

Hamlin Town Board Meeting  
July 11, 2005

The regular scheduled meeting of the Hamlin Town Board was held in the Town Hall located at 1658 Lake Rd., Hamlin, New York. At 7:00pm Town Supervisor Austin F. Warner III called the meeting to order. The location of the fire exits for those present. Councilperson David Rose led everyone present in the Pledge of Allegiance followed by a Moment of Silence for all deceased residents of Hamlin, especially mentioned was grandfather of Councilperson Paul Rath who recently passed away.

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

Also present: Fire Marshal B. J. Maier, Deputy Town Supervisor Mary Hueser, Secretary to Supervisor Pat MacIntosh, Planning Bd. member Judy Hazen, Highway Sup. Tom Ingraham, Assessor Melanie Fahmer, Water Sup. Eric Peters, Conservation Bd. Members Tammy Palumbo and Craig Goodrich, Attorney Ken Licht, Bldg. Inspector Dick Bauman, Zoning Bd. of Appeals member Donnas Stassen, residents Denny and Cindy Roach, Lori Moses, Tom Jensen, Lloyd Lochner, Jim Skidmore, Duane Miller Mike Marchetti, Gerry Hutchinson, Kathleen Bauch-Begemann, Stan Lyons, Nina Hansel, Marilyn Madison, Don and Chris Dubois, Robin Hansel, Mr. & Mrs. Dave Robbins, Mr. & Mrs. Leonard Hansel, Peter Tonery, Chuck Lutweller, Gary Wolters, Jay Murphy, Frank DeLapa, Joe Lancia and several other residents.

**PUBLIC FORUM**

Lloyd Lochner of Sandybrook Dr. commented on the scheduled public hearings that we do not need more laws. They will increase our taxes and require more permits. James Skidmore of Hamlin Center Rd. also opposed the proposed new laws. No one wished to speak further therefore the public forum was closed.

**EXTRA MILE AWARD TO SANDRA LAPINSKI**

Town Supervisor Warner asked Councilperson Hollink a member of the Extra-Mile Committee to follow through with the presentation. Councilperson Hollink stated the purpose of the award and then read several nominating letters received by the committee. Also present was Chief Christian McCullough of the Brockport Fire Department. Chief McCullough elaborated on the heroic measures taken by Sandra trying to save the people in the fatal crash that took place on March 3, 2005 on Redman Rd. in the Town of Clarkson. The town is grateful to have Sandra as a resident stated Town Supervisor Warner as he presented her with the award. Sandra's name has also been engraved on the plaque that hangs in the Hamlin Town Hall. Several of Sandra's family and friends were present to see her accept the award.

PRESENTATION BY THE COMMUNITY CENTER EXPLORATORY COMMITTEE

Members of the Community Center Exploratory Committee made a presentation. Lori Moses started the power point presentation by explaining the slides containing the mission and vision statements, the need for the survey and its objectives, the methodology and administration of the survey and the results. The survey graphics were explained and concluded with the highlights of the survey packet. Included were the costs of the survey and the cost saving steps the committee had taken.

This all volunteer committee was also represented by Ray Datz, Denny Roach, Monica Seeley and Diane Hennekey who also explained various portions during the presentation. The floor was opened for questions with James Krempasky asking about one of the slides on the number of responses and suggested another column would better reflect an accurate amount of the people who were unsure. The town board thanked the committee for their presentation and their time and the board will take it under advisement.

APPROVAL OF TOWN BOARD MEETING MINUTES OF JUNE 13, 2005

Resolution #156 A motion was made by Councilperson Rose, seconded by Councilperson Rath to approve the minutes of June 13, 2005 as presented. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried, minutes approved.

AUTHORIZE PAYMENT OF BILLS FROM THEIR RESPECTIVE FUNDS

Resolution #157 A motion was made by Councilperson Rath, seconded by Councilperson Hollink to authorize payment of bills from their respective funds with further clarification on #492, 498, and 499:

General - Abstract #7		#466 - #590	
	<b>\$60,785.64</b>		
Highway Fund	#190 - #219	\$28,675.15	
Library Fund	#084 - #108	\$	6,642.68
Hamlin Lighting Dist		#006 \$	410.12
Morton Lighting Dist.		#006 \$	126.87
Hillcrest Lighting	#006	\$	228.41
Campbell Lighting Dist		#006 \$	80.66
Huntington Park	#003	\$	80.00
Sewer District	#043 - #049	\$2,2227.19	
Consolidated Water	#078 - #087	\$26,415.85	
Hamlin Clarkson Water		#008 \$	107.37
Hamlin Kendall Water		#038 - #046	
	\$13,992.00		
Hamlin Kendall #1Ext#6		#011 - #012	\$
	3,540.89		
Moscow Rd. Water	#007	\$	282.27
Hamlin Walker	' #021 - #023	\$	3,540.89

