

Special Town Board Meeting
November 28, 2006

A Special Town Board Meeting was held in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York. The meeting was called to order by Town Supervisor Dennis Roach at 7 pm. The location of the fire exits and defibrillator were explained for those present.

Present: Supervisor Dennis Roach, Councilperson Michael Marchetti, Councilperson David Rose, Councilperson George Todd. Excused Councilperson Paul Rath

Also present: Attorney Ken Licht, Conservation Bd. Members Mark Reeves, Craig Goodrich, Tom Breslawski, Jeanine Klopp, Planning Bd. Members Dane Emens, Judy Hazen, David Martin, Linda Morey, Jim Nesbitt, Zoning Bd. Members Rocky Ellsworth, Norman Baase, Donna Stassen, Ed Haight, Klaus Pohl, Terry Dingee, Code Enforcement Officer B. J. Maier, Bookkeeper Pat MacIntosh, Clerk to the Bds. Heather Norman, Residents Tom Jensen, James Schiebel, John Cottom III, Patricia Cottom, Nancy Jennejahn, Lloyd Lochner, Peggy Leverenz, Peter Tonery, and Ray Yeaton

Supervisor Roach stated this meeting was being held at the request of the Planning Board to discuss issues of concern, policies and other actions of town leadership that impact the Support Boards. The procedure will be to allow any member of the Support Boards who wish to speak, we will be here as long as it takes. There will be no open public forum. Supervisor Roach at this time invited the Chairman of the Planning Bd. Jim Nesbitt to open the discussion.

Jim Nesbitt stated the Planning Bd. went into Executive Session at the end of our November meeting roughly the subject was we had lost one of our members. At this time Jim read a quote from Ralph Della Rocco's letter of resignation, "I have given this decision much consideration and feel this to be the prudent choice. New job responsibilities, family commitments and recent substandard handling of numerous situations by our town leadership has caused me to re-prioritize." The question that I wanted to bring up to the other board members was the substandard handling of numerous situations by our town board leadership. I have had some problems and one thing this brought out was Ralph beat me to the door as I was planning on resigning in December.

Jim Nesbitt stated one problem he had was we were told last December that if we missed two meetings we would need to be reviewed by the Town Board. We are appointed for seven years and that seems like a conflict. We would not be paid if we missed a meeting. I know I ride around on Saturday mornings and then lock myself in my room on Sunday night to make sure I am familiar with what is going on before the board. It is not an hour a month. It is not the money but the principal of the thing. The fact that the Town Board thought they could miss a meeting and they could get paid while the Support Bd. members could not get paid doesn't seem fair.

Jim continued with a question that came up about education or training. Everyone in the room agrees to the education. Previous years I always took training in the winter at the Co-Operative Extension and paid for it myself. Now you either take training or you're off the board. It seems we need to be a team. However, one thing that really scared me more than anything was after our last meeting one person came up who I have a lot of respect for and said to me, "You can't leave, if you do they win." My question was who is "they". I thought we are all one team and we were all working together. To tell you the truth I don't even feel comfortable coming into the Town Hall. It seems we have less credibility than those who come in and complain about us.

At this time Planning Bd. member Dane Emens wanted to comment on the attendance at meetings and felt if you were going to make this as a policy then it should be explained initially as to why you were doing it. Second thing if you were going to enact that policy it would be more credible and politically astute to say if its good enough for the Support Boards then maybe we should abide by it ourselves.

Planning Bd. member David Martin stated the whole town needs to work together as a unit. He used the analogy of nine persons on the team and one sitting in the dug out and the pointing of fingers. You are never going to win that way. I don't think the town wants this. You can't just listen to one person who is going around town harping about something or that they felt they were treated unfairly at a meeting. This came up at one meeting. They went to the Supervisor and it didn't happen at that one particular meeting. You have to sort this out.

Dane Emens added on the complaint that Dave was referring to was that the lady stated publicly she didn't want to pay all the money for a site plan, blue print and fees, and that is why she felt beat up on by the Planning Board and that led to a letter from the Supervisor to the Chairman.

