

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 15th day of October 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; Erika B. Rettig, Deputy Town Clerk; Ted Casey, Highway Superintendent; Steve Walters, Town Attorney; Jerry Giglio, Traffic Safety Coordinator and Health and Safety Coordinator; Samantha Tarczynski, Director of Administration and Finance; Drew Reilly, Planning Consultant; Michael Quinn, Engineering Consultant; Kurt Allen, Supervising Code Enforcement Officer; Martin Denecke, Director of Youth, Recreation and Senior Services; Christopher Monaco, Captain in the Police Department.

Supervisor Shaw opens the Town Board Meeting at 7:15 P.M.

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

4.

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

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

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

09/24/2018	Work Session 1
09/24/2018	Executive Session 1
09/24/2018	Work Session 2
09/24/2018	Executive Session 2
09/24/2018	Work Session 3
09/24/2018	Town Board Meeting
09/24/2018	Executive Session 3

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

RESOLVED, that the Town Board approve Timothy Jerome of the Town of Hamburg Recreation Department to attend the National Alliance for Youth Sports (NAYS) Youth Sports Congress and the Athletic Business Show in New Orleans, Louisiana from Monday, 11/5 – Saturday 11/10.

Registration:	Waived (\$400 Value)
Airfare:	Paid for by the WNY Amateur Football Alliance
Room:	Paid for by the WNY Amateur Football Alliance
Meals:	\$240.00

Total Expenses: \$240.00

Funds are available in Account # A.1970.492

6.

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 traffic signal at Sacred Heart Church (3122 Abbott Road), was operated and maintained by the Town of Hamburg as a crosswalk for the school, and

WHEREAS, the school has been closed, and the traffic signal has not been used since the closing of the school, and

WHEREAS, Abbott Road is a County Highway, and

WHEREAS, the Town of Hamburg Traffic Safety Board contacted Erie County for permission to remove the traffic signal, and

WHEREAS, the County will grant permission to remove the traffic signal after receipt of a letter from Sacred Heart Church, and Ellicott Development (the current owner of the building adjacent to the Church and formerly owned by the Church), and a resolution of the Hamburg Town Board authorizing permission to remove the traffic signal, and

WHEREAS, the Town has received permission from the Sacred Heart Church and Ellicott Development,

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board authorize and grant permission to remove the traffic signal located at 3122 Abbott Road, and

BE IT FURTHER RESOLVED that a certified resolution be sent to the Erie County Highway Department.



ELLICOTT SQUARE BUILDING
295 MAIN STREET, SUITE 210
BUFFALO, NY 14203-2219

TEL: 716.854.0060
FAX: 716.852.2829
EllicottDevelopment.com

September 18, 2018

Town of Hamburg
Attn: Ms. Cynthia Colon
6100 South Park Avenue
Hamburg, New York 14075

Re: Our Lady of Sacred Heart Church – 3122 Abbott Road
Traffic Signal

Dear Ms. Corlon,

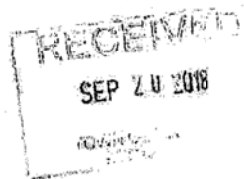
Regarding your letter on September 14, 2018, we give the Town of Hamburg permission to remove the traffic signal at the above referenced location.

Thank you for your time and attention to this matter. If you have any questions regarding our submittal, please call me at (716) 854-0060.

Very truly yours,
ELLICOTT DEVELOPMENT COMPANY

A handwritten signature in black ink, appearing to read 'Jeremy P. Wassel', is written over the typed name.

JEREMY P. WASSEL
Planning & Development Coordinator



05/21/2018 11:51 Our Lady of Sacred Heart Church

(FAX)716827 7643

P.001/001

Our Lady of the Sacred Heart Church

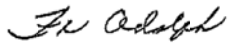
*3148 Abbott Road
Orchard Park, New York 14127
(716) 824-2935*

May 8, 2018

To whom it may concern,

We no longer need the light on Abbott rd. in front 3122 Abbott rd. Our School is closed.

Thank You,



*Rev. Adolph M. Kowalczyk
Pastor*



Mission Statement

"We the parish family of Our Lady of the Sacred Heart, strive to honor God by faithfully living the Gospel through acts of faith, hope and charity while drawing our strength from the Eucharist, the source and center of our faith."

7.

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

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

RESOLVED, that the Town Board authorizing alcohol waivers for the following November 2018 Taylor Road rentals:

11/03/18	11/04/18	11/10/18	11/16/18	11/17/18
11/18/18	11/22/18	11/23/18	11/24/18	11/25/18
11/30/18				

8.

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

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

RESOLVED that the Town Board approve the termination and rehiring for the Domestic Violence Department as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time hrly rate	PT/Sea/temp hrly rate	Term date
1	4500	Elizabeth O'Brien	R	Clerk Typist P/T			\$12.24	10/17/2018
2	4500	Elizabeth O'Brien	R	Clerk Typist Seasonal	10/18/2018		\$12.24	

9.

