

Hamlin Town Board Meeting  
November 10, 2003

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 who explained the location of the fire exits for those present. Deputy Town Supervisor Mary Hueser led everyone in the Pledge of Allegiance and a Moment of Silence for all deceased residents of Hamlin.

Present: Town Supervisor Austin F. Warner, III, Councilperson Edward Evans, Councilperson Paul S. Rath, Councilperson George Todd. Excused Councilperson Shirley Hollink.

Also present: Tom Ingraham Highway Sup., David Rose Water Sup., Melanie Fahmer Assessor, Attorney Ken Licht, Planning Bd. Members James Breslawski and Judy Hazen, Cindy Olds Clerk to the Support Bds, Pat MacIntosh Secretary to Supervisor, Deputy Supervisor Mary Hueser, Conservation Bd. Member Mark Reeves, B. J. Maier Fire Marshal, Residents Linda Wietz, Sandy and Tom Tuschong, Lee Kase, Howard Hueser, Rich Wright, Jerry Scacchetti, Michael Marchetti, David & Crystal Sawyer, Frank DeLapa, Alfred Campbell, Steve Klafehn, Kathleen Begemann

**PUBLIC FORUM**

Michael Marchetti of 3847 Brick Schoolhouse Rd. wanted to speak to the Town Board regarding a proposal before the Planning Board on low income housing. Town Supervisor stated this may not be anything that will be coming to the Town Board but the Planning Board. A map was placed on the board with an explanation of the subsidized rental property with the single family homes and the senior apartments. Most everyone he has talked to is against the rental single family homes. How many people are going to be living in it? He explained the effect on jobs, transportation and budget wise for the tax base. He also had available census information and an estimate of the rentals available now in Hamlin with a population of 9,355. He estimated 750 rentals right now. He further stated Hamlin does not need anymore. He asked the board what we can do as a community to stop this?

R. Eichenberger of 3897 Brick Schoolhouse Rd. spoke on the same subject stating it would be different if they were owned and mentioned the problems coming out of SEAS. We don't want a Shanty Town.

Mr. Case of Church Rd. stated we have drainage problems that need improving and aren't we overloading the system. Sandy Tuschong of 3897 Brick Schoolhouse Rd. also mentioned the drainage problems. Linda Wietz of Lake Rd. stated this is the first she was hearing about this and stated the problems on Lake Rd. and all the Sheriff calls.

James Breslawski Vice Chairman of the Planning Board was asked by the Town Supervisor for any input on this proposal. He stated that it was proposed to have a Community Center, residential rentals and senior citizen apartments. The board will have to take a hard look at this proposal. It was also mentioned that this has been zoned R-H since 1991. Councilperson Rath asked would there be enough time between now and the December 1<sup>st</sup> Public Hearing date to gather all the necessary information and referrals to outside agencies. Cindy Olds Secretary to the Support Boards stated they have until Monday to pay to be on the agenda.

An unidentified resident stated the applicant is planning on final by February 1<sup>st</sup> or the loss of some funding. Michael Marchetti stated in other towns they use a large sign to advertise for a hearing, can this be done. Attorney Licht stated there is nothing in the code on that and without further examination there isn't anything the Town Board can do on this project unless there is something that will bring them back. At this time the discussion centered on previous proposals that were taken to court and a previous news article was handed out.

Public Forum was then closed

**APPROVAL OF TOWN BOARD MEETING MINUTES FOR OCTOBER 13, 2003**

Resolution #201 A motion was made by Councilperson Rath, seconded by Councilperson Todd to approve the minutes of the October 13, 2003 Town Board Meeting as presented. Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

**APPROVAL OF PUBLIC HEARING MINUTES FOR 2004 TOWN BUDGET HELD ON NOVEMBER 5, 2003**

Resolution #202 A motion was made by Councilperson Todd, seconded by Councilperson Evans to approve the minutes of the public hearing held on November 5, 2003 for the 2004 Hamlin Town Budget. Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

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

Resolution #203 A motion was made by Councilperson Rath, seconded by Councilperson Evans to authorize the payment of bills from their respective funds as follows:

General – Abstract #11	#0809 - #0944	\$44,735.89
Library	#0136 - #0155	\$ 4,584.94
Consolidated Water	#0141 - #0155	\$21,590.35
Highway	#0258 - #0283	\$18,549.03

Sewer District	#0059 - #0066	\$ 1,804.79
Hamlin/Walker Water Dist.	#0027 - #0030	\$ 4,263.81
North Hamlin Water Dist.	#0010	\$ 19.32
Newco Drive	#0019 - #0020	\$ 538.75
Hamlin/Kendall Water Dist.	#0055 - #0058	\$ 7,846.07
Hamlin Lighting Dist.	#0010	\$ 467.38
Morton Lighting District	#0010	\$ 142.25
Hillcrest Lighting District	#0010	\$ 246.68
Campbell Lighting District	#0010	\$ 87.43
Moscow Water District	#0037 - #0039	\$ 362.19

Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

Supervisors monthly report acknowledged and filed.

