

Hamlin Town Board Meeting
April 14, 2008

The Hamlin Town Board held their regular scheduled meeting in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York. The meeting was called to order at 7 pm by Deputy Supervisor Michael Marchetti. The location of the fire exits and defibrillator was explained for those present. Everyone was invited to participate in the Pledge of Allegiance and Moment of Silence for all the deceased residents of Hamlin.

Present: Deputy Supervisor Michael Marchetti, Councilperson Tom Breslawski, Councilperson Paul Rath, Councilperson Dave Rose, Supervisor Dennis Roach excused.

Also present: Planning Board Member Tom Jensen, Conservation Board Member Mark Reeves, Attorney Ken Licht, Assessor Melanie Fahmer, Highway Superintendent Tom Ingraham, Building Inspector B.J. Maier, Dog Control Officer Jim Atkins. Residents present: Lloyd Lochner, Kim Spellan, Linda DeRue, Troy Nesbitt, and Carol McFarlane.

PUBLIC FORUM

Deputy Supervisor Marchetti opened the Public Forum inviting those that signed up to speak.

Troy Nesbitt, 52 Cook Road. Stated his concerns regarding the Host agreement. Asked if anyone heard what Kendall was doing regarding setbacks.

Linda DeRue, 317 Redman Road. Inquired if there will be another public hearing regarding Wind Towers. Was confused as to how she received some Wind Tower information and wondered who had written it, Town Board or Supervisor Roach. She feels that some of the information is incorrect.

Brief discussion continued between Ms. DeRue and Councilperson Rose.

Kim Spellan 382 Morton Road. Read from notes she submitted.

Ms. Spellan: I have a question regarding Town Protocol. It is my understanding that average citizens should not go behind the counter in the Town Clerks office. Is this true?

Town Clerk Kathi Rickman stated that normally yes, that is true, however there was no other office available where a discussion could be held so an exception was made for this particular incident.

Ms. Spellan: What roll does Lloyd Lochner, the head of the Republican Committee, have on the Town Board? Is he on any of the Support Boards?

Deputy Supervisor Marchetti answered in the negative.

Ms Spellan: Why then is he involved with members of the Town Board when private citizens are involved? Can that be explained?

Deputy Supervisor Marchetti answered that possibly Mr. Lochner was asked to be a witness.

Ms. Spellan: That would be the case if the meeting wasn't recorded, which it was so we can rule that out. I'm just asking why would he be involved in that kind of thing if he's not a member of the Town Board and he is not a member of any of the support boards?

Councilperson Rose inquired as to what meeting Ms. Spellan was referring to.

Ms. Spellan: I, as a Hamlin citizen requested to sit down and have a meeting with Tom (Councilperson Breslawski) of which I had to contact him on numerous occasions prior to being able to arrange one and Mr. Lochner was present at that meeting. So Tom, I would like know who invited Mr. Lochner to chaperone this one-on-one meeting that I requested with you?

Deputy Supervisor Marchetti told Councilperson Breslawski that he could answer the question if he chose to, however, Public Forum is not a question/answer.

Councilperson Breslawski stated that yes; he did invite Mr. Lochner to the meeting.

Ms. Spellan: Why did you not extend me the courtesy to even ask if having him attend the meeting was acceptable—Lloyd Lochner is not my elected official, you are. Please explain.

Councilperson Breslawski: I don't have a problem meeting in front of anybody and I didn't promise the meeting would be, the meeting was held in the Town Clerk's office in which case there were at least two other people. I didn't promise the meeting would be a solo one-on-one meeting.

Ms. Spellan: That's what I had requested. In the future when I request a one on one meeting that if you're not comfortable with that for whatever reason or you want to record it—which I had absolutely no problem with I have nothing to hide that you would extend me that courtesy because you're my elected official. Lloyd Lochner is not my elected official.

I've been meeting with Town Board members so that I might gain a better understanding of their position. I'm trying to see where you guys are coming from just to get some clarifications on this issue. When I met with Mr. Breslawski today I was surprised that he refused to meet with me privately, especially since he was recording the meeting. When I asked where we were going to be meeting, I was informed initially not by Mr. Breslawski but by Lloyd Lochner who is not my elected official and has no business in my opinion to even be present, he answered and said, "We're meeting here." Which happened to be behind the main desk at the Town Clerks office with the Town Clerk, the Deputy, and Chaperone Lochner along with Mr. Breslawski. I would like to ask of the Board, is it not possible to meet one-on-one with Board members without having Lloyd Lochner there to chaperone? Is that something that's out of the question to ask as my elected officials do I have the right to reach out to you and ask you questions about things that are happening within the Town? Is that out of the question to sit down one on one

and I have no problem with having a recorder on if that makes you feel more comfortable, I have no problem with that. I did not see the validity, the need of Lloyd Lochner sitting there for this meeting. I think that's absurd. Am I being unreasonable?