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, the Town of Hamburg is the owner of property identified by S.B.L. No. 196.09-5-37.21, and

WHEREAS, it is no longer necessary for the Town of Hamburg to retain said property, and

WHEREAS, CRS Property Services Company, LLC, or its designee/assigns, has expressed an interest in purchasing the property for \$2,500.00, and

WHEREAS, CRS Property Services Company, LLC, or its designee/assigns has agreed to accept the cost of preparing the title abstract and survey of the property, and

WHEREAS, the Hamburg Town Board has agreed to accept the purchase offer,

NOW THEREFORE, BE IT RESOLVED, that the Supervisor is authorized to sign the Contract of Sale, and sign the deed and any other documents necessary to transfer title of the property, between the Town of Hamburg and CRS Property Services Company, LLC, or its designee/assigns for purchase of the property after reviewed and finalized by the Town Attorney.

BE IT FURTHER RESOLVED that pursuant to NYS Town Law §64, this resolution is subject to permissive referendum.

10.

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

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

WHEREAS, Marrano Homes paid for public improvement permit Nos. 1032, 1033, and 1034 for Deer Springs Subdivision Part 2 Phase 4E on 9/18/06 and did not proceed and complete the work within one year time limit as required; and

WHEREAS, Marrano Homes desires to start the work in the near future;

THEREFORE BE IT RESOLVED, that the Town Board grant an extension for public improvement permit Nos. 1032, 1033, and 1034 conditional upon Marrano’s payment of an additional \$400 fee, and that the work shall be completed no later than October 31, 2019.

11.

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

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

WHEREAS, the Town of Hamburg Planning Board has approved the Preliminary Plat Plan for the Waterford Pines Phase 2A; and

WHEREAS, two (2) fire hydrants are to be installed within the subdivision to provide proper fire protection for the development; and

WHEREAS, although the developer is responsible for the cost of installation of the fire hydrants, it is necessary that the Town agree to such installation as the Town is charged for the maintenance of fire hydrants under the Direct Service Agreement with the Erie County Water Authority; and

WHEREAS, the subdivision is located within the Town Hydrant District, and property owners in the subdivision will be paying associated charges to such district as part of their annual Town and County tax bill,

THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, AS FOLLOWS:

1. The Town Board considers that the installation of the additional two (2) hydrants to serve the Waterford Pines Phase 2A will be beneficial to the health and safety of residents of the Town of Hamburg, and is therefore in the public interest.
2. The development of the subdivision will result in increased revenue to the Town of Hamburg, including revenue for fire protection. As such, the cost to the Town for the annual maintenance of the fire hydrants will be offset by the additional revenue generated by the subdivision.
3. The Town Board agrees that the cost of the hydrant maintenance fees for the additional fire hydrants being installed as part of the subdivision shall be paid by the Town of Hamburg through revenues generated by the Town Hydrant District.
4. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to the Erie County Water Authority.

12.

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

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

***IN RECOGNITION OF
PAT HOAK***

WHEREAS, our former Supervisor and dear friend, Pat Hoak, departed this life for a better one on October 5, 2018; and

WHEREAS, those of us who knew him will fondly remember that he was a dedicated public servant for over 13 years as the Supervisor of the Town of Hamburg; and

WHEREAS, all who came into contact with Pat during his years of service will remember his continued friendliness to all people from every walk of life, and the empathy that he extended to their cares which became his concerns; and

WHEREAS, our good friend Pat Hoak never saw the glass as half empty but always as half full. He walked on the sun side of the mountain and the shades of pessimism never held him down for long. We shall miss him, and remember that whenever we saw him the day became a little brighter and our smiles broader;

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg shall commemorate his passing on October 5 for every year to come by marking the start of the work day in a moment of silence to pay tribute to his memory; and

BE IT FURTHER, RESOLVED, that the Hamburg Town Board, along with all Hamburg employees and the people of our community extend to Pat’s wife, his children and step-children, brothers and sisters our fond memories of Pat, and our deepest sympathy for their loss.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 15st day of October, 2018.

JAMES M. SHAW
Supervisor
Town of Hamburg

Thomas Best, Jr., Councilman
Michael Petrie, Councilman
Elizabeth Farrell, Councilwoman
Michael Mosey, Councilman

13.

