

Hamlin Town Board Meeting
September 11, 2017

The Hamlin Town Board held their regular scheduled meeting in the Hamlin Town Hall located at 1658 Lake Road, Hamlin, New York. The meeting was called to order at a few minutes past 7 pm by Supervisor Peters. The locations of the fire exits and defibrillator were explained for those present. Everyone was invited to participate in the Pledge of Allegiance and a moment of silence for the deceased residents of Hamlin. He asked that everyone be mindful of this date 16 years ago and the events that have changed the world forever. Invocation by Pastor Chris Bode.

Present: Councilperson Jason Baxter, Councilperson Jennifer Voelkl, Councilperson Martin Maier, Councilperson Dave Rose and Supervisor Eric Peters.

Also present: Highway Superintendent Steve Baase, Building Inspector Code Enforcement Officer Cheryl Pacelli, Deputy Town Clerk and Senior Consultant Michelle Johnson, Recreation Director Anke Applebaum, Historian and Conversation Board Chairman Dave Walch, and Pastor Chris Bode.

Residents: William Noble, Carol and George Bott, Linda Beaty, Leslie Tandler, Shawn Baxter, Dottie Butcher, Cindy Lutwiller, Tanja Anselm Cooke, Peter and Sara Terry, Tim and Dawn Call, Vince Harper, Arlene, Robert and Connie Dilger, Chris Andrews, Steve and Terri Rice, Thomas Band, Judith and Robert Jones, Brad and Andrea Tomaszewski, Dave and Maura Smith, Gail Moore, Kathleen and Ron Soule, Deb Shores Ellen Barton, Jeff Krusze, Jean and Dough Rivais, Kim Peters, Pat Nunnery, Kevin Noon and Richard and Carolyn Myrich.

PUBLIC FORUM

Tanja Anselm-Cooke from the Community of Sandy Harbor Beach Association submitted the following letter:

My name is Tanja Anselm-Cooke, and today I am speaking on behalf of our community known as the Sandy Harbor Beach Association. We are a combination of new and very old structures; multiple-generation-owned and newly acquired; year rounders and seasonal occupants. Thank you for allotting this time to be heard.

A combination of Treaty 2014, cyclical high waters on Lake Ontario, unprecedented rain, and the “bathtub” effect of being on the southern shore have profoundly affected all lake shore communities. It was designated a disaster area by Governor Cuomo in July.

Our situation has an added issue-concurrent flooding of the basin and wetlands fed by Sandy Creek that exists as a natural overflow reservoir. Those waters rise and fall to the rhythm of the lake. So, while others had to pay attention to their lake front properties, our community also had to pay attention to the back. As town board members, some of you may have taken the time to see firsthand the extensive flooding from both sides.

We bonded over sand bags. Repeateldly.

Please know we remain grateful for the prompt and generous response to requests for sandbags.

The process of protecting the combined environment of people and natural wildlife saw property owners bringing in porta-potties, going to hotels, using community-based laundry and shower facilities, carefully monitoring septic systems, and following self-imposed strict water disposal conservation. We

continue to wait for the water table to recede enough to even consider raising some structures on their existing footprint in order to repair and prevent future damage.

Regardless of our combined efforts, significant damage from the pond side occurred. Some structures need to be torn down. Trees died. Mold is an issue for some.

In order to mitigate current and future damage, we have and are reaching out to you, the Town of Hamlin, and to the DEC and for guidance. As it can happen with the unexpected, there is some confusion as to what we need to do.

Previous visits by the DEC have given the green light to creating an environmentally-sound berm of biodegradable sand bags and bringing in soil to stop the water encroachment from the back. Some residences will need to add a steel I-beam to an existing, permitted, steel wall by the basin.

On September 8th, multiple residents were issued stop-work notifications by the Town of Hamlin, including some who were not doing any repair work. The notice gives 5 business days to comply. It indicates this violation is not attached to each property's file.

On behalf of the Association members, I am requesting help and clarity on the following:

- What work needs to be stopped;

- What permits are needed by the town so residents can continue repairing current and mitigating future damage; and,

- What do the residents given the notice in error need to do to have the violation removed from their property?

