

Hamlin Town Board Meeting  
March 14, 2005

The Hamlin Town Board held their regular scheduled meeting in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York. The meeting was called to order by Town Supervisor Austin F. Warner, III at 7:00pm who explained the location of the fire exits for those present. Judge Paul W. Rath and Judge Richard Moffett led everyone present in the Pledge of Allegiance and a Moment of Silence for all deceased residents of Hamlin.

Present: Town Supervisor Austin F. Warner, III, Councilperson Shirley Hollink, Councilperson Paul S. Rath and Councilperson George Todd. Excused Councilperson David Rose.

Also present: Tom Ingraham Highway Sup., Eric Peters Water Sup., Melanie Fahmer Assessor, Dick Bauman Bldg. Inspector, Attorney Ken Licht, Deputy Town Supervisor Mary Hueser, Pat MacIntosh Secretary, Conservation Bd. member Tammy Palumbo, Fire Marshal B. J. Maier, Court Clerk Patience McPherson, Judge Paul W. Rath, Judge Richard Moffett, Planning Bd. members Judy Hazen and James Breslawski, Residents, Tom Jensen, Denny Roach, Rick Wright, Irene Frediani, Ted Habgood, Gerry Hutchinson, John Denaro, Doug Balcerek, Brenda Welch, Mike Marchetti, and Peter Toney, Attorney O'Toole, James Beehler, Larry Gurslin, Neil Rockow

**PUBLIC FORUM**

Town Supervisor Warner asked if there was anyone who wanted to speak for the good of the town. Conservation Bd. member Tammy Palumbo reminded everyone of the seedling give away on April 16<sup>th</sup> from 9am to 11am at the Top's Plaza. No one else wished to speak, public forum closed.

**RESOLUTION OF SYMPATHY – FRED J. LEVERENZ**

Resolution #93            A motion was made by Town Supervisor Austin F. Warner, III and unanimously seconded and approved by the entire board for the following:

Resolution of Sympathy  
Fred J. Leverenz

WHEREAS,        Fred J. Leverenz, a lifelong member of St. John Lutheran Church and resident of Hamlin, a brother, a father and a loving husband of 64 years  
and,

WHEREAS,        Fred J. Leverenz continued his commitment to the community as a member of the Hamlin Fire Department and served as Chief from 1953 to 1954 and,

WHEREAS,        Fred J. Leverenz also was elected Hamlin Highway Supervisor for four consecutive terms, serving from 1970 to 1978 keeping our roads safe for our motorist and,

BE IT RESOLVED on behalf of a grateful town the Hamlin Town Board extends their appreciation for all his dedicated service and know upon his passing he is truly missed by all his family and friends,

BE IT FURTHER RESOLVED, that the family of Fred be provided a copy of this Resolution of Sympathy spread upon the minutes of the March 14<sup>th</sup>, 2005 meeting.

Members polled, all ayes.

**PRESENTATION FOR TRINITY ASSISTANCE, INC.**

Service Coordinator and Vice President Doug Balcerek presented the plans for formation of Trinity Assistance Board and the necessary steps for the converting of 3808-3810 Brick Schoolhouse Rd. into an assisted home. A letter of support is needed and certification. An outline of clientele and needs by County (550 persons on the Monroe County waiting list). A written agency mission statement detailing the agencies goals and objectives was also presented. The names on the board of directors was available as well as the unique services the agency will be providing. The package on their presentation was available for the board members.

Town Supervisor Warner asked the board for their comments/questions. Councilperson Rath asked about the 550 people on the waiting and list and a breakdown on where they are located.

John Denaro stated he would be remodeling this residence but that he owns several properties and at a later date would like to build a new home. This is non-profit and they will be using \$100,000 of their own money as an investment and the rest will be coming from State aid.

B. J. Maier asked about the medical needs and what type of ambulance calls. The explanation of a 24 hours staff being a work schedule.

Comments and questions were made on the what type of persons would be there and also a resident who lives across from the Lifetime residence was not opposed to.

A letter of support will be drafted by the Town Supervisor.