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

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

NEGATIVE DECLARATION RESOLUTION

WHEREAS, the Code of the Town of Hamburg contains and specifies the local laws of the Town of Hamburg, and it has been determined that the Town Code is outdated and does not properly address various issues concerning industrial zoning districts, monument signs, mandatory training, and building construction / fire prevention; and

WHEREAS, the Town of Hamburg Planning Department has prepared draft language to revise these existing laws in the Town of Hamburg and the Town of Hamburg Code Review Committee and Planning Board have recommended these law revisions to the Hamburg Town Board; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has conducted an environmental review of these Code revisions; and

WHEREAS, the Town has identified that there are no other Permitting or Approval agencies for these actions; and

WHEREAS, a public hearing was held regarding these Code amendments on 9/10/18 and comments were received; and

WHEREAS, pursuant to Municipal Home Rule, the Town Board is proposing to adopt these revisions by enacting text amendments to the Code of the Town of Hamburg; and

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

The Hamburg Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed amendments (see attached copies) of Chapters 34 (Mandatory Training), 76 (Building Construction and Fire Prevention), and 280 (Zoning) of the Town of Hamburg Code of Ordinances, will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public and is consistent with social and economic considerations and, therefore, issues the attached SEQRA Negative Declaration in accordance with Section 617.7 of the SEQRA regulations; and

BE IT FURTHER RESOLVED THAT, the Supervisor is authorized to sign the Environmental Assessment Form (EAF), which will act as the Negative Declaration.

14.

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

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

ADOPTION RESOLUTION

WHEREAS, the Code of the Town of Hamburg contains and specifies the local laws of the Town of Hamburg, and it has been determined that the Town is outdated and does not properly address various issues concerning industrial zoning districts, monument signs, mandatory training, and building construction / fire prevention; and

WHEREAS, the Town of Hamburg Planning Department has prepared draft language to revise these existing laws in the Town of Hamburg and the Town of Hamburg Code Review Committee and Planning Board have recommended these law revisions to the Hamburg Town Board; and

WHEREAS, a public hearing was held regarding these Code amendments on 10/16/18 and comments were received; and

WHEREAS, pursuant to Municipal Home Rule, the Town Board is proposing to adopt these revisions by enacting text amendments to the Code of the Town of Hamburg as illustrated in the attached documents; and

WHEREAS, the Town Board has issued a Negative Declaration in accordance with SEQR requirements; and

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

The Hamburg Town Board amends Chapters 34 (Mandatory Training), 76 (Building Construction and Fire Prevention), and 280 (Zoning) of the Code of the Town of Hamburg to provide for the revision of the Town Code as referenced in the attached documents.

CODE REVISIONS

Chapter 34: Mandatory Training

Amend Chapter 34. Mandatory Training, Article I. Planning Board and Zoning Board of Appeals, Section 34-3. Acceptable/nonacceptable forms of training, as follows:

Acceptable forms of training shall include traditional classroom-style training and up to two (2) hours per year of approved online training. In accordance with Section 34-5. and 34-6. of this Chapter, online training will require a methodology to receive “certificates of completion” and will require Town Board approval of any online training program or course.

Amend Chapter 34. Mandatory Training, Article I. Planning Board and Zoning Board of Appeals, Section 34-4. Acceptable providers, as follows:

Acceptable providers of training shall include the Town Planner or other approved planning consultant; regional planning counsels; County Planning Agencies; a New York State agency; a New York State association, e.g. the Association of Towns, Conference of Mayors or New York Planning Federation; and an accredited college, or any other provider approved by the Town Board in advance of a member’s attendance at such training.

Chapter 76: Building Construction and Fire Prevention

Chapter 76.24.G. shall be amended, as follows:

A lapse license may be renewed at a fee as established by the Town Board on an annual basis. A license which has been verified to have lapsed for more than three (3) consecutive years cannot be renewed and it will be necessary to obtain a new license pursuant to Subsections B. and C. of this section.

Chapter 76.24.I. shall be added, as follows:

I. The Code Enforcement Official or duly appointed Plumbing License Examiner shall have the authority to grant a waiver of examination for plumbers and site utility contractors when the applicant meets the following requirements:

- (1) The applicant as an individual must provide documented proof that he or she currently possess a minimum of two (2) valid licenses granted from a local municipality located within Erie County, in the State of New York. A copy of a current (not expired) license from a municipality would signify as documented proof subject to review and approval (only when it has been determined that the municipality has a plumbing licensing policy that is proven acceptable to the Code Enforcement Official or duly appointed Plumbing License Examiner).*

- (2) *Plumbers and site utility contractors must make application on a Town of Hamburg prescribed form (Plumbing and Site Utility Contractor Reciprocal Application) and make payable a fee as determined by the Town Board on an annual basis. The form shall contain an affidavit attesting to the fact that the applicant has held the licenses at least one full year and has not had a license revoked or suspended form any other municipality within the last five years.*

Chapter 280: Zoning

Amend Article XVIII: M-1 Industrial Park - Research and Development District, Chapter 280.119.A. to read, as follows:

- A. *Commercial uses as allowed in the C-2 district, uses groups: (4), (5), (6), (7), (9), (10), and (15).*

Amend Article XIX: M-2 Light Industrial District, Chapter 280.126.B. by adding a new paragraph (4), as follows:

- (4) *The repair of trucks in association with other allowable uses.*

Amend Article XXXVI Sign Regulations, Chapter 280.234 – Definitions, as follows:

Monument Sign

A freestanding sign having a low profile, supported by a solid masonry, wood (or similar material) constructed base with no open space beneath the sign but limited to no more than two feet of open space between the ground and the bottom of the sign face. Such signs shall be surrounded by landscaping treatment. Commonly referred to as a ground sign.

