

**PUBLIC HEARING**  
**December 10, 2007**

A Public Hearing was held in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York, to discuss a proposed Local Law to add new Chapter 29 of the Code of the Town of Hamlin entitled "Curfew Law" and a proposed Local Law to revise Section 10-8 of the Code of Ethics of the Town of Hamlin.

Present: Supervisor Dennis Roach, Councilperson Mike Marchetti, Councilperson Paul Rath, Councilperson David Rose. Excused: Councilperson George Todd.  
Also Present: Attorney Ken Licht; Planning Board member Tom Jensen, Conservation Board Members Tom Breslawski and Mark Reeves; and Ethics Board member Duane Miller.

I. The Public Hearing was called to order at 6pm by Supervisor Roach for Local Law to add Chapter 29 of the Code of the Town of Hamlin, entitled "Curfew Law"

A LOCAL LAW ESTABLISHING A CURFEW IN THE TOWN OF HAMLIN.

The Town of Hamlin hereby adopts Chapter 29 of the Code of the Town of Hamlin, entitled "Curfew Law" to provide as follows:

Be it enacted by the Town Board of the Town of Hamlin, New York as follows:

5-1 Definition Minor:

For purpose of this Local Law, "minor" shall mean any individual who has not yet attained his or her eighteenth birthday.

5-2 Statement of Purpose and Finding:

The Town Board has determined that large numbers of minors have been congregating in public areas of the Town after dark causing general disturbance to residents. In order to reduce juvenile crime and vandalism, to protect the children of this municipality, and to reinforce parental authority, it is necessary that a curfew be established to keep minors out of public areas after dark.

5-3 Restrictions:

It shall be unlawful for any minor to remain in or upon any public street, sidewalk, park, vacant lot or other public place between the hours of 11:00 p.m. of any day from Sunday through Thursdays and 5:00 a.m. of the following day, or between the hours of 11:59 p.m. of any Friday or Saturday and 5:00 a.m. of the following day.

5-4 Exemptions:

The following shall constitute valid exceptions to the operation of the curfew:

- (a) At any time, if the minor is accompanied by his or her parent, legal guardian, or other responsible person who is over the age of twenty-one and approved by the minor's parent or legal guardian;
- (b) If the minor is legally employed, for the period from one-half hour before to one-half hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come under this exception, the minor must be carrying a written statement from the employer attesting to the place and hours of employment.
- (c) If the minor is coming directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception will apply for one-half hour after the completion of such event, but in no case beyond 1:30 a.m.
- (d) If the minor is exercising first amendment rights protected by the Constitution, such as the free exercise of religion, speech, or assembly, provided the minor first has given notice to the Code Enforcement Officer by delivering written communication signed by the minor and countersigned by a parent of the minor which specifies when, where, in what manner, and for what first amendment purposes the minor will be in a public area at night during the curfew period.

5-5 Violations:

Failure to comply with this law shall be a violation as defined in Section 55.10 of the New York State Penal Law and penalties may be imposed there under and pursuant to Section 80.05 of the New York State Penal Law. Any penalties or damages recovered or imposed under this law are in addition to any other remedies available at law or equity.

5-6 Severability:

In the event that any word, phrase or part of this local law shall be declared unenforceable or illegal, the same shall be severed and separated from the remainder of this local law and shall not effect the remaining provisions of this local law which shall remain in full force and effect.

5-7 Effective Date:

This local law shall take effect upon filing with the Secretary of State. Supervisor Roach read the entire proposed law and the Town Clerk provided proof of publication prior to opening for public comments.

No public comments.

No comments from Town Board

Brief discussion was held between Supervisor Roach and Attorney Ken Licht regarding the non-issuing of tickets or summons to minors 14-16 years of age. Attorney Licht stated that Sheriff's deputies are to escort them home and speak with parents.

A motion was made by Supervisor Roach seconded by Councilperson Rath to close the Public Hearing regarding Local Law entitled "Curfew Law" at 6:05 pm

II. The Public Hearing was called to order at 6:05 pm by Supervisor Roach for Local Law to revise the powers and duties of the Board of Ethics and to revise the method of appointing members of the Board of Ethics.

