

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 21st day of May 2018.

TOWN BOARD MEMBERS PRESENT:

James M. Shaw	Supervisor
Thomas Best, Jr.	Councilman
Elizabeth Farrell	Councilman
Michael Mosey	Councilman
Michael Petrie	Councilman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk; Jason Collard, Deputy Highway Superintendent; Steve Walters, Town Attorney; Jerry Giglio, Traffic Safety Coordinator and Health and Safety Coordinator; Samantha Tarczynski, Director of Administration and Finance; Gregory Wickett, Chief of Police; Martin Denecke, Director of Youth, Recreation and Senior Services; Sean Crotty, Sr. Public Safety Dispatcher and Emergency Management Coordinator.

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

5.

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

Ayes 5 Shaw, Best, Farrell, Mosey, Petrie
Noes 0

BE IT RESOLVED the Town Board approves the travel request of Martin Denecke and Nicole Dayka of the Department of Youth, Recreation & Senior Services to attend the 2018 Youth Bureau Director's Training Conference. The event is scheduled for May 23rd & 24th, 2018 in Saratoga Springs. Registration and Hotel Accommodations are complimentary based on our active membership in the Association of NYS Youth Bureaus. Approximate reimbursable expenses for the conference include the following:

Mileage	\$300.00
Meals	\$160.00
Tolls/Incidentals	<u>\$ 40.00</u>
Total	\$500.00

Funds are available in account A1970.492

6.

On a motion of Supervisor Shaw, seconded by Councilman Farrell, the following resolution was ADOPTED

Ayes 5 Shaw, Best, Farrell, Mosey, Petrie
Noes 0

WHEREAS, Special Olympics New York desires to enter into an agreement with the Town of Hamburg, for use of Woodlawn Beach State Park for Special Olympics New York to conduct its "Polar Plunge" event on December 1, 2018, and

WHEREAS, the Town of Hamburg grants Special Olympics New York the limited right to use the property identified as Woodlawn Beach State Park for the sole purpose of conducting the event, and

WHEREAS, Special Olympics New York agrees that the use of the property is subject to the conditions and restrictions outlined in the agreement,

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg enter into an agreement with Special Olympics New York, and

BE IT FURTHER RESOLVED that Supervisor James Shaw is authorized to sign the agreement on behalf of the Town of Hamburg. (agreement attached)

7.

On a motion of Councilman Petrie, seconded by Councilman Farrell, the following resolution was

ADOPTED	Ayes	5	Shaw, Best, Farrell, Mosey, Petrie
	Noes	0	

BE IT RESOLVED, that the Town Board hereby remove from the table the Resolution #15 from the Agenda of the meeting of May 14, 2018.

8.

On a motion of Councilman Petrie, seconded by Councilman Farrell, the following resolution was

ADOPTED	Ayes	5	Shaw, Best, Farrell, Mosey, Petrie
	Noes	0	

BE IT RESOLVED that the Town of Hamburg purchase from Linstar option #2for Employee ID Cards in the amount of \$6,370.83, New York State contract #PO 63106 pricing,

Transfer of funds from A1900.419, Contingency to A1430.203 Personnel Office Equipment.

BE IT FURTHER RESOLVED, to amend this resolution to include the Town of Hamburg Employee ID Policy is adopted per the attached document. (documentation attached)

9.

On a motion of Supervisor Shaw, seconded by Councilman Mosey, the following resolution was

ADOPTED	Ayes	5	Shaw, Best, Farrell, Mosey, Petrie
	Noes	0	

WHEREAS, the Town Supervisor has been granted exclusive use and operation of a 2016 Chevrolet Tahoe, vehicle Id No. 58, which vehicle has been assigned to the Buildings and Grounds Department for maintenance and upkeep; and

WHEREAS, this particular vehicle was originally purchased from a budget allocation pertaining to the Town of Hamburg Police Department in 2016; and

WHEREAS, the Supervisor has determined that it is in the best interest of the Town of Hamburg to surrender the vehicle to the Town Police Department, effective July 1, 2018;

NOW THEREFORE, BE IT RESOLVED, that upon the aforementioned date, the vehicle in question shall be re-registered as vehicle number 58 within the Town of Hamburg Police Department and used by Police Chief Wickett, who in return will authorize usage of his 2011 Chevrolet Tahoe for a designated member of the Detective’s Bureau of the Hamburg Police Department, thereby obviating the need for a purchase of a new vehicle.

