

Hamlin Town Board Meeting  
January 10, 2005

The regular scheduled meeting of the Hamlin Town Board was held in the Hamlin Town Hall at 1658 Lake Rd., Hamlin, New York. The meeting was called to order by Town Supervisor Austin F. Warner, III at 7:00pm. The location of the fire exits were explained for those present. Water Sup. Eric Peters led everyone in the Pledge of Allegiance and 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, Councilperson George Todd

Also present: Highway Sup. Tom Ingrahm, Water Sup. Eric Peters, Assessor Melanie Fahmer, Building Inspector Dick Bauman, Attorney Ken Licht, Deputy Town Supervisor Mary Hueser, Conservation Bd. Member Tammy Palumbo, Planning Bd. Member James Breslawski, Secretary To Supervisor Pat MacIntosh, Library Trustee Duane Miller, Bd. of Review Member James Krempasky, Other attendees and residents who signed in Mr. & Mrs. Tom Jensen, Ida Miller, Chris Bernier

**PUBLIC FORUM**

No one wished to speak

**PRESENTATION FOR HIGHWAY ROOF PROJECT**

Rick Franklin made a presentation to the board for the restoration of the Highway roof with Hypalon Membrane a rubberized coating. He explained the proposed application. Samples of the finished product was available. The presentation also included the preparation of bids, warranty of ten years against leaks and possible cost of \$35,000.00. Councilperson Rath asked how many contractors can do the application with an answer of four to five. As a consultant he also explained the items he would be taking care of. The application to the roof would take approximately a week to do.

**APPROVAL OF MINUTES FOR DECEMBER 13, 2004 MEETING**

Resolution #47        A motion was made by Councilperson Rose, seconded by Councilperson Rath to approve the minutes of December 13, 2004 Town Board Meeting as presented. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**APPROVEL OF MINUTES FOR DECEMBER 28, 2004 MEETING**

Resolution #48        A motion was made by Councilperson Rath, seconded by Councilperson Hollink to approve the minutes of December 28, 2004 Town Board Meeting as presented. Members polled, Councilperson Hollink aye, Councilperson Rath

aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

### **APPROVAL OF ORGANIZATIONAL MTG. MINUTES OF JANUARY 3, 2005**

Resolution #49 A motion was made by Councilperson Rose, seconded by Councilperson Hollink to approve the minutes for the January 3<sup>rd</sup>, 2005 Organizational Meeting as presented. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose, Councilperson Todd and Town Supervisor Warner aye. Motion carried.

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

Resolution #50 A motion was made by Councilperson Todd, seconded by Town Supervisor Warner to pay Abstract #13 for 2004 and Abstract #1 for 2005 as follows:

#### **Abstract #13-2004**

General	#1196 - #1219	\$32,462.50
Library	#0192 - #0212	\$ 5,213.23
Sewer	#0087 - #0094	\$ 1,816.32
Hamlin/Kendall Water	#0074 - #0082	\$ 9,240.79
Chase	#004 - #005	\$ 258.78
Hamlin/Clarkson Tn LN	#0010	\$\$ 30.00
North Hamlin Water	#0012	\$ 19.22
Newco	#0023 - #0024	\$ 378.26
Wiler Rd	#0001 - #0002	\$ 258.77
Hamlin/Walker Water	#0049 - #0050	\$ 3,356.78
Moscow Water	#0014 - #0017	\$ 699.38
Hamlin/Kendall Water #1,Ext#6	#0027 - #0030	\$11,054.20
Hamlin Lighting	#0013	\$ 510.37
Morton Lighting	#0013	\$ 153.50
Hillcrest Lighting	#0013	\$ 258.75
Campbell Lighting	#0013	\$ 91.96
Highway	#0318 - #0348	\$35,445.38
Consolidated Water	#0152 - #0160	\$13,339.54

#### **Abstract #1-2005**

General	#0001 - #0008	\$ 2,924.52
Consolidated	#0001	\$ 2,441.30

### **AUTHORIZATION OF 2004 TRANSFERS FROM THEIR RESPECTIVE ACCOUNTS**

Resolution #51 A motion was made by Councilperson Rath, seconded by Councilperson Rose to authorize the 2004 transfers from their respective accounts as follows:

<u>From Account</u>	<u>To Account</u>	<u>Amount</u>
SW13-8310.1	9000.8	\$ 31.60
SS1-8110.1	9000.8	\$ 509.17
A7410.1 Library Salary	A7410.4 Library Expense	\$4,000.00
A7020.1d Gym. Instructor	A7140.4 Playground & Rec	\$ 12.00
A7020.1e Program Asst.	A7140.4 – Playground & Rec	\$ 24.00
A7140.2 Playground & Rec	A7310.4 Youth Service	\$ 306.00

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

Supervisor's Monthly report acknowledged and filed.

### CORRESPONDENCE

1. Monroe County Soil and Water Conservation District relocation.
2. Court Clerks year-end report for Judge Rath's started cases.
3. Court Clerks year End report of Judge Moffett's started cases.
4. Court Clerks year End report for Judge Moffett's closed cases.
5. Court Clerk's year end report for Judge Rath's closed cases.
6. Walker Fire District minutes of 12-28-04..
7. Lisa Carpenter's letter asking for re-appointment as Dog Control Officer.
8. B.J. Maier's letter asking for re-appointment as Fire Marshal, Civil Defense Coordinator and Assistant Dog Control Officer.
9. Recreation Commissions Meeting Minutes 12-9-04.
10. A copy of the special improvement districts fees from the State Comptroller's office.
11. Assessor's monthly report for December 2004.
12. A copy of NYMIR's Guild to Employment Practices.
13. A copy of the Building Inspector's monthly report for December 2004.

### PUBLIC HEARING FOR LOCAL LAW #1-2005 REZONING OF WALKER BAPTIST CHURCH

Public Hearing was opened at 7:14pm with Chris Karelus of Schultz Associates presenting the request for rezoning of the front land owned by Walker Baptist. The Walker Baptist Church is planning on an expansion to accommodate the needs of the school and a possible increase in the enrollment. The present two parcels of land are zoned C-NB and back land R-L. They would like all to be R-L. The comments from Monroe County review stated the church is a local Historical site and care should be exercised to ensure that this local historic resource is not adversely impacted. The Town Board should also develop clear written records describing how the rezoning will promote the goals and objectives of the comprehensive plan.

The floor was opened to comments. Chris Bernier of 1411 Walker Lake Ontario Rd. stated his concerns for the drainage and asked about the possible use of retention/detention ponds for the wet area. Also expressed by Chris Bernier was the flow of traffic, school buses, noting there are no shoulders on the road and additional need for lighting on site. Chris Karelus answered his questions by stating that the Planning Bd. would have a role in making sure that the storm water system addresses all the needs of developing the property. Monroe County DOT would be looking at the traffic for this State Accredited School that already exists.

Paul Drake representing the North Star Sportsman stated they are supportive of their neighbors and would like to continue that but ask if there would be development of shelter, ball fields etc. Chris Karelus reviewed the map with Mr. Drake and stated that they are committed to keeping a residential area.

James Breslawski a member of the Planning Board asked the question whether this would be heading into the direction of spot zoning. Town Supervisor Warner asked Chris Karelus why did you ask for this zoning. He stated he was directed by the Planning Board for a single zoning. Assessor Melanie Fahmer asked why you didn't go the other way. Chris stated it was suggested to go to residential. James Breslawski stated he didn't want to cause a problem and realizes this is a permitted use in both zonings. Town Supervisor Warner asked if they were making the three parcels into one; Chris stated yes.

Tom Jensen of Roadside Dr. mentioned the lot combination suggested by the Planning Bd. and permitted uses. Mr. Steffenhagen a member of Walker Baptist Church stated this has been in the planning stages for many years. They have 24 students and would like to double the enrollment. We are part of the Hilton School District and would like to put 7 classes on the back of the church. We have 28 acres that we purchased some time ago located behind us. We have no plans to develop it now. We have no plans for a ball field or sports without adequate lighting and may put up a pavilion. We do have plans to relocate the driveway with one way in and one way out. We have 130 active members and can only develop what we can afford.

