



## **WORK SESSION AGENDA**

**July 18, 2016**

**5:30 p.m. Sam Hearn, 95 Buffalo Street re: Barking Dogs at Village Vet Clinic**

### **MAYOR'S REPORT**

- A) Speed Limit Reduction

### **SPECIAL PROJECT COORDINATOR PAUL BECKER**

### **CODE ENFORCEMENT – KURT ALLEN/JEFF ADRIAN**

- A) Dead Trees at 200 E. Prospect

### **VILLAGE ADMINISTRATOR WITKOWSKI**

- A) Hilbert College Service Project
- B) Water Authority Update
- C) Future Grant Projects

### **DEPUTY MAYOR TALLMAN**

- A) ARC
- B) Planning

### **TRUSTEE GAUGHAN**

- A) Beautification
  - Comprehensive Landscape Plan
- B) Recreation
- C) Hamburg Holidays

### **TRUSTEE HACKATHORN**

- A) Justice
- B) Historic Preservation
- C) Economic Development

### **VILLAGE ATTORNEY MURPHY**

### **POLICE CHIEF MICHAEL MELISZ**

### **PUBLIC WORKS SUPERINTENDENT SHUTTLEWORTH**

### **RECREATION SUPERVISOR HAEICK**

### **FIRE DEPARTMENT, CHIEF STERNER**

# VILLAGE OF HAMBURG

**Vision:** *The Most Desirable Community in Western New York Where Quality of Life, Affordability and Innovation is the Norm.*

**Mission:** *Village Representatives and Employees that care for the Community by efficiently providing services while preparing for the future.*

**GUIDELINES FOR PUBLIC EXPRESSION: (HAMBURG VILLAGE BOARD POLICY ESTABLISHED 4/19/99)**

1) The public shall be allowed to speak only during the Public Expression periods of the meeting or at such other times as a majority of the Board shall allow. 2) Speakers must give their name, address and organization, if any. 3) Speakers must be recognized by the presiding officer. 4) Speakers must limit remarks to three (3) minutes per person and a maximum of twelve (12) minutes regarding each subject matter. 5) Speakers may not yield any remaining time they may have to another speaker. 6) All remarks shall be addressed to the Board as a body and not to any member thereof. 7) Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Unacceptable behavior will not be tolerated and might result in removal from the building. 8) Interested parties or their representatives may address the Board by written communication.

## MEETING AGENDA JULY 18, 2016

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVE THE MINUTES OF THE REGULAR MEETING OF TUESDAY, JULY 5, 2016 AND SPECIAL MEETING OF TUESDAY, JULY 12, 2016.**
4. **CHARACTER COUNCIL OF HAMBURG, INC.:** The virtue for July is Decisiveness. Decisiveness is the ability to recognize key factors and finalize difficult decisions.
5. **PUBLIC EXPRESSION** – See signup sheet
6. **CORRESPONDENCE**
  - A) Clerk-Treasurer Dept. re: Monthly Report for June 2016
  - B) Justice Dept. re: Monthly Report for May 2016
  - C) Town of Hamburg re: Site Plan referral concerning addition at 5775 Maelou Drive

*All correspondence is received, reviewed and filed*
7. **TRUSTEE REPORTS**
8. **STAFF REPORTS**
9. **FURTHER PUBLIC EXPRESSION:** Relating only to matters discussed during the meeting
10. **MAYOR'S REPORT**
11. **CLOSE MEETING** – Announcement of future meetings

**MOTIONS**  
**REGULAR BOARD MEETING**

1. **MOTION** by Trustee Hackathorn, seconded by Trustee \_\_\_\_\_, to approve the minutes of the Regular Meeting of Tuesday, July 5, 2016 and the Special Meeting of Tuesday, July 12, 2016.

AYES:

NAYS:

2. **MOTION** by Trustee Hackathorn, seconded by Trustee \_\_\_\_\_, to increase the budget of A.3989.402 Disaster Preparedness Other Expense in an amount of \$3,537.60 from Fund Balance. This is money reimbursed for damages caused by the November 2014 storm and will be used for roof repairs at the Department of Public Works.

