

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 13th day of March 2017.

2.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board adjourn Executive Session at 7:01 pm and move into the regular meeting.

ROLL CALL: Steven J. Walters Supervisor
 Michael Quinn, Jr. Councilman
 Thomas Best, Jr. Councilman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk
Walter Rooth III, Town Attorney; Joseph Collins, Deputy Town Attorney; Samantha Tarczynski, Director of Administration and Finance; Richard Lardo, Principal Engineering Assistant; Michael Quinn, Engineering Consultant; Gregory Wickett, Police Chief; Tom Best, Sr., Highway Superintendent; Martin Denecke, Director of Youth, Recreation & Senior Services; Christopher Hull, Director of Community Development; Sarah desJardins, Planning Consultant, Jeff Adrian, Assistant Code Enforcement Officer; Jerry Giglio, Safety Committee Coordinator

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

2.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

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

02/27/2017	Work Session
02/27/2017	Town Board Meeting

3.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

RESOLVED, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following April Taylor Road rentals:

04/01/2017	04/02/2017	04/07/2017	04/08/2017
04/09/2017	04/15/2017	04/21/2017	04/22/2017
04/23/2017	04/28/2017	04/29/2017	04/30/2017

4.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

WHEREAS, the Town of Hamburg accepted the bid with Lawley Insurance to provide Insurance Broker Services to the Town,

WHEREAS, the term of this agreement was for two (2) years commencing on June 8, 2015, and terminating on June 1, 2017, and

WHEREAS, the current agreement states the Town of Hamburg may extend the agreement beyond its initial term for up to two (2) additional years and,

WHEREAS, the Town of Hamburg desires to extend the current agreement for one (1) additional year commencing on June 1, 2017 and terminating on June 1, 2018.

NOW THEREFORE BE IT RESOLVED that the agreement between the Town of Hamburg and Lawley Insurance be extended for one (1) additional year beginning June 1, 2017 and ending on June 1, 2018, under the same terms and conditions.

5.

On a motion of Councilman Quinn, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board authorize the out of town travel request for Highway Employees Jason Collard and Daren Smith to attend two workshops sponsored by The Cornell Local Roads Program.

“Asphalt Paving Principals” on April 11th in Erie County
“Local Roads Done Right” on May 16th in Genesee County

The cost of these two workshops is \$200.00.

BE IT FURTHER RESOLVED, that the Town Board approves the transfer of funds from A1970.0492 (Central Training & Seminars) to A5010.492 (Highway Administration Seminars).

6.

On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was
ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board authorize Police Officer Jonathan Cross to attend Basic Narcotics Investigator Training, in Fort Indiantown Gap, Pennsylvania, March 20, 2017 – March 24, 2017.

No Charge for Training or Lodging	
Meals: 5 days @ \$40.00 =	\$200.00
Tolls (Approximate)	\$ 60.00
TOTAL:	\$260.00

Use of unmarked Police vehicle for transportation is requested; Money is available in account B3120.492.

7.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

RESOLVED, that the Town Board authorize K-9 Officer Matthew Sherry to attend the 2017 Annual K-9 Seminar , April 30th – May 4th, 2017, at the Yates County Sheriff’s Office, in Penn Yan, New York.

Seminar:	\$625.00
Lodging/Food:	No Cost
Tolls/gas (approximate)	<u>\$100.00</u>
TOTAL:	\$725.00

Money is available in account B3120.492; Use of Police K-9 Vehicle for transportation is requested.

8.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

WHEREAS, the Town of Hamburg received a request to rezone the following properties from R-1 to R-A:

- 2215 Lakeview Road (SBL# 207.00-5-3.2)
- 2223 Lakeview Road (SBL# 207.00-5-5)
- 2201 Lakeview Road (SBL# 207.00-5-3.1 excluding two (2) 120 foot Lakeview Road sub lots that received subdivision approval from the Planning Board on 11/13/01); and

WHEREAS, on December 12, 2016 the Town Board referred this rezoning request to the Planning Board for its review and recommendation, and

WHEREAS, on January 4, 2017 the Hamburg Planning Board forwarded a positive recommendation to the Town Board with suggested conditions; and

WHEREAS, on February 27, 2017 the Hamburg Town Board held the required public hearing and received comments; and

WHEREAS, the Town Board has reviewed the EAF submitted with this project, information submitted by the applicants and the Planning Department on the project and the Town’s Comprehensive Plan; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hamburg Town Board hereby determines that the proposed rezoning is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued and the Supervisor is authorized to sign the EAF.

