

Town of Hamilton Regular Board Meeting Minutes
Thursday, July 13, 2017 at 6:30 p.m.
Held at the Court House, 60 Montgomery Street, Hamilton, NY

Present: Eve Ann Shwartz, Peter Darby, David Holcomb, Suzanne Collins, Chris Rossi.
Others Present: Sue Reymers, Jason Florenz, Brynley Wilcox (arrived 8:02 p.m.)
Public: Bruce Moseley, PCD President.

Call to order & Welcome: Supervisor Shwartz called the meeting to order at 6:35 p.m.

Public Comments: Bruce Moseley introduced himself as the new President of the Partnership for Community Development (PCD). He handed a list of the new board members of which there are 5. He also handed out a change in the by-law as related to the partner representation.

Supervisor Shwartz moved the PCD agenda item to the top.

Partnership for Community Development - Peter Darby

Mr. Darby shared that the launch grants - assistance for new businesses less than a year old or old businesses that is adding a job \$120,000 out of \$180,000 has been awarded. There have been lots of applicants for the housing grants, 2 were awarded so far. The PCD helped Heartstone Bakery/ Alambria Springs secure a new grant for \$100,000 to help cover the costs of a new fancy Italian oven that will duplicate wood fire oven but not actually wood fired, which will create 4 new jobs and enable them to make more bread more efficiently. Supervisor Shwartz asked that Jennifer attend a future meeting to share a list of grantees. Bruce said they just created an annual report and he will drop some off for the board. Mr. Darby said that there is a first time buyers program, but they don't have the details. Sue Collins reported that she attended two PCD Recreation Committee meetings. The committee is working on a new website. Ms. Collins shared a few details of their process. A \$10,000 grant from the Community Foundation of CNY is covering the cost of the website. Mr. Darby asked if there was progress with the 9 mile swamp. Mr. Darby explained to Mr. Mosby that the town board is trying to look into purchasing some land around the access of Nine Mile swamp to make it a better access point.

6:45 PM -- Public Hearing of Proposed Local Law #2 of 2017 "A Local Law Establishing a Moratorium on Certain Solar Energy Installations in the Town of Hamilton"

RESOLUTION 2017-70: Open the public hearing on Proposed Local Law #2 of 2017

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 5, Nays: 0
Resolved that the public hearing be opened at 6:51 p.m.

Nobody present wished to speak.

RESOLUTION 2017 -71: Close the public hearing on Proposed Local Law #2 of 2017

On a motion of Councilmember Holcomb, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the public hearing be opened at 6:52 p.m.

Clerk Reymers stated the verification of posting as follows:

- Oneida Daily Dispatch and Mid-York Weekly on June 29
- Posted at town office and website on June 15
- Notices went to Towns of Madison, Eaton, Brookfield, Lebanon, Sherburne, Smyrna; Village of Earlville and Hamilton; Madison and Chenango County Board of Supervisors; Madison County Planning and Regional NYS Park Commission.
- County GML Report – send on June 19 and returned on July 10 – returned for Local Determination

RESOLUTION 2017-72: ADOPTION OF LOCAL LAW #2 of 2017 entitled “A Local Law Establishing a Moratorium on Certain Solar Energy Installations in the Town of Hamilton”

WHEREAS a resolution was duly adopted by the Town Board of the Town of Hamilton introducing proposed Local Law #2 of 2017 entitled “A Local Law Establishing A Moratorium On Certain Solar Energy Installations in the Town of Hamilton” and scheduling a public hearing on said proposed local law for July 13, 2017, at 6:45 PM at the Hamilton Court House, 60 Montgomery Street, Hamilton, NY to hear all interested parties on said proposed local law, and

WHEREAS notice of said public hearing was duly advertised in the official newspaper of the Town, at least 10 days prior to said public hearing, and notices were sent pursuant to Town Law section 264, and

WHEREAS notice of said public hearing was posted in the Town Clerk’s office, and

WHEREAS, notice was given to the Madison County Planning Department, and

WHEREAS each member of the Town Board received a copy of said proposed local law in final form in accord with the Municipal Home Rule Law, and

WHEREAS the Town Board after due deliberation finds it in the best interest of the Town to adopt said Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamilton hereby adopts, by roll call vote, said local law and designates it as Local Law #2 of 2017 entitled “A Local Law Establishing A Moratorium On Certain Solar Energy Installations in the Town of Hamilton” a copy of which is attached hereto and made a part of this Resolution, and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the

Town, to give due public notice of its adoption, and to give due notice of the adoption of said Local Law to the Secretary of State.