### **CORRESPONDENCE**

1. A letter from Mr. & Mrs. Danzig of the Dakota Gill RE: Mr. Gurslin.
2. A copy of a letter from Unity Health system asking for contribution to the Park Ridge Youth Outreach Program.
3. A notice of Public Statement on a joint proposal RE: Niagara Mohawk Power Corp.
4. A letter from Dept. of Environmental Services RE: Chet the Cheetah calendars.
5. Hamlin Fire District Treasurer's report for October 2003.
6. A copy of the Hamlin Fire District Meeting Minutes of 9-15-03.
7. A copy of Recreation's budget/revenue information.
8. A copy of Recreation Commission meeting Oct. 21, 2003.
9. A copy of the Hamlin Library Board of Trustees meeting of Oct. 1, 2003.
10. A copy of an E-mail from a resident complaining about an interest payment.
11. A copy of Recreation programs profit & loss for 2003.
12. A copy of the Town Hall Holidays for 2004.
13. Memo from Cindy Olds on suggestions for Bldg. Dept.
14. October 2003 report from Assessor Melanie Fahmer
15. October 2003 report from Fire Marshal B. J. Maier
16. Letter from Alan Hasman to Supervisor Warner on traffic issues
17. Letter to Supervisor Warner regarding Sue Evans term on Bd. Of Trustees

### **PUBLIC HEARING Rezoning of 023.01-1-7.1**

Town Supervisor Warner opened the hearing and Attorney Keith O'Toole representing the owners gave an overview of the proposed project of development of 29 acres. The present zoning of C-NB allows single family but we are requesting the zoning change to R-M.

The lot size would be approximately 21,000 sq. ft. with houses selling in the \$200,000 range with each approximately 2,000 sq. ft. The project is on public water and a major sewer line. This proposal if land is rezoned would go before the Planning Board for all necessary approvals. The floor was opened for public comments.

Mr. Case of Church Rd. mentioned the topography of land and the drainage. The explanation by Mr. Beehler and Attorney O'Toole on the location of the retention basin and the positive drainage away from the houses to Moorman Creek would be by State standards. This will also cure other drainage problems. Mr. Case had pictures of flooding on Church Rd. when he was told this project is located further south.

Mr. & Mrs. David Sawyer of 1685 Brick Schoolhouse Rd. mentioned the drainage problems as well as the fact they moved to this area for rural a community and if we wanted a lot of houses around we would have moved to Hilton.

Mr. Jerard Scacchetti of 1127 Hamlin Parma Tn. Ln. Rd. stated his wife was so upset she could not be here tonight and money is the bottom line. He was opposed to all the houses being stacked up on top of each other. Mr. Sawyer and Mr. Scacchetti asked about notification on the hearing and the list would be checked but the Town Board is not required to notify persons by mail. Bd. Members were asked for comments, they had none. Town Supervisor closed the public hearing.

#### **BONDING OF KATHI A. RICKMAN RECEIVER OF TOWN OF HAMLIN TAXES FOR 2004**

Resolution #204 A motion was made by Councilperson Todd, seconded by Councilperson Rath to approve the bonding of Kathi A. Rickman, Receiver of Town of Hamlin taxes for the year 2004 in the amount of \$500,000.00. Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried. A copy of the bond will be on file at the Town Clerk's Office.

#### **APPROVAL OF THE 2004 HAMLIN TOWN BUDGET**

Resolution #205 A motion was made by Councilperson Todd, seconded by Town Supervisor Warner to approve the Town of Hamlin 2004 Town Budget.

Discussion Councilperson Evans stated to Town Supervisor Warner not to get mad at him but he is only doing his job and read the following letter. News of the budget public hearing traveled quickly. People who were not at the meeting have called me or confronted me in person. I even got a letter. The letter, like the other encounters, says that I should not support the budget for several reasons. It mentions questions that were evaded and not answered at the hearing, the lack of policy regarding the use of the Cable Franchise money, and suggestions that it was the secretary's budget and not the Supervisor's budget based on who seemed to be the expert at the public hearing.

