



**WORK SESSION AGENDA
MAY 6, 2024**

MAYOR'S REPORT

CODE ENFORCEMENT – SCOTT COURTEAU

FIRE DEPARTMENT – CHIEF MOSES

COMMUNITY LIAISON – KIM BOURKE

VILLAGE ADMINISTRATOR COZZA

TRUSTEE GAUGHAN

- A) Hamburg Holidays
- B) Beautification
- C) Recreation

TRUSTEE HACKATHORN

- A) Historic Preservation
- B) Economic Development

TRUSTEE PARK

- A) Environmental Conservation
- B) Justice Department

TRUSTEE DAVIS

- A) Planning Commission
- B) Architectural Review Committee

VILLAGE ATTORNEY MURPHY

POLICE CHIEF RICK SCHARA

PUBLIC WORKS SUPERINTENDENT SHUTTLEWORTH

- A) Updates

RECREATION SUPERVISOR HAEICK

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 MAY 6, 2024

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVE THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON MONDAY, APRIL 15, 2024.
4. CHARACTER COUNCIL OF WNY: The virtue for May is Determination. Determination is staying focused and overcoming challenges to finish a goal, task or objective.
5. PUBLIC EXPRESSION:
6. CORRESPONDENCE:
 - A) Hamburg Alumni Foundation re: Request to hold the annual HHS Alumni Reunion in Memorial Park on Friday, August 9, 2024
 - B) Gary Anstett, Hamburg American Legion Post 527 re: Memorial Day Parade and ceremonies on Monday, May 27, 2024.
 - C) Hamburg Music Festival Inc. re: Request to hold 5K Run on Saturday, August 24, 2024
All correspondence is received, reviewed and on file in the Clerk-Treasurer's office
7. TRUSTEE MOTIONS
8. STAFF REPORTS
9. FURTHER PUBLIC EXPRESSION
10. MAYOR'S REPORT
11. CLOSE MEETING

MOTIONS
REGULAR MEETING

1. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to approve the minutes of the Regular Meeting of the Board of Trustees held on Monday, April 15, 2024.

AYES:

NAYS:

2. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to transfer \$85.00 from A.2770 Miscellaneous Revenue into the Police Equipment Reserve A.0878. This money was collected by the Police Department for copy fees and charges in April 2024.

AYES:

NAYS:

3. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to transfer \$5,000.00 from A.0807 Municipal Reserves into A.1640.0401 Building Maintenance. These funds have been budgeted for improvements of DPW Bathrooms.

AYES:

NAYS:

4. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to authorize Mayor Thomas P. Tallman to execute the agreement from Municipal Solutions, in an amount not to exceed \$18,000, to provide financial services in connection with the upcoming borrowing related to the Water Tower Project.

AYES:

NAYS:

5. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to authorize Mayor Thomas P. Tallman to sign the agreement between the Village of Hamburg and the Hamburg Police Benevolent Association for the period covering June 1, 2024 – May 31, 2028.

AYES:

NAYS:

6. **MOTION** by Trustee Park, seconded by Trustee _____, to authorize Mayor Thomas P. Tallman to sign the *Retainer Agreement* by and between the Village of Hamburg and Edward J. Murphy III, Esq., to act as attorney for the Village of Hamburg from June 1, 2024 to May 31, 2025.

AYES:

NAYS:

7. **MOTION** by Trustee Park, seconded by Trustee _____, that the Village Recreation Commission recommends that the Board approve the salaries for the following Recreation Attendants PT Seasonal for the 2024 Spring/Summer season:

GROUND

David Conklin
4324 Rushford Dr.

\$14.00/hr

**MOTIONS
REGULAR MEETING**

Brady Kustra \$15.25/hr
143 Oakhill Dr

James Simoncelli \$14.75/hr
99 Robert St.

Nolan Smith \$14.75/hr
3485 Lakeview Rd.

BEAUTIFICATION/GARDENING/WATERING

Rebecca Tallman \$18.00/hr
40 Elizabeth

Josh Hosey \$18.00/hr
7862 Feddick Rd

FIELD SUPERVISION

Rick Grupka \$20.00/hr
19 Bory Dr. Depew

David Thompson \$19.00/hr
4010 Grant Ave.

Haidyn Carpenter \$18.00/hr
4711 Pinecrest Terr. Eden

AYES:

NAYS:

8. **MOTION** by Trustee Park, seconded by Trustee _____, to hire the following Laborers PT Seasonal to be assigned to the Department of Public Works.