ON MOTION OF Councilmember Rossi, seconded by Councilmember Collins

Shwartz: yes x no ____
 Darby: yes x no ____
 Holcomb: yes x no ____
 Rossi: yes x no ____
 Collins: yes x no ____
 Vote: AYE: 5, NAY: 0
 (ATTACHMENT A)

GENERAL:

RESOLUTION 2017-73: Approval of Minutes for May 11

On a motion of Councilmember Collins, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 5, Nays: 0
 Resolved that the minutes from May 11 be approved.

RESOLUTION 2017-74: Approval of Minutes for June 8

On a motion of Councilmember Darby, seconded by Councilmember Holcomb, the following resolution was: ADOPTED: Ayes: 5, Nays: 0
 Resolved that the minutes from June 8 be approved.

Claims for Payment:

RESOLUTION 2017-75: Audit of Claims

On a motion of Councilmember Collins, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 5 Nays: 0
 Resolved that the bills contained on Abstract #7 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No.	195	<i>through</i>	226	83,055.95
General Fund B	No.	28	<i>through</i>	32	423.73
Highway Fund DB	No.	110	<i>through</i>	128	44,464.39
Lighting Districts	No.	5	<i>through</i>	5	351.84
CM-Cemeteries Trust	No.	11	<i>Through</i>	12	176.00

Supervisor/Bookkeeper - Presented by Supervisor Shwartz

SALE of 2006 DUMP TRUCK:

- \$44,390.00 was received from Auctions International (note that a minimum of \$25,000 was wanted)
- Deposited into DB231 – Highway Equipment Reserve

2% FOREIGN FIRE TAX MONEY:

- \$1,857.02 was direct deposited into the NBT Checking account on 06/28/17
- RESOLUTION NEEDED to process the distribution of monies to the fire departments/districts.

Question: What is the Foreign Fire Tax Program?

Answer: The foreign fire tax program as set forth in New York Insurance Law §9104 and §9105 requires foreign and alien insurance companies to pay a 2% tax on premiums written for insurance against loss or damage by fire on property located in the State. Excess line brokers licensed to place insurance business with an unauthorized insurer as set forth in New York Insurance Law §2118 are required to pay a 3% tax on fire insurance premiums on property located in the State. The tax collected from the insurance companies and brokers by the Department of Financial Services is distributed to fire departments, fire districts, fire department benevolent associations, and the Firemen's Association of the State of New York.

RESOLUTION 2017-76: Authorize Distribution of Fire Tax

On a motion of Councilmember Rossi, seconded by Councilmember Holcomb, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the NYS Insurance Department that has wire transferred insurance monies in the amount of \$1,857.02 into the Town General Fund Account shall be disbursed to the following entities:

Hamilton Fire District.....	\$ 1,002.79
Hubbardsville Fire District.....	\$ 649.96
Earlville Fire District.....	\$ 204.27

RESOLUTION 2017-77: Funds Transfer

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 5 Nays: 0

Resolved that \$130,000 be transferred from Community Bank Money Market account to NBT Bank Checking account to cover July abstract and July/ August payroll.

- A: MMKT to Checking in the amount of \$ 110,000
- DB: MMKT to Checking in the amount of \$ 6,200
- DB: Equipment Reserve to Checking in the amount of \$ 13,800

TOWN REPORTS:

Highway Superintendent - Jason Florenz

GARAGE:

- Renovated the breakroom (see pictures).
- Installed a new fireproof cabinet for paints and flammables.

GENERAL REPAIRS:

- Ditching on Alderman Rd. (see pictures)
- Cut shoulders on Alderman and Bailey. Both are ready to be paved.
- Cut shoulders on Chappel, Bonney, and Mason.

EQUIPMENT:

- The 2017 Kubota mowing tractor was delivered (see pictures).
- The new Bobcat broom was delivered.

- Rented a Bobcat Skid Steer for 2 months to run the broom.
- 2 new tires on the John Deere 245 mower.
- 2 new front tires on the John Deere backhoe.
- The 2015 International is at Stadium for a recall.

Mr. Florenz explained that the recall is for oil consumption. There have been 100s of thousands of trucks recalled for this problem. We have been experiencing some problems with it. It's been burning oil since day 1. It extends the warranty 600,000 miles and 6 years on the motor. It will be there for a month or so. They have to tear the motor right down and rebuild it at no cost to us.

CHIPS:

- Humphrey, Alderman, Noble, Bailey, and Horton are ready to be paved.
- Gorman is behind due to the weather.

