

Hamlin Town Board
July 12, 2004

The regular scheduled meeting of the Hamlin Town Board was held in the 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. Deputy Town Supervisor Mary Hueser 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 Rath, Councilperson David Rose and Councilperson George Todd

Also present: Planning Board Vice Chairperson James Breslawski, Secretary to the Supervisor Pat MacIntosh, Deputy Town Supervisor Mary Hueser, James Krempasky Bd. of Assessment Review, Assessor Melanie Fahmer, Water Sup. Eric Peters, Bldg. Inspector Richard Bauman, Attorney Ken Licht, Highway Sup. Tom Ingraham, J.P. Schlep from Chatfield Engineers, Residents Nina Hansel, Robin Hansel, Charlotte and Len Hansel, Steve Lipson, Trevor Ewell, John Floyd, Karen and Tom Jensen, Irene Frediani, Deborah Redick, Peter Tonery

PUBLIC FORUM

No one wished to speak

PRESENTATION BY THE RADIO CLUB

Mr. Trevor Ewell gave a brief history of the Radio Club. He mentioned that a resident of Hamlin, Ed Barrows of Apple Hollow Lane who was an active member died prematurely of heart failure. He donated his model airplane equipment to the club and they were sold to other members of the club or new members and we would like to give a portion of the sale to the Town of Hamlin. We would like to do more than that and do something further. We would like to offer two activities free to the residents, one being the third weekend in September where you can have a chance to fly a radio control airplane to get a feel on what it is like and another activity in October can build airplane rubber powered for the kids. He would like that advertised in your newsletter. A check was presented to the town in the amount of \$300.00 to be used for the kids, with no restriction. Town Supervisor Warner thanked the club. Mr. Ewell reminded the board of a previous problem and explained the legal compromised worked out with the neighbor so that matter is behind us.

PRESENTATION BY ABS FOUNDATION SERVICE

Mr. Dave Frank made a presentation on mold and dampness in answer to the questions on the Town Hall wet basement. The vapor penetration through the soil has to be eliminated first with a vapor barrier. This will eliminate that problem and we give a 25 year guarantee on the material.

By sealing up the walls and across the floor we have cut off this as a moisture source. The humidity from the outside vented air needs to be addressed with dehumidifiers. So by isolating the damp area we have addressed the mold problem. He asked for questions.

Councilperson Rath asked about solving the water problems away from this basement. Mr. Ewell stated concrete is not hurt by water. He explained the digging outside a basement wall to bring it into the sumps and the guarantee they would give. The ground level outside the building and level inside is about the same. You are not going to make the soil dry. The water is not hurting your foundation, a poured foundation. The concern is organic and people and the use of the basement for storage. I looked at the outside drainage. I believe in isolating the vapors and giving you a dry basement. Councilperson Hollink asked why can't we do both. I don't think you will gain or see any noticeable difference if you do the drainage on the outside. I'd be glad for the work but I don't think you will see any difference. Councilperson Hollink stated there are four sump pumps working down there and the amount of electricity would be more from dehumidifiers. We are not solving the problem. In conclusion the board is going to look at some references for work that he has been completed and he will give a quote on doing a ditch around the building.

APPROVAL OF TOWN BOARD MEETING MINUTES OF JUNE 14, 2004

Resolution #146: A motion was made by Councilperson Rose, seconded by Councilperson Rath to approve the minutes of June 14, 2004 meeting as presented. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd abstain, Town Supervisor Warner aye. Motion carried.

AUTHORIZATION OF PAYMENT OF BILLS FROM THEIR RESPECTIVE FUNDS

Resolution #147: A motion was made by Councilperson Hollink, seconded by Councilperson Todd authorizing of payment of bills from their respective funds:

