

The regular monthly meeting of the Hamilton Town Board was held on Thursday, October 10, 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; Carolyn Todd and Chris Rossi, Town Council; Bert Glazier, Highway Superintendent; Sue Reymers, Bookkeeper; Gerald Hayes (Doc); Mayor Miller; Bruce Moseley; Hillary (Hamilton Public Library); Jerry Fuller; and Jane Todd.

Eve Ann welcomed the public and under comments: Bill Reed said he is having a problem with his assessment. He said he needs to get this straightened out between what the Village of Hamilton has allowed him to do, and his Code from his assessment. He has not been able to straighten this out - and he wanted to tell the town board the problem – so they would hear it first hand from him. He said the Town, Village, and School were supposed to get a copy of his Small Claims Assessment Review Notice. Bill said he assumed everyone here was aware of that. Eve Ann said everyone is aware of the fact that the Small Claims Case was filed, and Shelly (assessor) has updated us about it. Bill said to his knowledge that Code still has not changed and he needs to do that - to be in compliance with his Certificate of Occupancy. Chris Rossi said she did not know who Bill was, and he introduced himself. Shelly has discussed this with several of us, Eve Ann said, when we just had some general conversations about what is going on with assessments – might have been in executive session-because of some other litigation going on. Eve Ann said Bill and she talked the other night; but she has not had a chance to talk to Shelly yet to find out the status of things. Basically it is a disagreement between Shelly's version of how she views your house, and the way the Village of Hamilton has allowed you to make an adjustment to comply with the Zoning Laws. Basically the Code Enforcement Officer on one side for the Village; and the Assessor on the other side for the Town; Eve Ann said; they do not see the world in exactly the same way. Bill said he can give them the paperwork, but he has gotten to a point now where he will have an attorney, and go to Madison County Court-he was hoping to resolve this long before that. He does not know that the outcome will be what he wants, but he wanted to at least give everyone the opportunity to know what is going on. Bill said he has copies of the process that he went through from the beginning to the end- of trying to change things on his building-and he does not know of anyone else that

has had this problem. It can be easily fixed, but it's not-Bill said. Eve Ann said as she told him on the phone the other night: this is an area where the assessor has her own authority-we appoint her to do the job, and then she does the job as she sees fit based on her training and expertise. We just re-appointed her for another 6 year term, and we do not really have the authority to tell her to change the way she has either valued or categorized it; Eve Ann said. She categorized it as a single family, and it is currently zoned and permitted under Village of Hamilton Law as a two family; is that correct-Eve Ann asked Bill. I guess, I'm not sure of the terminology-I just know that I went and applied for a two family permit to build a house, and a year later my tax bill comes, and it is listed as a one family-and I have not been able to change that, Bill said. Eve Ann said you appealed that to the NYS Board of Assessment and Review-Bill said yes, basically all they can do is look at the way that she appraised or compared comps for price-they can't change the code. C. Todd asked: how did that Small Claims Assessment Review Court adjudicate that case when you appeared before that Review Board; and Shelly represented the Town of Hamilton (Eve Ann said). He did not have the authority to change the code, both Bill and Peter said. Bill said the next step is the NYS Supreme Court. Eve Ann said she will talk to Shelly about it, she knows the Town Board would like to see if there is a possible resolution, but again our authority is pretty limited here as long as she is following the rules and doing her job as she sees fit – maybe it is something that we can not impact. Eve Ann said the other question that really concerns Eve Ann is - what is the practical impact of this – for you-at this point; what can't you do with your property that you could do. Has an insurance company denied you coverage, Eve Ann asked. Bill said that is how he first discovered that there was a problem because they called and said – did you know it is listed as a one family, and he said no. They came and sent a person to inspect the building, and then they called it a two family-and he was able to get insurance last year because of that, Bill said. Then the tax bill came out and that is when I came and asked for/Eve Ann said at this point said – but they have not denied coverage for you – they have not at this point denied insurance, he said. Eve Ann asked have they told you they would, have they sent anything in writing to you saying that they would deny it. As of yet they have not, Bill said. C. Todd said , oh so you can get insurance, I thought you couldn't get it. There are 2 questions on the table, Bill said: if something were to happen down there, someone was hurt, or suing, or whatever – and then they went back and go through, I think they go from the Certificate of Occupancy as to which way they