Deputy Supervisor Marchetti responded that it is up to the person who you are meeting with to decide who they want there.

Ms. Spellan: Can I continue to meet with my elected officials?

Deputy Supervisor Marchetti: responded yes, if they want to.

Ms. Spellan: Are the Board Members off limits? Are there Board Members here that would not be willing to sit down one on one with me to clarify concerns, answer questions that I have I would be more than happy to have you record or videotape but is there anybody here who is not willing to do that? I'd like to know because I will be making some more phone calls, so we might as well get it out of the way now.

Councilperson Rose responded in the negative, he wouldn't have a problem meeting one-on-one.

Ms. Spellan continued to request another meeting with Councilperson Breslawski since she didn't get all her questions answered. She asked specifically for a second one on one.

Councilperson Breslawski stated that if he did agree to another meeting, he would have witness present.

Ms. Spellan became insistent on scheduling a meeting with Councilperson Breslawski who stated that he would speak with her after the session had ended. Ms. Spellan stated that she wanted his answer on the record.

Deputy Supervisor Marchetti responded that if Councilperson Breslawski didn't want to answer at that point it was his choice.

Ms. Spellan became more insistent to which Councilperson Breslawski replied that he would speak with her after the meeting had concluded.

Deputy Supervisor Marchetti closed the Public Forum at approximately 7:30 pm.

APPROVAL OF REGULAR TOWN BOARD MEETING MINUTES OF MARCH 10, 2008

Resolution #116 Motion was made by Councilperson Rath, seconded by Councilperson Marchetti to approve Town Board meeting minutes of March 10, 2008. Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose abstain. Motion carried.

AUTHORIZATION OF PAYMENT OF BILLS FROM THEIR RESPECTIVE FUNDS

Resolution #117 A motion was made by Councilperson Rose seconded by Councilperson Rath to authorize the payment of bills from their respective funds. Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye. Motion carried.

Supervisor's Monthly report acknowledged and filed.

Correspondence:

- a. A copy of a letter from the Hindmarch's to the State DOT RE: Heritage Woods.
- b. A copy of a letter from Supervisor Roach to NYS State DOT RE: speed limit on RT. 18 between the Hamlin Center Road and Hamlin Clarkson TL Road.
- c. A letter from Senator Schumer RE: Picturing America.
- d. A copy of a letter from Supervisor Roach RE: Presentations to the Town Board
- e. A copy of a letter from Supervisor Roach RE: the re-start of the Zoning Review workshops.
- f. A copy of a letter from Supervisor Roach to Mr. Mulhall RE: Public Fishing rights.
- g. A letter from Time Warner RE: Cable Programs that Might Change.
- h. A meeting notice for the Transportation Priorities meeting Rochester City Council Chambers April 6th, 2008 at 2:30pm.
- i. An e-mail from Troy Nesbitt RE: Wind farms.
- j. A letter from Senator Schumer RE: grants.
- k. A letter from the Stormwater Coalition of Monroe County RE: Membership Fees.
- l. A copy of a letter from Chatfield Engineers to Army Corps of Engineers RE: West Creek.
- m. The Radio Control Club of Rochester's news letter.
- n. A copy of information RE: National Flood Insurance Program.
- o. A letter from Senator Schumer RE: grants under the 2008 Save America's Treasures Grant Program.
- p. A letter from Monroe County Clerk of the Legislature: Notification of the 30-day period for Public Review for the Northwestern Agricultural District #5.
- q. A copy of the Conservation Board site inspections.
- r. A letter from Maggie Brooks RE: the Safe Route to School Program Grant application.
- s. A copy of a letter from Chatfield Engineers RE: Roosevelt Highway Water District # 2.
- t. A letter from Donald Riddell Re: Selection of Hamlin Resident Donnie Riddell as a 2008 People to People Student Ambassador.

