

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 25<sup>th</sup> day of June 2018.

**3.**

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

ADOPTED	Ayes	4	Best, Farrell, Mosey, Petrie
	Noes	0	

**RESOLVED**, that the Town Board adjourn Executive Session at 6:52 P.M.

**TOWN BOARD MEMBERS PRESENT:**

Thomas Best, Jr.	Deputy Supervisor
Elizabeth Farrell	Councilman
Michael Mosey	Councilman
Michael Petrie	Councilman

ALSO PRESENT: Brian Wielinski, Deputy Town Clerk; Steve Walters, Town Attorney; Ken Farrell, Deputy Town Attorney; Jerry Giglio, Traffic Safety Coordinator and Health and Safety Coordinator; Gregory Wickett, Chief of Police; Martin Denecke, Director of Youth, Recreation and Senior Services; Christopher Hull, Director of Community Development; Paula Bucci, Senior Personnel Clerk; Ted Casey, Highway Superintendent; Charles Naughton, Human Resources and Contract Negotiations Consultant, Mike Quinn, Engineering Consultant; Sean Doyle, Executive Director of the Hamburg Industrial Development Agency.

Deputy Supervisor Best opens the Town Board Meeting at 7:07 P.M.

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

**4.**

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

ADOPTED           Ayes 4       Best, Farrell, Mosey, Petrie  
                      Noes 0

**RESOLVED**, the Town Board adopt the minutes of the following meetings:

06/11/2018	Work Session
06/11/2018	Town Board Meeting

**5.**

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

ADOPTED           Ayes 4       Best, Farrell, Mosey, Petrie  
                      Noes 0

**RESOLVED**, that the Town Board authorize the Highway Department to purchase a New and Unused Morbark M18 R-SA Chipper in the amount of \$68,838.05.

This Chipper will be purchased off the NJPA Contract #062117-MBI. Monies are available in account H26.5130.201 – Machinery and Equipment.

**6.**

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

ADOPTED                      Ayes    4            Best, Farrell, Mosey, Petrie  
    Noes    0

**BE IT RESOLVED**, upon recommendation of the Traffic Safety Advisory Board, and in accordance with the Federal and New York State Manual Of Uniform Traffic Control Devices that the Buildings and Grounds Department be directed to install and maintain the following,

1. R1-1C Stop Signs on the Northeast and Southwest corner of Kenninson Pkwy @ its intersection with Clifton Pkwy.
2. W7-6C Deaf Child signs on South Shore Dr. @ its Northeast and Southwest terminus with Hoover Road.
3. W7-7C Blind Child signs on Chapman Pkwy. Appropriate distance each direction of house #5023.
4. R5-23C No Motor Vehicles on Rte.5 Bike Path at its transition onto Hoover Road.

The following spoke concerning this resolution:

Joe Killian, Jerry Giglio, Traffic Safety Coordinator and Health and Safety Coordinator, Deputy Supervisor Best

**7.**

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

ADOPTED                   Ayes 4       Best, Farrell, Mosey, Petrie  
                                  Noes 0

**BE IT RESOLVED**, that the Town Engineer's report on the completion and acceptance of BRIDLEWOOD LANDING SUBDIVISION work performed under Public Improvement Permit Nos. 1044, and 1045 be received and accepted, and that the Supervisor is authorized to sign the report, and

**BE IT FURTHER RESOLVED** that this resolution becomes effective on the day the report is signed by the Supervisor.

The following spoke concerning the resolution:

Councilman Mosey, Mike Quinn, Engineering Consultant

**8.**

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

ADOPTED                   Ayes 4       Best, Farrell, Mosey, Petrie  
                                  Noes 0

**RESOLVED**, that the Town Board authorize the Supervisor to sign Section 6 of the PO-17 form requesting Erie County Department of Personnel to complete Section 7 for the classification of six (6) Security Officer positions. Also approve the Supervisor to sign Section 8 of the PO-17 form in creating these six (6) positions.

**9.**

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

ADOPTED	Ayes	4	Best, Farrell, Mosey, Petrie
	Noes	0	

WHEREAS, The Town of Hamburg has previously adopted its Zoning Law which provides for allowable uses in the various zoning districts of the Town of Hamburg as well as regulating structures within the Town of Hamburg; and

WHEREAS, the Town of Hamburg has observed an increase in discussions and potential applications for new Telecommunication’s Facilities (cell towers and micro-cells) within the region and currently the Town of Hamburg has regulations adopted in 1996 that do not address the changing technology related to these facilities, and

WHEREAS, the Town Board of the Town of Hamburg has determined that it is necessary to update the Town’s Telecommunications Facilities Law; Article XLVII of the Zoning Code, and