9.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

WHEREAS, the Town of Hamburg received a request to rezone the following properties from R-1 to R-A:

2215 Lakeview Road (SBL# 207.00-5-3.2)

2223 Lakeview Road (SBL# 207.00-5-5)

2201 Lakeview Road (SBL# 207.00-5-3.1 excluding two (2) 120 foot Lakeview Road sub lots that received subdivision approval from the Planning Board on 11/13/01);
and

WHEREAS, the Code Review Committee reviewed the application and found merit in the rezoning of these properties;

WHEREAS, on December 12, 2016 the Town Board referred this rezoning request to the Planning Board for its review and recommendation, and

WHEREAS, on January 4, 2017 the Hamburg Planning Board forwarded a positive recommendation to the Town Board with suggested conditions; and

WHEREAS, on February 27, 2017 the required public hearing was held on this proposed rezoning; and

WHEREAS, the Hamburg Town Board has determined that the proposed rezoning will not result in any significant negative effect on the environment and has issued a Negative Declaration, and the rezoning is in accordance with the Town’s Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamburg hereby rezones the parcels identified below from R-1 to R-A with the following condition:

The following uses will be prohibited on the site (a deed restriction to be approved by the Town Attorney’s office):

- Use Group 8, 10, 11, 12 and 13A in Section 280.17

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

To amend Local Law #10 of the year 1986 of the Code of the Town of Hamburg Chapter 280 entitled “Zoning” to provide for a change in the boundary of the Zoning Map whereby the Zoning is changed from R-1 (Single-Family Residence District) to R-A (Residential-Agricultural District) for the properties identified by SBL# 207.00-5-3.2, #207.00-5-5 and #207.00-5-3.1 (excluding two (2) 120-foot Lakeview Road sub lots that received subdivision approval from the Planning Board on 11/13/01).

10.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that he Town Board approve the hiring of personnel for the Domestic Violence Department as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1	4500	O'Brien, Elizabeth		Clerk Typist Seasonal			\$11.59	3/18/2017
2	4500	O'Brien, Elizabeth	R	Clerk Typist P/T	3/19/2017		\$11.59	

11.

On a motion of Supervisor Walters, with a unanimous second, the following proclamation was

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board approve the following proclamation:

TOWN OF HAMBURG PROCLAMATION



March 13, 2017

WHEREAS, the Town of Hamburg recognizes that April, 2016 is the forty-ninth anniversary of the National Fair Housing Act, known as "Title VIII of the Civil Rights Acts of 1968", and

WHEREAS, this year's theme for Fair Housing Month is "Fair Housing Equals Opportunity", and

WHEREAS, this theme is especially true within the Town of Hamburg, due to its own Fair Housing Law, its extensive Fair Housing Policies and its continued support of Fair Housing throughout the county, state, and country, and

WHEREAS, the Town of Hamburg continues to fight for fair housing and equal opportunity with its long time partners, Housing Opportunities Made Equal, Inc. (HOME) and the United States Department of Housing & Urban Development (HUD), and

WHEREAS, the Town of Hamburg shall be hosting the 2017 Fair Housing Month Proclamation ceremony at Hamburg Town Hall on Thursday, April 8, 2017.

NOW THEREFORE BE IT RESOLVED that for these and many other reasons that the Hamburg Town Board shall name the month of April, 2017 as "Fair Housing Month" within the Town of Hamburg, New York.