#### A LOCAL LAW REVISING THE POWERS AND DUTIES OF THE BOARD OF ETHICS AND REVISING THE METHOD OF APPOINTING MEMBERS OF THE BOARD OF ETHICS.

Section 1. Section 10-8 of the Code of Ethics of the Town of Hamlin (Chapter 10 of the Code of the Town of Hamlin) is hereby repealed and replaced by the following:

##### §10-8 Board of Ethics

A. Establishment. There is hereby established a Board of Ethics to consist of five members who shall serve without compensation.

B. Appointment of Members.

1. Nominating Committee. The Town Board shall, within sixty days from the effective date of this local law, appoint a committee of not less than 7 residents to nominate, for consideration by the Town Board, individuals to serve on the Board of Ethics. The Town Board shall endeavor to select a committee of respected residents that is bipartisan or nonpartisan. The nominating committee shall consist of an odd number of members, but not less than three nor more than seven. The committee shall submit a list of prospective

candidates to the Town Board for its consideration. The committee may nominate any number of individuals for the Town Board's consideration provided that such number shall not be less than twice the number of vacancies to be filled. Members of the committee shall be appointed annually.

C. Terms of Office of Members First Appointed. In the creation of a new Board of Ethics, the appointment of members to the board shall be for terms so fixed that one member's term shall expire at the end of the calendar year in which such members were initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed for a term which will be equal in years to the number of members of the board. No individual shall serve more than one five year term, but an individual appointed for less than a five year term is eligible to serve one full five year term upon the expiration of his initial term.

D. Vacancy in Office. If a vacancy shall occur other than by expiration of term, the town board shall appoint a new member for the balance of the unexpired term. Such new member shall be elected from a list of prospective candidates provided by the nominating committee.

E. The requirement set forth in Section 808(3) of the General Municipal Law that at least one member of the Board of Ethics be an elected or appointed officer of the town shall not apply to the Board of Ethics. A town officer or employee is eligible to serve on the Board of Ethics, but there is no requirement that the Board of Ethics include such an officer or employee as a member.

F. The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Town of Hamlin with respect to Article 18 of the General Municipal Law and the Code of Ethics of the Town of Hamlin. The Town Board may direct specific requests for advisory opinions to the Ethics Board.

G. The Board may also, on its own initiative or on the initiative of its own members, consider any complaint or allegation of conflict of interest on the part of any officer or employee of the Town of Hamlin. All such complaints or allegations are to be kept

in the confidential records of the Board. Should the Board determine that there is apparent merit in the complaint or allegation, it shall send a written invitation to the officer or employee so charged to appear at a private meeting of the Board and explain the apparent conflict of interest. Should such officer or employee fail to appear in response to such invitation or should he appear and fail to satisfy the Board that there is no conflict of interest, the Board shall send a written report on the matter to the Town Supervisor. The report shall not be made public except by the Town Supervisor or by the unanimous vote of the Town Board.

H. In addition, the Board may make recommendations with respect to the drafting and adoption of amendments to the Code of Ethics of the Town of Hamlin.

I. The Board shall hold an annual organizational meeting at which time the members shall elect a chairperson and shall promulgate its own rules and regulations as to its forms and procedures. Copies of all rules and regulations promulgated by the Board and any and all amendments thereto which may be adopted from time to time shall be filed with the Town Clerk. The Board shall maintain a record of its opinions and proceedings.

Section 2. This local law shall become effective upon filing with the Secretary of State.

Supervisor Roach read the entire proposed law and the Town Clerk provided proof of publication prior to opening for public comments.

Duane Miller of 6580 Shore Acres stated that he supports the Local Law, particularly increasing the members on the board and the nominating committee idea.

No comments from Town Board.

A motion was made by Councilperson Marchetti seconded by Councilperson Rath to close the Public Hearing regarding Local Law to revise the powers and duties of the Board of Ethics and to revise the method of appointing members of the Board of Ethics. Public Hearing closed at 6:11 pm

Respectfully submitted,

Kathi A. Rickman, RMC/CMC  
Hamlin Town Clerk