

**Hamlin Town Board Meeting  
May 9, 2011**

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, Councilperson David Rose, Supervisor Peter Terry.

Also present: Attorney Ken Licht; Highway Superintendent Steven Baase; Building Inspector Lee Nettin; Conservation Board Members Ed Evans, Jason Baxter, and Nick Kramer; Planning Board Member Tom Jensen; Town Justice Paul W. Rath; Library Director Kay Hughes-Dennett; Residents Sue Evans, James Haslip, Ken Haslip, Marty Maier, Linda DeRue, John DeRue and Rick Wright.

**RESOLUTION OF APPRECIATION FOR MARY E. SMITH**

**Resolution # 104** Unanimously approved.

**RESOLUTION OF APPRECIATION**

WHEREAS, Mary E. Smith faithfully and dedicatedly served as Historian for the Town of Hamlin for 36 years, and

WHEREAS, Mary E. Smith was instrumental in preserving Hamlin’s past through her work in collecting old photographs and artifacts, and establishing genealogy, local history, and microfilm files at the North Star History Center, and

WHEREAS, Mary E. Smith was widely recognized and respected as one of the premier historians in Monroe County due to her published books and articles, her ability to help families with genealogy, and her devotion to chronicle life in our town, now

THEREFORE BE IT RESOLVED, that the Hamlin Town Board, on behalf of the residents of Hamlin, extends its appreciation to Mary E. Smith for her service to the community and its residents, and

FURTHER BE IT RESOLVED, that Mary E. Smith be furnished a copy of this Resolution, which is spread upon the minutes of the May 9, 2011 Town Board meeting.

Unanimously approved,

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

**PUBLIC FORUM**

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

**John DeRue, 317 Redman Road** – I would like the opportunity to speak when you discuss the water district.

**APPROVAL OF PUBLIC HEARING MEETING MINUTES OF APRIL 11, 2011**

**Resolution # 105** Motion was made by Councilperson Rath, seconded by Councilperson Rose, requesting Town Board approval of the Public Hearing meeting minutes of April 11, 2011.

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

**APPROVAL OF REGULAR TOWN BOARD MEETING MINUTES OF APRIL 11, 2011**

**Resolution # 106** Motion was made by Councilperson Breslawski, seconded by Councilperson Goodrich, requesting Town Board approval of the regular Town Board meeting minutes of April 11, 2011.

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

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

**Resolution # 107** Motion was made by Supervisor Terry, seconded by Councilperson Rath, to authorize payment of bills from their respective funds.

| <b>MONTHLY TOTALS</b> |                 |               | <b>ABSTRACT</b>       | <b>5</b> |
|-----------------------|-----------------|---------------|-----------------------|----------|
| <u>ACCOUNTS</u>       | <u>VOUCHER#</u> | <u>AMOUNT</u> | <u>ACCOUNT TOTALS</u> |          |
| General               | 7785            | 208.69        |                       |          |
|                       | 7906            | 5755.00       |                       |          |
|                       | 7909            | 234.00        |                       |          |
|                       | 7911-7916       | 7552.95       |                       |          |
|                       | 7924            | 198.78        |                       |          |
|                       | 7926-7927       | 175.75        |                       |          |
|                       | 7965-8033       | 30966.73      |                       |          |
| <b>Account Total</b>  |                 |               | <b>\$ 45,091.90</b>   |          |
| <hr/>                 |                 |               |                       |          |
| Library               |                 |               |                       |          |
|                       | 7786            | 35.33         |                       |          |
|                       | 7922            | 352.00        |                       |          |
|                       | 7928            | 68.54         |                       |          |
| <b>Account Total</b>  | 8034-8047       | 10165.29      | <b>\$ 10,621.16</b>   |          |
| <hr/>                 |                 |               |                       |          |
| Highway               |                 |               |                       |          |
|                       | 7921            | 43.40         |                       |          |
|                       | 7938-7963       | 55005.09      |                       |          |
|                       | 8048            | 120.07        |                       |          |
| <b>Account Total</b>  |                 |               | <b>\$ 55,168.56</b>   |          |

|                      |           |          |                      |
|----------------------|-----------|----------|----------------------|
| Sewer                | 7917-7918 | 202.31   |                      |
|                      | 7783-7784 | 331.17   |                      |
|                      | 7935-7937 | 196.43   |                      |
| <b>Account Total</b> |           |          | <b>\$ 729.91</b>     |
| Light                | 7923      | 1158.25  |                      |
| <b>Account Total</b> |           |          | <b>\$ 1,158.25</b>   |
| Trust                | 7910      | 1670.58  |                      |
|                      | 7919-7920 | 2032.64  |                      |
|                      | 7925      | 24175.53 |                      |
| <b>Account Total</b> |           |          | <b>\$ 27,878.75</b>  |
| <b>GRAND TOTAL:</b>  |           |          | <b>\$ 140,648.53</b> |

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

### **APPROVAL TO TRANSFER FUNDS FROM FIRE MARSHAL EQUIPMENT**

**Resolution # 108** Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution to approve the transfer of funds from their respective funds as follows:

| <u>From A/C</u>             | <u>To A/C</u>             | <u>Amount</u> |
|-----------------------------|---------------------------|---------------|
| A3010.2-Fire Marshal Equip. | A3010.4-Fire Marshal Exp. | \$82.75       |

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

Supervisor's Monthly report acknowledged and filed.

### **CORRESPONDENCE:**

- a. A copy of a letter to Ms. Kent RE: the intersection of Brick Schoolhouse Road and Walker Lake Ontario Road from Supervisor Terry.
- b. A letter from MC DOT re: the intersection of Brick Schoolhouse Road and Walker Lake Ontario Road from Mr. Rice.
- c. A copy of a letter from the Independent Oil & Gas Association.
- d. A copy of a letter from County Executive Maggie Brooks RE: the Block Grant award of \$33,400.
- e. A letter from County Executive Maggie Brooks re: the block grant that we didn't receive.
- f. A copy of the Redman and Cook Road Water District approval.
- g. A copy of a letter to Chief Smith RE: the cleaning up the property next door.
- h. A copy of Time Warner's changes.
- i. A copy of Judge Rath's resignation, effective May 5<sup>th</sup>, 2011.
- j. A letter from MC DOT re: the intersection of Route 260 and Brick Schoolhouse Road from Mr. Rice
- k. A letter from Hamlin Fire District Chief Allan Smith Re: Appreciation for Training House

**APPROVAL TO RE-APPOINT PAUL W. RATH AS HAMLIN TOWN JUSTICE**

**Resolution # 109** Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution to re-appoint Paul W. Rath as Hamlin Town Justice, effective immediately, with term to expire December 31, 2011.

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

Judge Richard Moffett swore in Hamlin Town Justice Paul W. Rath.

**APPROVAL TO MAKE SEQRA DETERMINATION FOR LOCAL LAW #2-2011**

**Resolution # 110** Motion was made by Councilperson Rose, seconded by Councilperson Rath, requesting Town Board resolution to make a SEQRA determination for Local Law #2-2011, amending Chapter 47 of the Code of the Town of Hamlin as it concerns fees for dog control offenses. Such action to be a type 2 unlisted action.

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

**APPROVE LOCAL LAW #2-2011 “DOG CONTROL FEES”**

**Resolution # 111** Motion was made by Councilperson Rath, seconded by Councilperson Breslawski, requesting Town Board resolution to approve Local Law # 2-2011 “Dog Control Fees”.

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

**APPROVAL TO MAKE SEQRA DETERMINATION FOR LOCAL LAW #3-2011**

**Resolution # 112** Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution to make a SEQRA determination for Local Law #3-2011 enacting Chapter 74 of the Code of the Town of Hamlin specifically referring to “No Overnight Parking on Municipal Parking Lots.” Such action to be a type 2 unlisted action.

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

**APPROVE LOCAL #3-2011 “NO OVERNIGHT PARKING ON MUNICIPAL PARKING LOTS”**

**Resolution # 113** Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution to approve Local Law #3-2011 “No Overnight Parking on Municipal Parking Lots”.

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

**DISCUSSION:**

1. ***Salary of Assistant Dog Control Office has all been used up.*** We had \$800 in the budget; we have paid \$814 to date. He filled in for the time when Jim was sick, and he has been cleaning up delinquent dog license fees to a great degree. He has been doing a very good job. Jim's liaison will speak to him to see if he wants to take the money out of his contractual to help pay for his salary overages this year.
2. ***Replacement of copier in Mail and Copy Room: purchase or lease?*** We have a proposal from Eastern Copy Products for a new Konica Minolta Machine. The machine that is causing us trouble now is 8 years old and we are currently paying \$240 a month. It was suggested that a resolution be made to authorize the supervisor to enter into a contract of \$240 per month for the purchase of a copier, and also see what the financing options are.

**APPROVAL TO PURCHASE A COPIER**

**Resolution # 114** Motion was made by Councilperson Rath, seconded by Councilperson Breslawski, requesting Town Board resolution to authorize the supervisor to enter into a contract for copier services for up to \$240 per month for the purchase of a Konica Minolta BizHub 283 Model #7130, for a term not to extend greater than 60 months.

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

**REPORTS:**

**Councilperson Breslawski** – Library revenues this month from fines, faxes and copies are up from this time last year, while people count and circulation remain down slightly. This has been a county wide problem; it is thought that people are traveling less. The number of unique borrowers on a month to month basis has stayed steady. All Monroe County Libraries will be closed from Thursday, May 26<sup>th</sup>, at 9 pm until Tuesday, May 31<sup>st</sup> at opening time for the implementation of a new countywide computer system.

**Councilperson Goodrich** – For Zoning, Norman Baase in on vacation. On Newco Drive, David Smith wanted to put up a barn. There is a public hearing on May 16<sup>th</sup>.

Hamlin Volunteer Ambulance is having an Open House on May 15<sup>th</sup> from 11 am to 4 pm.

Rick has been working with me and the Chamber of Commerce to work on Wheel Fest for a gift basket raffle to raise funds for the Volunteer Ambulance.

Hilton Parma Fire District had 50 calls and 83 EMS calls. Commissioner Lemcke is working on a DHS Fire Act Grant. They are working on municipal shared services project, which is going to be a salt barn. They are tearing out the asbestos right now and they believe that they can get that barn built 95% cost by the state. They are working on hose replacement which will cost about \$210,000. They have decided to give the full-time employees 3.5% raises and part-time employees 2.4% raises.

**Town Supervisor, Peter Terry** – I need to set a workshop for Code Book updates. It has to be completed by June 1<sup>st</sup>. If everything is not finalized by June 30<sup>th</sup>, we will lose the grant money. The workshop will be scheduled for Thursday, May 12<sup>th</sup> at 7 pm. A public hearing will be set for June 13<sup>th</sup> at 6 pm.

**PUBLIC HEARING SCHEDULED FOR CODIFICATION OF TOWN CODE**

**Resolution # 115** Motion was made by Councilperson Rath, seconded by Councilperson Breslawski, requesting Town Board resolution to hold a public hearing on June 13 at 6 pm to consider the Town Code.

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

Redman-Cook Water Line – I have been in touch with JP Schepp, our engineer, and asked him to forward to us an estimated schedule for the completion of this water district project and he has replied with:

May 20<sup>th</sup> - complete survey and mapping; prepare materials bid

June 9<sup>th</sup> - complete design work; open materials bid

June 13<sup>th</sup> - award materials bid

July 13<sup>th</sup> - obtain permits & approvals from NY, NYDEC, MCDOH, MCWA, MCDOT

July 13 -August 31<sup>st</sup> - Town completes construction

Blair supply stated that there have been no significant price increases in material prices. We should be okay unless something like a Hurricane Katrina happens and impacts steel and metal prices.

John DeRue stated that he spoke with MJ Pipe and they revised their numbers which really made this thing happen, and got us through the Comptroller's Office. They said that there is going to be a 10% increase in pipe prices within days. If the town is doing the job, and we know what the materials are, why can't we at least get the materials now? Is there any way that we can get Chatfield to just do material list to get this thing to their office? That way we can at least get the materials locked in.

Supervisor Terry stated that we can do a resolution authorizing bidding of the water main materials and then ask Chatfield to expedite it.

Highway Superintendent Steve Baase said he also spoke with Chatfield, and he said that he could get a bid out quicker, but without the Health Department and Water Authority telling them exactly what they want it would not be a solid bid. There would be a clause in there because there may be additional materials that may have to be added later for items that the two agencies might mandate.

**APPROVE BID ON WATER MAIN MATERIALS FOR REDMAN-COOK ROAD**

**Resolution # 116** Motion was made by Councilperson Rath, seconded by Councilperson Rose, requesting Town Board resolution to authorize to go out for bid on water main materials for Redman-Cook Road, opening bids on June 9<sup>th</sup> at 11 am at the Town Hall.

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

**Councilperson Rose** – Mike Rockow, our County Legislature, came out and explained to the Seniors the various aspects of the county government and different programs that pertain to Seniors.

The Court received a grant for cameras for the parking lot. It wasn't as much as they had hoped, but it did cover enough to put some cameras in the lot to make it secure.

**Councilperson Rath** – Morton Fire District had a concern regarding Rt. 18 and Redman Road which was reported to National Grid.

Hamlin took care of the house. I was a little disappointed when I came by at noon and there were still some flames and at that time, it was unattended. They had indicated several times that they were going to be blocking off one road in town and they never did. From a safety concern for the Town, it seemed to go lax on that point.

The "Talk of the Towns" January/February edition discussed fire district tax exemptions. The Town offers various exemptions to senior citizens, disabled, and veterans, however, those exemptions do not carry over to our fire districts since they are separate tax levying districts. One town is looking for a letter of recommendation to the fire districts to see if they will honor these exemptions. I have a copy for each of the board members and maybe we can discuss it. It's just a recommendation to make and obviously it's a separate tax levying district and we would have to formally adopt any extension of the exemptions. We would have to include Parma, Morton, Walker, and Hamlin.