AYES:

NAYS:

3. **MOTION** by Trustee Hackathorn, seconded by Trustee \_\_\_\_\_, to authorize Mayor Thomas J. Moses, Sr. to sign an agreement between the Village of Hamburg and GHD Consulting Services Inc. for engineering services to develop concept plans for the redevelopment of Sunset Drive as a complete street project and assist the Village in developing concepts for a trail system on Pleasant Avenue and Brookwood Drive.

AYES:

NAYS:

4. **MOTION** by Deputy Mayor Tallman, seconded by Trustee \_\_\_\_\_, to authorize Mayor Thomas J. Moses, Sr. to sign an Amendment to the agreement between the Village of Hamburg and GHD Consulting Services Inc. that will provide additional engineering services and final record drawings for the Village's Victory Avenue Waterline Replacement project in an amount not to exceed \$3,000.

AYES:

NAYS:

5. **MOTION** by Deputy Mayor Tallman, seconded by Trustee \_\_\_\_\_, to hire Samuel T. Blaszczyk as a Village of Hamburg Police Officer, effective July 25, 2016 and subject to satisfactory completion of the pre-employment physical and background check. The position of Police Officer is in the competitive class according to law, therefore this position is probationary for a period of eighteen (18) months from the effective date. The salary for this position is \$51,182.00. Said individual has been drafted from Civil Service Exam #61180, established April 11, 2014.

AYES:

NAYS:

**MOTIONS  
REGULAR BOARD MEETING**

6. Motion by Trustee Gaughan, seconded by Trustee \_\_\_\_\_,

**WHEREAS**, the Village of Hamburg Board of Trustees is proposing to replace the existing Community Center Playground owned by the Village; and

**WHEREAS**, after comparing the thresholds in 6 NYCRR 617.4 and 5, the Village Board of Trustees has determined that the proposed project is a Type 2 action as it involves the repair or replacement of existing facilities that does not require substantial changes to the existing usage or playground foot print.

**NOW THEREFORE BE IT RESOLVED**, that the Village Board of Trustees declares itself Lead Agency for purposes of SEQRA; and

**BE IT FURTHER RESOLVED**, that the proposed project has been determined not to have a significant impact on the environment and is not subject to further review under SEQRA.

AYES:

NAYS:

7. **MOTION** by Trustee Gaughan, seconded by Trustee \_\_\_\_\_, to approve Local Law No. 6 of 2016 of the Code of the Village of Hamburg, Chapter 198 thereof, entitled SOLID WASTE, to amend Sections §198-8 through 198-10 and 198-12 with regard to the implementation of a *Garbage Tote Program* in the Village of Hamburg.

**LOCAL LAW NO. 6 OF 2016**

**A LOCAL LAW TO AMEND** the Code of the Village of Hamburg, Chapter 198 thereof, entitled **SOLID WASTE**, by amending Section §198-8, 198-9 , 198-10 and 198-12 with regard to the implementation of a *Garbage Tote Program*.

Be it enacted by the Board of Trustees of the Village of Hamburg as follows:

**SECTION 1.**

Chapter 198 SOLID WASTE of the Code of the Village of Hamburg is hereby amended by as follows:

**§198-8- Definitions** - As used in this article, the following terms shall have the meanings indicated:

**AUTHORIZED COLLECTOR** -A person, individual, partnership or corporation or employee or agent thereof authorized by contract or license with the Village of Hamburg to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this article. In the event of the Village of Hamburg collection, this definition shall include the governing body and employees thereof.

**BRUSH** -Cuttings from shrubs, hedges and trees which are less than four inches in diameter.

**BULKIES** -Large items, such as sofas, upholstered chairs, mattresses and box springs, but excluding large appliances (white goods), such as refrigerators, stoves, dishwashers, washers, dryers, etc. which are considered recyclable.

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**COLLECTOR** -The Village of Hamburg Department of Public Works or those collectors/haulers engaged in the collection of and/or transportation of solid waste by the Village of Hamburg.