Amend Chapter 280.235.J. (1) – General Regulations, as follows:

- (1) *Nonconforming signs existing at the time of the Adoption of this article which do not conform to the requirements in this article shall be considered nonconforming signs and shall only be replaced with signs that fully comply with the provisions of this article; provided however nonconforming signs may be maintained, repainted or repaired, such repair solely in conjunction with incurrence of damage or deterioration of the sign and provided that such repainting or repairs do not exceed the dimensions of the existing sign . Exception: The compliant replacement sign can be placed in the same exact location as the existing nonconforming sign if it has been determined that it does not create a hazard.*

Amend Chapter 280.238. – Temporary Signs, by adding a new paragraph A., as follows:

- A. *Special event sign: A temporary sign not exceeding forty (40) square feet in area is permitted specifically for the advertisement of special events only on private property locations. Only one such sign is allowed per lot and cannot be placed within any public right of way or obstruct visibility. A temporary sign permit is required. The temporary sign permit expires within 45 calendar days and cannot be renewed for another 90 calendar days.*

Amend Chapter 280.239. - Signs Allowed in Residential Districts, paragraph B., as follows:

- B. *Temporary signs, in accordance with the regulations of this Article. Temporary signs located in Residential Districts shall be no larger than eight (8) square feet and not exceed four (4) feet in height.*

Amend Chapter 280.239. - Signs Allowed in Residential Districts by adding new paragraphs G. and H., as follows:

- G. *Institutional Signs: A landscaped, permanent monument sign no greater than six (6) feet, no larger than 40 square feet on properties is permitted on a lot with a minimum of 200 feet of frontage on public right of way (a permit is required).*
- H. *Institutional Wall Sign Requirements:*
- (1) *Wall signs shall be attached to or incorporated in the building wall. Such signs shall have:*
- (a) *An aggregate area not in excess of 5% of the area of the building front to which such signs are affixed, not to exceed 50 square feet in area.*

Amend Chapter 280.240. - Signs Allowed in Commercial and Industrial Districts, by amending paragraph E., item (2), amending paragraph F. by adding a new item (4), amending paragraph H., and adding a new paragraph K., as follows:

- E. (2) *The property has a minimum of 200 feet of frontage along a public right of way (exception: the minimum frontage requirement is waived to allow monument sign to replace nonconforming pole sign).*
- E. (4) *Have landscaping treatment immediately surrounding the sign subject to Town review and approval.*
- E. (H) *In community and regional shopping centers, monument signs, shall be permitted at the entrance or entrances to such shopping center and shall not be larger than 100 square feet of total area or exceed 12 feet in height. Such monument signs*

shall designate only the name of the shopping center and may include a theater panel listing current attractions and advertising of public affairs or public events in the community.

E. (K) Institutional Sign: A landscaped, permanent monument sign no greater than 8 feet in height, no larger than 40 square feet is permitted on a lot with a minimum of 200 feet of frontage on public right of way.

Amend Chapter 280.242. - Computation of Signs Area / Height, paragraph B., as follows:

B. Computation of Area of Multifaceted Signs: When computing the area of any monument, detached, or projecting sign, only one face of the two sides is used in the computation.

15.

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

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

RESOLVED, that the Town Board approve the membership of the following into the Big Tree Volunteer Firemen's Company, Inc.:

Quinten Gizzi
5333 Roberts Road
Hamburg, NY 14075

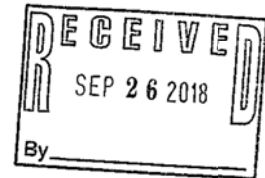
Harmony Gokey
4144 W. Highland Pkwy
Blasdell, NY 14219

Gabriel Lee-Pelt
4016 Big tree Road
Hamburg, NY 14075



Organized - 1936

Big Tree Volunteer Firemen's Co., Inc.



Hamburg Town Board
Hamburg Town Hall
6100 South Park Ave.
Hamburg, New York 14075

September 19, 2018

Dear Board Members,

We respectfully request permission of the Town Board to accept the following applicants into the membership of the Big Tree Volunteer Fire Company, Inc. during the year of 2018.