12.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board approve the termination and rehiring of personnel for the Legal Department as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1	4594	Krupski, Jennifer		Clerk P/T			\$15.00	3/7/2017
2	4594	Krupski, Jennifer	R	Clerk P/T-Seasonal	3/8/2017		\$15.00	

13.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, bids were opened on 3/7/17 for the construction of the Lakeview Road, Pleasant Avenue and Bayview Road Quiet Zones Project; and

WHEREAS, two bids were received, which are summarized as follows:

<u>Bidder</u>	<u>Total Bid</u>
Occhino Corp.	\$182,285.86
Louis Del Prince & Sons, Inc.	\$231,131.00

WHEREAS, the bids have been reviewed by Erdman Anthony Engineers and the Town of Hamburg Engineering Department, who determined that Occhino Corp. is a qualified and responsible bidder, and recommended that the contract be awarded to them

THEREFORE BE IT RESOLVED, that the construction contract for this project is awarded to Occhino Corp. in the amount of \$182,285.86 contingent upon the Town receiving New York State Department of Transportation approval of the contract award and that the Town Supervisor is authorized to sign the contractual agreement with their firm. The Town Engineer is to issue the Notice of Award and Notice to Proceed at the appropriate times. Funding for this work is to be from the Federal Highway funding that the Town has received for this project (PIN 5761.01).

The following spoke concerning resolution #13: Joe Kilian, Supervisor Walters, Mike Quinn (Engineering Consultant)

14.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

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

#	Emp #	Employee Name	N or R	Position	Start date	Full time	PT/Sea/temp	Termination
						hourly rate	hourly rate	Date
1	2926	DiOrio, Christine	R	Rec Attd-ER7251-Seas	3/14/17		\$13.00	
2	3744	Melewski, Mark		Rec Attd-EI7265-Seas				3/16/2017
	3744	Melewski, Mark	R	Rec Attd-A7310-P/T	3/17/17		\$10.50	
3	3853	Zoda, John		Rec Attd-A6772-P/T				3/22/2017
	3853	Zoda, John	R	Rec Attd-A7310-Seas	3/23/17		\$11.21	

15.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

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

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1	3085	KALES, GEORGE	R	P/T/LAB/ER7250.0100	4/3/2017		\$10.34	
2	3134	GRYS, JOHN	R	P/T/LAB/ER7250.0100	4/3/2017		\$10.79	
3	3712	GERKEN, JOHN	R	P/T/LAB/ER7250.0100	4/3/2017		\$10.79	
4	3925	CONNOLLY, TOM	R	P/T/LAB/ER7250.0100	4/3/2017		\$10.79	
5	4619	PARTAZ, CHESTER	R	P/T/LAB/ER7250.0100	4/3/2017		\$9.70	
6	3904	SCOTT, JOE	R	P/T/LAB/ER7250.0100	4/3/2017		\$10.34	
7	4531	DESING, JOSH	R	P/T/LAB/ER7250.0100	4/3/2017		\$9.70	
8	4739	BAGINSKI, ANTHONY	R	P/T/LAB/ER7250.0100	4/3/2017		\$9.70	
9	4064	MAZUR, WALTER	R	P/T/LAB/ER7250.0100	4/3/2017		\$10.00	
10	4530	MAC NEIL, RON	R	P/T/LAB/ER7250.0100	4/3/2017		\$9.70	

16.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

RESOLVED, that the Town Board approve the termination and rehiring of personnel for the Town Clerks Office as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time	PT/Sea/temp	Term date
						hrly rate	hrly rate	
1								
2	4159	MORFORD, ROSINA		P/T CLERK SEASONAL				3/4/17
3	4159	MORFORD, ROSINA	R	P/T CLERK	3/6/2017	\$12.50		
4	4510	RYDZIK, SUZANNE		P/T CLERK SEASONAL				3/4/17
5	4510	RYDZIK, SUZANNE	R	P/T CLERK	3/6/2017	\$12.50		
6	4119	BROWN, BARBARA		P/T CLERK SEASONAL		\$12.50		2/17/17
7	4770	HITE, KIM		P/T CLERK SEASONAL		\$12.50		2/17/17

