

Hamlin Town Board Meeting November 14, 2011

The Hamlin Town Board held their regular scheduled meeting in the Hamlin Town Hall located at 1658 Lake Road, Hamlin, New York. The meeting was called to order at 7 pm by Supervisor Terry. The locations of the fire exits and defibrillator were 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, and Supervisor Peter Terry. Also present: Attorney Ken Licht; Highway Superintendent Steven Baase; Building Inspector Lee Nettin; Conservation Board Members Jason Baxter; Ed Evans; Nick Kramer; Planning Board Member Tom Jensen; Zoning Board Chairman Norman Baase; Town Historian Bob Kruger; and resident Marty Maier.

PUBLIC FORUM

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

Ed Evans, Conservation Board – Mr. Evans voiced his displeasure with no longer receiving paper copies of the Town's meeting minutes.

PRESENTATION BY NORMAN BAASE, ZONING BOARD CHAIRMAN

In 2011 we reviewed many applications for buildings, garages, sheds, and keeping of animals. We always have on-site inspections prior to every hearing and at that time we review each proposed project to see if they meet the criteria for safety, health, etc. This past year we passed 14 variances. We had one court case in Article 78 and our Town lawyer did a fantastic job in defending us. We continue to work with the Building Department and Conservation Board.

Accomplishments: Each of our board members have completed the 4 hours of training. Some of us used the on-line training program through the Planning Board and it's much cheaper. The information you receive on it is identical to the seminars. We still have our 5 member board and I would recommend it to all boards. I think they work very well and are very efficient.

2012 Goals: We like the in-house training if it is provided. We will continue to do workshops to help update the code. We are trying to work better with the community and we are trying to simplify the codes.

APPROVAL OF REGULAR TOWN BOARD MEETING MINUTES OF OCTOBER 11, 2011

Resolution # 200 Motion was made by Councilperson Rose, seconded by Councilperson Rath, requesting Town Board approval of the regular Town Board meeting minutes of October 11, 2011, as presented.

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

APPROVAL OF PUBLIC HEARING MINUTES OF OCTOBER 24, 2011

Resolution # 201 Motion was made by Councilperson Rath, seconded by Councilperson Breslawski, requesting Town Board approval of the Public Hearing minutes of October 24, 2011 as presented.

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

APPROVAL OF SPECIAL TOWN BOARD MEETING MINUTES OF OCTOBER 24, 2011

Resolution # 202 Motion was made by Councilperson Rath, seconded by Councilperson Breslawski, requesting Town Board approval of the Special Town Board meeting minutes of October 24, 2011, as presented.

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

AUTHORIZATION OF PAYMENT OF BILLS FROM THEIR RESPECTIVE FUNDS

Resolution # 203 Motion was made by Supervisor Terry, seconded by Councilperson Breslawski, requesting Town Board approval for the authorization of payment of bills from their respective funds.

MONTHLY TOTALS			ABSTRACT	11
<u>ACCOUNTS</u>	<u>VOUCHER#</u>	<u>AMOUNT</u>	<u>ACCOUNT TOTALS</u>	
General	8746	227.34		
	8749-8752	17370.00		
	8754	234.00		
	8755-8757	1053.65		
	8768	3885.00		
	8770-8771	574.87		
	8772-8775	3296.99		
	8825-8877	27645.16		
Account Total			\$	54,287.01
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Library				
	8758-8759	116.81		
	8776	763.21		
	8785-8797	5801.65		
Account Total			\$	6,681.67
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Highway				
	8762	43.40		
	8798-8824	61926.12		
Account Total			\$	61,969.52
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Sewer				
	8760-8761	66.58		
	8777	181.97		
	8781-8784	19958.15		
Account Total			\$	20,206.70

Light	8778	988.83		
Account Total			\$	988.83
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Huntington Park				
Account Total			\$	-
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Trust	8763-8765	2049.28		
	8766-8767	24354.85		
	8779-8780	1902.11		
Account Total			\$	28,306.24
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GRAND TOTAL:			\$	172,439.97

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 letter from the Supervisor to Mr. Schlecht RE: his project on Tucker Lane.
- b. A letter from the Supervisor to Ag. & Markets RE: the Redman & Cook Road Water District.
- c. A letter from NYSMIR RE: Recommendations for the Town.
- d. A letter from the NYSP's RE: the management of water levels in Lake Ontario.
- e. A request to waive penalty fee from 1752 Apple Hollow Lane.
- f. Letters asking for re-appointment from: David Walch, Merritt Ackles, Jason Baxter, and Ed Evans, Conservation Board.
- g. Letter asking for re-appointment from Linda Morey, Planning Board.
- h. DCO report for the month of October 2011.
- i. Building Inspectors report for the month of October 2011.