A unique and collegial relationship has existed for decades with the Sandy Harbor Beach Association and the Town of Hamlin. We look forward to carrying that into the future.

Leslie Tandler – 7628 Newco – He is looking for clarity. He has done his due diligence and talked to the mobile DEC trailer about what was needed and got the packets from them. Each time he asked about what he needed to do they told him he was okay and then he has now been told it is wetlands and he can't build the berm.

No one wanted to say anything else, so the Supervisor asked if the Building inspector would like to make a response to some of the concerns.

The Building Inspector indicated that the DEC had contacted her and made her aware of some issues of people putting in fill without permits and asked her to put stop work orders there due to the fact that they are on flood plains and need permits. She left the stop work orders, handed out packets and told people to come in to the office to discuss the requirements and no one came in. She is talking to the DEC and plans to find out all the requirements needed on Wednesday to complete the flood plain permits so they can move forward. Flood plains and wetlands are two separate things and they have to be handled separately. The Town of Hamlin handles the flood plains and DEC handles Wetlands.

Leslie Tandler asked if there was any recourse that could be taken if one neighbor does not decide to do a berm and everyone else does as that could make it all ineffective. The Building Inspector does not have any jurisdiction with that.

Bob Jones – 7561 Sandy Harbor – I want to be mad, I want to be angry for what I have been going through the past four months. I know it is not you and I know it is because of the 2014 treaty and I have seen some faces more than others down checking things out, but this is bigger than you and bigger than all of us. The Governor has not done anything since 1973 and he would like everyone to consider being in their shoes and work together. Communication is not happening you do not hear us and we do not hear you.

The Supervisor spoke and said God Bless Texas. If one person doesn't want to build a berm it is a legal issues because it is private property. The Building Inspector and the Supervisor have been speaking to people for hours on the phone and they continue to get conflicting information. The State feels that the problem ended in July 15. This land is unique because it has lakefront and wetlands on the property. We are not getting support from the Governor either.

Chriss Andrews – do any of you live on the lake. Yes some of the board lives on the lake. I do not want money, I just want everyone out of my way so that I can do what I need to protect my property. Just asking for help.

Building Inspector and the Supervisor commented on the situation:

The issues have been very unfortunate. We were contacted by DEC about putting stop work orders on and there are a lot of eyes on the situations and DEC is only one of the agencies. It needs to be correct because if you do decide to move and things are not correct then you may not be able to get a mortgage on your property. The Town is told by the organizations what can and can not be done. There are Federal and State Flood Lands on Sandy Harbor but Newco may not have flood lands. Please come in and talk to the Building Inspector first to make sure the process is followed to get it all done.

Councilperson Voelkl asked if the LWRP laws would supercede any others because when the Department of State was here meeting with the Conservation Board they stated that our LWRP could supercede Army Corp and DEC. The Building Inspector said that we were required to be consistent with DEC. DEC has jurisdiction on this and would have to answer to what was needed and definitions of requirements.

Judy Jones – 7561 Sandy Harbor

She does not feel that the Building Inspector's statement was accurate. She did not have a copy of the permit or a name to look it up when they came to her. The Town wants us to reach out for help but they do not have the answers and make it seem like they do. The Building Inspector indicated that she had to get the information from DEC and then it had to be formed to Town of Hamlin permit before it could get passed out to be legal. Everyone received a stop work order so that they could come in and discuss what they were doing to see if anything was needed before they did the work. If there were any stop workorders issued that people were not planning on doing work they will be rescinded. She is aware of others that wanted to be here tonight but could not be due to illnesses.

General Comments were made by several people, not always identifying themselves:

If our property values go down, the tax base will go down and they would like the town to go to battle for us. We need help with the DEC because they are not returning our calls. They are frustrated not knowing the processes.

You were gracious handing out the sandbags and they appreciated that. They wanted to know what the definition was for fill. They felt they were just replacing land they lost. The Building Inspector responded about the fact that according to DEC fill is illegal in the area and she could not answer for the DEC if what they were doing was considered fill. She will try and find out what their definition is for the residents.

