

Hamlin Town Board Meeting  
August 13, 2018

The Hamlin Town Board held their regular meeting in the Hamlin Town Hall Located at 1658 Lake Road Hamlin, New York. The meeting was called to order at 7:00 by Supervisor Eric Peters. The locations of the fire exits and defibrillator were explained to those present. Everyone was invited to participate in the Pledge of Allegiance and a moment of silence for the deceased residents of Hamlin.

Invocation by: Deacon Rick Sietmann

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

Excused: Councilperson Martin Maier

Also Present: Town Attorney Ken Licht, Highway Superintendent Steve Baase, Building Inspector Code Enforcement Officer Cheryl Pacelli, Recreation Director Anke Applebaum, Deputy Town Clerk Keylee Gilfilian, Librarian Christine Gates, Assessor Dan Stafford, Freed Maxic representative Nicole Ryan, Bookkeeper Norm St. John and Hamlin Volunteer Ambulance Representative Rick Wright

Residents: David Isabella, Gary Gastafson, Deb Shores, Mark Shores, Shawn Baxter, Becky Thompson, Patty Jo Groenendaal, Dave Smith, Maura Smith, Dottie Butcher and Cindy Lutwiller.

**PUBLIC FORUM:**

Resident David Isabella of 942 Walker Lake Ontario Rd. addressed the board in regards to the letter he submitted.

Town of Hamlin Board Meeting  
August 13, 2018  
Discussion Recap and Rebuttal of Town Board Comments and Position (7-9-18)

Thank you for the time spent Monday discussing the broken drainage system on the west end of Newco drive during the Town Board Meeting on July 9<sup>th</sup>. I am writing this email to recap the discussion, provide my written rebuttal and to outline some items written in my June 11 Broken Drainage System Document, attached. Please refer to my June 11, 2018 Presentation to the Town Board as reference to some of the solutions and discussions outlined below. In that detailed and comprehensive document I outlined specific solutions to the broken drainage

problem. Some of the solutions were addressed in our discussion Monday evening; others were briefly mentioned or not discussed.

#### Item Not Discussed:

A Town Engineering review (Chatfield) of the six Solution Options and others, with their recommendations. Without a professional engineering study we will continue to debate solutions superficially as laymen. Having Chatfield assess the Drainage issue, as would be customary for any Town project of this nature and scope is key for success. Finding the best solution will not be possible without them. Chatfield might start with a review of the effectiveness and load capacity of the curb side pipe and trenching between Newco Drive and the Parkway (Solution Options A, page 1).

#### Items Requiring More Discussion and Rebuttals:

During the Board Meeting a comment was made that “The Town may not want to fix the Drainage problem for one person”. The drainage issue under discussion impacts FOUR properties not just one home owner. The one home owner the comment was directed to, David Isabella, owns 3 properties in the Town of Hamlin. Why wouldn't the Town have the SAME Fiduciary responsibility to all its residents whether to 1 property owner, 4 property owners or 24 property owners? Without a drainage fix at the west end of Newco Drive my property remains at high risk, but so do my neighbor's properties. There is nowhere for water runoff to disperse without it flooding and eroding that section of Newco Drive. I / we depend on the Town to protect the properties by servicing the pipe at 8054 Newco Drive as the Town of Hamlin has done since the 1950's (until 2016). As you know, your predecessors (Town Board of 1950's and forward) had the good foresight and exercised responsibility to put a plan in place, and stick to it. Presently the Town has no Engineer approved plan to permanently fix the Broken Drainage System.

Since the Town's stated position is to do nothing because “it is not in the tax payers best interest” and is a financial one, consider this: My property has a replacement value of \$80K – \$100K. I have a flood insurance policy backed by Lloyds of London – full replacement (binder provided tonight). The Town is now on record as being aware of the Broken Drainage System and decided not to put in an engineer certified fix. Therefore flood property damage may be proven to be Man Made from the Town's failure to act. I am a licensed New York State Insurance Agent (L & H). Should there be a qualified flood loss at my property, I would be responsible to provide my insurance carrier with all documentation, pictures, background on the flood issues and the extensive two year dialogue with the Town relative to the west end of Newco Drive. On the other side of the tax payer argument, the Town is making a risky financial decision that could expose it to insurance subrogation from my insurer for the replacement value my property plus court costs.

David Isabella is NOT the only resident experiencing flooding issues. Please recall that two of the other affected neighbors have complained to the Town as well, one at Town Board Meetings / and a site meeting and others by phone call to the Highway Superintendent - Spring 2016. David Isabella is not asking for anything new. He requires a long term durable system (to

engineering specifications) to replace what has been taken the drainage system that has been taken away in 2016 from him (see June 11, 2016 TB Meeting – Solution Options).

