

1. Roll Call

James Shaw, Supervisor	(Present)
Shawn Connolly, Councilmember	(Present)
Elizabeth Farrell, Councilmember	(Present)
Karen Hoak, Councilmember	(Present)
Michael Petrie, Councilmember	(Present)

ALSO PRESENT: Catherine Rybczynski, Town Clerk; Walter Rooth III, Town Attorney; Mark Walling, Deputy Town Attorney; Alissa Straus, Senior Personnel Clerk; Jennifer Robertson, IT Director; Christopher Hull, Director, Community Development; Kevin Trask, Chief of Police; Drew Riley, Planning Consultant; Samantha Tarczynski, Director of Finance; Ted Casey, Highway Superintendent; Martin C. Denecke, Director of Senior, Recreation & Youth Services; Alissa Straus, Senior Payroll Clerk; Cami Jarrell, Town Engineer; Sean Crotty, Senior Dispatch Officer;

Meeting opened at 7:00 PM

2. Pledge of Allegiance

Supervisor Shaw lead the Board in reciting the Pledge of Allegiance

3. Public Hearing - Solar Law Adjourned until 7-6-2020

WHEREAS, a Public Hearing regarding a proposed Solar Energy Law for the Town of Hamburg was scheduled for June 8, 2020, and

WHEREAS, due to precautions exercised by the Town Board to help limit the spread of the COVID-19 pandemic participation in said hearing would have limited public participation, and

WHEREAS, the Town Board greatly desires to garner as much participation in the process as possible during these unprecedented and trying times, and

WHEREAS, to facilitate such participation the aforementioned Public Hearing was adjourned (a record of which is provided below) until the first possible Town Board meeting with public attendance on July 6, 2020.

NOW, THEREFORE BE IT,

RESOLVED, that the Hamburg Town Board does hereby readjourn the Public Hearing on the proposed Solar Energy Law adjourned on June 8, 2020 until July 6, 2020.

Moved Shaw

3. Public Hearing - Solar Energy Law

LEGAL NOTICE
TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg, on May 11, 2020, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #3, 020; this local law authorizes the adoption of the Solar Energy Local Law pursuant to sections 130 and 261-265 of the Town Law for the State of New York.

This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town of Hamburg by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives and intent:

1. To take advantage of a safe, abundant, renewable and non-polluting energy resource;
2. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family

houses;

3. To invest in a locally generated source of energy to increase employment and business development in the Town of Hamburg to the extent reasonably practical by furthering the installation of solar energy systems;
4. To provide tax revenues and other benefits to the Town and its residents to mitigate impacts from the solar project;
5. To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources. The use of small-scale, on-farm sources alternative to energy generation is beneficial to local farmers allowing them the ability to cut utility costs and/or supplement their income;
6. To protect adjoining/surrounding property owners by mitigating the potential impacts from large scale solar installations;
7. To aid in the energy independence of the community as well as the country;
8. To create zoning regulations in accordance with the Town's Comprehensive Plan.

A detailed copy of the proposed local law will be available, for public review, during regular business hours at the following location:

HAMBURG TOWN HALL
Town Clerk's Office/upper level
6100 South Park Avenue
Hamburg, New York 14075

And also on the Town of Hamburg's website:
www.townofhamburgny.com Click on Legal Notices & Bids

Therefore, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. (local time) on the 8th day of June, 2020, at which time all interested persons may be heard.

Dated: May 12, 2020

Catherine Rybczynski
Town Clerk
Town of Hamburg

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

ADOPTED Ayes 5 Connolly, Farrell, Hoak, Petrie, Shaw
Nays 0

A motion was made by Supervisor Shaw, seconded by Councilwoman Farrell, to ADJOURN the Public Hearing until July 6, 2020 at 7:00 PM.

The motion was APPROVED 5 - 0

Meeting adjourned to allow for public participation.

Deputy Town Attorney Walling offered comments about the proposed law and fielded questions.

On a motion of Supervisor Shaw, seconded by Councilman Petrie, the following resolution was
ADOPTED **Ayes 5** **Connolly, Farrell, Hoak, Petrie, Shaw**
 Nays 0
 Abstain 0

The Public Hearing was reconvened at 8:01 PM.

No Public Comment was offered during the Public Hearing.

A motion was offered by Supervisor Shaw, seconded by Councilman Petrie, to adjourn the Public Hearing at 8:02 PM.

The motion was APPROVED 5 - 0.

4. Proclamation In Recognition of Detective Kashino

WHEREAS, Scott Kashino has served the Town of Hamburg as a Detective with great distinction; and

WHEREAS, He has won the respect of his fellow officers who have come to appreciate his professionalism and dedication to the well being of all Hamburg citizens;

NOW THEREFORE, BE IT

RESOLVED, that the Hamburg Town Board along with all the members of the Hamburg Police Department extend our well wishes to Scott Kashino and his family for a job well done, and for a long, health and happy retirement.

Moved: Shaw

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

ADOPTED	Ayes 5	Connolly, Farrell, Hoak, Petrie, Shaw
	Nays 0	
	Abstain 0	

Item #4 taken out of order at the beginning of the meeting for a presentation to retiring Hamburg Police Detective, Scott Kashino.

The Item was unanimously seconded.

5. Police Promotions

WHEREAS, The Town of Hamburg Police Department has committed to the highest quality service for its residents, and

WHEREAS, the Chief of Police and the Command Officers Association have committed to sensible restructuring of the command structure from twelve members to ten to become more efficient and economical by moving \$226,553 in salary to the patrol division, and

WHEREAS, the imminent reinvention of current police practices will require qualified, skilled supervision to implement these changes and to select, train, monitor, evaluate, and lead a new generation of law enforcement,

NOW THEREFORE, BE IT

RESOLVED that the Town Board approves the recommendation of the Chief of Police in promoting Nicholas Budney and Jeffrey Lavelle to the vacant positions of POLICE CAPTAIN effective July 12, 2020. Mr. Budney and Mr. Lavelle are both currently on the Police Captain Exam #79-598. Salary is \$57.08 per hour, funds available in B3120.100.

BE IT FURTHER RESOLVED that the Town Board approves the recommendation of the Chief of Police in promoting Joshua Eagan to the vacant position of POLICE LIEUTENANT effective July 12, 2020. Mr. Eagan is currently on the Police Lieutenant Exam #77-910. Salary is \$46.66 per hour, funds available in B3120.100.

BE IT FURTHER RESOLVED that the Town Board approves the recommendation of the Chief of Police in promoting Howard Widman and Robert Paas to the position of DETECTIVE SERGEANT effective July 12, 2020. Salary is \$47.06 per hour, funds available in B3120.100.

Moved: Hoak

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

ADOPTED	Ayes 5	Connolly, Farrell, Hoak, Petrie, Shaw
	Nays 0	

Abstain 0

Item #5 taken out of order at the beginning of the meeting after Item #4 for a presentation to the members of the Hamburg Police Department being promoted by the Town Board in the resolution.

6. Minutes of Previous Meeting

RESOLVED, that the Hamburg Town Board does hereby approve the minutes of the previous meeting as follows:

Town Board Work Session 6-22-2020
Town Board Meeting 6-22-2020

Moved: Hoak

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

ADOPTED **Ayes 5** **Connolly, Farrell, Hoak, Petrie, Shaw**
Nays 0
Abstain 0

7. RFP / Health Insurance Broker

RESOLVED, that the Hamburg Town Board authorizes the Town Attorney to distribute the attached Request for Proposals (RFP) to all qualified insurance brokerage firms for brokerage services as the Town's exclusive broker for all of its health insurance programs; and

BE IT FURTHER,

RESOLVED, that proposals are due to be delivered to the Hamburg Town Clerk no later than the close of business on September 1, 2020 or at such later date as the Town Attorney deems advisable.

Moved: Shaw

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

ADOPTED **Ayes 5** **Connolly, Farrell, Hoak, Petrie, Shaw**
Nays 0
Abstain 0

8. RFP - Food Pantry Services

BE IT RESOLVED that the Hamburg Town Board authorizes the Department of Community Development to release and advertise a Request for Proposals (RFP) for Food Pantry Services via CDBG-CV funds in response to the COVID-19 crisis. RFP to be released on July 10, 2020 and opened on July 29, 2020 at 11:00 a.m. within the Department of Community Development.

MOVED FARRELL:

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

ADOPTED **Ayes 5** **Connolly, Farrell, Hoak, Petrie, Shaw**
Nays 0
Abstain 0

9. Hiring - Personnel

Approve the appointment to the full time position of Payroll Clerk within the Personnel Department

RESOLVED, that the Town Board approve the appointment of _____ to the full time position of Payroll Clerk within the Personnel Department. The appointment is subject to all preconditions of employment including but not limited to a pre-employment background check and physical. This appointment is effective July 7, 2020, at a rate of \$_____ per hour (\$4_,000 annually). Funds are available in A1430.1.

MOVED: Shaw

On a motion of Supervisor Shaw, seconded by Councilman Farrell, the following resolution was ADOPTED Ayes 5 Connolly, Farrell, Hoak, Petrie, Shaw Nays 0 Abstain 0

Item was approved as read into the record by Supervisor Shaw. The information inserted into the three (3) blank spaces intentionally left open were read as follows:

"...appointment of **Theresa Gier** to the full time position of Payroll Clerk..."

"...effective July 7, 2020, at a rate of **\$20.99** per hour (**\$44,000** annually)."

(Bold emphasis added)

Supervisor Shaw stated that the position has been left vacant for approximately six (6) months saving around \$22K and the salary per annum is \$11K less than the previous employee to occupy the position.

10. Youth Rec Seniors PAF

BE IT RESOLVED, that the Town Board approve the termination and hiring of personnel for the Youth, Recreation and Senior Services Dept. as follows:

MOVED: Connolly

TOWN OF HAMBURG - PERSONNEL ACTION FORM									
Date of Request:	7/1/20		Department:	Youth, Recreation, Senior Services					
Department Head Signature:									
Supervisor Signature:					Date:				
TOWN BOARD MEETING OF	7/6/20								
PAGE	1	of	1						
I request that a Town Board Resolution be adopted approving the following personnel action:									
#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/temp hourly rate	Termination Date	
1	4991	Allen, Evan	R	Rec Attd-A7310-Seas	7/6/20		\$11.80		
2		Beck, Brian	N	Rec Attd-ER7251-Seas	7/7/20		\$12.25		
3	4993	Chlosta, Jaylin	R	Rec Attd-A7310-Seas	7/6/20		\$11.80		
4	4000	Galus, Emily		Rec Attd-A7310					7/7/2020
5		Golembiewski, Jason	N	Rec Attd-ER7251-Seas	7/7/20		\$12.25		
6	5003	Kwiatkowski, Emily	R	Rec Attd-A7310-Seas	7/6/20		\$11.80		
7	5024	Mecca, Laura	R	Rec Attd-A7310-Seas	7/6/20		\$11.80		
8	4186	Sullivan, Amanda	R	Rec Attd-A7310-Seas	7/7/20		\$12.05		
9	4808	Tomasi, Carmen	R	Rec Attd-ER7251-Seas	7/7/20		\$12.50		
10	4358	Volk, Charles		Rec Attd-A7310-P/T					7/4/2020
		4358 Volk, Charles	R	Rec Attd-ER7251-P/T	7/5/20		\$13.00		
11	5000	Bialy, Tara	R	Rec Attd-A7310-Seas	7/6/20		\$13.25		
12	4996	Moran, David	R	Rec Attd-A7310-Seas	7/6/20		\$11.80		
13	4797	Anderson, William	R	Rec Attd-A7310-Seas	7/6/20		\$11.80		

On a motion of Councilman Connolly, seconded by Supervisor Shaw, the following resolution was ADOPTED Ayes 5 Connolly, Farrell, Hoak, Petrie, Shaw Nays 0 Abstain 0

A motion was made Councilman Connolly, seconded Supervisor Shaw, to withdraw the item from the agenda.

Motion was APPROVED 5 - 0

11. New Hire - Court Officer

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 hire Vincent Costello to the part-time position of Court Officer, with a start date of Monday, July 6, 2020, salary is \$20.00 per hour.

Moved: Hoak

On a motion of Councilman Hoak, seconded by Councilman Connolly, the following resolution was

ADOPTED **Ayes 5** **Connolly, Farrell, Hoak, Rybczynski, Shaw**
Nays 0
Abstain 0

Supervisor Shaw stated that the hiring of a new Court Officer was necessitated by the Office of Court administration requirement that a Court Officer be present whenever court is in session.

12. Authorize Supervisor to execute Labor Relations Consultant Agreement

RESOLVED, that the Town of Hamburg authorizes its Supervisor to execute the attached contract on behalf of the Town with Mr. Charles J. Naughton, Esq. for professional services encompassing Labor Relations Consulting, as is more fully set forth in the contract.

Moved: Shaw

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

ADOPTED **Ayes 4** **Connolly, Farrell, Hoak, Shaw**
Nays 1 **Petrie**
Abstain 0

Councilman Petrie in the negative on the vote to APPROVE.

13. Equipment Purchases/Amended Resolution

WHEREAS, the Hamburg Town Board by the adoption of a motion made at its regular meeting of June ____, 2020 agreed to table a resolution pertaining to the Town's purchase of equipment including, but not limited to, vehicles, machines and tools; and

WHEREAS, the Town Board agrees upon motion to withdraw the tabled resolution and submit the following resolved clauses to establish a policy for the balance of this calendar year pertaining to the Town's purchase of all vehicles, machines, tools, and other equipment, as follows;

RESOLVED, no department of Town Government may purchase any equipment, including vehicles, machines, and/or tools which exceed the amount of two thousand dollars (\$2,000) absent the express written permission of the Town Supervisor; and

BE IT FURTHER,

RESOLVED, that the Supervisor shall grant his permission in circumstances wherein a given department is contractually obligated to make such a purchase or the given item under consideration is essential to a department's successful operation or is occasioned by some emergency; and

BE IT FURTHER,

RESOLVED, in the event that a given department head takes issue with the Supervisor's determination, the Supervisor shall electronically canvass the Town Board to secure a majority decision as to the need for the given purchase.

Moved: Shaw

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

ADOPTED **Ayes 5** **Connolly, Farrell, Hoak, Petrie, Shaw**
Nays 0

Abstain 0

14. 4535 Southwestern Boulevard Rezoning Request

Whereas, the Town of Hamburg received a request from JSEK Holdings LLC to rezone a portion of the property located at 4535 Southwestern Boulevard (a portion of SBL# 171.09-1-13.1) from C-1 (Local Retail Business District) to C-2 (General Commercial District) in order to construct a car wash facility; and

Whereas, the Code Review Committee reviewed the application and found merit in entertaining this request; and

Whereas, the Hamburg Town Board referred this rezoning request to the Planning Board for its review and recommendation; and

Whereas, on April 22, 2020 the Hamburg Planning Board forwarded a negative recommendation regarding this rezoning request and Town Board members were provided with a detailed email outlining Board members' general reasoning, as well as individual Planning Board members' opinions.

Now, Therefore, Be It Resolved, that the Hamburg Town Board hereby schedules a public hearing on this rezoning request to be held on July 20, 2020.

Moved: Petrie

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

ADOPTED

Ayes 5

Connolly, Farrell, Hoak, Petrie, Shaw

Nays 0

Abstain 0

15. Code Amendments

Whereas, the Hamburg Town Code contains and specifies the local laws and ordinances of the Town of Hamburg; and

Whereas, draft language has been prepared for proposed amendments relating to the removal of dead trees, restoration of a damaged non-conforming structure, lapse of Zoning Board of Appeals variances, swimming pool definitions and setback requirements and setbacks of monument signs (see attached amendments); and

Whereas, pursuant to Municipal Home Rule Law, the Hamburg Town Board is proposing to enact a local law as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Hamburg Town Code as follows (full copies attached):

Amend Chapter 90 (Dead Trees) by deleting Section 90-3 (Removal of Dead Trees) and replacing it as follows:

90-3 Removal of Dead Trees. Any dead or abandoned trees that have been felled, produce a hazardous or dangerous condition, are exposed to a risk of fire or produce an uncleanly condition shall be removed from the real property by the owner(s) thereof within a specified time determined by the Code Enforcement Official involved.

Amend Chapter 280 (Zoning), "Article XLV. Zoning Board of Appeals", by deleting under Section 280-311 "paragraph J. Lapse of authorization", sub-paragraph (1), and replacing it with a new sub-paragraph (1) as follows:

(1) Lapse of authorization. Any variance, special use permit or modification of regulations authorized by the Zoning Board of Appeals (ZBA) shall be automatically revoked unless a building permit conforming to all of the conditions and requirements established by the ZBA is obtained within six (6) months of the date of approval by the ZBA. All extensions shall be coordinated with the Planning Board if Site Plan Approval is required.

Amend Chapter 280 (Zoning) "Article XLI Nonconforming Uses" by deleting Section 280-288 "Restoration" and replacing it as follows:

280-288 Restoration. If a building or structure containing a nonconforming use has been damaged by fire or other causes to the extent of 50% or more of its equalized assessed value as determined by the Town of

Hamburg Assessor, and the owner of said building or structure wishes to rebuild or repair it, it must be rebuilt or repaired in kind in conformance with chapter 280-289. In such reconstruction, neither the floor area nor the cubical content of the nonconforming use shall be increased from the floor area or cubical content of the nonconforming use prior to the time of the damage.

Amend Chapter 232 (Swimming Pool Code) "Article I In General" by deleting the definition of "Private Swimming Pools" in Section 232-1 "Definitions" and adding the following definitions:

In ground swimming pool: "A residential or commercial swimming pool constructed or installed in ground by means of monolith concrete application, gunite application, prefabricated composite fiberglass unit installation or vinyl liner waterproofing PVC membrane installed over the composite or steel wall construction that creates permanent impervious structure and becomes a part of the real estate property."

Above ground swimming pool: "A swimming pool built on the ground, typically constructed of steel having an interior vinyl membrane to contain the water, which can be drained and moved to another location if necessary."