**COMMERCIAL OPERATIONS** -All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments, trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

**CONSTRUCTION AND DEMOLITION DEBRIS** -Discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

**CONTAINER** -Can, bin, box, bag or other unit used for storage of recyclable materials or municipal solid waste.

**FACILITY** -Any solid waste management resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery of any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or landspreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

**HAZARDOUS WASTE** - Solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials and medical waste. For purposes of this article, hazardous waste does not include small quantities of such waste available on a retail basis to the homeowner (eg., aerosol cans, pesticides, fertilizers, etc.).

**INSTITUTIONS** -An organization or establishment devoted to the promotion of a particular object or cause, including schools, religious institutions, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

**MUNICIPAL SOLID WASTE (MSW)** - All putrescible and nonputrescible materials, including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semi-solids and contained gaseous materials are hereby defined as solid waste. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

**PERSON** - Any individual, firm, partnership, association, corporation, institution or other entity.

**PRIVATE COLLECTOR** - Person, firm, corporation or legal entity providing for the collection of municipal solid waste and/or recyclable materials. To operate in the Village of Hamburg, they shall be required to obtain a license from the village and be subject to the rules and regulations of the village.

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**RECYCLABLE MATERIALS**

A. Those materials specified by the municipality for separate collection in accordance with recycling regulations. Such materials may include, but are not limited to:

- (1) **ALUMINUM** — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverage or other food or drink.
- (2) **METAL CANS** — Containers fabricated primarily of steel and tin or bimetal cans or steel, tin and/or aluminum, but not including aluminum cans.
- (3) **GLASS FOOD AND BEVERAGE CONTAINERS**— New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass or flat glass.
- (4) **PLASTIC FOOD AND BEVERAGE CONTAINERS** — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET), designated respectively as 1, 2 and 3 on the recycling code located on the containers.
- (5) **NEWSPRINT** — Any common newspaper, including inserts.
- (6) **CORRUGATED**— Wood pulp-based material which is usually smooth on both sides with corrugated center, commonly used for boxes, excludes material with a wax coating.
- (7) **HIGH GRADE PAPER**— White and colored office bond, duplicating paper, computer paper and other high-quality paper.
- (8) **MAGAZINES** — Magazines, glossy catalogs and other glossy paper.
- (9) **LARGE APPLIANCES**— Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal but excluding air conditioners, microwaves and televisions.

B. The above materials will be reviewed quarterly and will be modified as the need arises by the Superintendent of Public Works or other designated person.

**MOTIONS  
REGULAR BOARD MEETING**

**RECYCLING** -The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

**RECYCLABLE CONTAINER** - a rigid plastic container or bin, provided to the residents by the Village of Hamburg, or other like metal or rigid plastic container with drainage holes to be used solely for the placement of recyclable materials as defined by this Code. When filled, this container should not exceed 40 lbs in weight.

**REFUSE TOTE** - A village - authorized container of a capacity of either 65 gallons or 95 gallons for the storage and collection of municipal solid waste including but not limited to garbage and non recyclable refuse and rubbish. All refuse totes shall be owned by the Village of Hamburg and will be assigned to residential units and/or buildings and structures as more particularly set forth in this Code. Any refuse tote assigned to a residential unit and/or a building or structure shall remain at that residential unit and/or building or structure and shall not be removed from same.

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**RESIDENT** - Person residing within the village on a temporary or permanent basis, but excluding persons residing in hotels or motels.

**RESIDENTIAL PROPERTY** - Properties used as primary dwellings.

**SOLID WASTE MANAGEMENT** - The purposeful systematic control of the storage, collection, transportation, processing and disposal of solid waste.

**SOURCE SEPARATION** - Removing or separating recyclable materials from the municipal solid waste stream at the point of waste generation.

**TIRES** - Any rubber automobile or truck tires.

**TREE PARTS** - Cuttings from shrubs, hedges and trees which are more than four inches in diameter.

**WASTE GENERATOR** - Any person or legal entity which produces waste requiring off-site disposal.

**WASTE OIL** - Used engine lubricating oil and any other oil, including but not limited to fuel oil, motor oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residues, animal oil and vegetable oil, which has been contaminated by physical or chemical impurities, through use or accident, and has not subsequently been re-refined.