would go, and what they would call it – I don't know that, it is a grey area. Nobody knows this. He has gone through several attorneys, and he finally had to get one –who was not even in Madison County - who has tried to deal with this before and was not able to get it through, because the assessors have power with the State and what they say is the final word. He is not sure there is any fix to this, he has to be with the code. Eve Ann asked him if he could ask for a Variance – Eve Ann then asked Mayor Miller if Bill could ask for a Variance. The Mayor said she is not sure if they are involved, and Eve Ann said: well you are; the Village has a Zoning Board of Appeals –Jerry you are on the Planning Board. The Mayor said he is not saying that he disagrees with the Zoning, I don't believe. Eve Ann said her understanding is that he put the attachment between the two places to turn it into a two family – two buildings there – and connected them; they are occupied by two separate people, but it doesn't fit into the Zoning Law as the lot size. Well it does according to the Code Enforcement Officer, Bill said. Eve Ann said: you could take down the division and seek a Variance to have 2 single homes on that lot. To have 2 single families – you would have to have enough square footage of the land, Bill said—that is why you have to have a Variance Eve Ann said. There are other alternatives, Eve Ann said. Bill said: he is trying to get this changed so that- what I have got, is what I have got. Eve Ann said we will talk to Shelly (Assessor). Have you and the assessor agreed on an assessed value, C. Todd asked Bill – I am not too upset with the amount she has come up with, Bill said – it is the way she did it that I feel isn't correct, because I feel it is a 2 family, but she appraised it as a 1 family. You are willing to accept her assessment, C. Todd asked and he said yes-my problem is the way it is coded. I think we understand the problem and we need to talk to Shelly and maybe to Steve Jones (Attorney) to see if there is anything the Town Board can or should do about this; Eve Ann said, but thanks for coming and explaining it to us. We will not just ignore it – we will look into it, Eve Ann said-and Bill thanked her very much.

Doc Hayes said he went to Vestal for a Conference on extreme weather – they are looking at increasing temperatures over the last 50-60 years; increasing rainfall over the last 50-60 years; and they project that this will continue. Doc thought about Bert because of all the 100 year floods – these are going to continue, and there will be more rain in the wintertime which will give us more ice and the

problems that go with that. The other thing is the Highway Dept. should consider this –make ditches and culverts bigger. Earlville is not in the flood plain-we don't have problems with flooding; he said. They have a lot of trees to take down in Earlville; and they are a problem with ice, he said. If carbon dioxide production stopped today-it would take 30 years before the effects would be noticed. We paved Park Street for \$16,000, he said. Eve Ann thanked Doc for his report.

A Motion to Accept the September 12, 2013 Town Board Minutes was made by P. Darby, seconded by C. Rossi and carried. (Town Board discussion about clarifying the wording -regarding the issue of the gas station building on Utica Street. – pg. 937).

A Motion to pay the General Bills was made by C. Todd, seconded by P. Darby and carried.

A Motion to pay the Highway Bills was made by P. Darby, seconded by C. Todd and carried.

Bert Glazier then gave his Highway Report. He said they are still dealing with FEMA and he met with them last Thursday and we are getting closer – they did the last inspection of our work to make sure it was completed. The trucks are ready for winter, but he does not have the front plows on, frames are painted and everything is ready to go. One more mowing around the entire Township – that will be the 4th mowing. The sand is up and they are working on the Salt Bid with the State because they have changed companies on the State bid. The State is slow on this. He got some from Randy and he had some left-so if there is an early occurrence (ice storm) – he is going to be ready.

Bert then opened the two Fuel Oil and Diesel Fuel Bids received/with Earlville included in them. The bids were from Broedel Energy and Paul Oil.

From Broedel Energy:

Diesel:	Gas:	Fuel Oil:
Rack Price \$3.1139	\$2.69	\$3.081
Differential: \$.1649	.195	.199
Fluctuating: \$3.2788	\$2.885	\$3.280
No Fixed	No fixed	No Fixed

From Paul Oil:

Fuel Oil:

Summer Blend - \$3.084

Differential -- .194

Fluctuating – \$3.278

Fixed Price - \$3.36 (.4)

Winter Blend w/additive: Jan. – March, & Nov & Dec - \$3.10(.3)

Differential - .229

Fluctuating - \$3.332

Fixed - \$3.399

Diesel Prices: for Hamilton:

\$3.413 –winter blend

.240 – differential

\$3.653 – fluctuation

\$3.695 – fixed price

Diesel Prices: for Earlville:

\$3.063 – summer blend

.220

\$3.283

3.345

Bert and Eve Ann said they need to sit down and go through these; before there is a decision made. The bids are close, plus service is important, too, Eve Ann said. We will notify everyone, Bert said.

