

Hamlin Town Board Meeting
April 13, 2009

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 7:00 pm by Supervisor Roach. The location of the fire exits and defibrillator was explained for those present. Everyone was invited to participate in the Pledge of Allegiance and a moment of silence for the deceased residents of Hamlin.

Present: Councilperson Tom Breslawski, Councilperson Mike Marchetti, Councilperson Paul Rath, Councilperson Dave Rose, Supervisor Dennis Roach.

Also present: Attorney Ken Licht, Building Inspector/CEO Charlie Hungerford, Assessor Melanie Fahmer, Planning Board member Tom Jensen, Conservation Board members Ed Evans and Nick Kramer, Highway Superintendent Tom Ingraham, Assistant Historian Robert Kruger, Library Board Members Peter Terry and George Bott, Recreation Commissioner Stan Lyons, Scott Witte, Highway. Residents present: Marty Maier, Lloyd Lochner, Andrew Walter, David Walter, Tim Latina, Retha and John Shewman, Artie VanScooter.

Supervisor Roach introduced the Assessor from the Town of Parma, Don Wells. The Town Board will be considering a resolution at this meeting to form a joint venture with the Town of Parma to provide Assessment services to Hamlin. Supervisor Roach also thanked Assessor Melanie Fahmer for her 20 years of service.

RESOLUTION OF APPRECIATION FOR JOSHUA GROBE

Resolution #132 Unanimously approved:

RESOLUTION OF APPRECIATION

WHEREAS, Joshua Grobe, is a Town of Hamlin resident and roofing contractor and,

WHEREAS, Joshua Grobe generously donated his labor and roofing materials to effect repairs on the Town of Hamlin's North Star History Center,

THEREFORE BE IT RESOLVED, that the Hamlin Town Board, on behalf of the Town Historian and the residents of Hamlin, extends its appreciation to him for his generosity and professionalism,

FURTHER BE IT RESOLVED, that Joshua Grobe, be furnished a copy of this Resolution, which is spread upon the minutes of the April 13, 2009, Town Board meeting.

In the last *Hamlin Xpress* the Recreation Department reminded residents to nominate someone they feel has gone the “Extra Mile” in service to the Town. That article has elicited this particular honor presented to Barbara Datz.

**TOWN OF HAMLIN EXTRA MILE AWARD
“SERVICE ABOVE AND BEYOND”**

This Honor Is Bestowed Upon

Barbara Datz

in recognition of long and dedicated service rendered to

Birthright

By devoting innumerable hours of service over many years crocheting and knitting baby blankets, bibs and other infant items for donation to *Birthright*, Barbara has delighted hundreds of new moms and brought positive recognition to the Town of Hamlin.

PUBLIC FORUM

Supervisor Roach reminded all those present of the rules of Public Forum and opened the Public Forum.

No one desired to speak. Public Forum was closed.

APPROVAL OF REGULAR TOWN BOARD MEETING MINUTES OF MARCH 9, 2009

Resolution # 133 Motion was made by Councilperson Rath, seconded by Councilperson Marchetti to approve the Regular Town Board Meeting Minutes of March 9, 2009.

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

AUTHORIZATION OF PAYMENT OF BILLS FROM THEIR RESPECTIVE FUNDS

Resolution #134 Motion was made by, Supervisor Roach seconded by Councilperson Rath to authorize payment of bills from their respective funds. Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Supervisor Roach aye. Motion carried.

MONTHLY TOTALS**ABSTRACT**

<u>ACCOUNTS</u>	<u>VOUCHER#</u>	<u>AMOUNT</u>	<u>ACCOUNT TOTALS</u>
General	3973	1393.14	
	4074	3685.00	
	4075-4081	13389.21	
	4087	2090.00	
	4089-4090	71.84	
	4096	198.78	
	4097-4099	852.67	
	4164-4235	71482.92	
Account Total			\$ 93,163.56
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Library	4084	795.11	
	4100	41.84	
	4117-4130	4653.07	
Account Total			\$ 5,490.02
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Highway	4101	43.40	
	4131-4163	34741.40	
	4236	15.06	
Account Total			\$ 34,799.86
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Sewer	4085	229.97	
	4094	145.60	
	4102	47.87	
	4103	27843.00	
	4110-4116	2219.44	
Account Total			\$ 30,485.88
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Trust	4086	1836.61	
	4091-4093	1832.31	
	4095	19478.69	
Account Total			\$ 23,147.61
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Light			
	4082-4083	1048.52	
Account Total			\$ 1,048.52
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Huntington Park			\$ -
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Hamlin/Kendall #5	1	4991.25	
Account Total			\$ 4,991.25
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GRAND TOTAL:			\$ 193,126.70

Supervisor's Monthly report acknowledged and filed.