- u. A letter from State DOT RE: RT 18 Speed Limit Study.
- v. A letter from Dept. of Army RE: West Creek.
- w. A copy of a letter from Supervisor Roach RE: Permit 2007-03.
- x. A letter from Time Warner Cable RE: Franchise Fees.
- y. A copy of an article read by Kathy Habgood at the 3-10-08 meeting RE: Wind turbine noise affects health.
- z. A copy of two Wind Turbine articles from P. Lapinski.
- aa. A letter from NYS Emergency Management Officer RE: 2008 Flood Mitigation Grant Program.
- bb. Assessor's monthly report for March 2008.
- cc. A letter from NYS DOT RE: Disadvantaged Business Enterprise and Minority/Women's Business Enterprise Workshop.
- dd. A letter to Attorney Licht RE: Roosevelt Hwy. Water Dist. # 2.
- ee. A letter from JP Schepp RE: Brick Schoolhouse Road Water Dist.
- ff. A copy of an e-mail RE: the Revised zoning law.
- gg. Dog Control Officers report for the month of March 2008.
- hh. The Hamlin Volunteer Ambulance Inc monthly meeting minutes of 1-20-08 and 2-14-08.
- ii. A letter from the Office of the Sheriff RE: Request for Support of the Re-accreditation.
- jj. A letter from Guion Construction, Inc. RE: Board Room Improvements.

APPROVAL TO POST A NEW YORK STATE GRANT CHECK FOR COURT HOUSE SECURITY

Resolution #118 Motion was made by Councilperson Rose, seconded by Councilperson Breslawski to post a New York State grant check in the amount of \$12,665 for Court House Security into Account #A2770.5 (Revenue, State Aid Grants) Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye. Motion carried.

APPROVAL TO TRANSFER MONIES FROM A2770.5 TO A1110.2 FOR COURT HOUSE SECURITY

Resolution #119 Motion was made by Councilperson Breslawski, seconded by Councilperson Rose to transfer \$12,665 from Account #2770.5 (Revenue, State Aid Grants) to Account #1110.2 (Justice Equipment) Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye. Motion carried.

APPROVAL OF CHATFIELD ENGINEERS' PROPOSAL FOR BRICK SCHOOLHOUSE ROAD WATER DISTRICT

Resolution #120 Motion was made by Councilperson Rath, seconded by Councilperson Breslawski to approve Chatfield Engineers' proposal to provide Engineering Services in the amount of \$40,254 for Town of Hamlin-Brick Schoolhouse Road Water District.

Members polled: Councilperson Breslawski aye, Councilperson Marchetti abstain, Councilperson Rath aye, Councilperson Rose aye. Motion carried.

APPROVAL TO AUTHORIZE NATIONAL GRID TO WORK IN THE TOWN OF HAMLIN

Resolution # 121 Motion was made by Councilperson Rose, seconded by Councilperson Rath to authorize National Grid to do the following work in the Town of Hamlin—Transfer billing for street lighting in Country Creek Estates Subdivision from general lighting account CSS Reference No. 77738-79107 to new lighting account CSS Reference No. 61179-16002. Includes existing streetlight conductor and poles, 100-watt high-pressure sodium lamps and architectural luminaries at 4 (four) locations. Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye. Motion carried.

Discussion:

- a. Petition for a Joint Hamlin-Clarkson TLR Water District.
Discussion was held between Town Board and Attorney Ken Licht regarding revision of petition because it was not authenticated.
- b. Proposal by AVS to conduct a total reval over a two-summer period.
Supervisor Roach will have a report regarding the meeting held on April 11, 2008 when he returns.
- c. Hamlin Earth Day at Hamlin Beach State Park on April 26, 2008 from 10 am until 2pm.
- d. Supervisor Roach received a letter from the Monroe County Sheriff's office regarding their re-accreditation.

APPROVAL TO SEND A LETTER TO MCSD FOR RE-ACCREDITATION

Resolution #122 Motion was made by Councilperson Rath, seconded by Councilperson Breslawski to send a letter of support to the Commission on Accreditation for Law Enforcement Agencies, Inc. in support of the Monroe County Sheriff's Department re-accreditation.

Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye. Motion carried.

- e. Proposal for Board Room Improvements. Original proposal for \$9,300 was re-evaluated and able to be brought down to \$5,900 for improvements to the Board Room.

APPROVAL TO ACCEPT PROPOSAL FOR BOARD ROOM IMPROVEMENTS

Resolution #123 Motion was made by Councilperson Rose, seconded by Councilperson Breslawski to accept the proposal from Guion Construction to do the Board Room improvements for \$5,900. The Town will still be responsible for painting and carpeting.

Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye. Motion carried.

APPROVAL TO AMEND THE MEETING MINUTES FROM AUGUST 13, 2007

Resolution #124 Motion was made by Councilperson Rath, seconded by Councilperson Rose to amend the meeting minutes from August 13, 2007 from a Type 1 Negative Declaration to an Unlisted Negative Declaration for the SEQR for the Roosevelt Highway Water District.

Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye. Motion carried.

