

Hamlin Town Board Meeting
July 11, 2016

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 Pastor John Ebel.

Present: Councilperson Jason Baxter, Councilperson Jennifer Voelkl, Councilperson Martin Maier, Councilperson Dave Rose and Supervisor Eric Peters.

Also present: Highway Superintendent Steve Baase, Deputy Town Clerk and Senior Consultant Michelle Johnson, Town Attorney Ken Licht, Town Historian and Conservation Board member Dave Walch, Recreation Director Anke Applebaum and Pastor John Ebel.

Residents: Dottie Butcher and Cindy Lutwiller.

PUBLIC FORUM

With no one wishing to address the board, Supervisor Peters subsequently closed the forum.

APPROVAL OF TOWN BOARD MINUTES

Resolution #167 Motion was made by Councilperson Rose seconded by Councilpersons Voelkl and Baxter, requesting Town Board approval of the Town Board meeting minutes of June 22, 2016. Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, Supervisor Peters aye. Motion carried.

AUTHORIZATION OF PAYMENT OF BILLS

Resolution #168 Motion was made by Councilperson Voelkl, seconded by Councilperson Maier requesting the Town Board approval of the authorization of payment of bills from their respective funds.

<u>MONTHLY TOTALS</u>	TOWN OF HAMLIN	<u>ABSTRACT: 7</u>
ACCOUNT	VOUCHER#	AMOUNT
ACCOUNT TOTALS		ACCOUNT TOTALS
General	2016-878 to 2016-882	3461.81
	2016-891 to 2016-892	449.26
	2016-907 to 2016-958	22676.78
	2016-959	6589.25
Account Total		\$ 33,177.10
Library	2016-884	146.19
	2016-893	65.40
	2016-898 to 2016-906	4902.11

Account Total			\$	5,113.70
Highway	2016-962 to 2016-978	18905.47		
Account Total			\$	18,905.47
Sewer	2016-885 to 2016-886	110.16		
	2016-960 to 2016-961	290.11		
Account Total			\$	400.27
Light	2016-887	1331.20		
Account Total			\$	1,331.20
Employees Trust	2016-888 to 2016-890	27553.52		
	2016-894 to 2016-896	1870.55		
	2016-897	1187.68		
Account Total			\$	30,611.75
Paychex	2016-891 to 2016-892	145.31		
Account Total			\$	145.31
Visa Charges	Bell Racquet Sports	219.74		
	Hamlin Post Office	6.47		
	Facebook Ads	172.11		
	Stockham Lumber	96.00		
Account Total			\$	494.32
GRAND TOTAL			\$	90,179.12

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, Supervisor Peters aye. Motion carried.

SUPERVISOR'S MONTHLY REPORT HAS BEEN ACKNOWLEDGED AND FILED

CORRESPONDENCE

- a. C-Zone news – 6/29 and 7/6
- b. Subsequent Filing – Case Number 16-M-0330
- c. Avangrid News Release – 6/29
- d. What You Should Know About the Pregnancy Accommodation Law in New York
- e. Message from Ag and Markets
- f. Erie Canal E-News – 7/6

- g. Weekly Weather Briefing – 7/6
- h. Time Warner Cable – 7/5
- i. Former Alliance Metal Stamping Site – Report Recommends Contamination Clean-up
- j. Fishery Advisory Board – 6/13
- k. RG&E News Release – 7/7
- l. Monroe County Parks – Dinolfo announces 2016 Season of Free Movies and Music in our Parks
- m. LWRP Coordination for U.S. Army Corps Nationwide Permit Program
- n. Hamlin Ambulance Meeting Minutes

ACKNOWLEDGE RECEIPT OF LETTER OF RESIGNATION FROM JUSTINE JENSEN

Resolution #169 Motion was made by Councilperson Maier, seconded by Councilpersons Rose and Voelkl to acknowledge receipt of the letter of resignation of Justine Jensen from the Conservation Board.

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, Supervisor Peters aye. Motion carried.

ADVERTISE FOR VACANT POSITION ON THE CONSERVATION BOARD

Resolution #170 Motion was made by Councilperson Maier seconded by Councilperson Voelkl to advertise for the vacant position on the Conservation Board with applications due at the Town Clerks Office on 29 July 2016.

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, Supervisor Peters aye. Motion carried.

ADOPT A LOCAL LAW ENACTING A MORATORIUM ON SOLAR ENERGY EQUIPMENT

Resolution #171 Motion was made by Councilperson Rose seconded by Councilperson Maier to adopt a Local Law Enacting a Moratorium on the Construction of Placement of Commercial Solar Energy Equipment, Facilities, Materials and Support Activities in the Town of Hamlin as follows:

LOCAL LAW NO. 4 OF 2016

A LOCAL LAW ENACTING A MORATORIUM ON THE CONSTRUCTION OR PLACEMENT OF COMMERCIAL SOLAR ENERGY EQUIPMENT, FACILITIES, MATERIALS AND SUPPORT ACTIVITIES IN THE TOWN OF HAMLIN.

