

**Hamlin Town Board Meeting
June 14, 2010**

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 location of the fire exits and defibrillator was 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 Nettnin; Conservation Board Members Jason Baxter, Ed Evans, and Jeanine Klopp; Planning Board Member Tom Jensen; Library Director Kay Hughes-Dennett; and Library Trustee George Bott.

Residents: Lloyd Lochner; Roberta Fey; Ron Fey; Tim Crawford; Neil Newman; John Dady and Carol Dady.

RESOLUTION OF APPRECIATION FOR THE DADY BROTHERS

Resolution # 135 Motion was made by Supervisor Terry, unanimously seconded, requesting Town Board resolution of appreciation for the Dady Brothers.

RESOLUTION OF APPRECIATION

WHEREAS, the Dady Brothers, John and Joe, have given unselfishly of their time and talent to benefit the Hamlin community, and

WHEREAS, so many of us have enjoyed the Irish music, humor, and entertainment they have provided in different events throughout our community, and most recently, to help commemorate the 10th Anniversary of the founding of the Hamlin Public Library,

THEREFORE BE IT RESOLVED, that the Hamlin Town Board, on behalf of the residents of Hamlin, extends its appreciation to the Dady Brothers for sharing their talents with this community, albeit with one condition – that they keep on playing, and

FURTHER BE IT RESOLVED, that the Dady Brothers be furnished a copy of this Resolution, which is spread upon the minutes of the June 14, 2010 Town Board meeting.

Unanimously approved by:
The Town Board of the Town of Hamlin
Town Supervisor Peter Terry
Councilperson Thomas Breslawski
Councilperson Craig Goodrich
Councilperson Paul S. Rath
Councilperson David Rose

John Dady stated that during the moment of silence, he thought about Councilperson Tom Breslawski's grandfather. He said that Nick Breslawski proudly showed him the Resolution of Appreciation he received

a couple of years ago. John had it framed for Nick and it was hanging right by his bed. John said, "God bless your grandpa, thank you very much."

PROCLAMATION FOR WEEK OF RECOGNITION OF MIGRANT FARM WORKERS

Resolution # 136 Motion was made by Supervisor Terry, unanimously seconded, requesting Town Board resolution for proclamation for week of recognition of local migrant farm workers.

PROCLAMATION

WHEREAS, agriculture is a major industry in New York State and,

WHEREAS, the hundreds of migrant farm workers who come to the Hamlin, Clarkson and Brockport area constitute the backbone of our area's agriculture workforce; and,

WHEREAS, the farm workers are members of our community for approximately six months of each year, during which time they plant and harvest our crops and,

WHEREAS, as residents of the Hamlin, Clarkson, Brockport community, migrant farm workers make a substantial contribution to our local business economy,

THEREFORE, the Town of Hamlin designates the week of June 20th through June 27th as a week of recognition of the presence and contributions of our local farms and farm workers, and proclaims Sunday, June 27th, 2010 as a "Day of Welcome" to the migrant farm workers.

Unanimously approved by,
The Town Board of the Town of Hamlin
Town Supervisor Peter Terry
Councilperson Thomas Breslawski
Councilperson Craig Goodrich
Councilperson Paul S. Rath
Councilperson David Rose

PUBLIC FORUM

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

Ed Evans, 979 Hamlin Center Road

He thanked the Town Board for continuing the Park Security Program. He also thanked the Highway Department for running it, as well as the men who make the nightly log book entries. He wants to make sure the hours aren't reduced as the program has been extremely successful just the way it is.

APPROVAL OF REGULAR TOWN BOARD MEETING MINUTES OF MAY 10, 2010

Resolution # 137 Motion was made by Councilperson Rose, seconded by Councilperson Rath, to approve the regular Town Board meeting minutes of May 10, 2010.

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 5/10/10 REGARDING IN-LAW APTS.

Resolution # 138 Motion was made by Councilperson Rath, seconded by Councilperson Rose, requesting Town Board resolution to approve the Public Hearing Minutes regarding In-Law apartments of May 10, 2010.