10.

On a motion of Supervisor Shaw, seconded by Councilman Farrell, the following resolution was

ADOPTED	Ayes	4	Shaw, Farrell, Mosey, Petrie
	Noes	1	Best

BE IT RESOLVED, that the Town Board hereby remove from the table the Resolution #18 from the Agenda of the meeting of May 14, 2018.

11.

On a motion of Supervisor Shaw, seconded by Councilman Farrell, to withdrawal the following resolution was

ADOPTED	Ayes	4	Shaw, Farrell, Mosey, Petrie
	Noes	1	Best

RESOLVED, that the Memorandum of Agreement duly entered into on the 7th of May, 2018 by and between the Town of Hamburg and The Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO on behalf of the CSEA Town of Hamburg White Collar Unit as same relates to the designated job titles for the positions of Senior Clerk Typist, Senior Clerk, Clerk Typist and Police Clerk. The Agreement modifies the hourly rate of pay, and also resolves any other outstanding contractual issues between the parties, and any such contract proposals not specifically referenced herein are deemed by the parties to be withdrawn.
(documentation attached)

12.

On a motion of Supervisor Shaw, seconded by Councilman Petrie, the following resolution was

ADOPTED	Ayes	5	Shaw, Best, Farrell, Mosey, Petrie
	Noes	0	

BE IT RESOLVED, that the Town Board hereby amend resolution #34 of the Organizational meeting of 01/08/2018 regarding authorized signatures for purchase orders, town vouchers, request for supplemental and/or budget transfers, payroll input sheets for their respective departments by removing Donna Gavin from Information Technology and secondary signor for Central Supplies, and replacing her with Jennifer Robertson. Further, the Department of Central Purchasing will be added to this listing with the main authorizing signer being Samantha Tarczynski and secondary signer of Jennifer Robertson.

13.

On a motion of Councilman Farrell, seconded by Councilman Mosey, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Mosey, Petrie
 Noes 0

WHEREAS, Local Governments receive funding to support the construction and repair of highways and bridges from New York State under the Consolidated Local Street and Highway Improvement Program (C.H.I.P.S.);

WHEREAS, the Town of Hamburg will receive an additional \$176.00 this year;

THEREFORE BE IT RESOLVED that the Town Board authorizes the Finance Department to increase revenue account DB3501.1 C.H.I.P.S. and appropriation account DB5112.210 in the amount of \$176.00 due to unanticipated C.H.I.P.S. funding to be received from New York State.

14.

On a motion of Councilman Farrell, seconded by Councilman Petrie, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Mosey, Petrie
 Noes 0

WHEREAS, the New York State Budget also includes a \$100 million PAVE NY appropriation and \$65 million Extreme Winter Recovery (EWR) appropriation to help local governments make necessary repairs to highways and bridges;

WHEREAS, the Town of Hamburg will receive an additional \$47.00 for PAVE NY this year;

THEREFORE BE IT RESOLVED that the Town Board authorizes the Finance Department to increase revenue account DB3501.2 PAVE NY and appropriation account DB5110.210.2 in the amount of \$47.00 due to unanticipated funding to be received from New York State.

15.