OTHER:

- Brought the 2017 Kubota mowing tractor and the 2017 International Dump Truck to the Father's Day pancake breakfast at the Village airport.

Supervisor Shwartz asked how far they have come on the mowing. Mr. Florenz replied that they have been all around once and some has been done twice. Second time you get back further. Councilmember Rossi asked how they've been doing with all the storms and wash outs. Mr. Florenz replied that they have been pretty lucky.

Supervisor Shwartz shared that they have been experiencing major problems. A few of the culverts that were replaced and enlarged 3 years ago were washed right out in Eaton. There was a presentation by Soil & Water Conservation by Steve Lorraine at the County Board meeting. They showed a lot of pictures and now they are preparing for the 500 flood. They are putting in some kind of arched metal culverts like on South Hamilton Bridge. It's a different type of structure with an open bottom. Supervisor Shwartz wondered if the town needs to look into this option and encouraged Jason to talk to Madison County Highway.

Town Clerk/Collector - Sue Reymers

	June 2015	June 2016	June 2017	Notes
Total Fees Collected	2,037.00	2,275.00	2,376.25	
Disbursements:				
Town Revenues	803.87	612.47	1,148.23	
NYSDEC Hunt/Fish	321.23	763.43	461.07	
NYS Dept of Health	112.50	135.00	135.00	
NYS Ag & Markets	35.00	27.00	45.00	
Mad Co (Landfill)	764.40	737.10	586.95	

INTERNS, WORK STUDY & VOLUNTEERS

- CU - Upstate Institute Intern - Emily Eastwood (June 5 - August 11). Work Entails: Environmental Education objectives of both the Comp Plan & Climate Smart Communities Program, researching Community Solar. Making progress.

Clerk Reymers shared that Chris Rossi and she will be meeting with Emily in a couple of weeks.

FEMA - NYS - SEMA MATCH

- On 5/23/2017, I emailed the general email at FEMA requesting follow-up and also left a voice mail message for Courtney Wolf. (The number we had on file was for Joseph Abate, but his line was now Ms. Wolfe.) No response was received.
- On 6/7/2017, I emailed Valesky's & Magee's to ask for assistance. Laura Martino of Magee's office contacted Albany.
- On 6/9/17, I received a call from Susan Picarillo from DHSES. We had opted in to the match program. They are reviewing our PW for completeness and follow-up with us to ensure that we all agree that the project is done. DHSES has not paid the state's share (SEMA) in this fiscal year. They are waiting to meet with the Div. of Budget to discuss the state's financial plan.

Ms. Rossi asked for a recap on this FEMA funding. Clerk Reymers clarified that this is the SEMA (State) match from the 2013 flood. 75% was funded from the Federal government and 25% is from the state.

VALESKY & MAGEE GRANTS:

Valesky \$100,000 - through DASNY-SAM

- 6/30/17 submitted updated State and Municipal Facilities Program Preliminary Application to the IDC via email.
- There are no MWBE requirements for this grant.

Magee \$50,000 - through DOS

- Updated the DOS on 5/17/17. Extension paperwork in process for new deadline of 7/31/2018.
- MWE requirements exist. 30% of total (15% Women, 15% Minority). The grant covers windows and insulation meaning \$15,000 of the \$50,000 needs to be expended through a certified MWBE business.
- IF, and I mean IF, we cannot meet that goal, we need to get a **WAIVER FIRST** before making the purchase. We can easily meet the WBE with Parry's who can obtain the materials we need. That may suffice with the DOS per my conversation with them, but we still need to contact them prior to spending it.

Dog Control Report was also reviewed by the Board. Councilmember Collins asked about a Chip reader for the Dog Control Officer. Clerk Reymers will look into it.

Codes Enforcement Officer

The board reviewed the report. Clerk Reymers reported on the status of the CEO's certification training. He's making good progress.

Councilmember Darby reported on the Clean Energy training. There is one more meeting needed. There were two locations used for training: the Fiver addition and the Oates new home in Poolville. The training is to help the Codes Officer, Mark Miller, to understand about the new energy code and how to enforce it. According to the new energy code, the houses are required to do a blower door test. In the past, it was voluntary and usually the insulation installer handled it. Now it needs to be a third party. The machines cost about \$10,000. So the question came up to see if the town and village or surrounding communities could buy one to do the test ourselves and pass the cost to them via the building permit? It's either the homeowner or contractor who is responsible for getting the test done by an independent third party. It cannot be another insulation company (e.g.: Standard insulation could not do it for Upstate Foam and vice versa). If the blower door test fails, they have to remediate. There was a discussion.