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

AUTHORIZATION OF PAYMENT OF BILLS FROM THEIR RESPECTIVE FUNDS

Resolution # 139 Motion was made by Supervisor Terry, seconded by Councilperson Breslawski, to authorize payment of bills from their respective funds.

MONTHLY TOTALS			ABSTRACT	6
<u>ACCOUNTS</u>	<u>VOUCHER#</u>	<u>AMOUNT</u>	<u>ACCOUNT TOTALS</u>	
General	6319-6322	5238.92		
	6328-6329	4616.89		
	6330	80.48		
	6332	198.78		
	6335-6336	842.24		
	6343	66.30		
	6395-6459	42763.54		
Account Total			\$	53,807.15
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Library				
	6325	489.28		
	6331	59.90		
	6352-6365	9346.01		
Account Total			\$	9,895.19
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Highway				
	6338	43.40		
	6366-6394	32005.21		
Account Total			\$	32,048.61
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Sewer				
	6323	147.22		
	6339	61.29		
	6347-6351	214.46		
Account Total			\$	422.97
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Light				
	6324	1240.94		
Account Total			\$	1,240.94
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Trust				
	6326	1639.68		
	6333-6334	22353.88		
	6340-6342	1753.81		
			\$	25,747.37
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GRAND TOTAL:			\$	123,162.23

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 copy of the quarterly sales tax.
- b. A request to waive penalty fee from Kim Stock, 90 Close Hollow Drive.
- c. A letter from Lee Nettnin, CEO RE: 1549 Grille.
- d. A copy of a letter from Supervisor RE: triangular area between the East and West Fork.
- e. A copy of a draft local law RE: Unsafe Building law in the Town of Hamlin.
- f. A copy of changes to the In-Law Apartments.
- g. A letter from Time Warner on Channel changes.
- h. Letter from Brockport Ecumenical Outreach Committee.
- i. A copy of the tentative 2010 State equalization rate of 100%.
- j. A letter from the Hilton School District RE: Merton Williams gets National recognition as a School to Watch.
- k. A Letter from Verizon, RE: Extension of Municipal Lease with the Town of Hamlin

TRANSFER FUNDS FROM RECREATION CAPITAL REVENUE FOR PAYMENT OF BILLS FOR RECREATION BUILDING

Resolution # 140 Motion was made by Councilperson Rose, seconded by Councilperson Breslawski, requesting Town Board resolution to transfer \$1,264.82 from the Recreation capital revenue account A2590.00 to A7110.40 Parks contractual account for payment of bills from Lowe's for the recreation building.

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

AMENDMENT TO ESTIMATED EXPENDITURE FOR SNOW & ICE AGREEMENT

Resolution # 141 Motion was made by Councilperson Rose, seconded by Councilperson Rath, requesting Town Board resolution to authorize the Supervisor to sign the amendment changing the estimated expenditure for the Snow and Ice Agreement between the New York State Department of Transportation and the Town of Hamlin for the Snow and Ice Season 2009-2010. The adjustment would amount to \$64,642.37.

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

REQUEST FOR RESOLUTION TO WAIVE PENALTY FEE FOR KIMBERLY STOCK

Supervisor Terry requested Town Board resolution to waive the penalty fee for Kimberly Stock at 90 Close Hollow Drive. Lee Nettnin stated that she is renting 90 Close Hollow Drive. They were going to do the roof in place of rent. They started the job without a permit. No motion was made.

PUBLIC HEARING SCHEDULED TO AMEND LOCAL LAW REGARDING UNSAFE BUILDINGS

Resolution # 142 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution to set public hearings to amend the Local Law on unsafe buildings and the Local Law concerning In-Law apartments. Hearings will be held on July 12, 2010 at 6:30 pm.

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

TRANSFER OF FUNDS FROM A1990.4 TO A3650.4 AND A1990.4 TO A1950.4

Resolution # 143 Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution to approve the transfer of funds from Account #A1990.4, the Contingency Account in the amount of \$1,680.00 to Account #A3650.4 Demolition of Unsafe Building and transfer funds from A.1990.4, the Contingency Account in the amount of \$2.61 to Account #A1950.4 Taxes.