Jim Nesbitt stated that this meeting was set up for all Support Board members and encouraged the other members from the Support Board that this was the time to speak up.

Zoning Bd. member Terry Dingee spoke about his retirement. He voiced his opinion on this last year being on the board. If you are going to be missing three or four meetings and that is why I am leaving; I don't think it is appropriate to be on the board. I do agree if you miss a meeting due to vacation but for illness, hopefully no one has to be in that situation, as that is a little different.

Terry continued with there are two different measurements and I don't think this is just the Planning or Zoning Bd. but I think all the boards especially when they go around critiquing. The Zoning Bd. has to look at the laws and they are very strict on what we have to follow. He also mentioned the difference from when he first was appointed on the board and that people now seem to criticize more. Going back when I was first on the board, it was black and white if no one complained it made our decision easier. Sometimes it seems no matter which way you go they are going to take the opposite stand.

Chairman of the Zoning Bd. Norman Baase stated he agrees a lot with what Terry has said. He also mentioned a period of adjustment when the board members come in with new ideas. We had some tough decisions that the Zoning Bd. had to make in the past and it has smoothed its way out. If I think back I think in some cases there has been too much emphasis by town officials and this goes back to prior election years and things they were going after the Support Boards for. I don't like some of the codes and they are addressing some of the issues and making changes.

Zoning Bd. Member Rocky Ellsworth agreed with most of what has been said. I think there is a lot of areas for improvement such as better communication. He mentioned the meeting held by the Conservation Bd. on Monday evening and the items we didn't understand but they were going by the best knowledge they had. One thing I learned from our former Chairperson Mary Lou Rockow that everyone is not going to agree and if we don't agree it is never personal. We have had some controversial decisions with the doctors office coming to mind. The one thing that upsets me is when the disagreements become personal. I also don't agree on all the codes but it is the law. I voice my opinion and hope to have some influence when changes are needed. This is America and a democracy. I need to stress that personalities should stay out of it and we have to work on better communication.

Conservation Bd. Member Jeanine Klopp stated she has been on the board less than a year. She mentioned that the Conservation Bd. sends a representative to each of the meetings and she was surprised to see that no other board sends a representative to their meetings other than the Town Board.

Conservation Bd. Member Mark Reeves was surprised to get the letter about the meeting and it speaks highly that we could get organized in an open setting where we could talk freely. That is communication. I don't know what to suggest but maybe the Chairpersons could get together in an informal setting once a month. As far as formal communications tools, I don't know how to address that.

Rocky stated he asked Norman about Dept. Heads meetings and he said once a month was too often but maybe three or four times a year would be good.

Conservation Bd. Member Tom Breslawski mentioned that some months have five Mondays maybe the Dept. Heads could work something out and have a meeting with the Chairpersons or representatives. Norman Baase stated the Dept. Head meetings were in the morning.

Supervisor Roach stated what he saw as the major points mentioned tonight as one being missing two or more meetings, not being paid for meetings not attended, training requirement, listening to complaints instead of listening to the board members and their point of view. Also that we should ask questions and communicate with each other.

Planning Bd. Member Judith Hazen stated she has a problem with the extra curriculum things we are required to do. Training meetings. Training is always good. Perhaps changing that to two meetings. I would sit through Dave's Comprehensive meeting and you are going to quibble over not being at a meeting because you are out of town or sick. I don't have time for these extra meetings and you are going to quibble over a missed meeting because I was out of town or have just returned. It takes over one hour to drive around for the agenda. I have never asked for compensation for mileage but this year I did ask because you are quibbling over the meetings. Councilperson Rose stated he didn't think anyone has charged for going for site reviews of this type of thing.

Jim Nesbitt mentioned if there was a problem with attendance we could sit down talk. As a Chair maybe we could help with attendance. Example when the wind towers came into town and there was the informational meeting held I went home and went through the code book. Another example was about a year ago we had a vocal group that came in and the town board passed a law for 50'. This is what is going to happen. They come in to us for a Special Use Permit and we would send them to the Zoning Board for a variance on that. It would be passed after a public hearing. Then they come back to us and we put restrictions on it and then they go to the Town Board and they listened to the developer so it was easy on us. A lack of communication the board responded to a developer to create a law for a developers needs.