Amend Chapter 232 (Swimming Pool Code) "Article VI Location" by deleting Section 232-14 "Location" and replacing it as follows:

No above ground swimming pool or in ground swimming pool shall be erected closer than ten (10) feet from the rear or side property lines and no closer than (10) feet from the principal dwelling. The swimming pool shall in all other respects comply with the State Building Code and the Town of Hamburg Zoning Code."

Amend Chapter 280 (Zoning) "Article XXXVI Sign Regulations" by deleting under Section 280-240 Signs Allowed in Commercial and Industrial District" paragraph F subparagraph (1) and replacing it with subparagraph (1) as follows:

Be located no closer than ten (10) feet from the front property line and be no less than 20 feet from any other property line.

Amend Chapter 76 (Building Construction and Fire Prevention) by deleting Section 76-24 L ("Issuance of permits to connect to sewers restricted") and replacing it as follows:

"The Code Enforcement Official shall not issue a permit to anyone to connect with the sewers in the Town of Hamburg or perform any and all plumbing work, both interior and exterior, unless such person is a duly licensed Master Plumber or Site Utility Contractor."

Amend Chapter 76 (Building Construction and Fire Prevention) by deleting Section 76-24 C (2) and replacing it as follows:

"The applicant shall file with the Code Enforcement Official proof of insurance, Workers' Compensation (C-105.2) and Disability (DB-120.1) naming the Town of Hamburg as an additional insured, as well as clarification that the contractor's coverage is primary and noncontributory. The applicant shall all file evidence of workers' compensation coverage in accordance with New York State requirements."

Now, Therefore, Be It Resolved, that the Hamburg Town Board sets a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on July 20, 2020.

Moved: Shaw

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

ADOPTED

Ayes 5

Connolly, Farrell, Hoak, Petrie, Shaw

Nays 0

Abstain 0

16. Open Development Area South Creek Road

Whereas, the Town of Hamburg received a request from Carmina-Wood-Morris DPC on behalf of the property owner, Michael Stachera, to have 3 parcels of land located around 3601 South Creek road to be declared an Open Development Area in accordance with NYS Town Law, Article 16, Section 280-a; and

Whereas, Hamburg Town Board members reviewed the materials submitted and, although they have concerns, found enough merit in the request to begin the process.

Now, Therefore, Be It Resolved, that, in accordance with NYS Town law, the Hamburg Town Board hereby refers the request (creation of an open development area) to the Planning Board for its review, input and recommendation; and

Be It Further Resolved that the Hamburg Town Board would like to obtain additional input through the New York State Environmental Quality Review (SEQR) process and hereby requests that the Planning Board begin a coordinated SEQR review and establish itself as SEQR Lead Agency (the Planning Board has Subdivision approval powers for this project).

Moved: Petrie

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

ADOPTED **Ayes 5** **Connolly, Farrell, Hoak, Petrie, Shaw**
Nays 0
Abstain 0

17. Intermunicipal Agreement

Inter-Municipal Agreement between the County of Erie and the Town of Hamburg for awarded Pedestrian Safety Action Project Grant

WHEREAS, the County of Erie has been approved and is receiving funding through the NYSDOT 2018 Pedestrian Safety Action Plan Grant Program, PIN 5762.70. Erie County PSAP; and

WHEREAS, such funding is allocated for pedestrian safety improvements at signalized intersections and uncontrolled crosswalks, including improved signage and striping; and

WHEREAS, such treatments shall occur on both Town of Hamburg and the County of Erie rights-of-way, permission from the Town of Hamburg is required to allow the County access to Town roads for such construction, which will include the placement of enhanced signage and pavement markings; and

WHEREAS, the Town of Hamburg has received a proposed grant agreement with the County of Erie entitled Federal-Aid Project Inter Municipal Agreement Release to Perform Contract Work on Public Land (the "Agreement"); and

WHEREAS, the Town Board has reviewed the proposed Agreement and recommended approval; and

THEREFORE, BE IT RESOLVED, that the Town Board does hereby approve the proposed agreement and authorizes the Supervisor to execute the Agreement on behalf of the Town of Hamburg; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately but the Agreement is contingent upon approval by the County of Erie and execution of the Agreement by the representative of the County of Erie.

Moved: Farrell

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

ADOPTED **Ayes 5** **Connolly, Farrell, Hoak, Petrie, Shaw**
Nays 0
Abstain 0

18. Authorization to Sign Retainer Agreement for LED project

WHEREAS, the Town of Hamburg has selected a general contractor to convert all Town street lights in to LED lighting; and

WHEREAS, the overall LED project will be financed through securing bonded indebtedness, along with financing for additional capital projects as the Town Board may subsequently determine; and

WHEREAS, upon the recommendation of the Town Attorney who has reviewed proposals from law firms who have responded to the Town's request for proposals;

NOW THEREFORE, BE IT

RESOLVED, that the Town of Hamburg shall sign a retainer agreement with the Firm of _____ to provide professional services in conjunction with the foregoing purpose premised upon that law firm's proposal received by the

Hamburg Town Clerk on the 1st of July, 2020.

Moved: Shaw

On a motion of Supervisor Shaw, seconded by Councilman Connolly, the following resolution was ADOPTED Ayes 5 Connolly, Farrell, Hoak, Petrie, Shaw Nays 0 Abstain 0

19. Authorization/Grant Applications

WHEREAS, the Town of Hamburg has made a number of grant applications to the State of New York and various other entities in the public and private sector; and

WHEREAS, some grant applications require that the Town match the amount of the grant the Town requests by contributing a proportional share of the amount requested, in some instances to the extent of 50% of the overall amount requested;

NOW THEREFORE, BE IT

RESOLVED, that only the Town Board by majority vote may authorize a grant application to any entity which requires the Town to contribute funding as a part of its grant award.

Moved: Shaw

On a motion of Supervisor Shaw, seconded by Councilman Connolly, the following resolution was ADOPTED Ayes 5 Connolly, Farrell, Hoak, Petrie, Shaw Nays 0 Abstain 0

Item was approved as read into the record by Supervisor Shaw. The information inserted into the one (1) blank space intentionally left open in the Resolved clause was read as follows:

"...retainer agreement with the Firm of **Harris Beach** to provide professional services..."

(Bold emphasis added)

20. Grants & Donations

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

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

WHEREAS, these items are not included in the 2020 budget,

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

Receipt Amount	Revenue Code To Increase	Expenditure Code To Increase	Purpose/Source
\$ 2,638.58	B. 2705	B.3120.411	Donation - Prusak, Command Officers Assoc, Wesleyan Church, Hamburg Town PBA
\$ 400.00	A. 2001.35	A.7310.412	Donation from Sean Ryan for Assembly
\$ 887.24	B. 2610	B.3120.411	Forfeited Assets
\$ 2,000.00	A. 3661	A.3125.440	Erie County Youth Bureau Grant
\$ 243.20	A. 1972	A.6772.412	Erie County Senior Center Grant
\$ 275.00	A. 1972.40	A.6780.486	Participants Council Donations
\$50,828.40	B. 3095	B.3120.101	Erie County DWI OT Reimbursement
\$ 2,770.00	A. 3095	A.1110.492	Erie County DWI Court
Total:			
\$ 60,042.42			

Moved: Shaw

On a motion of Supervisor Shaw, seconded by Councilman Farrell, the following resolution was ADOPTED Ayes 5 Connolly, Farrell, Hoak, Petrie, Shaw

Nays 0
Abstain 0

21. Recoveries and Sales

WHEREAS, the Town of Hamburg receives insurance proceeds, rental income, and reimbursements for services from time to time and,

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

WHEREAS, these items are not included in the 2020 budget,

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

Receipt Amount	Revenue Code To Increase	Expenditure Code To Increase	Purpose/Source
\$ 3,000.00	A..2411	A.1650.204.1	Tower Rental Proceeds
\$ 685.00	A..2665	A.1640.413	Sale of equipment to Auctions International Inc.
\$ 25,179.36	B..2665	B.3120.202	Sale of Equipment to Village of Blasdell Police Dept. and McCandless Ford
\$ 31,405.66	B..2680	B.3120.460	U.S Specialty Insurance recovery
\$ 225.00	A..2680	A.1640.413	U.S Specialty Insurance recovery
\$ 674.40	B..2680	B.3120.460	Progressive Insurance recovery
\$ 882.00	A..2665	A.7310.412	Sale of equipment to Auctions International Inc.
\$ 300.00	B..2665	B.3120.411	Sale of equipment to the Erie County Sheriff Department
\$ 5,000.00	B..2680	B.3120.202	U.S Specialty Insurance recovery
\$ 1,204.00	A..2680	A.7230.456	VFIS Insurance recovery
Total:			
\$ 68,555.42			

Moved: Shaw

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

Ayes 5
Nays 0
Abstain 0

Connolly, Farrell, Hoak, Petrie, Shaw

22. Resolution for Parking Violation

WHEREAS, these parking violations amendments are being adopted to increase the Town Parking violation fines to assist the Town to financially promote the health, safety and welfare of the Town of Hamburg and its residents.