They asked what the permit cost would be and who pays for it. The cost is \$35 and the applicant is responsible for it. They feel they are in a disaster area and now they are required to pay for permits. Other towns do not have these permit fees. The Building Inspector indicated that Town of Parma does not do permits for this because they make DEC do it all and have no part of it and the Town of Greece also has issued stop work orders because they have to regulate the permits just like us, so that is what the difference is if a town has permits or does not. They would like to know if the Association would be able to have 1 permit for the whole land that they own and help fast-track the process. It is a question that DEC would have to answer. If the land owners do not have survey maps that is one of the requirements so that they know where the land is and the elevations. They can contact DEC and then work on the flood plain permit with the Building Inspector at the same, they are two distinct different things but can be worked on simultaneously. She indicated that there is a Town of Hamlin fee of \$125 that is charged for people doing a project that requires a permit without a permit, however she is waiving it for this and they just need to come in and discuss what is needed to move forward.

It was asked for a DEC contact to come to this meeting tonight, however, they would not send one. The Building Inspector will continue to contact them to make sure that we are getting the details needed for what they need to do to protect their property correctly.

The Association would like to ask if it could be considered to get one permit for the area. Lawyer Licht asked if they were considered one owner and one tax ID and they answered yes.

Photos of the area were passed out to have the Board look at.

The Supervisor indicated that going forward we don't know what will happen. We are a local administrator but are being dictated what needs to be done and specific questions need to be addressed separately. There are new rules and things need to be looked at.

With no one else wishing to address the board, Supervisor Peters subsequently closed the forum.

APPROVAL OF PUBLIC HEARING MINUTES

Resolution #172 Motion was made by Councilperson Maier, seconded by Councilperson Rose to approve the Public Hearing Meeting minutes of August 14, 2017.

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, and Supervisor Peters aye. Motion carried.

APPROVAL OF TOWN BOARD MINUTES

Resolution #173 Motion was made by Councilperson Rose, seconded by Councilperson Maier to approve the Town Board meeting minutes of August 14, 2017.

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, and Supervisor Peters aye. Motion carried

AUTHORIZATION OF PAYMENT OF BILLS

Resolution #174 Motion was made by Councilperson Baxter, seconded by Councilperson Maier requesting the Town Board approval of the authorization of payment of bills from their respective funds.

<u>MONTHLY TOTALS</u>		TOWN OF HAMLIN		<u>Abstract: 9</u>	
<u>ACCOUNT</u>	<u>VOUCHER#</u>	<u>AMOUNT</u>		<u>ACCOUNT TOTALS</u>	
General	2017-1038 to 2017-1040	939.30			
	2017-1048 to 2017-1051	3079.54			
	2017-1058 to 2017-1059	209.00			
	2017-1094 to 2017-1135	90821.13			
Account Total				\$	95,048.97
Library	2017-1041	667.42			
	2017-1052 to 2017-1053	168.79			
	2017-1063 to 2017-1074	5411.95			
Account Total				\$	6,248.16
Highway	2017-1075 to 2017-1093	60676.78			
Account Total				\$	60,676.78
Sewer	2017-1042	33.53			
	2017-1054	64.28			
	2017-1061 to 2017-1136	41501.49			
Account Total				\$	41,599.30
Light	2017-1055	1331.13			
Account Total				\$	1,331.13

Employees Trust	2017-1035	1291.68		
	2017-1043 to 2017-1044	203.00		
	2017-1045 to 2017-1046	26280.83		
	2017-1047	1161.42		
	2017-1056	250.76		
	2017-1060	1168.31		
Account Total			\$	30,356.00
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Paychex	2017-1037	88.94		
	2017-1057	89.65		
Account Total			\$	178.59
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Visa Charges	Hamlin Post Office	7.71		
	Build A Sign	407.52		
	SkillPath	199.00		
	Humane Society At Lollipop	155.00		
	Facebook/Instagram Ads	170.42		
	Powtoons	114.00		
	Walmart	474.82		
	Marks Pizzeria	41.48		
Account Total			\$	1,569.95

GRAND TOTAL: **\$ 237,008.88**

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, and Supervisor Peters aye. Motion carried.