APPROVAL OF SURETY FORM

Resolution # 204 Motion was made by Councilperson Rose, dually seconded by Councilmen Goodrich and Rath, requesting Town Board approval for the surety form and amount of the official undertaking for the faithful performance of the duties of the Town Clerk and Receiver of Taxes, Kathi A. Rickman, MMC for the following:

Type of Undertaking: Crime Policy

Insurance Policy: Travelers Casualty Insurance Company of America

Amount: \$500,000.00

With a copy of said Bond having been filed in the Town Clerk's Office and the Monroe County Clerk's Office for the purpose of collecting 2012 Town and County Taxes.

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

APPROVAL TO ADD \$1,831.94 TOWN & COUNTY TAXES FOR PROPERTY MAINTENANCE

Resolution # 205 Motion was made by Councilperson Goodrich, seconded by Councilperson Rose, requesting Town Board approval for the addition of \$1,831.94 to the Town and County Taxes for 13 properties for Property Maintenance, Town Code 35-5 for grass mowing and other upkeep.

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

NEW GOVERNMENTAL FUND

Resolution # 206 Motion was made by Supervisor Terry, seconded by Councilperson Goodrich, requesting Town Board approval of the following:

WHEREAS, the State of New York and the Governmental Accounting Standards Board has established by Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions for fund balance reporting; and

WHEREAS, reserve funds, essentially a legally authorized savings account for particular specific purposes, are an important component in the Towns financial planning for specific expenses, future projects, acquisitions and other lawful purposes, and

WHEREAS, the Town may establish and maintain fund balances in accordance with New York State laws, and the Town will also consider rules and/or opinions issued by the New York State Comptroller when they are not in conflict with law; and

WHEREAS, the Town Supervisor and Finance Officer have the authority to reclassify the existing Fund Balance Reserve accounts and establish new financial account numbers to conform with the new Town Reserve Fund Policy; and

WHEREAS, the Town Reserve Fund Policy read as follows:

In accordance with GASB Statement No. 54 the Town reserve funds must be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The Town may engage independent experts and professionals, including but not limited to, auditors, accountants and other financial and legal counsel, as necessary to monitor all reserve fund activity and prepare reports that the Town Board may require.

Government Fund Type Assignment (GASB-54)

The Town shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Types Definitions. The Board authorizes the Town Supervisor to complete the following actions as necessary to comply with the requirements of GASB Statement No. 54:

- A. Restricted Fund Balances-Restricted fund balances consist of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors or laws and regulations of other governments; or through constitutional provisions or enabling legislation.
- B. Committed Fund Balances-Committed fund balances consist of amounts that are subject to a purpose constraint imposed by formal action of the Town Board.
- C. Assigned Fund Balances-Assigned fund balances consist of amounts that are subject to a purpose constraint that represent an intended use established by the Town Board or Town Supervisor. The Town Board authorizes the Town Supervisor to make a determination of the

assigned amounts of fund balance. Assigned funds represent amounts intended to be used for a specific purpose. Assigned fund balances require same level of authority to remove the constraint.

Funding Policy for Restricted or Committed and Assigned Fund Balances

The formal actions and amount deemed necessary by the Town Board that restricts, commits or assigns fund balance to a specific purpose may occur prior to the end of the reporting period, however, may be determined in the subsequent period.

Spending Policy for Fund Balances

The Town Board will assess the current financial condition of the Town and then determine the order of application of expenditures to which fund balance classification will be charged.

Periodic Review and Annual Report

The Town Board and management will periodically review all restricted, committed and assigned fund balance. The Board shall utilize the information to discuss reserve fund balances and to adequately maintain necessary funds for the Towns long-term financial planning. The Board will be mindful of its role and responsibility as a fiduciary of public funds when acting on reserve fund issues.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Hamlin, Monroe County, New York, as follows:

That, by the adoption of this resolution, the Town Board of the Town of Hamlin does adopt the Town of Hamlin Reserve Fund Policy in accordance with GASB-54. That such reserve fund policy shall remain in full force and effect and shall be followed with respect to all reserve funds maintained by the Town of Hamlin.

