

The regular monthly meeting of the Hamilton Town Board was held on Thursday, August 8, 2013, at 7:00 p.m., at the Town Office, 16 Broad Street, Hamilton, New York. Present were: Eve Ann Shwartz, Supervisor; Peter Darby, Deputy Supervisor; D. Holcomb and C. Todd, Town Council; Bert Glazier, Highway Supt.; Bruce Moseley, Wanda Warren Berry, Gerald Hayes (Doc); Regina Silvestri & Grattan Johnson.

The Supervisor welcomed the public and asked if they had anything to share. Earlville Days was a big success and he thanked Hamilton and Lebanon for their help, Doc said. Regina said she uses the County Landfill for recycling, and with gas prices rising, could some recycling places be put around the Town. Wanda said Spring Street should do a Petition to annex into the Village – Peter said they probably do not want the extra Village Tax.

A Motion was made by C. Todd, seconded by P. Darby and carried to Accept the July 11, 2013 Town Board Minutes; however P. Darby would like to make an Amendment to them. Peter said he would like to Amend them as follows: Substitute the next to the last paragraph on Page 918 to say: A Motion was made by P. Darby, seconded by C. Rossi and carried to set up a Committee to Review the Contract with the Village for the Code Enforcement Services. Committee will be David Holcomb and Peter Darby. C. Todd said on Page 916 (2/3 of the way down the page) the name -Parry's is referred to as the location of the offsite Records Retention work; and it should be 20 Utica Street (the former Parry's building).

Supervisor Shwartz asked for: Resolution # 20 which was made by P. Darby, seconded by C. Todd and carried to Open the Public Hearing on proposed Local Law # 1 – 2013 -To Change Elected Highway Supt. to Appointed Highway Supt. The Supervisor asked if anyone present wished to speak on this.

Wanda said with the questions raised at the last Board Meeting-she wondered if the Board has done any further thinking about the language of the wording – which talks about these people serving at the pleasure of the Board-is that required in such a document. It seems to me it will make people voting in the Referendum very nervous about what this would mean – could this person be fired the next day/or on what basis will they be hired – are you required as Town

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Counsel when you have vacancies (Ex. like when the former Highway Supt. resigned) – the position was advertised and Bert applied and was appointed to fill the unexpired term; and then he had to run and was Elected in November.

Wanda said the language in these Proposals implies an almost arbitrary process that Regina said the last time-it could lead people to think that if a constituency of a Board changed-the Board could just decide at their pleasure to get rid of this person, and she wondered if the Board thought of refining that language-or is it required language.

Eve Ann said if this is not passed tonight as proposed –we would have to have another public hearing. A variety of us have gotten feedback on this issue, Eve Ann said, on as to whether or not this somehow leaves one or both positions exposed to partisan politics from some future Board – it certainly is not our intention to do that. She said our intention is to make the offices more professional: to advertise, seek the most qualified candidate, not on the basis of party alignment. That is the intention of this Board, but obviously things could change, and people could come and go. David said this Highway Supt. position would be no different than the 4 guys that are on the Highway Dept. – they could be fired anytime/anyday-he will be like all the others; it is the private sector; just like my job. Wanda said what if you spoke about these positions as being Appointed by the Board – also indicating on the basis of an advertised Search- are you required to do that by County or State procedures –yes, was the answer. We are governed by State Law governing the Towns, C. Todd said. This has to be in September 30th, Eve Ann said. Wanda suggested keeping it simple: Ex.: The Appointed Highway Supt. of the Town of Hamilton will be Appointed by the Town Board. Does the language really change the reality, Peter asked. Regina thought it would be easier to opt out with a yearly appointment – if an appointed person did not work out. It is about creating Policy, Eve Ann said, because they are not always going to be here.

Attorneys Chris Kendall & Steve Jones have both said the same thing to Eve Ann, in other communities it has become a very partisan issue – new Boards come in and they fire people. It does expose us to that, she said; we are trying to get away from partisan politics, but it could expose us to more partisan politics. The other side of this is-the way it has been done for a thousand years – you could get