Quinten Gizzi
5333 Roberts Road
Hamburg, New York 14075

Harmony Gokey
4144 W. Highland Parkway
Blasdel, New York 14219

Thank you for your cooperation.

Sincerely,

Carol R. Covert
Carol R. Covert
Secretary

FILED IN THE TOWN
CLERK'S OFFICE
HAMBURG, N.Y.
2018 OCT 11 A 10:27
TOWN CLERK



Organized - 1936

Big Tree Volunteer Firemen's Co., Inc.

Hamburg Town Board
Hamburg Town Hall
6100 South Park Ave.
Hamburg, New York 14075

October 4, 2018


Dear Board Members,

We respectfully request permission of the Town Board to accept the following applicant into the membership of the Big Tree Volunteer Fire Company, Inc. during the year of 2018.

Gabriel Lee-Pelt
4016 Big Tree Road
Hamburg, New York 14075

Thank you for your cooperation.

Sincerely,


Carol R. Covert
Secretary

FILED IN THE TOWN
CLERK'S OFFICE
HAMBURG, N.Y.
2018 OCT 11 A 10:27
TOWN CLERK

16.

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

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

BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to advertise a Request for Proposals (RFP) for confidential legal services to work in conjunction with the departments "Homeless Prevention Program". RFP's to be opened on Wednesday, October 31, 2018 at 11:00 a.m. within the Department of Community Development.

17.

On a motion of Councilman Best, seconded by Councilman Shaw, 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 #17 from the Town Board meeting minutes of September 24, 2018.

18.

On a motion of Councilman Best, seconded by Supervisor Shaw, the following resolution was brought to a Roll Call Vote as follows:

ROLL CALL:	Supervisor Shaw	Yes
	Councilman Best	Yes
	Councilwoman Mosey	Yes
	Councilman Petrie	No
	Councilman Farrell	Yes

ADOPTED Ayes 4
 Noes 1

BE IT RESOLVED, that the Town Board approve on the recommendation of Town Justice Gerald P. Gorman and Town Justice Carl W. Morgan along with Brigid Lavelle, Court Administrator, to promote Valerie Butera to the vacant full-time position of Senior Clerk Typist. Ms. Butera is on the promotional Senior Clerk Typist list #31-255, with a start date of Monday, October 22, 2018, salary is \$22.35 per hour.

19.

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

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

BE IT RESOLVED that the Town Board approve the purchase of a new 2018 John Deere XUV825M 4x4 Gator in the amount of \$6,600 (after trade-in), per New York State Contract #PC68131.

Funds are available in EW.7250.413.

20.

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	4909	Bishop, Riley		Rec Attd-A7310-Seas				10/12/2018
	4909	Bishop, Riley	R	Rec Attd-A7310-P/T	10/13/18		\$10.40	
2	4719	Carlson, Tyler		Rec Attd-EI7265				10/16/2018
3	4931	Dake, Neil		Rec Attd-A7310-Seas				10/12/2018
	4931	Dake, Neil	R	Rec Attd-A7310-P/T	10/13/18		\$10.40	
4	4867	Davis, Liam		Rec Attd-ER7251-Seas				10/13/2018
	4867	Davis, Liam	R	Rec Attd-ER7251-P/T	10/14/18		\$10.40	
5	4720	DiPasquale, Charles		Rec Attd-ER7251-Seas				10/13/2018
	4720	DiPasquale, Charles	R	Rec Attd-ER7251-P/T	10/14/18		\$11.00	
6	4900	Dlugosz, Daniel		Rec Attd-ER7251-Seas				10/1/2018
	4900	Dlugosz, Daniel	R	Rec Attd-ER7251-P/T	10/2/18		\$10.40	
7	4031	Eisenbeis, Erin		Rec Attd-EI7265				10/16/2018
8	4703	Ellis, Christopher		Rec Attd-ER7251-Seas				9/15/2018
	4703	Ellis, Christopher	R	Rec Attd-ER7251-P/T	9/16/18		\$10.60	
9		Fitzgerald, Patricia	N	Rec Attd-A6772-P/T	10/3/18		\$10.40	
10	4000	Galus, Emily		Rec Attd-A7310-Seas				9/24/2018
	4000	Galus, Emily	R	Rec Attd-A7310-P/T	9/25/18		\$10.40	
11	4920	Gorman, Clare		Rec Attd-A7310-Seas				10/12/2018
	4920	Gorman, Clare	R	Rec Attd-A7310-P/T	10/13/18		\$10.40	
12	4696	Hilaire, Rachel		Rec Attd-A6780-P/T				10/14/2018
	4696	Hilaire, Rachel	R	Rec Attd-A6780-Seas	10/15/18		\$11.00	

