

**Hamlin Town Board Meeting  
March 8, 2010**

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 Supervisor Terry. 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 Thomas Breslawski, Councilperson Craig Goodrich, Councilperson Paul S. Rath, Supervisor Peter Terry. Excused: Councilperson David Rose.

Also present: Attorney Ken Licht; Chatfield Engineer J.P. Schepp; Highway Superintendent Steven Baase; Building Inspector Lee Nettin; Conservation Board Members Jason Baxter, Ed Evans, and Nick Kramer; Library Director Kay Hughes-Dennett; Friends of the Library President Nancy Jennejahn; Assessor Don Wells; Dave Carlon of GAR Associates; Residents: Lloyd Lochner; Jerry Felluca; and Rod Zulkosky

**RESOLUTION OF SYMPATHY FOR NICHOLAS BRESLAWSKI**

**Resolution # 104** Unanimously approved.

**RESOLUTION OF SYMPATHY**

WHEREAS, Nick Breslawski's devotion to his country was reflected in decorated military service in World War II, and

WHEREAS, Nick Breslawski began Breslawski Farms on the North Hamlin Road in 1954, and became a prominent figure in Hamlin's largest industry, agriculture, and

WHEREAS, After Nick Breslawski's retirement from active farming in 1983, his hobby of collecting antique tractors led to his starting the Hamlin Antique Tractor Farm Days, and

WHEREAS, This and other contributions by him to his community were cited in a Resolution of Appreciation which, while passed by the Hamlin Town Board on September 8, 2008, remains no less relevant today upon Nick Breslawski's passing,

THEREFORE BE IT RESOLVED, that the Hamlin Town Board through this Resolution extends its sympathy to the entire Breslawski family on behalf of the grateful residents of the Town of Hamlin, and

FURTHER BE IT RESOLVED, that the Hamlin Town Board decrees that the family be furnished a copy of this Resolution, which is spread upon the minutes of the March 8, 2010 Town Board meeting.

Unanimously approved,

Town Supervisor Peter P. Terry  
Councilperson Thomas Breslawski  
Councilperson Craig Goodrich  
Councilperson Paul S. Rath

**PRESENTATION BY J.P. SCHEPP – CHATFIELD ENGINEERS**

J.P. Schepp went over his handout to explain the details and answer any questions.

This is an update on the proposed Redman Road and Cook Road Water District. There has been interest from several residents in the area to review the costs and do some preliminary estimates for water service in the project area. He went over his handout to explain the details and answer any questions.

After the preliminary engineering work is done and the costs are well defined, a legal petition would be generated that would outline the cost of the district, the terms, how long it would be, and what the cost would be to each individual. That petition would be circulated with all that requisite information, the required signatures that would be needed for that district would be included on that, and if the majority of the signatures are on that, it would de facto your vote in favor of, and the majority would rule. If you couldn't get enough signatures on a petition, then the district would not be formed. If a legal petition is circulated and you sign it, that would be your vote in favor of the project.

The New York State Comptroller has established a figure on what they feel a reasonable cost a water district should be charged. For 2010 they have established that \$677.00 per year, including the cost of water, is a fairly reasonable non hardship cost for a water district. Because we are over that threshold, a more formal application process is required. The total average annual cost for this water district would be \$1,190.37 per household if all 15 households are included.

The advantages of public water system are that you would have consistent water quality and water quantity. You have fire protection because it would include fire hydrants at the roadside. Having that fire protection can reduce your fire protection insurance rates. It can enhance the property value and the marketability when you are on public supply.

**PRESENTATION BY DAVE CARLON – GAR ASSOCIATES**

Dave Carlon reviewed his handout to discuss the impact notices.

The assessment notices were mailed out the last week in February. Immediately we had the phone bank up. We had four educational workshops and classes and saw over 260 residents during those classes. They were well attended and well received. The goal of the classes was to walk the residents through their impact notices so they understand it, and to direct them to the resources we had made available to them. The PDF's on the website was a much needed and much rewarded feature. We also had information at the Town Hall and the Library. We started the informal reviews which will continue through the end of the month. That is the opportunity for the residents to use some of the resources that they were able to gain to challenge their assessment. To date, the phone bank has ended; the line is still active, and we have people checking messages and returning calls. We had 303 appointments scheduled, which is roughly 9% of the town, requesting an informal meeting to challenge their assessment. We also had an opportunity for property owners to mail in their information, and people have also come in to talk with the assessor about various types of issues. We will probably get another 75-100 of this type of thing.