**APPROVAL OF FEBRUARY 14, 2005 MINUTES**

Resolution #94 A motion was made by Councilperson Rath, seconded by Councilperson Hollink to approve the February 14, 2005 Town Board minutes as presented. Members polled, all ayes.

**AUTHORIZATION OF PAYMENT OF BILLS FROM THEIR RESPECTIVE FUNDS**

Resolution #95 A motion was made by Councilperson Hollink, seconded by Councilperson Rath to approve the payment of bills from their respective funds as follows:

General Abstract #3	#111 - #181	\$30,649.54
Highway	#045 - #079	\$47,524.55
Library	#007 - #027	\$ 8,260.24
Consolidated	#019 - #032	\$18,212.30
Hamlin Lighting	#002	\$ 543.29

Morton Lighting	#002	\$ 162.24
Hillcrest Lighting	#002	\$ 263.13
Campbell Lighting	#002	\$ 95.49
Wiler Rd. Water Dist	#003	\$ 1,650.00
Moscow Rd. Water Dist.	#003	\$ 198.75
Hamlin Kendall Water#1Ext6	#004 - #006	\$ 6,701.85
Hamlin Clarkson Tn. Ln Water	#003	\$ 31.80
N. Hamlin Water Dist	#002	\$ 22.26
Newco Dr. Water Dist	#003 - #004	\$ 398.23
Hamlin Walker Water Dist.	#005 - #006	\$ 3,832.18
Hamlin –Kendall Water Dist.	#008 - #014	\$ 7,903.20
Sewer District	#012 - #020	\$ 967.42

Members polled, all ayes, Motion carried.

### **CORRESPONDENCE**

1. Hamlin Volunteer Ambulance, Inc. meeting 1-13-05.
2. Hamlin Volunteer Ambulance, Inc. Directors meeting 2-10-05.
3. List of Walker Fire Department Line officers.
4. Walker Fire Department monthly chiefs report.
5. Recreation Commission Meeting 2-8-05.
6. Hamlin Library Board of Trustees meeting 2-2-05.
7. A copy of a letter RE: fees for the Open Swim.
8. A copy of the Assessor's Monthly report for February 2005.
9. A copy of the Building Department report for February 2005.
10. A copy of the Library meeting of 3-2-05
11. A copy of the Dog Control Officers report for February 2005.
12. A copy of the resolutions approved at the Association of Towns.
13. A copy of the Recreation Department Program report.
14. A copy of a letter from Time Warner RE: some changes of channels.
15. A copy of the Fire Marshal's report for February 2005.

### **REPORT ON THE JUSTICE COURTS**

Judge Paul W. Rath presented and reported on a court report updating the Town Board on the stat's of cases. In 2001 there were 1,192, 2002 there was 1,454, 2003 they had 1,004 and 2004 there was 1,112. The judge's monthly reports are now done electronically as well as the criminal dispositions. They are receiving Electronic tickets from the State Police at this time. We are connected to DMV so we are able to do license checks. We also are capable of receiving rap sheets electronically. The Hamlin Court is the 2<sup>nd</sup> court in Monroe County to do all this. We have been in the building two years in May. Last year we noticed a hump about four feet from the entrance door. We have carpeting over it and we have a warning sign to make people aware of it. The question of the status of the floor was asked. The Building Inspector stated he got real busy last spring and lost track of it but will get back on it. Town Supervisor Warner stated he was very happy with the job the both Judges were doing.

**DISCUSSION ON REZONING OF BEEHLER/KRONENBERG PROPERTY**

Attorney O'Toole stated he would like to answer or address some of the concerns that came up at the hearing on our request for rezoning. As far as rezoning and building in phases with a Homeowners Association the whole budget and plan would be provided to the Attorney General. The drainage questions will be addressed in the planning stages. The feasibility of this project and the demographics show there is a need here. The whole project has not been engineered; we need to have the zoning in place. Once the zoning is granted we would combine the lots all into one and continue with the Planning Board process to build in phases.

James Breslawski of the Planning Board explained bringing the lot combination to the board and SEQR process. Councilperson Rath stated his support for this project with Councilperson Hollink asking about the \$170,000 price per unit. James Beehler stated they are not building in Pittsford and realized what the market would handle in Hamlin. Discussion continued briefly amongst the board and applicant.