WHEREAS, the Town Board believes that it is in the best interest of the Town of Hamburg to impose a moratorium on the approval and construction of additional Telecommunications Facilities within the Town of Hamburg pending the adoption of provisions to better regulate such facilities; and

WHEREAS, the Hamburg Town Board adopted a Moratorium on November 27, 2017, and

WHEREAS, the Moratorium was set to expire at the end of May, 2018 and the Town has not completed the needed Zoning Code amendments and wishes to extend the Moratorium, and

WHEREAS, the Town would like to extend the Moratorium for another six months, and

WHEREAS, the Town has introduced the following proposed Local Law, entitled “Amendment to the Code of the Town of Hamburg Placing a Six Month Moratorium extension on Telecommunications Facilities within the Town” and presented a copy to each member of the Board, which reads as follows:

A Local Law entitled "Amendment to the Code of the Town of Hamburg Placing a Six Month Moratorium Extension on Telecommunications Facilities within the Town", and

Be it enacted by the Town Board of the Town of Hamburg as follows:

**SECTION 1. TITLE**

This Law shall be entitled "Amendment to the Code of the Town of Hamburg Placing a Six Month Moratorium Extension on Telecommunications Facilities within the Town".

## SECTION 2. PURPOSE

The purpose of this local law is to amend the Code to place an additional six month moratorium on the approval and construction of Telecommunications Facilities within the Town to allow time for the completion of amendments to the Telecommunications Facilities law, Article XLVII of the Town Zoning Code. This Amendment, among other things, will address the changing technology such as micro-cells, where facilities can be located, height requirements, process and procedures and other amendments as may be necessary to promote and preserve the health, safety and welfare of the Town of Hamburg and its citizens.

## SECTION 3. AMENDMENT OF PRIOR LAW

1. Chapter 280 of the Code of the Town of Hamburg is further amended as follows:

Chapter 280 is amended to add new Section which shall read as follows:

“For the period commencing on the effective date of this Local Law and for six months thereafter, there shall be a moratorium on the approval and construction of Telecommunications Facilities within the Town of Hamburg, thereby extending the previous moratorium”.

## SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portion thereof.

## SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

## SECTION 6. GRANDFATHER CLAUSE

Any applications received after November 27, 2017 shall continue to be subject to this Moratorium; and

WHEREAS, the Hamburg Town Board held a public hearing for this proposed Moratorium on June 11, 2018, and received no adverse comments.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Hamburg Town Board amends Local Law # 10 of the year 1986 of the Code of the Town of Hamburg Chapter 280 entitled “Zoning” to provide for the revision of the Town Code as referenced above.

The following spoke concerning this resolution:

Deputy Supervisor Best

**10.**

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

ADOPTED                      Ayes    4            Best, Farrell, Mosey, Petrie  
     Noes    0

**BE IT RESOLVED** that the Town Board accept the termination and hiring of personnel in 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	4816	Jewett, Ryan		Laborer/P/T/A7140.100			\$10.40	6/25/2018
2	4816	Jewett, Ryan		Laborer/Sea/EW7250.100	6/26/2018		\$10.40	
3		Tricarico, Donald	N	Laborer/ER7250.100	6/26/2018		\$10.40	
4		Rinaldi, Troy	N	Laborer/ER7250.100	6/26/2018		\$10.40	

**11.**

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

ADOPTED                      Ayes    4            Best, Farrell, Mosey, Petrie  
     Noes    0

**BE IT RESOLVED** that the Town of Hamburg renew the present third party claim administration contract with USI Insurance Services (formerly Key Bank Insurance) for the Town’s General Liability, Automobile Liability, and Police Liability, Public Officials Liability and Dispatchers Liability for a period of thirty-six (36) months from July 1, 2018 through June 30, 2021.

