

Town of Hamilton Regular Board Meeting Minutes
Thursday, February 14, 2019 at 6:30 p.m.
Held at the Court House, 60 Montgomery Street, Hamilton, NY

Present: Mary Lee Dinski, Chris Rossi, Peter Darby. Absent: Eve Ann Shwartz, David Holcomb. Others Present: Sue Reymers, Brynley Wilcox, Jason Florenz. Public: John Bailey and Ryan Solomon of the Hamilton Area Anti-Racism Coalition (HAARC)

Call to order & Welcome: Deputy Supervisor called the meeting to order at 6:30 p.m.

Public Comments:

The HAARC presented their resolution that they would like the town to consider. Ms. Rossi commented that it complements the Town's Comprehensive Plan. Mr. Darby tabled the request until the whole board was available to review it.

DEPARTMENT REPORTS:

Highway Superintendent - Jason Florenz

GARAGE:

- All the fire extinguishers at the garage have been inspected
- Painted the south wall of the garage (see pictures)

EQUIPMENT:

- Cleaned and painted the backhoe for Auctions International to come and take pictures (see pictures)
- Delivered the 2019 Mack to Tenco for plow equipment installation

SNOW REMOVAL:

- Fixed a mailbox on East Main Street in Earlville
- Built a new sand screen saved around \$10,000 by not buying a new one (see pictures)
- Made 45 runs between January 11th and February 14th
 - Used approximately 2,254 yards of a 1:4 salt/sand mix
 - 32,850 gallons of salt brine
- Waiting on 534 regular miles and 165 brine miles to be reimbursed by the County (approximately \$12,360)

OTHER:

- Attended monthly Highway Superintendents' meeting and learned that there is a required excavator training
- NAPA is now providing a battery center at the garage
- Fixed water problem on Larkin and Hamilton St with the County (see pictures)

Supervisor/Bookkeeper - Brynley Wilcox

2018-2019 SNOW & ICE AGREEMENT:

- \$56,073.74 was received from the County

- Plow Dates: 11/26/18 – 01/10/19
- 2019 YTD: \$ 56,073.74
- BUDGET: \$ 115,000.00

COLGATE GIFT:

- \$86,133.00 was received from Colgate University
 - 3% more than the 2018 donation (\$83,624.00)

END OF YEAR REQUIREMENTS:

- W-2's and 1099's were mailed out and W-3 and 1096 were filed (with the SSA and IRS, respectively) by the end of January

2018 AUD:

- The 2018 AUD is ready to be submitted pending Board review. (Due by 4/1)

RESOLUTION 2019-23: Audit of Claims

On a motion of Councilmember Rossi, seconded by Councilmember Dinski, the following resolution was: ADOPTED: Ayes: 3 Nays: 0

Resolved that the bills contained on Abstract #2 have been reviewed by the Town Board and are authorized for payment in the following amounts:

| | | | | | |
|--------------------|-----|----|----------------|----|--------------|
| General Fund A | No. | 35 | <i>through</i> | 76 | \$37,020.35 |
| General Fund B | No. | 10 | <i>through</i> | 20 | \$66,855.77 |
| Highway Fund DB | No. | 17 | <i>through</i> | 32 | \$39,320.18 |
| Street Lighting SL | No. | 3 | <i>through</i> | 4 | \$451.55 |
| Street Fire SF | No. | 1 | <i>through</i> | 3 | \$192,009.00 |
| Prepays | | | | | \$61,937.78 |

RESOLUTION 2019-24: Funds Transfer

On a motion of Councilmember Dinski, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 3, Nays: 0

Resolved that \$300,000 be transferred from Community Bank Money Market account to NBT Bank Checking account to cover the February bills and February /March payroll:

- A Money Market to Checking in the amount of \$ 90,000.00
- B Money Market to Checking in the amount of \$ 12,291.00
- SF Money Market to Checking in the amount of \$192,009.00
- SL Money Market to Checking in the amount of \$ 5,700.00

RESOLUTION 2019-25: Funds Transfer

On a motion of Councilmember Dinski, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 3, Nays: 0

Resolved that \$135,668 be transferred from Community Bank Money Market account to Community Bank Equipment Reserve account to cover the for the 2019 annual contribution to the Highway Equipment Reserve

- DB Money Market to Equipment Reserve in the amount of \$135,668.00

Town Clerk - Sue Reymers

CLERKS Office

- Financial Report for January 2019: Collected \$481; Town keeps: \$213.04
 - #s of licenses Sold and Money distributions:
 - DECALS: #3 (\$70.86)
 - Dog Licenses: #14 (\$14.00)
 - Landfill tickets: #11 (\$160.60)
 - Dept of Health: #1 (\$22.50)

TECHNOLOGY:

- Email is migrating from Go Daddy to Office 365.
- Benefits = increased security and better management.
- Only affects 4 emails as most get forwarded to other emails.