Correspondence:

- a. Chatfield Engineers memo RE: Country Creek Estates Phase I.
- b. Chatfield Engineers memo RE: Clarkson Hamlin TL Water Line.
- c. NYMIR letter RE: Town Policy.
- d. Supervisor's letter to Sheriff's Office RE: Enforcement of Speed limit on Roosevelt Highway.
- e. Supervisor's letter to Mr. Henhawk RE: Action Taken on His Concerns about Excessive Speed on Roosevelt Highway.
- f. NYMIR advisory RE: Appraising the Town's Buildings.
- g. Supervisor's letter RE: Annual Board Presentations.
- h. Advisory from Time Warner Cable RE: Transaction of Ownership.
- i. MC Clerk of the Legislature letter RE: 30-day Period for Proposal for Inclusion of Viable Ag lands.
- j. MC Planning and Development letter RE: 2009 American Recovery and Reinvestment Act Application Funding.
- k. Genesee Transportation Council letter RE: Funding Opportunity.
- l. MC Dept. of Public Health letter RE: Church Road Water District.
- m. U.S. Fish and Wildlife Services letter RE: Wind Energy Development.
- n. MC Dept. of Public Health letter RE: Monroe County Pesticide Neighbor Notification Law.
- o. Assessor's report for the month of March 2009
- p. NYMIR HANDBOOK RE: Slip and Fall accidents.
- q. Time Warner Cable letter RE: Franchise Fee.
- r. E-mails from P. Lapinski RE: Wind Towers Town of Eagle.

- s. Building Inspector's monthly report for March 2009.
- t. DCO report for the month of March 2009.
- u. Kenneth Licht letter RE: Proposed Amendment to Zoning Code Section 125-9, definition of "Home Occupation" and "Professional Office."
- v. Kenneth Licht letter RE: Enforcement Actions involved with Junked and Abandoned Vehicles.
- w. Petition from Paul R. Seifert, Sr. and Paul R. Seifert, Jr. RE: Requesting Town of Hamlin to Assume the Maintenance and Administrative Duties of the Clarkson-Union Cemetery.
- x. Kenneth Licht letter RE: Clarkson-Union Cemetery.
- y. Supervisor's letter to Daniel G. Schum, Esq. RE: Real Property Exchange Agreement.
- z. Copy of Supervisor's letter to Senator G. Maziarz RE: Status of Member Initiative Funding.

APPROVAL OF APPLICATION TO CREATE CHURCH ROAD WATER DISTRICT NUMBER 2

Resolution #135 Motion was made by Councilperson Rose, seconded by Councilperson Marchetti to approve the application to the State Comptroller for permission to create Church Road Water District Number 2, Town of Hamlin. Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Supervisor Roach aye. Motion carried.

APPROVAL TO SCHEDULE A PUBLIC HEARING TO AMEND SECTION 125-9 OF THE ZONING LAW

Resolution #136 Motion was made by Councilperson Rose, seconded dually by Councilpersons Breslawski and Rath, to schedule a Public Hearing on Monday, May 11, 2009 at 7 pm to amend Section 125-9 of the Town of Hamlin Zoning Law to clarify definitions of "Home Occupation" and "Professional Office". Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Supervisor Roach aye. Motion carried.

APPROVAL FOR INTERMUNICIPAL AGREEMENT WITH TOWN OF PARMA

Resolution #137 Motion was made by Councilperson Marchetti, seconded by Councilperson Breslawski, to enter into an Intermunicipal Agreement with the Town of Parma to appoint the Town of Parma Assessor to serve jointly and simultaneously as the Town of Hamlin Assessor effective May 1, 2009 at the sum of \$20,000 for the remainder of 2009 and at an annual fee of \$30,000 for each year thereafter. Brief discussion took place between Assessor Wells and the Town Board regarding scheduling between the two Towns.

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

APPROVAL TO AMEND THE TOWN OF HAMLIN SCHEDULE OF FEES

Resolution #138 Motion was made by Councilperson Marchetti, seconded by Councilperson Rose, to amend the Town of Hamlin Schedule of Fees as follows:

- (1) Under "Other Required Permits" add: Small Wind Energy Conversion Systems (WECS) per unit, \$100
- (2) Under "Site Plan/Subdivision Approvals" and after "Recreation Fee" add the parenthetical statement "(For Dwelling Units only, payable upon issuance of building permit.)"