**YARD WASTE** - Organic yard and garden waste, leaves, grass clippings, brush and tree parts

**§198-9- Duty of owners and occupiers of property.**

A. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the Village of Hamburg. Owners or occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof.

B. Residential properties who receive solid waste and/or recyclable collection services from the Village of Hamburg are required to have refuse tote(s) and/or recyclable container(s). Single-family households are required to have one refuse tote and one recyclable container and two-family households are required to have two (2) refuse totes and two (2) recyclable containers. Such containers shall be stored behind the front setback line of the building on the lot or shall be secured in a separate structure located on the property approved by the Building Inspector until placed to the curb for collection.

C. An owner or occupier of a property that contains more than two (2) dwelling units, or property conducting commercial or institutional operations and who receives solid waste and/or recyclable collection services from the Village of Hamburg, shall be required to have a minimum of two (2) refuse totes and two (2) recyclable containers, or in the alternative, an appropriate number of said totes and containers as determined by Superintendent of Public Works that allows the owner/occupier to comply with this Code. All municipal solid waste shall be kept in closed refuse totes, or in dumpsters which have been approved for such use on such property by the Building Inspector until ready for collection. Such containers shall be kept until placed for collection behind the front setback line of the building on the lot or secured in a separate structure on the lot approved by the Building Inspector.

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**REGULAR BOARD MEETING**

D. All municipal solid waste accumulated on any residential, commercial, industrial and institutional property in the Village of Hamburg may be collected, conveyed and disposed of by the authorized collector in accordance with the provisions of this article. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Village of Hamburg except as provided in this article.

E. All municipal solid waste accumulated on commercial and institutional properties may be collected, conveyed and disposed of by authorized collectors under contract with, or licensed by, the Village of Hamburg. In such case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by the Village of Hamburg, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks, provided that they comply with the provisions of this article applicable thereto and New York State Department of Environmental Conservation regulations.

**§198-10- Properties to be kept clear of solid waste.**

B. It shall be the duty of the owner, lessee or occupant of every store or other building within the Village of Hamburg, excepting dwellings, to keep all municipal solid waste and recyclable material containers inside the building on the occupied premises or in a suitable structure considered for that particular purpose of approved design from approved noncombustible building materials in accordance with the building regulations of the village, but nothing herein shall be construed to require the alteration, modification or reconstruction of any existing structure or portion thereof presently in use for such purposes in the Village of Hamburg. Said structure shall be located behind the front setback line of the building on the lot or shall be secured in a separate structure on the lot approved by the Building Inspector.

**§198-12- Preparation for collection.**

No person shall dispose of municipal solid waste or recyclable materials except as follows:

A. All municipal solid waste including garbage and non recyclable refuse and rubbish shall be stored in a refuse tote or a dumpster as set forth in this Code. All municipal solid waste and non-recyclable refuse placed into a refuse tote shall be placed either loosely, in a trash compactor bag or in a clear plastic bag. The lids on all refuse totes and dumpsters must be completely closed. No refuse tote shall exceed 150 lbs in weight when filled.

B. All recyclable materials shall be placed in a recyclable container as defined in this Code.

C. From the time of placement of recyclable materials at the curb by a resident for collection in accordance herewith such recyclable materials shall become and be the property of the Village of Hamburg or its authorized agent. It shall be a violation of this chapter of the Code of the Village of Hamburg for any person without authority from the Village of Hamburg to collect, pickup, remove or cause to be collected, picked up or removed any recyclable materials, and each such collection, picking up or removal from one or more premises shall constitute a separate and distinct offense in violation of the Code of the Village of Hamburg.

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D. It shall be a violation of this chapter of the Code of the Village of Hamburg for any person to place at the curb for collection any can or container other than one which contains municipal solid waste or recyclable materials.

E. The Village of Hamburg will not collect any municipal solid waste or recyclables from any residential, commercial, industrial or institutional property within the Village of Hamburg where the municipal solid waste and recyclables are not separated in accordance with this article.