Supervisor Roach spoke that communication is a two way street and where were you when we had the meetings? Jim Nesbitt stated he was on vacation but I did read the minutes and I knew what was going on. Jim further stated maybe we should have a meeting together when a big developer is coming to town on what we should address.

Supervisor Roach suggested again that communication is a two-way street. You see all these board members at more than just a Town Board Meeting. You don't go to a meeting because you won't get paid. These members are at all the meetings. I am in my office every day and I have invited you to come in and talk with me. I am not sure what team you are playing on. Jim Nesbitt stated he hasn't been in the Town Hall since July 11th since I got that communication from you pertaining to the July Planning Bd. Meeting. Supervisor Roach stated it is a two way street and my office is always open.

Supervisor Roach stated I don't know if at this point explaining the policies that went into effect will help or make you understand them anymore but I will explain them. First on the education obviously we were ahead of the game. We require three hours of continuing education for board members. You have a difficult job and things change regularly. As you know the State has changed the requirement to four hours as of January 1, 2007. We have money to pay for education and your expenses are paid for. Now about missing meetings if you are on the board. Since 2001 a resolution was passed on the pay being based on attendance. This has been in place for five years. All I am doing is upholding the law as I would expect you to do. The law says you get paid for meetings attended.

On the subject of communication, we had workshops and public hearings on the budget. I didn't see anyone from the Support Boards attend any of the meetings talking about adequate pay or whether they should get paid for meetings not attended. As you know the Support Bd. members did not get a raise this year. The Support Boards in Hamlin are the fourth highest paid boards in Monroe County. There are three other towns in Monroe County who pay their Support Bds. more, Penfield, Henrietta and Greece. Four towns, Webster, Irondequoit, Gates and Brighton, which I consider richer towns than Hamlin, have Support Board members who are all volunteers. I am not saying that is the way I am going.

The pay structure would be about \$60.00 an hour just for the two or two and half hour meeting. When the pay structure was set up it probably took into consideration the fact that you are expected to take in much more time. It is obvious you do. You are all a dedicated group of people but for the welfare of the town we have to be somewhat particular on how we spend the taxpayers money. I have to do it legally. By the Town Board resolution it is by meeting attended and I have to uphold the law, that is why you are getting paid per meetings attended.

In 2001 amendment was made that allowed the Chairs to excuse the members, but that was for 2001 only. Unfortunately that was inadvertently carried over to subsequent years until this year. I am sworn to uphold the law and that is why it was changed to meetings attended.

I am feeling my way through, that is why you are seeing me at your meetings. I am trying to learn not look over your shoulders. I get phone calls from the people on the treatment they get. They are going to come in and see me or another Town Board member. The people who come to the meetings aren't people who have dealt with these laws for years. Supervisor Roach asked for suggestions on how to handle this.

Planning Bd. Member Linda Morey stated she would suggest saying I understand and that you are upset right now. I need the time to get back to you. Supervisor Roach agreed. I was in attendance that night so it was not hearsay. Supervisor Roach asked if the board members had seen the letter he wrote to the Chair and also to the resident. Jim Nesbitt stated he shared the letter he had received. Linda Morey felt in regards to attendance it was not the money in fact when she took the job she didn't know you got paid but perhaps could it be that the stipend had changed.

Judy Hazen added comments about attending other meetings/opportunities and there are just so many hours in the day for other commitments. She cited it rubbing her the wrong way as she has given her time with past experience on the Zoning Bd. and now the Planning Bd. Judy further stated she understood the law and speaking of that in her occupation when ever there is a discussion you might not want to have an ex parte communication. She shared how a judge could not talk to one party without talking to both parties.

Councilperson George Todd mentioned that it is necessary for training and just as the Support Bds. are being required to take training so is the Town Board. Also mentioned was the opportunity at Dept. Head meetings to give input. Supervisor Roach stated the Dept. Head meetings have not been consistently held but felt it is better to communicate one on one. Being here on a full time basis it makes it easier for you to come in and talk with me. I have sent letters out and if there is no response then I do have to fly on my own.

Councilperson David Rose stated he thinks we have started on a good path. A lot of the Support Bd. members have attended the meeting. Hopefully we can keep this going. It was mentioned tonight that some of the codes make it difficult and hopefully we can get some of these problems resolved.

I have no problem getting docked if I miss a meeting. Most of those here are dedicated and make meetings. Terry Dingee stated he appreciated that you are getting these codes fixed. Supervisor Roach stated he doesn't want anyone here to think that someone is challenging your position or authority. I hope you all feel you can speak openly.

Supervisor Roach mentioned the challenges facing the town with the tremendous amount of work and encouraged participation. This has been a great opportunity to hear your comments and hope we don't have to call special meetings to communicate. Councilperson Rose thanked everyone and for the open conversation and felt it was very productive. It does everyone good and everyone leaves tonight we are going to better communicate. We are going to look at it and make sure we are on the right path.

Conservation Bd. member Craig Goodrich stated he was going to miss Terry and Donna from the Zoning Bd. Terry has always been very helpful. Also Ralph and Jim from the Planning Bd. Supervisor Roach stated even though you might not be staying active he hoped they would stay involved. Councilperson Marchetti stated these rules have been in place since January and why is this being discussed in December. Maybe we should have talked about this earlier. You all know my phone number. Supervisor Roach stated he has learned a lot and still has the open door policy with communication being the key.

RESIGNATIONS OF TERRY DINGEE AND DONNA STASSEN

Resolution #299 A motion was made by Councilperson Todd, seconded by Councilperson Rose to accept the resignations of Terry Dingee and Donna Stassen from the Zoning Board of Appeals effective December 31, 2006. Members polled, Councilperson Marchetti aye, Councilperson Rose aye, Councilperson Todd aye, and Supervisor Roach aye. Motion carried. Supervisor Roach thanked them for their service to the town.

Supervisor Roach asked for a resolution to accept applications to fill the vacancies. At this time Zoning Bd. member Rocky Ellsworth mentioned hearing an idea floating around of reducing the amount of board members. He also had heard about this at a training session he attended.

Supervisor Roach stated that Town Law allows three to five members for the Zoning Bd. and five to seven for the Planning Bd. The two boards we have are grandfathered as it states if you have seven you could remain there. If we go to a five member board we can't go back. Attorney Licht confirmed the law. The Town Board needs to discuss this as there is also the option of alternates. Supervisor Roach stated the need for advertising as Donna's term was to expire and if we have a resolution we have the option to advertise and then discuss. This resolution would give us flexibility without holding us back. After much discussion with the Zoning Bd. members present and the fact they could manage with five members for their January 2007 meeting further discussion will take place at the December 11th Town Board meeting on any advertising. Further discussion tabled at this time.

RECOMMENDED REVISIONS FOR CHAPTER 51

Supervisor Roach introduced for discussion Chapter 51 of the Code of the Town of Hamlin entitled Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code. This is subject to a public hearing at 6:00 pm on December 11th. There are some changes recommended by the Code Enforcement Officer. We can be more restrictive but not less restrictive therefore some changes being recommended are as follows:

Section 51-3 change (a) to (A). Under exemptions delete the reference to sheds, swimming pools, fences and retaining wall. We do want permits for them.

Suggested exemption to add is asphalt driveways and re-roofing as long as it does not exceed two layers. Discussion was raised on impervious soil coverage and therefore we may not want to exempt that. Also mentioned was a correction in Section 51-9 to read as such law is now in effect.

Supervisor Roach thanked everyone for coming.

ADJOURNMENT

A motion was made by Councilperson Marchetti, seconded by Councilperson Todd to adjourn the Special Town Board Meeting as all business had been concluded. Members polled, Councilperson Marchetti aye, Councilperson Rose aye, Councilperson Todd aye, and Supervisor Roach aye. Meeting adjourned at 8:18 pm.

Respectfully submitted,

Kathi A. Rickman, RMC/CMC
Hamlin Town Clerk