

Hamburg Town Board Work Session

Catherine A. Rybczynski, Town Clerk

6.7.2021

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

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk; Walter Rooth III, Town Attorney;
Jennifer Robertson, IT Director; Martin C. Denecke, Director of Youth, Recreation & Senior Services;
Jennifer Kosmowski, Director, Domestic Violence, Jennifer Robertson, Director, IT;
Dan Stanford, Town Assessor; Pat Ryan, Director Buildings & Grounds; Samantha Tarczynski,
Finance Director, Ted Casey, Highway Superintendent; Amanda Lyle, Director of Human Resources

The meeting was opened with the Pledge of Allegiance at 5:30 PM.

Supervisor Shaw introduced Cheri Alvarez, Chief Operating Officer, Compeer to speak to the board about training offered to people in the community to assist in the event that someone is having an event related to a mental health issue. Federal grant allows Compeer to offer training at no cost to the town and community members.

Supervisor Shaw introduced Drew Riley for his presentation relative to the Public Hearings.

Supervisor Shaw commenced with a review of the agenda for the evening. He explained that Skyway item is likely to draw a crowd and how the TV in the foyer will be live streaming the meeting.

Attorney Todd Miles was welcomed to the meeting and Supervisor made the motion as follows:

1. RESOLVED, that the Hamburg Town Board does hereby enter an Executive Session at 6:00 PM to discuss the LED Contract and details that if divulged could potentially jeopardize the bargaining position of the Town as well as personnel items (Items #18 & #28).

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

ADOPTED	Ayes	5	Shaw, Connolly, Farrell, Hoak, Petrie
	Noes	0	
	Absent	0	

EXECUTIVE SESSION MINUTES ATTACHED BELOW

2.

RESOLVED, that the Hamburg Town Board does hereby adjourn the Executive Session and return to the Work session at 6:40 PM.

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

ADOPTED	Ayes	5	Shaw, Connolly, Farrell, Hoak, Petrie
	Noes	0	
	Absent	0	

The Work Session was brought to a close at 7:00 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.

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

Hamburg Town Board Executive Session June 7, 2021

Members Present:

James M. Shaw Supervisor
Shawn Connolly Councilman
Elizabeth Farrell Councilwoman
Karen Hoak Councilwoman
Michael Petrie Councilman

Also Present: Catherine A. Rybczynski, Town Clerk; Walter Rooth, III, Town Attorney; Ted Casey, Highway Superintendent

1.

RESOLVED, that the Town Board enters into Executive Session to discuss personnel and legal matters at 9:50 P.M.

On a motion offered by Supervisor Shaw, seconded by Councilman Connolly, the above resolution was

ADOPTED 5 - 0

Supervisor Shaw	(Aye)
Councilmember Connolly	(Aye)
Councilmember Farrell	(Aye)
Councilmember Hoak	(Aye)
Councilmember Petrie	(Aye)

2.

RESOLVED, that the Town Board does hereby deny the resolution as presented below.

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

DENIED 5 - 0

Supervisor Shaw	(Aye)
Councilmember Connolly	(Aye)
Councilmember Farrell	(Aye)
Councilmember Hoak	(Aye)
Councilmember Petrie	(Aye)

Listed on the Town Board Agenda as follows:

18. Highway Personnel

Town Board Meeting

June 7, 2021

Personnel Changes

BE IT RESOLVED, that the Board approve the termination and hiring of the following personnel in the Highway Department.

ATTACHMENTS:

Description

Joyce PAF

(Please see **Attachment (A)** included below)

3.

RESOLVED, that the Town Board does hereby approve the resolution as presented below.

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

ADOPTED 5 – 0

Supervisor Shaw	(Aye)
Councilmember Connolly	(Aye)
Councilmember Farrell	(Aye)
Councilmember Hoak	(Aye)
Councilmember Petrie	(Aye)

Listed on the Town Board Agenda as follows:

28. Resolution - CSEA Memorandum of Agreement

WHEREAS, The Civil Service Employees Association (CSEA) has filed two separate petitions for arbitration each involving the alleged breach of workers' rights within the Town Highway Department pertaining to subcontracting of paving work to third party contractors; and

WHEREAS, in the interests of minimizing adverse financial circumstances that may result to the Town's detriment and to further minimize paving expenses, while permitting labor/ management harmony;

IT IS THEREFORE RESOLVED, that the Hamburg Town Board hereby authorizes the Town Supervisor to execute the Memorandum of Agreement – attached hereto and made a part hereof.