SUPERVISOR'S MONTHLY REPORT HAS BEEN ACKNOWLEDGED AND FILED

CORRESPONDENCE

- a. NWS Buffalo Weekly Briefing – 8/16, 8/23, 8/30, 9/6
- b. Cancellation Notice – August 2017 Meeting of the Monroe County Parks Advisory Committee
- c. Leveler – Issue 84, Issue 85
- d. You're invited – Bicyclists Bring Business Events in the Mohawk Valley
- e. Code wording
- f. Charter Communications – 8/31
- g. Genesee/Finger Lakes Regional Planning Council EBlast – Correction
- h. Free Seminar on Healing Power of Touch
- i. Multistate outbreaks of Salmonella linked to backyard poultry flocks
- j. C Zone Sheriff Report – 8/10, 8/17, 8/24, 8/31
- k. Landmark Society Preservation Grant Fund
- l. Healing Power of Touch Seminar
- m. Special Preview! Enterprising Waters: New York's Erie Canal – 9/14
- n. HVA meeting 9-4-17

AUTHORIZE MONEY TO COMBINE WITH A GRANT FOR THE HISTORY CENTER

Resolution #175 Motion was made by Councilperson Voelkl, second by Councilperson Baxter to Authorize \$400.00 to combine with the \$1,000.00 grant from the Landmark Society complete a Building Condition Report for the Stone Barn at the History Center.

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye and Supervisor Peters aye. Motion carried.

The Historian was successful in getting grant money and based on the quote this was the amount that was needed to complete the project.

REFUND COUNTY OF MONROE FOR UNPAID PROPERTY CLEAN UP CHARGES

Resolution #176 Motion was made by Councilperson Maier, second by Councilperson Voelkl to Refund the County of Monroe of \$62,036.50 for unpaid property clean up charges. The accounts are as follows:

263000012.04-1-8	2954 Church Rd.	Gillette	\$175.00
263000021.01-2-4.1	1420 Lake Rd W.	Zugehoer	\$14,591.50
263000021.01-4-1	1396 Lake Rd.	Wells Fargo C/O Ocwen	\$47,270.00

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose no, and Supervisor Peters aye. Motion carried.

There is a tax lien on the properties and the Local Supervisors are still working on the collection process and getting reimbursed for these activities that the Town does to keep the Town up to codes and reverse the policy that changed for us not to get reimbursed. Lawyer Ken Licht will send a note to the bank for the demolition to see if we can try and get the money for that back in the meantime through them.

HAMLIN MEADOWS SECTION 2 CLOSE OUT TRANSACTIONS

Resolution #177 Motion was made by Councilperson Baxter, seconded by Councilperson Voelkl to Withdraw \$1,400.00 from the Letter of Credit for Sec.2 of the Hamlin Meadows Subdivision pending Installation of Survey Monuments, and Release the Remaining \$23,658.00 and Closeout the letter of Credit for Sec.2 per Recommendation of Chatfield Eng. The Town is in Possession of an \$1859.00 Cash Maintenance Bond.

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye and Supervisor Peters aye. Motion carried.

Section 3 line of credit is still open if there is any issues to be resolved.

REPORTS

Councilperson Baxter reported on the following:

- Dog Control – There has been some stray dogs and dog bites they have been dealing with at the shelter. The down stairs is painted and the play pen has been opened.
- Ambulance - Rick left a report the showed 72% coverage. If they decide to do 24/7 coverage it will cost approximately \$200,000 a year unless they are able to get more volunteers
- Hilton Parma Fire District – They have approved their preliminary budget of 1,171,400.00
- United Shore – People need to put pressure on the DEC to get some help needed for their properties.

Councilperson Voelkl reported on the following:

- Zoning -Public Hearing for a detached garage on Wiler Road that was passed.
- Chamber of Commerce – September 6 they had a Sheriff update. September 13 The Merchants Association will be presenting. She has reached out to see if they want volunteers from the Dog Shelter to work the Apple Fest booth again and then have a donation made to the Shelter.
- United Shoreline – Louise Slaughter had a representative on hand and the last meeting, but people were upset that she was not present in person to talk. People are receiving money from the Sheen Representatives so that is a good thing.
- Seniors – Thank you for being invited to the picnic it was fun and she had a great time.

