

HAMLIN TOWN BOARD MEETING  
May 8, 2006

The regular scheduled meeting of the Hamlin Town Board was held in the Town Hall located at 1658 Lake Rd., Hamlin, New York. Town Supervisor Roach called the meeting to order at 7:00 pm and explained the location of the fire exits and defibrillator for those present. Everyone participated in the Pledge of Allegiance and a Moment of Silence for all deceased residents.

Present: Town Supervisor Dennis Roach, Councilperson Michael Marchetti, Councilperson Paul Rath, Councilperson David Rose, Councilperson George Todd.

Also present: Assessor Melanie Fahmer, Attorney Ken Licht, Bldg. Inspector Richard Bauman, Highway Sup. Tom Ingraham, Water Sup. Eric Peters, Fire Marshal B. J. Maier, Deputy Fire Marshal Chuck Moselle, Recreation Commissioner Stan Lyons, Conservation Bd. members Mark Reeves, Tom Breslawski, Tammy Palumbo, Residents and other attendees, Carl Rath, Jason Requa, Tom Jensen, Nancy Jennejahn, Ernest Hayward, Mike and Denise Egrow, Lloyd Lochner, Irene Frediani, Charlotte Hansel, Nina Hansel, Honey DeLapa, Larry Koss, M. Popzelarski

**RESOLUTION OF APPRECIATION FOR HAMLIN VFW ON THEIR 60 ANNIVERSARY**

Town Supervisor Roach introduced the following Resolution of Appreciation for the Hamlin VFW which was unanimously approved to be awarded at their June banquet.

**RESOLUTION OF CONGRATULATIONS  
AND APPRECIATION**

WHEREAS, The Hamlin Veterans of Foreign Wars received its Charter on June 13, 1946, and,  
WHEREAS, The Hamlin Veterans of Foreign Wars and its Auxiliaries have continually benefited others by providing moral and financial support to military service members worldwide and,  
WHEREAS, The Hamlin Veterans of Foreign Wars and its Auxiliaries have made community involvement one of its highest priorities and continually supports the residents of the Town of Hamlin and,  
WHEREAS, The Hamlin Veterans of Foreign Wars and its Auxiliaries for many years provided the only ambulance service in the Town and,  
WHEREAS, The Hamlin Veterans of Foreign Wars and its Auxiliaries have hosted public commemorations on Memorial Day and Veterans' Day, which have fostered patriotism, honored America's veterans, and cultivated an appreciation of both the responsibilities and benefits of being an American,  
THEREFORE BE IT RESOLVED, that the Hamlin Town Board, on behalf of the residents of Hamlin, extends its appreciation to The Hamlin Veterans of Foreign Wars and its Auxiliaries for their many contributions to all veterans and residents of the Town of Hamlin and extends its congratulations for 60 years of outstanding civic performance and loyal and dedicated service and,  
FURTHER BE IT RESOLVED, that the Hamlin Veterans of Foreign Wars be furnished a copy of this Resolution, which is spread upon the minutes of the May 8, 2006 Town Board meeting.

Unanimously approved

At this time Supervisor Roach mention it was his pleasure to attend the Hamlin Firemen's Dinner on Saturday. Supervisor Roach accepted a plaque presented to the town and recreation department for all they do. Also at the dinner Councilperson Marchetti received a Lifetime Service Award.

### **PUBLIC FORUM**

Irene Frediani of 146 Hamlin Clarkson Tn. Ln. Rd. asked for an update on the Senior plans on Roosevelt Hgwy. Supervisor Roach stated what he knew was from a conversation with their representative a week ago and it is in Albany for the condo status. Public Forum was closed at 7:06 pm.

### **PRESENTATION BY LIFETIME ASSISTANCE**

Ernest Haywood, Vice President of Residential Services and Development, for Lifetime Assistance stated they are interested in establishing a residential home on the corner of Traciann Drive and Lake Rd. He gave a background of the establishment of the program which has been offering support and group homes in western Monroe County for people with disabilities for the last 28 years. This proposal is a supervised group home and would be some of the residents from the larger home down Lake Road. We will meet all building codes. Supervisor Roach explained the towns three options. We could let him know tonight otherwise we would have a date of May 23, 2006 as a deadline for our objections. Councilperson Rose and Councilperson Todd both saw no problems.

### **PRESENTATION FOR USE OF 87 KING ST.**

Supervisor Roach explained the presentation need for the proposal on Industrial zoned property according to the zoning regulations and the boards options. Richard Maier the Surveyor for the proposal introduced himself to the board as representative for Mr. Rowell who owns 87 King St. Plans are for a storage building with a dirt floor and no water or sewer. Supervisor Roach thought it would be appropriate to know what is going to be stored in the structure as there is no sprinkler system. Councilperson Marchetti and Councilperson Rath gave some suggestions on separation and noting a storage building on the adjoining property. Councilperson Marchetti asked the question of whether the building fits on the location? Attorney Licht stated he hadn't seen the plan but gave the reasoning for the review of the Town Board. Are the plans properly sized and is the setback proper? Is this project acceptable to the board?

Resolution #159 A motion was made by Councilperson Marchetti, seconded by Councilperson Rath to accept the presentation and refer to the Planning Board the project at 87 King Street. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye.

**APPROVAL OF TOWN BOARD MINUTES FOR APRIL 10, 2006**

Resolution #160 A motion was made by Councilperson Rath, seconded by Councilperson Rose to approve the Town Board minutes of April 10, 2006 as presented. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

**APPROVAL OF SPECIAL TOWN BOARD MEETING MINUTES FOR APRIL 19, 2006**

Resolution #161 A motion was made by Councilperson Rose, seconded by Councilperson Rath to approve the Special Town Board Meeting Minutes for April 19, 2006 as presented. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd abstain and Supervisor Roach aye. Motion carried.

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

Resolution #162 A motion was made by Councilperson Todd, seconded by Councilperson Marchetti to authorize the payment of bills from their respective funds as follows:

General Abstract #5  
Library  
Highway  
Consolidated Water  
Sewer

Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

**AUTHORIZATION OF TRANSFERS FROM RESPECTIVE FUNDS**

Discussion:

Resolution #163 A motion was made by Councilperson Rose and seconded by Councilperson Marchetti to authorize the following transfers:

From Acct.	To Acct.	Amount
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A980 Revenue	A1355.4 – Assessors Exp.	\$ 116.35
A980 Revenue	A1450.1 – Election	\$3,642.53

Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

Supervisors Monthly reported acknowledged and filed

### **CORRESPONDENCE**

- a. A copy of Constables and Municipal Law Enforcement Authority from NYMIR.
- b. A Copy of a letter from Mr. Barry Jr. from the Clerk of the Legislature RE: a 30-day period for public review for Inclusion of Predominantly Viable Agricultural Lands into Certified Monroe County Agricultural District.
- c. A copy of Monroe County Legislature’s reports from Administration.
- d. A copy of Commercial Recreation Fee Proposal.
- e. A copy of rezoning request for Lead Agency for Truelson Subdivision on Brick Schoolhouse Road from Monroe County Department of Planning and Development.
- f. A copy of a letter from Stuart Brown Associates RE: Grants.
- g. A letter from Unity Health System RE: Park Ridge Youth Outreach Program ending.
- h. A copy of articles on Wind Towers from Ed Evans.
- i. A copy of a letter from Jeffrey Habor, Executive Director of the Association of Towns RE: School Funding Reform.
- j. A letter from Supervisor Roach to Judge Moffett and Rath RE: the State Trooper Participation in Plea Bargain Process.
- k. A copy of a letter from Lifetime Assistance RE: a new home at 1845 Lake Road.
- l. A copy of an off-duty notification form from 911
- m. A copy of a letter from Monroe County RE: Park Ridge Youth Outreach Center.
- n. An E-mail from Maggie Brooks RE: Sales Tax Distribution.
- o. A letter from Brockport Ecumenical Outreach Committee RE: Sunday June 25<sup>th</sup>.
- p. Assessor’s monthly report for April 2006.
- q. Fire Marshal’s monthly report for April 2006.
- r. A copy of a letter from Richard Baumann RE: Letter of Resignation.
- s. A copy of the Hamlin Volunteer Ambulance Board of Directors meeting 4-13-06.
- t. A copy of a letter from Monroe County Dept. of Planning and Development RE: Development Review Guide.
- u. Summary of quotes for Installing Suspended Ceiling in the Town Hall Gymnasium.

- v. Summary of Quotes for Mowing Delinquent Properties.
- w. Building Inspectors monthly report for April 2006.
- x. A copy of a letter from Chatfield Engineers, PC of May 4, 2006 RE: Zoning Code 125-68 Meteorological Towers SEQR.

PUBLIC HEARING  
Local Law #4-2006  
Exempting Family Day Care

Public Hearing for Local Law #4-2006 for the Exempting of Family Day Care from Section 125-38 was opened by Supervisor Roach who explained this administrative action needed to correct Section 125-38 of the Hamlin Zoning Laws of 1991 to be in accordance with Social Service Law. The resolution setting the public hearing was read for those present.

Councilperson Rose raised the question of babysitting mentioned in the code. Attorney Lciht stated there is such a wide range it should be discussed further at a worksession. Public Hearing was closed at 7:30 pm.

PUBLIC HEARING  
Local Law #5-2006  
Sewer Rentals to Tax Bills

Public Hearing for Local Law #5-2006 was opened at 7:31 pm for Chapter 90-29 of the Sewer Rental Ordinance. Supervisor Roach explained that the annual sewer rental fee for each unit has been put on the Town and County Tax Bills. The Local Law reflects the changed need in our Chapter governing sewer rentals that is already being done. The resolution setting the public hearing was read. Floor was opened. No comments were made. Public Hearing was closed at 7:32 pm.

PUBLIC HEARING  
Local Law #6-2006  
MET Towers

Public Hearing for Local Law #6-2006 was opened at 7:33 pm. Supervisor Roach explained the purpose of the this Local Law was to establish in our zoning a provision for allowing MET Towers in Chapter 125-68 of the Hamlin Zoning Law of 1991. Resolution setting the public hearing for this local law and the local law was read by Supervisor Roach for those present.

Tammy Palumbo from the Conservation Board mentioned the path of birds that fly over the lake and resting area during migration and recommend no wind tower to be located within one half mile of the shore. When asked if it is the objection of wind towers. She stated not one tower is not going to have the effect. Anywhere else in Hamlin would be fine

Mike Piccirillo of 1606 Moscow Rd. asked why the developer is not seeking a variance instead of a new ordinance which gives the developer a blank check. He didn't think there should be such swooping changes to the zoning law for two MET Towers. He thought it should have more thought. He also mentioned the property values and hopefully there is a mechanism to protect the property owners. Supervisor Roach stated this hearing gives everyone the opportunity to raise questions will that will be discussed further. Mr. Piccirillo hoped he would get answers to his questions.

Mrs. Brokholder of 391 Morton Rd. asked what s the advantage to the town and resident to put one up? Supervisor Roach explained the purpose of the MET Towers is to collect data whether the wind towers can be installed. That is a good question on how this would benefit the town and we will look into it.

Charlotte Hansel of 1844 Lake Rd. asked if anyone has visited other towns to see what they did? Supervisor Roach stated we have no ordinance that would address wind towers or MET Towers. The data collected from the MET Towers is over a one to two year period before a wind tower would be proposed to the town if the data was there to support a proposal. This is the first phase to prepare the town.

Jerry Brokholder of 391 Morton Rd. could we leap beyond the MET Tower what could you share with me on the noise and if this is the key to Pandora's Box what is in the box. Last Thursday night we had an informational meeting and I do still have some of those handouts and I am sure we will have more meetings if we need to go beyond that. There are many thoughts both pro and con and I will be happy to share what we have already.

Tammy Palumbo asked if we were putting the horse before the cart. Councilperson Marchetti stated this is a broader than the issue on MET Tower. What is the towns renewable energy policy? Attorney Licht explained what is covered in our present code. This is not a permitted use therefore the law is being proposed.

Mark Reeves of 3640 Brick Schoolhouse Rd. I am not speaking on MET Towers. We need data. It is necessary to have information to allow them in.

Jason Requa of 39 Cook Rd. asked if there is any incentives coming down from the higher government. There is a lot of policies and programs coming out and I will be happy to send you information.

There is a full environmental assessment form so until the information is received back the is no way the Town Board will be voting on that tonight.

Public Hearing was closed at 8:00 pm.

### **SEQR DECLARATION FOR LOCAL LAW #4-2006**

Resolution #164 A motion was made by Councilperson Rath, seconded by Councilperson Rose that after careful review according to the SEQR Law, Local Law #4-2006 Exempting Family Day Care from Section 125-38 is to be a negative declaration of an Unlisted Action. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

### **ACCEPTING OF LOCAL LAW #4-2006**

Resolution#165 A motion was made by Councilperson Marchetti, seconded by Councilperson Rose to accept Local Law #4-2006 Section 125-38 of the Town of Hamlin Zoning Law of 1991, entitled "Professional Offices; Home Occupations" to amend by adding Section 125-38 B.1) as follows:

125-38(B.1) Exceptions. Family day care homes defined in Section 390 (1)(e) of the Social Services Law and group family day care homes defined in Section 390 (1)(d) of the Social Services Law are not considered "home occupations" and are specifically exempt from the requirements of Section 125-38 (B) and (C) of the Zoning Code of the Town of Hamlin. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

### **SEQR DECLARATION FOR LOCAL LAW #5-2006**

Resolution #166 A motion was made by Councilperson Rath, seconded by Councilperson Rose that after careful review according to the SEQR Law, Local Law #5-2006 to put the sewer rentals to the Town Tax Bills is to be a negative declaration of an Unlisted Action. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

### **ACCEPTING OF LOCAL LAW #5-2006**

Resolution #167 A motion was made by Councilperson Marchetti, seconded by Councilperson Todd to accept Local Law #5-2006 repealing and replacing Section 90-29 to put the Sewer Rentals on the Town Tax Bills as follows:

Section 90-29 Collection: The annual sewer rent established for each unit in a sewer district shall be set forth on the town tax bill for said year and shall be collected and enforced in the same manner and at the same time as provided for town taxes. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

### **SEQR FOR LOCAL LAW #6-2006**

Resolution #168 A motion was made by Councilperson Rath, seconded by Councilperson Marchetti to accept the EAF completed to Local Law #6-2006 as completed by Chatfield Engineers. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

### **RE-ZONING OF 81 ACRES**

A public hearing was conducted in March and the SEQR is completed. Councilperson Rath mentioned several items such as the Comprehensive Plan and not being consistent. Councilperson Todd stated he doesn't mind putting it off to a work session but we did some similar rezoning nearby for Beehler/Bower. After further discussion the Town Board will have a work session on May 25<sup>th</sup> at 6 pm.

### **ACCEPTING QUOTE FOR INSTALLATION OF GYMNASIUM CEILING**

Resolution #169 A motion was made by Councilperson Marchetti, seconded by Councilperson Todd to accept the quote from Carey Lathing & Associates Co., Inc. for installation of suspended ceiling, lighting and smoke detectors in Hamlin Town Hall gymnasium per Scheme2 (Value Engineering) in the amount of \$12,250.00. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

### **ACCEPTING QUOTE FOR MAINTENANCE OF PROPERTY VIOLATIONS**

Resolution#170 A motion was made by Councilperson Rath, seconded by Councilperson Rose to accept the quote from Your Choice Lawn and Landscaping for mowing maintenance of property violations for 2006 at \$.35 for initial cut per 100 sq. ft., \$15.00 minimum charge and \$.20 follow up cuts per 110 sq. ft., \$15.00 minimum charge. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

### **HISTORIAN BOOK SECOND PRINTING PAYMENT**

Supervisor Roach stated he takes the heat on this as he was asked by Mary for a second printing and I said yes. There is not enough money in the Historian Account to pay for the second printing of the Historian's book. We have an option to take it from the Special Cable Fund and put back. Councilperson Rath would like the revenue from the sale put back into the Special Cable Fund Account.

Resolution #171 A motion was made by Councilperson Rath, seconded by Councilperson Todd to pay the Voucher in the amount of \$8232.50 to Ryan printing for the second printing of the Historian's book with the revenue from the sale of the books to be put back in the Special Cable Fund Account. Members polled, Councilperson

Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

### **BUDGET AMENDMENTS**

Discussion: Highway purchased a new truck and Parks/Security will be buying the old truck.

Resolution #172 A motion was made by Councilperson Marchetti, seconded by Councilperson Rose to make the budget amendment to release \$5,100.00 from Park Equipment Reserve Fund balance to be transferred to the Appropriation Account A7110.2 Parks Equipment and transfer \$5,100.00 from Appropriation Account A7110.2, Parks Equipment to Highway Equipment Reserve Account. The justification is for the Parks Dept. to pay for the 1999 pickup truck from Highway Dept. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

### **WAIVER OF BUILDING PERMIT FEE FOR MORTON FIRE DEPT.**

Resolution #173 A motion was made by Councilperson Rose, seconded by Councilperson Todd to waive the \$25.00 Building Permit fee for the Morton Fire Dept. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

### **RECREATIONAL FEE FOR RESIDENTIAL DEVELOPMENT**

Discussion: Correspondence (d) is the Hamlin Recreation Commission's recommendation to increase the Recreational Fee for new residential and commercial development. They have included comparison information from other neighboring towns. The Bldg. Inspector gave information on the last commercial construction.

Resolution #174 A motion was made by Councilperson Todd, seconded by Councilperson Rath to increase the recreational fee for residential development from \$250.00 to \$350.00. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

### **ESTABLISH A RECREATION FEE FOR COMMERCIAL DEVELOPMENT**

Resolution #175 A motion was made by Councilperson Marchetti, seconded by Councilperson Rath to set a Recreational fee of \$500.00 for new commercial development. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

## **BIENVENIDA PROCLAMATION**

Supervisor Roach introduced the following proclamation in honor of June 25, 2006 a Day of Welcome:

### PROCLAMATION

WHEREAS, Agriculture is the number one industry in New York State; and  
WHEREAS, The approximately 1,000 migrant farm workers who come to the Hamlin, Clarkson and Brockport area constitute the back bone of our area's agricultural workforce; and,  
WHEREAS, The farm workers are members of our community for approximately six months of each year, during which time they plant and harvest our crops; and,  
WHEREAS, As residents of the Hamlin, Clarkson, Brockport community, migrant farm Workers make a substantial contribution to our local business economy;  
THEREFORE, the Town of Hamlin designates the week of June 18<sup>th</sup> through June 25<sup>th</sup> as a week of recognition of the presence and contributions of our local farms and farm workers, and proclaims Sunday, June 25<sup>th</sup>, 2006 as a Day of Welcome to the migrant farm workers.

Unanimously approved by the entire board.

## **TOWN OF HAMLIN TENT AT WHEELFEST**

Supervisor Roach would like to put up a Town of Hamlin tent at the Wheel Fest and can have a variety of information from fire safety to wind tower. We are trying to have Mary selling her book and other items. This is non-political.

## **ADVERTISING FOR BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER**

Resolution #                    A motion was made by Supervisor Roach, seconded by Councilperson Todd that it is with regrets that the Town Board acknowledge and accept the resignation of Richard Bauman, Building Inspector/Code Enforcement Officer effective May 16<sup>th</sup>.