

**Regular Town Board Meeting
September 24, 2014**

The Hamlin Town Board held their regular scheduled meeting in the Hamlin Town Hall located at 1658 Lake Road, Hamlin, NY. 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 Deacon Steve Rutherford.

Present: Councilperson Jason Baxter, Councilperson Jennifer Goodrich, Councilperson Martin Maier, and Supervisor Eric Peters. Councilperson Dave Rose was excused. Highway Superintendent Steven Baase, Town Historian Bob Kruger, and Conservation Board member Steve Rutherford.

Residents: David Isabella, Daryl Kelley.

Other: Rich Goldberg, Esq.

PUBLIC FORUM

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

Rich Goldberg, Esq., representing David Isabella: Mr. Goldberg indicated that he and David Isabella had previously appeared before the Town Board on May 28, 2014. At that time, they submitted photographs and a letter. He stated that he recently received correspondence from Cheryl Pacelli/Building Inspector, and that she had also called him by phone regarding the complaints that had been made. Mr. Goldberg stated that he was seeking evidence of any progress made before they proceed any further. He indicated that he was happy she had contacted him, and understood that she will again be present at the next board meeting on 10/14/14. Mr. Goldberg advised that Mr. Isabella is very serious about his complaint and he hoped something could be accomplished. Mr. Goldberg stated his belief that Ms. Pacelli had already met with the Habergers. Supervisor Peters stated that he has been working with Ms. Pacelli on this case, and that while she is exercising due diligence there have been some jurisdictional issues. Supervisor Peters confirmed that Ms. Pacelli had met with the Habergers and they have agreed to address some of the issues. Follow-up is the next step. However, Supervisor Peters stated that property maintenance and junk cars are the only items that truly fall under the Town's jurisdiction. Any other issues would have to be addressed through the State and Ag&Markets laws. Mr. Goldberg indicated an awareness that the farm equipment was subject to exemption, but stated a concern about the dumpsters that are on the property. Supervisor Peters indicated that the Habergers were cited for the dumpsters. Mr. Goldberg continued on to say that some of the buildings on the property appear to be partially collapsed. Supervisor Peters advised that according to Ag&Markets they're exempt from building codes. Mr. Goldberg inquired whether that's specifically for buildings that are being used in the course of the business, because the referenced buildings are not barns. Supervisor Peters stated that may be an issue for attorneys to determine, but it was his understanding that it fell under the umbrella of the exemption. Mr. Goldberg inquired about the section for the specific exemption, but it was not readily available.

David Isabella, residing at 942 Walker Lake Ontario Rd, stated: Mr. Goldberg then inquired of Mr. Isabella regarding sufficiency, and Mr. Isabella queried what would motivate a person to fix up said buildings if there's no incentive. He also added that the buildings have been there for many years and that there is significant growth which covers the buildings up in the summer but then you see them again in the winter. Mr. Isabella stated that this is a significant issue for him. Another issue he queried was if this were in the City of Rochester whether they could get a lot of publicity with specifics about the violations

so they could be addressed sequentially. He expressed frustration, indicating that it is the “very messiness” that is of concern. When the process does begin, it was indicated that they want to ensure that it is satisfactory to the neighbors. Supervisor Peters again stated that the owners have agreed to some remediation, and that there is a limit to what the Town can do in light of Ag&Markets law. Mr. Isabella maintained his stance that this property, as is, presents a showcase to others in the Town regarding what one can get away with. He added that he simply wants to know what is enforceable under the Towns scope, but also expressed an understanding that the Building Inspector (who was not present at this meeting) would be better able to respond to some of the details.