Newco Water	#011 - #012	\$	443.74
North Hamlin Water	#006	\$	19.12
Wiler Water Dist.	#004	\$	825.00

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

**AUTHORIZE THE TRANSFERS FROM THEIR RESPECTIVE FUNDS**

Resolution #158 A motion was made by Councilperson Rose, seconded by Councilperson Rath to authorize the transfer as follows:

From Account	To Account	Amount
A2665 - Revenue sale of equipment	A7110.2 - Parks Equipt.	\$24,212.88

and to increase Account A7410.4 for \$300.00 which is a check received by the Library from Monroe County for summer reading. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Town Supervisor Warner aye. Motion carried.

Supervisors Monthly report acknowledged and filed.

**CORRESPONDENCE**

1. A copy of the Hamlin Volunteer Ambulance Inc. meeting of 5-12-05.
2. A thank you from Environmental Services for Hazardous Waste Collection Event.
3. A letter from United Way thanking us for our generosity.
4. A copy of the Hamlin Volunteer Ambulance meeting on 6-12-05.
5. A copy of the Assessor's monthly report for June 2005.
6. A copy of the Fire Marshal's monthly report for June 2005.
7. Walker Fire District Commissioners Minutes of June 7, 2005
8. Bldg. Dept. Monthly report for June 2005
9. Morton Fire District Meeting Minutes of May 16, 2005
10. Dog Control Officer report for June 2005
11. Letter of Resignation from Recreation Commissioner Linda Mackin

**PUBLIC HEARING FOR AMENDING CHAPTER 116 ENTITLED VEHICLES JUNKED AND ABANDONED**

Proposed Local Law #3-2005 entitled Vehicles Junked and Abandoned was opened at 7:41 pm. Attorney Licht explained the changes to the existing law starting with a title

change and that the revisions regulate the outdoor storage, define recreation vehicles and provides the parking of properly licensed vehicles.

The definition of junk vehicle was repealed. Attorney Licht explained that correspondence to the Town Clerk from Bob King reminded the town of Section 305 Ag & Mkt. Law regarding farming and agriculture interests and not do anything to warrant. the agriculture purpose and intention regarding vehicles for farm purposes operable and ones for parts and screened from public view such as behind buildings if possible. The other change is the procedure for the removal of the vehicle and the cumbersome of the existing law. Also explained is the procedure to remove a vehicle. The floor was opened for public comments by Town Supervisor Warner.

Chuck Lutweller of 5756 W. Wautoma mentioned storage permits and asked whether this law was always in existence. There is a lack of enforcement in the present law so how are you going to enforce this new one. He mentioned one situation, the Baxter's large storage building and the variances and permits they got to build the building for inside storage but all they do is move things around. It was explained about the 1979 law and the adoption of one in 1989. This law is to modify the 1989 law and its difficulties.

Lloyd Lochner of Sandybrook questioned the cost and implementation of the law as you will need to hire people to enforce it. We have a law now we can't enforce.

Tom Jensen from Roadside Dr. asked about the storage of vehicles and the parking of vehicles. He wanted to know the effect of the few businesses that operate storage facilities and the owners of the vehicles being non residents of the property. It is going to cut out a few businesses. He mentioned the one on Lake Rd. and are you going to tell him he can't do the outside storage anymore and is the Code Enforcement Officer going to enforce it.

Gary Wolters of 550 Walker Rd. felt he was probably not in the norm asking, why have a law. I have a lot car for the kids to learn to drive. If you aren't going to enforce the law then do away with it.

Jay Murphy of 5748 W. Wautoma asked about a boat I keep down there for several months and then I take to my mom for winter storage. I don't want to keep a plate on it so is that going to be a problem. Town Supervisor Warner asked Code Enforcement Officer Dick Bauman who stated that wouldn't be a problem. Mr. Murphy then stated why have the law. Mr. Bauman stated reasons for the law and steps to enforce it.

Frank DeLapa of 5728 W. Wautoma stated that makes the law selective, picking and choosing.

Joe Lancia of 101 Walker Rd. stated this has come up several times on the cost of enforcing these laws with Town Supervisor Warner stating I am not sure of the costs to enforce the laws. Mr. Lancia stated I am not asking for an exact figure but you must have some estimate of cost to fund the laws and where is the money going to come from.

Lori Moses of Curtisdale Lane asked if the Bldg. Inspector is actively looking for violations or is it by calls from whistle blowers. Code Enforcement Officer Bauman stated when they do get a complaint then they canvas the whole street. It is too much work to actively go out and look for violations. Attorney Licht added the law before was too cumbersome also so this would help the town.

Peter Tonery of Moscow Rd. asked about part C the parking of motor vehicles interfering with the public ROW and the set backs. He mentioned driving through the Huntington Parkway and vehicles and RV's parked, is this a problem with fire safety. Wouldn't it be practical to consider side and rear setbacks. Attorney Licht stated that is something that could be considered.

Chuck Lutweller asked if this is a part time job and will you make it full time. Town Supervisor Warner stated he was not sure but they would look into it.

Chris Dubois of 1042 Lake Rd. W. F. stated she had to agree with the gentleman from Walker Rd. this is a rural agriculture area we don't need this law.

Fire Marshal Maier stated the law needs to have a way for us to take action easier. People complain and we need to be able to address their complaint and our goal is to clean up of the town. We don't want the town to look like a junk yard.

Tammy Palumbo Conservation Bd. Member stated while they were doing their Open Space Inventory you would be surprised at the amount of abandon vehicles and trailers which have weeds and trees growing up inside them. They are a safety hazard for our kids and we don't want them to get in them. Fire Marshall stated we want to clean up the town.

Dave Robbins of 5907 W. Wautoma, if that is the case that you are looking at something that has been there for two or three years, have something that addresses that but not for us that want to take a car of the road for a year. People are getting tired of a permit for this and permit for that they are just going out and doing it.

Lori Moses stated that is fine one or two cars in a rural area but in a close community such as the Huntington Parkway area one or two cars makes a difference.

Mike Marchetti of 3847 Brick Schoolhouse Rd. stated that he has four acres of land and also has a lot car but you can't see it as it is in the woods.

James Skidmore of Hamlin Center Rd. stated you promote the Wheel Fest yet you want to take away from us the cars we fix up. Where is the balance?

Town Supervisor- Warner closed the hearing at 8:03 pm and asked the board for their thoughts. Councilperson Rose stated he wanted to table this. Councilperson Rath stated the definition is very vague; we need clearer direction such as RV's.

In the past the Bldg. Inspector had to go through so many steps and the publishing for a hearing by the town was costly for the residents before even ruling on it. We need to have codes that are proactive and not reactive for the neighborhoods that are causing a lot of these problems. At the budget process time that is one of the things we look at; how much a department needs to carry out their duties and enforce the laws. Whether it has to be full time or part time we look at those costs too.

Councilperson Todd stated the temporary storage permit does not go away. The restoration of vehicles is still in there. Councilperson Rath mentioned the licensed RV's are allowed.

Councilperson Rose stated he would like to look at the outside storage down the street but have to say people have come to us with their concerns. I would like to look into it further before we cast it in stone. Town Supervisor Warner stated it would go back to the drawing board and look at it in September.

At this time the Town Supervisor stated we need to move these hearings into the gym due to the amount of people present and we will return to this room from items 10 on.

### **PUBLIC HEARING FOR AMENDING 125-50 ENTITLED KEEPING OF ANIMALS AND POULTRY**

Proposed Local Law #4-2005 entitled Keeping of Animals and Poultry was opened at Rpm. Attorney Licht explained the changes to the present code which set forth the confinement of farm animals and to prohibit the keeping of certain animals in the Town of Hamlin.

Peter Tonery of Moscow Rd. asked about this law addressing the dangerous K-9's. Town Supervisor Warner stated that dogs is not in this local law.

Dave Robbins of W. Wautoma asked about cats, does this include cats. Town Supervisor Warner stated no, if you are talking about costs that would be very costly. Attorney Licht mentioned the code stated that fur-bearing animals shall not include dogs or cats.

Charlotte Hansel of Lake Rd. asked about dangerous animals being let loose or kept in town. It was explained that there is a law which has a list and if the specific animal is listed they must register and then the police and fire departments are made aware if they have to enter the building. We don't have any registered at this time but you are welcome to come into look at the list in the Town Clerk's Office.

Gerry Hutchinson of 1701 Apple Hollow Lane asked about the quantity of the animals and was told that was not changing. Councilperson Rath explained that the law is very specific on the amount of animals allowed

Chris Dubois of Lake Rd. W. F. restated this is a farming community. Tammy Palumbo stated that there had been prior problems with some pigs getting loose and the dangers they caused with the neighbors and school buses.