I agree with most of the complaints and I have a couple of my own. The huge increase in the Building Dept. budget because of an allowance of \$36//hour for 20 hours a week amounts to \$720 a week that will go to Greece to treat our self imposed hardship. We have never paid anyone in town that much an hour for anything! I would rather see the recreation department or the library get that extra money.

I am also concerned that this budget was put together in too much of a hurry and in little spurts of activity. I would like to have heard in person, with the entire board assembled, from each of the departments one at a time so I could see just what was being cut out of their programs to keep the budget down.

How many worth while programs could have been saved with a little more juggling? With all due respect, I can't support this budget.

Councilperson Rath stated his comments are along the same line. He stated there were some other concerns that were brought up at the public hearing but I did not get the answers. He asked the Town Supervisor, "How do you want this handled?" Lets talk about it now stated the Town Supervisor. At this time Town Supervisor Warner and Councilperson Rath discussed the attempts to contact each other during the day. Councilperson Rath stated he was out of the office and with those unanswered questions I prefer that the full board vote on this budget, we have not met as a full board.

Councilperson Todd asked what is different about this budget? It has been done as it has been done in the past; there is no change in the policy or procedure. Some of you have been on the board longer than I have what is so different this time. I relied upon you and your expertise at meetings I did not attend.

Councilperson Rath asked about the Special Fund and how it is best spent. Councilperson Todd asked why now, what is the big deal now and why wasn't it questioned before. Councilperson Rath stated we didn't spend anything until now. Last year it was set up and I keep hearing of the money going into the account and now we are spending it. The question is how is this money best spent for the town. The discussion centered on the fund, procedures and when and what questions have been asked on the use of the fund. Town Supervisor Warner reminded Councilperson Rath he had set up the fund.

Next question was Councilperson Rath asked about the Reserve Funds going back to August 2002? He mentioned the reserves on the 1998, 1999 \$329,000, 2000 \$305,000, 2001 \$177,000 and 2002 AUD reported to the State. I asked for the detailed reconciliation on 8-13-2002 of the reserve funds. Town Supervisor asked for the dates of those requests and you didn't question until now. He mentioned the various funds, the Capital Project Funds, and Recreation Bldg Fund. Town Supervisor Warner stated there is a technicality why are you grandstanding and if we are doing something wrong, then I want to know immediately, help us, you're the accountant. Councilperson Rath stated it took the public hearing to show the Library is actually spending \$128,000. The adding to 7410 of \$13,000, where was it taken from?

Town Supervisor Warner stated Unexpended Balance, top of Page 9. was the answer. Councilperson Rath asked wouldn't the Interfund Revenues be better. Town Supervisor stated we checked on that. Pat MacIntosh provided some additional information and stated to Councilperson Rath to let us know how you want to set it up, direct me we will do it that way, what ever your want.

Next question was on Playground with Councilperson Evans and Rath looking over the playground and what is going on with that, worksheets were reviewed. Also asked Shirley's programs and revenues with the totals given and understood.

Councilperson Rath asked about account 1220.4 and the accounting for the last couple of years. Town Supervisor Warner stated there has been no concerns raised by the public only you. Town Supervisor Warner stated he uses \$800 to \$1,000 of his own money. Councilperson Rath asked for a breakdown on cell phone and maybe some cutting could be done there. You have a budget, is it accurate? Town Supervisor Warner at this point mentioned this is the 4<sup>th</sup> lowest budget of towns and others had more reserve. Why are you holding up this budget. You're the accountant, you should be working with me. Is this serving the public. Councilperson Rath stated I would have like to have solved this in a meeting. Again they discussed the meetings held and missed.

Councilperson Rath asked about the Assessors expense and that \$2,000 could be cut there as it is year after year not used. Also discussed was the Fire Marshal budget. The Supervisor and him have talked back and forth and have split the difference. B. J. Maier was present and stated he would like the one question resolved on back up with no cost in 2004 but a title for back up as 8441 and maybe sending him to school.

Councilperson Rath mentioned Arts 7560 under spend and put that question to the Supervisor. Town Supervisor mentioned 7550 celebrations and no report from Wheel Fest yet but understands they have \$9,000 in their account.

Also mentioned was cost of elections and again highway building expenses . They still do not know why Highway electric is so high. Pat MacIntosh mentioned a 3% discount for Energix and the Library starting January 1<sup>st</sup>, 2004. The State Retirement amount was mentioned and the figures coming from the State and the portions between Town Hall and Highway.

Councilperson Rath commented on the overall tax rate, maybe more work could be done on the overall plan; we are approving raising taxes.