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

Ayes 5 Shaw, Best, Farrell, Mosey, Petrie

Noes 0

BE IT 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 hourly rate	PT/Sea/temp hourly rate	Termination Date
1	4852	Beamish, Madison		Lifeguard-A7310				5/22/2018
2	4528	Colleran, Alexander		Rec Attd-ET7180-P/T				5/26/2018
	4528	Colleran, Alexander	R	Rec Attd-EW7251-Seas	5/27/18		\$11.00	
3		Duffy, Paige	N	Lifeguard-ET7180-Seas	5/22/18		\$11.25	
4	4809	Gentner, Michael		Lifeguard-A7310				5/22/2018
5	4805	Giglio, Angelina	R	Rec Attd-EW7251-Seas	5/22/18		\$10.40	
6	4586	Kaznowski, Lyndsey		Rec Attd-ET7180-P/T				5/26/2018
	4586	Kaznowski, Lyndsey	R	Rec Attd-EW7251-Seas	5/27/18		\$10.40	
7	4654	Kaznowski, Taylor	R	Rec Attd-EW7251-Seas	5/22/18		\$10.40	
8	4557	Kroll, Evan		Lifeguard-A7310				5/22/2018
9	4362	McMahon, Grace		Lifeguard-A7310				5/22/2018
10	4347	Plarr, MacGregor		Rec Attd-A7310-P/T				5/12/2018
	4347	Plarr, MacGregor	R	Rec Attd-EW7251-Seas	5/13/18		\$12.00	
11	4793	Pope, Daniel		Rec Attd-A7310-P/T				5/12/2018
	4793	Pope, Daniel	R	Rec Attd-ER7251-Seas	5/13/18		\$10.40	
12		Sheehan, Hannah	N	Lifeguard-EW7251-Seas	5/22/18		\$11.25	
13		Stiker, John	N	Rec Attd-ER7251-Seas	5/22/18		\$10.40	
14	4607	Walker, Samone		Rec Attd-A7310-P/T				5/12/2018
	4607	Walker, Samone	R	Rec Attd-EW7251-Seas	5/13/18		\$12.00	
15	4667	Zahm, Chloe	R	Rec Attd-EW7251-Seas	5/22/18		\$10.40	
16		MacDonald, Lauren	N	Lifeguard-ET7180-Seas	5/22/18		\$11.25	
17	4269	Schelter, Chelsea	R	Lifeguard-ET7180-Seas	5/22/18		\$12.25	
18	4121	Lantzy, Raymond		Van Driver-A6772-P/T				5/12/2018
	4121	Lantzy, Raymond	R	Rec Attd-EW7251-P/T	5/13/18		\$13.00	

16.

On a motion of Councilman Farrell, seconded by Councilman Petrie, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Mosey, Petrie

Noes 0

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

#	Emp #	Emp Name	N or R	Position	Start date	Full time hrly rate	PT/Sea/temp hrly rate	Term date
1		LAKSO, BRYCE	N	Laborer/Sea/A7140.100	5/22/2018		\$10.40	
2		DORR, DEREK	N	Laborer/Sea/A7140.100	5/22/2018		\$10.40	
3		RUSSO, CHRIS	N	Laborer/Sea/A7140.100	5/22/2018		\$10.40	
4		CROWLEY, DEVIN	N	Laborer/Sea/A7140.100	5/22/2018		\$10.40	
5		ZYLINSKI, CHRISTINA	N	Laborer/Sea/A7140.100	5/22/2018		\$10.40	

17.

On a motion of Councilman Farrell, seconded by Councilman Petrie, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Mosey, Petrie
 Noes 0

RESOLVED, that the Town Board authorize the out of town travel request for Highway Foreman Daren Smith and Employed Intern Ben Koford subject to the legal departments legal review and approval to attend the Pavement Management Summer Intern Training sponsored by the Cornell Local Roads Program at Cornell University, Ithaca, New York. from May 29, 2018 through May 31, 2018. Estimated cost for the seminar including registration, meals, tolls, gasoline and lodging is approximately \$1500.00 for both.

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

18.

On a motion of Supervisor Shaw, seconded by Councilman Farrell, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Mosey, Petrie

 Noes 0

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

TOWN BOARD AUDIT OF CASH DISBURSEMENTS - May 21, 2018				
				VOUCHER #'S
OPERATING FUND:				
BATCH #				
BATCH #	70	\$61,143.06		96033-96062
BATCH #	71	\$96,799.07		96063-96113
BATCH #	72	\$412,016.77		96114-96146
TOTAL OPERATING FUND DISBURSEMENTS:				\$569,958.90
TRUST	AGENCY			
TOTAL TRUST & AGENCY DISBURSEMENTS:				\$0.00
CAPITAL FUND DISBURSEMENTS:				
BATCH #	10	\$26,507.25		96147
BATCH #				
TOTAL CAPITAL FUND DISBURSEMENTS:				\$26,507.25
PAYROLL:				
PR #	#10	\$657,155.02		
TOTAL PAYROLL DISBURSEMENTS:				\$657,155.02
PETTY CASH				
				\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:				\$1,253,621.17

Reports from Department Heads

Martin Denecke, Director of Youth, Recreation and Senior Services, states Memorial Day weekend normally is the opening of the Town Beach, but he will have to check with the Highway Superintendent to find out if they will be ready.

Reports from the Town Board

Councilman Petrie comments to have a nice Memorial Day weekend. He is glad that the Town Board is getting together next Tuesday for the Special Meeting on May 29th. He comments the Town Board needs the extra time to work on things to move the Town forward as far as policies and procedures. He is glad the Supervisor called for it and he is all in favor of the meeting.

Councilman Farrell wishes everyone a nice Memorial Day weekend. She thanks all of the servicemen and families of those who have made those sacrifices. She hopes everyone would have a variety of different opportunities in our Town over the weekend to participate in ceremonies that honor them and hopefully everyone will take a moment and do that. She adds, Dr. Rick Popson, who is a member of the Towns Domestic Violence Advisory Board, who has for years provided his knowledge, expertise, and served as their treasurer has stepped away from that position. She would like to thank him for his years of service.

Councilman Best states Happy Memorial Day and let's all remember what it's all about.

Councilman Mosey states he agrees with what everybody has said. He comments there are a number of parades and get-togethers, so some of the Town Board will be in Lakeview and some in the Village because they had so many to do. He adds, get out, enjoy it, and enjoy your families. He thanks Doug Nichols from the Conservation Advisory Board, who was the chairman, as he stepped down and resigned. He states they voted in Chairman Mark Lorquet and Vice Chairman Gardner Lowe.

Supervisor Shaw states he is giving up use of his town vehicle. He states Happy Memorial Day. Have a safe and good time with friends and family. He reminds the Board and the Public that tomorrow at Hilbert College in the Swan Auditorium at 7 p.m. there is a meeting between the Village of Blasdell, Village of Hamburg and Town of Hamburg. The agenda is a discussion agenda only. They cannot take any action since the State Law doesn't give the 15 elected people on the Board an eight to seven vote or anything like that. They are going to get into a lot of discussions about how we can cooperate better, communicate more effectively, and eliminate duplicated services and costs. Hilbert College has set up a beautiful auditorium and has gone to great lengths with audio visual.

Business from the Floor

Joe Killian, Tax Payer, discusses Hoover Beach being on the news, the DOT putting pedestrian crossing signs up, that the DOT has not put a stripe or bike icons on the road and the bike trail needing a bigger bike trail head sign. He discusses the way the sand is being dumped at the beach. He and Supervisor Shaw discuss McAllister's Plumbing having a big green dumpster out front of their new location. Supervisor Shaw states the issue should be referred to Code Enforcement.

Dennis Chapman, Town Resident, invites everyone down to the parade on Monday. He states afterwards to come on down to the American Legion Post and enjoy a meal with our fellow Veterans. He also thanks everyone for honoring the Veterans.

Al Bloom, Town Resident, discusses significant tax increases next year. He attributes it to the Erie County Agriculture Society and Buffalo Raceway taking five to six properties off the tax rolls, town taxes, school taxes, store taxes, police protection fire protection, tax exemptions.

Supervisor Shaw responds he received Al Bloom's e-mail. He has had discussions with the Town's legal staff and there are two zoning applications from the Agricultural Society. If they are successful, those parcels will be removed from the tax roll. He discusses that the Town receives casino revenue pursuant to an inter-municipal agreement entered into by several Towns with the State of New York. He discusses the agricultural exemption and he will talk with the Town Board and set up a meeting with the Agricultural Society Board. He discusses pension costs contributions from the Town are mandated, major medical and hospitalization, settling the entire Town's collecting bargaining issues with retroactive pay, expenditures next year, new properties coming onto the tax rolls, and a budget committee. He states they will do everything they can to hold the line or even reduce taxes, but a budget process is needed to cut back expenditures.

Joe Killian discusses the Bayview Beach Club having a historical status put on it and a committee being created.

19.

On a motion of Supervisor Shaw, seconded by Councilman Farrell, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Mosey, Petrie
 Noes 0

RESOLVED, that the Town Board adjourn The Town Board Meeting at 8:38 P.M.

Open Meetings Law, Public Officers Law, Article 7, §106. Minutes.

Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town's vault.

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

AGREEMENT

This Agreement is made as of _____, 2018, by and between the Town of Hamburg, with a business address of 6100 South Park Avenue, Hamburg, New York 14075 (the "Town") and the Special Olympics New York, Inc., a not-for-profit corporation with a mailing address of 2801 Wehrle Drive, Suite 12, Williamsville, New York 14221 ("Special Olympics New York").