Why wasn't the west end considered in the same drainage plan that resulted in the wonderful upgrade/permanent fix for 7990 Newco Drive – a well thought out comprehensive plan could have merged the west end with 7990 Newco Drive and saved money by combining the projects. Also, didn't the project at 7990 use tax payer dollars? What did that cost? Was it paid out of the New York State grant to the Town? How was it justified? Who asked for it to be done? Who / how many residents were experiencing water issues near 7990 Newco Drive? I request the Town share these details with me and justify why my property at the west end of Newco Drive, does not qualify to be protected and to square what you are telling me with the drain project at 7990 Newco Drive.

Although my property and others are in a flood plain they still require protection from flooding and water erosion from the south. I respectfully do not agree with the notion floated by the Board that owning a property in a flood plain carries with it the expectation to always be flooded. I purchased 8068 Newco Drive in 2006. At the time of the purchase the process was established and I had an expectation based upon that long term established process that the protection would be ongoing. The system is now broken due to the fact the Town owned drainage pipe to the lake can no longer be cleaned out (and must be lost somewhere) because of denied access by the recent property owners (Shores) at 8054 Newco Drive. They have for some unknown reason, denied the Town the "easement by necessity" and have created the current system breakdown, confusion and future uncertainty at the west end of Newco Drive. Flood risk due to 1) extreme rain is VERY DIFFERENT from 2) Man Made flood risk due to the Town deciding to not correct a broken system where water levels are often at or near over flow levels, because there is no longer a drain pipe to the lake, and flooding now results because otherwise normal rain and run off can't be handled as before. Therein lies the Previously discussed insurance subrogation risk.

Comments from the Town that relate to lake flooding or pictures of the 8068 Newco Drive break wall being swamped in 1998 are being made out of context and have NOTHING to do with flooding from the south, which is the ONLY issue I am raising in my arguments to fix the Broken Drainage System. We now all have break walls down there to deal with future lake storms.

Another point made by the Board was that the elevation survey by Rich Maier (contracted by D. Isabella) did not confirm enough west to east slope bringing a concern that trenching between Newco and Parkway (Solution option A, page 1), west to east, may not be viable. Yet the Board has claimed some degree of success recently draining the swamp by cleaning out the curbside pipe (Discussion Points A, page 2) to enable water flowing from west to east. Both the requested action to trench between Newco and the Parkway and the cleaning out of the curbside pipe create a west to east drainage because they follow identical elevations. So if the elevation is the criteria for work being justified then there should be no logical reason to deny Solution Option A. To say one solution works and the other will not is a contradiction.

Regarding the curbside pipe, the pipe that originates from the east end of the swamp is a 12” culvert pipe, the same one that has always been there. I do not see where the size of the pipe has been increased anywhere. If the curbside pipe were increased further to the east, the WHOLE system would need to be increased from the outlet to more than 12” in diameter. Further, the curbside pipe, even if it has limited effectiveness, is no match to evacuate the water flowing from the 48” road culvert that feeds the swamp (under Newco Drive) in times of flooding. The area will still flood. Is the Engineering study / assessment that the Town used for the curb side pipe project available for review by an Engineer - Gary Gustafson, by request or under FOIL?

During the meeting the Board specified I contact NYS to seek relief relative to the Solution Options for the Yanty Marsh Culvert (Option B) and the Swamp Roadway Easement (Option C) options. The Roadway Easement Solution appears to be the most costly and least favored one based on inputs from many credible third party sources. Why is this being recommended by the town exclusive of the other proposals? Engineering and Easement law is not my area of expertise nor is it a resident’s responsibility to deal with drainage issues between the Town and New York State. Isn’t it the responsibility of the Town - its elected staff and Town Attorney to handle such matters on behalf of its residents and tax payers? Did the Town also put the affected residents for the 7990 Newco Drive Drainage upgrade / permanent fix project through all this, or only me?

The Chatfield study needs to be started by the Town NOW (with a reasonable end date) to run concurrently and in parallel with the Town exploring relief from New York State so that valuable time is not lost in fixing the Broken Drainage System and what remains of my property is not also destroyed.

Given all the facts, proof, arguments, documentation and possible solutions I have provided you (over and above what a resident should have to do) regarding the Broken Drainage System, the Town has not dealt fairly with me and has put my property at high risk for damages. The Town has let it become the Drainage Ditch for Northwest Hamlin. To date the Town still has not stepped up to its responsibility to order a professional engineering study to identify and **implement** a permanent fix for the Broken Drainage Problem.

Sincerely,

David M Isabella

cc.

Steven Hawley, New York State Assemblyman  
Joseph Robach, New York State Senator  
Town of Hamlin Board  
Town of Hamlin Planning Board

Attachment, Broken Drainage System Document

Gary Gustafson of 5 Summerhaven Dr. addressed the board on behalf of David Isabella. Gary Gustafson owns an Engineering Consulting firm. He has been working with David Isabella on drainage issues and permits. He would like to see the town use the simplest solution. He wants the current ditch closed and moved to the proper right of way. He urges the Town Board to make permits available to Mr. Isabella tomorrow.

Mark and Deb Shores wanted to clarify the following statement from the July 9, 2018 Town Board Meeting Minutes:

“There was previously a pipe in the neighbor’s yard to help drain but the neighbors have revoked the town privilege from entering it to clean out the pipe”

We did not revoke the town privilege from entering our property; we asked that the town not bring in the heavy equipment to dig out the trench due to high water, the fragility of the lake front, and that it almost immediately backfills. We have dug and maintained a trench to help with drainage whenever feasible.

Thank you

**Presentation: Freed Maxic -Annual Independent Audit**

Nicole Ryan reported on the completed independent internal audit. She discussed the upcoming changes to the GASB which will require a depreciation schedule for all real property. She also discussed systems that could be used to monitor journal entries.

Bookkeeper Norm St. John Reported on the following:

He reaches out to companies requesting information on completing a depreciation schedule on all real property. There are only a few companies that will do this. Only one company gave him a quote. This quote will expire in ten days.

**ACCEPT BID TO PERFORM APPRAISAL:**

Resolution #150      Motion was made by Councilperson Jason Baxter, Seconded by Councilperson Dave Rose to contact Industrial Appraisal Company to complete depreciation schedule of all real property with a yearly update at a cost of \$4,835 with a yearly cost of \$160.00

Polled Votes: Councilperson Jason Baxter aye, Councilperson Jennifer Voelkl aye, Councilperson Dave Rose aye and Supervisor Eric Peters aye. Motion Carried.

**APPROVAL OF PUBLIC HEARING MINUTES:**

Resolution #151      Motion was made by Councilperson Dave Rose, Seconded by Councilperson Jennifer Voelkl requesting Town Board approval of Public Hearing Meeting Minutes of July 9, 2018.

Polled Votes: Councilperson Jason Baxter aye, Councilperson Jennifer Voelkl aye, Councilperson Dave Rose aye and Supervisor Eric Peters aye. Motion Carried.

**APPROVAL OF TOWN BOARD MINUTES:**

Resolution #152 Motion was made by Councilperson Dave Rose, Seconded by Councilperson Jason Baxter requesting Town Board approval of Town Board Meeting Minutes of July 9, 2018.

Polled Votes: Councilperson Jason Baxter aye, Councilperson Jennifer Voelkl aye, Councilperson Dave Rose aye and Supervisor Eric Peters aye. Motion Carried.

**AUTHORIZATION OF PAYMENT OF BILLS:**

Resolution #153 Motion was made by Councilperson Jason Baxter, Seconded by Councilperson Jennifer Voelkl requesting Town Board approval of the authorization of payment of bills from their respective funds as follows:

<b><u>MONTHLY TOTALS</u></b>	TOWN OF HAMLIN	<b><u>Abstract: 8</u></b>
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<b><u>ACCOUNT</u></b>	<b><u>VOUCHER#</u></b>	<b><u>AMOUNT</u></b>	<b><u>ACCOUNT TOTALS</u></b>
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General	2018-0859 to 2018-0860	412.97	
	2018-0865 to 2018-0866	806.92	
	2018-0870 to 2018-0871	2618.83	
	2018-0879	199.99	
	2018-0883	42.80	
	2018-0885 to 2018-0887	541.16	
	2018-0929 to 2018-1008	39193.44	
<b>Account Total</b>			<b>\$ 43,816.11</b>

Library	2018-0867	645.44	
	2018-0872	22.59	
	2018-0880	152.75	
	2018-0888 to 2018-0900	2918.55	
<b>Account Total</b>			<b>\$ 3,739.33</b>