terrible Highway Superintendents and terrible Town Clerks; people who have no knowledge –and with a vote they are in the job; D. Holcomb said. Peter said the 2 year appointment question was raised – so you wouldn't have someone walk in and say you are out-I am putting my buddy in here. Wanda read her statement – to appoint for one year, and review the appointment one year later. Eve Ann said they could work with Steve Jones, Esq. on this. Assessment appointment is a 6 year term, they discussed. Bert Glazier said Cazenovia does not have a Term-they have a List of Qualifications for the people that they were going to interview. He asked them if they wanted hourly or salary – and they said no, that would be the same. Cazenovia's Highway Supt. is appointed, Bert said. Chris Rossi said she could go either way – she is not of a strong opinion on this topic, Eve Ann said. This is Cazenovia's Law as far as I know, Eve Ann said. She feels confident they are legally in their bounds to do this. C. Todd read similar language pertaining to deputy appointments, in the Town Law book. Eve Ann said we would still be subject to Federal Discrimination Law – we can't discriminate against anyone because of their age or sexual orientation. Bruce Moseley said you would also at the time of the Appointment -draft a Job Description and Qualifications required. We have plenty of time to come up with a good Job Description that accurately reflects the kind of job that we are getting, and we expect to continue to receive, in the jobs of Highway Supt. and Town Clerk/Tax Collector, Eve Ann said. C. Todd is comfortable with the language, as she thinks that this is giving authority and responsibility to the Town Board – it is an unconditional granting of power to them. Peter is comfortable with the wording, and Bruce Moseley thinks this is standard language. Eve Ann said there are going to be a lot of Referendums on the ballot this year – and she would like it explained to the public; maybe even when campaigning.

Grattan asked if there was a political philosophical reason for this shift – this seems to change a part of the Town's Structure and I'm not sure I understand why this is better than democracy.

Peter said his brother married into a very Republican family – his brother in law owned a clothing store, his father in law got the local Republican Party to nominate him as Highway Supt.-this man had never picked up a shovel in his life; and because it was a dominant Republican area-he won. He did not know the first thing about the job-he thinks the five Board members could do a better job

selecting a person to fill the position – than a political party can do in selecting a nominee to run for that position. G. Johnson said as a voter- it seems to me that one notion of this would be that I feel like you are saying you can do a better job of selecting them, than I can. Peter said that is exactly what I am saying-G. Johnson said yes, but you could be wrong. We had a situation this year where there will be no choice in the Township- because the parties could not come up with anybody else to run. Part of the reason is nobody likes to campaign, nobody like to run for election; Peter said-the appointed position is going to be far more secure for a person –than an elected position, D. Holcomb said. Wanda Warren Berry said the previous Highway Supt. got very nervous when his livelihood depended on getting re-elected every 2 years. Wanda said the Highway Supt. and the Town Clerk are a big important part of the team in the Town Office, but they do not vote on the Town Board – if they voted, they should be elected—it is done on the basis of their skills and their experience. G. Johnson said he understands all that part, and all he was saying is that you are moving a piece of your Governmental Apparatus from one way of functioning to a different way of functioning; and it is hard for him to grasp that structural change.

D. Holcomb sees it as smaller government, you take them out of the voting-and they become employees of the Government. Eve Ann said: to be honest, and I do not want to shake up Bert Glazier or Sue Reymers (who is running for Town Clerk/Tax Collector), but this gives the Town Board (the Elective Government) the ability to consolidate Government –should we have that opportunity; we could cut these positions—if we were able to find a way to. She said it gives us much more flexibility--what if the Village of Hamilton turned around and said yes, we would like to consolidate our services with you. Peter said: State Law requires the Town to have a Highway Superintendent-it does not require the Village to have a Highway Superintendent. Bert said – yes, we (the Town)would take over the Village. Eve Ann said, but we control it with the money we pay-for example the issue of Tax Collection. Eve Ann said we still have to have a Tax Collector in Name, but how much time they have to spend doing that-if we are able to get Madison County to cooperate and do County-Wide Tax Collection; we will be able to save our Staff of having to do that function—and it will be an efficiency of Government/Shared Services. Eve Ann said that will at least allow us to not have as much additional support for our Town Clerk/Tax Collector – that is a busy time here – so this would give the Town Board more flexibility in fashioning and

controlling the way the Town Office operates and the Town Highway Dept. operates. We are not going to change the level of respect that we give to the qualified people that work for us, Eve Ann said. Bruce Moseley said 3 of the 5 people who sit at that table – 3 of the 5 positions are elected every 2 years—so there is an accountability to the Public. C. Todd said the change we are proposing is an improvement – she referred to the Town Law- Elected Officials are not required to work a certain number of hours. She said she has been to some Training at the State Association of Towns and she has learned that Town Clerks are not required to have certain Office Hours – in fact there is a problem in the State of New York because Town Clerks do not keep enough Office Hours to satisfy the Public –because Elected Officials are protected and derive their power from the Elected Process. They can not be controlled in terms of how much they work. C. Todd said we have been very fortunate with Cathy, our Town Clerk, because she is totally committed to having steady regular Office Hours and we all depend on that, but other Towns don't have that. So by not having Elected Positions we are going to have more control over the two Main Centers of Town Government – these two departments. This would be a lot better, she said. Peter said he does not expect it to show any difference than in the way we are functioning right now – because he thinks we are functioning quite well- but he thinks there is the potential for problems with an Elected Official that the Town Board has no control over. Wanda said when there is a resignation (as there was for Highway Supt.), the process is to advertise the position-and you go through the process to appoint someone on a short term basis until the next election-so it is still a part of your process.

Eve Ann asked if there were any more comments on the proposed Local Law # 1. A Motion was made by P. Darby, seconded by C. Todd and carried that the Public Hearing on proposed Local Law # 1 of 2013, be closed. Vote was unanimous.

Supervisor Shwartz asked for: Resolution # 21 which was made by P. Darby, seconded by C. Todd and carried to Open the Public Hearing on proposed Local Law # 2 - 2013 – to Change Elected Town Clerk/Collector to Appointed Town Clerk/Collector. The Supervisor asked for any comments/questions from the Public on this particular proposed Local Law # 2 -2013. Bruce Moseley said for the same reasons as the Highway Supt. position – it should be based on their qualifications and experience; and he feels it's critical to maintain our Town

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Records. Eve Ann asked if there were any more comments on proposed Local Law # 2.

A Motion was made by P. Darby, seconded by D. Holcomb and carried that the Public Hearing on proposed Local Law # 2 – 2013, be closed. Vote was unanimous.

Resolution # 22 Authorizing Adoption of Local Law # 1 of 2013 entitled “A Local Law abolishing the Elective Office of Town Highway Superintendent of the Town of Hamilton, and creating the Appointive Office of Town Highway Superintendent effective January 1, 2014; was made by Peter Darby, seconded by C. Todd and carried. Individual Roll Call Votes taken were unanimous – C. Rossi was absent. (A complete copy of this Resolution will be attached to the original Minutes-Exh. A).

Resolution # 23 Authorizing Adoption of Local Law # 2 of 2013 entitled “A Local Law abolishing the Elective Office of Town Clerk and the Elective Office of Collector of the Town of Hamilton, and creating the Appointive Office of Town Clerk and the Appointive Office of Collector of the Town of Hamilton effective January 1, 2014; was made by C. Todd, seconded by D. Holcomb and carried. Individual Roll Call Votes taken were unanimous-C. Rossi was absent. (A complete copy of this Resolution will be attached to the original Minutes – Exh. B)

A Motion to Pay the General Bills was made by D. Holcomb, seconded by P. Darby and carried.

C. Todd said she reviews all the bills each month, and there is a new policy wherein C. Todd is signing them now. She said we are creating good policies for financial management. She would really like to get a Departmental Approval first before she signs them. Bert does not always have time to do it before the meeting, he said; but he looks them all over. If there is a problem in the future, she would rather have the signed approval of the person responsible for the bill in the first place. We are trying to provide more oversight is why C. Todd is doing this, Eve Ann said. The Village rotates this job to different council people each month. Two signatures are needed – The Hartford required more of the Town for their Insurance Policy. This is a procedure level, Sue said. Sue is doing a superb job with the bills, warrants; C. Todd said. Bert said the biggest complaint he gets on the bills is he gets triplicate bills because they are paid once every 30 days and

by the time they are paid – it has been 6 weeks and then he gets a phone call (nasty gram) – why haven't you paid this bill; nothing is foolproof. A lot of companies don't want to deal with a municipality-cause they do not want to wait 6 weeks for their money. This is a problem-we take way too long on this, Bert said. We need to speed up the process of paying our vendors, he said. A Motion to Pay the Highway Bills was made by P. Darby, seconded by C. Todd and carried.