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

APPROVAL OF FEE STRUCTURE & RENTAL AGREEMENT FOR REC BUILDING

Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution to approve the fee structure and rental agreement form for the Lion Charles Maier Building as proposed by the Recreation Department.

Discussion: Councilperson Breslawski added that the Recreation Department suggested that when the fee is waived for non-profits for the building and they use the kitchen, the \$25 kitchen usage fee should not be waived. He also said that the Recreation Commission discussed changing the availability time to 9 am–10 pm.

Councilperson Rose asked if alcohol could be served during the Lion's Club meeting. It was discussed and agreed that no alcohol can be served on town property.

Councilperson Breslawski suggested that the security deposit be raised to \$50.

Highway Superintendent Steven Baase addressed the question about snow removal. He stated that for fire safety, they would make sure the snow was cleared enough for a truck to get back there.

Councilperson Rath brought up the issue of Hold Harmless Certificates and Certificates of Liability Insurance. It was agreed to have individuals sign the Hold Harmless Certificate for now, and organizations must provide a Certificate of Insurance in the amount of \$1,000,000.00.

Resolution # 144 Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution to approve the fee structure and rental agreement form with the following modifications: Security deposit will be \$50, a Hold Harmless Certificate is required for individuals, and organizations must have a Certificate of Insurance in the amount of \$1,000,000.00.

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

APPROVAL TO BID FOR EXCAVATOR

Resolution # 145 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution to go to bid for a 2008 (or newer) used 18,000 pound rubber tract excavator. Excavator shall have a back fill blade, trenching and grading buckets, swing boom, hydraulic thumb and no more than 1,000 hours of use. Bid opening to be scheduled for July 9th at 11:00 am.

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

DISCUSSION:**1) 1549 Grille.**

We have all have received a copy of the letter from Lee Nettin on May 17th discussing his frustration with problems we have had.

Lee stated that he has had numerous complaints regarding the activities at the 1549 Grille dating back to November 2009, and the situation has escalated. I received many complaints about loud music, cursing, very loud voices in the parking lot, alcohol consumption in the parking lot, sale of drugs on the premises, many fights in the building and parking lot. I have also received information from Hamlin's emergency responders that late at night there have been vehicle accidents involving individuals that have just left the 1549 Grille. Residents have expressed concern, are afraid for their own safety, and are very upset that this type of behavior continues next to residential homes.

When the owner applied for a commercial business to open there, he was following in the heels of the Redman's Club. The statement he made was that the business will operate as a restaurant, bar and banquet center. Emphasis will be on the restaurant and the business's ability to hold special occasion banquets. This was supposed to be a family-type restaurant, but it has turned into a night club.

I have written letters to the owner, which have been ignored. I am getting very frustrated. Trying to get residents to call 911 is difficult because they are afraid to get involved. They are also reluctant to speak at the Open Forum. The residents are worried that during the summer, things will escalate. I feel the time has come to discuss this issue and see what we can do to disarm this situation.

I have filed a complaint but I have not heard back yet. NY Alcoholic Beverage Control Problem Premises Task Force indicated that notification must be received from the local legislative body. After they receive a complaint, they will start an investigation.

Supervisor Terry suggested that he could write a letter to the Alcohol Control Authority and call them to express our concerns.

APPROVAL TO SUBMIT COMPLAINT TO NYS ALCOHOLIC BEVERAGE CONTROL PROBLEM PREMISES TASK FORCE REGARDING 1549 GRILLE

Resolution # 146 Motion was made by Councilperson Breslawski, seconded by Councilperson Rath, requesting Town Board resolution for approval for Supervisor Terry to submit a letter of complaint to the NY Alcoholic Beverage Control Problem Premises Task Force regarding issues at the 1549 Grille.

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

2) *Hamlin Town Court fees for dog fines.*

The Town Justices have expressed an opinion that our dog fines are too light. After looking at the towns of Sweden, Clarkson and Parma, it was determined that Hamlin should raise their fines.

APPROVAL TO RAISE DOG FINES

Resolution # 147 Motion was made by Councilperson Rath, seconded by Councilperson Goodrich, requesting Town Board resolution to approve modification to dog fines as follows:

1st offense: \$75.00

2nd offense within a 12 month period: \$75.00 - \$250.00 range

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

3) *Redman-Cook Road proposed water district.*

We had JP run the entire Redman Road from Moscow to Cook Roads and the entire Cook from east to west and he came back with a new cost projection, averaging the cost for EDU to be \$789.94. I asked the assessor to verify the count for the EDU's. It is at 36.5, which is the divisor that JP used. Public Information Meeting has been scheduled for July 6th at 7 pm and letters will be sent to everyone on Cook Road.

4) *Deputy Highway Superintendent.*

Steve Baase stated that Jim Rodas, Deputy Highway Superintendent, has moved out of town. By Hamlin Town law the Deputy must reside in Hamlin. He appointed Mike German as Deputy Highway Superintendent, effective June 20, 2010.

5) *Lion Charles Maier Building.*

Councilperson Dave Rose said that at the Lion's Executive meeting, it was suggested that the building be named the "Lion Charlie Maier Lodge", since he is better known as Charlie.

Secondly, they discussed a resolution, for emergency purposes, to name the entryway going into the Lion Charlie Maier Lodge "Lion Drive". It was agreed to bring this before the Recreation Commission.

They also discussed a waiver for the Lion's Club meetings and functions, and the Lion's would be responsible for the labor and clean-up. As previously discussed, non-profit organizations will be exempt from fees, except for the kitchen fee. Councilperson Breslawski said that what they talked about in the Lion's meeting was that the Lion's would be exempt from all fees. The kitchen fee was not specifically addressed. He stated, "I asked about the utilities (water, gas and electric). At that time, they said they would do meter reads before and after and make us whole on our utility consumption. That has yet to be figured out with a contract or a memo of understanding, as so many of the costs are unknown." Patty Jo, Steve, a few Recreation Commissioners, and a few of the Lions are planning to meet on July 14th to discuss the terms of the memo of understanding. It was agreed that the Lion's be exempt until a memo of understanding is complete.

Supervisor Terry suggested that a security deposit account be opened, and be preapproved so that the Recreation Director can draw on it.

AMENDMENT TO RESOLUTION #257 TO NAME LION'S BUILDING TO "LION CHARLIE MAIER LODGE"

Resolution # 148 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution to approve an amendment to Resolution #257, from October 13, 2009, to name the new Recreation building "Lion Charlie Maier Lodge".

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

APPROVAL TO WAIVE THE RECREATION BUILDING FEES FOR THE LION'S CLUB

Resolution # 149 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution for approval to waive the kitchen fees for the Lion's Club until a recommendation is made from the Recreation Commission and a Memo of Understanding is complete.

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

APPROVAL TO OPEN SECURITY DEPOSIT ACCOUNT FOR THE RECREATION COMMISSION

Resolution # 150 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution to approve that a security deposit account be drawn up, preapproved that the Recreation Director can draw on it. The account would be held at M & T Bank with the Recreation Director's and Supervisor's signature authority.

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

REPORTS:

Councilperson Breslawski – We had the Library anniversary, which was a big success. In attendance were several former library trustees, notably I saw Mary Smith, Nancy Martin, and Peter Terry. Past Supervisor Dick Kruger was in attendance as well. There was a very nice "history of the library" speech by past Councilman and Deputy Supervisor, Ed Evans. It was a pretty well attended town event and things went well. It was a very festive day.

"Free Fishing Day" will be taking place on June 27th from 12-4 pm. There are passes for free entry into Hamlin Beach State Park, and there are still a number of passes left in the Town Clerk's Office.

I will be meeting with several of the Hamlin Lion's, the Recreation Commission, Patty Jo and Steve Baase on July 14th at 7 pm to discuss a contract or memo of understanding between the Lion's Club and the Town with regards to use of the Lion Charlie Maier Lodge.

I had a resident ask me several times why this is an agricultural community but they can't have confined chickens to lay eggs at their house. It was recommended that they apply for a variance with the Zoning Board.

Councilperson Goodrich – The Dog Warden had approximately 28 phone calls last month and there is an issue with getting a hold of people whose phone numbers have changed and are not up-to-date.

Hamlin Volunteer Ambulance had 45 calls last month. They asked if they need to send a letter to the Town Board if they are requesting additional funds in the budget every year. It is their 60th Anniversary this year. They have a Band Night on June 19th. The cost will be \$10 and will be held at the VFW and you can get the tickets at the door. Their next meeting will be held on July 12th. Their narrow band radio conversion is coming up this September.

Hilton-Parma Fire Department gave a big R+ to our Building Inspector, Lee Nettin. They said he has done fantastic keeping them informed of any abandoned buildings. He sends them a detailed letter each time he finds an abandoned building.

The Chamber of Commerce is proceeding slow and steady. I am trying to compile some information for medical and dental insurance rates.

Councilperson Rose – The Planning Board approved the construction of a new house. There is another house being built over at the Beehler Senior Tract. That's a good sign that we have new construction going on. There was a simple subdivision lot for Shannon's on Drake Road. We had everything approved for the property swapping on 91 Railroad Avenue so that the map has been filed.

There is not much going on with the Seniors. They had their catered meal for Senior Citizen Month. It was well attended and it was a good meal.

Councilperson Rath – Nothing to report.

Highway Superintendent Steven Baase – Church Road water line is over half done. The Chips Program from the State passed, which means close to \$100,000 in town revenue.

We finished the brush pick up and had approximately 190 loads, which is down from last year. With the contract that my predecessor signed, we are out of wood chips right now. I have had at least 20 phone calls since last week from residents asking where the wood chips are, because they have gotten used to it. It was \$8,000 or more per year to have someone come in and chip it for us. We could entertain buying some from Greece at \$40 per 10-wheel load, and we would need about 50 loads.

Building Inspector Lee Nettin – 1715 Lake Road. Supervisor Terry signed an agreement with Stohl Environmental on June 7, 2010. This supplies us with Asbestos Abatement Specifications/Bidding Documents that we can put together with our own documentation to put the demolition up for bid to the public.

On May 24th, I sent a letter to the owner of 1713 Lake Road, which is the adjoining building, informing him of demolition and his responsibility concerning the repair to the south side of his building once 1715 is torn down. So far, I haven't received a response. The water and sewers are the only utilities left to be disconnected. I will be contacting Monroe County Water Authority to deal with the water.

Mr. Brogan contacted me on May 10th in response to my letter asking him if he wanted contents in the building. He indicated that he did want some of the contents and said he would be getting a hold of me during that week of May 10th, but I have not heard back from him.

Conservation Board Jason Baxter – The other night we had our meeting down at Hamlin Beach State Park, and we are making headway on Friends for the Hamlin Beach State Park. We had about 14 or 15 people present. We appointed a chairman, secretary and a webmaster. We also have a mission statement. Our website is currently under construction, and when it is completed, we will respectfully ask for a link to put it on the Hamlin Town website.

Library Director Kay Hughes-Dennett – We are ready to start our Summer Reading program June 28th. The influx of children in the library will be exciting.

ADJOURN TO EXECUTIVE SESSION

Resolution # 151 Motion was made by Councilperson Rath, seconded by Councilperson Breslawski, to adjourn to Executive Session at 8:30 pm to discuss property acquisition.

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

RETURN FROM EXECUTIVE SESSION

Resolution # 152 Motion was made by Councilperson Rath, seconded by Councilperson Goodrich, to return from Executive Session at 9:06 pm.

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

ADJOURNMENT

Motion was made by Councilperson Breslawski, seconded by Councilperson Goodrich to adjourn the meeting at 9:07 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,

Kathi A. Rickman, MMC
Hamlin Town Clerk