Reports:

Councilperson Marchetti reported: Attended the Fireman's Banquet on April 12, 2008, Hamlin received an appreciation plaque for 2007. Darryl Prince was presented with his recognition award from Hamlin. Hilton Parma Fire District will be holding a ground breaking for their new firehouse April 19, 2008 at 10 am. Interviewed Assistant Dog Control Officers. The recommendation by Dog Control Officer Jim Atkins is David Maynard.

APPROVAL TO ACCEPT RECOMMENDATION FOR ASSISTANT DOG CONTROL OFFICER

Resolution #125 Motion was made by Councilperson Marchetti, seconded by Councilperson Rath to accept the recommendation of David Maynard for Assistant Dog Control Officer at an hourly rate of \$7.50 until December 31, 2008.

Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye. Motion carried.

Councilperson Marchetti continued: Everything has been handed out for United Way. There are a couple of people he needs to speak with but everything should be complete by the end of the week. Brief discussion continued regarding designations and percentages.

Councilperson Rose reported: Submitted a copy of the minutes from the Planning Board meeting. The Senior Citizens have a trip scheduled for Wednesday, April 16, 2008 and will be having a luncheon meeting on April 22, 2008.

Councilperson Rath reported: Did some work on the LWRP that the Town Clerk ended up taking over.

Assessor Melanie Fahmer reported: Putting the finishing touches on the tentative assessment roll, which should be ready May 1, 2008.

Building Inspector BJ Maier reported: He has a few fire inspections to finish, and will be starting property maintenance.

Highway Superintendent Tom Ingraham reported: Highway has been doing some ditching for the County on Church Road. They are working on lawns, taking down snow fence, and sweeping the streets. They have the docks in at Sandy Creek. Superintendent Ingraham got some quotes for refuse:

Heberle Disposal:	\$149.31 a haul	64.16 a ton
Boon and Sons	\$130.00 a haul	54.00 a ton
Suburban Disposal	\$139.00 a haul	50.00 a ton
Waste Management	\$131.98 a haul	\$47.99 a ton

Superintendent Ingraham said they would be going with Waste Management which is the same as last year as they were cheapest.

The park guys started last week, security starts Friday April 18, 2008.

Advocacy Day that we went to in March, we asked for \$64,000,000 over 2 years

We received \$60,000,000. The Town's share went up \$10,000 to \$55,000.

We plan on starting the Route 18 water line, end of May beginning of June.

Brick Schoolhouse Road is a go. The Highway Department will be doing the work.

Hope to go to Bid in May, award it in June and that give us until August to get materials.

We had JP go for quotes for Huntington Parkway. They are as follows:

PM&A Contracting	quoted \$13,500.00
Morsch Pipeline	quoted \$24,203.00
Babcock Utilities	quoted \$25,200.00

We will award it to PM&A Contracting.

APPROVAL TO AWARD HUNTINGTON PARKWAY CONTRACT TO P M & A CONTRACTING

Resolution #126 Motion was made by Councilperson Rath, seconded by Councilperson Rose to award the Huntington Parkway contract to PM & A Contracting. Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye. Motion carried.

Councilperson Breslawski reported: Recreation is looking to start a walking program on Lake Road for the community. They've taken some measurements for distances. They've also asked that the Town Board consider a separate Parks Division for Parks and Recreation. Discussion continued regarding the Recreation Building, it's been paid for but still in Florida. It was suggested that the Recreation Department write a proposal and submit it to the Town Board.

The Wheel Fest will be held June 7, 2008, there will be a dunking booth to benefit Life Solutions and volunteers are needed. The Library roof was still leaking at the end of March but repairs are going to be completed now that the weather has warmed. A local business is looking to start up a winery and wants to be able to do wine tasting and sales at the Farmer's Market. It will have no impact on the Town insurance as long as the

vendor lists the Town of Hamlin as co-insured on their insurance. Insurance should be no less than a \$1 million dollar liability rider with the Town listed as co-insured.

APPROVAL TO ALLOW WINE TASTING AND SALES AT THE HAMLIN FARMERS MARKET

Resolution #127 Motion was made by Councilperson Marchetti, seconded by Councilperson Breslawski to allow wine tasting and wine sales at the Hamlin Farmer's Market. Seller to provide no less than a \$1 million dollar liability rider listing the Town of Hamlin as co-insured.

Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye. Motion carried.

ADJOURNMENT

A motion was made by Councilperson Marchetti, seconded by Councilperson Breslawski to adjourn the meeting as all business has been concluded.

Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye. Motion carried, meeting adjourned at 7:45 pm.

Respectfully,

Kathi A. Rickman, RMC/CMC
Hamlin Town Clerk