Resolution # 27 was made by P. Darby, seconded by C. Todd and carried approving the 2014 Snow and Ice Agreement with Madison County, for \$16.84 per mile.

C. Todd said Hillary from the Hamilton Public Library is here. She told Hillary they were not discussing the budget tonight. There is a Budget Workshop scheduled for Tuesday. Hillary left a hand-out for the Town Board to review of the services they provide, etc. Hillary will be talking to other Towns that use the Hamilton Library. Hillary said she is asking the Towns of Madison, Hamilton, Lebanon, Brookfield and Georgetown for funding. She would also like their full support at the County level, and she thanked everyone. We have this on our agenda to review, Eve Ann said.

The Town’s workshop is the same meeting night as the Village’s meeting, the Mayor said-so they can not attend.

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Sue Reymers, the Bookkeeper, then gave her Financial Report. Sue said the Town received the CHIPS money \$109,719; as well as some State Aid Per Capita \$44,184. They are working on FEMA. Also Checking required a Transfer from the DA Money Market-request was made, approved, and \$20,000 was transferred on 10/8 for October bills and payroll. C. Todd asked if Sue was going to be on Jury Duty call for a month – yes, Sue said the U.S. District in Syracuse-she will keep them posted. Peter asked about the Coding: Building Permits as Safety Permits. Sue is doing a good job and we are on track, Eve Ann said.

Eve Ann said 5 people have been interviewed for the Bookkeeper position. A lot of good candidates. We will keep you posted.

Town/County Tax Collection: Eve Ann went to the Finance, Ways and Means Committee. Some members of the Finance, Ways and Means Committee would like to see some pay back amount specified-- that is going to go to the County as a security-- that they are not going to be doing the Tax Collection for nothing. They are going to be asked to keep track of their time--for the additional time that they are going to be spending collecting our taxes. Also, the time saved by not having to upload in May all the hand written records, which was previously done. There are going to be some trade-offs, and they are not sure how it is going to come out, but they are looking for some sort of guarantee-that they are going to get at least some compensation for what they are doing-the extra time the County is putting into it. It definitely is being treated as a Pilot Project. The Town will be buying software in 2013. We will be able to do simultaneous Tax Collection here in the Town Office in 2014-so if the people do not read the Notices-- and do show up here-we will be able to take care of them.

C. Todd asked about the compensation to the County, and Eve Ann said it will probably be a couple thousand dollars. We will still be collecting all the Interest and Penalties on the unpaid, late taxes – those by Law-come back, and are the property of the Town, Eve Ann said. Trust me-- they do not want to do this up there, Eve Ann said--the people that run the office say this is ridiculous, this is crazy that we have to, but that is what they will have to do because the Supervisors want to see it. They are concerned that the County will be bearing the burden for the Town, and that Hamilton is getting an extra deal here. Or if everybody went onto the County system, what would happen. C. Todd asked: if the Taxes are collected by the County, wouldn't the County be entitled to Interest

and Penalties, and Eve Ann said by Law – no, unless we agree to it. It could be a negotiating point in the future, she said. She is pretty confident that in November it will pass, and she will have an Agreement to bring back to this Town Board to approve and sign.

Justice Haight left a letter regarding the possibility of a Jury Trial to occur in November or December – in the past the Court Clerk was paid an hourly wage to pay for her Trial work-and he is asking the Town Board to approve \$12 per hour for Vivien Phoenix's services; and a Bailiff would cost \$12 an hour, too. This trial should not go more than one day, they said.

A Motion was made by P. Darby, seconded by C. Todd and carried that the Town provide the necessary funds for Judge Haight's Jury Trial.

The 2014 Year Budget is in process-there was a Budget Workshop last week and there is another one on October 15th-the Public is invited to attend. Most issues are ironed out – funding for SOMAC still needs to be resolved, Eve Ann said.