Theresa Charles of 1401 Walker Lake Ontario Rd. asked if this school would be offered to the public or non members. Mr. Steffenhagen had no definite answer to that question.

Councilperson Hollink asked the grades and was told K thru 12. Councilperson Rath read the definition of spot zoning from a land use book and I don't see this as spot zoning. Attorney Licht agreed with the statement read. Public Hearing was closed at 7:37pm. Town Supervisor asked if anyone wanted to make a motion. The board discussed the SEQR and the SEQR Officer stated he didn't have anything back and left to retrieve further information from his office.

**PAYMENT OF BILLS FOR HAMLIN FROM BEACHWOOD PARK WATER DISTRICT**

Resolution #52           A motion was made by Councilperson Rose, seconded by Councilperson Rath to approve the payment of the bills from Orrick, Herrington & Sutcliffe in the amount of \$1,980.00 for Town of Kendall to pay for the Beachwood Park Water District. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

**APPROVAL OF AMENDATORY AGREEMENT MONROE COUNTY ALL SEASON WORK AGREEMENT FOR 2005**

Highway Sup. Tom Ingraham gave an overview of the agreement and periodically it needs to be amended and updated every five years to address the mowing and dead animals, etc.

Resolution #53           A motion was made by Councilperson Todd, seconded by Councilperson Rose to approve the amendatory agreement with Monroe County for the All Season County/Town work Agreement for 2005. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**AGREEMENT FOR EXPENDITURES OF HIGHWAY MONIES**

Resolution #54           A motion was made by Councilperson Rose, seconded dually by Councilperson Rath and Hollink to sign the agreement for expenditures of Highway Monies according to Section 284 of the Highway Law, so as to expend \$234,013.00 of Highway Monies on 33.00 miles of Town Roads, for the year 2005. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**ADVERTISING BIDS FOR THE RESTORATION OF HIGHWAY GARAGE ROOF**

Resolution #55           A motion was made by Councilperson Rath, seconded by Councilperson Rose to advertise for bids for the installation of the Hypalon Membrane for restoration of the roofing system for the Highway Garage with bids to be accepted until February 9, 2005 at 11am. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**CONTRACT WITH FRANKLIN CONSULTING SERVICES**

Resolution #56           A motion was made by Councilperson Todd, seconded by Councilperson Hollink to enter into a contract with Richard Franklin of Franklin

Consulting Services as project inspector of the roofing project on the Highway Garage in the amount of \$4,400.00 per the proposal. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**AUTHORIZATION FOR STUART BROWN FOR A PRE-DISASTER MITIGATION COMPETITIVE GRANT FOR CREEK CHANNELIZATION IN LAKE BREEZE ESTATES**

Highway Sup. Tom Ingraham updated the board on the study and all options. Councilperson Rose felt it was important to go after all the grants possible.

Resolution #57        A motion was made by Councilperson Rose, seconded by Town Supervisor Warner to authorize Stuart Brown to make out a pre-disaster mitigation competitive grant application for creek channelization in the Lake Breeze Estate area. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**GUION WATER DISTRICT SEQR**

Resolution #58        A motion was made by Councilperson Todd, seconded by Councilperson Rose for the following:

WHEREAS, in accordance with the New York State Environmental Quality Review (SEQR),

WHEREAS, the Town Board has considered the environmental significance and potential impact of the installation of approximately 1,800 linear feet of 8" water main, valves, hydrants and appurtenances along portions of Roosevelt Highway in the Town of Hamlin.

WHEREAS, the Town of Hamlin Town Board has accepted the Environmental Assessment of this project, prepared by Freel Engineering and Chatfield Engineers.

RESOLVED, that the Town of Hamlin Town Board hereby issues a Negative Declaration under SEQR for this Project.

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

**REAPPOINTMENT OF CHARLES PLOVANICH AS LIBRARY TRUSTEE**

Resolution #59        A motion was made by Councilperson Rose, seconded by Councilperson Rath to re-appoint Charles Plovanich as Library Board of Trustee for a five year term ending December 31, 2009. Members polled, Councilperson Hollink aye,

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

**AUTHORIZATION FOR PRE-PAYMENT OF ALL UTILITY BILLS INCLUDING CELL PHONE BILLS**

Resolution #60 A motion was made by Councilperson Rath, seconded by Town Supervisor Warner to authorize the pre-payment of all utility bills including cell phone bills. Members polled, Councilperson Hollink no, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**APPROVAL FOR ATTENDING THE 2005 NEW YORK STATE RECREATION & PARKS SOCIETY CONFERENCE IN ROCHESTER**

Resolution #61 A motion was made by Councilperson Hollink, seconded by Councilperson Todd to approve the Recreation Department Director, Assistant Director and Commissioners to attend the 2005 New York State Recreation and Parks Society Conference being held in Rochester as budgeted. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

**OUT OF DISTRICT WATER USER**

Resolution #62 A motion was made by Councilperson Rose, seconded by Councilperson Rath to send our notice to all Out-Of-District Water User for a fee of \$30.00. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

**LEASE AGREEMENT FOR PHEASANT CREEK FARM KENNELS**

**Discussion:** Attorney Licht explained that this is the same agreement drawn up in 2000 with an exclusive lease. Councilperson Hollink asked about exclusive and if it had to be inspected. Councilperson Rose asked the Building Inspector if it had been inspected. The kennels have a C of O but they will be finishing up the office this week and then get a C of O for that. Attorney Licht stated this is local permitting and not subject to Ag & Mkt. inspection. Councilperson Hollink didn't agree.

Resolution #63 A motion was made by Councilperson Rose, seconded by Town Supervisor Warner to enter into a lease agreement with Jason Humbert, Pheasant Creek Farm Kennels of 1649 Walker Lake Ontario Rd. for two kennels. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

## **SCHEDULE A PUBLIC HEARING FOR REZONING TO (SC) SENIOR CITIZEN**

**Discussion:** Councilperson Rose asked Assessor Melanie Fahmer if the parcel would be land locked. She explained the stubbing that was planned and how the tax parcels will gradually change over the years. Councilperson Hollink asked about the fact on the three zonings and if we wanted to do that when we don't like dual zoning. The Assessor explained her map.

Resolution #64 A motion was made by Councilperson Rath, seconded by Councilperson Hollink to schedule a public hearing for February 14, 2005 at 7pm for the rezoning of the following by Local Law:

28.885 acres of land being Tax Parcel #021.03-3-23.200 from R-M to SC  
 18.538 acres of land being Tax Parcel #021.03-3-8 from R-M to SC  
 6.810 acres of land being part of Tax Parcel #029.02-2-01.115 from C-GB/R-M to SC

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

## **PAYMENT OF BILLS TO CHATFIELD ENGINEERS FOR HAMLIN KENDALL #1 EXT #6**

Town Supervisor Warner stated he had two vouchers that he would like approval on this. He spoke with Eric and he stated it was okay to pay. There is one for \$4,704.00 and the other for \$789.00. We will check on the \$789.00 but would like a contingency.

Resolution #65 A motion was made by Councilperson Hollink, seconded by Councilperson Todd to approve the payment of bills for Hamlin Kendall #1, Ext. #6 to Chatfield Engineers in the amount of \$4,704.00 and contingent on the \$789.00 if not already paid. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

## **REPORTS**

Councilperson David Rose reported on the following:

- Planning Board approved a quilt shop and reviewed Tops Gas Station.
- Library reports circulation for 2004 is 64,310 a substantial growth. They also signed the necessary accepted the gift.
- He also would like a resolution to have the Town Board contact Chatfield to research our sewer capacity with the proposed increase in building within the town. No one has looked at this and system was put in place in 1960.

**COST STUDY ON SEWER CAPACITY**

Resolution #66 A motion was made by Councilperson Rose, seconded by Councilperson Rath for the cost of a study by Chatfield Engineers on the sewer capacity in the Town of Hamlin. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

**REPORTS (continued)**

Councilperson Paul Rath reported on the following:

- Nothing new to report from Walker and Morton Fire Depts.
- Conservation Bd. is doing the Open Space and the LWRP is getting closer
- Recreation Survey is out with Town Supervisor adding 188 received so far.

Assessor Melanie Fahmer reported on the following:

- They are receiving a few new people applying for first time exemptions.
- Testing went well on the new computer system; some of the larger towns are having problems.

Dick Bauman reported on the following:

- K&K car wash is up and running. The Fuel pump suppression has been tested.
- Two hard drives have been ordered and having some software problems. We are down issuing permits. Town Supervisor Warner stated to order the new program.
- He asked the board if they wanted to go back to the Local Law. In regards to SEQR comments so far I have heard from Environmental Services, Monroe County Health and the standard comments from DOT that they will review the traffic study with the Planning Board.

**SEQR DETERMINATION FOR WALKER BAPTIST CHURCH REZONING**

Resolution #67 A motion was made by Councilperson Rath, seconded by Councilperson Rose that the Town of Hamlin as lead agency and review of the EAF has determined that the proposed action of rezoning of Walker Baptist Church from C-NB to R-L will not have a significant effect on the environment therefore a Negative Declaration in regards to SEQR has been rendered. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**ADOPTION OF LOCAL LAW #1-2005 REZONING OF 1425/1427 WALKER LAKE ONTARIO RD.**

Resolution #68 A motion was made by Councilperson Rath, seconded by Councilperson Hollink to adopt Local Law #1-2005 the rezoning of 2.709 acres of land at 1425 and 1427 Walker Lake Ontario Rd. from Commercial Neighborhood Business (C-NB) to Residential Low (R-L). Members polled, Councilperson Hollink aye,

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

### **REPORTS (CONTINUED)**

Deputy Town Supervisor Mary Hueser reported on the following:

- The Recreation Commission will be interviewing for a new member and they will be meeting on the 2<sup>nd</sup> Tuesday.
- Ambulance didn't meet because of the Holiday.

Water Sup. Eric Peters reported on the following:

- Its been a good winter with only two frozen services, one was on Christmas Day.
- On Apple Hollow there was a problem with a hydrant. We need to watch them as they were put in too low. Councilperson Rath commented that Walker was pleased and commended him on the report.

Highway Sup. Tom Ingraham reported on the following:

- We have had little snow now and then. We have working on the brush and trimming tree work. Also have been taking care of some drainage issues.

Councilperson Shirley Hollink reported on the following:

- Talked with Mary Smith the Historian and the book is making progress. Frank Marando will be going over to look at the barn roof next to the Historical center
- Hard Drive has died that is the delay in the newsletter. Just purchased a new computer.

Councilperson George Todd thanked Paul and Mary for the fine job they did with providing information and wished everyone a Happy New Year.

Town Supervisor Austin F. Warner, III reported on the following:

- A report that the newsletter and recreation brochure will be combined and going out four times a year.
- Met with Ken Bracker, Architect on several proposals, one on the gym and whether to lower the ceiling, paint it and a new entrance and possible \$30,000.00 grant.
- Also getting three defibulators, one for each, Town Hall, Library and Highway.
- Talked with ES&L and they are willing to give money towards entrance with their ATM.
- Spoke with Bob King on the research center, Congresswoman Slaughter and Sara Clark Hillary's representative about sewers and research center but Charlotte is also in her district.
- Everyone was reminded of the upcoming meeting, Hamlin Kendall Water on the 12<sup>th</sup> and Swine's at 6pm on the 26<sup>th</sup> before the public hearing for Wiler Rd.

**EXECUTIVE SESSION**

Resolution #69        A motion was made by Town Supervisor Warner, seconded by Councilperson Rose to go into Executive Session at 8:25pm. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

**COME OUT OF EXECUTIVE SESSION AND ADJOURNMENT**

Resolution #70        A motion was made by Councilperson Todd, seconded by Councilperson Rose to come out of Executive Session at 9:17pm and adjourn the meeting. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

Respectfully submitted,

Sherry J. Dobson  
Deputy Town Clerk