WHEREAS, that the local law section 185-8 of the Town Code of the Town of Hamburg be amended to provide as follows: Any person, firm or corporation permitting any vehicle to remain parked or standing on any street contrary to the provisions of this code shall, upon conviction, be punished for the first offense by a fine not exceeding \$50, and for the second offense by a fine not exceeding \$80. A third or any subsequent offense within one year may be punishable by a fine not exceeding \$120 or by imprisonment for a time not exceeding 30 days, or by both such fine and imprisonment.

WHEREAS, that the local law section 188.21 of the Town Code of the Town of Hamburg be amended to provide as follows: A. The driver of said motor vehicle entering said park without displaying a valid use permit shall be guilty of an offense punishable by a fine of not more than \$50.00., for the second offense by a fine not exceeding \$80. A third or any subsequent offense within one year may be punishable by a fine not exceeding \$120 or by imprisonment for a time not exceeding 30 days, or by both such fine and imprisonment.

WHEREAS, The requirements of these Local Laws shall apply to all parking violations as well as parking at Hamburg Town Park without a valid use permit in the Town of Hamburg

WHEREAS, These local law shall take effect immediately upon filing with the New York Secretary of State.

NOW THEREFORE BE IT RESOLVED, the Town Board is proposing to enact a local law to be known as Proposed Local Law #4 of 2020 which is listed above hereto which shall apply within the jurisdiction of the Town of

Hamburg, and

BE IT FURTHER RESOLVED, the Town Board sets a Public Hearing on this proposed Local Law at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on July 20, 2020.

Moved: Shaw

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

ADOPTED

Ayes 5

Connolly, Farrell, Hoak, Petrie, Shaw

Nays 0

Abstain 0

A motion to AMEND was made by Supervisor Shaw, seconded by Councilman Petrie, to replace the fine structure listed to the one listed below for first (1st), second (2nd) and third (3rd) offenses effectively deleting the second (2nd) WHEREAS clause and replacing it with the following:

WHEREAS, that the local law section 185-8 of the Town Code of the Town of Hamburg be amended to provide as follows: Any person, firm or corporation permitting any vehicle to remain parked or standing on any street contrary to the provisions of this code shall, upon conviction, be punished for the first (1st) offense a minimum fine of \$40.00 and a maximum fine not to exceed \$60.00; for the second (2nd) offense a minimum fine of \$90.00 and a maximum fine not to exceed \$110.00; for the third (3rd) offense a minimum fine of \$140.00 and a maximum fine not to exceed \$160.00 or by imprisonment for a time not exceeding Thirty (30) days, or by both such fine and imprisonment.

The motion to AMEND was APPROVED 5 - 0

A motion was made by Supervisor Shaw, seconded by Councilwoman Hoak, to APPROVE item as AMENDED

The motion was APPROVED as AMENDED

23. Budget Reductions to Combat COVID-19 Projected Deficit

WHEREAS, The Town of Hamburg, like other municipalities, throughout our State and Nation has suffered severe declines in revenue owing to the COVID-19 pandemic and the consequent collapse of our National economy; and

WHEREAS, the Town's Director of Finance, Samantha Tarczynski, and consultant, Drescher & Malecki have issued preliminary predictions to the effect that the Town will suffer severe losses of mortgage tax and sales tax revenue owing to the pandemic along with sharp declines in revenues generated by the Town's imposition of fees, assessments and various fines that may be imposed; and

WHEREAS, the Town of Hamburg has a fundamental duty to address the severe economic downturn that impacts our Community rendering it difficult for thousands of our fellow residents to meet fundamental living expenses necessary to sustain their families;

NOW THEREFORE, BE IT,

RESOLVED, that the Town of Hamburg adopt the below budgetary transfers from the accounts listed to each respective fund's contingency account, not to be spent but rather to offset anticipated revenue losses as discussed by the Town Board and Director of Finance at the June 29, 2020 Special Meeting.

Town of Hamburg						
2020 Budget Transfer due to COVID-19 Projected Deficit						
Projected Shortfalls through 5/31/20 Budget Monitoring Report						
			Less Below Adjusted Remainde Deficit			
A Fund:	\$	1,265,191.00	\$	(560,458.00)	\$	704,733.00
B/D/B Fund:	\$	1,411,356.00	\$	(184,266.00)	\$	1,227,090.00
Total Projected Deficit:	\$	2,676,547.00	\$	(744,724.00)	\$	1,931,823.00
Account Number	Account Name	Adopted Budget	Spent through 5/31	Budget Adjustment	New Budget	Remainde Funds
A.1110.102	Town Justice Part Time	\$ 65,210.00	\$ 16,560.00	\$ (15,000.00)	\$ 50,210.00	\$ 33,650.00
A.1110.492	Town Justice Seminars	\$ 6,000.00	\$ -	\$ (4,071.00)	\$ 1,929.00	\$ 1,929.00
A.1310.492	Finance & Admin Seminars	\$ 1,500.00	\$ 392.00	\$ (1,108.00)	\$ 392.00	\$ 392.00
A.1345.422	Central/Purchasing Heat, Light & Power	\$ 425,200.00	\$ 114,399.00	\$ (100,000.00)	\$ 325,200.00	\$ 210,801.00
A.1355.102	Assessors Part Time	\$ 28,231.00	\$ 5,744.00	\$ (5,000.00)	\$ 18,231.00	\$ 12,487.00
A.1410.101	Town Clerk Overtime	\$ 7,016.00	\$ 1,955.00	\$ (3,000.00)	\$ 4,016.00	\$ 2,061.00
A.1410.492	Town Clerk Seminars	\$ 1,600.00	\$ -	\$ (1,600.00)	\$ -	\$ -
A.1420.101	Law Overtime	\$ 900.00	\$ -	\$ (450.00)	\$ 450.00	\$ 450.00
A.1420.492	Law Seminars	\$ 1,500.00	\$ -	\$ (1,500.00)	\$ -	\$ -
A.1440.101	Engineering Overtime	\$ 5,000.00	\$ -	\$ (2,500.00)	\$ 2,500.00	\$ 2,500.00
A.1440.492	Engineering Seminars	\$ 1,500.00	\$ -	\$ (1,500.00)	\$ -	\$ -
A.1640.403	Central Garage Gas & Oil	\$ 160,000.00	\$ 26,514.00	\$ (80,000.00)	\$ 100,000.00	\$ 73,486.00
A.1690.492	Information Technology Seminars	\$ 4,250.00	\$ -	\$ (4,250.00)	\$ -	\$ -
A.1970.492	Special Items Seminars	\$ 4,500.00	\$ 125.00	\$ (4,375.00)	\$ 125.00	\$ -
A.3121.492	Youth Bureau Seminars	\$ 3,300.00	\$ -	\$ (3,300.00)	\$ -	\$ -
A.3620.492	Safety Inspection Seminars	\$ 2,550.00	\$ 1,890.00	\$ (660.00)	\$ 1,890.00	\$ -
A.3630.481	Defensive Driving Course	\$ 4,000.00	\$ 1,311.00	\$ (2,500.00)	\$ 1,500.00	\$ 189.00
A.5010.101	Superintendent of Highways Overtime	\$ 3,000.00	\$ 30.00	\$ (2,000.00)	\$ 1,000.00	\$ 970.00
A.5010.492	Superintendent of Highways Seminars	\$ 2,500.00	\$ 1,509.00	\$ (991.00)	\$ 1,509.00	\$ -
A.6772.102	Programs for Assns Part Time	\$ 279,835.00	\$ 103,364.00	\$ (75,000.00)	\$ 204,835.00	\$ 101,471.00
A.6780.102	Adult Day (Rac) Part Time	\$ 115,802.00	\$ 48,399.00	\$ (20,000.00)	\$ 95,802.00	\$ 47,409.00
A.7020.101	Recreation Administration Overtime	\$ 6,222.00	\$ -	\$ (3,000.00)	\$ 3,222.00	\$ 3,222.00
A.7020.472	Recreation Admin Special Events	\$ 10,000.00	\$ -	\$ (5,000.00)	\$ 5,000.00	\$ 5,000.00
A.7020.492	Recreation Admin Seminars	\$ 3,700.00	\$ 47.00	\$ (3,653.00)	\$ 47.00	\$ -
A.7140.101	Playgrounds & Rac (B&G) Overtime	\$ 146,000.00	\$ 39,039.00	\$ (50,000.00)	\$ 96,000.00	\$ 56,961.00
A.7140.102	Playgrounds & Rac (B&G) Part Time	\$ 200,000.00	\$ 51,124.00	\$ (75,000.00)	\$ 125,000.00	\$ 73,876.00
A.7140.413	Playgrounds & Rac (B&G) Repair & Maint	\$ 125,000.00	\$ 22,085.00	\$ (25,000.00)	\$ 100,000.00	\$ 77,915.00
A.7180.102	Town Park Operations (Rac) Part Time	\$ 127,371.00	\$ 20,095.00	\$ (40,000.00)	\$ 87,371.00	\$ 67,276.00
A.7250.102	Town Park Maintenance Part Time	\$ 30,249.00	\$ 7,653.00	\$ (10,000.00)	\$ 20,249.00	\$ 12,596.00
B.3120.202	Police Vehicles	\$ 169,575.00	\$ 114,559.00	\$ (55,016.00)	\$ 114,559.00	\$ -
B.3120.207	Police Computer System	\$ 43,000.00	\$ 15,988.00	\$ (13,000.00)	\$ 30,000.00	\$ 14,012.00
B.3120.403	Police Gas & Oil	\$ 190,000.00	\$ 36,639.00	\$ (50,000.00)	\$ 140,000.00	\$ 103,361.00
B.3120.411	Police Supplies	\$ 124,000.00	\$ 31,560.00	\$ (30,000.00)	\$ 94,000.00	\$ 62,440.00
B.3120.480	Police Repairs & Maintenance	\$ 120,000.00	\$ 36,032.00	\$ (20,000.00)	\$ 100,000.00	\$ 63,968.00
B.3120.492	Police Seminars	\$ 15,000.00	\$ -	\$ (15,000.00)	\$ -	\$ -
B.3160.435	Refuse Collection Advertising	\$ 2,500.00	\$ -	\$ (1,250.00)	\$ 1,250.00	\$ 1,250.00
ER.7250.102	Golf Course Maintenance Part Time	\$ 90,887.00	\$ 2,979.00	\$ (20,000.00)	\$ 70,887.00	\$ 67,908.00
ER.72501.102	Golf Course Operations (Rac) Part Time	\$ 108,350.00	\$ 3,919.00	\$ (20,000.00)	\$ 83,350.00	\$ 79,431.00
Total A + ER Funds Budget Reductions				\$	(560,458.00)	
Total B Fund Budget Reductions				\$	(184,266.00)	
Total Budget Reductions				\$	(744,724.00)	