13	4921	Insalaco, Benjamin		Rec Attd-EI7265				10/12/2018
14	4318	Joslin, Mark		Rec Attd-ER7251-Seas				10/14/2018
	4318	Joslin, Mark	R	Rec Attd-ER7251-P/T	10/15/18		\$11.00	
15	4221	Kumiega, Mark		Rec Attd-ER7251				10/12/2018
16	4826	Lakso, Brooke	R	Rec Attd-EI7265	9/23/18		\$10.40	
17	4343	Lease, Ryan		Rec Attd-ER7251				10/16/2018
18		Leggett, Analeeza	N	Lifeguard-A7310-P/T	10/16/18		\$11.25	
19	4633	Lotocki, Kimberly		Rec Attd-A7310-Seas				10/10/2018
	4633	Lotocki, Kimberly	R	Rec Attd-A7310-P/T	10/11/18		\$10.40	
20	4923	Martello, Jack		Rec Attd-A7310-Seas				9/26/2018
	4923	Martello, Jack	R	Rec Attd-A7310-P/T	9/27/18		\$10.40	
21	4321	Meyer, Jennifer		Rec Attd-A6780-P/T				10/13/2018
	4321	Meyer, Jennifer	R	Rec Attd-A6772-P/T	10/14/18		\$13.00	
22	4837	Monnin, Taylor		Rec Attd-EW7251-Seas				10/13/2018
	4837	Monnin, Taylor	R	Rec Attd-A7310-P/T	10/14/18		\$10.40	
23	1729	Otremba, Steven		Rec Attd-EI7265				10/16/2018
24	4662	Padovani, Michael		Rec Attd-EI7265-Seas				10/13/2018
	4662	Padovani, Michael	R	Rec Attd-EI7265-P/T	10/14/18		\$11.00	
25	4141	Parker, Nancy		Rec Attd-A6780-P/T				9/16/2018
	4141	Parker, Nancy	R	Rec Attd-A6780-Seas	9/17/18		\$11.25	
26	4793	Pope, Daniel		Rec Attd-ER7251-Seas				10/13/2018
	4793	Pope, Daniel	R	Rec Attd-ER7251-P/T	10/14/18		\$10.40	
27	2309	Przybysz, Dawn		Rec Attd-A7310-Seas				10/10/2018
	2309	Przybysz, Dawn	R	Rec Attd-A7310-P/T	10/11/18		\$11.00	
28	4927	Quinn, Joshua		Rec Attd-ER7251-Seas				10/12/2018
	4927	Quinn, Joshua	R	Rec Attd-ER7251-P/T	10/13/18		\$10.40	
29	4929	Ranger, Adam		Rec Attd-EI7265				10/16/2018
30	4930	Rettig, Jack		Rec Attd-EI7265				10/16/2018
31	4838	Roche, Meghan		Rec Attd-EI7265				10/16/2018
32	4115	Rost, Pamela		Rec Attd-A6772-Seas				9/24/2018
	4115	Rost, Pamela	R	Rec Attd-A6772-P/T	9/25/18		\$14.00	
33	4913	Russo, Amanda		Rec Attd-A7310-Seas				10/12/2018
	4913	Russo, Amanda	R	Rec Attd-A7310-P/T	10/13/18		\$10.40	
34	4663	Russo, Rylie		Rec Attd-A7310-Seas				9/29/2018
	4663	Russo, Rylie	R	Rec Attd-A7310-P/T	9/30/18		\$10.40	
35	4932	Rybczynski, Madeline		Rec Attd-EI7265				10/16/2018
36	4933	Rybczynski, Walt		Rec Attd-EI7265				10/16/2018
37	4357	Simoncelli, Eric		Rec Attd-ER7251-Seas				10/13/2018
	4357	Simoncelli, Eric	R	Rec Attd-ER7251-P/T	10/14/18		\$10.40	
38	4904	Skelley, Joshua		Rec Attd-ER7251-Seas				10/1/2018
	4904	Skelley, Joshua	R	Rec Attd-ER7251-P/T	10/2/18		\$10.40	
39	2875	Steger, Joseph		Rec Attd-A7310-Seas				9/29/2018
	2875	Steger, Joseph	R	Rec Attd-A7310-P/T	9/30/18		\$14.00	
40	4891	Stiker, John		Rec Attd-ER7251-Seas				10/22/2018
	4891	Stiker, John	R	Rec Attd-ER7251-P/T	10/23/18		\$10.40	
41	4924	Taylor, Benjamin		Rec Attd-A7310-Seas				9/26/2018
	4924	Taylor, Benjamin	R	Rec Attd-A7310-P/T	9/27/18		\$10.40	
42	4754	Wells, Ethan		Rec Attd-A7310-Seas				9/29/2018
	4754	Wells, Ethan	R	Rec Attd-A7310-P/T	9/30/18		\$10.40	
43	4062	Wicka, John		Rec Attd-ER7251-Seas				9/20/2018
	4062	Wicka, John	R	Rec Attd-ER7251-P/T	9/21/18		\$12.50	

21.

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 of Hamburg in an effort to be more energy efficient and to reduce the cost of energy expenses authorizes a request for qualifications (RFQ) for the selection of a project management and energy service (ES) company.

BE IT FURTHER RESOLVED that pending approval from the legal department the RFQ will be distributed/advertised/disseminated via the Town website and the appropriate legal notification policy.

22.

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 #20 from the Town Board meeting minutes of September 24, 2018.

23.

On a motion of Councilman Petrie, seconded by Supervisor Farrell, the following resolution was brought to a Roll Call Vote as follows:

ROLL CALL:	Supervisor Shaw	No
	Councilman Best	No
	Councilwoman Mosey	No
	Councilman Petrie	Yes
	Councilman Farrell	Yes

FAILED	Ayes	2
	Noes	3

WHEREAS, on January 25, 2016, Brigit Reynolds was terminate from her position of Senior Clerk in the Hamburg Town Justice Court, and

WHEREAS, an Article 78 was commenced on May 20, 2016, Index number 2016-76, alleging that the termination had been improper, and

WHEREAS, on October 12, 2017, Judge Donna Siwek issued a decision that the termination had been “a result of political retaliation and said abolition was unlawful and in bad faith”, and

WHEREAS, on August 20, 2018, following settlement discussions, Judge Siwek issued an order requiring the town to reinstate Reynolds to “her previous employment with the Town of Hamburg in the position of Senior Clerk,” and

WHEREAS, Reynolds was brought back to work and assigned to the Department of Community Development as there were no openings in the Court, and

WHEREAS, a vacancy has been created in the Town Court due to the retirement of a court employee.

NOW THEREFORE BE IT RESOLVED, in compliance with Judge Siwek’s order, the Town Board hereby transfers Brigit Reynold to the position of Senior Clerk in Town Justice Court to fill the existing vacancy effective 10/29/2018.

Funds are available in account A1110.100

The following spoke concerning this resolution:

Councilman Mosey, Councilman Petrie, Councilman Best, Councilman Farrell, Supervisor Shaw, Bob Mahoney, Dennis Chapman, Don Wiess, Patricia Burke

24.

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

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

BE IT RESOLVED that Kaitlin McCormick is appointed to the Conservation Advisory Board effective immediately.

25.

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

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

RESOLVED, that the Town Board approve the membership of the following into the Scranton Volunteer Fire Company, Inc.:

Alexandria N. Tornabene
3996 Park Ave.
Hamburg, NY 14075



Scranton Volunteer Fire Company, Inc.



5395 Scranton Road, Hamburg, N.Y. 14075

(716) 648-4563 phone

(716) 648-3531 fax

October 10th, 2018

To the Members of the Hamburg Town Board,

The members of the Scranton Volunteer Fire Company have recently voted in Alexandria N. Tornabene residing at 3996 Park Ave., Hamburg, NY 14075.

We are asking for the Town Board's approval for his membership.

If there are any questions, please contact Michael Mosier at (716) 989-8864.

Thank you,

Michael Mosier

Corresponding Secretary
Scranton VFC

FILED IN THE TOWN
CLERK'S OFFICE
HAMBURG, N.Y.
2018 OCT 11 P 1:18
TOWN CLERK

"smoke detectors never sleep"

26.

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, a section of sidewalk at the Hamburg Town Park has deteriorated to the point of failure; and

WHEREAS, this section of sidewalk was constructed above a crawlspace with little to now support remaining, which has been identified by Engineering Department and Buildings and Grounds staff as a safety hazard and must be repaired as soon as possible; and

WHEREAS, due to the emergency nature of this situation, the Town Engineering Department at the approval of the Town Attorney solicited quotes for the repair rather than through a formal bidding process; and

WHEREAS; quotes were received during the week of 10/8/18 for the project; and

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

<u>Bidder</u>	<u>Total Bid</u>
Mar-Wal Construction Co., Inc.	\$ 42,900.00
Big Tree Development Inc.	\$ 36,800.00

WHEREAS, the quotes have been reviewed by the Town of Hamburg Engineering Department, who determined that Big Tree Development Inc. is a qualified and responsible bidder, and recommended that the contract be awarded to them.

THEREFORE BE IT RESOLVED, that the Town Board hereby concur with the Engineering Departments opinion that this situation constitutes a safety hazard, must be addressed as soon as possible and hereby waives the public bidding process required by General Municipal Law; and

THEREFORE BE IT FURTHER RESOLVED, that a construction contract for this project is awarded to Big Tree Development Inc. in the amount of \$ 36,800.00. Funding for this work is available in Account H98.1620.303.