**REZONING AND ADOPTION OF LOCAL LAW #2-2005**

Resolution #96            A motion was made by Councilperson Rath, seconded by Councilperson Todd for the following resolution read by Town Supervisor Warner:

WHEREAS, James Beehler and Mark Kronenberg, owners of premises on Roosevelt Hgwy., have requested that the Town Board amend the Zoning Map to change the zoning of Tax Parcel #021.03-03-008, containing 18.538 acres, Tax Parcel #021.03-3-023.200 containing 28.885 acres, and part of Tax Parcel #029.02-01-001.115 containing 6,810 acres from Residential Medium and Commercial General Business to Senior Citizen Residential, and

WHEREAS, James Beehler and Mark Kronenberg desire to construct housing for senior citizens on said land,

WHEREAS, said land is located in public water and sewer districts, and

WHEREAS, on January 10, 2005 the Town Board adopted a resolution to hold a public hearing on a proposed Local Law to rezone said premises 7:00pm on February 14, 2005, and

WHEREAS, notice of the public hearing was duly published and posted as required by law, and

WHEREAS, the Town of Hamlin Planning Board has heretofore recommended that the Town Board rezone said property to Senior Citizen Residential, and

WHEREAS, the proposed Local Law was duly referred to pursuant to §239-m of the General Municipal Law to the Monroe County Department of Planning and Development, and

WHEREAS, the Monroe County Department of Planning and Development responded that the proposed rezoning needs to be consistent with Hamlin's comprehensive plan and that the Town Board should consider whether any existing woodlands may be impacted by the proposed use, and that because the National Wetland Inventory maps prepared by the U.S. Department of Interior indicate that a portion of a

federal wetland classified as PFO1A is located on the lands to be rezoned, the applicant should contact the Army Corps of Engineers for more information, and

WHEREAS, the Town Board has heretofore reviewed a full environmental assessment form,

BE IT RESOLVED AS FOLLOWS:

1. The Town Board has complied with the requirements of §125-8 of the Town of Hamlin Zoning Law of 1991 and with the requirements of §265 of the Town Law regarding amendments to the Zoning Law.
2. This action has been treated as a Type 1 action pursuant to the State Environmental Quality Review Act. Coordinated review has been completed. The full environmental assessment form submitted by applicant is accepted. The project will not result in any large important impact and therefore, is one which will not have a significant impact on the environment.
3. Zoning reclassification of this parcel is consistent with the Town of Hamlin Comprehensive Plan adopted on June 2, 1997. That Plan set forth as a community goal for meeting the Town's future housing needs a policy of "residential development to locate within the limits of established water and sewer districts". The parcel under consideration is located within both a sewer district and a water district. The comprehensive plan further sets forth as community goals the encouragement of a wide range of housing types and costs guided by the social-economic needs of the people and the encouragement of the design of residential areas to discourage individual lots from having direct access to major streets. The proposed development of senior residential housing on the subject premises conforms with said goals as set forth in Hamlin's comprehensive plan.
4. The Town of Hamlin recognized the increasing need for housing options designed specifically and exclusively for senior citizens in the statement of purpose for the local law adopting during 2004 which provided for the creation of Senior Citizen Residential Zoning Districts.
5. The establishment of a Senior Citizen Zoning District serves the purpose of the comprehensive plan and the statement of purpose for creation of Senior Residential Districts as set forth in Section 125-22 of the Hamlin Zoning Law.
6. The premises is primary open land no longer used for purposes and secondary growth vegetation. It does not contain mature woodlands. Young growth of trees in the vicinity of a federal wetland may be delineated during the site plan review by the Planning Board. Adequate protection for the wetland areas may also be addressed by the Planning Board.
7. The rezoning of this parcel will not have any significant negative impact upon the environment.
8. The local law shall provide that the zoning change to SC will automatically terminate upon the expiration of six months unless the land rezoned by this local law is resubdivided within said six month period to create a single tax parcel.