**BE IT FURTHER RESOLVED** that the Supervisor is authorized to sign the contract.

**10.**

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

ADOPTED                      Ayes    4            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	4797	Anderson, William		Rec Attd.-A7310-P/T				6/24/2018
	4797	Anderson, William	R	Rec Attd-A7310-Seas	6/25/18		\$10.40	
2	2827	Best, Sherri		Rec Attd-EW7251				6/26/2018
3	3507	Biellak, Paul		Rec Attd-EI7265-P/T				6/3/2018
	3507	Biellak, Paul	R	Rec Attd-EI7265-Seas	6/4/18		\$11.25	
4	4721	Dake, Joshua		Rec Attd-A7310-P/T				6/23/2018
	4721	Dake, Joshua	R	Rec Attd-A7310-Seas	6/24/18		\$10.40	
5	4799	Duffy, Sean	R	Lifeguard-EW7251-Seas	6/24/18		\$11.75	
6	4000	Galus, Emily		Rec Attd-A7310-P/T				6/23/2018
	4000	Galus, Emily	R	Rec Attd-A7310-Seas	6/24/18		\$10.40	
7	4620	Gambino, Karlie	R	Lifeguard-ET7180-Seas	6/24/18		\$12.25	
8	4710	Hutz, Alexander	R	Lifeguard-EW7251-Seas	6/26/18		\$11.50	
9	4121	Lantzy, Raymond		Rec Attd-EW7251-P/T				6/24/2018
	4121	Lantzy, Raymond	R	Rec Attd-EW7251-Seas	6/25/18		\$13.00	
10	3905	Lease, Warren		Rec Attd-ER7251-P/T				6/24/2018
	3905	Lease, Warren	R	Rec Attd-ER7251-Seas	6/25/18		\$13.00	
11	2783	Motz, Lisa		Rec Attd-EI7265-P/T				6/9/2018
	2783	Motz, Lisa	R	Rec Attd-A7310-Seas	6/10/18		\$14.00	
12	655	Nelson, Gay Lynn		Rec Attd-A6772-P/T				6/23/2018
	655	Nelson, Gay Lynn	R	Rec Attd-A7310-Seas	6/24/18		\$14.00	
13	4662	Padovani, Michael	R	Rec Attd-EI7265-Seas	6/26/18		\$11.00	
14	2309	Przybysz, Dawn		Rec Attd-EI7265-P/T				6/9/2018
	2309	Przybysz, Dawn	R	Rec Attd-A7310-Seas	6/10/18		\$11.00	
15	3704	Reid, Gregory		Rec Attd-ER7251-P/T				6/20/2018
	3704	Reid, Gregory	R	Rec Attd-ER7251-Seas	6/21/18		\$10.95	
16	4115	Rost, Pamela		Rec Attd-A6772-P/T				6/23/2018
	4115	Rost, Pamela	R	Rec Attd-A6772-Seas	6/24/18		\$14.00	
17		Rybczynski, Madeline	N	Rec Attd-EI7265-Seas	6/26/18		\$10.40	
18		Rybczynski, Walt	N	Rec Attd-EI7265-Seas	6/26/18		\$10.40	
19	3821	Sadowski, Christopher		Rec Attd-ER7251				6/26/2018
20	4186	Sullivan, Amanda		Rec Attd-A7310-P/T				6/23/2018
	4186	Sullivan, Amanda	R	Rec Attd-A7310-Seas	6/24/18		\$11.00	
21	4729	Woods, Melissa	R	Rec Attd-EI7265-Seas	6/24/18		\$11.00	
22		Henry, Mark	N	Rec Attd-A7310-Seas	6/26/18		\$10.40	
23		Martello, Jack	N	Rec Attd-A7310-Seas	6/26/18		\$10.40	
24		Taylor, Benjamin	N	Rec Attd-A7310-Seas	6/26/18		\$10.40	
25	1729	Otremba, Steven		Rec Attd-EI7265-P/T				6/23/2018
	1729	Otremba, Steven	R	Rec Attd-EI7265-Seas	6/24/18		\$14.00	
26	4801	Piniewski, Ryan	R	Lifeguard-ET7180-Seas	6/24/18		\$11.75	
27	4549	Skorma, Kelly	R	Rec Attd-A7310-Seas	6/24/18		\$12.00	

**13.**

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

ADOPTED	Ayes	4	Best, Farrell, Mosey, Petrie
	Noes	0	

**BE IT RESOLVED**, that the Town Board authorize the Buildings and Grounds Department to purchase one (1) new John Deere 3033R Compact Utility Tractor with 320R Loader in the amount of \$33,960.00, per NYS Contract # PC66663. Purchase is on a lease to own basis with three (3) annual payments of \$11,860.53

Funds are available in account A.6781.0201

The following spoke concerning this resolution:

Councilman Mosey

**14.**

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

ADOPTED	Ayes	4	Best, Farrell, Mosey, Petrie
	Noes	0	

**BE IT RESOLVED** the Town Board appoint Meghan McGahey provisionally to the vacant full time position of Program Coordinator (Senior Services) in the Adult Day Service Program. This job is considered Civil Service Competitive but there is no existing Civil Service list for this title at this time. The title is also part of the C.S.E.A. White Collar Union contract and the starting hourly wage is listed at \$25.11 per/hr.

**15.**

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

ADOPTED	Ayes	4	Best, Farrell, Mosey, Petrie
	Noes	0	

**BE IT RESOLVED** the Hamburg Town Board authorize the Hamburg Snowmobile Club to build an equipment storage center at the Hamburg Recreation Center (Nike Base) in an area that meets approval of both the Recreation and Buildings and Grounds Departments. Furthermore, prior to construction, the Hamburg Snowmobile Club is responsible to seek assurance from the Planning Dept. and the Building Dept. that all plans meet codes and address any environmental concerns. Finally, the Snowmobile Club will be required to obtain a building permit and submit to regular inspections as per regulations.