ELECTRONIC DEATH REGISTRATION SYSTEM (EDRS)

- I handled my first electronic death certificate this week. It went smoothly.

NYSERDA Grant (Clean Energy - \$50,000)

- The RFP has one more round of edits to be completed. Then it will go to NYSERDA to review. It will go out to bid soon.

NYSDOS (Magee Grant) - \$50,000 for Town Hall Project ---- NOTES ONLY for reference

- Letter received on 12/12/2018 for extension until 7/31/2019.
- Funding is for windows and insulation.
- MWBE requirements for this grant.

DASNY (Valesky Grant) - \$100,000 for Town Hall Project

- The draft of the contract is almost completed and will be sent to DASNY for processing.

Dog Control Officer:

- The Deputy and I have been working with our new Dog Control Officer, Gordon Baker and his dog, Ebony. We are reviewing forms, process, laws, etc. Our new methods should assist in getting our lapsed renewals up-to-date and start to get non-licensed dog owners into compliance. With our more proactive approach, we should be able increase licensing.

Dog Control Officer - Gordon Baker

The council reviewed his January 2019 report.

Codes Enforcement Officer - Mark Miller

- 1 new Zoning Permit application
- Reviewed incoming documents for 2 subdivisions (Chapura, Mason Rd, Butzgy, Larkin Rd)
- Conducted 6 construction inspections.
- Conducting inspections and monitoring progress of large-scale projects:
 - new home construction

- Gibson/Alderman Rd, Kogut/Willey Rd,
- West/Quarterline Rd,
- Locke/Bonney Hill Rd,
- large scale renos:
 - Tan/Payne St, Sewell/Rte 12, Zombori/Quarterline Rd
- Continued work filing old codes related files.
- Attended Planning Board meeting for 2 Special Use Permits and 1 subdivision.
- Reviewed incoming documents for Special Use Permit-1866 Quarterline Rd.
 - Applicant is proposing a mixed-use property (tavern cafe, meeting/party space, and lodging).
 - 2 rooms to be rented out separately or as upper 2 floor rental.
 - Main floor to be rented out for rotary type events, holiday parties or meeting space.
 - Narrative has changed for the basement area. Applicant would like to get a liquor license and serve food.
- Labeling and indexing of all construction blueprints, special use/site plans, subdivisions, annexations and surveys. This will help us assess our storage needs and we will be able to readily access older prints to better serve Town residents.
- There are currently 50 building permit files open.
- Currently monitoring the construction and progress of 3 recently approved Special Use Permits according to conditions set forth by the Planning Board.
 - Dunham Wedding Barn-Poolville Rd
 - Repair Garage-S. Hamilton Rd
 - Dog Boarding- Chappel Rd

Historian's Annual Report – W. Jackson Loop aka Jack
The board reviewed his annual report. (ATTACHMENT A)

COMMITTEE REPORTS:

Town Office Building Committee

Mr. Darby reported that we are finalizing the construction documents and hope to go out to bid in a week or so and hope to break ground in May.

SOMAC

Town board reviewed the January 2019 Data report provided by SOMAC. The full 2018 was on the back to compare to last year. The board is interested in comparing the totals for each year. Clerk Reymers will ask SOMAC for that report. (ATTACHMENT B)

Partnership for Community Development

No new developments to report.

Recreation and Youth Committee

Mary Dinski reported that the Hamilton School had a forum because a kid brought a gun to school. Ms. Dinski described a few details of the situation and the school's response. The school is discussing some options to increase safety at the school. She has a meeting with Bill Dowsland next week to discuss school safety, mental health and other topics. She will keep the town updated.