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

APPROVAL TO AUTHORIZE HIGHWAY SUPERINTENDENT TO SEND A 1987 ELGIN SWEEPER TO THE MAY 2009 MUNICIPAL AUCTION

Resolution #139 Motion was made by Councilperson Rose, seconded by Supervisor Roach to authorize the Highway Superintendent to send a 1987 Elgin Sweeper to the May 2009 Municipal Auction.

Brief discussion held between Highway Superintendent and the Town Board.

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

APPROVAL TO AUTHORIZE SEWER SUPERINTENDENT TO SEND A 1988 FORD L8000 WITH SEWER JETTER TO THE MAY 2009 MUNICIPAL AUCTION

Resolution #140 Motion was made by Councilperson Breslawski, seconded by Councilperson Rath to authorize the Sewer Superintendent to send a 1988 Ford L8000 with Sewer Jetter to the May 2009 Municipal Auction.

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

APPROVAL TO AUTHORIZE THE PARKS SUPERINTENDENT TO SEND A 72" THREE POINT HITCH ROTARY MOWER TO THE MAY 2009 MUNICIPAL AUCTION

Resolution #141 Motion was made by Councilperson Breslawski, seconded by Councilperson Rose to authorize the Parks Superintendent to send a 72" Three Point Hitch Rotary Mower to the May 2009 Municipal Auction.

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

APPROVAL TO AUTHORIZE THE PARKS SUPERINTENDENT TO SEND A 90" THREE POINT HITCH FLAIL MOWER TO THE MAY 2009 MUNICIPAL AUCTION

Resolution #142 Motion was made by Councilperson Rath, seconded by Councilperson Breslawski to send a 90" Three Point Hitch Flail Mower to the May 2009 Municipal Auction.

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

Discussion:

A. Town Board has received a petition from the sole survivors of the Clarkson-Union Cemetery Association to convey the Clarkson-Union Cemetery premises and to transfer the assets and inventory to the Town of Hamlin. Each Town Board member has been provided a copy of Attorney Ken Licht's letter regarding the provisions of the State Cemetery law, how said conveyance shall be affected and the conditions and restrictions imposed. Although the Town is generally obligated to accept such conveyance, it is incumbent on us to do our due diligence in regards to auditing the books, reviewing the financial records, inventorying the assets, conducting an updated title search on the property, etc. prior to accepting conveyance. If the Town accepts this conveyance this fiscal year, it becomes an unbudgeted appropriation. The Town Board needs to make the determination whether or not we can afford to do it this budget year. The Highway Superintendent has done an initial assessment and has determined a smaller mower needs to be used with a cost of approximately \$2,000. Labor is approximately \$900 per year. The small building on the property needs a new roof.

Supervisor Roach stated that with Town Board approval, he will send a letter to the Association and advise them that the Town of Hamlin would like to set up a time to review their books and audit them before a resolution to accept is considered.

B. Per Chapter 39 of the Town Code, the Building Inspector has provided Town Board with a written report declaring the burned out building at 1127 Hamlin Parma Townline Road as unsafe to occupy. Having received the Building Inspector's report, it is now incumbent upon Town Board per Chapter 39 to:

1. Determine and then declare by resolution that such building is unsafe and dangerous and order its repair, if it can be safely repaired, or its demolition and removal and,
2. Serve notice upon the owner of that determination and the particulars regarding the reasons the building is unsafe, the manner in which it is to be made safe, or demolished and a date, time and place for a hearing before Town Board.

Brief discussion continued.

DETERMINE THE BUILDING AT 1127 HAMLIN PARMA TOWNLIN ROAD UNSAFE AND DANGEROUS PER CHAPTER 39 OF THE CODE OF THE TOWN OF HAMLIN

Resolution #143 Motion was made by Councilperson Rose, seconded by Councilperson Breslawski that per Chapter 39 of the Code of the Town of Hamlin and as warranted by the Building Inspector's report, Town Board determines and declares the burned out building at 1127 Hamlin Parma Town Line Road, Town of Hamlin to be unsafe and dangerous and hereby orders its repair, if the same can be safely repaired, or otherwise its demolition and removal, which decision regarding repair or demolition shall be made following a hearing. The Town Board hereby orders that a hearing in relation to such dangerous or unsafe building will be held at 6:30 pm on Monday, May 11, 2009 in the Town Board Chambers, and that a notice pursuant to section 39-6 of the Town of Hamlin Code be served upon the owner of the premises and upon such other persons as provided in section 39-7 of the Town of Hamlin Code.

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

C. The BI/CEO has asked Town Board to reconsider our policy on waiving permit penalty fees, if the current owner is not the responsible party. In June of 2007 the BI at that time approached Town Board with the same request. By Resolution #175-2007, Town Board declared that residents will have to continue paying the fee for the required permit as well as the penalty fee for failure to obtain a permit on pre-existing structures that have been built without permits. The resident had the right to grieve the penalty fee to the Town Board. In this case, the BI is asking for the authority to make the determination himself of whether or not the current owner was the responsible party for having not received a permit and that person was not the responsible party to waive the penalty fee. We still collect the permit fee but he would have the authority to waive the penalty fee.

BI Charlie Hungerford was asked how the determination would be made that the current owner wasn't the responsible party. He stated that documentation currently in the office will determine if the item was on the property before the current owner owned the house. If there is no documentation, then the owner must pay the fee.

Further discussion took place. Town Board determined that once BI Charlie Hungerford has a written procedure in place, they will consider a resolution to approve.

D. The recent bulletin from NYMIR, the Town's insurance provider, suggests that Towns can achieve broader protection against lawsuits for damages arising out of slip or fall accidents caused by defects or snow or ice on highways and sidewalks by instituting "prior written notice laws" whereby a plaintiff must prove that the defendant had notice of the defective condition that caused slip or fall. Unlike private defendants, the Legislature permits municipalities, by enacting a local law, to require actual written notice of the deficiency be given to a particular person (probably the Highway Superintendent). If a plaintiff doesn't comply with the prior written notice law, he or she will usually not prevail in the suit against the Town.

Councilperson Rose felt that the Town already had something written in the laws regarding this and will research it.

Reports:

Councilman Breslawski reported: As was discussed last month regarding waiving the fees for the gym use, the Recreation Director did have a situation like that recently. The gym use fee was waived for the Brockport Youth Lacrosse and Hilton United Lacrosse Club on April 3. Recreation Director, Patty Jo Groenendaal notified Councilman Breslawski as per procedure. Councilperson Breslawski also had a use of fields request form from the Hamlin Men's League softball. In the past we have required insurance, Director Groenendaal told him that the league does not have insurance, they have a waiver of liability. According to Attorney Licht, the waiver of liability may be valid, but they can't waive liability if they injure a by-stander, spectator, family member, etc. Supervisor Roach feels that we should provide the league with the policy information we have which requires insurance as well as a Hold Harmless Agreement. The Easter Egg hunt on April 5 had a very impressive turnout. At the Library Trustee meeting recently, Treasurer Peter Terry discovered a mistake in the amount of \$1,057.40 for some purchases last year that were turned into the Town for payment. They were supposed to come out of a different account, and the Town has since been reimbursed. The Recreation Commission requested that the Town Board consider making wireless Internet available in the Town Hall. Supervisor Roach stated that the Town has a contract renewal coming up with Time Warner Cable and that request could possibly be negotiated into the contract.

Councilman Marchetti reported: The Town of Hamlin received a plaque at the Hamlin Fire Department banquet in appreciation for all the help we've given the Fire Department through the year. If anyone hasn't seen the new Hilton Fire House you should make a point to go see it. It's beautiful.

Councilman Rose reported: In reference to the Planning Board minutes a couple of highlights were the application for the Dakota Grill was tabled due to the traffic report not being turned in at this time. Also for the conceptional design for Tucker Lane. They have to go before the Zoning board for variances, as there are quite a few problems there. Also for the Nowak Pier 6 Wrestling seeking commercial site plan. Apparently parking is a big issue. They just dug out and put stone in whereas our code says that it has to be a

paved parking area. They are also looking into improving the parking area across the street where part of the Duffy Mott building was to bring that back into compliance also. Supervisor Roach inquired as to whether or not a subdivision was done on that particular spot approximately a year ago and if the parking area was all associated with one parcel. Councilman Rose stated that it was all associated with one owner, but it is three parcels. Basically the lot was dug out in front of the warehouse and just stoned it for the new schooling. That isn't sufficient. The parking across the street needs to be improved and paved along with stairway going from the parking lot to the roadway needs to be replaced and improved. The Planning Board has tabled the application for Pier 6 Wrestling until the parking issue has been resolved. Brief discussion continued. The Senior Citizen meeting will be held Tuesday April 14.

