

Hamlin Town Board Meeting June 13, 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 and Jason Baxter; Planning Board Member Tom Jensen; Town Historian Bob Kruger; Library Director Kay Hughes-Dennett; Residents Allan Smith, Linda DeRue, John DeRue and Ralph Harper.

PUBLIC FORUM

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

Ed Evans – I have a few DVD's for the Town Board from some old film footage that I transferred to DVD format of historic things that occurred during 1985, 86, 87 and 88 of new streets, buildings going up, the construction of the whole corner with the hobby shop, the Life Solutions building going up and the masons working on it, the Duffy Mott property, the Homestead fire, a tour of the lake front and all kinds of things.

Ralph Harper, Harper Park – Mr. Harper had questions about Resolutions 9, 10, 11, and 12 on tonight's agenda.

Supervisor Terry stated that if the Board approves the resolution then these fees will be established. It will not change the Zoning Code.

Building Inspector Lee Nettin stated the fee would be for expansions if a mobile home park wanted to start up in a different location.

Allen Smith – I would like to thank the Town Supervisor for his letter dated May 4, 2011, commending the Fire Department for the role they played in the events surrounding the Town purchase of 1678 Lake Road and the cleaning up of that property. This letter was shared with members of the Fire Department who again expressed their thanks and appreciation to the Town for allowing us to use this structure for valuable training opportunities. Imagine our surprise, when we read in the Hamlin Town Board minutes in Councilman Rath's report. For the record, yes, around noon it was unattended. We left to get our equipment back in service after which time we had already arranged with Highway Superintendent Baase to assist in securing the site, which we did. Our personnel spent 7 hours there on Sunday. I had asked Superintendent Baase if we could knock the house down into a pile before we burned it as we had concluded that the radiant heat from burning the house while still standing could have a negative effect on the transformer, main electric, phone and cable lines running past it. Since the house was in a pile and had far less potential for radiant heat, and since it was a Sunday morning, the decision was made to keep the road open or reduce to a single lane. There are at least five churches that rely on Lake Road to access them. At no time were any of the residents placed in danger passing by the site. In addition, if there were any safety concerns, it should have been brought to my attention immediately. I do not believe my actions that day were lax. I

respectfully request that in the future that if a town official has any question or comment regarding operation of the Fire Department, let him forward the opportunity to address the concern or question directly. Negative comments do nothing to strengthen relationships, especially when they become public record.

Councilperson Rath thanked him for clarifying that. He said that he mentioned it because he had four separate residents questioning why the fire department wasn't there when there were flames near a playground right in the middle of town.

Sherry Hogan, Brookedge Drive - I have been a resident of the Town for 20 years. Last summer we began the procedure of building a four level deck and putting in a pool and a hot tub, a home improvement project that has substantially raised the value of our home and is beneficial for the town as well. From the very first telephone encounter with Mr. Nettin, he wanted to see worker's comp and insurance papers for the people doing the working. I own my home, I should be able to say who I want to build the home and if this is not required, why is he asking for it? Is this a Town Code? Is this a policy?

In April of this year, our main vehicle for our family broke down, and we had our van towed back to our house. We planned to transfer the plates on our van to our new vehicle. The new vehicle could not have been in my driveway for more than 2 or 3 days prior to getting a notice stating that we are in violation of §116-6 Storage of an Unlicensed Vehicle. My husband called the Code Enforcement Officer the next day to tell him that we planned to transfer the plates. At that time, as a public official and Code Enforcement Officer, he should have realized that we would still be in violation of the code and made it a teachable moment to educate us on the code, but he did not. Instead we were given an appearance ticket 23 days later for court with a picture of my van. My husband called him up and when questioned about this, Lee stated that people would just transfer their plates back and forth. Really, he could stand at the end of my driveway, take a picture, pull me into court, but couldn't and wouldn't tell us we were in violation of the existing code. Is this is how Hamlin wants to enforce its codes? Is this the procedure, because I actually think that he should have issued us a warning for the van as it was a new vehicle. According to §116-10(b) of the Alternate Enforcement Procedure, it states "if such junk vehicle", this was a different junk vehicle, and if we are going to be specific about the code then enforce it properly. Is this how Hamlin works? If he went by the book, he should have given me a warning about the van, a violation notice, and then called me into court.

Finally last month, our inspection for our pool and our hot tub was coming due to expire. We received a notice and my husband went to the office to renew the permit. Lee told him, "It's two permits" then said, "No, it's only one", so my husband paid for one permit. Only for us to get a notice to stop work order because we were now in violation because we needed two permits. Really? So now it is Labor Day weekend and I am extremely frustrated. I left a message wanting to know why we were told one permit when we needed two. His assistant Ms. Norman called back and left a message that they are two separate permits. I knew that; I wanted to know why he told us one. One June 1, I called the Town Supervisor in frustration to assist me; he called back and left me a message saying it is two separate permits. Yes, I was well aware of this, and more frustrated. I directly called Lee and asked him why he told my husband only one permit, his response was, "How do you know that is what I said?" I said getting more aggravated, "If we needed two, we would have renewed two." Then I asked why was it that he could not have contacted us to let us know that when we were in violation with our van that was on Craigslist, that if all I needed to do it stay in compliance was to put a for sale sign in the window? "Click", he hung up on me! Are you kidding me? Is this what I get for my hard earned tax dollars, this is how we are supposed to be treated? So I immediately called back and Ms. Norman answered the phone to tell me he has left. I called the Town Clerk's office only for her to state that his vehicle was still in the parking lot. I am very angry and frustrated at how we have been

singled out and treated. I know people that have cars and boats go unregistered in their driveways in Hamlin for the past 15 years. I want to go on record that I believe Lee and his staff have violated the Code of Ethics Line G, §10-6 “that each town employee shall endeavor to pursue a code of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.” I feel that they both violated this. I want to know what you as the Town Board are going to do about this, and is this how you want your people mistreated? I do not want to do home improvements because of having to deal with this man and his office staff. I have lived in Hamlin for 20 years and never had any problems before this. I am going to file a complaint with the Ethics Board because I don’t believe we should be treated this way.

APPROVAL OF REGULAR TOWN BOARD MEETING MINUTES OF MAY 9, 2011

Resolution # 119 Motion was made by Councilperson Rose, seconded dually by Councilperson Rath and Councilperson Goodrich, requesting Town Board approval of the regular Town Board meeting minutes of May 9, 2011.

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

APPROVAL OF PUBLIC HEARING MEETING MINUTES OF MAY 9, 2011 FOR LL #2-2011

Resolution # 120 Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board approval of the Public Hearing meeting minutes of May 9, 2011 for Local Local #2 concerning Dog Fees.

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

APPROVAL OF PUBLIC HEARING MEETING MINUTES OF MAY 9, 2011 FOR LL #3-2011

Resolution # 121 Motion was made by Councilperson Rath, seconded by Councilperson Rose, requesting Town Board approval of the Public Hearing meeting minutes of May 9, 2011 for Local Law #3 – No Overnight Municipal Parking.

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

MONTHLY TOTALS			ABSTRACT	6
<u>ACCOUNTS</u>	<u>VOUCHER#</u>	<u>AMOUNT</u>	<u>ACCOUNT TOTALS</u>	
General	7929-7930	507.21		
	8058-8063	6528.89		
	8066-8067	177.36		
	8073	198.78		
	8130-8189	55467.29		

Account Total			\$ 62,879.53
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Library			
	8052-8053	1153.19	
	8069	68.36	
	8088-8099	9692.58	
Account Total			\$ 10,914.13
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Highway			
	8057	43.40	
	8100-8129	36976.86	
Account Total			\$ 37,020.26
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Sewer			
	8054-8055	314.74	
	8085-8087	271.74	
Account Total			\$ 586.48
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Light			
Account Total	8056	1032.81	\$ 1,032.81
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Trust			
	7931-7933	1895.12	
	8064	1724.33	
	8065	179.32	
	8070-8072	1931.38	
	8074	24175.53	
Account Total			\$ 29,905.68
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GRAND TOTAL:			\$ 142,338.89

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 # 123 Motion was made by Councilperson Rath, seconded by Councilperson Breslawski, 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.	\$24.00

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 copy of an article from Talk of the Towns RE: Fire District's and tax exemptions.
- A copy of the total allocated amount for Youth Services.
- A copy of the Sale Tax Distribution for the first Quarter.
- A copy of NYMIR's letter re: member capital distribution.

- e. A copy of Monroe County's Consolidated Plan Consortium Membership.
- f. A copy of a letter from State DOT RE: Rt. 18 over Moorman Creek.
- g. A copy of an article from CCC Legacy Journal.
- h. Building Inspector's monthly report for May, 2011.

ESTABLISH INVESTIGATION FEES FOR TRAILER PARKS & CAMPSITES DENIED

Resolution # 124 Motion was made by Councilperson Goodrich, seconded by Councilperson Rath, requesting Town Board resolution to establish investigation fees to cover both trailer parks and campsites: \$100 for the first 10 parcels, \$10 for each additional parcel.

Polled Votes: Councilperson Breslawski no, Councilperson Goodrich no, Councilperson Rath no, Councilperson Rose no, Supervisor Terry no. Motion denied.

Discussion: This is only for new mobile home parks. This is in our Code, but we have upped the fees. Currently the fees are \$50 for the first 10 parcels, and \$5 for each additional parcel. It is under §108-8 which is Application Fees. It was decided to do more research and table this at this time.

ESTABLISH LICENSING FEES COVERING TRAILER PARKS AND CAMPSITES

Resolution # 125 Motion was made by Councilperson Breslawski, seconded by Councilperson Rath, requesting Town Board resolution to establish licensing fees to cover both trailer parks and campsites: annual fees of \$5 per trailer parcel, with a \$50 minimum fee for trailer parks; \$2 for each campsite with a minimum license fee of \$20 for campgrounds.

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

APPROVAL OF TEMPORARY TRAILER PERMIT FEES

Resolution # 126 Motion was made by Councilperson Rath, seconded by Councilperson Goodrich, requesting Town Board resolution to establish a fee of \$10 per month for a temporary trailer permit, of \$30 per quarter for a 90-day permit.

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

ESTABLISH ADMINISTRATIVE FEE FOR BRUSH, GRASS, RUBBISH, WEED CONTROL

Resolution # 127 Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution to establish an administrative fee of \$100 in the case of "brush, grass, rubbish and weed" control when an owner fails to comply with a notice from the Code Enforcement Officer.

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

TOWN JUSTICE COURT'S 2010 ANNUAL REPORT

Resolution # 128 Motion was made by Councilperson Breslawski, seconded by Councilperson Goodrich, requesting Town Board resolution to accept Paul S. Rath's Annual Report for 2010 on the Town's Justice Court and submit said report to the State of New York Unified Court System.

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

TRANSFER FUNDS RECEIVED FROM AUCTION SALE TO EQUIPMENT RESERVE

Resolution # 129 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution to transfer \$30,352.50 received from auction sale to Equipment Reserve account for Highway. HD.2770 Revenue account to HD.201 Equipment Reserve Investment account in the amount of \$30,352.50.

<u>Revenue</u>		<u>Equipment Reserve Investment</u>	
HD.2770	\$30,352.50	HD.201	\$30,352.50

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

PENALTY FEE WAIVED FOR MR. BENEWAY & MS. BRANTINGHAM

Resolution # 130 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution to waive the penalty fee for Mr. Beneway & Ms. Brantingham.

Polled Votes: Councilperson Breslawski no, Councilperson Goodrich aye, Councilperson Rath no, Councilperson Rose aye, Supervisor Terry aye. Motion carried.

BID FOR MATERIALS FOR REDMAN/COOK ROAD AWARDED TO HD SUPPLY WATERWORKS LTD

We had the bid opening on Friday. We received five legitimate bids. HD Waterworks was the low bid. The bid is good for 45 days.

Opening of Bids:

HD Supply Waterworks Ltd.	\$132,703.00
Vellano Bros. Inc.	\$132,897.27
Blair Supply Corp.	\$133,698.76
M.J. Pipe & Supply	\$134,113.64
Ferguson Waterworks	\$138,761.92

Resolution # 131 Motion was made by Councilperson Rath, seconded by Councilperson Goodrich, requesting Town Board resolution to award the contract for the materials for the Redman Cook Road Water District to HD Supply Waterworks based on 5700' for the total amount base bid of \$132,703, based upon JP Schepp's recommendation or 5500' contingent upon a cost adjustment and a letter of clarification.

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

APPROVAL TO AMEND BUDGET TO INCLUDE 3RD PAYMENT FROM GRANT

Resolution # 132 Motion was made by Councilperson Breslawski, seconded by Councilperson Rose, requesting Town Board approval to make a budget amendment to account #A.1620.4 to include the third payment from the state for the General Code Grant for \$3,896.

<u>Revenue</u>		<u>Appropriations</u>	
AA.2770 (Misc.)	\$3,896.00	A.1620.4	\$3,896.00

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

DISCUSSION:

- Agricultural Protective Overlay District.*** Councilperson Breslawski stated, we had workshops on April 19th and May 3rd and what we have are four APO related Laws. The APO is what we reviewed during those workshops. There is the establishment of specific zoning regulations, which is made up of code to match the APO. Permitting various additional uses, and changing RVL's from 5 acres to 2 acres. We've got the APO where we want it, and I am just looking for direction from the Board. The Board decided to hold a Public Information Meeting.

APPROVAL TO SCHEDULE PUBLIC INFORMATION MEETING ON APO

Resolution # 133 Motion was made by Councilperson Rose, seconded by Councilperson Breslawski, requesting Town Board resolution to schedule an Information Meeting on the APO at 7 pm on Tuesday, July 12th.

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

REPORTS:

Councilperson Breslawski – For the Library, the biggest news is the new MLS Contract for 2012. It has an increase in cost shares for the Town of Hamlin at \$3,147. It went from \$10,619 to \$13,766. These increases are due mostly due to a withdrawal of New York State funding back in 1998. There's also been three libraries that had a reduction in their ability to carry their load that have eaten up their fund balance.

I just got notice that the Recreation Youth Services Funding came in this year at \$3,464. That is down from what used to be \$5,000. This is used for the Recreation Department Youth programs.

I had a chance to talk to our local Marine Veteran/Local Hero Brian Henner the other day and thanked him for his efforts with that fatal accident at the West Fork and Church Road. What can we do to make that intersection safer? There was talk about possibly repairing it, but cars do come in at high speed down the road. It's not a straight intersection, it's kind of crooked. It is a County road.

Supervisor Terry said he will talk to Mr. Rice at the DOT.

Councilperson Goodrich – The Dog Warden was busy this past month. He had 19 house visits, picked up 4 dogs, had 2 dogs hit by cars, 22 dog complaints, 5 cat calls, 4 raccoon and 6 skunk calls.

Moving ahead with the Hamlin Volunteer Ambulance, they did their fund drive at the Wheel Fest and got washed out a little bit.

The Hilton/Parma Fire House had 52 fire calls and 82 ambulance calls.

Councilperson Rose – Nothing to report.

Councilperson Rath – Conservation Board members are here to report.

Highway Superintendent Steven Baase – We completed paving today on Church Road between West Fork and Redman Road. We are trying to get our County work done and they are pulling jobs from out of town. The price of black top jumped up \$8/ton from a couple of months ago. They told us to get the jobs done or we will lose them. So I am trying to get all the County work done so we don't lose that revenue coming in. We have been busy. I am done true and leveling on the West Fork. We are going to oil and stone in a couple of months. We are going to oil and stone Morton Road, Rt. 18 ext. behind the Dakota, and Chase Road. We are going to true and level Walker Road. I had to have the County come out because that road is in such poor shape. We got Rt. 19 open last Friday. I haven't forgotten about Newco Drive, it's a ditch and it's wet. I bought the 4' diameter pipe to replace it. As soon as it dries out a little I will replace the pipe.

I do have a resolution to amend New York State DOT Snow and Ice Agreement from \$170,251.68 to \$301,666.16, which is the difference of \$131,414.48 for the 2010/2011 snow season.

APPROVAL TO AMEND NYS DOT SNOW & ICE AGREEMENT FOR 2010/2011

Resolution # 134 Motion was made by Councilperson Rath, seconded by Councilperson Rose, requesting Town Board resolution to amend New York State DOT Snow and Ice Agreement from \$170,251.68 to \$301,666.16, which is the difference of \$131,414.48 for the 2010/2011 snow season.

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

I have a question for the Board. You have passed your No Parking Law and I have to order the signs. What would you like the signs to read? The Town Board decided the sign should say "No Overnight Parking without a Permit Violators will be ticketed".

Building Inspector Lee Nettnin – Nothing to Report.

Library Director Kay Hughes-Dennett – Our reading program starts June 27th here at the Town Hall at 2 pm. We have Ted Burzynski, a Magician coming in. This is our second year of an adult program, so we are encouraging all the residents of Hamlin over the age of 18 to participate. We have prizes, drawings, and it looks like it's going to be a lot of fun. We have a good theme this year, "You're Here" and we are focusing our crafts on different countries. It's exciting.

Town Historian Bob Kruger – On June 4th we had a Historian Booth at the Wheel Fest. We brought out the mail wagon for the first time. The first 3 hours were rained out, but after that, we had a fairly steady stream of visitors. We handed out brochures, we sold some merchandise and I answered a few history questions about the town, so I was fairly pleased with it. I would be more than happy to do it again next year. I would like to thank my wife Judy, also Denny and Cindy Roach for helping us set up. I would like to thank Steve and the Highway Department for bringing over the mail wagon.

Back in March, Denise Young, editor of “Our Town” section in Friday’s D & C newspaper, asked 6 of 7 of the local Town Historians on the west side to submit an old photo of a place or building and write a short history about it, and if it still exists, what it is used for today. The column is entitled “Memories” and Hamlin has had two so far, we will have one about every 5 to 6 weeks.

Conservation Board Jason Baxter – Nothing to report.

ADJOURN TO EXECUTIVE SESSION

Resolution # 135 Motion was made by Councilperson Breslawski, seconded by Councilperson Rath, requesting Town Board resolution to adjourn to Executive Session at 8:30 pm to discuss a possible property acquisition.

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

RETURN FROM EXECUTIVE SESSION

Resolution # 136 Motion was made by Councilperson Rose, seconded by Councilperson Rath, requesting Town Board resolution to return from Executive Session at 8:48 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 Breslawski, seconded by Councilperson Rath to adjourn the meeting at 8:48 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