There is going to be a Public Hearing on the Preliminary Budget and the Fire Contracts on October 28th, Eve Ann said. Mayor Miller would like an updated 2014 year Preliminary Budget. Eve Ann said one will be sent over to her. Eve Ann would like to see the 2013 year to date SOMAC Budget, as well as the projections for 2014; she told the Mayor. New Health Care Law is a problem, Mayor said.

Eve Ann asked a Town Board Member to Introduce Local Law # 3 -2013 Year. Peter Darby said: Be it enacted by the Town Board of the Town Of Hamilton, as follows:

Resolution # _28__ was made by P. Darby, seconded by C. Rossi and carried Introducing and Scheduling a Public Hearing on proposed Local Law #3 of 2013, entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c"... Roll Call Vote taken as follows: Shwartz-yes, Todd-yes, Rossi-yes, Darby-yes, Holcomb-absent. Complete Copy of Resolution attached to original minutes as "Exh. A".

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Relamping of Poolville and Hubbardsville Lighting Districts-David Holcomb (works for NYSEG)-he contacted them and asked them for an updated quote about what it would cost to relamp them and could we get it done for free. It turns out in relamping them-the lights will actually be more expensive to run. They will be brighter, but more expensive. As they blow out, we replace them anyway-and we will take a more gradual approach-and we will let them be changed as they blow out. They take more energy to run.

The Codes Officer left a Report-no building permits have been issued. He is doing other duties. We need to get current with the Village on this matter, Eve Ann said.

C. Rossi gave the Town Comprehensive Plan (TCP) update – she said the Town Comprehensive Plan Survey is out in the mail, it is up on the Website, it is advertised in the Mid-York, and on Radio Free Hamilton. She thanked Sue for her help in getting them printed. She would like some put around in various places in the Town. The TCP Committee talked about the best way to process the returns on the survey. Greg Owens and Travis are looking at honor students from either Hamilton or Sherburne Earlville to do the input for us; as a community service project. The Public Visioning Workshop is going to be a big meeting-open invitation to the whole community will be held November 7, 2013 in the Poolville Community Center and the Focus Groups we will talk to Nan about on October 17-Agriculture, Housing and Economic (maybe youth, too). Nan was pleased with the quality of the Survey and we are right on schedule. The people on the Comprehensive Plan Committee have been fabulous in working together C. Rossi said, and it is a great pleasure to work with them. C. Todd said Chris has done a tremendous job- and without her leadership-they would not be where they are. Now we need the Community to respond – we are looking for a 20% response; hopefully 400 responses. Doc Hayes took some surveys for Earlville. Eve Ann thanked everyone serving on this Committee; & said they were doing a great job.

Town Office Repairs Update: We have not had very much time for this – C. Todd said-we will pursue this after this Election. Carolyn said: we need to put together a List of questions for the Landlord. We have 2 issues – a short term need and a long term need, Eve Ann said. We have a lot on our plates, so it can not be #1

priority right now, Eve Ann said. After the Election is over, we get the Budget passed, and we get the Survey, and the Visioning Workshop – we will have done a lot of work. The Town Office will still be here.

Records Retention Update: The Town Clerk reported a month or so ago Cathy, Carolyn, Sue & Mae went through the safe and found that there were Town Board Minutes from the years 1912 to 2013 – they are all there. We also found a lot of Justice Books, and C. Todd worked with Judge Haight to get them over to the Courthouse-there were quite a few of those in there. Now we are working on the Tax Bill receipts and Cathy has them ready for Carolyn - when we get a chance to go through them. C. Todd said this process of assembling all the records is happening both at our 20 Utica Street site and here-so when we reach a point –if the records for a given category end in 1990 or 2000/2005 – we come back here, in order to put them in chronological order by category, and then move on from there, so that is happening. C. Todd said they will be attending a Training next Wednesday in Norwich on the Legal Aspects of Records Management – we will learn more about what we are doing. Eve Ann asked: should we look for an Intern --- there is no one available now – maybe over Holiday break, C. Rossi said.