COMMITTEE REPORTS:**SOMAC**

Councilmember Holcomb shared that they met last in May and the next meeting is July 25. The new ambulance is on the road. The new bookkeeper is doing well. Supervisor Shwartz shared that in the general bills, the town received a request for and advance. Mr. Holcomb will ask Kyle for a report for the August meeting.

Partnership for Community Development

Already talked about it earlier.

38 Milford Street

Clerk Reymers shared a report on all the Town Board Committees and Liaisons to help keep track of the on-going projects.

The building project went out to bid on July 6, 2017. The walk through is taking place on July 21. The bids are due to be opened on August 4th. Clerk Reymers has been directing all calls and questions to the architect. One local contractor got the bid announcement and responded that they were not interested as their plates were full.

Mr. Darby updated the board on the demo of the building. He has not been able to find anyone interested to disassemble the building. The next step is to get a hold of John Taibi and figure out what to do. We will need a lift to get the brackets down. It's pretty easy as they are only held on by large bolts. Mr. Holcomb asked if it gets hit with a wrecking ball and Mr. Darby responded that an excavator with a thumb will be used.

Ms. Shwartz shared that the committee made a lot of calls and follow-up calls to find someone to take the building, and people came and looked and talked but in the end no one made any offer. Mr. Darby continued that the problem is that the market is for hand hewn frames not sawn done like this building. It looks like a great structure but there is just no interest in it. Ms. Collins asked if we are salvaging the items we want. Ms. Shwartz answered that yes that is why we are calling John Taibi. There is graffiti. Clerk Reymers stated that she wants to take as much as we can from there. Some pieces may go to the historic commission. Everyone agreed to take as much as possible. Jason Florenz has spoken with Mr. Payne. A reminder that the electricity needs to be turned off.

A brief conversation about the bid opening logistics took place. Supervisor Shwartz shared that we cannot use the Best Value law to shape where we want to award the bids. The town can consider the lowest responsible bid so there are some things that we can consider. We cannot take a higher bid unless there is a specific reason having to do with a contractor. Mr. Darby said that he understood that it has to be something that can stand up in court. Ms. Shwartz continued that the way that the bid is structured is that there are alternative bid options in there so that hopefully we can pick and choose to keep the project in our budget. By next month's meeting the board should be able to decide who the winner is. Clerk Reymers asked if Mr. Darby and Ms. Collins are available for August 4th for the bid opening. Both agreed. The architect will not be there.

Clerk Reymers continued with the report that the next phase is IT. Ms. Shwartz handed in the shared services agreement with the County. Ms. Reymers went on that the furniture, signage, art, etc. need to be worked on. Also, the additional parking that is across from the M&M Press building. The other day Randy Weaver had one of the contractors put in the leftover asphalt in front of the town building which got rid of the big potholes. When asked about that parking area, he stated that it needs to go through the Village Board. Ms. Collins stated that they were waiting for the gas to go in and now that is done. Ms. Reymers continued that she and Mr. Weaver spoke more about the parking issue in the proximity as folks do not know about the right of way. There is not signage. It would be nice to have parking for the town and the trail system. There was a brief discussion and it was agreed that a formal request needs to be given to Ruthann Loveless. The Village board meets on the 3rd Tuesdays of the month. Clerk Reymers will draft a letter.

Comprehensive Plan & Action Plan Recreation Committee

Already talked about.

Zoning Revision Committee

Ms. Rossi reported that so far we have Harvey Kliman, Darrell Griff, Harmon Hoff, Sue Baker and John Pumilio. Ms. Rossi asked Ms. Shwartz if Erin Ballard agreed. She said

yes and that she will send her contact information, but she has not spoken to Terri Larking yet. Ms. Rossi continued that she heard back from Nan who would be happy to work with us and sent a scope of work. Nan would take us through the process and bring the lawyer in at the end to review it. The committee would sit down with Nan in an initial meeting, walk her through the comprehensive action zoning update and the need for solar zoning. Sue and the folks in the town office might send in tweaks to make the current zoning friendlier. Then Nan would take that back and roll in her suggestions into the existing zoning rather than a line by line. Then Nan would bring back draft language to the committee and the committee would then review the updated draft zoning. From there get it to a place that the town board is comfortable then send it to the attorney. That is Nan's proposal for process. She broke it all down. The costs is for \$10,400 over the course of a year with a possibility of that coming down depending on how much we needed her. Ms. Rossi would like to hire her to work with the committee to get the ball rolling and we can identify a lawyer later. Supervisor Shwartz thinks the attorney needs to review it prior to public hearing.

