	Laborer, P/T	05/10/2011	\$8.00
10. Bieber, Robert	Laborer, P/T	05/10/2011	\$8.00

Councilwoman Ziegler states, for the record, they are all Town of Hamburg residents.

**15.**

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

FAILED                      Ayes    2            Walters, Ziegler  
                                      Noes    2            Collins, Gorman

**BE IT RESOLVED**, that the Town Board accepts the proposal from BW's Smokin Barrels Barbeque (BW's) to operate the snack bar concession at the Town of Hamburg Golf Course. BW's was the only proposal received, and it surpasses the minimum financial requirements. In the proposal, BW's agrees to pay the Town of Hamburg a prorated number in compensation for 2011, \$18,000 in 2012 and \$18,500 in 2013.

Suzanne Mansell has been a member of the Hamburg women's golf club for 29 years and has also been the President of this club for 4 years. She is the clubs representative for the golf course and has been for 10 years. This past fall she was asked by Ms. Nosky to help clean the food service area to finish her yearly obligations. For three days she scrubbed everything except the floor which they were informed would be cleaned by the Town. To say that Ms. Nosky left the facilities dirty is not true, she can attest to that. On May 5<sup>th</sup> they had their opening day at the golf course and were confronted with mice problems. She presents photos of a large space under the door leading to the patio that is open to daylight and probably the source of the rodent problem. Ms. Nosky is the heartbeat of this golf course.

Margy Moses comments that she is speaking as a taxpayer. They (the town) have a contract with Ms. Nosky that was extended because of the bad season she had in 2009. The Town should not be spending taxpayer dollars on litigation.

A resident wants to point out that that there is a liquor license for the golf course and Ms. Nosky holds that license. If you give the bid to someone else they will not be able to serve alcohol at the golf course all summer.

President of the 65 Club at the Hamburg golf course, comments that he was in Florida and just came back, and he received a lot of calls concerning the golf course. They did improvements to the clubhouse and it looks nice, but in the process of tearing down the walls they threw the glue that holds the place together. Give Mary Nosky her job back.

Councilman Gorman questions if Ms. Nosky would be able to operate the concessions this summer.

Ms. Moses responds that yes she would be available; she wants to come back, do her job and fulfill her contract.

Ferd Garcia questions if she is in litigation with the Town.

Supervisor Walters responds that she has filed a notice of claim.

Councilman Gorman questions if there has been any settlement.

The response is no.

Councilman Gorman comments that his concern is not having concessions but he would also like to have this matter resolved. He will not vote on a resolution until this is made final.

Betty Newell comments that she wants everyone to bear in mind that BW's got caught in the crossfire and that they are a good Hamburg business, they are open 365 days and pay taxes and give to a lot to community organizations. They responded in good faith to the RFP and they employ Town residents.

Councilman Collins comments that he has been concerned about how this was handled and asked Councilman Gorman, as the Legal liaison, to look into this matter.

Councilman Gorman makes a motion to table.

Supervisor Walters responds that the motion to table dies because there is no second.

**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 the membership of the following into the Big Tree Volunteer Firemen's Company, Inc.:

Brittanie Smerka  
4098 Riggs Street  
Blasdell, N.Y. 14219

**17, 18 & 19**

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

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



**Town of Hamburg**  
**Office of Supervisor**

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

**WHEREAS,** Garrett Suffoletto and his fellow scouts recycled fishing lines through Reel-In; 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:

***Garrett Suffoletto***

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 1<sup>st</sup> day of May 2011.

  
STEVEN J. WALTERS  
Supervisor  
Town of Hamburg

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





**Town of Hamburg**  
**Office of Supervisor**

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

**WHEREAS,** Spencer Rubeck and his fellow scouts distributed one hundred bidge socks at the small boat harbor; 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:

***Spencer Rubeck***

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 1<sup>st</sup> day of May 2011.

A handwritten signature in black ink, appearing to read "Steven J. Walters", is written over a horizontal line.