Section 1. Title.

This Local Law shall be known as “Moratorium on the Construction or Placement of Commercial Solar Energy Equipment, Facilities, Materials and Support Activities in the Town of Hamlin”.

Section 2. Purposes.

The Town of Hamlin currently has no legislation specifically permitting the construction or operation of commercial solar energy facilities or “solar farms”, and has no regulations regarding the location, operation, maintenance and removal of such facilities. The purpose of this Local Law is to enable the Town to stay the construction, placement, operation and establishment of such facilities and the

submission and processing of applications for permits, special use permits, building permits, zoning variances, site plans, certificates of compliance or occupancy and any other approvals from the Town of Hamlin respecting the activities prohibited pursuant to section 3 of this Local Law, for a reasonable period of time, so as to allow the Town adequate time to study the potential impacts and effects of such land use and to consider possible amendments to the comprehensive plan and town zoning laws to address such issues. The Town Board finds that a moratorium of 8 months duration, coupled with a mechanism for an “unnecessary hardship” variance procedure appropriately balances the town’s interest in developing comprehensive regulations for solar energy facilities with the rights of individual landowners and businesses who desire to develop such facilities during the moratorium period.

Section 3. Moratorium.

A. For a period of 8 months from the effective date of this Local Law, or such earlier date that the Town Board repeals this Local Law, no application for any permit, special use permit, building permit, zoning variance (except as contemplated by, and pursuant to, section 5 of this Local Law), site plan approval, certificate of occupancy or certificate of compliance, or any other town-level approval shall be accepted, processed or approved for the construction, placement, establishment or use or operation of any land, building or structure within the Town of Hamlin for any commercial solar energy facility or activity.

B. For a period of 8 months from the effective date of this Local Law, or such earlier date that the Town Board repeals this Local Law, no individual, corporation, partnership, association, limited liability company or any other legal entity shall use or permit to be used any land, building structure within the Town of Hamlin for any commercial solar energy activity or use.

C. This moratorium shall become effective upon the filing of this Local Law with the Department of State.

Section 4. Penalties.

A. It shall be the duty of the Code Enforcement Officer of the Town of Hamlin to enforce the provisions of this Local Law. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this Local Law.

B. A violation of this Local Law is hereby declared to be a violation and upon conviction thereof punishable by a fine of not more than \$350.00 or to imprisonment for a period not exceeding 15 days, or both such fine and imprisonment. Each week’s continued violation shall constitute a separate violation.

C. An action or proceeding may be instituted in the name of the Town of Hamlin in any court of competent jurisdiction, to prevent, restrain, enjoin, correct or abate any violation of, or to enforce, any provision of this Local Law. No such action or proceeding pursuant to this Paragraph C of section 4 shall be commenced without the appropriate authorization from the Town Board.

D. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section. In addition to the above described remedies, the Town Board, in an action in any court of competent jurisdiction, may also seek reimbursement of costs incurred by the Town in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 5. Hardship Variances.

The Town Board is authorized to accept and review applications for hardship use variances by persons aggrieved hereby. No such use variance shall be granted unless the applicant demonstrates to the Town Board, after a public hearing, that this Local Law has caused the applicant unnecessary hardship. In order to demonstrate and prove unnecessary hardship the applicant shall demonstrate to the Town Board that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (b) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
- (c) The requested use variance, if granted, will not alter the essential character of the neighborhood, and
- (d) the alleged hardship has not been self-created.

Section 6. Pre-Existing, Legal, Non-Conforming Use

Any solar energy facility that is being conducted within the Town as of the effective date of this Local Law in accordance with all applicable laws and regulations, including valid permits and approvals required to be issued by the New York State Department of Environmental Conservation and any other regulating agencies, shall be considered a pre-existing non-conforming use and shall be allowed to continue, provided, however, that no expansion of such lawful, pre-existing non-conforming use shall be grand-fathered and shall be prohibited as provided in section 3 of this Local Law.

Section 7. Validity

If any section, sentence, clause or phrase of this Local law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Local Law.

Section 8. Effective Date

This Local Law shall become effective upon filing in the Office of the Secretary of State.

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, Supervisor Peters aye. Motion carried.

The Supervisor commented that he has been looking into hosts for web sites for over 6 months now and has received 5 proposals ranging from \$3,000 - \$24,000. He feels we do business with BAS already in the Building Department and the Town Clerk's office and they provide very good service there, so he indicates it should be a good fit to have them host the web site. We will have full administrative rights, it will be our own web site with the same web address. Supervisor Peters was concerned with smaller companies just in case they did not sustain the business or have good response times. Councilperson Voelkl would like to make sure it is confirmed that it is mobile friendly.

CONTRACT WITH BUSINESS AUTOMATION SERVICES TO HOST WEB SITE

Resolution #172 Motion was made by Councilperson Maier seconded by Councilperson Rose to contract with Business Automation Services to redesign, implement and Host the Town of Hamlin Web Site for an initial cost of Approx \$6100 and annual hosting cost of \$1200 annually.

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, Supervisor Peters aye. Motion carried.

APPOINT TO THE ZONING BOARD

Resolution #173 Motion was made by Councilperson Maier seconded by Councilperson Baxter to appoint to Phil Hurlbutt to the Zoning Board of Appeals for the remainder of the vacant term which expires 31 December 2016.

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, Supervisor Peters aye. Motion carried.

DISCUSSION

1420 Lake Road West Fork – With no one speaking at the Public Hearing, the process can be started.
1396 Lake Road – We received the asbestos report and the original quote from Fredrico for the demo. The quote needs to be redone now that they have the asbestos report and then the cost will be put on their taxes. The original quote is \$47,000. Ken will record the paperwork with the county tomorrow so that it will be part of any title search that happens if anything happens in the auction that was listed in the Daily Record.

1396 LAKE ROAD DEMOLITION TO MOVE FORWARD

Resolution #174 Motion was made by Councilperson Rose seconded by Supervisor Peters to proceed with the demolition of 1396 Lake Road with Fredrico as the contractor.

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, Supervisor Peters aye. Motion carried.

Newco Drive – Rich Maier surveyed the land and the easement does go across the area that Isabella had purchased as an addition to his property. It is on a map as being recorded where the easement is and when he purchased it he should have been aware of it. There are only a couple of options that the Town can take, but it should not be at the expense of the Town. A driveway can be built on the easement as it is, see if there is a way that the easement can be moved but not at the cost of the Town, or do nothing since the Town has no legal responsibility to fix the problem on a personal property of a Hamlin resident. Our lawyer indicated that Mr. Isabella's lawyer said he would be sending him a letter. When Ken receives that he will forward it on to the Town Board members.

Fireworks at the Lake Breeze Estates tract – The Supervisor received letters and had conversations of complaints about the fireworks during the fourth of July weekend. The displays that happened blocked roads, emergency routes and they did not have permits for the fireworks. The Supervisor will follow up with the Fire Marshal to find out what should be done for the future with permits and a discussion should be held regarding the blocking of the streets.

REPORTS

Councilperson Baxter reported on the following:

- Hilton Parma Fire District – There was 57 fire calls and 90 Ambulance calls for June. Their carnival will be July 13 – 16.
- Hamlin Volunteer Ambulance – Their Lotto tickets are on sale. John Curtis is the new treasurer through 2017.
- Dog Shelter – Wheatland sent in a contract that he will discuss with Dave before going forward with it. Many new volunteers and things are running smoothly.

Councilperson Voelkl reported on the following:

- Zoning – They will be having five public hearings at the next meeting: Wiler Road is looking for chickens variance, Shore Acres for an attached garage, Roths Cove needs a couple of variances for a garage and a shed and then Ketchum is looking to build a barn before they build a house.

Councilperson Rose reported on the following:

- Planning Board – Public hearing for Kevin Golf was postponed due to not having all the information they needed. Linda Atkins is looking for a SUP for a single apartment dwelling. Allen Ross is looking for an inground pool that will be partially in the conservation overlay district. Karen Jones is looking for preliminary approval for building a single home and Michelle Thomas is looking to build a barn while they work on building a house on Ketchum Road.
- Library – They are getting a sign ordered that they received a grant for. They also have a floor plan for the new book shelves that they received a grant for. They have come up with their mission statement: To inspire life-long learning, by being the community's welcoming place to gather offering technology, entertainment, leisure, and knowledge.
- Hamlin VFW have their new officers picked. They have received their gazebo to be installed with the help of a donation from the Lions Club.

Councilperson Maier reported on the following:

- Hamlin-Morton-Walker – They have 370 calls year to date. Tom Maier has put in his notice to be done as a commissioner on August 10.
- Conservation – They will be looking to fill Justine Jensen's position and finish the Open Space Index by the end of July or August.

Highway Superintendent Steven Baase reported on the following:

- Several county projects being worked on.
- Brick Schoolhouse Road being paved
- They will be milling out by the hospital and paving it.
- They did the ditch at the Walker Fire Hall
- They will oil and stone Hamlin Center Road next week

- Pipe is in and the bank fixed at Country Creek. They will put grass seed in when the weather gets better so that it will actually be able to grow.
- They have been watering the flowers and trees. The weeding is suffering due to the fact that he is missing a few of the Highway guys and has had to pull the parks guys off of some of those duties to make sure that the road work gets done. The Board agreed that the road work is the higher priority.
- Pickle ball court is all finished, but no one has used it at this point.
- The barn was cleaned and organized

Building Inspector, Cheryl Pacelli was unable to attend but submitted this report:

50 Permits were issued from 6/13/16 – 7/11/16

Permit cost received: \$3,083.50

Permit valuation: \$494,684.00

Phone calls into the office – 316

Work has begun on 1981 Lake Road. The garage has been demolished. The new garage will be 20 x 20 in size.

1396 Lake Road – Demolition of building on track. Waiting for Asbestos report.

1420 Lake Road West Fork: Certified letter sent to owner concerning removal of tires. Appearance ticket issued for 7/25/16. Owner called and promised to have the tires removed by 7/10/16. As of today, 7/11/16 the tires have not been removed. Owner left a message Monday, July 11, 2016 that the tires will be gone on 7/12/16.

1752 Lake Road: Tenant has moved and the property has been placed up for sale.

Permits Issued:

Addition - 1

Awning – 2

Barn Out Building – 1

Conservation Development - 2

Deck/Patio - 8

Demolition – 3

Fence – 3

Fireplaces – 2

Gazebo - 2

Handicap Ramp – 1

Minor Repair/Alteration - 1

Pool (in ground) - 1

Pool/Hot Tub/Spa -9

Porch - 1

Re-Roofing – 8

Res – C of O – 1

Res – New Construction - 1

Shed – 2

Solar Energy Device – 1

Senior Consultant Michelle Johnson reported on the following:

- August 23 is the picnic with the Seniors that the Town Board members and Hall personnel are invited to come and cook on the grill.

Fire Marshal Tom Maier was not present but sent the report as follows:

- Monthly Fire extinguisher checks completed for the Town of Hamlin Buildings.
- Attended the Fire Marshals monthly meeting
- Annual Fire Inspections Completed:
 - Lakeshore Hardware (store)
 - Lake shore Hardware (back building)
 - Hamlin Library
 - Hamlin bottle new location re-inspection
 - Chips Auto check on fire extinguisher install
- Check on smoke in the area on East Fork Lake Road
- Check on smoke and carbon monoxide detector install
- Meet with fire alarm group on having fire alarms with strobe light installed in gym area of Town Hall Building.

Recreation Director Anke Applebaum reported the following:

- Pickle Ball Court may not be being used yet, but the Ga-Ga pit is being utilized by kids, coaches and soccer players.
- Volunteer appreciation night was Friday and it went very well.
- Baseball season is over and one month left of Soccer. Things are going very well with soccer this year. Not as many issues as they had last year.
- Summer camp numbers are increasing and they are even reaching max numbers at times.
- Everything is organized and being signed out at the lodge and that is working well.
- Junk Jamboree is August 20
- They have started meeting for the 10 year anniversary of School of Screams. They hope to make it bigger and better and involve the Fire Department and do a hay ride if they can.

The Supervisor shared that he received a letter from a parent of one of the camp kids that is autistic and he is very pleased how Roland and the staff have addressed his needs and made it such a comfortable environment for him. Good job to the Camp staff for all they do for the camp kids.

Town Historian and Conservation Member David Walch reported on the following:

- He hopes the Open Space Index will be done by the end of the summer early fall.
- He has the center open on Wednesday nights from 7 – 9. A small flow of people, but he is able to spend quality time with them.

Assessor Dan Stanford reported on the following:

- 2016 Roll is filed as of June 1.
- 2017 Roll has been started

- There should be no more assessment challenges to defend.
- Will be working with the Office of Real Property Services and surrounding Towns to update our Land Values.
- Will be getting the assessments for Land Values to reflect Market Value/Sales.
- CE Tech did a service/repair call on one of our computers and it appears to be on its last leg. A quote for a new PC will be received.

Supervisor Eric Peters

- He attended the Kendall Parade and he is glad that summer has arrived.

ADJOURNMENT

A motion was made by Councilperson Baxter, seconded by Councilperson Voelkl to Adjourn the meeting at 8:12 pm as all business had been concluded.

Polled votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, and Supervisor Peters aye. Motion Carried

Respectfully submitted,

Kathi A. Rickman, MMC
Hamlin Town Clerk