Councilman Rath reported: Conservation Board, Nick Kramer or Ed Evans can update anything there, Earth Day is coming up. Nothing to report on the Fire Districts. Just a note on the playground out here. It's coming up on its 17th year and he was able to enjoy it with his children just recently. It's still in great shape and has been well taken care of by the Parks Department.

Building Inspector Charlie Hungerford reported: Everything is just wonderful.

Highway Superintendent Tom Ingraham reported: The guys have been working after the winter season; landscaping, lawns stuff like that. They've also been working on some signs, replacing ones that are faded. We just got the docks in last week. This past month was inspecting vehicles month. We picked up the sewer jetter. We had a representative from a company that sells that particular brand come out to check it out for us and he thought we got a good deal. Monroe County has indicated that work is planned on Brick Schoolhouse Road from Walker Lake Ontario Road to Townline, the section we just put the water in, and the full length of West Fork. We're going to do some prep work this year for next year. We'll probably seal it next year. They also indicated that work will be done on a section of Redman Road South of Route 18 up to the Townline. Clarkson will be doing the rest of it this year up to the Ridge. The CHIPS money was restored with the new budget. It was restored to last year's level, which was roughly \$55,000 and change. We're starting security on Friday April 17, next week is Spring break for the kids and the weather is starting to get warmer. We had a meeting last week and it will be the same three from last year. Dave Robbins is starting to do some work this week on the parks getting it ready for the season. Quotes have been received for the trash. Heberle Disposal, Waste Management, Boone and Sons and Suburban all submitted quotes. This year Suburban won the contract by a very small margin. Boon was the second one. This year it's \$128 per haul and \$48 per ton, which is down from last year by a smidgen. He put in for 15 boxes this year. We had 26 boxes last year and about 45 ton of trash. The quotes ranged from Heberle at \$5,100, Waste Management was \$4,950, Boon was \$4,140 and Suburban was \$4,080.

Assessor Melanie Fahmer reported: Everything is going well with the reval. The data collectors are out doing residential. The commercial data collector came in to introduce himself. He will be out in the field for a few weeks. He doesn't feel it will take him long

to do the commercial properties. The tentative assessment rolls are being finished this week and going to print next week so it will be all finished by May 1. Assessor Fahmer thanked all the colleagues for all the assistance they've given over the years. She wished luck to Don Wells. She also publicly thanked Marsha Prince, her clerk for over 20 years for everything that she's done for the Assessor's office. Supervisor Roach thanked Assessor Melanie Fahmer for all her help and public service over the years. Supervisor Roach also thanked Assessor Wells for stepping in and making the transition to the Hamlin Assessor's Office. Assessor Wells thanked the Town Board for trying this proposal and he is looking forward to it.

Assistant Historian Robert Kruger reported: Thanked Josh Grobe for the work he did on the History Center roof. He also thanked Tom Ingraham, Steve Baase and the Highway Department for the work they've done on the schoolhouse. He also read a prepared statement:

"Yesterday, I had the opportunity to take my son, who lives in the city, down to Moscow Road and look at the CCC/POW Camp. There has been quite a change from when I saw it late last summer. Building sites are marked out, tons of brush have been removed, even the spot where the flagpole stood. The concrete that looks like a large millstone with a hole in the middle where the pole used to be is still there. I would like to thank Ed Evans, for his participation, energy and enthusiasm in the project. This site is not only part of Hamlin's history, but a little known part of the Nation's history as well. Very few Towns can say they have a site like this. I thank Ed for his dedication and hope somewhere down the road this piece of our past will be able to be viewed by everybody."

Supervisor Roach also thanked Ed Evans for his work.

Conservation Board member Ed Evans reported: Just reminding everyone of the Earth Day Celebration April 25 from 9 am to 1 pm. There will be a tour of the CCC Camp and a whole bunch of other things of interest to the Town. There will also be a tree giveaway.

Supervisor Roach reported: Monroe County notified us that HUD, under the 2009 American Recovery and Reinvestment Act, was making additional funding available for Community Development Block Grant Program for eligible projects. Applications were due last Friday, April 10. He took the opportunity to request an additional \$20,000 to be added to our currently approved, but under funded, project to improve the South entry handicap entrance.

Supervisor Roach also thanked the Boy Scouts for attending the meeting.

ADJOURNMENT

A motion was made by Councilperson Rose seconded by Councilperson Breslawski to adjourn the meeting at 8:00 pm as all business has been concluded.

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

Respectfully,

Kathi A. Rickman, RMC/CMC
Hamlin Town Clerk