RESOLUTION 2017-78: Approval to hire Nan Stolzenburg for Zoning Revisions

On a motion of Councilmember Darby, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the town hire Nan Stolzenburg to work with the Zoning Revision Committee to update the Zoning Law.

Clerk Reymers noted that the town website has been changed because of the work from the summer intern and the Clean Energy Program. Please look at it and give feedback. Ms. Shwartz asked that the ARE Park info be added to our website. Clerk Reymers will take care of it.

**Energy Committee and/or Green Team
Climate Smart Communities (CSC)**

Ms. Rossi shared that there was a meeting last Friday for the CSC. The Village is still considering whether or not they will do this work. Nancy Mitchell has been attending meetings. They were talking about moving forward and fulfilling some of the points in CSC. The first thing to do is to put together a Community Task Force, which we have already that Chris Henke is convening. It consists of members of the town, the village, local businesses and Colgate. Nancy is the coordinator from the Village, Ms. Rossi is serving the role as town coordinator. There needs to be an internal Green Team from the town that will help with inputting data and other things. That would be Sue, Jason, Mark, and Brynley. By officially naming that in the minutes, we get 8 points. A resolution is not needed, just to name it as we just did.

Clean Energy (CE)

The other thing we talked about is CE and how Mark is getting training and that we have 2 of the 4 high impact action items completed. Ms. Rossi reviewed the CE goals

from the report provided by Ms. Reymers. Some of the grants have been awarded. Ms. Rossi asked about the status of the EV Charging Station.

Ms. Shwartz stated that the funding was secured and received. It will go in the Village Parking lot. Mr. Darby chimed in that the location needs to be finalized as concern for overnight parking. Ms. Shwartz said that she spoke with Steve Jones about the agreement. There was a brief discussion. Mr. Darby will meet with Sean Graham tomorrow. Ms. Shwartz continued that the town pays for installation, the village puts in a pole, and the town pays from the pole to plug. It takes 2 weeks for the charger to arrive. Mr. Darby stated that he opted for us to install it and that a concrete pad is needed for it to sit on. Next discussion took place on the how the program works.

Brynley Wilcox arrived.

OLD BUSINESS:

Alternate Members for Planning Board and Zoning Board of Appeals

None.

NEW BUSINESS:

Amended Justice Clerk Contract

RESOLUTION 2017-79: Approval of the Amended Justice Clerk Contract

On a motion of Councilmember Rossi, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the amended Justice Clerk Contract with the Village of Hamilton be signed by the Town Supervisor as submitted.

Nepotism Policy

RESOLUTION 2017-80: Approval of the Nepotism Policy

On a motion of Councilmember Darby, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the Nepotism Policy be approved with the removal of the work immediate.

Concerns of Town Board: None.

Supervisor's Report: Madison County Activities:

Countywide Shared Services Plan

- Court Consolidation: Village and/or Regional Courts
- County Health Insurance Plan

Supervisor Shwartz updated the board that the timeline for the Shared Services Plan is rigid so they won't be able to get health insurance quotes this year, but they will work on it for next year. The town submitted our numbers for insured and we will see. There is a consultant to help the County. Same with regional court - it will not happen for this

year. The County is putting in for shared services with IT. And the proposal for a new County garage in Morrisville that is shared with Towns of Eaton and Smithfield and possibly Lincoln. The Town and Village of Cazenovia are looking at consolidation.

Supervisor Shwartz updated the board on the ARE Park. There is a lot of misinformation out there. The County hired a PR firm and is mailing a flyer to residents. In the next 5-10 years, NYS is probably going to ban organic waste from going into landfills. Something has to happen. Ms. Rossi asked the board if they had heard about Reclaim NY's role in this issue. Ms. Shwartz believes they have as they have hit the County with FOIL requests. There is some connection as their website has some information on it about the project.

RESOLUTION 2017-81: Executive Session

On a motion Councilmember Darby, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 5 Nays: 0

Resolved that this Board move into an Executive Session for the purposes of personnel and litigation at 8:43 p.m.

RESOLUTION 2017-82: Return to Regular Session

On a motion Councilmember Darby, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 5 Nays: 0

Resolved that the Board return to regular session at 9:49 p.m.

With no further business, on a motion of Councilmember Rossi, seconded by Councilmember Holcomb, the meeting was adjourned at 9:50 p.m. Carried unanimously.

Respectfully submitted,
Suzanne K. Reymers
Town Clerk