Ashlyn Poppenberg \$16.00/hr 7852 Boston St. Rd. Lot 109, Hamburg	William Martinez \$16.00/hr 7369 Zimmerman Rd, Hamburg
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Liam Reynolds \$16.00/hr 57 Buffalo Street	Deran Reynolds \$15.500 /hr 57 Buffalo Street
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Jason Gregoire \$15.50/hr
3205 Hickox Road, Hamburg

AYES:

NAYS:

9. **MOTION** by Trustee Park, seconded by Trustee _____,

VILLAGE OF HAMBURG

**RESOLUTIONS AUTHORIZING FEES AND CHARGES FOR EMERGENCY MEDICAL
SERVICES AND AMBULANCE SERVICE**

**MOTIONS
REGULAR MEETING**

RESOLUTION NO. _____

WHEREAS, General Municipal Law sections 209-b and 122-b, and as otherwise provided by law (the “Law”) provides that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law may fix a schedule of fees or charges to be paid by persons requesting such service or services; and

WHEREAS, the Law further authorizes the authorities having control of a fire department or fire company may provide for the collection of fees and charges for the collection thereof by the fire department or fire company; and

WHEREAS, the Law provides that if the authorities having control of a fire department or fire company have authorized such fire department or fire company to fix a schedule of fees or charges to be paid by persons requesting such service or services, and seek participation in and reimbursement from the medical assistance program, the authorities having control of a fire department or fire company shall adhere to any medical assistance enrollment and billing requirements applicable to such services prior to receiving reimbursement; and

WHEREAS, the Law further provides that where a basic life support service which establishes a schedule of fees for service shall enter into a contract with a provider or providers of advanced life support services to provide such advanced life support services and that such contract shall at a minimum establish the fees for advanced life support services and the means by which said provider will be reimbursed when the ambulance service bills for emergency medical service; and

WHEREAS, the Law further provides that where an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services; and

WHEREAS, the Law further provides that in the absence of any agreed-upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service’s primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the Commissioner of Health pursuant to section three thousand five of the Public Health Law, on or before January first, two thousand twenty-two; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) shall not directly issue a bill for its services to any uninsured recipient of such services; and

MOTIONS
REGULAR MEETING

WHEREAS, the Village of Hamburg (“Village”) has historically and currently intends to continue to exercise the authority conferred to it by law, including authorizing the Hamburg Volunteer Fire Department, Inc. (“Hamburg VFD”) to provide emergency medical services including basic life support (“BLS”) and advanced life support (“ALS”) ambulance services (hereinafter collectively referred to as “ambulance services”) within its primary territory as defined by Public Health Law 3001 (“Operating Territory”) and as otherwise permitted by law including mutual aid outside of its primary territory; and

WHEREAS, the Board of the Village of Hamburg (“Board”) after due deliberation, finds it in the best interest of the Village of Hamburg to authorize fees and charges for emergency medical services and ambulance services Hamburg VFD as authorized by Law and these Resolutions;

NOW THEREFORE, it is hereby

RESOLVED, that the Village of Hamburg hereby authorizes fees and charges for emergency medical services and ambulance services by Hamburg VFD as authorized by Law and as provided for by these Resolutions; and it is further

RESOLVED, that the fees and charges collected shall be collected and used by Hamburg VFD as it deems appropriate for emergency medical and ambulance services and otherwise consistent with the terms and conditions of the current agreement between the Village and Hamburg VFD for fire protection pursuant to Town Law 184 and as otherwise provided by law; and it is further

RESOLVED, that the Board hereby directs that Hamburg VFD shall immediately commence revenue recovery for its emergency medical and ambulance services and shall utilize a third-party billing and revenue recovery agent or agents appointed by the Hamburg VFD for such purposes and under such terms and conditions as the Hamburg VFD may in its discretion find appropriate; and it is further

RESOLVED, that the Board hereby directs that such revenue recovery by the Hamburg VFD for its emergency medical and ambulance services shall utilize the rate of services as attached to these Resolutions as Schedule A which the Board may amend in its discretion from time to time; and it is further

RESOLVED, that the Board hereby determines that commencing at 12:01 a.m. on May 7, 2024 and until such time as a contract or contracts have been entered into with a provider or providers of advanced life support services for such advanced life support services or for ALS intercept services, the Board hereby sets the maximum reimbursement rate to be paid for any such ALS or ALS intercept services provided to the Village or its fire department shall be reimbursed at the lesser of the Medicaid or Medicare reimbursement rate(s) in effect at the time of such ALS intercept service, for such service; and it is further

RESOLVED, that the Board hereby determines that it shall, as a matter of public policy and as part of a comprehensive regulatory system for the delivery of emergency services within the Village, waive any co-pay due from any resident of the Village; and it is further

RESOLVED, that the Board hereby directs that all revenue recovered pursuant to this authorization and these Resolutions shall be deposited and segregated from other Hamburg VFD funds and used for the delivery of emergency medical and ambulance services as the Hamburg VFD may properly determine in its sole discretion; and it is further

RESOLVED, that the Board hereby directs that it shall not, directly or indirectly, by Village personnel or its agents and employees, including the Town’s billing service agency issue a bill for its services to any uninsured recipient of such emergency medical and ambulance services, pursuant to General Municipal Law section 209-b(4)(e); and it is further

**MOTIONS
REGULAR MEETING**

RESOLVED, that except as otherwise provided herein, these resolutions shall take effect immediately.

AYES:

NAYS:

The foregoing resolution was thereupon declared duly adopted.

