

**Public Hearing  
October 9, 2007  
Child Safety Zone**

The Town Board held a public hearing at 6:30 pm in the Hamlin Town Hall located at 1658 Lake Rd. for the proposed Local Law Amending the Town Code of Hamlin, County of Monroe by adding Chapter 28 Entitled "Child Safety Zone.

Present: Councilperson Michael Marchetti, Councilperson Paul Rath, Councilperson David Rose. Absent was Councilperson George Todd

Also present: Attorney Ken Licht, Tom Breslaswki and Mike German

Supervisor Roach opened stating the reason for the hearing and copies of the law are available for those present. The explanation was the concern expressed from several residents for the safety of the children and the fact of the information being provided on sexual offenders living in town.

Supervisor Roach read the Legislative Intent and Purpose as follows:

- A. The Town Board of the Town of Hamlin finds and determines that due to the recidivism rate among convicted sex offenders following their release from confinement, there exists a heightened potential for reoccurrence of their crimes when they reside, have employment or frequent areas where children are likely to regularly congregate, which areas include schools, childcare facilities, parks, playgrounds and those densely populated areas in the town which are zoned R-H (Residential-High Density).
- B. The Town Board of the Town of Hamlin further determines that it is essential for the Town of Hamlin to make every effort to protect children from sex offenders who have committed sexual offenses against minors.
- C. The Town Board of the Town of Hamlin further determines that it is in the best interests of the health, safety and welfare of the residents of the Town of Hamlin, and particularly its children, to establish residency restrictions and restrictions on location of employment and other activities for sex offenders who have committed sexual offenses against minors.
- D. It is the purpose of this local law to prohibit sex offenders from residing, having employment or otherwise entering or remaining within one thousand (1,000) feet of areas and facilities that would provide them easy access to potential victims.

Supervisor Roach stated there is a definition section of the chapter, as well as and exception, prohibition , penalties, enforcement and cessation of restrictions.

Proof of publication was made available. The floor was opened for public comments. There were none. Supervisor Roach asked the Town Board for their comments.

Councilperson Rose stated it was brought to his attention today that an 11 year old boy was in the Top's parking lot and was approached by a person in a van offering the child an item. Councilperson Rose asked can we include parking lots? Attorney Licht stated there are restrictions that are terms of the parole that no contact with minors. Banning a sexual offender from a parking lot where one may shop is likely overly broad and subject to reversal or a challenge to the law. The board discussed whether a plaza may have a playground, then the playground would be off limits. Attorney Licht stated a sexual offender would have a legitimate business in a church or supermarket parking lot. Councilperson Rose stated to his knowledge the child did not get a description.

Supervisor Roach had a question regarding Section 28-5, retroactive. He would like a law for our town but mentioned the National Civil Liberties and feels there may be an immediate challenge if we make it retroactive and then the overall good would be challenged. Councilperson Rose stated he agreed. Councilperson Rath asked what makes the person a resident. Attorney Licht replied when he registers it becomes fact. Attorney Licht stated that can be deleted and would be stronger without it. Many towns have adopted with it.

Supervisor Roach advised the board we have not received any comments from Monroe County in regards to the referral. We can schedule this for the next Town Board Meeting.

Public Hearing was closed at 6:44 pm.

Respectfully submitted,

Sherry J. Dobson  
Deputy Town Clerk