**16.**

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

ADOPTED           Ayes 4       Best, Farrell, Mosey, Petrie  
                      Noes 0

**BE IT RESOLVED**, that the Town Board authorize Supervisor James Shaw and Director of Administration and Finance, Samantha Tarczynski to review and release checks from 6/26/18 thru 09/9/18 due to the reduced Town Board meeting schedule during the summer months.

**17.**

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

ADOPTED           Ayes 4       Best, Farrell, Mosey, Petrie  
                      Noes 0

**BE IT RESOLVED** the Hamburg Town Board authorize Supervisor Shaw to sign a contract with Erie County for the Primitime funding grant awarded to the Hamburg Youth Bureau. This grant is for \$10,000 and will be used to fund a summer mentoring program.

**18.**

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

ADOPTED           Ayes 4       Best, Farrell, Mosey, Petrie  
                      Noes 0

**RESOLVED**, the Town Board adopts the following meeting schedule for the third quarter of 2018: July 23<sup>rd</sup>, August 20<sup>th</sup>, September 10<sup>th</sup>, and September 24<sup>th</sup>.

**BE IT FURTHER RESOLVED** that all meetings will begin with a Work Session starting at 5:30p.m. followed by the Regular Meeting beginning at 7:00 p.m. for the above stated meeting dates EXCEPT September 24<sup>th</sup> which will begin at 7:00 p.m. for Work Session and 8:00 p.m. for Regular meeting.

**19.**

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

ADOPTED	Ayes	4	Best, Farrell, Mosey, Petrie
	Noes	0	

**WHEREAS**, the need for a Town Social Media Policy was identified; and

**WHEREAS**, a draft policy was developed and reviewed by town stakeholders including Department Heads, the Town's Legal Department, the Human Resource Officer, and Town Board members,

**BE IT RESOLVED**, the Town Board adopt the Town of Hamburg Social Media Policy (attached) effective immediately.

**Social Media Policy**  
Town of Hamburg, New York

**Purpose**

This policy establishes guidelines for the establishment and use by the Town of Hamburg of social media sites (including the official Town of Hamburg website) as a means of conveying Town of Hamburg (“Town”) information to its citizens. The intended purpose behind establishing Town of Hamburg social media sites is to disseminate information from the Town, about the Town, to its citizens and visitors and as an alternate and additional means of communication including during emergency situations.

**Definitions**

1. Administrator is the person responsible for reviewing, approving, uploading information on a social media site and for ensuring adherence to both the Town’s Social Media Policy and the interest and goals of the Town.
  
2. Comment/postings include information, articles, pictures, videos or any other form of communicative content posted on a Town of Hamburg social media site.
  
3. Department Sites shall mean social media sites that are created for a specific town department or division of a specific town department and are meant to convey information regarding only that town department.

4. Employee shall mean an employee, officer or official of the Town of Hamburg.
5. General Site shall mean social media sites that are created for the Town of Hamburg as a whole and may contain information generally related to the town and/or information from any or all the various town departments.
6. Social media is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet on approved sites as delineated in this policy.

## General Policy

1. The establishment and use by any Town department of Town social media accounts/pages are subject to approval by the Town Board. The administrator of the site must provide the name and hyperlink of the site to the IT Department within fifteen (15) days of approval by the Town Board.
2. The allowable social media sites used as official Town of Hamburg sites are limited to include only: Facebook, Twitter, LinkedIn and Website.
3. General Town of Hamburg sites shall be administered by the Town Board's designated administrator. This administrator will monitor, approve and post content on the general town social media sites. The administrator will ensure adherence to both the Town's Social Media Policy and the interest and goals of the Town. The administrator will be appointed from time to time by the Town Board and shall serve at the pleasure of the Town Board
4. Departmental sites are to be administered by the department head of that department. The department head shall be responsible for all content on the site and shall ensure the content adheres to both the Town's Social Media Policy and the interest and goals of the Town.
5. Departmental sites may link or share information posted on any other approved Town of Hamburg social media site. Sharing of information from other sites does not absolve the department head from ensuring the posted information adheres to the Town's Social Media Policy.

6. Town social media sites should make clear and conspicuous statements that they are maintained by the Town of Hamburg and that they follow the Town's Social Media Policy. Postings on the Town's social media may only be written by Town personnel and approved by the administrator of the site.
7. Comments by the general public shall not be considered for regulatory purposes as official correspondence with the Town. All official correspondence with the Town shall be made by written communication to the Town's mailing address or through electronic e-mail to the Town electronic address.
8. Wherever possible, Town social media sites should link back to the official Town of Hamburg website for forms, documents, online services and other information necessary to conduct business with the Town of Hamburg.
9. Administrators shall not recommend or promote any private service or product.
10. The Town reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines must be retained by the administrator for a reasonable period of time, including the time, date and identity of the poster, when available.
11. These guidelines, if possible, shall be displayed to users or made available by hyperlink.
12. The Town will approach the use of social media tools as consistently as possible, enterprise wide.
13. All Town social media sites shall adhere to applicable federal, state and local laws, regulations and policies.
14. Employees representing the Town government via Town social media sites must conduct themselves at all times as a representative of the Town using the highest standards

relative to decorum concerning language and content and in accordance with all Town policies.