Members were then polled, Councilperson Evans no, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**2004 TOWN HALL HOLIDAYS**

Resolution #206 A motion was made by Councilperson Todd, seconded by Councilperson Evans to approve the 2004 Town Hall Holidays for employees as submitted.

Discussion: Assessor Melanie Fahmer explained that the way the holidays fall one holiday for 2005 actually shows up on the 2004 list, it is New Years Day 2005.

Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

**2004 TOWN BOARD MEETING DATES**

Resolution #207: A motion was made by Councilperson Rath, seconded by Councilperson Evans to set the 2004 Town Board Meeting Dates to the second Monday of each month beginning at 7:00pm. Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**AWARDING OF BIDS FOR WATER METERS**

The Town of Hamlin has received three sealed bids for water meters as follows:

Tri Sales, Inc	\$34,775.00
Blair Supply Corp	\$39,750.00
Everett J. Prescott, Inc.	\$42,625.00

Councilperson Rath asked David Rose Water Sup. If he had any comments or dealings on Tri-Sale, Inc.; he stated he had none but they met the specs and have an adequate inventory on hand.

Resolution #208 A motion was made by Councilperson Todd, seconded by Town Supervisor Warner to award the water meter bid to Tri Sales, Inc. for \$34,775.00. Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**AWARDING BID FOR HAMLIN/KENDALL WATER DISTRICT #1EXT. #6**

The following bids have been received: Randsco \$588,163.00, Keeler \$716,847.00, WNY contractors \$711,467.50, R. Myers \$626,363.00, Milherst \$748,944.00, Beardsley \$749,196.50, Dakksco \$794,944.00, Hub-Langee Paving \$816,153.80.

Resolution #209 A motion was made by Councilperson Evans, seconded by Councilperson Rath contingent upon concurrence with USDA Rural Development to accept the bid for the Hamlin/Kendall Water District #1Ext 6 received from Randsco Pipeline, Inc. for a total amount base bid of \$588,163.00 and award the contract to them.

Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

Resolution #210 A motion was made by Councilperson Evans, seconded by Councilperson Rath contingent upon concurrence with USDA Rural Development to approve change order #1 to use DR-18 PVC pipe in lieu of DR-14 PVC pipe, to reduce piping costs by \$1.00 per linear foot or \$19,700.00

Discussion: Councilperson Rath asked if there was any problem with the change. Mr. Rose stated no its just the difference in the thickness of the walls and recommended by the Engineer and Rural has no problem.

Members were then polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

### **AGREEMENT FOR INTERMUNICIPAL TECHNOLOGY SERVICES WITH MONROE COUNTY**

Resolution #211 A motion was made by Councilperson Rath, seconded by Councilperson Evans to approve the agreement for Intermunicipal Technology Services with Monroe County per the document submitted. Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

### **ADVERTISING FOR CONSERVATION BD. AND ZONING BOARD OF APPEALS MEMBERS**

Town Supervisor Warner stated we had received a letter of resignation from Patrick Pullinzi from the Conservation Bd. and Randy Spurr's term on the Zoning Board of Appeals is up December 31, 2003 and he would not be asking for reappointment.

Resolution #212 A motion was made by Councilperson Rath, seconded by Councilperson Evans to advertise for a Conservation Bd. and Zoning Board of Appeals Member with resumes to be accepted until November 26th at 4pm with interviews to be on December 1st starting at 6PM. Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

### **INTERMUNICIPAL AGREEMENT WITH MONROE COUNTY FOR SNOW REMOVAL AND ICE CONTROL**

Tom Ingraham explained the agreement. When asked by Councilperson Todd on the length of time, he was told yes it usually was three years but this a boiler plate with built in's for the 10 years.

Resolution #213 A motion was made by Councilperson Todd, seconded by Councilperson Evans to approve the 10 year Intermunicipal Agreement with Monroe County for Snow Removal and Ice Control. Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

**APPROVING VOUCHERS FOR HAMLIN/KENDALL WATER DISTRICT**  
**#1EXT #5**

Resolution #214 A motion was made by Councilperson Rath, seconded by Town Supervisor Warner to approve the following vouchers for Hamlin/Kendall Water District #1Ext 5, Erie County Public Health \$40.00, Nadine Hanlon \$47.40, Stockham Lumber \$57.40, Stu Brown For \$2,400.00 and Randso Pipeline for \$141,564.79. Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**REAPPOINTMENT OF SUE EVANS TO THE LIBRARY BOARD OF TRUSTEES**

A letter has been received in regards to the reappointment of Sue Evans to the Library Board of Trustees which states she is a valuable member and her term is to expire December 31, 2003.