BE IT FURTHER,

RESOLVED, , that the Town of Hamburg adopt the below budgetary transfers from the accounts listed to each respective fund's contingency account, not to be spent but rather to offset anticipated revenue losses as directed by department head input.

Account Number	Account Name	Adopted Budget	Budget Reduction
A.1110.0102	Justice Court - Part Time	\$ 65,210.00	\$ (1,929.00)
A.1110.0453	Justice Court - Stenographers	\$ 12,500.00	\$ (4,050.00)
A.1220.451	Supervisor - Miscellaneous	\$ 2,593.00	\$ (400.00)
A.1310.455	Finance & Administration - Actuary and appraisal	\$ 6,000.00	\$ (2,500.00)
A.1310.456	Finance & Administration - Consultant Fees	\$ 25,000.00	\$ (1,333.00)
A.1355.0440.1	Assessing - Review Board Stenographer	\$ 2,200.00	\$ (2,200.00)
A.1355.0440.7	Assessing - Real Property Appraiser -G.AR	\$ 55,000.00	\$ (5,000.00)
A.1355.0451	Assessing - Misc.	\$ 1,500.00	\$ (1,000.00)
A.1410.435	Town Clerk - Advertising	\$ 8,000.00	\$ (1,046.90)
A.1410.451	Town Clerk - Miscellaneous	\$ 2,900.00	\$ (1,000.00)
A.1420.102	Legal - Part Time	\$ 117,590.00	\$ (8,422.00)
A.1440.0202	Engineering - Vehicles	\$ 10,000.00	\$ (10,000.00)
A.1440.0202	Vehicles	\$ 10,000.00	\$ (10,000.00)
A.1440.0203.1	Engineering - Field Equipment	\$ 250.00	\$ (240.00)
A.1440.0203.1	Field Equipment	\$ 250.00	\$ (240.00)
A.1440.0456	Engineering - Consultant fees	\$ 6,850.00	\$ (1,465.00)
A.1440.0456	Consultant fees	\$ 6,850.00	\$ (1,465.00)
A.1620.413	B&G - Repair & Maintenance	\$ 59,599.00	\$ (10,000.00)
A.1650.204	Central Communication Systems - Radio Equipme	\$ 50,000.00	\$ (5,000.00)
A.1650.460	Central Communications Systems - Repair and Ma	\$ 10,000.00	\$ (1,000.00)
A.1670.433	Central Printing & Mailing - Postage	\$ 65,000.00	\$ (20,000.00)
A.1690.414	Information Technology - Stationary and Office Su	\$ 3,325.00	\$ (1,500.00)
A.1690.421.1	Information Technology - Cellphones	\$ 42,000.00	\$ (5,000.00)
A.3020.203	Public Safety Dispatch - Office Equipment	\$ 15,000.00	\$ (1,500.00)
A.3020.423	Public Safety Dispatch - Service Contracts	\$ 81,893.00	\$ (1,900.00)
A.3225.0452	Domestic Violence - Mileage	\$ 500.00	\$ (400.00)
A.3310.303	B&G - Permanent Improvements	\$ 8,000.00	\$ (8,000.00)
A.3310.413	B&G - Repair & Maintenance	\$ 4,338.01	\$ (2,000.00)
A.3510.451	Dog Control - Miscellaneous	\$ 400.00	\$ (200.00)
A.3510.462	Dog Control - Legal & Professional	\$ 14,000.00	\$ (1,165.00)
A.3510.465	Dog Control - Uniform Maintenance	\$ 250.00	\$ (100.00)
A.3620.423.3	Safety Inspection - Service Contracts Wendel	\$ 12,175.00	\$ (3,000.00)
A.5010.203	Office Equipment	\$ 4,500.00	\$ (2,000.00)

A.7140.460.1	B&G - Pool	\$ 8,437.24	\$ (4,000.00)
A.7141.413	B&G - Repair & Maintenance	\$ 20,955.00	\$ (12,000.00)
A.7180.206	Beach & Fitness Operations - Recreation Equipme	\$ 13,000.00	\$ (1,150.00)
A.7410.303	B&G - Permanent Improvements	\$ 14,925.64	\$ (8,000.00)
A.7410.423	B&G - Service Contracts	\$ 7,886.68	\$ (4,000.00)
A1355.0203	Assessing - Equipment	\$ 2,000.00	\$ (1,500.00)
A1410.414	Town Clerk - Stat. & Office Supplies	\$ 2,865.00	\$ (500.00)
A1410.423	Town Clerk - Service Contracts	\$ 33,094.00	\$ (2,500.00)
A1410.452	Town Clerk - Mileage	\$ 200.00	\$ (200.00)
A3121.451	Youth Bureau - Miscellaneous	\$ 800.00	\$ (800.00)
A3121.451	Youth Bureau - Mileage	\$ 200.00	\$ (200.00)
A6772.412	Programs for the Aging - Recreation Supplies	\$ 15,000.00	\$ (5,000.00)
A6772.434	Programs for the Aging - Printing & Publicity	\$ 7,000.00	\$ (3,300.00)
A6772.440.5	Programs for the Aging - Contractual Instructors	\$ 50,000.00	\$ (4,000.00)
A6780.412	Adult Day - Recreational Supplies	\$ 9,000.00	\$ (4,580.00)
A7020.203	Recreation Administration - Office Equipment	\$ 6,000.00	\$ (2,000.00)
A7020.434	Recreation Administration - Printing	\$ 7,000.00	\$ (2,140.00)
A7180.441	Beach & Fitness Operations - Snack Bar Supplies	\$ 2,000.00	\$ (1,000.00)
A7310.424	Youth - Transportation	\$ 17,000.00	\$ (17,000.00)
B.8020.0451	Planning Board - Miscellaneous	\$ 500.00	\$ (350.00)
B.8160.440	Highway Dept. Road Pickup	\$ 7,000.00	\$ (1,500.00)
DB.5110.205	Highway Dept. Signs & Signals	\$ 15,000.00	\$ (5,000.00)
DB.5110.440	Highway Dept. Contracted Personal Services	\$ 35,000.00	\$ (20,000.00)
DB.5110.473	Highway Dept. Ready Mix, Manhole Covers	\$ 40,000.00	\$ (20,000.00)
DB.5110.474	Highway Dept. Culvert Pipe	\$ 25,000.00	\$ (2,500.00)
DB.5130.403	Highway Dept. Gasoline & Oil	\$ 150,000.00	\$ (30,000.00)
DB.5130.413	Highway Dept. Repair & Maintenance Supplies	\$ 135,000.00	\$ (20,000.00)
DB.5130.460	Highway Dept. Repairs & Maint	\$ 107,614.00	\$ (25,053.20)
EI.7265.424	Ice Arena - Transportation	\$ 5,500.00	\$ (5,500.00)
ER.7251.412	Golf Course - Recreational Supplies	\$ 16,000.00	\$ (4,000.00)
ER.7251.451	Golf Course - Miscellaneous	\$ 13,500.00	\$ (4,400.00)
		Total Reductions:	\$ (327,229.10)
	Departmental Suggestions	Board Suggestions	Total Reductions:
General Fund Plus Enterprise	\$ (188,925.90)	\$ (560,458.00)	\$ (749,383.90)
Part Town Fund	\$ (1,850.00)	\$ (184,266.00)	\$ (186,116.00)
Highway Fund	\$ (122,553.20)	0	\$ (122,553.20)

Moved: Shaw

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

ADOPTED

Ayes 5

Connolly, Farrell, Hoak, Petrie, Shaw

Nays 0

Abstain 0

24. Audit of Cash Disbursements

RESOLVED, that the Audit and Disbursements for Monday July 6, 2020 be Received and Filed.