17.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was ADOPTED
 Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, the Town of Hamburg receives grants and donations from time to time and,

WHEREAS, the use of these funds has been determined by the granting agency/donor and,

WHEREAS, these items are not included in the 2017 budget,

NOW, THEREFORE BE IT RESOLVED, that the Town Board approves the receipt of the following monies and approves a budget amendment to the revenue and expenditure accounts as follows:

	Receipt	Revenue Code	Expenditure Code	
	Amount	To Increase	To Increase	Purpose
	\$ 886.60	A.3015	A.1440.0456	Quiet Zone Grant
	\$ 92,860.00	A.3089	A.8686.0450	LISC Zombie and Vacant Property Remediation Grant
	\$ 10,571.01	A.3021	A.1110.0450	Justice Court Assistance Program Grant
	\$ 5,098.10	B.3907	B.3120.0485	Body Armor Grant
	\$ 4,500.00	H22.2270.0002	H22.7310.0206	Donny Thiry Foundation Donation
	\$ 5,855.94	A.1972.39	A.6772.0412	Aging Mastery Program - Erie County Grant
	\$ 1,230.00	A.1972.40	A.6780.0486	Participants Council Fund Donations
February Total:	\$121,001.65			

18.

On a motion of Supervisor Walters, seconded by Councilman Quinn, the following resolution was ADOPTED
 Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, the Town of Hamburg receives proceeds from sales of equipment and insurances recoveries from time to time and,

WHEREAS, the use of these funds has been recommended by the respective department and,

WHEREAS, these items are not included in the 2017 budget,

NOW, THEREFORE BE IT RESOLVED, that the Town Board approves the receipt of the following monies and approves a budget amendment to the revenue and expenditure accounts as follows:

	Receipt	Revenue Code	Expenditure Code	
	Amount	To Increase	To Increase	Purpose
	\$ 30,713.41	B.2680	B.3120.202	Insurance Recovery
	\$ 600.00	B.2665	B.3120.202	Sale of vehicle equipment to the Town of Evans
	\$ 2,800.00	B.2665	B.3120.202	Sale of vehicle equipment to the City of Lackawanna
February Total:	\$ 34,113.41			

19.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

WHEREAS, the Town of Eden desires to locate one (1) server at 6100 South Park Avenue, separate from the Town of Hamburg network, but accessing a FIOS internet connection with a public ip address provided by the Town of Hamburg, and

WHEREAS, the use of the Town of Hamburg network is necessary for the Town of Eden to provide an internet connection for their website and email use to Eden residents, and

WHEREAS, there will be no cost to the Town of Hamburg and this service will cause no disruption or risk to the Town of Hamburg computer system, and

WHEREAS, the Town of Eden agrees to hold the Town of Hamburg harmless from and against all claims of loss damage or damage to the Town of Eden server while located at Hamburg Town Hall,

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg shall enter into an agreement with the Town of Eden for this assistance, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the inter-municipal agreement on behalf of the Town of Hamburg.

20.

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

ADOPTED Ayes 3 Walters, Best, Quinn
 Noes 0

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

**TOWN BOARD
 AUDIT OF CASH DISBURSEMENTS March 13, 2017**

	VOUCHER #'S
OPERATING FUND:	
BATCH #32 \$49,034.84	88225-88226
BATCH #33 \$405,193.21	88227-88257
BATCH #34 \$15,933.25	88258
BATCH #35 \$54,303.58	88259-88284
BATCH #36 \$723,680.32	88285-88343
BATCH #37 \$14,579.85	88344-88379
BATCH #38 \$206,035.99	88380-88441
TOTAL OPERATING FUND DISBURSEMENTS:	\$1,468,761.04
TRUST & AGENCY:	
TOTAL TRUST & AGENCY DISBURSEMENTS:	\$0.00
CAPITAL FUND DISBURSEMENTS:	
BATCH #7 \$1,670.27	88442-88444
TOTAL CAPITAL FUND DISBURSEMENTS:	\$1,670.27
PAYROLL:	
PR# P/R #5 \$626,875.68	
TOTAL PAYROLL DISBURSEMENTS:	\$626,875.68
PETTY CASH	\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:	\$2,097,306.99

