

Regular Town Board Meeting
January 29, 2014

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 Peters. 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.

Invocation by Father Spilly

Present: Councilperson Jason Baxter, Councilperson Craig Goodrich, Councilperson Martin Maier, Councilperson David Rose, and Supervisor Eric Peters. Also present: Highway Superintendent Steven Baase; Candidate for Assessor Liz Spencer; Planning Board Member Peter Tonery and John Paul Schepp, Chatfield Engineer
Residents: Richard Duffy, John and Linda DeRue, and Cathie Timian.

PUBLIC FORUM

John DeRue 317 Redman Road - Board by Planning Board member Peter Tonery. In this letter, he is questioning our integrity concerning our application for a variance of our property at 317 Redman Road.

We in fact, followed all town procedures when filing the applications for this variance. The Zoning Board held 2 public hearings (60 days) and no one showed up to speak against it. In fact, Mr. Tonery did not follow Town procedure. He submitted a negative 3 page letter well after the public hearing was closed, and even noted it was late in his letter. Evidently Peter Tonery believes he is above the law and as a Town of Hamlin Employee does not have to conform to the laws and regulations set forth by the Town of Hamlin.

Mr. Tonery stated that we just wanted a smaller lot. Not True.

We contacted Real Estate agents. At our request they looked for property (at least 5 acres) in this area for us. They sent out letters to all property owners that owned 5 acres on Moscow Road. There was not any property available for sale. Then the club house came up for sale. We put numerous offers in for the Club House with 5 acres on Moscow Road. At one point we met with the Building Inspector and subcontractors at the sight.

We were out bid more than once on the property.

Peter Tonery also mentions in his letter the protection of farmland. When in fact over the years we offered this parcel of land to a number of the local farmers to use for their crops at "NO CHARGE TO THEM. They all came back and said it was not large enough.

When discussing with the real estate agent, the sale of our home and all of the property (7 + acres), they said no farmer would be interested in it because it is too small.

Linda DeRue 317 Redman Road:

I would like to address Planning Board member Peter Toner's comments regarding my Bed & Breakfast business.

I take personal offense to the statement, and I quote from his letter: "Further, the applicants were never ignorant of the restrictions imposed in an R-VL district. Indeed, they have enjoyed and exploited the regulations for many years through their B & B business.

As a Town of Hamlin employee and a Planning Board member Peter Toner has crossed the line with this accusation.

I applied for and was granted a special use permit to run my Bed & Breakfast. I have to renew that permit every year and my home has to be inspected by the town inspector each year as well. IT IS AN ALLOWABLE USE IN THE TOWN OF HAMLIN. Furthermore, I have never had anyone complain about my business in the 17 years I have run it. Not a Hamlin resident or a guest. Furthermore, for the last 10 years I have provided a service for this town that no one else has. 75% of the guests I accommodate are here to visit Hamlin residents. They come for weddings, family reunions, graduations and even funerals.

Do to his negative bias on this proposal we ask, that not only Mr. Toner abstain from and discussion, but from any decision making, and that he not be allowed in the room when this proposal is addressed by the Planning Board.

Peter Toner 937 Moscow Road:

On Oct. 21, 2013 the Hamlin Ethics Board sent a letter to the board. That letter purported to be the "conclusions and recommendations" of four ethics complaints. The Ethics Board was required to deliver such a report to the supervisor- instead they chose to give it to the entire board. That made it public record, a stupid and careless failure of the Ethics Board- but just one of many.

That letter demonstrated several undeniable facts: The Ethics Board was incompetent; did not understand its legal policies and procedures; did not have the vaguest understanding of the term "ethics," and was politically motivated. The document failed in its basic purpose- to determine if a complaint was valid and whether the respondent was guilty of an ethics violation. **In four matters, the Ethics Board failed to make any determination on any of these points!**

More importantly, the letter clearly proved that the Ethics Board was corrupt. The letter showed biases, prejudicial attitudes and reproached respondents for behaviors totally unrelated to the Standards of Conduct described in the Ethics law. This board obviously allowed itself to become a political tool; one intent on embarrassing and punishing political enemies of the former supervisor.

Of more significance, is the *astounding* ethical violation carried out by this board when it asked the town to hire an attorney to advise it.

Supervisor Breslawski was a participant in two of the four complaints before the Board of Ethics. He filed one of the complaints- a bogus, petty attack on the Chair of the Planning Board. In

another, filed by me, the supervisor was charged with a violation of Article C: a misusing his office and gaining a financial benefit by using town property and staff for day care services- a privilege, **he alone** enjoyed.

Despite his involvement in 50% of the cases before the board, Mr. Breslawski was invited and participated in the meetings with the consulting attorney! This was wrong on so many levels. The Board of Ethics **HAD** to realize that permitting a defendant into their private consultations was a moral, ethical and legal violation. Still, they permitted the supervisor to participate...**TWICE!**

Consider the facts: The supervisor was faced with a serious ethical and legal complaint over actions that clearly violated the Standards of Conduct; the supervisor needed legal counsel; the Ethics Board, which had already disregarded most of its required legal procedures, arranged to provide such counsel by including the supervisor in their closed meetings.