General Abstract #7	#498 - #607	\$52,443.75
Library	#080 - #099	\$ 7,870.03
Highway	#163 - #162	\$40,792.56
Newco Drive	#011 - #012	\$ 484.89
Sewer District	#042 - #046	\$ 2,776.36
Hamlin Clarkson Tn Ln Water	#004	\$ 30.00
N. Hamlin Water	#006	\$ 19.35
Hamlin/Kendall Water#1Ext #6	#015 - #019	\$ 3,127.87
Hamlin/Kendall Water	#037 - #042	\$ 8,918.38
Hamlin/Walker Water	#031 - #033	\$ 6,796.83
Moscow Water	#004 - #005	\$ 847.62
Hamlin Lighting	#007	\$ 408.83
Morton Lighting	#007	\$ 126.67
Hillcrest Lighting	#007	\$ 229.03
Campbell Lighting	#007	\$ 80.88
Consolidated Water	#074 - #088	\$22,961.50

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

TRANSFERS FOR JULY FROM RESPECTIVE ACCOUNTS

Resolution #148 A motion was made by Councilperson Rath, seconded by Councilperson Rose to authorize \$857.02 from Account SW2-8310.1 salary to SW2-8310.4. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

Supervisor's Monthly report acknowledged and filed.

CORRESPONDENCE

1. Hamlin Library meeting minutes of 6-2-04.
2. Fire Marshal Monthly report.
3. Walker Fire District meeting minutes of 6-1-04.
4. A new release on the Ginna sale.
5. A Thank You from the County on the Hazardous Waste collection held in June.
6. A copy of pictures from the Hazardous Waste Collection.
7. A copy of the Recreation Commission meeting minutes of 6-10-04
8. A copy of a letter from the Barnard Fire District asking for a Certificate of need to continue their ALS service.
9. A copy of the final 2000-2005 Consolidated Plan and 2004 Action Plans.
10. A copy of a Public Service commission rules and regulations.
11. A copy of a note from Karen Richardson, BEOC Representative to Supervisor Warner for his presence at the Bienvenida celebration.
12. A copy of the Assessor's monthly report.
13. A letter from Mr. & Mrs. Oakden of Hilton RE: the proposed Senior housing.
14. A copy of the Sweden Town Board meeting minutes of 6-29-04.
15. A letter from United Way thanking the Town of Hamlin.
16. A copy of the Building Inspectors monthly report for June.
17. Dog Control Officers report for the month of June 2004.
18. A copy of a letter from Jim Beehler RE: Senior Zoning District.

**PUBLIC HEARING FOR LOCAL LAW #3-2004
SENIOR CITIZEN RESIDENTIAL ZONING**

Town Supervisor Austin Warner explained the Local Law #3-2004 Senior Citizen Residential Zoning to establish a Senior Citizen zoning into our code book. This has nothing to do with East Cove and was completed due to the combined efforts of the Town Board and Planning Board who held several workshops. If you didn't receive a copy they are right on the table and if you have any questions we will be happy to answer them. I open this public hearing to the public.

Irene Frediani of Hamlin Clarkson Town Line Rd. stated she is waiting for this zoning. Charlotte Hansel of Lake Rd. asked if this was for Beehler/Kronenberg property. Both Town Supervisor Warner and Councilperson Rath stated this is not for a particular project but rather a zoning code to be placed into the code book. It was explained the process of passing the code and then a development would go to the Planning Board after requesting the zoning. Mrs. Hansel then mentioned the development next to her and the problems she had and why aren't you taking care of present problems. If this is for seniors then take care of the existing seniors so they can stay in their property. We went through the minutes was stated by the Town Supervisor to Mrs. Hansel and then asked Mr. Beehler what was he going to do about this problem. The discussion then took place between Mr. Beehler and Mrs. Hansel on the bulldozing of trees while the development took place for the Dollar General. Town Supervisor stated we are getting off the issue and he stated to Mrs. Hansel I haven't heard from you for a while; you should be talking with them. Town Supervisor stated he would look into it but that we needed to move on with the hearing.

Judy Doan of Redman Rd. stated principal uses by right. Do we have the definition of Patio Homes and Garden Apartments? Under B the age of the resident, there is no limit on how many could live there. Councilperson Hollink stated there are two bedrooms. Mrs. Doan asked is there a limit on who can live in the two bedrooms. They discussed the State Codes. Someone stated this may be taken care of by the Association. Mrs. Doan stated I like to see it in writing. What about the maximum height of 40 feet? At this time Richard Bauman gave the definition of garden apartment. Mr. Jensen stated if you are going to allow it you better have a definition. Councilperson Hollink read information at a February meeting on Patio Homes with setbacks set by our definition. Mr. Hansel was told about the rezoning of properties and was worried about someone rezoning his property and he would appreciate it if someone would let me know if that would happen.