Highway	2018-0905 to 2018-0921	32764.73	
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	2018-0923 to 2018-0926	49937.67	
<b>Account Total</b>			<b>\$ 82,702.40</b>
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Sewer	2018-0868	56.81	
	2018-0873	54.85	
	2018-0901 to 2018-0904	1085.85	
	2018-0927 to 2018-0928	572.20	
<b>Account Total</b>			<b>\$ 1,769.71</b>
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Light	2018-0874	1558.75	
	2018-0881	338.58	
<b>Account Total</b>			<b>\$ 1,897.33</b>
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Employees Trust	2018-0861	29.50	
	2018-0864	1774.84	
	2018-0869	149.00	
	2018-0876 to 2018-0878	28977.56	
	2018-0884	160.76	
<b>Account Total</b>			<b>\$ 31,091.66</b>
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Paychex	2018-0858	121.02	
	2018-0875	98.32	
	2018-0882	47.75	
	2018-0922	99.03	
<b>Account Total</b>			<b>\$ 366.12</b>
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<b>Visa Charges</b>	Safe and Lock Store	48.57	
	Webstaurant	68.16	
	Walmart	437.61	
	Facebook Ads	296.71	
	Office Depot	189.99	
<b>Account Total</b>			<b>\$ 1,041.04</b>

**GRAND TOTAL:**

\$  
**166,423.70**

Polled Votes: Councilperson Jason Baxter aye, Councilperson Jennifer Voelkl aye, Councilperson Dave Rose aye and Supervisor Eric Peters aye. Motion Carried.

**BUDGET TRANSFERS AND AMENDMENTS**

Resolution #154 Motion was made by Councilperson Jason Baxter, Seconded by Councilperson Dave Rose to approve the following budget transfers. Transfer \$430.18 form account 7110.100 Park Salary account to account 8810.10 Cemeteries account. Transfer \$13.70 form account 8540.10 Drainage Salary account to account 8540.40 Drainage Contractual account. Increase Revenue Account 2770.31 Grant JCP Grants \$12,085.00 and Increase Expense Account 1110.42 JCAP Security Grant \$12085.00

Polled Votes: Councilperson Jason Baxter aye, Councilperson Jennifer Voelkl aye, Councilperson Dave Rose aye and Supervisor Eric Peters aye. Motion Carried

**Correspondence:**

- a. The Legislative Insider July 2018
- b. Fire Marshal's report July 2018
- c. Filing of Local Law 4, 2018
- d. Erie Canalway E-News 7/25/2018
- e. Department of labor –Guidance for Public-Sector Employers and Employees in New York State
- f. Event reminder- New York State Pollution Prevention Institute
- g. Department of Human Resources- 2018 funding for the Town of Hamlin Youth Services
- h. National Weather Service-NWS Buffalo Weekly Briefing 7/25/2018 and 8/1/2018
- i. HVA Board of directors Meeting June 4, 2018 and August 6, 2018
- j. Zone C June, 28, July 12,
- k. Genesee/Finger Lakes Regional Planning Council Eblast
- l. LEVELER August 2, 2018
- m. Fishery Advisory Board
- n. Building Inspector/ Code Enforcement Officer report 7/9/2018-08-13/2018

**APPROVAL TO ADVERTISE FOR A PART TIME CLERK TO THE ASSESSOR:**

Resolution #155 Motion was made by Councilperson Dave Rose, Seconded by Councilperson Jason Baxter requesting Town Board to advertise for a part time clerk to the Assessor (15 hrs/per week) with applications being due at the Town Clerk's office Friday August 31, 2018, at 4:00 pm.

Polled Votes: Councilperson Jason Baxter aye, Councilperson Jennifer Voelkl aye, Councilperson Dave Rose aye and Supervisor Eric Peters aye. Motion Carried.

**SCHEDULE A PUBLIC HEARING FOR THE REDMAN RD WATER DISTRICT:**

Resolution #156 Motion was made by Councilperson Dave Rose, Seconded by Councilperson Jennifer Voelkl requesting Town Board to schedule a Public Hearing for the Redman Rd. Water District for September 10, 2018 at 6:15 pm.

Polled Votes: Councilperson Jason Baxter aye, Councilperson Jennifer Voelkl aye, Councilperson Dave Rose aye and Supervisor Eric Peters aye. Motion Carried.

**SIGN CONVENTIONAL SNOW & ICE AGREEMENT:**

Resolution #157 Motion was made by Councilperson Jason Baxter, Seconded by Councilperson Dave Rose requesting Town Board to approve the signing of the agreement to extend conventional municipal snow and ice agreement between the Town of Hamlin and the State of New York for the 2020/2021 season. Contact number D014739 in the amount of \$178,342.05.

Polled Votes: Councilperson Jason Baxter aye, Councilperson Jennifer Voelkl aye, Councilperson Dave Rose aye and Supervisor Eric Peters aye. Motion Carried.

**REPORTS:**

Councilperson Jason Baxter reported on the following

- HPFD had a close out meeting about the carnival. There were a couple minor issues but no major issues. Greece has not provided information on the ambulance calls since they took over. They are working on improving the communication.
- Dog Control-They have been very busy with a lot of adoptions. He is getting quotes on replacing wood in the kennels. They are working with new volunteers.
- HVA- COVA and Hamlin's Boards have combined. Hamlin still has representation on the board. Starting September 1<sup>st</sup> ALS as well as BLS on the rigs. Residents will only get one bill as long as it is just Hamlin responding. Monroe will respond if Hamlin is out on another call. As a part of this agreement Hamlin will get a new rig. They are still maintaining the stellar response rate. There is a new Medical Director.

Councilperson Jennifer Voelkl reported on the following:

- Zoning Board: Public Hearing for SandyShore for 2 shed on the waterside. 2 people made public comments. Variance was approved. There was a public hearing scheduled

for a deck on Brookedge Drive. David Isabella had requested 5 variances; they requested more information, so he was postponed.

- Chamber of Commerce: Preparing for the 5<sup>th</sup> Annual Classic Car Event. The event is scheduled for Saturday August 18<sup>th</sup>, 2018. They Chamber of Commerce helped fund the restoration of the large clock.

Councilperson Dave Rose reported on the following:

- Conservation Board: 3 Applications.
- Library-Charlie Hungerford approved as trustee of the board.
- Senior: Senior Picnic August 28<sup>th</sup>. Partyka will be providing the food.
- Hamlin Fire District: The meeting is coming up next Monday
- Huntington Park: A resident had his car keyed and tires slashed after yelling at kids on motorized vehicles in the green spaces. Security solutions we discussed.

Highway Superintendent Steve Baase reported on the following:

- Kendall Waterline is complete and passed the pressure test.
- Doing a lot of county work.
- Gas pump is dying. They stopped making this pump about 20 years ago so parts are impossible to find. Looking into purchasing a new one.
- Park guys have been working in the cemeteries since sports are done. Straightening and fixing head stones.
- Sold one of our salters to the Town of Mendon.
- Dog Shelters roof had a 2 by 2 hole in it after further inspection there are a lot of wood exposed. We need to look into calling a professional to replace it.

Building Inspector Code Enforcement Officer Cheryl Pacelli:

- 50 permits issued where the cost received was \$4,137.80 and 16 permits have been closed.
- 316 phone calls into the office.
- Sent out 11 Violation notices
- Still working on notifying home owners and property maintenance companies to comply with the code for lawn mowing.
- DEC is still reviewing application for the West Side of Sandy Harbor.
- New Residential build permit for County Creek which is the 4<sup>th</sup> one this year.

Recreation Director Anke Applebaum Reported on the following:

- Eagle Scout starting a new project. He will be making a second Gaga pit next to the playground.
- Junk Jamboree coming up this weekend. Numbers are low.
- Next outdoor Movie scheduled for Friday August 24.
- New Wheelchairs are here. There will be 3 open house sessions this fall for an adaptive Nerf program

Librarian Christine Gates reported on the following:

- Summer reading finale was today. Everything went beautiful
- Community Rocks programs went great
- Working on fall programming

Assessor Dan Stafford

- Working with code enforcement on closing out 2016 permits

Hamlin Volunteer Ambulance Representative Rick Wright reported on the following

- Calls are up 5 % to last year. It has been very busy since the hot weather hit in May. We have had four months in a row of over 70 calls each month which is unheard of.

Supervisor Eric Peters

- Met with the county on Shared serviced
- Workers comp audit came away perfect with no adjustments needed

**DISCUSSION:**

- A discussion was held on updating Comprehensive Master Plan. The master plan should be updated every five years. Ours was last updated around 2005.

**UPDATE TOWN OF HAMLIN COMPREHENSIVE MASTER PLAN:**

Resolution #158 Motion was made by Councilperson Jennifer Voelkl, Seconded by Supervisor Eric Peters to form a committee to update the comprehensive Master Plan.

Polled Votes: Councilperson Jason Baxter aye, Councilperson Jennifer Voelkl aye, Councilperson Dave Rose aye and Supervisor Eric Peters aye. Motion Carried.

**ADJOURNMENT:** Motion was made by Councilperson Dave Rose, Seconded by Councilperson Jennifer Voelkl requesting Town Board approval to adjourn the meeting at 8:50 pm as all business had been concluded.

Polled Votes: Councilperson Jason Baxter aye, Councilperson Jennifer Voelkl aye, Councilperson Dave Rose aye and Supervisor Eric Peters aye. Motion Carried

Respectfully submitted,

Kathi A. Rickman, MMC  
Hamlin Town Clerk