**SECTION 2.**

**Effective Date.** This local law shall take effect upon filing and acceptance by the New York Secretary of State.

AYES:

NAYS:

8. **MOTION** by Deputy Mayor Tallman, seconded by Trustee \_\_\_\_\_,

**A RESOLUTION TO AUTHORIZE THE MAYOR TO FILE AN APPLICATION ON BEHALF  
OF THE VILLAGE OF HAMBURG AND THE ERIE COUNTY WATER AUTHORITY FOR  
LOCAL GOVERNMENT EFFICIENCY IMPLEMENTATION GRANT FUNDING TO  
FACILITATE WATER SYSTEM CONSOLIDATION**

**WHEREAS**, the Village of Hamburg (hereinafter "VILLAGE") and the Erie County Water Authority (hereinafter "AUTHORITY") jointly applied for and obtained a New York State Local Government Efficiency Grant to help defray the cost of a planning study to evaluate the feasibility of providing public water service to VILLAGE water customers more cost effectively; and,

**WHEREAS**, the planning study which was completed in December 2015 determined that the most cost-effective means for providing public water service to VILLAGE water customers would be achieved by way of the VILLAGE transferring ownership of the VILLAGE'S water distribution system to the AUTHORITY to own, operate and maintain, and by concurrently entering into a direct service agreement with the AUTHORITY to provide service directly to water customers formerly served by the VILLAGE; and,

**WHEREAS**, the VILLAGE and AUTHORITY wish to implement the recommendations of the feasibility study; and

**WHEREAS**, certain improvements must be made to the VILLAGE'S water distribution system to bring it into compliance with the AUTHORITY'S standards before the AUTHORITY will accept the VILLAGE'S water distribution system;

**NOW THEREFORE BE IT RESOLVED**, that the VILLAGE will serve as the Lead Agency for purposes of applying for a Local Government Efficiency Grant that will help defray the cost of making the necessary improvements to the VILLAGE'S water distribution system to allow for the transfer of the water system to the AUTHORITY for purposes of the implementation of the recommendations of the feasibility study; and

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**BE IT FURTHER RESOLVED**, that the Authority will serve as the joint applicant for purposes of applying for such Local Government Efficiency Implementation grant funds; and

**BE IT FURTHER RESOLVED**, that the VILLAGE and AUTHORITY acknowledge and agree that the cost for the preparation of the Local Government Efficiency Implementation Grant shall be borne exclusively by the VILLAGE; and,

**BE IT FURTHER RESOLVED**, that the VILLAGE and the AUTHORITY acknowledge and agree that the local cost, including the ten percent (10%) local matching requirement for making the capital improvements to the VILLAGE'S water distribution system to bring it into conformance with the AUTHORITY'S standards for purposes of transferring ownership, operation and maintenance of the water system to the AUTHORITY shall be borne exclusively by the VILLAGE; and

**BE IT FURTHER RESOLVED**, that the VILLAGE BOARD does hereby authorize the Mayor to file a Local Government Efficiency Grant application on behalf of the VILLAGE and the AUTHORITY to seek grant funding to help defray the cost of making necessary improvement to the VILLAGE'S water distribution system to facilitate the transference of the VILLAGE'S water system to the AUTHORITY; and,

**BE IT FURTHER RESOLVED**, that the VILLAGE BOARD authorizes the Mayor to execute a Memorandum of Understanding with the AUTHORITY, subject to the review and approval of both parties, which sets forth the terms, procedures, and responsibilities of each party to allow for the transference of the VILLAGE'S water system to the AUTHORITY.

AYES:

NAYS:

9. **MOTION** by Deputy Mayor Tallman, seconded by Trustee \_\_\_\_\_, to authorize Mayor Thomas J. Moses, Sr. to sign, subject to the approval of the Village Attorney, a mutually acceptable Designated Developer Agreement between the Village of Hamburg and CRS Companies, 5500 Main Street, Suite 215, Williamsville, NY 14221 for the Village's 18 Mile Creek/South Buffalo Street property as the result of the Village's issuance of a Request For Proposal for purchase and development of the site.

AYES:

NAYS: