

**Regular Town Board Meeting
Monday, December 23, 2020**

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 Peters. Everyone was invited to participate in the Pledge of Allegiance and a moment of silence for the deceased residents of Hamlin.

Present: Councilperson Jennifer Voelkl, Councilperson Phil Hurlbutt, Councilperson Joel Yager
Supervisor Eric Peters.

Excused: Councilperson Jason Baxter.

Also present: Town Clerk - Patty Jo Groenendaal, Town Attorney - Maureen Werner
John Ebel, Phil Smith

INVOCATION: Led by John Ebel from Hamlin New Testament Church

PUBLIC FORUM: No one chose to address the board.

APPROVAL OF SPECIAL TOWN BOARD MINUTES DECEMBER 3, 2020

Resolution #182 Motion made by Councilperson Yager and seconded by Councilperson Voelkl to approve the Special Town Board Minutes of December 3, 2020

Polled votes: Councilperson Voelkl aye, Councilperson Hurlbutt Abstained, Councilperson Yager aye, Supervisor Peters aye. Motion carried.

APPROVAL OF TOWN BOARD MINUTES NOVEMBER 25, 2020

Resolution #183 Motion made by Councilperson Yager and seconded by Councilperson Voelkl to approve the Town Board Minutes of November 25, 2020

Polled votes: Councilperson Voelkl aye, Councilperson Hurlbutt Abstained, Councilperson Yager aye, Supervisor Peters aye. Motion carried.

APPROVAL OF TOWN BOARD MINUTES DECEMBER 14, 2020

Resolution #184 Motion made by Councilperson Voelkl and seconded by Councilperson Hurlbut to approve the Town Board Minutes of November 25, 2020

Polled votes: Councilperson Voelkl aye, Councilperson Hurlbutt aye, Councilperson Yager Abstained, Supervisor Peters aye. Motion carried.

APPROVAL OF PAYMENT OF BILLS FROM THEIR RESPECTIVE FUNDS

Resolution #185 Motion made by Councilperson Hurlbut and seconded by Councilperson Yager to approve the payment of bills from their respective funds.

<u>MONTHLY TOTALS</u>			<u>ABSTRACT: 12A</u>
<u>ACCOUNT</u>	<u>VOUCHER#</u>	<u>AMOUNT</u>	<u>ACCOUNT TOTALS</u>
<u>General</u>	<u>2020-1598</u>	<u>8.88</u>	
	<u>2020-1599 to 2020-1601</u>	<u>2997.98</u>	
	<u>2020-1629</u>	<u>8.60</u>	
	<u>2020-1630</u>	<u>969.47</u>	
	<u>2020-1613 to 2020-1628</u>	<u>8949.41</u>	
<u>Account Total</u>			<u>\$ 12,934.34</u>
<u>Library</u>	<u>2020-1594</u>	<u>474.02</u>	
	<u>2020-1602 to 2020-1603</u>	<u>259.72</u>	
<u>Account Total</u>			<u>\$ 733.74</u>
<u>Highway</u>	<u>2020-1611 to 2020-1612</u>	<u>536.99</u>	
<u>Account Total</u>			<u>\$ 536.99</u>
<u>Sewer</u>	<u>2020-1604 to 2020-1605</u>	<u>129.79</u>	
	<u>2020-1610</u>	<u>200.00</u>	
			<u>\$ 329.79</u>
<u>Account Total</u>			
<u>Light</u>	<u>2020-1606</u>	<u>1730.37</u>	
<u>Account Total</u>			<u>\$ 1,730.37</u>
<u>Employees Trust</u>	<u>2020-1595</u>	<u>21.00</u>	
	<u>2020-1607 to 2020-1608</u>	<u>2409.39</u>	
<u>Account Total</u>			<u>\$ 2,430.39</u>
<u>Paychex</u>	<u>2020-1609</u>	<u>102.18</u>	
<u>Account Total</u>			<u>\$ 102.18</u>
<u>Visa Charges</u>	<u>Amazon</u>	<u>63.98</u>	
	<u>Global Industrial</u>	<u>161.94</u>	
	<u>Harbor Freight</u>	<u>133.02</u>	
	<u>Lowe's</u>	<u>42.12</u>	
	<u>Walmart</u>	<u>96.91</u>	
<u>Account Total:</u>			<u>\$ 497.97</u>
<u>GRAND TOTAL:</u>			<u>\$ 19,295.77</u>

Polled votes: Councilperson Voelkl aye, Councilperson Hurlbutt aye, Councilperson Yager aye, Supervisor Peters aye. Motion carried.

CORRESPONDENCE:

- a. Storm Watch and Hazardous Weather Outlook!
- b. NWS Buffalo Weekly Briefing – Wednesday December 16 2020
- c. MCZ NEWS WEEKLY 12/16/20
- d. NWS Buffalo Weekly Breifing- Wednesday December 23, 2020
- e. MCZ NEWS WEEKLY 12/23/20

APPROVAL OF BUDGET AMENDMENTS:

Resolution #186 Motion made by Councilperson Voelkl and seconded by Councilperson Yager to approve the following budget amendment:

- Increased Revenue Account
 - A.2300.00 Other Governments by \$3,300.00
- Increase Expense Account
 - A.1330.10 Tax Collection Salary by \$3,300.00

Polled votes: Councilperson Voelkl aye, Councilperson Hurlbutt aye, Councilperson Yager aye, Supervisor Peters aye. Motion carried.

APPROVAL OF BUDGET TRANSFERS:

Resolution #187 Motion made by Councilperson Yager and seconded by Councilperson Hurlbut to approve the following budget transfers:

<u>General - AA</u>			
From Account		To Account	Amount
1110.12 Deputy Court Clerk Salary		1110.11 Court Clerk Salary	\$ 1,500.00
1110.40 Justice Contractaul Exp.		1110.11 Court Clerk Salary	\$ 3,322.33
1355.10 Assessor Salary		1355.11 Clerk to the Assessor Salary	\$ 241.88
2000.40 Town Hall Fuel		2001.40 Town Hall Phone	\$ 1,100.00
5132.50 Highway Garage Electric		5132.80 Highway Garage Phone	\$ 150.00

Polled votes: Councilperson Voelkl aye, Councilperson Hurlbutt aye, Councilperson Yager aye, Supervisor Peters aye. Motion carried.

TEMPORARY RELIEF OF TOWN CODE § 454-20

Resolution #188 Motion made by Councilperson Yager and seconded by Councilperson Hurlbut to approve the temporary relief of Town Code § 454-20.

WHEREAS, Phil Smith came before the Town Board at the December 14, 2020 Town Board meeting and requested the Town Board to grant him relief from Town Code § 454-20 Use restricted.

[Amended 4-10-2006 by L.L. No. 3-2006]

No person shall occupy or park for use any house trailer or mobile home within the Town of Hamlin except within the boundaries of a house-trailer park or tourist camp or, subject to the provisions of Chapter 520, Zoning, § 520-25, on land approved for the

location of a farm labor camp. Any resident of the Town of Hamlin may have a nonpaying guest park his automobile trailer or camping trailer on the resident's premises for a period not exceeding 14 consecutive days during any calendar year, provided that the vehicle is located not less than 10 feet from any building.

Notwithstanding the foregoing, any resident of the Town of Hamlin may have a nonpaying guest park such vehicle or trailer on the resident's premises for a period not exceeding six months in any calendar year upon the issuance of a permit by the Building Inspector. The applicant shall pay the fee as established by the Town Board of the Town of Hamlin. The location of the trailer shall be subject to approval of the Building Inspector. Notwithstanding the foregoing, such permits shall not be available in the RM, RH and SC Zoning Districts.

WHEREAS, Mr. Smith stated before the Town Board that there was a kitchen fire in his home located at 751 Walker Lake Ontario Road, Town of Hamlin and their home is now uninhabitable until the home can be rehabilitated and a new Certificate of Occupancy issued.

WHEREAS, Mr. Smith stated that his insurance company has put him and his family up in a hotel room in Greece, NY, his family consisting of his wife, himself, four children and two very large dogs;

WHEREAS, Mr. Smith stated living in Greece in a hotel room and trying to get his four children ready for school is very difficult for his children and wife, as two children go to St. Paul's, on to Merton Williams and one to the High School, each child having to be driven from Greece to school each day and picked up each day, each at different times;

WHEREAS, Mr. Smith Stated that his home sit far off the road and he is very concerned with his home being broken into once it is known that the home is vacant and under rehabilitation construction;

WHEREAS, the insurance company is willing to bring a "house trailer" to the property so that Mr. Smith and his family can reside on their real property while the home is being "rehabbed," the house trailer would be hooked up to the existing water in the home and the septic holding tank for the house trailer would be hooked up to their existing septic tank;

WHEREAS, Mr. Smith is asking the Town Board to grant him relief from the above stated Town Code to allow him to have the house trailer on his real property while his home is under rehab construction to allow his family to have some type of normalcy while the construction is on going and allow him to keep watch over his home while it is uninhabitable;

WHEREAS, the Town Board has taken in to consideration the health, safety and welfare of the citizens of the Town while deliberating the request of Mr. Smith; and

WHEREAS, the circumstances of this request are very specific, as the home was determined to be unlivable because of a kitchen fire, that there are several children in

several different schools all with different starting times and the living arrangements provided by the insurance company are causing stress on the family, the home is set back off the main road and cannot be seeing from the main road, that the neighboring homes are not situated close to the property lot lines, that the house trailer is being supplied by the insurance company, that there is public water and a sanitary system available to be hooked up to and the applicant has stated that the construction of the home should be completed within six (6) months.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Hamlin, Monroe County, New York, as follows:

1. That the Town Board will grant temporary relief from the above stated Town Code to Phil Smith to allow him to have a house trailer on his real property located at 751 Walker Lake Ontario Road, Town of Hamlin, for a period of no-longer than six (6) months from the date that the house trailer is placed on the real property above stated.
2. That the Town Fire Marshall shall be allowed on the property to inspect the house, trailer any defects set out by the Fire Marshall shall be corrected and reinspected, prior to anyone being allowed to reside in the house trailer.
3. That Phil Smith and all legal owners of the real property will indemnify and hold harmless the Town of Hamlin from and against losses, damages, etc. arising from or relating to certain acts, omissions or occurrences that may happen due to the placement of the house trailer on the real property.
4. That the house trailer shall not be located less than 10 feet from any building.
5. That if any approvals are required by the Monroe County Health Department and/or the Monroe County Water Department for the hook up of the house trailer, Mr. Smith will be responsible for obtaining such approvals.

Polled votes: Councilperson Voelkl aye, Councilperson Hurlbutt aye, Councilperson Yager aye, Supervisor Peters aye. Motion carried.

SUBDIVISIONS 7, 7-A AND 8 OF SECTION 459-C OF THE REAL PROPERTY TAX LAW, AND SUBDIVISIONS 5, 5-A, 5-B, 5-C AND 6 OF SECTION 467 OF THE REAL PROPERTY TAX LAW

Resolution #189 Motion made by Councilperson Hurlbutt and seconded by Councilperson Yager to approve the subdivisions 7, 7-a and 8 of section 459-c of the real property tax law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the real property tax law

WHEREAS, on December 18, 2020, Governor Andrew M. Cuomo, signed into effect Executive Order No. 202.83, Continuing Temporary Suspension and Modification of Laws, Relating to the Disaster Emergency

WHEREAS, by virtue of the authority vested in Governor Andrew M. Cuomo by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary, to assist or aid in coping with such disaster, or to provide any directive necessary to respond to the disaster, do hereby continue the suspensions and modifications of law, and any directives not superseded by a subsequent directive, contained in Executive Orders 202.36, 202.37, 202.46, 202.47, 202.54, 202.58, 202.59, 202.65, and 202.70, as continued and contained in Executive Order 202.76, for another thirty days through January 17, 2021, and hereby temporarily suspend or modify the following from the date of this Executive Order through January 17, 2021:

Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received that exemption on the 2020 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons. Provided however, that the governing body may, at its option, include in such resolution procedures by which the assessor may require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Hamlin, Monroe County, New York, as follows:

1. The Town Assessor is hereby directed to grant exemptions pursuant to Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law on the 2021 assessment roll to all property owners who received that exemption on the 2020 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for the Town Assessor to mail renewal applications to such persons.
3. Nothing in this resolution shall prevent the Assessor from Processing renewal applications for 2021 based upon completed renewal applications received on or before March 1, 2021.
2. The Town Assessor is hereby directed to mail renewal applications to any

person whom he or she has reason to believe that the owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died.

Polled votes: Councilperson Voelkl aye, Councilperson Hurlbutt aye, Councilperson Yager aye, Supervisor Peters aye. Motion carried.

REPORT:

Peters – Waterline on Route 18 is in service. Mortgage tax had an increase compared to last year. Zoning Board interviews set up for December 30, 7:00 pm.

ADJOURNMENT:

Resolution #190 Motion was made by Councilperson Hurlbut and seconded by Councilperson Voelkl, requesting Town Board approval to adjourn the meeting at 7:20 pm as all business had been concluded.

Polled votes: All in Favor.

Respectfully submitted,

Patty Jo Groenendaal
Hamlin Town Clerk