Tom Jensen of Roadside Drive, I would like to see good definitions. Lets have actual definitions and the actual amount of people who can occupy a bedroom. Make rules simple so everyone can understand them. Put limits in the code. Councilperson Todd asked are you asking us to put limits on just Senior Citizens. Mr. Jensen felt the limits should be on all as it is unsafe and unsanitary.

Karen Jensen of Roadside Drive, what I am looking at is a Preliminary Draft. What are the next stages? Town Supervisor Warner mentioned taking the questions and putting into a local law. If there is some substantial changes you would have another comment period. Attorney Licht described what would be substantial changes. The amount of persons living in the house would be a substantial change.

Peter Tonery of Moscow Rd. asked if you adopt this would East Cove need to come in and ask for rezoning. Attorney Licht stated not unless they want to have some of the benefits of the new zoning. Councilperson Rath added there may be restrictions that are not in the High Density of which is their present zoning.

At this time Town Supervisor Warner wanted to let Attorney O'Toole who represents Mr. Beehler the builder offer his input. First he thanked the board for all their efforts. A couple of concerns that they have are under C, Permitted Uses 1, the zero lot line for single family dwellings with attached garages. Would this be permitted as outline in 1.b. Attorney Licht explained the setback language with Attorney O'Toole stating their biggest concern is the front setback from the ROW as the Homeowners Association will own the grass. The monthly rate fee has to factor in driveways, sealing, paving etc. One of the big things is the Senior's to interact as our design will include porches. The question does the Planning Board have the ability to modify? Attorney Licht said that has not been expressly set forth and yes it can be looked at. One more thing Attorney O'Toole is the age giving a further example of his mother buying one out of state. He was hoping to loosen it up giving an further example that if a husband and wife buy a unit and one spouse is under 55 years of age and the one that is 55 dies are you going to kick them out?

Mrs. Hansel asked if there was one planned entry off Roosevelt Highway? Also the question is this a private or dedicated road? Councilperson Rose suggested language to have the provisions for a dedicated road for the specifications that are necessary. If down the road someone would want to change they would have that in place. James Krempasky asked if Monroe County would not have some say on the people in a dwelling, they do for bedrooms and septic size.

Attorney O' Toole was asked a question on the layout of their proposal with the answering being that until there is code they would not invest money on engineering.

Councilperson Rose suggested to look into the different questions on the sections raised tonight. Town Supervisor Warner suggested also going through Unionville.

Councilperson Rose had already done that and mentioned some of the good points and also mentioned the setback of what looked like seven feet between a dwelling set on an angle. I don't want to see anything like that. Councilperson Rath gave information on setbacks. Town Supervisor Warner stated he would like to know more about the Homeowners Association and see how they work. Councilperson Rose asked if we can put something in the code with some board members saying do we want to do that. Attorney Licht gave some suggestions on Homeowners Associations.

Mike Marchetti of Brick Schoolhouse would like a Homeowners Association right in the law. Attorney Licht mentioned under permitted uses there are some that would not have an association. A worksession was set for July 28th at 6pm. Discussion on whether to close the hearing was held. The public hearing was declared closed at 8:30pm.

EMPLOYEE HANDBOOK

The Town Board members all had copies of the new employee handbook. Councilperson Hollink had three pages of questions. She asked if you want to discuss it. Some are grammar problems but those that are not are:

- Section 3.02 where do salaried personnel fall? Full and part time salary fall under Exempt.
- Under 3.06 overtime, a paid absence counts as hours worked? So if I am employee out sick for a week and come in and work on the weekend I get overtime. They discussed this is for Highway with Highway Sup. who explained we have those who are hardly sick and we call them in to plow snow.
3.07 Position Description, Highway Dept. requirements, Certification, this should refer to all Town Hall Employees. It was explained that the Highway needs certain certifications for the job as opposed to the Town Hall. Councilperson Hollink and Rath mentioned the Building Inspector, Fire Marshal. Councilperson Todd stated we will need to deal with this as an employee.
- 4.04 Personal Days, question, do both full and part time employees receive three paid personal days, are the hours understood, can't find where eligible.
- 5.02 Alcohol, All employees who drive town vehicles should be there not just highway.
- 6.16 Cellular Phone, this is not practical that the phone must remain at the work location. Don't know if it should be in here or not but personal calls how are they paid for.
- 4.02 Vacation is there an upper limit as we talked about it before. The old handbook had it. Pat MacIntosh mentioned that what was in the old book is in this one. Forty days is the carry over for vacation. The Board needs to say what they want.
- 4.15 Volunteer Firefighters, does this apply to Ambulance also. Town Supervisor Warner stated it could be added in.

Town Supervisor Warner asked if he could have a motion on approving the handbook. Pat MacIntosh asked was the board in agreement to it. Town Supervisor Warner stated lets have a workshop on it and end it. I asked for comments when I sent it out several weeks ago and you waited until the board meeting night to give them. The Town Board set August 3rd at 6pm to go over it.

MUNICIPAL COOPERATION AGREEMENT

Highway Sup. Tom Ingraham stated this came about after the last meeting and we have already started the project.

Resolution #149 A motion was made by Councilperson Todd, seconded by Councilperson Rose to enter into a Municipal Cooperation agreement to provide parking lot resurfacing and reconstruction with BOCES. Member polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

INCREASE ACCOUNT #A1430.4 FOR REFUND FROM XEROX

Resolution #150 A motion was made by Councilperson Rose, seconded by Councilperson Rath to increase account #1430.4 by \$227.58 for a refund check received from Xerox Corp. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

PAYMENT TO RANDSCO PIPELINE, INC. FOR HAMLIN-KENDALL WATER DISTRICT #5

Resolution #151 A motion was made by Councilperson Rose, seconded by Councilperson Hollink to pay the final payment to Randsco Pipeline, Inc. in the amount of \$22,401.49 for the Hamlin-Kendall Water District #5. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

DISCUSSION

Special Districts for Beehler-Bower Subdivision. No one present and the description of the districts would be necessary prior to the scheduling of a public hearing.

GUION WATER DISTRICT

Jim Guion was present and he had talked with his engineer. He didn't know why he wasn't here. He asked the board what they wanted to know and would see if he could answer the questions; I am looking for a public hearing. Map and narrative is done. Town Supervisor Warner stated they had talked about three houses in Clarkson who wanted to be added to the other district but that was too late. Jim Guion stated he would talk that over. The board discussed the district boundaries with our Town Engineer's input.

Jim Guion stated that if I pay to put the water line in I don't want to pay down the road for a district for thirty years. I have no problem others tapping in but I don't want to be paying for a district. Councilperson Todd stated he doesn't want to miss anyone. The board discussed how the Town of Clarkson persons would be handled. An engineering report, boundary and description is needed for the hearing. Map and description is in only needed is the engineering report.

Resolution #152 A motion was made by Councilperson Todd, seconded by Councilperson Rose to set a public hearing for August 9th, 2004 at 7pm for the Guion Water District contingent on the engineering report.

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

DISCUSSION ROUTE 18 EAST OF WILER RD. FOR POSSIBLE WATER DISTRICT

A meeting was held between the Supervisor of Clarkson, myself as well as the Attorneys for possible water 10 houses on Clarkson side and three houses on Hamlin side from Wiler Rd. going east. Town Supervisor Warner would like to include the houses past the cemetery. Clarkson wants to keep it on the Hamlin side to keep the costs down. Councilperson Todd and Rath both commented now that the water is in they are interested. A public informational meeting is set for August 17th at 7pm.