15. This Social Media Policy may be revised at any time by the Town board.
16. Social media sites are subject to the records retention rules and regulations of the State of New York and the government of the United States.
17. The Town's Social Media Policy shall be reauthorized yearly at the Town's organizational meeting held in January.
18. Any Department may add additional requirements to its own internal departmental policies that are not in conflict with any of the provisions herein.

## Comment/Postings Policy

1. As a public entity, the Town must abide by certain standards to serve all its constituents in a civil and unbiased manner. Comment/postings containing any of the following inappropriate forms of content shall not be permitted on Town of Hamburg social media sites and are subject to removal and/or restriction by the administrator:
  - a. Comments/postings not related to the original topic, including random or unintelligible comment/postings;
  - b. Profane, obscene, violent, or pornographic content and/or language;
  - c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, national origin, gender, physical and mental disability, family status, military status, or source of income;
  - d. Defamatory or personal attacks;
  - e. Threats to any person or organization;
  - f. Comment/postings in support of or in opposition to any political party, campaign, or candidate;

- g. Comment/postings in support of or in opposition to ballot measures, policy proposals or other official government actions except when such ballot measures, policy proposals or other official government actions are initiated and/or directly related to the government of the Town of Hamburg;
  - h. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
  - i. Conduct in violation of any federal, state or local law;
  - j. Encouragement of illegal activity;
  - k. Information that may tend to compromise the safety or security of the public or public systems; or
  - l. Content that violates a legal ownership interest, such as a copyright, of any party.
2. A comment posted by a member of the public on any Town of Hamburg social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Town of Hamburg, nor do such comment/postings necessarily reflect the opinions or policies of the Town of Hamburg.
3. The Town of Hamburg reserves the right to deny access to Town of Hamburg social media sites for any individual, who violates the Town of Hamburg's Social Media Policy, at any time and without prior notice.
4. Departments shall monitor their social media sites for comment/postings requesting responses from the Town and for comment/postings in violation of this policy.
5. When an administrator responds to a public comment, the comment shall be limited to factual information only.
6. Employees shall not share personal information about himself or herself, or other Town employees on town of Hamburg social media sites.
7. All comment/postings posted to any Town of Hamburg Facebook site are bound by Facebook's Statement of Rights and Responsibilities, located at

<http://www.facebook.com/terms.php>, and the Town of Hamburg reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities to Facebook with the intent of Facebook taking appropriate and reasonable responsive action.

8. Town business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.
9. It shall be understood that the Town of Hamburg's Social Media sites are not maintained 24/7 and immediate responses to any requests via post, email etc. may not occur.

## Restrictions

1. It shall be a violation of town policy for any employee or officer of the Town of Hamburg to post content on any personal social media site while that employee is at work or otherwise on town time.
2. It shall be a violation of town policy for any employee or officer of the Town of Hamburg to post on any social media site information that violates employee's or officer's obligation under the Town of Hamburg Code of Ethics.

## Penalties

Any employee who fails to comply by the standards and rules of this policy shall be subject to discipline in accordance with Town of Hamburg work rules.

## Effective Date

This policy shall become effective immediately.

**20.**

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

ADOPTED	Ayes	4	Best, Farrell, Mosey, Petrie
	Noes	0	

**WHEREAS**, the need for a Town Media Relations Policy was identified; and

**WHEREAS**, a draft policy was developed and reviewed by town stakeholders including Department Heads, the Town's Legal Department, the Human Resource Officer, and the Town Board members,

**BE IT RESOLVED**, the Town Board adopt the Town of Hamburg Media Relations Policy (attached) effective immediately.

## Town of Hamburg Media Relations Policy

### 1. Policy

The objective of the Town of Hamburg media relations policy and procedure is to ensure that the information contained in all communication with the media is consistent, accurate, fair and timely.

Effective communications with the media are critical to the Town of Hamburg's ability to carry out its mission, relay necessary and sometimes critical information to the public, and promote the services of the town.

### 2. General Procedures for Interacting with the Media

The following shall be the guidelines for departments, with the exception of the police department, to follow regarding speaking or otherwise interacting with the media.