Councilperson Rose reported on the following:

- Planning – He was unable to attend so the minutes of the meeting show what happened.
- Seniors – Thank you for the Town's help at the Picnic. Executive meeting will be tomorrow.
- Library – Meeting is Wednesday night.
- Hamlin Morton Walker Fire District – Marty was able to attend as he was not.

Councilperson Maier reported on the following:

- Conservation – There were a number of references with no issues. A representative from the LWRP met with them and made comments about what should be done.
- Hamlin Morton Walker Fire District –The new pumper will be in service on October 1.

Highway Superintendent Steven Baase reported on the following:

- Milling out in housing tracts
- Black top will be done in the next week
- They are helping Ogden on County jobs
- Helping Brockport
- Helping on county project in Riga
- Helping on county project in Sweden
- Junk off drop days is on September 22-24 and was advertised on the website and in the paper.
- Parks is working on the fields with lining and making a lacrosse field.
- They were clearing out the barn for Recreation and holding the archery classes in there.

Senior Consultant Michelle Johnson reported on the following:

- Thank you to all the board members for coming to the picnic and it was a wonderful time.

Building Inspector, Cheryl Pacelli reported the following:

58 permits issued from 8/14/17 – 9/11/17

Permit cost received: \$4,096.76

Permit valuation: \$819,165.04

21 permits have been closed. 312 Phone calls into the office

Sent out 30 violation notices for various code violations and complaints. The majority were for junk vehicles. Others for lawn maintenance and junk in residential yards. Office continues to assist residents of the lakeshore with the permitting process for the DEC and the Town for Coastal Erosion Protection Reconstruction and possible funding. Placed 13 stop work orders on a section of homes along Sandy Harbor Drive for failure to obtain required permits for work in a Floodplain.

Councilperson Voelkl thanked Building Inspector Pacelli for taking the hot seat at the public forum. Building Inspector Pacelli thanked the board for their support.

Fire Marshal Ron Bragg was not present but sent a report on the following:

Fire Marshal Actives August 3, 2017 – September 2, 2017

Personal visits in or out of office.	1
Phone calls	33
Approved Permits	1
Fire Inspections	3
Residential Fire Inspections	0
Follow up fire inspections	6
Scheduled Fire Inspections	4
Residential complaints	1
Fire Dept Request /responding	1
Fire Dept Requested by FM	0
Town monthly 37 Fire Extinguisher Inspections	
Filing/Comp data entry	
mailings / E-mails	22

Total 55 hrs 371.5 hrs YTD 80.6 miles 746.3 miles YTD

Recreation Director Anke Applebaum reported on the following:

- Before and After School has started. Some aged out but got more new kindergarteners to take the spots. There is a small price increase of \$1 a day which has not been an issue with parents.
- New programs – archery is getting a slow start and no interest in Rugby, however Nerf has a wait list.
- Kitchen Vent – She feels the best solution will be to consolidate Equipment under the vent.
- She received a grant for \$2,500 to get a 70 inch smart TV in the gym to be able to offer instruction classes as a Virtual Instruction Project.

Historian and Conservation Board Chairman Dave Walch reported on the following:

- Conservation – He would like to contact his contacts at DEC and see what support they can give and get them to explain their role and talk to us about what they can do to help us stream line things.
- History – He appreciates the extra money helping to add to the grant and he will contact the architect to get started. He will look to get some contractor volunteer work also to help.

Supervisor Eric Peters

- He has posted his new hours on the website now that he is working during the days.
- Zoning Board workshop will be September 14
- Budget workshops will begin the week of October 4. Need to have a Public Hearing for approval on November 13.
- He has emailed out to set up a date for having an informational meeting for the Shoreline Sewer District.
- There has been discussion with HR Works about a Paid Family Leave Act that is not required so we will probably be able to opt out, but just getting all the information needed before making a decision.

ADJOURNMENT

A motion was made by Councilperson Maier, seconded by Councilperson Voelkl to Adjourn the meeting at 9:08 pm as all business had been concluded.

Polled votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye and Supervisor Peters aye. Motion Carried

Respectfully submitted,

Kathi A. Rickman, MMC
Hamlin Town Clerk