Bert Glazier then gave the Highway Report. They put a new pipe in on Horton Rd., did all kinds of ditching and mowing of all roads. We dug out an overflow on Ackley. We cleaned out pipes on Thayer, Chappell and Hill Road. We removed trees on Borden, Bailey Roads – graded Collins, Barnard, Humphrey, Morris, Lake Road, Brown Road. Picked up 4 dead deer – had 2 FEMA meetings. Picked up debris, mowed, and trimmed the Hamilton Center Cemetery. He and Sue attended a FEMA meeting in Wampsville. It was just an informational meeting and FEMA, the State and Federal Government were there, and they gained a lot from it. Bert also had a meeting last week with the State, the Federal and FEMA at the Highway Garage – he has another meeting coming, too-we need to get all our bills, time sheets together relating to the FEMA Project; he said. Sue and Bert will work on CHIPS this next week-so they can get it in and get our payment by November. We will get 88% reimbursement and some can cover Capital Improvement, Eve Ann said, and Bert said correct. Solar Project will be coming in soon-behind because of the weather-Bert said. C. Todd asked Bert if they were able to put in a new culvert for Bernice Tucker, who had flooding problems. It is a County problem, Bert said-today she wanted a guard rail put in by her property. Her property is so narrow-he won't do that. He will talk to the County and put another pipe in there if need be (regarding her flooding). FEMA will talk to her personally. Eve Ann said we should follow up on it. Sue and Bert will research the Fuel Bid issue.

Sue Reymers did the Financial Report next. She gave everyone this month's balance sheet –profit & loss. We are doing well – we are waiting for CHIPS. Expenses are doing pretty well-she has been monitoring how we are doing. Comprehensive Plan and fees, Record Retention fees, any overages will be

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monitored. A check came back from NYMIR – a kickback for being a member - \$783.00.

Sue said regarding the Crime Policy – The Hartford was not responsive to D. Craine-NYMIR will cover/match what The Hartford quoted. He is switching the policy over. The 2% Fire Insurance Cap money came in-and Sue will be distributing that to the Fire Districts and that will go out next week. That will go out according to how many parcels each Fire District has.

Sue hired a Cleaner for the office – David Funke – started August 2-excellent references/resume. Sue asked were they okay with that.

A Motion was made by D. Holcomb, seconded by P. Darby to approve hiring David Funke as our Town Office Cleaner.

There is a balance of \$23,619.14 in Accounts Receivable as unpaid and Sue did talk to someone at the NYS Office and was informed that part was our share, our responsibility (regarding 2011 FEMA money). Sues needs a Resolution to write this amount off, to get it off the books, as it is affecting our Fund Balance.

Resolution # 24 was made by Peter Darby, seconded by C. Todd and carried that the Town of Hamilton write off the balance of \$23,619.14 in Accounts Receivable the non reimbursable portion of 2011 FEMA money.

CORE Federal Credit Union approached us to see if we wanted to become a member-they are based out of Syracuse and are now also located in Morrisville. In order for anyone to get an account there – they have to be associated with an organization that has a membership. Sue is requesting the Town of Hamilton become a member – there is no cost for this. Our staff can open an account there-they are non-profit.

A Motion was made by D. Holcomb, seconded by P. Darby and carried that the Town of Hamilton become a member of CORE.
Sue will give brochures to everybody (staff).

Sue did a Timeline for the Town of Hamilton's Budget for 2014-so please take note of dates when things have to be done. The Clerk needs the Budget by

October 5th Peter said. A Budget Workshop needs to be scheduled. The Tax Cap override is going to be limited to 1.66% this year, because inflation is so low.

Wednesday night October 2nd, can be the Budget Workshop date; at 7:00 p.m. at the Town Office, and invite Sue Collins, too. Sue is to contact Chris Rossi and Sue Collins about this workshop. There is a meeting about the Town's Health Insurance coming up, with Bob Carey. It is informational only, Peter said, not the new rates yet.

Eve Ann said the Town Assessor is to be re-appointed by September 30th –we would like to figure out what we are doing over all for raises before we come up with an Agreement for Shelly; and we do need to have a meeting with her to talk about her plans for the Re-Val; and to make sure that is in our Agreement; that we talk about how that is going to happen. We don't want to promise anything to her Contract, that is out of line with what we are promising everybody else, Eve Ann said.

Eve Ann read the Codes Officer Report – July Activity -1 Building Permit, several Sub-Divisions, the Town Planning Bd. has met 2 times; 1 property is behind Broedel Energy; ZBA referral. There is a new Chair of the Planning Board and Daryl Griff is a new member. Paul reported to Eve Ann that Mr. Keith in Hubbardsville does have a Permit for his activities, and Paul has been out and inspected the property.

Paul is investigating where there appears to be an illegal junk yard. There is a demolition there – and he is in the business of selling old vehicles it appears; Paul is looking into this.

Town Comprehensive Plan Update – Peter Darby – Peter Klepeis has resigned from the Committee, and they are seeking someone else. We have been going over the Maps and identifying farms and farmers-talking about strengths, weaknesses, opportunities. It is in preparation for designing a Survey which will go out to the whole Town trying to decide what issues they want to focus on. We will be meeting with Nan in a week or so. G. Johnson said Colgate seems to have a Comprehensive Plan of their own. Peter said we need to coordinate Plans with the Village and Colgate. G. Johnson asked if there would be building on property on Hamilton Road, and Peter said at the time Colgate presented their Plan that

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property had not been purchased. That property is very important to them and their plans will probably be changed to include that property, Eve Ann said. Peter said they want to bring students back to the core of the Campus. Wanda suggested that G. Johnson speak to Bruce Moseley.

C. Todd then gave the Town Clerk her Report on Records Retention in writing and then proceeded to say they have worked very hard and have made a lot of progress this month. She said a second moving day to clean out boxes in the cellar on July 17 – 100 boxes removed. 20 of them went to the Village Courthouse, because they were theirs, 1 box went to Sherburne-Earlville School, the remaining 79 boxes went to 20 Utica Street. Mae has been inventorying the contents of each box. The earliest records are Minutes of a Board of Excise in May 1830-this Board sold licenses to open Taverns, Inns, and Groceries – cost \$5.00.

Our Lease has been extended at 20 Utica Street until May 31, 2014.

2 steel shelves and acid free boxes and acid free folders have been ordered and delivered. We still need to buy tissue paper (it is expensive).

Mae and Carolyn met with Carol Dewey on July 18th to review a List that Cathy prepared of the records created by Town Clerk/Collector.

Sue did a marvelous thing-she communicated with Jeremy Boylan, the RMO for Cortland County, and he has agreed to send her the Access Software which will allow us to create a Digital Finding Aid for the Records. This system will coordinate the box ID of the box- with the contents of each box- and the relevant categories, and the location of that box in the storage space. That's great, Eve Ann said. Carol Dewey has worked on two occasions, which was very good, and she brought vital statistics work from 20 Utica over to the office to work on; and file-we are hoping Carol & Cathy can help more in the future, schedules permitting. Jack Loop (Historian) and Joan Prindle (Chair of the Village Historical Commission) will be coming over to 20 Utica Street next week-they will be going over items we have – we are preparing for destruction; which we are proceeding very slowly on. Mae checked into Pods -- they are not temperature controlled, but they can be put in a warehouse that is temperature controlled (45-85 degrees) –cost for 6 months \$2,168 for 6 months.

A Motion was made by D. Holcomb, seconded by P. Darby to hire Mae as an outside contractor- to continue her work here for one more week at \$425.

A Motion was made by P. Darby, seconded by D. Holcomb and carried allowing the purchase of acid free tissue paper for the Records Retention Committee: 400 sheets for \$439.00.

Regina wanted it to go on record what a great job the Records Retention Committee has done on saving money in this whole process. She also said the Town will be able to locate these records, too. C. Todd said Regina has done a lot of archival work, Sue with her computer skills, Mae with her ability to research things and work hard – it has really been a very worthwhile committee. Eve Ann thanked Cathy for her List, and giving Carol for some help, and Bert and his men for moving the records.

A Motion was made by P. Darby, seconded by C. Todd and carried authorizing Eve Ann to approve Sue Reymer's Facebook/Next Door Hamilton request for the Town.

Eve Ann would like a list of possible issues regarding this matter from Sue, as Eve Ann will supervise this.

Shared Codes Officer Agreement is under review with the Village, Eve Ann said.

SOMAC update: D. Holcomb – 1 ambulance is beyond repair. He will get more details on this.

Economic Development – Good Nature Brewery issues are being worked on – they are a growing business; Eve Ann said.

County Board Update-there is progress on a County Tax Collection Pilot Project for Hamilton; and possibly Cazenovia. Finance, Ways and Means Committee is willing to try it on a trial basis with Hamilton, work the bugs out of it, and Sue will be meeting with Becky at the Madison County Treasurer's Office next week-to understand what it would mean; Eve Ann said. We are working on a smooth transition here, and Cathy has graciously said that she will be working with Sue to

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help her understand the duties of Town Clerk and Tax Collector; Cathy said: absolutely – Eve Ann said we are very appreciative for that.

The Budget at the County level is being worked on – they sent Letters out this week to all the non-profits being told their budget would be cut 30%. The County's Fund Balance is down to 6 Million Dollars. Four people are not running for the Madison County Board.

A Motion to Adjourn the Meeting was made by P. Darby, seconded by D. Holcomb and carried at 9:15 p.m.

Respectfully submitted,

Catherine S. Hotaling, Town Clerk