1. Department heads and/or their designees are free to respond to requests from the media regarding the operations of their respective department. In such cases, the Town Supervisor and department liaison should be notified as soon as possible to inform him/her of the contact, preferably before any interview takes place. Such notification can be particularly important to ensure a coordinated, consistent response if follow-up inquiries are made with other town officials. Media inquiries should be referred to the Town Supervisor if they involve issues with town-wide significance and/or are of a controversial or sensitive nature.

2. Positive media solicitation is an integral element of the town's communications program. Any ideas for articles or pieces that would positively portray the town, its work or its community should be directed to the Town Supervisor and department liaison of the involved department for input and direction.
3. The Town Supervisor and the Town Board should be notified as soon as practical about negative occurrences that are likely to rise to the level of a news story.
4. Guidelines for communicating with the media when the issue is non-controversial and limited to a department's operations or functions:
  - a. Obtain the name of the person calling, the media organization and, if available, the anticipated time of release of information in print or broadcast. This information should be included when the notification is made to the Town Supervisor and department liaison.
  - b. The best approach with the media is to be prompt, helpful and honest. All contacts from the media should be returned as soon as possible, in deference to reporters' deadlines.
  - c. Make sure you understand each question from the media before answering. If you cannot answer the question, or are uncomfortable providing a response, take the reporter's number and advise him/her that someone who can provide the information will contact him/her as soon as possible. Follow-up to ensure information is provided in a timely manner.
  - d. Do not offer speculations or gossip. Do not answer a reporter's question with "no comment." Do not be condescending or underestimate the reporter's intelligence, but make sure the reporter understands your responses. Provide your phone number and/or e-mail address for follow-up questions.
  - e. In responding to the media, you are representing and speaking for the town. Personal opinions should be clearly and carefully identified as such.
  - f. Issues that should not be discussed with reporters are 1) legal issues, 2) personnel issues, 3) questions that involve town's integrity, such as ethics or issues that may result in harm to others, or 4) a town crisis or emergency.
  - g. Any media inquiries that involve information about specific employees must be directed to the Town Supervisor. Such inquiries will be handled in strict compliance with the state and federal law.

### **3. Town wide Emergency or Crisis**

Crisis communications have a lasting impact on the town's reputation and public support. How well we convey our message to the public greatly depends on what is reported to the news

media. This is especially true in a crisis, during which the news media is the primary means of communication to our constituencies. Because of the emotions that usually accompany crises, images formed from crisis reporting are especially important in shaping long-lasting public impressions of the town.

In the event of a major crisis in the town, it is essential that an effective communications plan be put into effect to disseminate timely, accurate information and to ensure that inquiries are routed to the appropriate sources.

The Town Supervisor, working in conjunction with the Chief of Police, the Emergency Management Director, and the Highway Superintendent (when applicable) are responsible for the development and dissemination of all town communications. This includes internal communications with employees. The priority will be on maintaining timely and open communications with the media, providing complete and accurate information that has been confirmed about the emergency situation and the town's response to the crisis at hand. Communications with the media should be frequent throughout the duration of the emergency situation. The town web site and social media sites should be utilized as a key medium for updating the public on the details of the emergency situation and actions we are taking to address all related issues.

#### **4. Localized Emergencies or Police Matters**

For emergencies that are more localized (such as automobile accidents) or non-emergency police matters, all media inquiries and public communications will be handled by the police department in accordance with the department's operating procedures/media policy.

Notwithstanding the internal police department media policy, the police department must develop a policy that ensures the Town Supervisor and the Town Board become aware of all matters for which media inquiries and/or public communications have been made.

#### **5. Elected Officials**

It is acknowledged that elected officials cannot be bound to this policy. However, in order to ensure an accurate and consistent message, it is encouraged that all elected officials adhere to the standards set forth in this policy.

**21.**

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

ADOPTED	Ayes	4	Best, Farrell, Mosey, Petrie
	Noes	0	

**WHEREAS**, by previous resolution the Town Attorney was requested to draft a policy regarding payment of harassment claims; and

**WHEREAS**, a draft policy was developed and reviewed by town stakeholders including Department Heads, the Human Resource Officer, and Town Board members; and

**WHEREAS**, the adoption of this policy will require amendments to Chapter 12 of the Town Code entitled Defense and Indemnification of Officers and Employees,

**BE IT RESOLVED**, the Town Board schedule a Public Hearing for July 23, 2018 at 7:00 p.m. to amend Chapter 12 of the Town Code entitled Defense and Indemnification of Officers and Employees. (documentation attached)

## **Chapter 12: Defense and Indemnification of Officers and Employees**

### **§ 12-1 Legislative intent.**

The purpose of this chapter is to provide legal and financial protection for those individuals serving the Town of Hamburg as to claims which may be brought against them in their individual capacities for actions taken while in the performance of their official duties and responsibilities. The State of New York has enacted similar provisions for the legal and financial security of its officers and employees. Such security is also required for local personnel. By enactment of this chapter, the Town Board does not intend to limit or otherwise abrogate any existing right or responsibility of the town or its officers and employees with regard to indemnification or legal defense. It is solely the intent of this chapter to provide coverage for local officers and employees pursuant to Public Officers Law, § 18 in order to continue to attract qualified individuals to local government service.