The following spoke concerning this resolution:

Joe Killian, Don Wiess, Michael Quinn, Engineering Consultant

27.

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

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

RESOLVED, the Town Board authorize the following Police Officers Jason Nappo, Jonathan Monaco, Dennis Horrigan, Jonathan Cross, Bret McCabe, Timothy Colling, Daniel McCarthy, Nicholas Borowski, Jeffrey Bullard, Detective Thomas Boyer and Lieutenant Nicholas Ugale, to attend the Advanced Tactical Team Scenarios School at the State Preparedness Training Center, in Oriskany, New York, October 31, 2018 – November 2, 2018.

Registration & Lodging –	No Cost
Meals 3days x \$40.00 = \$120.00 x 12 =	\$1,440.00
Tolls (approximate)	<u> \$ 50.00</u>

TOTAL: \$1,490.00

Use of THREE (3) Unmarked Police vehicles for transportation is requested.

Money is available in account B4358 Drug Seizure account.

28.

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

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

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

TOWN BOARD AUDIT OF CASH DISBURSEMENTS - October 15, 2018				
OPERATING FUND:			VOUCHER #'S	
BATCH #	139	\$4,561.77	98442-98468	
BATCH #	140	\$6,786.38	98469	
BATCH #	141	\$11,872.80	98470-98494	
BATCH #	142	\$88,999.98	98495	
BATCH #	143	\$26,057.02	98496-98498	
BATCH #	144	\$135,000.00	98499	
BATCH #	145	\$379,596.58	98500-98532	
BATCH #	146	\$2,479.31	98533-98539	
BATCH #	147	\$30,000.00	98540-98541	
BATCH #	148	\$253,661.25	98550-98594	
BATCH #	149	\$35.00	98595	
BATCH #	150	\$139,297.24	98596-98659	
BATCH #	151	\$20,705.00	98660	
BATCH #	152	\$48.03	98661	
BATCH #	153	\$111.05	98662-98664	
BATCH #	154	\$225,710.37	98665-98760	
BATCH #	155	\$4,257.00	98761	
BATCH #	156	\$653,652.00	98762-98767	
TOTAL OPERATING FUND DISBURSEMENTS:			\$1,982,830.78	
TRUST AGENCY				
TOTAL TRUST & AGENCY DISBURSEMENTS:			\$0.00	
CAPITAL FUND DISBURSEMENTS:				
BATCH #			\$0.00	
TOTAL CAPITAL FUND DISBURSEMENTS:				
PAYROLL:				
PR #	#20	\$695,909.12		
TOTAL PAYROLL DISBURSEMENTS:			\$695,909.12	
PETTY CASH				
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$2,678,739.90	

Reports from Department Heads

Samantha Tarczynski, Director of Administration and Finance, states the Supervisor's Budget for 2019 has been filed and a PDF is available on the Finance tab of the Town website.

Michael Quinn, Engineering Consultant, appreciates the Town Board's approval of the resolution for the Town Park sidewalk and it will be taken care of as quick as possible.

Catherine A. Rybczynski, Town Clerk, comments that the Domestic Violence Board is having a Chicken BBQ Wednesday behind Town Hall and tickets are available in the Town Clerk's office.

Martin Denecke, Director of Youth, Recreation and Senior Services, comments that plans have begun for the Youth Bureau for their annual participation in the Western New York Holiday Participate which is a Toy distribution program for needy families in our community. The Recreation Department is having a Halloween Public Skate on Sunday, October 28th at 2 P.M. There is a Senior Service Advisory Board meeting this Thursday at 5 P.M.

Drew Reilly, Planning Consultant, states he filed his report with the Town Board.

Kurt Allen, Supervising Code Enforcement Officer, thanks the Town Board for passing the resolution approving the licensing for plumbers. They will be processing the licenses starting tomorrow morning.

Jerry Giglio, Traffic Safety Coordinator and Health and Safety Coordinator, states the Traffic Safety Advisory Board will have three requests for additional signage in November.

Christopher Monaco, Captain in the Police Department, appreciates the Town Board's approval of resolution #27 which provides the Police Department's SWAT team training.

29.

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

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

RESOLVED that the Town Board shall adjourn this Public Meeting to move into an Executive Session at 8:05 P.M to discuss disciplinary issues whereupon the resulting vote on the resolution of the issue shall be made public; and furthermore, shall discuss the work histories of several employees along with the propriety of their appointments to various positions within Town government. Consequently, to protect employee confidentiality and the integrity of private communications, the Board shall debate these issues in Executive Session and report its findings consistent with the Open Meetings Law.

Reports from the Floor

Mr. McKendry discusses drug rehab facilities and transportation to rehab programs.

Darren Eggleston, Down the Drain Plumbing, thanks the Town Board for passing the resolution regarding Master Plumbers.

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