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

AUTHORIZING PAYMENT FOR TOWN CLERK AND DEPUTY FOR COLLECTING SCHOOL TAXES

Resolution # 207 Motion was made by Councilperson Goodrich, seconded by Councilperson Rose, requesting Town Board resolution to authorize payment through payroll as a stipend in the amount of \$1,500.00 to the Town Clerk and \$250.00 to the Deputy Town Clerk for services rendered as School Tax Collectors for the Brockport Central School District.

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

ADVERTISE FOR RECREATION COMMISSIONER

Resolution # 208 Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution to advertise a vacancy on the Recreation Commission with applications to be accepted until December 2, 2011 at 4 pm.

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

ACKNOWLEDGEMENT OF THE 2012 MEETING DATES

Resolution # 209 Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution acknowledging the 2012 Meeting dates as provided.

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

ACKNOWLEDGEMENT OF THE 2012 HOLIDAYS

Resolution # 210 Motion was made by Councilperson Rath, seconded by Councilperson Rose, requesting Town Board resolution acknowledging the 2012 Holidays.

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

BUDGET AMENDMENT FOR HIGHWAY FUNDS

Resolution # 211 Motion was made by Councilperson Breslawski, seconded by Councilperson Goodrich, requesting Town Board approval for a budget amendment and transfer of funds from the Highway Equipment Reserve account to increase account DA5130.2 in the amount of \$10,423.00 to purchase a Henderson SD Leveling Wing in the amount of \$4,174.00, and a salter in the amount of \$6,249.00 for the new International 10-Wheeler.

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

INTERNATIONAL JOINT COMMISSION

Resolution # 212 Motion was made by Councilperson Rath, seconded dually by Councilmen Rose and Goodrich, requesting Town Board resolution regarding the International Joint Commission for approval of the following:

WHEREAS, the International Joint Commission (IJC) has a proposal to increase the average long term level of Lake Ontario to “248 plus”, thereby effectively increasing the water level by a minimum of one foot, and

WHEREAS, the Town Board was requested by certain lakeshore residents to review this proposal, and

WHEREAS, the Town Board heretofore referred the matter to Hamlin’s Conservation Board for its review, and

WHEREAS, the Conservation Board has completed its review of the proposal and has submitted a report to the Town Board, and

WHEREAS, the said report contained the following comments, recommendations and conclusions:

1. The Town of Hamlin has an LWRP, developed in conjunction with and sanctioned by the State of New York, which guides how the town facilitates and manages stewardship of the ten miles of shoreline (and tributaries) located within the town.
2. Members of the Conservation Board scrutinized the list of LWRP Policies and, by consensus, conclude that the following policies would be adversely affected by the IJC

- Proposal: 2A, 5A, 7A, 7B, 11, 12, 13, 14, 18, 25, 33, 33A and 44. These specific policies are itemized on Schedule A to this Resolution.
3. Increasing the water level would have a potential negative impact on the diversity and purity of Yanty Marsh, the parks and beaches that dot the south shoreline of Lake Ontario and specifically Hamlin Beach State Park. The proposal would threaten the effectiveness and functionality of the 40 plus septic systems within the boundaries of the park, resulting in a serious reduction in the number of visitors to the park.
 4. The effectiveness and functionality of many of the individual waste water systems that shoreline homeowners have is questionable. It is imperative that such waste water system function as efficiently as possible because a municipal sanitary sewer system is not available to these shoreline homeowners. A higher water table would decrease the ability of the systems to function as designed.

NOW, BE IT RESOLVED, that the Town is opposed to the proposal of the IJC to raise the water level of Lake Ontario due to the adverse impact on the identified LWRP policies, the Hamlin Beach State Park, and on town residents who live along the lake, and be it further

RESOLVED, that the Town Supervisor forward a copy of this Resolution to the IJC.

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

APPROVAL FOR PAYMENT OF JUSTICE TRAINING EXPENSES

Resolution # 213 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution for approval to have 2 checks issued to Embassy Suites in the amount of \$212.44 each for Justice training courses to be taken out of Justice Contractual Expenses, Account #1110.4.