### **§ 12-2 Definitions.**

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

**EMPLOYEE:** Any person holding a position by election, appointment or employment in the service of the Town of Hamburg, whether or not compensated, or a volunteer expressly authorized to participate in a municipally sponsored volunteer program, but shall not include an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative.

**§ 12-3 Duty to defend.**

A. Upon compliance by the employee with the provisions of § 12-4D of this chapter, the town shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of public employment or duties, or which is brought to enforce a provision of 42 U.S.C. § 1981 or § 1983. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the Town of Hamburg.

B. Subject to the conditions set forth in Subsection A of this section, the employee shall be entitled to be represented by the Town Attorney; provided, however, that the employee shall be entitled to representation by private counsel of choice in any civil judicial proceeding whenever the Town Attorney determines, based upon investigation and review of the facts and circumstances of the case, that representation by the Town Attorney would be inappropriate or whenever a court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of choice. The Town Attorney shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel of choice. The Town Attorney may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of employees be represented by the same counsel. If the employee or a group of employees is entitled to representation by private counsel under the provisions of this chapter, the Town Attorney shall so certify to the Town Board. Reasonable attorney's fees and litigation expenses shall be paid by the town to such private counsel from time to time during the pendency of the civil action or proceeding subject to certification that the employee is entitled to representation under the terms and conditions of this chapter by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the Town Board. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorney's fees shall be resolved by the court upon motion or by way of a special proceeding.

C. Where the employee delivers process and a request for a defense to the Town Attorney, as required by § 12-4D of this chapter, the Town Attorney shall take the necessary steps, including the retention of private counsel, under the terms and conditions provided in Subsection B of this section on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

D. Notwithstanding any other provision contained in this title herein, an employee is deemed to have waived his or her right to a defense pursuant to this title if the employee elects to defend the matter pro se or to engage a law firm in which the employee has an interest, affiliation or direct business relationship.

**§ 12-4 Duty to indemnify.**

A. The town shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of public employment or duties; the duty to indemnify and save harmless prescribed by this section shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.

B. An employee represented by private counsel shall cause to be submitted to the Town Board any proposed settlement which may be subject to indemnification by the town. The attorney shall review such proposed settlement as to form and amount and shall give his approval if in his judgment the settlement is in the best interest of the town. Nothing in this section shall be construed to authorize the town to indemnify or save harmless an employee with respect to a settlement not reviewed and approved by the Town Attorney.

C. Notwithstanding any other provision contained in this title herein, any settlement or judgment against an employee for actions characterized as sexual harassment as defined in the "Town of Hamburg Policy Regarding Harassment Claims Brought Against Town of Hamburg Employees" shall be deemed outside the scope of public employment or duties and to have resulted from intentional wrongdoing or recklessness on the part of the employee. In such instances, the employee shall not be entitled to indemnification of any form pursuant to this title or any other law, statute, rule regulation, or policy of the Town of Hamburg or any other governmental unit. Should the Town be obligated to pay any settlement or judgment for actions described in this paragraph, the Town shall pursue any and all remedies permitted by the "Town of Hamburg Policy Regarding Harassment Claims Brought Against Town of Hamburg Employees" against the offending employee to recover such payments made by the Town.

D. Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail within 30 days of the date of entry or settlement, upon the Supervisor; and if not inconsistent with the provisions of this chapter, such judgment or settlement shall be certified for payment by such Supervisor. If the attorney concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the Town Board.

E. The duty to defend or indemnify and save harmless provided by this chapter shall be conditioned upon delivery to the Town Attorney or his assistant, at his office, by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within five days after he is served with such document; and the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the town based upon the same act or omission, and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the town provide for his defense pursuant to this chapter.

**§ 12-5 Limitation of applicability.**

A. The benefits of this chapter shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provision of this section be construed to affect, alter or repeal any provision of the Workers' Compensation Law.

B. The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

C. The provisions of this chapter shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted.

D. Except as otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the town, or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

**§ 12-6 Severability.**

If any provision of this chapter or the application thereof to any person or circumstance be held unconstitutional or invalid in whole or in part by any court of competent jurisdiction, such holding of unconstitutionality or invalidity shall in no way affect or impair any other provision of this chapter or the application of any such provision to any other person or circumstance.

**§ 12-7 When effective.**

This chapter shall take effect immediately upon filing with the Secretary of State and the State Comptroller.