**STEVEN J. WALTERS**  
Supervisor  
Town of Hamburg

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





**Town of Hamburg**  
**Office of Supervisor**

**WHEREAS,** today we are recognizing the 100<sup>th</sup> Anniversary of the Woodlawn Volunteer Fire Company; and

**WHEREAS,** the Woodlawn Volunteer Fire Company and its firefighters respond to calls including fire, EMS, motor vehicle accidents, carbon monoxide and various rescue situations; and

**WHEREAS,** the Woodlawn Volunteer Fire Company and its firefighters also provides emergency service to the Erie County Fair and various local community events; and

**WHEREAS,** we are honoring this company and its volunteers who are serving, and have served, the Town of Hamburg; and

**WHEREAS,** we also thank this company and its volunteers for freely protecting and serving the residents of this community.

**NOW THEREFORE,** on behalf of the Town Board of the Town of Hamburg, we congratulate Woodlawn Volunteer Fire Company on their 100<sup>th</sup> Anniversary, and honor its volunteers for their selfless service.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 30<sup>th</sup> day of April 2011.

Steven J. Walker  
Supervisor  
Town of Hamburg

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



**20.**

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 MAY 9, 2011  
AUDIT OF CASH DISBURSEMENTS

	VOUCHER #'S	
OPERATING FUND:		
BATCH #44	\$99,320.48	47523-47599
BATCH #45	\$38,512.22	47600-47601
BATCH #46	\$479,647.68	47602-47633
BATCH #47	\$24,495.08	47634-47683
BATCH #48	\$94,509.78	47684-47730
TOTAL OPERATING FUND DISBURSEMENTS:		\$736,485.24
TRUST & AGENCY:		
TOTAL TRUST & AGENCY DISBURSEMENTS:		\$0.00
CAPITAL FUND DISBURSEMENTS:		
BATCH #16	\$15,051.32	47731-47735
TOTAL CAPITAL FUND DISBURSEMENTS:		\$15,051.32
PAYROLL:		
PR# P/R 9	\$548,792.41	
TOTAL PAYROLL DISBURSEMENTS:		\$548,792.41
PETTY CASH		\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$1,300,328.97

**Reports from the Town Board and Department Heads**

Councilman Collins reports that last Saturday, May 7<sup>th</sup>, they had the Townwide Clean-up and it was a great success. He has a press release thanking everyone. Wants to thank the sponsors : WalMart, Sahlens hot dogs, Braymillers Market, Tops, Wegmans, Great Harvest Bread, Classic Awning, Dibbles Hardware, Pepsi bottling and the Fairgrounds. They still have a vacancy on the Zoning Board of Appeals which needs to be filled. May is Motorcycle awareness month and accidents that happen with motorcycles are because people don't see them. Please be aware.

Councilman Gorman reports that the downsizing committee will be meeting soon and asks Mr. Kilian to be a part of it.

Councilman Collins wants to recognize the Town Clerk Catherine Rybczynski who helped with the town clean-up and also attended the motorcycle blessing at Chestnut Ridge Park.

Councilwoman Ziegler comments that she had the privilege of participating in the code of honor ceremony for the two Eagle Scouts that Supervisor Walters mentioned. We should all be very proud that they are residents of the Town of Hamburg.

Supervisor Walters reports on the committees that he is liaison to. Saturday July 23<sup>rd</sup>, from 9:00 am to 12:00 pm at Woodlawn Beach State Park, a Veteran's workshop will be held that will feature speakers from throughout the community to help veterans see what benefits are available to them. He asks Jack Edson and Linda Rogers to step forward and make an announcement on the Bi-Centennial Committee.

Jack Edson announces that in 2012 our Town will be 200 years old. He then presents the Hamburg Bi-Centennial Logo that he presented to the committee for approval. This Logo will appear on all the items associated with the event that will be available for sale. He then describes the Logo.

Supervisor Walters congratulates Mr. Edson for doing an excellent job on the logo. He received several thank-you notes from Boy Scout Troop 593 that attended a Board meeting 2 months ago.

Catherine Rybczynski, Town Clerk, reports that she is a member of the Veterans Committee and they will be holding a free concert on May 29<sup>th</sup> at 7:00 pm in the Village Memorial Park to thank the Veterans. This is sponsored by a Vietnam Veteran. He wants to welcome all the Veterans home and everyone is welcome.

Ken Farrell reports on 3 claims that the Town pursued against other entities. Two were damaged vehicles and one was a piece of Town property. They have negotiated and reached a settlement with all the insurance carriers in those relevant cases which has led to a combined recovery in the sum of between nine and ten thousand dollars. There is a fourth item that is a litigation matter which has been pending in the Town for some time. The Town was named along with a number of other parties as a defendant in a catastrophic injury case. He reported previously that the Town made a motion for summary judgment, which was granted ruling there was no liability against this matter. This was appealed and they just learned that the Appellate Division upheld the lower court's decision. Therefore, the liability to the Town has been eliminated.

Jerry Giglio, Traffic Safety Coordinator, reports that there is a line of sight issue at the intersection of Taylor Road and East Eden Road. He is in the process of investigating that.

Tom Best, Highway Superintendent, reports that last week he received a Freedom of Information request from the United Council of Hamburg Taxpayers in regard to the pool table that was missing from the Town Park. Since there is no documentation on the sale of that nothing will be surrendered to the United Council. Maybe he can solve the problem of the missing pool tables. The first pool table was out at Taylor Road Cabin and because of the condition of the pool table and the need for space they removed the pool table and turned it over to the Police Department for their annual police auction. As of tonight it is still sitting in the garage in the back, no one wants to buy it. Concerning the pool table at the Town Park, about six months ago the Recreation

Department received a request from the Day Care asking them to put the pool table down there. That too was in deplorable condition, the kids were playing on it and they needed space. He went down there with a member of the Recreation Department and found that the pool table was a piece of junk. It was missing balls and the pockets were torn, the cover was torn and the slate top was cracked. He made the decision to get rid of it. A person from the fitness center said that they would take it off his hands for \$100.00, which included removal. He made the deal and the \$100.00 was turned over to the Finance Department. He thinks he was going to use it for parts.

### **Business from the Floor**

Ferd Garcia questions who gave Mr. Best the authority to sell the pool table.

Supervisor Walters responds that the Town quite often sells surplus and outdated equipment. That sale does not go through a Board resolution. He had to attest to the fact that it was no longer of any use to the Town. If it was a larger item it would come to the Town Board. If it is a smaller item that isn't of any use anymore, then the Highway Superintendent, the Police Department or the Recreation Department might sell surplus items or divest itself of surplus items whether they sell it or throw it in the garbage.

Mr. Garcia comments that he thought it would be Mr. Denecke's authority to sell it.

Suzanne Mansell questions when they will finish the job at the golf course clubhouse.

Superintendent Best responds that the windows are on order. They are waiting for them to come in.

Ms. Mansell comments that the jobsite is a mess with drywall dust, etc. When will that be cleaned up?

Mr. Best responds that they will get to it when they can. They have cut back on overtime. They don't have the personnel to keep up.

Roseanne Nadrach, Public Safety Dispatch, questions some wording on the proposed residency law. The Police Department employees are mentioned and she wants to know if the Public Safety Dispatchers are considered part of the Police Department.

Supervisor Walters responds that he believes they are under this law.

Ms. Nadrach responds that they have their own separate budget line, she has employees that have concerns and would like verification on that. Her other question is that if the proposal were to go through, they do dispatch for other municipalities and if an opening came up she would like to think that they could consider hiring an employee from one of those Towns.

Supervisor Walters comments that is a good question. There are two provisions, one is with regards to Police and the other is in regards to everyone else including the civilian employees in the Police Department. What happened was that a few years ago the County Civil Service Department took some action which nullified this section, they didn't do anything to the section that covered the Police Department. That is why this local law doesn't change anything with respect to the Police Department. The Police Department is status quo from where they are today. If this had passed tonight, wherever the Police Department were this morning they would

be tomorrow morning. Essentially it just closed a loop hole for everyone else. That being said, when they had the other provision in effect, before the County removed it from us, they had always acknowledged that they would hire dispatchers within the dispatch area, not just within the Town. It is a good way to facilitate cooperation between those respective municipalities.

Councilman Collins questions if they could get some language that would guarantee that it would not affect the Police Department. That is a concern. He read the statute itself and it is certainly not clear. There is an exception as to who is affected by the residency requirements.

Ken Farrell responds the law, local law and proposed local law clearly defines Police and non-police. There is also a distinction between current and perspective employees. That is following on the numerous discussions that the Town Board has had in the consensus position of what they requested to be drafted for that. This follows a many year process. This residency law template has been around for many years. They have made changes to address the concerns and discussions the Town Board had prior to and including the public hearing that was held last June. There are also a couple of provisions in there that address the fact that the Town Board can, under certain circumstances, make exceptions.

Supervisor Walters and Councilman Collins comment on how they should discuss clarifications on the residency law.

Ken Farrell responds that the Town Board should meet as a body. The decision, on the residency law, does not rest with the Supervisor. If there is a review it will be go through a review process and then it is recommended and referred back to the Town Board.

Tom Best Jr., President of Southdown's Police Club, comments that they have been in negotiations for over two years and the timing was off to propose passing the proposed residency law. They are not against a residency law, they are against discriminatory acts towards the Police Department. Back in February of this year they made a request for the necessary information regarding the residency law for the Police Department. Mr. Doyle responded citing a 1961 Town Board resolution as a reason that there is a residency law in effect for the Police Department. He has a letter the Town received in 2006 from Civil Service indicating the Town does not have a residency law. It is only in effect if the proper legislative procedures have been followed to that law. That was not done in 1961, it includes the proper notification to the New York State Department of State. As written this particular resolution discriminates against the Police Officers. He quotes a letter from the public relations board. There is a transparency communications problem with the Town Board that directly relates to morale problems with the Police Department.

Steve Strnad comments that he was very happy to see the proposed residency law on the agenda and it is removed again. What is the problem?

Councilman Collins responds that it seems that the proposed residency law may in violation of the law. They need to go to the Town Attorney to see if they can do a change that would not violate the provisions of union contracts. It is about the drafting of the law.

Mr. Strnad comments that this should have been resolved before the resolution was brought up for a vote.

Supervisor Walters responds that this was brought before the Town Board in Work Sessions on numerous occasions. Detective Best can state that the Police are being taken advantage of, but

there are contract negotiations going on right now with the Police Department and the Town is looking at not just the Police Department, but the 57,000 taxpayers. They explained that this resolution would not affect the Police Department.

Mr. Farrell responds that the template has existed for many years, the drafting has followed the consensus position and the discussions with the Town Board. The Town Board as a legislative body can approve something like this. He would like to note that in Section 7 there is a savings clause which in essence says that whatever is negotiated between the Town and the collective bargaining unit could supersede what is included in the residency requirement. It gives a clear statement that the collective bargaining agreement could trump what is in the residency law.

Councilman Collins and Supervisor Walters again discuss the proposed residency law and how it should be discussed and/or amended. Councilman Collins has submitted a letter listing his concerns.

Mr. Farrell responds that many of his concerns were addressed. He would be happy to discuss the remaining concerns, with the entire Town Board present. He then explains the reasoning behind the use of domicile in Section 2 and how it is appropriate.

Councilman Collins discusses Section 5 of the proposed residency law with Mr. Farrell and Mr. Doyle.

Pat McAnaney, President of Woodlawn Volunteer Fire Company, thanks the Town Board for the proclamation for their 100<sup>th</sup> Anniversary. On Tuesday, May 17<sup>th</sup>, the Patriot flag will be at the Hamburg Town Park and will fly there for 55 minutes, the amount of time it took to take down the towers. Charles Zahm, a volunteer fireman, set this up to bring it to Hamburg when he was in Nevada. The public is welcome.

**21.**

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 8:34 p.m.

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Catherine A. Rybczynski, Town Clerk