Moved: Shaw

TOWN BOARD AUDIT OF CASH DISBURSEMENTS		
MONDAY July 6, 2020		
OPERATING FUND		
Batch Number	Voucher Number	Amount
79	109122-109145	\$ 15,442.36
80	109157-109264	\$ 887,205.02
81	109257-109264	\$ 6,002.50
82	109265-109267	\$ 58,037.00
83	109154	\$ 179.46
84	109147-109153	\$ 22,642.44
Total Operating Fund Disbursements		\$ 989,508.78
TRUST AND AGENCY FUND		
Batch Number	Voucher Number	Amount
Total Trust and Agency Fund Disbursements		\$ -
CAPITAL FUND		
Batch Number	Voucher Number	Amount
10	109268-109269	\$ 55,489.05
Total Capital Fund Disbursements		\$ 55,489.05
PAYROLL		
Payroll Number		Amount
#12		\$ 866,376.81
#13		\$ 710,204.73
Total Payroll Disbursements		\$ 1,576,581.54
PETTY CASH		
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$ 2,621,579.37

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

Ayes 5 Connolly, Farrell, Hoak, Petrie, Shaw

Nays 0

Abstain 0

A motion was made by Supervisor Shaw, seconded by Councilman Connolly, to receive and file the Audit of Cash Disbursements for Monday, July 6, 2020.

The Motion was APPROVED 5 - 0

25. Executive Session

RESOLVED, that the Town Board shall enter into an executive session to discuss legal issues associated with pending employee disciplinary proceedings.

Moved: Shaw

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

Ayes 5 Connolly, Farrell, Hoak, Petrie, Shaw

Nays 0

Abstain 0

The Town Board went into Executive Session during the earlier scheduled Town Board Work Session.

26. Business from the Floor

Item Taken Out of Order without Agenda Item

Following Item # 5 Supervisor Shaw granted Highway Superintendent Ted Casey permission to present to the board, out of order, the "Town Wide Paving Plan," a 120 page document assembled to address the paving concerns within the Town of Hamburg. The report includes an estimate for the cost of materials, not equipment or labor, for the repair of each road.

Mr. Casey also presented and read two letters written by local business owners as follows:

Mr. Angelo Canna, Dos Amigos, 3800 Hoover Road, Blasdell, NY 14219

Mr. Jeffrey Donner, Gateway Printing, 3970 Big Tree Road, Hamburg, NY 14075

Supervisor Shaw stated that although the board was not given the Paving Plan to review prior to the meeting, there was no item on the agenda, and no vote would be taken regarding bonding or paving he would still allow any residents speak on the issue of paving.

Residents who spoke are as follows:

Ron Kazmierczak, 5145 Glendale Ave - provided pictures of the road in front of his house as evidence of the poor condition. Stated that it was unfair for all taxpayers to pay for other people's roads when their own went unattended to.

Debbie Jablonski, 4750 Clifton Pkwy - Just bought house on Clifton and is embarrassed by the condition of the road.

Mary Zelli, 4629 Chapman Pkwy - Lived on Chapman for 48 years and has only seen patchwork on the street, never repaving. She also has issues with water running over her grass and asked that a little stone be put there.

Jean Marie, 4540 Marie Drive - Been patching the road for years. It has cracks that are very dangerous to the many senior citizens living on the street. A tornado touched down and did further damage.

Kathleen Krasowski, 4900 Clifton Pkwy - Clifton has never been touched and is hazardous.

Victoria Drive Resident (name inaudible on recording) - Stated that he was concerned about Big Tree Road because of the erosion and degradation of the road surface. It is getting more dangerous.

Mr. Casey stated that the current budget allocation only allows for 10 - 20 lane miles to be done each year depending on the condition of the road. He also stated that statistically the fair roads will be poor in five (5) years adding that the study he introduced was done two (2) years ago meaning it is only three (3) years until that occurs.

Councilwoman Farrell asked Mr. Casey if the roads residents at the meeting mentioned are on the list to be paved this year. Mr. Casey responded that he has not decided which roads would be paved this year yet. He stated that a list of "targeted roads" would be posted by Friday of the week of July 6, 2020.

Mr. Casey stated that \$75,000 of paving money was allocated to "take care of the brush pile behind the Highway Department."

Councilwoman Hoak stated that due to the large nature of the project that she would like to see collaboration with the Highway Department to learn of paving practices, how they match up to industry standards, differ from other area municipalities, etc. She also stated that the Town would like to see the project life extend "many, many years" and would like some assurances relative to quality of materials, methods, etc. and mentioned the possibility of hiring a consultant to oversee "quality control."

Councilwoman Farrell concurred with Councilwoman Hoak and said that she would like to know how many lane miles may be done in a year, if the Highway Department is able to perform the work, etc.

Dan Petrinc, 5031 Thurston Ave. - Spoke about the water issues confronting Thurston Ave residents and gave a history of events going back to 2003. Stated he is frustrated that the Town Engineer has suggested a new drainage ditch and berm be installed, but the Highway Superintendent has stated he does not have the man power to do the work. Feels hiring a private

contractor would be wasteful.

Jon Rogers, 5057 Thurston Ave. - Has standing water for most of the summer and mosquitos, too. The issue has got to be resolved.

Supervisor Shaw promised that the Town Engineer would draw specifications for a new ditch on the North Side as she recommended and for the construction of two (2) berms to address the flooding and water issues. He continued that the work will be done by either the Highway Department or if they are unable it will be bid out by the end of July so that bids may be opened in and work start in late August or September. Supervisor Shaw finished by saying that he would have a resolution drawn up for the next meeting to start the process.

Councilman Connolly the issue is one that can be fixed and hopeful that Mr. Casey will be able to have the Highway Department perform the work as it will be around 1/3 the cost and be able to be done more quickly. He also promised that the job will be done.

Councilman Petrie agreed that the work needs to be done, it should be done by the Highway Department, but he is prepared to "do anything" to get the job done.

Councilwoman Farrell concurred that work has to be done, has spoken to Mr. Casey about the work and eager to hear his response.

Mr. Casey responded that the end of one of the pipes is now being replaced and widened. He added that he has never heard of a "parallel ditch." He then stated he had a stack of work orders going back "a couple of years" and does not have the usual part time help he has had in the past.

Supervisor Shaw emphasized that the work will get done before Winter and it will be according to the Engineer's recommendation.

Cheryl May, 4001 Buffalo Ave. - Spoke in response to the claim by Mr. Casey that he was short on man-power.

A question was posed asking, why the problem wasn't addressed sooner (over the past 40 years)?

Mr. Casey stated that the Highway Department is committed to doing the work, and informed the board in writing of his intention to do so, up to and including the additional ditch. First, on the advice of a "leading hydrologist" the existing pipe would be taken care of and the second ditch would be the last thing they do and disputed the necessity of that part of the work. He continued to say that if the board will allow him to "hire those part time workers we will allocate a crew to take care of that ditch post haste." Mr. Casey then asked the Board if they would allow him to hire the part timers he requested.

Supervisor Shaw responded that the question has already been addressed and that if the Highway Department is unable to do the work with the personnel they have then the Board will make other arrangements. He continued that the Town is facing a deficit and the Board is trying to deal with it without hurting the taxpayers.

Supervisor Shaw posed a question to Mr. Petrinic as to whether or not the second ditch recommended by the Town Engineer, based on his experience, would be a step in the right direction?

Mr. Petrinic responded in the affirmative and added that the ditch used to exist, but through years of neglect no longer exists.

Supervisor Shaw shifted focus back to the Agenda at approximately 8 PM to convene the Public Hearing addressing the Solar Law.

REPORTS FROM DEPARTMENT HEADS

-

Alissa Straus, Sr. Personnel Clerk - thanked the Board for hiring the additional staff for Personnel Dept.

Christopher Hull, Director of Community Development - Ready to release the COVID Money when it becomes available.

Jen Kosmowski, Domestic Violence - office is very busy...attributes the additional caseload to the current COVID situation.

Martin C. Denecke, Director, Recreation, Youth and Senior Services - COVID antibody testing will be done at Senior Citizen Center in conjunction with Erie County. The beach and golf course are doing very well. Also, a tennis grant will be coming in soon.

Sean Crotty, Sr. Dispatch Officer - asked by Councilman Petrie for an update on FEMA money. He replied that they are still

putting everything together and are getting closer.

RESIDENT COMMENTS

- Dan Petrinic - thanked the board for their concern and willingness to help.

Cheryl May - alleged that their has been selective enforcement and discipline by Superintendent Casey. She enumerates a number of allegations.

27. Meeting is adjourned by Supervisor

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

ADOPTED	Ayes 5	Connolly, Farrell, Hoak, Petrie, Shaw
	Nays 0	
	Abstain 0	

Meeting is adjourned at 8:39 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.

Town Clerk	<hr style="width: 200px; margin-left: auto; margin-right: 0;"/> Catherine A. Rybczynski, R.M.C.
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**TOWN OF HAMBURG, NEW YORK
REQUEST FOR PROPOSALS
TO PROVIDE HEALTH INSURANCE BROKER SERVICES
FOR TOWN OF HAMBURG, HIDA, HDC**

1. Introduction:

The Town of Hamburg, New York (the "Town") is currently seeking Proposal Statements from qualified brokers interested in serving as the Town's health insurance broker. Proposers interested in serving as the Town's health insurance broker are invited to respond to this request.

It is the Town's intent to select the Proposer(s) that provides the best solution to the Town's needs.

The Town reserves the right to amend this RFP. The Town reserves the right to reject any or all of the proposals, or any part thereof, submitted in response to this RFP, and reserves the right to waive formalities, if such action is deemed to be in the best interest of the Town. The Town reserves the right to request additional information from any proposer. The Town reserves the right to award negotiated contracts to one or more proposers.

This RFP is not intended and shall not be construed to commit the Town to pay any costs incurred in connection with any proposal or to procure or contract with any firm.

The Town will only contract with firms that do not discriminate against employee's or applicants for employment because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, citizenship, citizenship status or other status protected by New York State and Federal laws.

2. Proposal Procedures

Anticipated Schedule of Proposal

The following schedule is for informational purpose only. The Town reserves the right to amend this schedule at any time.

Issue RFP: _____, 2020

Proposals Due: _____, 2020

Selection Made: _____, 2020

Contract Signed: _____, 2020

3. General Requirements:

1. Each proposal shall be prepared simply and economically avoiding the use of elaborate promotional materials beyond what is sufficient to provide a complete, accurate and reliable presentation.
2. One (1) original and three (3) copies shall be submitted. Proposals MUST be signed. Unsigned proposals will be rejected.
3. Submission of the proposals shall be directed to:

Walter L. Rooth, III, Esq.
Town Attorney
6100 South Park Avenue
Hamburg, New York 14075

All proposals must be delivered to the above office on or before **, 2020 at 11:00 a.m. Proposals received after the above date and time will not be considered. The Town of Hamburg is under no obligation to return proposals.**

Responses submitted under this Request for Qualifications are subject to public disclosure under the New York State Freedom of Information Law. If the Broker does not want certain data disclosed for any purpose other than for evaluating the response, the Broker must prominently identify the sections or pages of the response which they wish to have restricted, if allowed by law.

4. Requests for clarification of this RFP must be written and submitted to Walter L. Rooth, III, Town of Hamburg Town Attorney, 6100 South Park Avenue, Hamburg, NY 14075 no later than ____. Formal written responses will be distributed by the Town of Hamburg on or before _____. NO COMMUNICATIONS OF ANY KIND WILL BE BINDING AGAINST THE TOWN, EXCEPT FOR THE FORMAL WRITTEN RESPONSES TO ANY REQUEST FOR CLARIFICATION.
5. Proposers may be required to give an oral presentation to the Town to clarify or elaborate on the written proposal. Those proposers will be notified to arrange specific times.
6. No proposal will be accepted from nor any agreement awarded to any proposer that is in arrears upon any debt or in default of any obligation owed to the Town. Additionally, no agreement will be awarded to any proposer that has failed to satisfactorily perform pursuant to any prior agreement with the Town.
7. Certified Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) proposers should include the Erie County certification letter with the proposal.
8. If proposer is a Veteran Owned Business, proposer should include a letter indicating the company is 51% or more Veteran-owned.

9. **All proposers submitting proposals must include a cost proposal in a separate sealed envelope clearly labeled with the proposer name, due date of proposal, proposal name (TOWN OF HAMBURG REQUEST FOR PROPOSALS ("RFP") TO PROVIDE HEALTH INSURANCE BROKERAGE SERVICES).**

4. Scope of Professional Services Required

- a. Current Consultant: Vanner Insurance Agency
11 Pinchot Court, Suite 100
Amherst, NY 14228
- b. Staffing

The Town Personnel Office is responsible for developing, recommending and supervising the administration of health insurance for the Town.

5. Response Requirements

Each response should be concise and include the following:

Insurance Program

Note: Your firm is not to contact any underwriters or markets. Any contact with underwriters or markets will result in your firm being disqualified from the RFP process.

- Indicate what recommendations you would propose to obtain premium savings or increase the breadth of coverage.
- Explain what type of insurance summary you would prepare to assist the Town of Hamburg in understanding its various insurance policies.
- Describe your proposed form of compensation (e.g. commission, annual retainer, fee-for-service) and applicable rates and/or fees.
- If you charge fees for consulting, please indicate the basis of your charges (hourly, by project, etc.) and applicable rates and/or fees.
- Explain what assistance you would provide if claims were to occur.
- Explain any other ancillary services that you could provide that may be beneficial to the Town of Hamburg. Indicate the costs of these services (if any).

Health & Benefits Brokers Only:

- Explain how you would assist with open enrollment meetings and employee communication material.
- Explain how you would advise and assist the Town of Hamburg in evaluating and selecting among coverage alternatives such as plan coverage, deductibles, co-payments, out-of-pocket payments, etc.

Qualifications and experience of the individuals to be assigned to the engagement

- Identify the individuals who will be assigned to this engagement and highlight those individuals who would be considered "key" to the engagement either based on the number of hours they would devote to the Town of Hamburg or based on other considerations.
- Provide brief biographies of the key individuals, which outline relevant education, qualifications, professional designations and affiliations and prior work experience. Identify what services each individual would provide to the Town of Hamburg.
- Provide the names and contact information for other similar clients of the key individuals that will be assigned to this engagement for reference purposes (at least three references).

6. Qualifications and Experience of the Insurance Agency

- Describe the Broker's ownership, headquarters, branch or affiliate offices, number of agents / employees and length of time in business.
- List the Broker's most significant clients serviced within the last five (5) years that are similar to the Town of Hamburg (i.e. similar size, similar exposures, similar activities & similar quasi-public/not-for-profit entities).
- Indicate the breadth and depth of the Broker's specialized resources to handle unique insurance matters and include illustrative examples.
- Indicate whether the Broker has alliances or affiliations with other Brokers or organizations to procure insurance, share knowledge or obtain additional resources.

7. Statement of Rights

Understandings

Please take notice, by submission of a proposal in response to this request for proposals, the proposer agrees to and understands:

- that any proposal, attachments, additional information, etc. submitted pursuant to this Request for Proposals constitute merely a suggestion to negotiate with the Town of Hamburg and is not a bid under Section 103 of the New York State General Municipal Law;
- submission of a proposal, attachments, and additional information shall not entitle the proposer to enter into an agreement with the Town of Hamburg for the required services;
- by submitting a proposal, the proposer agrees and understands that the Town of Hamburg is not obligated to respond to the proposal, nor is it legally bound in any manner whatsoever by submission of same;

In addition to the foregoing, by submitting a proposal, the proposer also understands and agrees that the Town of Hamburg reserves the right, and may at its sole discretion exercise, the following rights and opinions with respect this Request for Proposals:

- To reject any or all proposals;
- To issue amendments to this RFP;
- To issue additional solicitations for proposals
- To waive any irregularities in proposals received after notification to proposers affected;
- To select any proposal as the basis for negotiations of a contract, and to negotiate with one or more of the proposers for amendments or other modifications to their proposals;
- To conduct investigations with respect to the qualifications of each proposer;
- To exercise its discretion and apply its judgment with respect to any aspect of this RFP, the evaluation of proposals, and the negotiations and award of any contract;
- To enter into an agreement for only portions (or not to enter into an agreement for any) of the services contemplated by the proposals with one or more of the proposers;
- To select the proposal that best satisfies the interests of the Town and not necessarily on the basis of price or any other single factor;
- To interview the proposer(s);
- To request or obtain additional information the Town deems necessary to determine the ability of the proposer;

- To modify dates;
- All proposals prepared in response to this RFP are at the sole expense of the proposer, and with the express understanding that there will be no claim, whatsoever, for reimbursement from the Town for the expense of preparation. The Town assumes no responsibility or liability of any kind for costs incurred in the preparation or submission of any proposal;
- While this is an RFP and not a bid, the Town reserves the right to apply case law under General Municipal Law § 103 regarding bidder responsibility in determining whether a proposer is a responsible vendor for the purpose of this RFP process;
- The Town is not responsible for any internal or external delivery delays which may cause any proposal to arrive beyond the stated deadline. To be considered, proposals MUST arrive at the place specified herein and be time stamped prior to the deadline.

8. Evaluation

- Evaluation criteria are not necessarily listed in order of importance. The Town reserves the right to weigh its evaluation criteria in any manner it deems appropriate.
The following criteria, not necessarily listed in order of importance, will be used to review proposals. The Town reserves the right to weigh its evaluation criteria in any manner it deems appropriate.
- Proposer's demonstrated capability to provide the services.
- Evaluation of the professional qualifications, personal background and resume(s) of individuals involved in providing services.
- Proposer's experience to perform the proposed services.
- Proposer's financial ability to provide the services.
- Evaluation of the proposer's fee submission. It should be noted that while price is not the only consideration, it is an important one.
- A determination that the proposer has submitted a complete and responsive proposal as required by this RFP.
- An evaluation of the proposer's projected approach and plans to meet the requirements of this RFP.
- The proposer's presentation at and the overall results of any interview conducted with the proposer.