When we do these revaluations, we typically project about 10-20% of the population will challenge their assessment, and we should be around 10%.

We will continue through the end of March with the informal process. In early April, we will get all our data gathered together, sit down with the assessor, and get all of our changes back on the file. We will send another mailing to all the property owners that came in for an informal to give them the result

of that challenge. We will then start preparing for the Board of Assessment Review. By mid April, we will have a good handle of the total number of changes, how many people actually challenged, how many will see some type of reduction, and how many aren't going to see a reduction.

Assessor Don Wells stated: Any issues that have come to me, I have tried to address, and if I thought they were GAR related, I passed them on to Dave. I will compliment the residents; they have been civil. I understand their frustrations. I can count on one hand how many residents may not have been civil, but it's expected and tolerable. It's going to be the next phase, once these letters go back out with the results of the meetings that could drive the frustration toward our office. So far I am content; the classes went well; we had a lot of good questions. I had many people speak favorably of the classes after they attended them. Surprisingly, every year people ask us to raise their assessment; this year we had five the first week. We can't just raise them; it has to be data driven. So far, nothing is out of the norm.

### **PUBLIC FORUM**

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

No one wished to speak.

### **APPROVAL OF REGULAR TOWN BOARD MEETING MINUTES OF FEBRUARY 8, 2010**

**Resolution # 105** Motion was made by Councilperson Rath, seconded by Councilperson Breslawski, to approve the regular Town Board meeting minutes of February 8, 2010.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Supervisor Terry aye. Motion carried.

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

**Resolution # 106** Motion was made by Councilperson Breslawski, seconded by Councilperson Rath, to authorize payment of bills from their respective funds.

<b>MONTHLY TOTALS</b>			<b>ABSTRACT      2</b>
<u>ACCOUNTS</u>	<u>VOUCHER#</u>	<u>AMOUNT</u>	<u>ACCOUNT TOTALS</u>
General	5580-5581	300.74	
	5681-5683	2716.15	
	5691-5692	392.34	
	5694-5698	1446.66	
	5707	65.49	
	5761-5837	29108.16	
<b>Account Total</b>			<b>\$ 34,029.54</b>
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Library			
	5699-5700	84.71	
	5708	111.36	
	5713-5729	9393.73	
<b>Account Total</b>			<b>\$ 9,589.80</b>
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Highway			
	5705	43.40	
	5730-5760	59308.56	

<b>Account Total</b>			<b>\$ 59,351.96</b>
Sewer	5701-5702	250.01	
	5710-5712	91.95	
<b>Account Total</b>			<b>\$ 341.96</b>
Trust	5583	20440.96	
	5680	1803.07	
	5684-5685	2277.85	
	5689-5690	22200.85	
	5693	2.34	
	5703-5704	2426.56	
<b>Account Total</b>			<b>\$ 49,151.63</b>
Huntington Park	5709	200	
<b>Account Total</b>			<b>\$ 200.00</b>
<b>GRAND TOTAL:</b>			<b>\$ 152,664.89</b>

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Supervisor Terry aye. Motion carried.

Supervisor's Monthly report acknowledged and filed.

### **CORRESPONDENCE:**

- a. A letter from Sheriff O'Flynn thanking Supervisor Terry for his selfless service and professionalism re: the incident on Newco Drive.
- b. A letter to Aramark RE: terminating services.
- c. A letter from Senator Maziarz RE: \$5,000.00 to purchase a radar speed display.
- d. A request for penalty fee to be waived by Donna Gallaway & Markus Spaker.
- e. A copy of the check from Time Warner due to the Franchise Fee Audit.
- f. Building Inspector's monthly report for February 2010.
- g. DCO monthly report for February 2010.
- h. A copy of a letter from P. Tonery RE: Zoning changes.
- i. March Franchise letter from Time Warner.
- j. A DEC Permit for the Sno-Flyers.
- k. A copy of a letter from Supervisor Terry to Assemblyman Morelle RE: Health Insurance.
- l. A copy of a letter from NYS Unified Court System RE: a grant received by our Court Clerk.
- m. A copy of a letter re: \$4,000.00 for a generator.
- n. A copy of the Court audit.

### **TRANSFER \$100,000 FROM SEWER MONEY MARKET TO SEWER CAPITAL RESERVE**

**Resolution # 107** Motion was made by Councilperson Breslawski, seconded by Councilperson Goodrich, to transfer \$100,000.00 from the Sewer Money Market account to the Sewer Capital Reserve Account.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Supervisor Terry aye. Motion carried.

**APPROVAL TO ACCEPT TIME WARNER'S PARTIAL PAYMENT FOR TAXES**

**Resolution # 108** Motion was made by Councilperson Breslawski, seconded by Councilperson Rath, to accept partial payment from Time Warner Cable for taxes in the amount of \$3,379.58 per the newly signed franchise agreement, and to approve payment from the Special Cable Reserve account #AA 7150.4 in the amount of \$1,003.74 to pay the 2010 Town and County taxes for Time Warner per the new franchise agreement.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Supervisor Terry aye. Motion carried.

**APPROVED SPRING CLEAN UP FOR APRIL 24 THROUGH MAY 2**

**Resolution # 109** Motion was made by Councilperson Rath, seconded by Councilperson Goodrich, to set spring clean up for April 24 through May 2, 2010.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Supervisor Terry aye. Motion carried.

**APPROVED SPRING BRUSH PICKUP FOR MAY 10 THROUGH MAY 14**

**Resolution # 110** Motion was made by Councilperson Breslawski, seconded by Councilperson Goodrich, to set the spring brush pickup for May 10 through May 14, 2010.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Supervisor Terry aye. Motion carried.

**APPROVED SCHEDULE FOR ANNUAL BOARD PRESENTATIONS FROM SUPPORT BOARDS AND DEPARTMENTS**

**Resolution # 111** Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, to schedule annual board presentations from the Support Boards and departments which do not give a monthly report at the Town Board Meetings.

Schedule to be as follows:

Monday, July 12 – Conservation Board

Monday, August 9 – Planning Board and Hamlin Court

Monday, September 13 – Library

Tuesday, October 12 – Recreation Commission and History

Monday, November 8 – Zoning Board of Appeals

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Supervisor Terry aye. Motion carried.

**ACKNOWLEDGEMENT OF THE TOWN COURT AUDIT**

**Resolution # 112** Motion was made by Councilperson Breslawski, seconded by Councilperson Goodrich, requesting acknowledgement of the Town Court Audit.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath abstained, Supervisor Terry aye. Motion carried.

**DISCUSSION:*****1) Waiving Penalty Fee – Gallaway and Spaker.***

Lee Nettin stated: 770 Martin Road was a new build in 2009. My office received an electrical inspection for a generator on 2/2/10, at which time I looked up and noticed that they had not applied for a valid permit. I sent out a violation notice; the homeowner responded to that, and a building permit was issued on 2/9/10. The permit fee as well as the \$125 penalty fee was paid, and the generator has passed inspection.

Supervisor Terry requested a motion to waive the penalty fee, and there was none.

**REPORTS:**

**Councilperson Breslawski** – The Library has been very busy with people stopping in to view the assessment records and have assessment review meetings scheduled throughout the month. On February 23<sup>rd</sup> they ran a CCC/POW presentation which was a big success. The room was packed with 24 adults and 4 young adults, while others who had not pre-registered had to be turned away due to the capacity of the room. The Library extends a big thank you to Ed Evans for his presentation that night.

I attended the Planning Board last week where they discussed the possibility of entering into the waiver process that Monroe County has established for referrals. We should expect a recommendation from the Chair of the Planning Board.

Based on a letter from the Building Inspector to the Planning Board Chair that I received a copy of, I would like to add In-law Apartments to the agenda for this Thursday's Zoning Review meeting. There are conflicting areas in the code where one area says that an SUP is required and others state that only a Site Plan is required.

Friends of the Library will be having their annual Spaghetti Dinner on March 28<sup>th</sup>, please let me know if you need tickets.

I'd also like to take a minute to publicly thank everyone who took the time to extend their sympathies to my family over the past weekend for the loss of my grandfather, Nick Breslawski. The family has been really humbled by all the kind words and gestures of so many people. I'm sure that I speak for all who knew him that his annual tractor show and his presence out and around town will be missed, his contributions to the town through farming, and later the tradition of his tractor show are greatly appreciated, and the Town of Hamlin is a better place because of him.

I also want to thank the Town Board, not only the current Board, but specifically Paul Rath, Dave Rose as well as former Supervisor Denny Roach and former Councilman Mike Marchetti for approving the Resolution of Appreciation that we gave my Grandfather in 2008, and to let you know how honored he was to receive it and how much it meant to him. He would even bring it up in conversations that he and I had while he was in the hospital over the last few months. It was one of his prized possessions and I wanted to thank those who were involved in passing it. He loved the Town of Hamlin as much as they loved him. Thank you very much.

**Councilperson Goodrich** – The dog warden issued 20 tickets for unlicensed dogs so far. Two missing dog reports were filed and the dogs have been found. Two 911 calls were received—one was for a fox which was put to sleep by the deputy, and one was a possible injury to a dog and that was resolved.

The International St. Lawrence River Board of Control is having another discussion on lake levels. It will be held on March 16<sup>th</sup>, 2010, 7-8 pm at the Xerox Auditorium at the R.I.T Center.

Hamlin Volunteer Ambulance will be holding a blood drive on March 31<sup>st</sup> from 1-6 pm.

The Hilton/Parma Fire Department and the Zoning Board have no new issues.

**Councilperson Rath** – The three fire districts will be holding their banquet this weekend. This is the first year they have done the banquet together to save funds. They have been looking into consolidating districts. There is a grant available and they are looking into the possibility of hiring a grant writer for that in order to hire a consultant to see if it is feasible.

**Highway Superintendent Steven Baase** – We have been taking care of the snow. We have also been working in the Lions building getting it ready before the summer hits when we will want to use it. A lot of the electricity is in and some plumbing. The drywall is up and they are doing some mud work now, then the ceiling will go up. Tomorrow and Wednesday I am going to Advocacy Day in Albany with many of the Superintendents from all around New York State to beg the governor for CHIPS money for road programs. I have a meeting with different vendors this month to look at town roads to see how much it will cost to either oil and stone, or bring in big machinery to work on it. It might be a two year project for one road. I will be looking at that this next month to figure out things for the year.

The Town of Hamlin received a grant for a speed radar. I have been looking into that and getting some information.

I am checking pricing from different vendors to purchase a new pick up and a new piece of machinery for the highway department this year.

I will meet with the County next Thursday to go over any County projects they have for us to do in the town this year.

**Building Inspector Lee Nettin** – March 15<sup>th</sup> through 18<sup>th</sup> I will not be in the office because I will be taking my yearly continuing ed classes. I will make myself available in the early evening should an inspection be necessary. Heather is very good at keeping the office running in my absence, and I will be in contact with her during my lunch periods and breaks. I will miss the Zoning Board of Appeals Meeting.

I am surprised at the amount of work the reassessment has caused our office. We spend approximately 1-2 hours per day helping residents. They are all trying to find ways to lower their assessment.

Update on 1715 Lake Road:

- 2-22-10 I received a quote from Paradigm for an asbestos survey for \$8,770.00. This was an estimate without going inside the structure. I have since gained entry, rekeyed one lock, and Paradigm came back out and I am waiting for an updated proposal. I have also contacted two other companies, Stohl Environmental and LaBella. Stohl Environmental has seen the property and will be sending me a quote this week; LaBella will be out this week to review the structure.
- I have written up a list as to what is needed before and during the demolition. I have been in contact with Supervisor Terry and Steve Baase.
- I also meet with John Baumler of Jensen Engineering to look at the structural elements of the building and his opinion was that 1715 and 1713 are independent structures, however, he suggested removing the drywall in the upstairs, ceiling and wall, as well as the east side trim

boards to verify. He would come back out if I felt we needed his opinion after removing the items mentioned above.