**Highway Superintendent Steven Baase** – We are done with our Junk Days at Brick Schoolhouse Road. We should have approximately \$2,200 in metal. We had 30 pallets full of computers and TV's. We will start recycling computer's and TV's shortly and it will be advertised. There will be a drop-off at the Highway Garage and we will make \$.02 per pound.

We just started picking up brush today.

Our security is on duty; they started last Sunday. I just hired a new security officer.

As far as mowing is concerned, our fields are soaked out back. There have been people driving cars back there. I had to get out there with our loader and help pull out a truck carrying the Port-a-Johns today. I told everyone to stay off the fields. So, there are a lot of repairs to be made.

The building is down over here. We have leveled it off and will have grass seed down this week so that there will be grass growing there by the Wheel Fest.

The State started working on the East Fork Bridge today. The road will be reopened in about three weeks.

A problem that has been dogging us for years is coming to a head right now. Our landfill on Brick Schoolhouse Road, Mr. Brody's house, is losing a bunch of property. He had an insurance company come out and they refused to grant him a new insurance policy. He is threatening to sue the Town. He is maintaining that because our landfill is blocking a flood plain, it's forcing water and washing his bank away. He is saying that before the landfill was there, it used to flood over there, so that it didn't rush so violently into his yard. He has lost 15' or more of his yard. I have pictures from April 26<sup>th</sup> after over 2 inches of rain and it shows the creek water is not even out of the bank around the landfill. It's not even up on the flood plain. You can see from my pictures that the creek is washing away his property while it is still in its own banks, so our flood plain is not affecting it. I am just giving you this information because I get about three phone calls per week about this. He wants to know what the Town is going to do. He wants the Town to get excavators and big rocks and put in an 8-10' berm to save his property. I spoke with Monroe County Soil and Water and they said that there is nothing that we are doing wrong. The DEC and Monroe County Soil and Water have approved what the Town is doing, and we have the documentation. We also have pictures that show how the creek is eroding his bank 150' away from our landfill.

On the Recreation fields, Clayton Champion, from the football team wants to put in a 400 watt lit football field with a score board. He also wants to put up a pavilion for shelter for the kids, and he wants to bring power to it. He spoke to NIMO and wants to bring a pole and power 100' away from

the road. He said that there will be a private meter on it and Niagara Mohawk will send him the bill. He will be paying for everything, including the goal posts, poles, and the electrician, etc. There are houses up here on Rt. 18, so I say no, and the Recreation Director also says no. I don't have a problem getting a second football field ready because Patty Jo can also use it as a soccer field. I would have to add more parking there. I am not against the field; I am against the lights and private power on Town property.

**Building Inspector Lee Nettin** – Things are running smoothly; I have nothing new to report.

**Conservation Board Jason Baxter** – Conservation has nothing new, but we would like to address the erosion issues that Steve was discussing.

**Conservation Board Ed Evans** – I was involved with that piece of property and that creek in the Town's landfill and was asked to look into it. As an Earth Science teacher, we set up situations like that in our stream tables every year. The next natural stage of development is that the stream meander will turn into an "oxbow". That means there will be a cut off straight across instead of going around the little loop. As soon as the cut off happens, (as soon as you turn that into an "oxbow") the guy will no longer have a problem. So, the idea would be to have the cut off happen as quickly as possible. The landfill the Town has there serves that function. The Town's landfill assures that the water will shoot to the right and hit that bank and eat it away every single year hastening the day when that cut off happens. Instead of hurting his property, I think that Hamlin's landfill is helping his property to shorten the time it's going to take to get the cut off to naturally occur across there. The Town needs to protect itself against a lawsuit by talking to someone with credentials at Brockport State University, and they will tell you the same thing. The Town needs to look into something like that and prepare themselves. What the guy is asking is unnatural; his house is in the wrong place. You don't build a house on the outside edge of a meandering stream, unless you have lots of cement in place.

**Library Director Kay Hughes-Dennett** – We are gearing down from our regular year programming to start summer reading programming. We will be having the first summer reading program event at the Town Hall the last Monday of June at 2:00 pm. We have a magician coming in, and the Recreation Department is working their program around it so the Recreation kids can come, and we are expecting a great crowd. We are ready for a whole summer of reading and craziness at the Library.

### **ADJOURN TO EXECUTIVE SESSION**

**Resolution # 117** Motion was made by Councilperson Rose, seconded dually by Councilperson Goodrich and Breslawski, requesting Town Board resolution to adjourn to Executive Session at 8:07 pm to discuss a possible property acquisition and a personnel issue.

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

### **RETURN FROM EXECUTIVE SESSION**

**Resolution # 118** Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution to return from Executive Session at 8:38 pm.

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

**ADJOURNMENT**

A motion was made by Councilperson Rose, seconded by Councilperson Goodrich to adjourn the meeting at 8:39 pm as all business has been concluded.

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

Respectfully submitted,

Kathi A. Rickman, MMC  
Hamlin Town Clerk