Resolution #215 A motion was made by Councilperson Todd, seconded by Town Supervisor Warner to reappoint Sue Evans to another term as Library Trustee. Members polled, Councilperson Evans abstain, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**REPORTS**

Councilperson Todd reported on the following:

- ❖ Seniors had gone on a trip
- ❖ Exploratory Committee for Recreation Center will be trying to meet the 4th Wednesday's starting in January. Committee would like to have a Page on the Website.
- ❖ Youth Organization had a fund raiser and with 28 youths and parents raised \$1,100 from the Apple Fest and another \$200.00 in bottles

Tom Ingraham Highway Sup. Reported on the following:

- ❖ Brush pickup we had 100 loads
- ❖ Busy stocking up on salt and sand. Putting up snow fences today with the help of the inmates.
- ❖ Letter from gentleman on traffic problems near intersection by Krony's. Also mentioned was the study for Redman and Roosevelt Hgwy. State is still collecting some data. There is a gentleman near Redman which has some information on accidents there.

- ❖ We will be using the Speed trailer in places such as Brookedge, Highview, Hamlin Center, Huntington Parkway.

David Rose Water Sup. Reported on the following:

- ❖ Wrapping up Hamlin/Kendall Water District #1Ext5, waiting for Certificate of Compliance and then tap in's can take place.
- ❖ Pumping Station getting ready to shut down for the winter. We will get our water then from Shoremont.

Melanie Fahmer reported on the following:

- ❖ Exemptions are changing and needs to have a public hearing for the change in the code for Seniors and Persons with Disabilities
- ❖ Also would like to thank Marsha for covering office while I was out.

**PUBLIC HEARING SET FOR LOCAL LAWS TO CHANGE CHAPTER 104, SEINORS AND PERSON WITH DISABILITIES AND LIMITED INCOME**

Resolution #216 A motion was made by Councilperson Rath, seconded by Councilperson Evans to schedule a Public hearing for December 8, 2003 at 7pm to amend Local laws #9-2002 and #10-2002, Seniors and Persons with Disabilities AND limited Income Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**REPORTS (continued)**

Councilperson Rath reported on the following:

- ❖ Follow up to the GIS as the Conservation Bd. is asking for the status. Town Supervisor stated who is the person to do it and we need a computer. He would check with the Master Plan Committee, we need to get going on that.
- ❖ Assistant Bldg. Inspectors salary request, would like to go into Executive Session to discuss it.

Councilperson Evans reported on the following:

- ❖ Received a call from Army Corp in Buffalo regarding an Engineer and a proposal before the Planning Bd. with wetlands involved. I will be also meeting with them to discuss park proposal in the next couple of weeks.
- ❖ Library R-New was on our Library and they did a good story. Nancy Martin made her debut as ambassador of Hamlin. Copies of it are available. Bids are being advertised for the expansion. Since their meeting was on our budget hearing night I did not attend. Christmas tree lighting is going fine, watch for the advertisements.
- ❖ Fire Marshal and I have met and have passed his budget requests on to the board.

- ❖ Park Security had Halloween night as their last. A resident near Scout Park caught up with them and said hi and that they had moved to Hamlin from Greece and feels comfortable with the Security program. Another lady in the Ryan Tract doesn't mind the lights from the truck and thanks them for being there.
- ❖ Conservation Bd. was given an update on projects with Hamlin Beach and the LWRP revision.
- ❖ Seniors Citizen, I missed the last meeting but notified them ahead of time. I have resigned from the Executive Board.
- ❖ Walker Fire meeting was on election night so rescheduled but will attend the December one.
- ❖ Planning Board had many citizens there for the 24 unit apartment and single family homes that we heard about earlier this evening. I shared the story on the earlier (1982) proposal.
- ❖ I noticed the people from the public hearing earlier this evening are still here will be addressing that. Town Supervisor stated it will be put on the agenda for next month. A worksession will be held on it after the Building Inspector interview.

Town Supervisor Warner reported on the following:

- ❖ Each of the board members had information on the sewers for W. Wautoma to look over before it goes to the residents.

### **EXECUTIVE SESSION**

Resolution #217 A motion was made by Town Supervisor Warner, seconded by Councilperson Todd to go into Executive Session for a personnel matter. Members polled, Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

### **COME OUT OF EXECUTIVE SESSION AND ADJOURNMENT**

Resolution #218 A motion was made by Councilperson Evans, seconded by Councilperson Todd to come out of Executive Session and Adjourn the meeting at 9:40pm as all business had been concluded. Members polled Councilperson Evans aye, Councilperson Rath aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

Respectively submitted,

Sherry J. Dobson  
Deputy Town Clerk