- On 3-5-10 I applied placards to the doors on the building indicating the building is not be occupied or no one shall enter the building.
- Also on 3-5-10 I was told that the previous owner was trying to gain entry to remove items of value, but he did not have a key and could not gain entry.
- On 3-5-10 I entered the building and noticed certain items had been moved since I was last in the building. Bedding had been moved and items appeared (a bottle of wine and a couple pieces of paper). It was apparent that someone had been sleeping in the upstairs apartment.
- On 3-6-10 I secured all the doors and most of the windows. I removed the candles and little heater from the upstairs apartment. I found a receipt from the Jewelry Exchange made out to an individual on Church Road. A little research showed that the Church Road residence is rented by his mother.
- On 3-8-10 I called 911 and meet Officer Campanella at the property. I filled him in on the past history and showed him the receipt. He said he would follow up on the individual. I gave him a key so the Sheriff's Officer's could enter the premises regularly to make sure no one is in the building. I also called National Grid and they will be out on 3-9-10 to completely remove all electric from the building.
- I have informed the Fire Departments of the situation and to the possibility of someone in the building, should there be an emergency situation.

On 11/2/08 there was a land swap between the Town of Hamlin and C. Manna, Inc. The proper procedure was not followed and the plot plan should have gone before the Planning Board for their approval and the Mylar should have been filed with the County. I have spoken to the town's attorney, and Ken suggested that we should go ahead and do it the proper way as this will cause problems in the future.

My final item is regarding Operating Permits. Chapter 51 of our Town Code and also Title 19 of the State Law states that Operating Permits are to be issued for manufacturing, storing, or handling of hazardous materials in quantities that exceed tables that are in the New York State book, which probably includes most gas stations, hazardous processes and activities, including, but not limited to commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling, use of pyrotechnic devices in assembly occupancies, buildings containing one or more areas of public assembly with an occupant load of 100 or more, and buildings whose use or occupancy classification may pose substantial potential hazard to public safety as determined by resolution adopted by Town Board. It has come to my attention that we are not following this procedure. I would like to start the process, but first I need the Town Board to set a fee for the Operating Permit. Some of the permits will be issued to local churches, and therefore the fee will be waived as set forth in Hamlin Town Board Resolution 57, "Waiving Permit Fees for Non-Profit Organizations". The remainder of the permits will be issued to qualifying businesses. I suggest the permit fee could be in line with our SUP permit, which is at \$30.

Peter Terry stated: Thank you for bringing this to our attention, and with some background, we will be able to act on it next month.

**Library Director Kay Hughes-Dennett** – The only good thing about the reassessments is that we are getting lots of new people in the library that have never been in before. It's a standing room only thing, so it's nice to meet everyone in the town.

**Conservation Board Jason Baxter** – Our Earth Day is on April 24<sup>th</sup> at the Hamlin Beach State Park in Area 4, from 10 am to 2 pm. The Brockport radio station is going to be there as well as other musical entertainment. There will be the usual free hot dogs.

We are also going to help the park start a “Friends of the Park” group.

**Town Supervisor Peter Terry** – Census forms should be arriving in your mail next Monday, March 15<sup>th</sup>. There are ten questions to answer. The Census Bureau has asked all elected officials to remind their citizens to return the Census forms by April 15<sup>th</sup>. Statewide average in New York was 66%; the Town of Hamlin last time returned 86%.

We will hold a workshop prior to our next Board Meeting on April 12<sup>th</sup>, 2010 at 6:30 pm. Pat MacIntosh from the Accounting Department will give all of us a presentation on the Hamlin/Kendall Water District.

### **ADJOURNMENT**

A motion was made by Supervisor Terry, seconded by Councilperson Goodrich, to adjourn the meeting at 8:05 pm as all business has been concluded.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath aye, Supervisor Terry aye. Motion carried.

Respectfully,

Kathi A. Rickman, MMC  
Hamlin Town Clerk