Nina Hansel made a statement on snakes and at carnival time people walk around with them around their neck. What if someone lets them loose because they don't want them anymore? Lloyd Lochner of Sandybrook Dr. stated why have the laws you can't enforce. They are too costly.

Joe Lancia of Walker Rd. asked again on the costs for enforcing this law and those who write the check need to know where the money is coming from and if cuts would be necessary to pay for them. The hearing was closed at 8:22 pm with Town Supervisor Warner asking the board for their comments. Dick Bauman commented that last summer a lot of time was spent chasing down wild turkeys and goats as the Sheriff's Department wasn't helpful. This will give me the enforcement power and make my life easier if the people contain their animals.

Resolution #159 A motion was made by Councilperson Rose, seconded by Councilperson Hollink to amend Section 125-50 entitled Keeping of Animals and Poultry by Local Law #3-2005 as presented. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**Note: Local Law's need to be filed in sequence therefore the local law numbers have changed from the advertisement because of the tabling of the previous proposed law.**  
**PUBLIC HEARING FOR AMENDING 125-76(B) ENTITLED CRITERIA FOR CONSIDERATION FOR APPLICATION FOR VARIANCES**

The public hearing for the proposed local law was opened at 8:26 pm by Town Supervisor Warner. Attorney Licht explained how he had discussions with the Support Board Attorney Charles Welch on the old criteria on our books and that the State Law changed some 10 years ago. The standards for area variance will hold up in court as it is almost word for word from the State Law. The concept of practical difficulty no longer is included in the tests recognized by the State or the Courts. The Zoning Board has been doing it right using the appropriate wording on the card.

Tom Jensen of 1 Roadside Dr. stated that 95% of the times the ZBA never turns anything down so people just go for it.

Peter Tonery of Moscow Rd. asked Attorney Licht that he believed what you are saving is that the criteria still exists but in most part one through five seem similar. Attorney Licht explained the similarity in some of the wording. Mr. Tonery state then the applicant doesn't have to prove anything and it falls to the ZBA to disprove the request.

Attorney Licht stated that is not my understanding, I believe the burden is on the applicant and elaborated on the balancing test to grant the minimum variance necessary.

j They are mandated by Section 276 of Town Law.



Resolution #162 A motion was made by Councilperson Todd, seconded by Town Supervisor Warner to amend Chapter 125-61 Refuse and Disposal by Local Law #6-2005. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**PUBLIC HEARING FOR AMENDING CHAPTER 125-52 ENTITLED PONDS**

The public hearing for amending Chapter 125-52 Ponds was opened at 8:46pm with Attorney Licht stating the only change is that it will be going from the Zoning Board of Appeals to the Planning Board as they are charged with reviewing site plans. The floor was opened for comments.

Tom Jensen of Roadside Dr. mentioned ponds being located in R-VL district but you can find them everywhere. He also mentioned that property owners are invited to hearings. I live in a trailer park. I'm not invited as I don't own the property. Kathleen Begemann of Lake Rd. W. F. asked for a definition of pond. The definition was read by Attorney Licht from the code book. There is no proposed change to that. Hearing was closed at 8:48pm.

Resolution #163 A motion was made by Councilperson Rose, seconded by Councilperson Rath to amend of 125-52 entitled Ponds as Local Law #7-2005. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

**PUBLIC HEARING FOR AMENDING 125-47 (b)(19) INCREASING SIZE OF TEMPORARY SIGN**

Public hearing was opened at 8:49pm with Attorney Licht explaining the present code calling for a non-illuminated temporary sign not to exceed 20sq. ft. and that has been increased to 32 sq ft. The time frame for keeping the sign up has been reduced from 60 days to 30 days. The floor was opened to the public for their comments.

Nina Hansel asked is this just for outside signs and was told yes. Lloyd Lochner asked why change the law as we had changed the sign code not too long ago and now your increasing the sign size. It was expressed by Attorney Licht that the common thought was it made sense as 32 sq. ft. is a whole sheet of plywood. When it was asked about the section for elections, the code is outlined and the size is not increased. James Krempasky mentioned temporary signs being an eyesore and look much better when professionally done but do they need to be that large. Peter Toney stated he didn't know the argument put forth to increase the size but felt it was a disservice to the community and a lame excuse.