Daryl Kelley, residing at 827 Walker Lake Ontario Rd, stated: He stated “thank you for hearing me this afternoon.” Mr. Kelley added that while he didn’t really understand everything he noted changes to the property. He stated that a few years ago he had some people from Ag&Markets out (he added that he has documentation to support this) and they reportedly told him that there is no law that supercedes the Town ordinances. Mr. Kelley stated that “if a said farmer thinks he’s being picked on, he can go to” Ag&Markets. He stated that according to Ag&Markets, asking someone to clean up their yard is not “tramping” on their rights. Mr. Kelley indicated that they’re concerned about the rubbish/trash and the unsafe buildings. Supervisor Peters assured Mr. Kelley that the rubbish/trash is one of the areas that’s being addressed. He added that Ag&Market law is very complex; he reiterated that the rubbish and the junk cars are being addressed. Mr. Kelley stated that the Town’s attention was appreciated, it’s just that they’d like to see some improvement since it’s been nearly 6 months.

Supervisor Peters inquired whether anyone else would like to speak. No one else responded, and the Public Forum was closed.

REQUESTING TOWN BOARD APPROVAL:

APPROVAL OF REGULAR TOWN BOARD MEETING MINUTES OF 09/08/2014

Resolution #213 Motion was made by Councilperson Maier, seconded by Councilperson Goodrich, requesting Town Board approval of Regular Town Board Meeting Minutes of 09/08/2014. Polled votes, Baxter aye, Goodrich aye, Maier aye, Peters aye. Motion carried.

APPROVAL OF PUBLIC HEARING MEETING MINUTES OF 09/08/2014

Tabled until 9/24/14.

APPROVAL OF THE AUTHORIZATION OF PAYMENT OF BILLS FROM THEIR RESPECTIVE FUNDS

Resolution #214 Motion was made by Councilperson Baxter, seconded by Councilperson Maier, requesting town board authorization to pay the bills from their respective funds. Polled votes, Baxter aye, Goodrich aye, Maier aye, Peters aye. Motion carried.

<u>MONTHLY TOTALS</u>			TOWN OF HAMLIN	<u>ABS: 9A</u>
<u>ACCOUNTS</u>	<u>VOUCHER#</u>	<u>AMOUNT</u>	<u>ACCOUNT TOTALS</u>	
General	2014-977	205.60		
	2014-1033	52.56		
	2014-1038	295.62		

	2014-1039 to 2014-1043	8777.77	
	2014-1051 to 2014-1052	773.56	
	2014-1065 to 2014-1120	15986.97	
Account Total			\$ 26,092.08
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Library			
	2014-1044 to 2014-1046	672.06	
	2014-1054 to 2014-1055	123.16	
Account Total			\$ 795.22
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Highway			
	2014-1049	43.40	
	2014-1056 to 2014-1064	58187.35	
Account Total			\$ 58,230.75
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Sewer			
	2014-1047 to 2014-1048	312.24	
	2014-1053	453.80	
Account Total			\$ 766.04
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Light			
Account Total	2014-1050	1158.53	\$ 1,158.53
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Employees Trust			
	2014-978	189.85	
	2014-1034 to 2014-1036	2109.92	
	2014-1121	15540.75	
Account Total			\$ 17,840.52
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** Visa Charges			\$ -
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**These are not included in the Grand Total			
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GRAND TOTAL			\$ 104,883.14

SUPERVISOR'S MONTHLY REPORT ACKNOWLEDGED AND FILED.

CORRESPONDENCE:

- a. Grant Action News
- b. Monroe County Department of Transportation Re: Replacing the culvert over West Creek on Clarkson-Hamlin Town Line Road
- c. Fall 2014 Regional Local Government Workshop
- d. Hamlin Volunteer Ambulance Minutes of 9/8/14.

SEEKING TOWN BOARD RESOLUTION TO SET BUDGET WORKSHOPS FOR THE WEEK OF OCTOBER 1st AT 6:30PM IN THE TOWN BOARD ROOM.

After discussion, the week of the 1st, 2nd, 3rd was queried versus the week of the 13th. Town Historian Bob Kruger stated he had spoken with Bookkeeper Norm St. John, and added that he's never been involved in these additional elements of the process. The group decided to set October 1st as the first workshop date. Highway Superintendent Steve Baase requested that his department/budget be reviewed first because he believed some services weren't being charged for (such as garbage collection/other

departments) but should be in the new budget. He wanted to ensure his points were made evident before other departments made their presentations. This was granted.

Resolution #215 Motion was made by Councilperson Maier, seconded by Councilperson Baxter, to set budget workshops for the week of October 1st at 6:30pm in the Town Board Room. Polled votes, Baxter aye, Goodrich aye, Maier aye, Peters aye. Motion carried.

SEEKING TOWN BOARD RESOLUTION TO OFFER THE POSITION OF FIRE MARSHAL TO TOM MAIER AT A SALARY OF \$500 PER MONTH.

Resolution #216 Motion was made by Councilperson Baxter, seconded by Councilperson Goodrich, to offer the position of Fire Marshal to Tom Maier at a salary of \$500 per month. Polled votes, Baxter aye, Goodrich aye, Maier aye, Peters aye. Motion carried.

DISCUSSION

Councilperson Jason Baxter reported:

- The mom and all 13 of her puppies have been adopted from the Dog Shelter. There are still other dogs who are up for adoption and need new homes.

Councilperson Jennifer Goodrich reported:

- She was unable to attend the Zoning Meeting due to a scheduling conflict with the Fire Marshal interviews. However, she indicated an awareness of agenda items.

Councilperson Martin Maier reported:

- Conservation Board had 2 referrals for garages; they checked and there were no issues.
- He attended the Open House for Heritage Day. He thought it well attended and was a good job.

Town Clerk Kathi Rickman reported:

- Nothing to report.

Highway Superintendant Steve Baase reported:

- They've been doing a lot of work for other Towns, mostly through the County. Will be working up in Brockport tomorrow (as a favor).
- The County still may do the south side of Hamlin Center Road; he noted that a lot of people have been asking about it. If their funding allows, they will do it this year otherwise it won't be until next year.
- They milled out and paved some streets in the housing tracts.
- They are going to add more parking for the Library in front of and to the west of the old Morton building. This is in response to the Library's request for additional parking, and also noted that it had been requested that the additional parking not be created in front of the Library due to aesthetics. He stated he had discussed this with Charlie Hungerford.
- They have been busy making a lacrosse field; they also made another parking lot.
- He stated that he received a call this afternoon from SunnKing. He noted that the Highway Department is a drop off site, and that SunnKing has been picking up TV's for free. The Federal Government now says you can't throw televisions in the trash; someone has to take them and recycle them, but you also can not charge to recycle them. Effective immediately, SunnKing now wants to charge .20 cents per pound since they are experiencing financial difficulties. It could end up costing \$80-\$100 per skid for TV sets. The Town disposes of approximately 24 skids per year at nearly 400 lbs each. After exploring this, he stated that you can charge an environmental

fee for dropoff, otherwise they may have to stop taking them. The issue is that the trash companies won't take them, so they can end up on the side of the road or in ditches. SunnKing isn't the only company who is starting to charge; they all are. Superintendant Baase stated he's not sure what he is going to do yet, but plans to speak with the attorney. The Town may have to plan for this in the budget, or Highway may work towards an environmental fee.

- He stated he would like a resolution to send their 2003 Ford F550 1-ton truck with the plow gear to Monroe County Auction on 10/4/14. He stated he understood that he needed a resolution to sell Town equipment. Kathi Rickman, Town Clerk, stated resolutions have previously been done to sell Town equipment.

SEEKING TOWN BOARD RESOLUTION TO SEND THE TOWN'S 2003 FORD F550 1-TON TRUCK, COMPLETE WITH PLOW GEAR, TO THE MONROE COUNTY AUCTION ON 10/4/2014.

Resolution #217 Motion was made by Councilperson Maier, seconded by Councilperson Baxter, to send the Town's 2003 Ford F550 1-ton truck, complete with plow gear, to the Monroe County Auction on 10/4/2014.

Polled votes, Baxter aye, Goodrich aye, Maier aye, Peters aye. Motion carried.

- Highway Superintendant Baase also requested Town Board permission to bid on a 14 foot snow pusher, should one be available, at the Monroe County Auction on 10/4/2014. He would use it to clean out the parking lots. A limit of \$2,000 for the bid was also requested. Supervisor Peters inquired if Highway had sufficient funds in their budget for this bid, and was advised they do.

SEEKING TOWN BOARD RESOLUTION TO ATTEND THE MUNICIPAL AUCTION ON 10/4/2014 AND PLACE A BID ON A 14 FOOT SNOW PUSHER, WITH A MAXIMUM BID OF \$2,000.

Resolution #218 Motion was made by Supervisor Peters, seconded by Councilperson Maier, to attend the municipal auction on 10/4/14 and place a maximum bid of \$2,000 on a snow pusher.

Polled votes, Baxter aye, Goodrich aye, Maier aye, Peters aye. Motion carried.

Conservation Board Member Steve Rutherford reported:

- The Open Space Assessment will be conducted, where they look at the Town and see how much open space is available. It hasn't been updated in quite awhile. They are looking at a spring "kickoff." Supervisor Peters inquired about how long the assessment is expected to take; while it could take awhile, Mr. Rutherford could not yet provide timeframe specifics.

Town Historian Bob Kruger reported:

A written statement was provided, the transcript of which is indicated below:

- I was informed today that our History Center, the North Star District #11 School has been placed on the National Register of Historic Places, so we are now on both the State and National Register. This is a great accomplishment and the Town should take pride in helping to preserve the building as our History Center.
- Heritage Day went well. For the 3 hours we were open, over 40 people came through the door. Everybody seemed to have a good time looking at our displays and asking questions about the Town's past.

REPORTS: Town Supervisor Eric Peters

- In reference to the Knoxbox issue, he spoke with the insurance company and also asked Jerry to look into whether it would help the Town come to a decision or not. Councilperson Maier stated he could understand that, but also wondered if the subject of a second Knoxbox was also discussed. Highway Superintendent Baase stated he had no issue having one at his site. Councilperson Maier stated that the purchase rate may be better depending on the number ordered. One will be at the Library as well; the residual issue remains for other sites. Highway Superintendent Baase stated that the Dog Shelter could be combined with Highway. Councilperson Maier advised that the key for the library may also contain the key for the Charlie Maier Lodge, but he was not yet sure. Supervisor Peters stated he believed the boxes to be approximately \$280 each; Councilperson Maier advised of the need to include shipping expenses.

SEEKING TOWN BOARD RESOLUTION TO PURCHASE (1) KNOXBOX, AT A COST NOT TO EXCEED \$350.00.

Resolution #217 Motion was made by Councilperson Maier, seconded by Councilperson Goodrich, to purchase (1) Knoxbox at a cost not to exceed \$350.00.
Polled votes, Baxter aye, Goodrich aye, Maier aye, Peters aye. Motion carried.

- Supervisor Peters stated he attended Heritage Day and thought it was a very nice event.
- He also attended the Musicfest, and noted that \$3,300 was raised through the event for the local Lifetime Assistance houses.
- He attended the Lions Club 30th Anniversary dinner, which was also very nice.
- We received our annual report on Fiscal Stress; we have a 3.3% rating, which is so low that they don't have a designation for it. This is good. We are considered a medium Town; a medium Town in upstate has an average rating of 12% so again we are doing very well. They also have an Environmental rating (which is not about the environment per se), but is about people moving in and out of housing. The Town of Hamlin is at 17% in this category which again is so low there's not really a designation for it. This is also good, and all factors point towards stability.
- They are still working on the budget and anticipate remaining under the CAP.

ADJOURNMENT

Motion to adjourn was made by Councilperson Baxter, seconded by Councilperson Maier, to adjourn the meeting at 7:43pm as all business had been concluded.
Polled votes, Baxter aye, Goodrich aye, Maier aye, Rose aye, Peters aye. Motion carried.

Respectfully submitted,

Kathi A. Rickman, MMC
Hamlin Town Clerk