WHEREAS, the Town of Hamburg undertakes the operation and maintenance of Woodlawn Beach State Park under a "Cooperative Operation & Maintenance Agreement" between the Town of Hamburg and New York State Office of Parks, Recreation and Historic Preservation for certain real property, commonly referred to as the "Woodlawn Beach State Park"; and

WHEREAS, the "Special Olympics New York", wishes to use the "Woodlawn Beach State Park" to conduct its "Polar Plunge" event.

NOW THEREFORE, in consideration of the terms, conditions, and covenants contained in this Agreement, and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the parties agree as follows:

1. The "Town" grants the "Special Olympics New York" the limited right to use certain Town property, identified as Woodlawn Beach State Park, for the sole purpose of conducting its "Polar Plunge" event and for no other purpose.

2. The "Special Olympics New York" agrees that the use of Woodlawn Beach State Park is subject to the following conditions and restrictions:

A. The schedule for the date and time of any activity is subject to the prior written approval of the Town.

B. No "Special Olympics New York" activity may take place on property other than that for which approval has been granted.

C. The site or area shall be restored to the same condition existing prior to the event to the satisfaction of the Town.

3. The term of this Agreement shall commence on December 1, 2018, and shall terminate on December 1, 2018.

4. The "Special Olympics New York" shall pay and discharge, and shall protect, defend, indemnify and hold the Town of Hamburg, its members, agents and employees, and the People of the State of New York, the New York State Office of Parks, Recreation and Historic Preservation, the Niagara Frontier State Park, Recreation and Historic Preservation Commission, their Commissioners, officers, agents, and employees harmless from and against all causes of action, claims, damages, liabilities, losses, costs, expenses (including reasonable attorney's fees, expenses and litigation costs), or judgments or fines of any nature arising or alleged to arise from or in connection with Special Olympics New York, Inc. and their agents, employees, guests, invitees or licensees use of Woodlawn Beach State Park and the conduct of the Polar Plunge, except as may result from the sole negligence or willful misconduct of the Town of Hamburg, its members, agents and employees."

"Special Olympics New York" agrees that it shall provide the Town with evidence of General Liability as primary insurance covering the premises, operations, products, completed operations and contractual liability of the organization for the use of any Town owned or provided facilities (and Liquor Law Liability insurance if alcoholic beverages are served or permitted) naming the Town of Hamburg and any owner of facilities provided as additional insured(s) on a primary and non-contributory basis using ISO Additional Insured Designation Person or Organization Endorsement CG2026 or essentially equivalent for bodily injury, personal injury and property damage. The insurance shall include but not be limited to cover liability for injuries to participants and spectators in the organization's activities and operations, include athletic participant coverage, and provide limits of at least \$2,000,000 each occurrence (\$2,000,000 each occurrence if fireworks, amusement rides or other similarly hazardous activities are undertaken.)

A Certificate of the required insurance must specifically: (1) state the form number (or attach a copy of) the endorsement naming the Town of Hamburg, and the People of the State of New York, the New York State Office of Parks, Recreation and Historic Preservation, the Niagara Frontier State Park, Recreation and Historic Preservation Commission, their Commissioners, officers, agents, and employees, and any owner of facilities provided, as additional insured(s), on a primary and non-contributory basis; (2) state that liability for injuries to participants and spectators in the organization's activities is covered; (3) state the athletic participant coverage; and (4) be submitted to the Town Attorney at least fifteen (15) business days prior to use of the facilities. All Certificates shall provide at least thirty (30) days advance

written notice to the Town of Hamburg, Attn: Town Attorney, 6100 South Park Avenue, Hamburg, New York 14075 in the event any described insurance is canceled or not renewed. Please refer to "Exhibit A" attached to this Agreement, which is a specimen certificate of insurance meeting the requirements set forth above.

5. This Agreement is subject to the terms and conditions contained in the Cooperative Operation and Maintenance Agreement dated December 29, 2010 between the State of New York and the Town of Hamburg, which terms and conditions shall prevail.

IN WITNESS WHEREOF, the parties have executed the Agreement as of the date first written above.

TOWN OF HAMBURG

BY: _____
James Shaw, Supervisor

SPECIAL OLYMPICS NEW YORK, INC.

BY: _____
Vice President of Finance & Administration