- Proposers may be required to give an oral presentation to the Town to clarify or elaborate on the written proposal.

NON-COLLUSION

The proposer, by signing the proposal, does hereby warrant and represent that any ensuing agreement has not been solicited, secured or prepared directly or indirectly, in a manner contrary to the laws of the State of New York, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the agreement by any conduct, including the paying or the giving of any fee, commission, compensation, gift, gratuity or consideration of any kind, directly or indirectly, to any Town employee, officer or official.

CONFLICT OF INTEREST

All proposers must disclose with their proposals the name of any officer, director or agent who is also an employee of the Town of Hamburg. Further, all proposers must disclose the name of any Town employee who owns, directly or indirectly, an interest of ten percent or more in the firm or any of its subsidiaries or affiliates.

There shall be no conflicts in existence during the term of any contract with the Town of Hamburg. The existence of a conflict shall be grounds for termination of a contract.

EFFECTIVE PERIOD OF PROPOSALS

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**TOWN OF HAMBURG, NEW YORK
REQUEST FOR PROPOSALS
TO PROVIDE HEALTH INSURANCE BROKER SERVICES
FOR TOWN OF HAMBURG, HIDA, HDC**

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Thank you for your time and efforts in reviewing and responding to this request for proposals.

LABOR RELATIONS CONSULTANT AGREEMENT

This AGREEMENT is made effective as of May 9, 2020, by and between the Town of Hamburg, of 6100 South Park Avenue, Hamburg, New York 14075, and CHARLES J. NAUGHTON, Esq., as "Labor Relations Consultant" with respect to certain labor relations matters concerning the Town of Hamburg.

The Consultant has a background in public sector human resource management and labor relations and is willing to provide services to the Town based on this background. The Town desires to have services provided by the Consultant.

Therefore, the parties agree as follows:

1. DESCRIPTION OF SERVICES. Beginning on May 9, 2020, the Consultant will provide the following services (collectively, the "Services"):

- Counsel the Town Board and management regarding the handling of human resource and labor relations issues;
- Train Town personnel in human resource/labor relations skills in order to resolve conflicts and facilitate problem resolution;
- Inventory, develop, review and/or revise and update Town human resource management policies and procedures;
- Conduct regular and ad hoc meetings with designated representatives of the unions representing Town employees;
- Assist in the Town's collective bargaining with employee unions;
- Perform other human resource/labor relations services as requested by the Town Board;
- Grievance administration and processing;
- General labor, human resources advice and worker's compensation strategy;
- Advise and administer disciplinary matters (i.e. Civil Service Law § 75 proceedings);
- May appear at administrative proceedings before PERB or the NYS Department of Labor as may be assigned by the Town Board.

2. PAYMENT. Consultant will bill the Town a rate of Seven hundred fifty and no/100 Dollars (\$750.00) per week, payable bi-monthly, for all Consultant's hours rendered providing the above scope of services of the Town. The Consultant's fees are a flat rate for the time devoted to the Town's matters. Consultant will render bi-monthly vouchers which will include the flat rate fee for time spent on Town matters, and any distributions, including, for example,

8. ENTIRE AGREEMENT. This Agreement contains the entire agreement of the parties and there are no promises or conditions in any other agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties.

9. AMENDMENT. This Agreement may be modified or amended if the amendment is made in writing and is signed by both parties.

10. SEVERABILITY. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

11. WAIVER OF CONTRACTUAL RIGHT. The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

12. APPLICABLE LAW. This Agreement shall be governed by the laws of the State of New York.

TOWN OF HAMBURG

CHARLES J. NAUGHTON,

BY: _____
JAMES M. SHAW,
Town Supervisor

BY: _____
CHARLES J. NAUGHTON
Consultant

Date: _____, 2020

Date: _____, 2020

**Proposed Code Amendments
July 6, 2020**

1. 90-3 Removal of Dead Trees revised to read....”Any dead or abandoned trees that have been felled, produce a hazardous or dangerous condition, are exposed to a risk of fire or produce an uncleanly condition shall be removed from the real property by the owner(s) thereof within a specified time determined by the Code Enforcement Official involved.”
2. 280-288 Restoration revised to read...”If a building or structure containing a nonconforming use has been damaged by fire or other causes to the extent of 50% or more of its equalized assessed value as determined by the Town of Hamburg Assessor, and the owner of said building or structure wishes to rebuild or repair it, it must be rebuilt or repaired in kind in conformance with chapter 280-289. In such reconstruction, neither the floor area nor the cubical content of the nonconforming use shall be increased from the floor area or cubical content of the nonconforming use prior to the time of the damage.
3. 280-311 J (1) Procedures revised to read...”Lapse of authorization. Any variance, special use permit or modification of regulations authorized by the Zoning Board of Appeals (ZBA) shall be automatically revoked unless a building permit conforming to all of the conditions and requirements established by the ZBA is obtained within six (6) months of the date of approval by the ZBA. All extensions shall be coordinated with the Planning Board if Site Plan Approval is required.”
4. 232-1 Definitions. Add definition of “In ground Swimming Pool” and “Above Ground Swimming Pool” as follows:

In ground swimming pool: “A residential or commercial swimming pool constructed or installed in ground by means of monolith concrete application, gunite application, prefabricated composite fiberglass unit installation or vinyl liner waterproofing PVC membrane installed over the composite or steel wall construction that creates permanent impervious structure and becomes a part of the real estate property.”

Above ground swimming pool: “A swimming pool built on the ground, typically constructed of steel having an interior vinyl membrane to contain the water, which can be drained and moved to another location if necessary.”

Delete definition of Private Swimming Pool

5. 232-14 Location and Area Covered revised to read...”No above ground swimming pool or in ground swimming pool shall be erected closer than ten (10) feet from the rear or side property lines and no closer than (10) feet from the principal dwelling. The swimming pool shall in all other respects comply with the State Building Code and the Town of Hamburg Zoning Code.”
6. 280-240 F (1) Monument Signs revised to read...”Be located no closer than ten (10) feet from the front property line and be no less than 20 feet from any other property line.” (This will make 280-240 F (1) consistent with 280-235 C.)

7. 76-24 L Issuance of Permits revised to read “The Code Enforcement Official shall not issue a permit to anyone to connect with the sewers in the Town of Hamburg or perform any and all plumbing work, both interior and exterior, unless such person is a duly licensed Master Plumber or Site Utility Contractor.”
8. 76-24 C (2) Insurance Requirements revised to read “The applicant shall file with the Code Enforcement Official proof of insurance, Workers’ Compensation (C-105.2) and Disability (DB-120.1) naming the Town of Hamburg as an additional insured, as well as clarification that the contractor’s coverage is primary and noncontributory. The applicant shall all file evidence of workers’ compensation coverage in accordance with New York State requirements.

FEDERAL-AID LOCAL PROJECT
Inter Municipal Agreement
RELEASE TO PERFORM CONTRACT WORK ON PUBLIC LAND
PROJECT IDENTIFICATION NUMBER: PIN 5762.70
PROJECT NAME: Erie County Local Pedestrian Safety Action Plan (PSAP)
LOCATION: Town of Hamburg, Erie County, New York

The Town of Hamburg, undersigned owner of public land that is located on the on Cloverbank Road and Division Street within the Town of Hamburg, hereby grants permission and gives consent to the County of Erie or its contractors or designees, to enter onto the property identified above in connection with the above referenced contract for the purpose(s) identified below.

This permission is granted with the understanding that such work shall be limited to:

- Access to the lands on two street segments listed above and as noted in the Highway Plans for purposes of completing construction of the transportation safety improvements (*in this case, enhanced signage and crosswalks markings to improve pedestrian safety*) shown on the plans for public use;
- Work zone traffic control on the roadway approaches to the proposed locations.

The work is scheduled to occur between the months of August, 2020 and August, 2021. The County of Erie will contact the Town of Hamburg if these dates change.

Whereas the Town of Hamburg and the County of Erie are both acceptable project applicants and sponsors of federal aid highway projects as determined by the New York State Department of Transportation (NYSDOT),

Whereas the construction of the transportation facilities (i.e. pedestrian safety improvements) is expected to have a useful life of 20 years from the expected date of completion, August 2021, and this agreement will have a 20 year term to coincide with the useful life of the transportation facilities,

Whereas the County of Erie is responsible for providing any local funding shares needed in reference to this federally funded project,

Whereas the Town of Hamburg will own the pedestrian enhancements to be constructed and will have maintenance responsibility for the signs and pavement markings (as shown on attached plans) upon completion of the project,

Whereas this Inter-Municipal agreement will be part of the New York State Local Agreement for this project, signed by the County of Erie and the State of New York,

Whereas areas adjacent to proposed improvements which may be disturbed by construction of this project will be restored to original condition as determined by the contract documents,

Whereas the indemnification/liability for the noted work during the period of construction will be the responsibility of the County of Erie, and the indemnification/liability for the noted work after construction is completed will be the responsibility of the Town of Hamburg,