ATTACHMENTS:

Description

CSEA MOA

(Please see **Attachment (B)** included below)

4.

RESOLVED, that the Town Board adjourn the Executive Session and return to the Town Board Regular Meeting 10:24 PM.

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

ADOPTED 5 – 0

Supervisor Shaw	(Aye)
Councilmember Connolly	(Aye)
Councilmember Farrell	(Aye)
Councilmember Hoak	(Aye)
Councilmember Petrie	(Aye)

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

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

ATTACHMENT A

TOWN OF HAMBURG - PERSONNEL ACTION FORM									
27									
Department- HIGHWAY									
Highway Superintendent Signature					Date 5/21/2021				
Supervisor Signature									
TOWN BOARD MEETING OF									
PAGE of									
Request that a Town Board Resolution be adopted approving the following personnel action:									
#	Emp #	Emp Name	N or R	Position	Start date	Full time hrly rate	PT/Sea/temp hrly rate	Term date	
1	4970	JOYCE, TIMOTHY		CLERK/PT					
2	4970	JOYCE, TIMOTHY	R	CLERK/SEASONAL	6/1/2021	\$14.00		5/28/2021	
3				AS010.102					
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ATTACHMENT B

MEMORANDUM OF AGREEMENT

Between

THE TOWN OF HAMBURG

And

**TOWN OF HAMBURG UNIT 6749, CIVIL SERVICE EMPLOYEES ASSOCIATION,
INC., LOCAL 1000 AFSCME, AFL – CIO**

This Memorandum of Agreement is entered into by and between the Town of Hamburg (“Town”) and the Town of Hamburg Blue Collar Unit 6749, Civil Service Employee Association, Inc., Local 1000, AFSCME, AFL – CIO (“Association”) hereinafter the “Parties”.

WHEREAS, the Town and the Association are parties to a collective bargaining agreement for a term beginning January 1, 2016 and ending December 1, 2022 (hereinafter “the CBA”); and

WHEREAS, the Association is the exclusive representative for the purposes of collective negotiations and the administration of grievances for all employees of the Town in the following departments: Highway and Buildings and Grounds; and

WHEREAS, Article 4.3.8 of the CBA states “The Town shall not subcontract any work exclusively done by this bargaining unit unless an emergency has been declared by the Superintendent or in a situation where the Town does not have the equipment or the workforce to do the assigned work”; and

WHEREAS, Association members have historically performed the work on paving crew in the following positions: General Laborers, Roller Operator and Screen Operator; and

WHEREAS, the Town has contracted out the milling and paving of certain Town roads, including but not limited to: Willet, Lynn, Oakwood, Quinby and Marie. Union concrete provided personnel to do the above mentions exclusive bargaining unit work; and

WHEREAS, the Town and CSEA desire to enter into a Memorandum of Agreement to govern future paving work within the Town and to promote harmonious labor relations; and

WHEREAS, the Superintendent of Highways has not declared an emergency with respect to the paving of these abovementioned, or any other roads;

NOW THEREFORE, The Parties hereinto agree as follows:

1. This Memorandum of Agreement shall not relinquish the exclusivity of the bargaining unit to do work of this nature outlined above.
2. This Memorandum of Agreement is a result of a unique circumstance and its terms and conditions shall not be construed as a precedent or practice between the parties with respect to any past paving work.

3. Subsequent to the date of this Memorandum of Agreement, prior to the Town contracting out to accomplish paving in any and all non-emergency situation, the Town Superintendent of Highways shall notify the Union President of the CSEA Blue Collar Unit of the intent to seek bids for said work and shall provide the Union president with a true copy of said bid solicitation.
4. On all subsequent paving work involving outside contractors, the Town shall utilize bargaining unit members for the following jobs: General Laborers, Roller Operator and Screen Operator, unless the Town lacks the workforce to execute said work.
5. In the event that the Superintendent of Highways determines that the Town lacks the workforce to accomplish the jobs of General Laborers, Roller Operator, and Screen Operator, the Superintendent shall also notify the Union President of said unavailability and the reasons therefor.
6. This Memorandum of Agreement shall not affect any of the rights and prerogatives of either of the parties unless specifically mentioned herein.

IN WHITNESS WHEREOF:

FOR THE TOWN

FOR THE UNION

James Shaw _____ Date
Town of Hamburg Supervisor

Deb Mueller _____ Date
Labor Relations Specialist

Chris Kolb _____ Date
CSEA Unit 6749 President