Partnership for Community Development (PCD) Update – Peter Darby. We are having a Meeting of the two separate Boards on October 23-The Partners Board which is the Supervisor, the Mayor, & Colgate – and-the Appointed Board which is a representative from the Village, a representative from the Town, a representative from Colgate (and others). One of the things we are talking about is to combine the two Boards. Also should the Partnership be more active than it is – do they need more funding. Especially in terms of an outside developer coming into Town; and lots of things being talked about-we need a central clearing house where all those conversations are taking place. What is the purpose of PCD-it's Board-and what role should it have; it has changed quite a bit. Shannon wears both hats for the Hamilton Initiative and PCD – they are two very different organizations, and probably as a result of that, the PCD has not been very active; Eve Ann said. It is a non-profit that is useful for fund raising and grant writing-it has a whole different mission. Eve Ann commends Peter for the spark he has put in that group – in working to having a more effective organization. The Mayor reminded everyone of the Big Lots Store's Ribbon cutting on October 25, at 8:45 a.m.

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Regarding Utica Street update: Eve Ann said the County is aware of the Town's interest, the Village's interest, in the property-there is no DEC letter yet-it is still in limbo. The County understands that the Town and the Village do not want to see the property auctioned off, and they are willing to explore our taking the property for essentially nothing, but we have to have a good use for it, she said. They are anxious for us to move forward. This is one of our Long Range Plans-the Survey asks about the Town Offices and Shared Services; so we will be getting feedback, as we think about how we want to modernize the Town Office, and whether we can consolidate with the Village and save some dollars; Eve Ann said.

Road Use Agreement update: Eve Ann has contacted Steve Jones, Esq. – basically our partners Lebanon and Brookfield seem to have fallen away. We have to revise the Agreement and take it from being a 3 entity Agreement-back down to being a 1 entity Agreement; Eve Ann said. She will talk to Chris Rossi about this.

Other Concerns of Town Council – C. Todd said on Thursday, October 17th there is a Public Hearing on the Request for a Zoning Change for the Center for Arts & Culture, at Hamilton Central School, at 7:30 p.m.

Also C. Todd said there is a Madison County Planning and Zoning Appreciation Banquet on October 29, 2013, at the Colgate Inn.

C. Rossi wanted Eve Ann to look at and do a little editing on the press release explaining the referendum - proposed Local Law # 1 and proposed Local Law # 2.

Eve Ann reported the Budget cuts (Madison County) of 30% for all not for profits, and a 9% County Tax Levy increase is still the current state of things. She thinks it will take an overwhelming show of people-showing up at the County Budget Hearing to get rid of the 30% cut. In fact at the County Board meeting this week on Tuesday – there was a discussion of how to bring the tax levy increase below 9%, and a list of things were handed out-other possible cuts to the budget that would help. Eve Ann noted there is a 3% increase in salaries for all the Employees, and the Management is also getting a 3% increase in this Budget. The non profits were raised 0% last year. We are talking about the County Ag Program, the Public Libraries, the Mid York Library system, Head Start, the 4 H Program, Madison County Historical Society, ARC, Heritage Farms, CAP, etc. Eve Ann thinks she will have to put a story in the newspaper, because she does want people to

know that it is really going to happen this year. Hillary (of the Hamilton Public Library) –it would not be the dollar amount loss to the Library, but also the 30% cut to the Mid York Library system-that they would then have to make up. They get direct from the County and their contribution approximately \$10,000 total Hillary said. Their overall operating budget is only \$200,000. Hillary said-they are going to other local Towns that use their Library, and Colgate – as it will be difficult to make up those funds locally. C. Todd and Hillary both thought the cut was going to be 35% - Eve Ann will check that. Eve Ann will inform them of the November dates and times of meetings-at the County. Eve Ann asked Hillary for a copy of the Library's actual Budget.

At the last Planning Committee Meeting Eve Ann attended at the County-she learned that through re-working Bernie Bus with the State system and Heritage Farms-they have combined some routes; so there is a County Bus service that has been revised-there is still limited bus service.

C. Rossi said there is a letter in the Mid-York today wherein someone states since Wayne's Market is going out of business there is no place easy for seniors to get to, and no transportation – things we talk about in the survey. The Colgate Cruisers (buses) do pick up the seniors and take them to Price Chopper, Eve Ann said-when school is in session, B. Moseley said. Sam Cooper is working on this matter too; he attends Planning Board Meetings at the County, she said. Maybe Caroline at the Mid-York would publish the schedule.

A Motion was made by P. Darby, seconded by C. Rossi and carried to go into Executive Session, regarding possible litigation.

A Motion was made by P. Darby, seconded by C. Todd and carried to come out of Executive Session.

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

Respectfully submitted,

Catherine S. Hotaling, Town Clerk