SCHEDULE 'A'

2022-23 Town of Hamburg Schedule of Fees and Charges

BLS Transport	Basic Life Support Basic EMT level provided	\$1100
ALS 1 Transport	Advance Life Support Treatment above basic EMT level	\$1400
ALS 2 Transport	3 or more drugs administered, or one of 7 procedures done to patients*	\$1700
BLS Intercept	BLS – level on board another agency’s transporting ambulance	\$700
ALS Intercept	ALS – level on board another agency’s transporting ambulance	\$750
Treat and Release	BLS – level treatment or assessment to a patient who refuses transport	\$500
Mileage	Loaded Mileage	\$35 per mile

* The 7 procedures are as follows: Defibrillation, Cardioversion, External Pacemaker, Intraosseous infusion, Airway Device Intubation, Chest Decompression, Surgical Airway

**MOTIONS
REGULAR MEETING**

10. **MOTION** by Trustee Davis, seconded by Trustee _____, to approve a request by the Hamburg Alumni Foundation to hold the Hamburg High School All-Class Reunion on Friday, August 9, 2024 from 6-11 p.m. at Memorial Park, with setup beginning Thursday, August 8, 2024 and teardown concluding Saturday, August 12, 2024. Approval is subject to the submission of a *Facility Use Application and Agreement* and the appropriate insurance.

AYES:

NAYS:

11. **MOTION** by Trustee Davis, seconded by Trustee _____, to authorize Mayor Thomas P. Tallman to sign a proposal for professional consulting services with LaBella, for a total amount of \$5,000, to update and resubmit the NYS DOS Smart Growth Grant as part of the CFA and to assist in the preparation of the Environmental Protection Fund planning grant for the Bird Sanctuary or Memorial Park. Project to be charged to account A 1010.451 Board Consultant.

AYES:

NAYS:

12. **MOTION** by Trustee Davis, seconded by Trustee _____,

WHEREAS, the Board of Trustees has received a report from Code Enforcement Officer Scott Courteau, dated April 18, 2024 and Engineering Firm Nussbaumer and Clark, Inc. dated April 26, 2024, that the building located at 128 Buffalo Street, owned by Christopher Kroll, is a danger to the life, health, property or safety of the public and inhabitants of the building; and

WHEREAS, the Board of Trustees has reviewed said reports and discussed it with the Code Enforcement Officer and have determined that the report cites conditions that are dangerous and unsafe to the occupants and the public.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees orders the Code Enforcement Officer to serve notice to Christopher Kroll that the building at 128 Buffalo Street is dangerous and in need of repair, and further orders that the building shall be demolished if it is not repaired, subject to the conditions set forth in the notice.

BE IT FURTHER RESOLVED that Christopher Kroll shall appear before the Board of Trustees for a hearing at Village Hall, 100 Main Street, Hamburg, New York on _____ at _____.

AYES:

NAYS:

13. **MOTION** by Trustee Davis, seconded by Trustee _____, to recommend the Village Board approve the Application for Certificate of Compliance for building design standards for *Lakeshore Pediatric Dentistry*, 169 Main Street, for a 30" x 48", double-sided monument sign as presented by property owner Amanda Torsney. The sign will include carved HDU panels and white pressure treated posts. Colors are yellow and blue letters against a white background. Said application having been reviewed by the Architectural Review Committee at their meeting of April 16, 2024, and the Architectural Review Committee having made a recommendation to this Board that said application be approved, and this Board having reviewed said application, the Board of Trustees hereby **APPROVES**: the Application for Certificate of Compliance for building design standards for a monument sign at *Lakeshore Pediatric Dentistry*, 169 Main Street, as recommended by the Architectural Review Committee.

MOTIONS
REGULAR MEETING

AYES:

NAYS:

14. **MOTION** by Trustee Davis, seconded by Trustee _____, to recommend the Village Board approve the Application for Certificate of Compliance for building design standards for *Village Veterinary Clinic*, 95 Buffalo Street, for an addition between two of their existing businesses. The applicant will remove the 2-story house that currently exists on the property. A grass courtyard park will be created between the buildings, which will be open to the public. A 6' vinyl fence will separate the public courtyard from the connecting addition and artificial turf yards, which will be added to create play places for the animals. The addition materials include brick and masonry and will match the existing buildings. Dryvit material is used for accent only. Lighting will be dark sky lighting that will shine down only. Said application having been reviewed by the Architectural Review Committee at their meeting of April 16, 2024, and the Architectural Review Committee having made a recommendation to this Board that said application be approved, and this Board having reviewed Said application, the Board of Trustees hereby **APPROVES**: the Application for Certificate of Compliance for building design standards for an addition at 95 Buffalo Street, *Village Veterinary Clinic*, as recommended by the Architectural Review Committee.

AYES:

NAYS:

15. **MOTION** by Trustee Hackathorn, seconded by Trustee _____, to authorize the payment of the Village of Hamburg Accounts for the period ending May 6, 2024.

AYES:

NAYS: