

**Hamlin Town Board Meeting
December 13, 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 7:00 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, Supervisor Peter Terry.

Also present: Attorney Ken Licht; Code Enforcement Officer Lee Nettnin; Highway Superintendent Steve Baase; Planning Board Member Tom Jensen; Conservation Board Member Ed Evans; Library Director Kay Hughes-Dennett; and Library Trustee George Bott.

Residents: John DeRue, Linda DeRue, James Nesbitt, Troy Nesbitt, Patrick Kirsch, Paul Lapinski, Dot Lapinski, and Lloyd Lochner.

RESOLUTION OF SYMPATHY FOR LAWRENCE MERRITT (LARRY)

Resolution # 226 Unanimously approved.

RESOLUTION OF SYMPATHY

WHEREAS, Larry Merritt was a lifelong resident of the town of Hamlin, and

WHEREAS, Larry Merritt served his town as Town Justice for 4 years, and as Town Supervisor for 14 years, and

WHEREAS, Larry Merritt was responsible for helping to create this central Town Hall facility and adjoining recreational land, and

WHEREAS, Larry Merritt served the Hamlin Fire Department for over five decades as treasurer, and for nearly five decades as carnival chairman,

LET IT BE STATED, Few persons have given more to their community in which they have resided than did Lawrence R. Merritt, and

THEREFORE BE IT RESOLVED, that the Hamlin Town Board through this Resolution extends its sympathy upon his passing to the entire Merritt family on behalf of the grateful residents of the Town of Hamlin, and

FURTHER BE IT RESOLVED, that the Hamlin Town Board decrees that the family be furnished a copy of this Resolution, which is spread upon the minutes of the December 13, 2010 Town Board meeting.

Unanimously approved,

Town Supervisor Peter P. 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.

John DeRue, 317 Redman Road

I am here tonight to address a serious issue that has come to light regarding the water main proposal for Redman/Cook Road.

I have been in the business of bidding and installing water mains for over 50 years. I have worked closely with Town Engineers as well as private engineering companies. I am totally aware of the procedure used by engineering companies to arrive at an engineers estimate. I was on the water main committee for the Moscow Road project with Dave Rose. We brought that water main installation in below the engineers estimate.

I brought the Redman Road water line proposal to the Town Board and take full responsibility for the signatures on this proposal. At no time did I threaten anyone into signing this petition. This proposal was done in compliance with the Town of Hamlin's requirements.

The first petition was finalized before August. The Town held off forwarding it to the Comptroller's Office because Councilperson Paul Rath requested a new petition to extend the district all the way to Rt. 272. Councilperson Rath's explanation for this was that it would lower the cost for everyone. The difference between the cost per resident from the first petition to Councilperson Rath's petition would have been \$.43 per day. However, he was not able to get the required number of signatures. I even contacted Councilperson Rath two different times offering my assistance in obtaining signatures for his petition. Councilperson Rath owns a home in this district and would have benefitted from the installation of this water line.

At the November 8th Public Hearing for the proposed water district for Redman Road/Cook Road, there was no opposition for this proposal. This was the time for anyone in the proposed district or a Town Board Member to ask questions or voice an opinion for or against the proposal. Councilperson Rath did not make any comment. Only two residents spoke and I was one. I asked the Town Board if we met all the requirements according to Town policy for this proposal. I was assured we had. The public hearing was then closed. I learned the next day that Councilperson Paul Rath had submitted a letter to the Comptroller's Office using the Town Supervisor's stationary. I obtained this letter under the Freedom of Information Act. This letter was not read into the minutes. To my knowledge, no other Councilmen were aware of this letter. I now have a copy for all of you. I ask that this letter be read into the minutes. Because this was done on the Supervisor's stationary, a resolution should have been made and voted on before it was forwarded to the Comptroller's Office. Councilperson Rath used his position as a Town Board member to send a negative and slanderous letter to the Comptroller's office. In this letter Councilperson Rath accused me of threatening the residents of Redman Road into signing the original petition. He stated and I quote, "SIGN THIS OR ELSE." I have letters with me from the residents stating just the opposite. A number of the residents came to me because they wanted the water line extended to their homes.

Due to the misconduct and unethical behavior of Councilperson Paul Rath, I ask the Town Board to act with integrity and request Councilperson Rath's resignation from this Town Board.

Linda DeRue, 317 Redman Road

I am reading a letter written by Matthew S. MacDonald because he couldn't be here tonight:

I am writing this letter in response to Mr. Paul Rath's accusation against Mr. John DeRue concerning the proposed water main installation down Redman and Cook Roads. First however, I feel I must preface this letter with background information concerning Mr. Paul Rath. Mr. Rath currently serves as a Hamlin Town Board member, and has done so for several years. Two-to-three years ago Mr. Rath was compelled by the Town Board to abstain from voting on any Town Board issue pertaining to wind turbine development because he had signed a land-lease agreement with, and had received monetary compensation from Iberdrola, a wind turbine developer. The Town Board's actions concerning Iberdrola's interest in Hamlin ultimately led to the Town being sued by a group of Hamlin

residents (including myself and Mr. DeRue). The Town lost this lawsuit and Iberdrola subsequently retracted its interest in Hamlin as a potential wind turbine development site. In doing so, Mr. Rath lost the opportunity to reap further land-lease income.

When we moved in to our newly constructed home in 2000, the sellers told us they believed we would have city water within a few years. This didn't happen, much to our frustration, given that our first well failed within 3 months and our second well produces unclean water (please see the enclosed photo). Frankly, we were thrilled to have Mr. DeRue involved in the water main proposal process because his contracting business specialized in laying water mains! Cost estimates associated with the project were divulged openly, and in no way deterred us from supporting the proposal.

Mr. Rath then introduced a modified proposal to extend the water main down the entire length of Cook Road. Doing so would bring city water and fire protection to his home and would potentially lower the costs for everyone receiving city water. While I did sign Mr. Rath's modified proposal, its failure in no way diminishes my desire to receive city water as per the original proposal. **Let me state now that I was never threatened, coerced or pressured in any way by Mr. John DeRue to support the water main proposal.** I believe Mr. Rath's accusation was motivated by the following:

1. Anger that he will not receive city water or fire protection at his home.
2. A perceived slight over the loss of wind turbine land lease income.

In addition, Mr. Rath's accusation was not made during the scheduled Town Board meeting to discuss the water main proposal. Rather, it was surreptitiously combined with the water main proposal packet to be sent to the State Comptroller's Office.

Mr. Rath's actions are juvenile at best and at worst, unethical. His behavior is unbecoming a Town Board member and he represents a liability to the Town of Hamlin. Mr. Rath's seat on the Hamlin Town Board should be revoked immediately.

Matthew S. MacDonald

Paul Lapinski, 417 Redman Road

I have a few concerns that I would like to address stemming from the slanderous letter dated November 8, 2010, and signed by Town Board member Paul Rath. He submitted and requested his letter be added as an addendum to the proposed Redman/Cook Road water district packet being sent to the Comptroller's Office sometime after the Public Hearing and Town Board meeting was adjourned. I would think that as a Town Board member, Mr. Rath would bring out any and all concerns at the Public Hearing and not secretly submit his concerns in such a volatile letter that may result in a law suit.

In his letter, written on Supervisor's Office Town of Hamlin stationary, Town Board member Rath states and I quote, "This proposed district was started by a select few looking out for their best interest and not the interest of all residents in the area." If that means trying to get public water because I fear drinking our well water, after years of soil contamination by fertilizers and pesticides seeping into my well, then I am guilty. You see Mr. Rath, as a father and a grandfather it is in my best interest to protect my family. If you examined the packet, you would have noticed that Mr. Ryan Grim documented in a report this contamination in several wells in our area.

I guess my real concern with your letter is not only did you slander Mr. John DeRue, but you also slandered me and all my neighbors that signed the petition. These are the very people that you as a Town Board member vowed to protect!

Could it be the fact that most of the people who signed the Redman/Cook Road petition are the very same people who sued the town and won on the grounds that the Town Board did not take a "hard look" before passing their wind turbine law? In winning this law suit, it prevented Iberdrola from moving forward with an industrial wind turbine project in Hamlin as well as preventing your own personal financial gain. It is on public record that you signed two land leases with Iberdrola and even as we talk, you are receiving income from these leases. Had the town industrial wind turbine law been passed, you would have stood to have a much greater financial gain. It makes one wonder if this is "get even time".

Supervisor Terry and Town Board members, because of Mr. Rath's unethical behavior with this issue and in the past with the wind turbine issue, (by voting when he should have recused himself), I ask that Mr. Rath be removed from the Town Board. I would like my comments entered into tonight's Town Board minutes along with the copy of the Town Board member Paul Rath's slanderous letter which I have attached.

Councilperson Paul S. Rath's letter:

Dear Supervisor Terry:

I am writing this letter to express some concerns with the proposed district based upon me visiting each household in the proposed district.

The petition does have the required number of signatures and it has gone through the legal process. It will now be forwarded to the NYS Comptroller's Office for the final review and approval or denial. Please include this letter as an addendum with the packet.

This proposed district was started by a select few looking out for their best interest and not the interest of all residents in the area. It was selfish and spiteful to exclude certain residents. With the additional residents, it would have lowered the cost for all.

While visiting the households, it was noted:

- If the proposed district goes through, it would be a tremendous burden on those who did not sign the petition and they would probably end up selling their house.*
- At the first information meeting held by the Town, only one resident attended the meeting. This was the resident that proposed the district and he told everyone there was no need to show up since he would tell them everything they need to know.*
- Certain residents were influenced into signing the petition with the comment, "sign this or else".*

I circulated a second petition to include more residents and lower the cost of the entire district. It did not meet the 50% requirement by one signature. This was due in part to the initial residents working against the inclusion and circulating false stories about the cost and the agricultural exemptions.

We as a Town tried to circulate the correct information and held meetings to provide as much as we could so the residents could make an informed choice. The comment I heard from several residents is that, "I am hearing too many different stories, so I am not signing anything."

In summary, I am asking the Comptroller to scrutinize this proposed district and fully evaluate the cost. It is extremely high and can be done at a lower cost benefiting more residents. The actions of a few residents should not have others in the district pay a higher cost over 30 years and some residents have to sell their homes and move from the town that they love.

Thanks for the consideration,

Very truly yours,

*Paul S. Rath
Hamlin Town Board Member*

Troy Nesbitt, 52 Cook Road

I have to agree with almost everything that has been said. I just want to stand up for John DeRue and say he never coerced any of us. He came to us with his proposal, laid it out for us and let us make the decision. That letter that was written is completely false. I want to thank John for all the hard work that he has done to try to see this through and come to flourish because we need water down there bad. If this is a hiccup now because of the Comptroller, it's going to be a real shame.

Jim Nesbitt, 3952 Brick Schoolhouse Road

I am not here to talk about the water line, what I am going to read to you is a couple of paragraphs out of the Ethics Code from the book.

§10-6.

- C. No town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.*
- G. Each town employee shall endeavor to pursue a course of conduct, which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.*

§10-7.

In addition to any penalty contained in any other provision of law, any such town employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended or removed from office or employment in the manner provided by law.

Every one of you people up there said an oath to uphold the codes. This is a code; you can't pick and choose. Like the Ten Commandments, you can't pick six and say I'll let the other four go.

APPROVAL OF REGULAR TOWN BOARD MEETING MINUTES OF NOVEMBER 8, 2010

Resolution # 227 Motion was made by Councilperson Rose, seconded dually by Councilperson Rath and Councilperson Breslawski, requesting Town Board approval of the regular Town Board meeting minutes of November 8, 2010.

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

APPROVAL OF PUBLIC HEARING MEETING MINUTES OF NOVEMBER 8, 2010

Resolution # 228 Motion was made by Councilperson Breslawski, seconded by Councilperson Rose, requesting Town Board approval of the Public Hearing meeting minutes on the Redman-Cook Road Water District of November 8, 2010.

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

APPROVAL OF PUBLIC HEARING MEETING MINUTES OF NOVEMBER 8, 2010

Resolution # 229 Motion was made by Councilperson Breslawski, seconded by Councilperson Goodrich, requesting Town Board approval of the Public Hearing meeting minutes of the re-zoning of 1366 Walker Lake Ontario Road of November 8, 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 # 230 Motion was made by Supervisor Terry, seconded by Councilperson Breslawski, to authorize payment of bills from their respective funds.

MONTHLY

TOTALS

ACCOUNTS

VOUCHER#

AMOUNT

ABSTRACT 12

ACCOUNT TOTALS

General	7207	300.00
	7208-7212	4044.78
	7217	4710.00

	7219-7221	707.10	
	7230-7231	243.78	
	7232-7233	93.26	
	7235-7236	137.05	
	7294-7346	114477.29	
Account Total			\$ 124,713.26
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Library			
	7213-7214	590.04	
	7234	59.90	
	7245-7258	5826.35	
Account Total			\$ 6,476.29
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Highway			
	7227	43.40	
	7259-7293	74916.78	
Account Total			\$ 74,960.18
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Sewer			
	7215	97.70	
	7226	48.63	
	7239-7244	1808.13	
Account Total			\$ 1,954.46
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Light			
Account Total	7216	1194.92	\$ 1,194.92
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Trust			
	7222-7224	1790.85	
	7228-7229	21470.52	
	7237	1642.91	
Account Total			\$ 24,904.28
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Huntington Park			
	7238	200.00	
			\$ 200.00
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Church Road			
Account Total	30	2266.07	\$ 2,266.07
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GRAND TOTAL:			\$ 236,669.46

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

APPROVAL TO AUTHORIZE TRANSFER OF FUNDS

Resolution # 231 Motion was made by Councilperson Rose, seconded by Councilperson Breslawski, requesting approval for the authorization of transfers from their respected funds as follows:

<u>From A/C</u>	<u>To A/C</u>	<u>Amount</u>
A1410.11-Town Clerk Clerical	A1330.4-Tax Collection Exp.	\$ 69.29
A7110.1-Parks Salary	A7110.4-Parks Exp.	\$ 566.92
DA-9030.80-Social Security	DA-9060.8-Medical & Dental	\$ 10,000.00
DA-5140.1-Personal Services	DA-9060.8- Medical & Dental	\$ 22,246.20

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 letter from Ken Licht asking for reappointment as Attorney of the Support Boards for the 2011 year.
- b. An e-mail from Terry Rice, Monroe County DOT, stating that the flag at Brick Schoolhouse Road and West Fork will be coming down.
- c. A copy of the third quarter sales tax distribution.
- d. A letter from Mr. O'Hern, NYS DOT RE: Ground-Mounted Signs.
- e. A copy of a letter from Tax Collector Kathi Rickman asking for reappointment for the 2011 year.
- f. A letter from Supervisor Terry to the Hilton Central School RE: Hilton Insight article.
- g. Copy of the Meeting Schedules for the Boards for 2011.
- h. A copy of the 2011 Holidays for the Town Hall.
- i. A letter from NYSDEC RE: Wiler Road #2.
- j. A notice from NYS DEC RE: the transfer of Jurisdiction of Sandy Creek Wetlands.
- k. An addendum to the MC Referral for the Country Creek Estates rezoning.
- l. Building Inspector's monthly report for November 2010.
- m. A copy of Time Warner's letter RE: services/stations agreements about to expire.

SEQR DETERMINATION FOR REZONING OF 1213 HAMLIN PARMA TOWNLINE ROAD

Resolution # 232 Motion was made by Councilperson Breslawski, seconded by Councilperson Rath, requesting Town Board resolution to make a SEQR determination for the rezoning of 33.7 acres at 1213 Hamlin Parma Town Line Road from R-VL to R-M to be a Type 1 negative declaration a determination of non-significance.

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

APPROVAL TO REZONE 1213 HAMLIN PARMA TOWNLINE ROAD

Resolution # 233 Motion was made by Councilperson Rose, seconded by Councilperson Rath, requesting Town Board resolution to rezone 33.7 acres at 1213 Hamlin Parma Town Line Road from R-VL to R-M, contingent upon the Planning Board rendering subdivision approval. If the conceptual design is not approved by the Planning Board, we will revert it back to the original zoning as it stands now.

To fulfill Monroe County Planning & Development recommendation that the Town Board should develop a clear written record describing how the rezoning will promote the goals and objectives of the Comprehensive Plan, Councilman Breslawski prepared and read the following into the record:

The following sections of the Comprehensive Master Plan support the rezoning of 33 acres located at 1213 Hamlin Parma Town Line Road.

1.3b Land Use

Establish a balance of land use, which protects the natural environment and existing land resources; preserves areas of natural beauty and open space; encourages the continuation of productive farming and other agricultural uses; and provides opportunities for low-density, high-quality residential development.

4.2 Land Use

Goal: Establish a balance of land use, which protects the natural environment and existing land resources; preserves areas of natural beauty and open space; encourages the continuation of productive farming and other agricultural uses; and provides opportunities for low-density, high-quality residential development.

4.2a Require a pattern of land use and development which will not be wasteful of land resources, preserves areas of natural beauty and promotes a high degree of environmental sensitivity.

4.2a (1) Discourage a sprawling pattern of development, which does not make an efficient use of land.

4.2a(2) Incorporate and support conservation practices which serve to protect significant, scenic and natural features, especially those having potential value for current and future recreational purposes.

4.2a(3) Identify and protect open spaces. Maintain the Open Space Index to accurately reflect the inventory of open spaces within the Town.

4.2a(4) Provide attractive open space within future residential and commercial development.

4.2c Support relatively low-density residential development to protect open spaces, natural resources and farming operations and to minimize the expense for increased public services and infrastructure investment.

4.2c(1) Focus residential development around established utilities such as water and sewer lines.

4.2c(3) Encourage cluster zoning to minimize sprawl and preserve green space.

4.2c(4) Consider Incentive Zoning as a means to advance the Town's physical, cultural and social goals by allowing land developers to provide specific amenities and benefits in exchange for zoning incentives, which would preserve or enhance designated resources or provide other public benefits.

4.2c(5) Develop and maintain a balanced open space, park, and recreation system based on local human needs and natural features which preserve as many sites of natural significance as possible.

4.2c(6) Plan all types of dwelling units to provide usable outdoor living space, and relate buildings to one another, to streets, topography and climatic factors to create interesting, useful, and harmonious green spaces.

4.2d Promote high-quality residential development.

4.2d(1) Assure that predominantly residential areas are free from incompatible and inharmonious uses.

4.2d(2) Maintain quality residential areas through the establishment and involvement of neighborhood groups.

4.2d(3) Give special attention to street design when it is necessary to route traffic through neighborhoods so as to avoid nuisances to established residences.

4.2d(8) Enhance quality living environments and opportunities through the use of good site planning principles.

4.2d(10) Buffer residential areas from business and industrial areas with appropriate landscaping enhancements.

4.2d(11) Encourage pedestrian walkways and other non-motorized modes of movement which facilitate neighborhood interaction and have the potential for linking nearby residential areas, commercial uses, or public facilities.

4.5 Infrastructure

Goal: Hamlin should evaluate and replace/rehabilitate its existing public sewer operational and maintenance capabilities as deemed necessary and ensure sound environmental operation of private septic systems. The Town should strive to construct sewer districts along the Lake Ontario Shoreline and in areas of new development. Continue to explore additional water districts for areas currently not served.

Councilperson Rose amended motion to include all the above, and seconded by Councilperson Rath.

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

AMEND TOWN BUDGET FOR SCHOOL TAX COLLECTION SERVICES

Resolution # 234 Motion was made by Councilperson Breslawski, seconded by Councilperson Rose, requesting Town Board resolution to amend the 2010 Town Budget for the School Tax Collection Services as follows:

<u>Revenue</u>	<u>Appropriations</u>
Increase AA.2770 (Misc.) \$1,750.00	Increase A1330.1 (Tax Collection) \$1,750.00

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

AUTHORIZE PAYMENT FOR SERVICES RENDERED AS SCHOOL TAX COLLECTORS

Resolution # 235 Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution to authorize payment through payroll as a stipend in the amount of \$1,500.00 to the Town Clerk and \$250.00 to the Deputy Town Clerk for services rendered as School Tax Collectors for the Brockport Central School District.

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

APPROVAL TO SCHEDULE TOWN OF HAMLIN'S ORGANIZATIONAL MEETING

Resolution # 236 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution to schedule the Town of Hamlin's Organizational Meeting for January 3rd, 2011 at 6 pm.

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

APPROVAL TO SET AND ADVERTISE 2011 TOWN BOARD MEETING SCHEDULE

Resolution # 237 Motion was made by Councilperson Breslawski, seconded by Councilperson Goodrich, requesting Town Board resolution to set and advertise the Town Board meeting schedule for 2011.

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

APPROVAL TO EXTEND APPOINTED POSITIONS UNTIL ORGANIZATIONAL MEETING

Resolution # 238 Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution to extend all appointed positions until the Organizational Meeting January 3, 2011.

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

APPROVAL OF DOG LICENSING AND CONTROL LAW

Resolution # 239 Motion was made by Councilperson Goodrich, seconded by Councilperson Rose, requesting Town Board resolution to approve the Dog Licensing and Control Law.

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

APPROVAL OF NEW DOG LICENSING FEES

Resolution # 240 Motion was made by Councilperson Goodrich, seconded by Councilperson Rose, requesting Town Board resolution to set the Dog Licensing fee at \$9.00 for the spayed/neutered dogs and \$17.00 for unspayed/unneutered dogs.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich aye, Councilperson Rath no, Councilperson Rose aye, Supervisor Terry aye. Motion carried

APPROVAL TO EXTEND MONROE COUNTY AMENDATORY SNOW & ICE AGREEMENT

Resolution # 241 Motion was made by Councilperson Goodrich, seconded by Councilperson Rose, requesting Town Board resolution to extend the Monroe County Amendatory Snow and Ice Agreement for the 2010-2011 season. The amount of the contract will be \$232,796.20.

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

APPROVAL OF AMENDATORY AGREEMENT WITH MONROE COUNTY FOR ALL SEASON COUNTY/TOWN WORK AGREEMENT FOR 2011

Resolution # 242 Motion was made by Councilperson Rath, seconded by Councilperson Goodrich, requesting Town Board resolution to approve the amendatory agreement with Monroe County for the All Season County/Town Work Agreement for 2011.

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

APPROVAL OF SNOW & ICE CONTRACT FOR 2012-2013

Resolution # 243 Motion was made by Councilperson Rath, seconded by Councilperson Goodrich, requesting Town Board resolution to approve the Snow and Ice Contract #DO14716 between the State of New York and the Town of Hamlin for Snow and Ice Control for the 2012-2013 extension year. The contract will be for \$170,251.68.

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

APPROVAL TO RENEW CONTRACT WITH EMERGENCY ENCLOSURES

Resolution # 244 Motion was made by Councilperson Goodrich, seconded by Councilperson Rose, requesting Town Board resolution to consider the renewing of the Town's contract with Emergency Enclosures for their emergency services.

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

APPROVAL OF SETBACKS FOR 1372 WALKER LAKE ONTARIO ROAD

Resolution # 245 Motion was made by Councilperson Rose, seconded by Councilperson Rath, requesting Town Board resolution to approve north side building setbacks of 74.6' and 74.8' at 1372 Walker Lake Ontario Road since this property has retained its industrial zoning classification. The setbacks are for existing buildings.

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

APPROVAL TO WAIVE FEES FOR BOY SCOUTS AND GIRL SCOUTS

Resolution # 246 Motion was made by Councilperson Goodrich, seconded by Councilperson Breslawski, requesting Town Board resolution to waive fees for use of Town facilities by the Boy Scouts for 4 meetings during the month of January and for the Girl Scouts gym use on March 4th.

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

DISCUSSION:***1) Lake Shore Sewer Facility.***

I received a letter regarding our pre-eligibility request for funding for the Lake Shore Sewer Facility. They have changed the rules and we have to decide how we are going to proceed. Hamlin Beach State Park remains willing to participate but their funding is unclear. Dave Herring, Project Engineer for this county and park, spoke with Albany and he cannot give us an answer about a funding opportunity, but they are 4-square behind implementation of a project. There are some Lake Shore Water Districts that will be paid off in 3 years, (Shore Acres and Newco Drive) which will take that burden off of taxpayers. The only problem will be if the Park doesn't come up with the funding and decide not to get into it, it would put quite a differential on the unit cost per parcel for taxpayers. It was decided that the Town will continue with the application process and see if the Park gets their funding.

APPROVAL TO PROCEED WITH LAKE SHORE SEWER FACILITY

Resolution # 247 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution to continue the process of applying for funding for the Lake Shore Sewer Facility.

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

REPORTS:

Councilperson Breslawski – The Monroe County Library Service Contract has been finalized. The Hamlin share is going to increase by \$698.00, from \$9,921.00 to \$10,619.00 per year. Our Library Director Kay Hughes-Dennett was on the Contract Committee working and representing the small libraries and specifically the Town of Hamlin. They are going to be able to absorb this into the budget. They have been able to obtain the services of an intern from SUNY Brockport from January through mid May. She is going to work 150 hours and will be working on communications, social media, brochures, posters, and advertising.

For Recreation, Monroe County did conduct its final inspection of the before and after school program. They are awaiting confirmation, but the inspection went very well. Recreation held the final Lunch with Santa program. It was well attended, but it's expensive and the director is looking to move in a different direction. They are talking about a possible combination with the Friends of the Library. They had their tree lighting the same day and it was not so well attended. Nancy Jennejahn has stepped down as the president of the Friends of the Library. The new president is Lori Moses.

Councilperson Goodrich – Hilton Parma Fire House meeting was canceled. They had a voting issue, so they were out voted. Hamlin Volunteer Ambulance had 3 key people on the board stepping aside.

Supervisor Terry – I would like to remind the department heads to get the bills from the vendors in a timely fashion, by January 7th so we can wind up the fiscal year.

Councilperson Rose – I went to a meeting at Lakeside Hospital last week, and Lakeside is partnering with Strong Memorial Hospital. Strong is furnishing doctors to Lakeside under the payroll of Strong Memorial and they are trying to get more joint operations, hip/knee operations, colon operations, etc. here in Brockport, which would free up more rooms at Strong Memorial for heart operations, heart transplants, etc. Some of the doctors are on the Strong payroll here working in Brockport. Also, Brockport has opened up an Urgent Care in Spencerport, which is being well attended. They are seeing over 20 people per day with a doctor and staff on. They have also started one in Leroy, and they are looking to do something in Albion.

Zoning- We are working on a problem at the end of Countyline Road where a person put a barricade across the road. I have been in contact with the State DOT because it is under the jurisdiction of the DOT out of Albion. I have maps showing the property lines, but at this point the state says that their jurisdiction ends 7.6 miles from Ridge Road. It doesn't appear that the person that put the barricade across the road actually owns the property at the end of the Countyline Road. He just took it upon himself to do it. He doesn't own the property; his mother does. He also barricaded on the opposite side of the road, which is the Salvation Army. I am still working on this; I just want to make sure the Town of Hamlin does not get into any legal problems if someone runs into this barricade.

We are going to start up the Zoning Workshop on Thursday, January 13th at 7 pm to proceed with the Agricultural Protection Zone.

The Seniors are going to be having their Christmas party tomorrow at the Hometown Café; they are keeping it right in town. There will be 121 people attending. The Senior Citizens group is growing; they now have 227 members.

Councilperson Rath – Morton Walker Fire District – nothing to report.

I was unable to attend the Conservation Board meeting last month; we have the minutes. The meeting this month is tomorrow night.

There have been a couple of articles in the paper, one from our Historian and another one from the Historian in Brockport regarding the new appointment in the Town. Just to clarify, it is a Supervisor appointment not a Town Board appointment.

On the schedule Kathi provided us, it had a Senior discount of \$5 off the dog license fee that we did not approve on our fee schedule.

APPROVE \$5.00 SENIOR CITIZEN DISCOUNT ON DOG LICENSE FEES

Resolution # 248 Motion was made by Councilperson Rath, seconded by Councilperson Breslawski, requesting Town Board resolution to approve a Senior discount of \$5.00 off dog license fees.

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

Highway Superintendent Steven Baase – We have been busy plowing. We are getting the snow fence up. It's late, but it was so muddy this fall, that we couldn't get to it. The inmates were out last weekend putting the fence up. There are lots of street lights out in town. We have faxed in at least 2 dozen street lights for National Grid to fix.

I am requesting Town Board resolution to purchase a new 2011 John Deere 624K Wheel Loader for no more than \$2,000 next year. This is like a lease agreement. Caterpillar and John Deere do this with other towns. You pay \$10 per hour that you put on the machine and you get a new machine every year. We usually put about 300 hours on a machine so it would cost approximately \$3,000 but we will have no maintenance costs on the machine and we get a brand new one every year with a new warranty. The Town Board will look at the lease before making a resolution at the next Town Board meeting.

Our salt building is getting small. I put a new roof on it this summer. Right now I have no place to store sand. We have about 300 tons of sand that has to be mixed with the salt when the weather gets bad, that is sitting out in the rain. A new Accu-Steel covered building cost \$17,000 for the top part; the bottom part of the brick is approximately \$5,000. I am looking for your permission to go out to bid for just the top part this year if there is enough money left over in this year's budget. I would buy it in two years; next year I would buy the brick portion.

APPROVAL TO PUT OUT BIDS FOR ACCU-STEEL COVERED BUILDING

Resolution # 249 Motion was made by Councilperson Rose, seconded by Councilperson Goodrich, requesting Town Board resolution to advertise out to bid the top portion of the salt storage facility for the Highway Department, with bids to be opened on December 27th at 4 pm.

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

I am looking to hire a full time worker to replace Jimmy Rodas, who is retiring February 28th. I would like to have him start the first of the year to ride with Jimmy so he could train him on the C-shift.

Building Inspector Lee Nettin – Things are running smoothly; I have nothing to report.

Conservation Board Ed Evans for Jason Baxter – We have a project at 7920 Newco Drive and the developer has jumped through all the hoops that we put in their way. The building permit has been approved and the project is progressing. However, we followed this whole thing along. We were there when the developer told everyone, in the interest of ecology and aesthetics the house couldn't be moved like the residents and neighbors wanted. It couldn't be moved further from the lake than what they had on the blue print because of trees that were in the way. When they had the Public Hearing for the variances, and for the neighbors to voice their opinion, the same arguments came up about the trees. One of our Conservation members went to the site and I have pictures of the site before the project began with all the trees, a picture during the excavation of the property, and a picture with all the trees gone shows the land in preparation for the development. We have decided that these photos clearly show that in the future, if a promise has been made to save trees in a sensitive area like the lake shore, then the Town needs to make sure those promises are actually kept. The Town Attorney has already offered some suggestions.

Library Director Kay Hughes-Dennett – The Board put on a very nice reception for the Library staff. We had the public come and a number of the Town Board members came. We are getting ready to go into the new year.

ADJOURN TO EXECUTIVE SESSION

Resolution # 250 Motion was made by Councilperson Breslawski, seconded by Councilperson Rath, requesting Town Board resolution to adjourn to Executive Session at 8:15 pm to discuss a personnel matter.

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

RETURN FROM EXECUTIVE SESSION

Resolution # 251 Motion was made by Councilperson Rath, seconded dually by Councilperson Goodrich and Councilperson Breslawski, requesting Town Board resolution to return from Executive Session at 8:30 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 Rath, to adjourn the meeting at 8:31 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 submitted,

Kathi A. Rickman, MMC
Hamlin Town Clerk