Public hearing was closed at 8:54pm and Town Supervisor was looking for input from the board. Dick Bauman stated the size of the signs are mainly to do with subdivision and construction signs and have applied for variances. Councilperson Hollink did not



on property which has been left go or abandoned and the process of tracking someone down to take care of the problems. You need to use some common sense. James Skidmore of Hamlin Center Rd. stated this seems to put a burden on the older people financially, they would have to hire someone to do the work. . Bldg. Inspector stated there are programs from the County to get assistance. Lloyd Lochner stated to the board we need to table this.

Gary Wolters of Walker Rd. if you think this is something the town needs I suggest putting this on the November ballot. Barbara Murphy of W. Wautoma asked about the standing or stacks of fire wood. If it is a fire safety then it may be a concern. The Fire Marshal can address this better. Fire Marshal B. J. Maier explained the necessity to look at fire safety in regards to a way of egress and hazards. The purpose of the law is for houses that are neglected. Some examples are given and problems dealing with mortgage companies. Chris Dubois stated once again this is a farming community why don't you look at all the businesses we don't need. Joe Lancia of Walker Rd. stated his deep concerns on the financial part of enforcing this and I still haven't heard any answers to how you are going to pay for these laws. Lori Moses mentioned living next to a house that was foreclosed on and the problems with the conditions of the property.

Pete Tonery stated this is written for an urban area and I have read the whole code, it talks about the height of ceilings and windows and etc. and asked Attorney Licht on preexisting structures under Section 125-55. The public hearing was later closed at 9:15pm and Town Board was asked for comments. Dick Bauman Bldg. Inspector restated what

~ they are trying to do under the code is to make my work easier to accomplish more in a day. This same code was adopted by the Village of Brockport. Councilperson Hollink stated I think we need to look closer at the junk vehicle law. Councilperson Todd stated the present code there is a lot of steps to comply with before you can take measures. He also stated in his short tenure on the board we have had people come in and complain on the appearance of a property. Councilperson Rose relayed the intent of the maintenance and the problems with the properties such as the four corners and protection for the health and welfare of the residents. Public hearing closed at 9:25pm.

Resolution #165 A motion was made by Councilperson Rose, seconded by Town Supervisor Warner to table further consideration of Chapter 82 entitled Property Maintenance. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried. Meeting moved back to the Town **Board Room**

### **APPROVING INTERMUNICIPAL AGREEMENT FOR WILER RD. WATER DISTRICT NO. 2**

Resolution # 166A motion was made by Councilperson Rose, seconded by Councilperson Rath for the following:



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

AUTHORIZATION TO PAY UPSTATE UTILITIES FOR PAYMENT #3

BOARING UNDER LAKE ONTARIO STATE PARKWAY

Resolution #169        A motion was made by Councilperson Rath, seconded by Councilperson Todd to approve payment #3 to Upstate Utilities, Inc. in the amount of \$3,733.78 for the Lake Ontario State Parkway boring as completed. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

ACCEPTING PARTIAL PAYMENT FOR COMMUNITY DEVELOPMENT

Resolution #170        A motion was made by Councilperson Hollink, seconded by Councilperson Todd to accept partial payment for community development grant in the amount of \$6,143.38 for basketball court into Account DA5110.4. Members polled, Councilperson Hollink aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Town Supervisor Warner aye. Motion carried.

When asked by Councilperson Rath on the account it was to match up the revenues with the expenditures.

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RESOLUTION OF APPRECIATION FOR LINDA MACKIN

Resolution #171        A motion was made by Town Supervisor Warner and unanimously seconded by the Town Board for the following:

RESOLUTION OF APPRECIATION  
Linda Mackin

WHEREAS,                Linda Mackin served as Hamlin Recreation Commissioner from June 2002 through May 2005,

BE IT RESOLVED,        that the Hamlin Town Board recognizes the time and effort given to the young people of Hamlin by Linda Mackin,

THEREFORE BE IT FURTHER RESOLVED, that this Resolution of Appreciation becomes a matter of public record within the minutes of this Hamlin Town Board Meeting held July 11, 2005.

Members polled, all ayes. Motion carried.

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Before adjourning the meeting Councilperson Rath reported that the LWRP comment period had closed.

Councilperson Rose stated that the computer bid for the Library had been awarded to LMT.

ADJOURNMENT

A motion was made by Councilperson Todd, seconded by Councilperson Hollink to adjourn the meeting at 9:38pm. Members polled, all ayes. Meeting adjourned.

Respectfully submitted,

Sherry J. Dobson  
Deputy Town Clerk