RE-APPOINTMENT OF DANE EMENS TO THE PLANNING BOARD

Town Supervisor Warner asked for a motion to reappoint Dane Emens. Councilperson Hollink stated do we have a letter asking for reappointment. Town Supervisor Warner asked for the boards opinion, Councilperson Todd stated he had to, Councilperson Hollink stated her opinion hasn't changed since Saturday when she had talked with the Supervisor, Councilperson Rath stated the letter didn't say why he was resigning or his intentions, Councilperson Rose stated he hadn't talked with Dane, he didn't know what he wanted. After a discussion the board decided to send a letter requesting a letter from him on his intentions by the next Town Board Meeting.

REPORTS

Richard Bauman Building Inspector reported on the following:

- He has been having serious problems with the computer which are fixed. I am making some arrangements for a new program.
- Busy with a lot of people are looking for permits.

Melanie Fahmer Assessor reported on the following:

- We have a final assessment role per the law.
- Marsha will be attending a computer class this week.
- Hamlin received a letter from the Town of Sweden after their Town Board Meeting and Town Supervisor Warner has spoken with the Attorney so in helping our neighbor I signed the final assessment role today.

Councilperson Paul Rath reported on the following:

- Conservation Bd., see the minutes.
- Walker Fire Dept., see the minutes.
- Distribution of the Hamlin Clarkson Herald, I talked with the District Mgr. and all stores in Hamlin get a drop, 60 are dropped at Harper at the end, there is a drop at

Hamlin Terrace. As far as Hamlin Parma Tn. Ln. Rd. he said some mailboxes are located on the opposite side of the road.

Councilperson David Rose reported on the following:

- He would like a motion to have the sign permit fee waved for the Library
- Trustees for the Library have submitted the absolute charter and once approved this is the last step. Attendance is up 49% since 2003.
- The numbers for the Reading Program were given as 33 young adults and 27 children.
- Planning Board report given with no final to the Beehler/Bower Subdivision and they are still working on adult dog definition for the Bower SUP for Dog Kennel.

WAVING A SIGN PERMIT FEE FOR LIBRARY

Resolution #153 A motion was made by Councilperson Rose, seconded by Councilperson Rath to wave the sign permit fee for the Library. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

REPORTS (continued)

Councilperson George Todd reported on the following:

- Zoning Board of Appeals see the minutes

Councilperson Shirley Hollink reported on the following:

- Free Fishing Day there were 150 people and we ran out of hot dog rolls.
- Dog Control Officer has adopted some dogs per her report and is doing a good job.
- Security is going smoothly.
- Hamlin Heritage Day, we have received five nominations for Hamlin Heritage Award. The theme will be School Days as this building will be 75 years old. There are several other items, such as an essay and displays so we are looking for old lunch boxes for the display. We are also having a buy a brick program for a path at the history center to help with some of the renovations.

Highway Sup. Tom Ingraham reported on the following:

- Reported on the Wiler Rd. waterline.
- Working at BOCES for a couple of weeks.
- Restored the electric in the pole barn next to the Town Hall. I doubt we will get anything but will be submitting to the insurance company this was from a stolen vehicle.
- The new truck is in.

Water Sup. Eric Peters reported on the following:

- The Rt. 18 water line is getting the landscaping.
- In June busy putting water meters back in the cottages.

- Watermain break on 4th of July.
- Wiler Rd. pressure testing is done.

Deputy Town Supervisor Mary Hueser reported on the following:

- Youth group collected 1,041 cans of food for their Can-imals entry in Brockport and came in 4th place.
- Not much with the Fire District but the Fire Dept. new building is going up.
- Community Center is checking over the surveys they received at Wheel Fest.

Town Supervisor Austin Warner reported the following:

- Verizon Tower reviewed and it goes to Ohio and New Jersey for okay and hopefully by the end of the month we will be done with this.
- I will send a letter to Barnard Fire Dept. as you had no problem with that request.
- I have a meeting with Louise Slaughter regarding sewers along the shoreline.
- Disaster Plan, B. J. will be talking with George directly.
- United Way luncheon I attended on Friday and got this plaque, we were up 30% so thank you everyone and Shirley.

ADJOURNMENT

A motion was made by Councilperson Rose, seconded by Councilperson Rath to adjourn the meeting at 9:35pm. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

Respectfully submitted,

Kathi A. Rickman, RMC
Hamlin Town Clerk