Reports from Town Board Members and Department Heads

Councilman Best reports that they pulled a resolution for the K-Technologies rezoning because of miscommunication between the Planning Department and K-Tech and their attorney. The Town Board plans to vote on this as soon as possible and are not changing their recommendation which is to issue a positive declaration under SEQRA. This would mean an environmental impact study will have to be completed by the applicant or he has to totally withdraw the application. Due to this miscommunication they are affording him time to consult with his attorney to give us the answer, which is one or the other. They will not extend the application for one year as requested.

Don Wiess comments that the pulled resolution stated that the rezoning was not in conformance with the Town's Comprehensive Master Plan. He would like to see this resolution passed at the next meeting given the fact that there are a group of neighbors, the Bayview Coalition, who are very concerned about this project. This should be moved on as quickly as possible to remove the stress and questions for those residents that are taxpayers in the Town of Hamburg.

Councilman Best responds that he completely agrees.

Councilman Quinn – no report.

Supervisor Walters reports that the Town reinstated the Parking Ban, no overnight parking on the streets. A Code Red message was sent out and if anyone did not receive it and wants to receive the notifications in the future they need to sign up on our website for the service, at no charge. The program automatically populates land line numbers that are listed. If you don't have a listed number or have a cell phone or wish to receive notification via email the information needs to be entered into the system. This is available on the Town website. The Parking Ban is in anticipation of the storm they have been told is coming. Secondly, this Thursday, March 16th at 9:00 pm Congressman Chris Collins will be hosting a Town Hall meeting live on CNN.

Dennis Chapman comments that if you have a specific question, how do you get it to him?

Supervisor Walters advises him to contact the Congressman's Office.

Catherine Rybczynski, Town Clerk, reports that on the 28th of February she wired \$28 million dollars to the County, which is a major portion of their warrant. They also sent in the extension to continue to collect taxes through the end of June.

Christopher Hull, Director of Community Development, comments that the 2017 funding has not been approved by the Federal Government so he has nothing to report at this time.

Marty Denecke, Director of Youth, Recreation and Senior Services, reports for the Youth Dept. that they are cooperating with the Erie County Opioid Epidemic Taskforce and will be hosting a local support and comfort group for family members who have lost loved ones to the Opioid problem. The name of the program is H.O.P.E. (Helping Others Peacefully Endure) and it will run at the Senior Community Center on the third Tuesday Evening of every month at 6:00 pm.

They have set a date for the annual Youth Awards Banquet for April 25th. They will honor youth and adults that serve youth. The nomination forms are available on their website or at the Office. For Recreation and Seniors, they have an EXPO/Open House scheduled for Saturday March 25th from 10:30 am to 1:30 pm where they will showcase their building, programs, services, etc. They will have a magic show for kids, live music, events, demonstrations and a chicken barbecue.

Highway Superintendent Best reports that they are ready and waiting for whatever Mother Nature may bring in the next couple of days. He put a highlift on the auction block and will keep the Town Board informed as to how much is bid.

Business from the Floor

Don Wiess comments that he has had people from Hoover Beach contact him regarding the lack of sand. He understands that they removed sand from the Town Beach and piled it up and then moved it to Woodlawn Beach.

Superintendent Best comments that is wrong. They no longer dump the sand on Woodlawn Beach because the NYSDEC will not let them do that. They dump the sand north of the Boat Launch so that eventually it works its way down to the Hoover Beach area. He has spoken with residents of Hoover Beach personally this week and assured them that it will be dumped into the water so that it works its way down to Hoover Beach. They are very happy with the situation.

Mr. Wiess comments that obviously the people he talked to were misinformed.

21.

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

ADOPTED	Ayes	3	Walters, Best, Quinn
	Noes	0	

RESOLVED, that the Town Board adjourn at 7:27 pm.

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