*By providing the supervisor with legal counsel on cases he was party to, including one where he was the defendant, the Board of Ethics was providing de facto legal consultation to **him**. These meetings were a **ruse**. There is **no other way** to view this!*

As a result, Mr. Breslawski was able to avoid the cost of an attorney; instead those costs have been foisted onto Hamlin Taxpayers. The amount is almost \$3000 and we should **NOT** have to pay it!

Therefore I ask this board to do the following:

- 1) Make a motion to evaluate the viability of the continuance of a Board of Ethics in Hamlin.
- 2) Write new policies and procedures for the Board of Ethics in the event the supervisor is a complainant or respondent.
- 3) Reject the bill from Attorney Horowitz and direct him to invoice Mr. Breslawski, since Breslawski was the beneficiary of his legal counsel, not the town.
- 4) Dismiss all members of the 2013 Ethics Board for their gross failures and multiple ethical violations.

PRESENTATION BY JP SCHEPP OF CHATFIELD ENGINEERS

Supervisor Peters explained that he received a letter from New York State Parks Department stating that we come on board with the sewer line along the lake or tell them we can't do it. As they have money they have put aside for this and want to move ahead with this project.

Supervisor Peters said since he didn't know where we were with this project he had asked JP to come in and explain them.

JP reported on the Status of these different Engineering Projects:

Lakeshore Sewer District

- Preliminary Engineering Report last revised September 4, 2012
- Estimated Cost \$10,763,000
- Cost per household will vary depending upon funding scenario and NYS Parks involvement
- Best case scenario ≈\$925 per year, worst case ≈\$1,300 per year

- 2014 Comptrollers Threshold for Sewer Districts \$721/year
- Listed on the Clean Water State Revolving Fund (CWSRF) Intended Use Plan.
- Project Score 26 - CWSRF is Funding projects above 5-10 points
- Hamlin 2010 Median Household Income of \$59,286
- Target Service Charge = \$925 per year to be eligible for CWSRF hardship financing.
- CWSRF Conventional Subsidized Funding = 50% of market rate (2% for 30 years)
- Update Preliminary Engineering Report
- A full application is required to move forward.
- Similar work required for other Funding Agencies (USDA Rural Development)
- Extensive Environmental Review Required
- Status of grant applications/O'Connell Associates?
- January 6, 2014 letter NYS Parks noted high priority and will not participate if project is delayed or canceled.
- Redman Road Water District
- Redman Road from Roosevelt Highway to north of Brick Schoolhouse Road
- Preliminary Cost Estimates were prepared August 1, 2013
- November 6, 2013 MCWA letter indicated PVC is allowed under Water Supply Agreement.
- Total Project Costs \$382,519 (assuming Town Highway completes construction)
- Average annual cost per household = \$1,200/per year (including water)
- 2014 Comptrollers Threshold for Water Districts \$805/year

Hamlin Meadows Subdivision

- Section 1 in 1-year Warranty Period until June 21, 2014
- Section 2 Construction Ongoing

Country Creek Estates Subdivision

- Section 3 Concept Planning Stage

APPROVAL OF THE REGULAR TOWN BOARD MINUTES OF JANUARY 13, 2014

Resolution # 82 Motion was made by Councilperson Rose, seconded by Councilperson Baxter approving the Regular Town Board meeting minutes of January 13, 2014, as presented. Polled votes, Baxter aye, Goodrich aye, Maier aye, Rose aye, Peter aye. Motion Carried.

Correspondence:

- a. Scope of work letter Nextel, from John Egidio
- b. National Flood Insurance Presentation.
- c. Time Warner Cable, re; programing changes
- d. Letter from Gates Police Dept.
- e. Letter from Center for Municipal Solutions Re: balloon test
- f. Monthly meeting schedule for Hamlin Morton Walker fire dist.

- g. Meeting minutes, Hamlin Morton Walker fire dist.
- h. Monroe County Planning and Development Tng. Program
- i. Hamlin Volunteer Ambulance meeting minutes
- j. Hamlin Morton Walker Chiefs Report
- k. NYS Attorney General weekly news

EXPENDITURES OF HIGHWAY MONIES

Resolution #83 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich to execute the agreement of Expenditures of Highway Monies according to Section 284 of the Highway Law, so as to expend \$321,244.00 of Highway monies on 33.32 miles of Town Roads for the year 2014.

Polled votes, Baxter aye, Goodrich aye, Maier aye, Rose aye, Peter aye. Motion Carried.

RECREATIONS REVENUE REPORT

Resolution #84 Motion was made by Councilperson Maier, seconded dully by Councilpersons Goodrich and Baxter to acknowledge the Recreation Dept. revenue report showing \$9723.98 above the \$91,600.00 budgeted amount.

Polled votes, Baxter aye, Goodrich aye, Maier aye, Rose aye, Peter aye. Motion Carried.

SALARY FOR THE SECRETARY TO THE BUILDING INSPECTOR AND SUPPORT BOARDS

Resolution #85 Motion was made by Councilperson Goodrich, seconded Councilperson Maier to amend Resolution #32 of the Organizational Meeting to have it read:
Setting an hourly salary of \$12.40 for the Secretary to the Building Inspector, Planning Zoning and Conservation Boards for the year 2014.

Polled votes, Baxter aye, Goodrich aye, Maier aye, Rose aye, Peter aye. Motion Carried.

DISCUSSION

Zoning Workshops - Supervisor Peters would like to talk about the scheduling for the Zoning Workshops, but before I do that I have a question for the Board. I have talked to some of the people who were involved in the meetings last time and they said that it got to be cumbersome with every person on every board having to be there. Maybe change it to just having one representative from every board and they can go back a report to their boards. Also what direction are we going as far as it's a zoning board workshop do we just do that or whatever comes up? I t just seems like we were going every direction in a shot gun fashion. It was stated by one person that we were all over before and suggested that we not even do them, which I don't think is a good idea.

Councilperson Rose stated that what was discussed in the past are some of the problems that came up to the planning board that weren't in addressed in our zoning map or code.

Councilperson Rose also stated that he doesn't mind starting from the beginning, but if there is something that comes in front of the Zoning or Planning Board we address it. I also talked to Linda at the last Planning Board meeting and asked her to put a list together on what they think we should be looking at.

Councilperson Rose also stated that we should start working on the Employees Manual also. Supervisor Peters said that that would be a whole different set of meetings.

Councilperson Maier stated that the Zoning Board is having a problem with substandard lots coming in them.

Supervisor Peters stated that he will start scheduling the meetings.

Interviews for the Planning Board Attorney – We received one application, so I asked Linda if she would be able to work with this person and she said they are familiar with them.

REPORTS:

Councilperson Jason Baxter – reported that Michelle Johnson is the new Senior Coordinator.

Councilperson Craig Goodrich – had nothing to report.

Councilperson David Rose – reported that Marty gave him two name for the generator servicing and no one has gotten back to him.

Councilperson Martin Maier reported:

- He had audited the Town Justices and has that report for you.
- The Conservation Board met and had a couple of questions, one being the lake shore sewer district so I'll give the information for JP.
- And two the cut back on the trees they usually order.

The trees they bought the last few years, if they didn't give them away they gave them to the Park, who has an area they used as a nursery. They do have trees that are mature now, and ready to plant is the Town wants get them. With the Emerald Ash Bore getting closed we might want to start replacing those trees.

Councilperson Goodrich asked if they were going to have Arbor Day at the Park this year. Councilperson Maier stated that they were not going to have down at the park because of the last few years the weather wasn't too good. Councilperson Goodrich said if they aren't going to have Arbor Day then they don't need trees.

Councilperson Maier stated that they still want to do something and they use to do it up at Tops.

Councilperson Goodrich said he didn't like them doing that there as that's only benefitting one business in Town.

It was suggested that they hand out the trees in the Town Hall parking lot.

Councilperson Baxter stated that the problem with the trees is that residents were complaining about the Town paying for the trees and giving them to the State. And from my understanding they are not going to have Earth Day at the Park because of the weather not the trees.

Councilperson Maier agreed. Councilperson Baxter stated that the last few years he was down there and it should have snow. He heard they might have it on I Love My Park day in May, instead.

Councilperson Rose suggested that they don't buy as much if they have a lot left over.

Councilperson Goodrich agreed.

Councilperson Goodrich suggested that they don't buy any hard wood trees.

Town Clerk Kathi Rickman reported: that her Deputy Christine Spiers is looking into the Town Hall labeled as a "Safe Place".

Highway Superintendent Steve Baase reported:

- Been doing a lot of snow plowing
- The Radio's are in the trucks
- Would like to ask Ken about the Winter Parking Law, because right now the hours are from 12am-8am people are parking all over the roads and we can't plow, but he will talk to Ken at the next meeting.
- Mr. Baase would like to mention that when the 1-year Warranty period is over for Section 1 of Hamlin Meadows Subdivision he would strongly disagree with releasing all the money due to all the trucks going over it.

Candidate for Assessor Liz Spencer reported that she is very busy doing exemptions.

Supervisor Eric Peters reported :

- I have asked Waylen to update our website as it's not very user friendly and old.
- Attended the Ladies Aux Spaghetti dinner on Sunday, it was a rotten day, but it was nice seeing everyone out and it was very good.
- The new bookkeeper Norman St. John has started and he has had to dig in pretty hard and try to recreate the end of the year. That's why we didn't pay bills tonight. I hope to have a report at the next meeting outline all of this. At the January 13th meeting all the bills that were not paid from back in October were found and paid so if anyone is getting calls on unpaid bills let us know and we'll see if we can find it.
- When Ken gets back we will be looking into the Hamlin Dog Control working with the Town of Gates, with no cost to us, with their adoptable dogs.

ADJOURNMENT

Motion was made by Councilperson Goodrich, seconded by Councilperson Maier to adjourn the meeting at 8:07pm as all business had been concluded.

Polled votes, Baxter aye, Goodrich aye, Maier aye, Rose aye, Peter aye. Motion Carried.

Respectfully submitted,