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

BID FOR 4x4 UTILITY VEHICLE FOR PARKS DEPT AWARDED TO DJM EQUIP, INC.

We had the bid opening on Thursday, November 10, 2011 at 11:00 am.

Opening of Bids:

Bentley Bros.	Kuboto RTV900W9K-A	\$11,453.75
Bentley Bros.	Kuboto RTV500-A	\$ 7,819.15 (Machine not adequate in size)
D.J.M. Equipment, Inc.	Bobcat 3400	\$ 8,541.00
Lakeland Equipment	John Deere XUV625i	\$ 9,476.59

Resolution # 214 Motion was made by Councilperson Rath, seconded dually by Councilmen Goodrich and Rose, requesting Town Board resolution to accept the bid from DJM Equipment, Inc. for the purchase of a Bobcat Model #3400 for the price of \$8,541, estimated on the bid sheet dated 11/7/11.

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

DISCUSSION:

1. *Dog Control Officer's van repair* – There are 2 quotes and a third quote is requested before a decision will be made at the December meeting.
2. *Waive penalty fee for 1752 Apple Hollow Lane* –There was no motion to waive the penalty fee.

REPORTS:

Councilperson Breslawski reported on the following:

- Recreation: Flamingo Flocking Youth Group fundraiser has been very successful. The office expansion will begin in December. Lowes is donating supplies to build new dugouts for the baseball fields, hopefully in early spring.
- Library trustees have been putting out flyers seeking another trustee. They received a lease addendum asking for a significant increase beginning this year. Supervisor Terry replied to the increase notice requesting no increase and has not received a response back yet.
- I attended the Public Hearing regarding the possible consolidation of the 3 fire districts. There was not a lot of new information; it was mainly information being presented to the public.

Councilperson Goodrich reported on the following:

- Dog Control Officer sent everyone a copy of his report. He will continue using his vehicle as previously discussed.
- Planning Board is discussing two new businesses coming to town – a bottle redemption center in Tops Plaza and Lucky Jacks Candles and Incense, Etc.

Supervisor Terry reported on the following:

- We had a risk assessment from the Comptroller's office for audit preparation. They will be in on Monday for the entrance to a full audit. They will do a full audit on Supervisor records which includes the Town finances.

Councilperson Rose reported on the following:

- Thanked Craig Goodrich for filling in for him while he was in the hospital.

Councilperson Rath reported on the following:

- The Fire Departments in Walker and Hamlin are quiet. Morton is still having drainage issues.
- Responding to Mr. Evans comments during Public Forum, he can request a printed copy of the minutes from the board secretary, and any interested resident can call and ask the Town Clerk for a copy of the minutes. The minutes are available to those that want them.

Highway Superintendent Steven Baase reported on the following:

- We have been working on the water line with the Health Department. Once all the water samples have passed, we will be just about done. The blacktopping will be done on the driveways tomorrow. We will be leveling the lawns, but we won't be seeding until spring.
- We are getting the snow plow equipment ready.
- We just finished blacktopping 3 different culverts last week. We repaired 3 more culverts in town, replaced 1 completely and repaired 2 for the County.
- The new truck is here.
- The brush is done; it took 3 days to complete.
- We are planning to mow around all the bridges and guardrails.

- We are going to start doing our fall sewer flushing.
- I purchased 12 trees to plant around the Lion's lodge.

Building Inspector Lee Nettin reported on the following:

- The wireless communication tower is waiting for paperwork from the Coast Guard before work can begin.
- The mobile home unsafe structure has been taken care of. The Board does not need to take any action at this time.

Conservation Board Jason Baxter reported on the following:

- I will pass Dave's thanks along to the rest of the Board for our part in tonight's resolution.

Town Historian Bob Kruger reported on the following:

- I spoke with Patty Jo about running a Recreation Program in the History Center during spring break or some time during mid-summer.

ADJOURN TO EXECUTIVE SESSION

Resolution # 215 Motion was made by Councilperson Breslawski, seconded by Councilperson Rath, requesting Town Board resolution to adjourn to Executive Session at 8:00 pm to discuss a personnel matter.

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

RETURN FROM EXECUTIVE SESSION

Resolution # 216 Motion was made by Councilperson Rose, seconded by Councilperson Breslawski, requesting Town Board resolution to return from Executive Session at 8:17 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 Rath, seconded by Councilperson Breslawski to adjourn the meeting at 8:18 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