**22.**

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

ADOPTED	Ayes	4	Best, Farrell, Mosey, Petrie
	Noes	0	

**WHEREAS**, a need has been identified for the establishment of an Advanced Life Support First Response Service, (herein referred to as an ALSFR) to be administered by the Police Department and attached to the patrol division and emergency response team (SWAT). The ALSFR will be utilized to provide paramedic level care during tactical operations and medical emergencies arising from austere conditions. These tactical situations require special training and ability that can only be provided by a dual role Police Officer/Paramedic. The ALSFR will be used when the Police Departments Emergency Response team has been activated; and during daily patrol functions when the normal EMS system is delayed or unavailable. The establishment of this ALFSR service is essential for the treatment and enhanced survivability of Officer's, Citizens and perpetrators who may become injured during active shooter events, or other public safety emergencies.

**WHEREAS**, the Town of Hamburg will exercise its right under Article 30 of the NYS Public Health Law, section 3008(7)(a) to establish an ALFSR service. The ALSFR service will be operated by a subdivision of Town government; the Police Department, with a Chief Operating Officer identified by the governing body of the Town and its Chief Elected Officer, the Chief of Police or his/her designee.

**WHEREAS**, the geographic area to be served will be the "Town of Hamburg."

**WHEREAS**, this resolution shall take effect upon approval of the Town Board and service upon the secretary of the New York State Emergency Medical Services Council.

**23.**

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

ADOPTED                      Ayes    4            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 - June 25, 2018			
			VOUCHER #'S
OPERATING FUND:			
BATCH #			
BATCH #	87	\$911,471.40	96504-96573
BATCH #	89	\$183,549.00	96590-96628
BATCH #	90	\$14,506.60	96631-96649
TOTAL OPERATING FUND DISBURSEMENTS:			\$1,109,527.00
TRUST AGENCY			
TOTAL TRUST & AGENCY DISBURSEMENTS:			\$0.00
CAPITAL FUND DISBURSEMENTS:			
TOTAL CAPITAL FUND DISBURSEMENTS:			\$0.00
PAYROLL:			
TOTAL PAYROLL DISBURSEMENTS:			\$0.00
PETTY CASH			
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$1,109,527.00

**Reports from the Town Board**

Deputy Supervisor Best reminds the Town that this coming Friday and Saturday is the Lake View 150<sup>th</sup> celebration of the hamlet of Lake View Community. On Friday there is music and a beer tent. On Saturday there are skydivers, a parade at 11 A.M., bands and music all day and activities for the kids. He thanks the committee that has spent two years putting this event together. He is very impressed by the people for what they have done to make it a success. The Blast on the Beach will be held July 28<sup>th</sup> at the Town Park. He thanks the Rejuvenation Committee for the wonderful job they do each year. The Board did discuss and was made aware of the Fireworks at the Fair. The Fair Grounds has reinstated having fireworks during the twelve days of the fair. The complaints regarding the Summer Soloist Fireworks at the Fair Grounds have been addressed. The Deputy Town Clerk has had contact with the Fair Grounds, they have apologized, and they have made sure it will not happen again. There have been complaints that the Erie County Fair will have fireworks for the length of the fair which they have permits for and the noise ordinance is from 11 P.M. to 7 A.M.

Councilman Mosey introduces Sean Doyle the new Executive Director of the Hamburg Industrial Development Association.

Sean Doyle, Executive Director of the Hamburg Industrial Development Agency, introduces himself.

**Reports from Department Heads**

Martin Denecke, Director of Youth, Recreation and Senior Services, introduces Meghan McGahey provisionally to the vacant full time position of Program Coordinator (Senior Services) in the Adult Day Service Program. There will be fireworks at Woodlawn Beach Tuesday night July 3<sup>rd</sup>. They received a \$6,000 grant from the Buffalo Bills Foundation to support the youth football programing. Today was the opening for most of the youth recreation programs. Registration still remains open for some programs. If you're interested please call their office or go on their website.

Christopher Hull, Director of Community Development, is working on finalizing some block grants and a zombie grant.

**Reports from the Floor**

Mary Wall, Town Resident, discusses her vision for Hamburg's future. Councilman Best, Councilman Petrie, Councilman Mosey and Steve Walters, Town Attorney, discusses the Towns Master Plan as it relates to Mary Walls comments.

**24.**

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

ADOPTED                   Ayes 4           Best, Farrell, Mosey, Petrie  
                                  Noes 0

**RESOLVED**, that the Town Board move into Executive Session at 7:37 P.M. on personnel matters, two contractual matters and legal matters.

**25.**

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

ADOPTED                   Ayes 4           Best, Farrell, Mosey, Petrie  
                                  Noes 0

**RESOLVED**, that the Town Board adjourn Executive session at 9:08 PM.

**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.**

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Brian Wielinski  
Deputy Town Clerk