Members polled, Councilperson Hollink no due to the three zonings on the parcel, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**RESOLUTION ON HIGH PROPERTY TAXES TO BE SENT TO ALBANY**

Resolution #97            A motion was made by Councilperson Hollink, seconded by Councilperson Rath to approve the following resolution on behalf of the citizens of Hamlin:

RESOLVED that the following recommendations be submitted to New York State Senator Joseph L. Bruno, New York State Senator Maziarz , New York State Assembly Representative Sheldon Silver, New York State Assembly Representative Charles Nesbitt, and Governor George Pataki, with a letter on behalf of the citizens of Hamlin urging their immediate attention.

WHEREAS the residents of the Town of Hamlin have collectively considered the local issues of greatest concern to them and identified high property taxes as one of the highest priority among them; and

WHEREAS funding for local governmental services, including public education, is provided primarily through a tax on the estimated value of property; and

WHEREAS the welfare of Hamlin homeowners is jeopardized by the rapid increase in the cost of public education and the inability of many homeowners to pay these increased costs; and

WHEREAS the increasing burden of public education on taxpayers also impacts on the ability to raise other taxes to provide services and to fund Town-specific and local initiatives important to the well-being of the community.

THEREFORE, the Town Board of the Town of Hamlin appeals to New York State public officials to implement new measures for financing public education, including the following suggested actions:

1. Ensure equity in a formula for funding public education based on the taxpayers ability to pay.
2. Decrease the revenue raised from tax sources based on the value of dwellings.
3. Refrain from imposing state mandated requirements upon school systems without corresponding state funding.
4. Adjust the formulas on revenues earmarked as aid to education from state lottery and other future gaming activities so that the annual percentage is substantially increased from current levels..
5. Maintain the enhanced STAR exemption for the town's neediest citizens, but also increase the STAR exemption for senior citizens specifically at all income levels.
6. Regain lost tax revenue from the above actions through income tax.

Discussion: Councilperson Hollink asked about the increase in taxes of 80% with Councilperson Rath explaining that it is the schools raising the taxes not the State that is why this resolution should be shared with the schools.

Members polled, all ayes. Motion carried.

**INCREASE LIBRARIES EXPENSE ACCOUNT**

Resolution #98        A motion was made by Councilperson Rath, seconded by Town Supervisor Warner to increase the Libraries expense account A7410.4 by \$2,559.05 from the contingency account A1990.4 of 2004.

Discussion:    Councilperson Todd asked the question on the January 31, 2005 deadline for submitting bills from the 2004 budget. Councilperson Rath gave an explanation each budget standing alone, expenditures of previous years and fund balances. Town Supervisor Warner stated it is over a month late and this is early in the year to be into the contingency fund. Councilperson Hollink asked are we covering something for this year that they didn't put into their budget? Councilperson Rath explained a little further the details of their request.

Members polled, Councilperson Hollink no, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**SPRING BRUSH PICKUP DATE SET**

Resolution #99        A motion was made by Councilperson Todd, seconded by Councilperson Rath to set the date for the 2005 Spring Brush pickup for the week of April 25<sup>th</sup>, 2005. Members polled, all ayes. Motion carried.

**SPRING CLEANUP DATE SET**

Resolution #100       A motion was made by Councilperson Todd, seconded by Councilperson Hollink to set the date for the 2005 Spring Clean-up for April 25<sup>th</sup> through May 7, 2005.

Discussion: Councilperson Rath asked if this is seven days a week. Monday through Friday 10am to 7pm and Saturday and Sunday 8am to 4pm was stated by the Highway Sup. who added we are accepting recycling.

Members polled, all ayes. Motion carried.

**ACCEPTING BID FOR FOUR WHEEL DRIVE TRACTOR**

Upon opening of bids for four wheel drive tractor the following bids were made:

#1	Empire Tractor	New Holland TN70DA with/32 LE Loader	\$34,673
#2	Bentley Brothers	Kuboter M5700 with Loader	\$34,495
#3	SV Moffett	No Bid	
#4	Ontrac	John Deere 5325 with 542 Loader	\$37,250

Highway Sup. Tom Ingraham explained the difference in some specs and went with the one that offered more including horsepower and only is a couple of dollars difference.

Resolution #101 A motion was made by Town Supervisor Warner, seconded dually by Councilperson Todd and Councilperson Hollink to award the bid made by Empire Tractor for a New Holland TN70DA with/32 LE Loader at \$34,673. Members polled, all ayes. Motion carried

### **ACCEPTING BID FOR TRI DECK MOWER**

Upon opening of bids for TRI Deck Mower the following bids were made:

#1	Empire Tractor	Woods 9180 ORD	\$ 9,280
#2	Bentley Brothers	Bush hog TD 1500	\$ 9,800
#3	SV Moffett	Progressive TD65	\$10,779
#4	Ontrac	Frontier FM 1015R	\$10,121

Resolution #102 A motion was made by Councilperson Rath, seconded by Councilperson Hollink to award the bid made by Empire Tractor for a Woods 918ORD, 15' Tri Deck mower in the amount of \$9,280. Members polled, all ayes. Motion carried.

### **SURPLUS EQUIPMENT TO SPRING MUNICIPAL AUCTION**

Resolution #103 A motion was made by Councilperson Todd, seconded by Councilperson Rath to sell a 1985 Simplicity 9523 Tractor with mower as surplus equipment at the spring Municipal Auction held on May 21, 2005. Members polled, all ayes. Motion carried.

### **SURPLUS EQUIPMENT TO SPRING MUNICIPAL AUCTION**

Resolution #104 A motion was made by Councilperson Hollink, seconded by Councilperson Rath to sell a 1997 Ford 545D industrial tractor with four wheel drive and loader as surplus equipment at the spring Municipal Auction held on May 21, 2005. Members polled, all ayes. Motion carried.

### **SURPLUS EQUIPMENT TO SPRING MUNICIPAL AUCTION**

Resolution #105 A motion was made by Councilperson Hollink, seconded by Councilperson Rath to sell a 1986 Case Roller as surplus equipment at the spring Municipal Auction held on May 21, 2005. Members polled, all ayes. Motion carried.

### **SURPLUS EQUIPMENT TO SPRING MUNICIPAL AUCTION**

Resolution #106 A motion was made by Councilperson Hollink, seconded by Councilperson Rath to sell a 2001 580D Toro mower as surplus equipment at the spring Municipal Auction held on May 21, 2005.

Discussion: Highway Sup. Tom Ingraham gave a some figures on minimum bids, Simplicity Tractor 3,200 to 3,500, Industrial Tractor 20 to 22,000, Case Roller 3,800 to 4,000 and Toro mower 18 to 20,000. Even with the low ends we should be okay.

Members polled, all ayes. Motion carried.

### **ACCEPTING BID FOR ASPHALT ROLLER**

Upon opening bids for an Roller the following bids were made:

#1	Southworth – Milton	Cat CB534D	2003	780hrs.	\$67,564
#2	LC Whitford	CAT CB534C	2000	1099hrs	\$49,900
#3	Monroe Tractor	Hamm HD 90	2003	342hrs	\$61,500
#4	Monroe Tractor	Hamm HD 110VHV		0hrs	\$88,535

Resolution #107 A motion was made by Town Supervisor Warner, seconded by Councilperson Todd to award the bid made by Monroe Tractor for a 2003 Hamm HD90 Asphalt roller with 342 hours at \$61,500.

Discussion: Town Supervisor Warner asked the Highway Sup. Tom Ingraham to explain the time taken in researching for the bids by actually visiting some locations. There are not many out there. When asked by Councilperson Rath about the financing Tom told him last week M&T Bank at 4.15% but that rate may change. The payments were also explained.

Members were then polled, all ayes. Motion carried.

### **ENTRANCE AND GYM PROPOSALS**

Town Supervisor Warner asked for a discussion on the proposals that he had given to the board members. In answering Councilperson Rath's question on fee schedule an explanation on the project total cost was around \$27,987, the fees would not exceed 10% of that. Gym estimate at \$6,700 by Barstrom and LaCroix. The grant is for \$30,000. I can look for any additional money stated Town Supervisor. Councilperson Todd raised the question of handicap accessible. Both Councilperson Todd and Hollink stated we need to do the gym first as we have been talking about this for at least eight years.

Resolution #108 A motion was made by Councilperson Hollink, seconded by Councilperson Todd to start the gym first with Barstrom and Lacroix for \$6,700.00 and then to proceed to the entrance way. Members polled, all ayes. Motion carried.

**YOUTH BUREAU SERVICES FOR 2005**

Resolution#109        A motion was made by Councilperson Hollink, seconded by Councilperson Rath to enter into an agreement with the County of Monroe for Youth Bureau Services for 2005. Members polled, all ayes. Motion carried.

**GIS GRANT**

Town Supervisor asked for a resolution to send a letter of approval for the GIS grant for \$32,000. The grant will pay for the computer and one person to do the work for two years. When asked about the person as an employee would it include benefits; there would be none. The County will do a lot of the training of our employees. The board members felt this is long over due. The breakdown on expenses was reviewed.

Resolution#110        A motion was made by Councilperson Hollink, seconded by Councilperson Todd to send a letter of approval for GIS grant. Members polled, all ayes. Motion carried.

**REPORTS**

Councilperson George Todd reported on the following:

- Zoning Board of Appeals minutes are available but he highlighted the discussion on the Shore Acres property and concerns on the swales and drainage.
- Recreation Community Survey committee.

Councilperson Shirley Hollink reported on the following:

- Egg hunt this coming Saturday
- Newsletter brought in today and will be combined with Recreation brochure.
- Sorry that David Leverenz didn't show up, hopefully we can do this award next month.

Highway Sup. Tom Ingraham reported on the following:

- Snow this year has been manageable and so far about 107 inches.
- Last week first training on the heart start machine, I sent several employees up for it.
- Update on the tower and having our radio's switched over shortly.
- The PEMA disaster grant we wanted to put in for the new channel of West Creek. of the 48 letters 7 came back and Stu Brown doesn't think we will qualify. J.P. has been working with the subdivision next to Lake Breeze and we are hoping we can work something out even though they are responsible for taking care of their runoff. Some alternatives are being looked at with possible use of the railroad bed to gain access. The direction on the flow of the water from that area was given to the board. Town Supervisor explained the distance of the railroad bed.
- Update on water coalition mtg. was given. Town Supervisor Warner thanked him for his work on that.

Water Sup. Eric Peters reported on the following:

- Two small leaks.
- Working on Water Quality draft reports having them sent to the Health Depts.
- Backhoe delivery around April 7<sup>th</sup>.

Deputy Town Supervisor Mary Hueser reported on the following:

- Hamlin Fire Dept. business as usual.
- Hilton Snowflyers would like to help out next year with the Recreation snowday which was successful.
- Hamlin Ambulance Corp is working on their new ambulance.
- Community Center Committee working on the results of the survey.

Richard Bauman Bldg. Insp. reported on the following:

- The new car wash has started. I am also reviewing the Beehler/Bower Subdivision.
- Working with the ZBA, Planning Bd. and Conservation Bd. on some new procedures.

Melanie Fahmer Assessor reported on the following:

- The office is processing the application for all the exemptions we have been taking in.
- Friday she is attending a class on manufactured homes.

Councilperson Paul Rath reported on the following:

- Conservation Bd. you all have the minutes.
- LWRP calls every week to check on it and after their approval it will need to be posted for comments.
- Comments were made on the Walker Fire Dept. new vehicle.

Town Supervisor Austin Warner reported on the following:

- Reported on the meeting with State Parks in Niagara on car fees and more events. With proof of New York State residency anyone 62 years of age or older can get into any State Park free Monday through Friday, non-holidays. Also he was given information on Leo Downey for some possible grants for dredging and docks. There is a grant workshop on May 5<sup>th</sup> I will attend. Will also work with the Park Manager James Slusarczyk on more events.
- I also want to recognize all the volunteers services groups, fire and ambulance in our community and the outstanding job they do. Pointing out recently the man who fell through the ice and the efforts of Joe Burke and Mark Jacobs.

### **ADJOURNMENT**

A motion was made by Councilperson Todd, seconded by Councilperson Rath to adjourn the meeting at 8:50pm. Members polled, all ayes. Motion carried.

Respectfully submitted,

Kathi A. Rickman, RMC  
Hamlin Town Clerk