Ms. Dinski attends the Hamilton Coalition that deals with youth and drugs and alcohol. There is a big concern on vaping as well as the legalization of marijuana. Ms. Dinski wonders what that means for the town. Concerns pertaining to potency and marketing to kids. Towns can do restriction on dispensaries. What is in the town's authority. Clerk Reymers suggested contacting the Association of Towns (AOT) for advice. Mary and Sue will follow-up.

Zoning Update Committee

Ms. Rossi reported that the ZUC met with the town council in January and reviewed work that's been done and what should be focused on in 2019. Next meeting is 2/26.

Ms. Rossi segued into the annual review of the Comprehensive Plan under New Business. Ms. Rossi reviewed the matrix checklist and updated what was accomplished, what is in process and what is yet to do. (ATTACHMENT C)

Hamilton Climate Preparedness Working Group

Ms. Rossi reported that the group is still meeting. They attended the Banff Film Festival last night at the Hamilton Movie Theater. There is a presentation on March 5 at 6 p.m. at the Colgate Inn on the work of the group and Climate Action Plans and Climate Smart Communities.

OLD BUSINESS: NONE

NEW BUSINESS:**Resolution Designating Polling Places for the Town of Hamilton****RESOLUTION 2019-26: Approval of Designated Polling Places**

On a motion Councilmember Dinski, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 3, Nays: 0

Resolved that District 1 & 2's polling place be located at the Hamilton Public Library 13 Broad Street, District 3 will be at the Village of Earlville Clerk's Office 8 North Main Street and District #4 will be at the Poolville Community Center 7484 Willey Road.

Comprehensive Plan & Action Plan - Annual Review

Done earlier.

Standardized Notice of a New Liquor License by the C. Hubb's Inc.

Clerk Reymers informed the town board that a standardized notice was received at the town by C. Hubb's Inc. This is the first one that the town has received in the last 5-6 years. The town has the option to make a comment which are sent to the NYS Liquor Authority. This application is for Liquor, Wine and Cider at the business that is located at 1866 Quarterline Road in Hubbardsville. The applicant is currently seeking a Special Use Permit with the town's Planning Board, which is a complicated application. Mr. Darby stated that we will go into executive session due to legal counsel regarding the notice.

Concerns of Town Board: None.

Supervisor's Report: Madison County Activities: No report.

RESOLUTION 2019-27: Executive Session

On a motion of Councilmember Rossi, seconded by Councilmember Dinski, the following resolution was: ADOPTED: Ayes: 3, Nays: 0
Resolved that this Board move into an Executive Session for the purposes of contracts and advice of counsel at 7:24 p.m.

RESOLUTION 2019-28: Return to Regular Session

On a motion of Councilmember Rossi, seconded by Councilmember Dinski, the following resolution was: ADOPTED: Ayes: 3, Nays: 0
Resolved that the Board return to regular session at 7:58 p.m.

RESOLUTION 2018-29: Town Board Comments on C Hubb's Application for a Liquor License with NYS Liquor Authority

On a motion of Councilmember Rossi, seconded by Councilmember Dinski, the following resolution was: ADOPTED: Ayes: 3, Nays: 0
Resolved that the following comments be sent to the NYS Liquor Authority on the C. Hubb's Inc. application for a liquor license:
"TO: NYS Liquor Authority - This correspondence is intended to acknowledge receipt by the Town of Hamilton of the "Standardized Notice Form for Providing 30-Day Advance Notice to a Local Municipality or Community Board," dated January 23, 2019 ("Notice"), submitted on behalf of The C. Hubb's Inc. ("Applicant"). Pursuant to the Town of Hamilton's Zoning Regulations, Steffco Enterprises LLC, an entity believed to be affiliated with Applicant, has applied to the Town of Hamilton Planning Board for a Special Use Permit to operate a mixed use business on parcels known as 1866 Quarterline Road and 1872 Quarterline Road. As proposed, Applicant's "mixed use" will consists of lodging facilities, a retail store, and a café serving breakfast, lunch and dinner. As part of the café use, it is understood that beer, wine and alcohol will be served.
Having only recently received Applicant's Special Use Permit Application, the

matter was scheduled for initial consideration by the Planning Board at its February 12, 2019 meeting. Unfortunately, due to inclement weather, the Planning Board's meeting on February 12th was cancelled. As a result, the Planning Board has not had an opportunity to review the application with the Applicant and, to date, a public hearing has not been held.

It should be acknowledged that the Applicant has filed previous Special Use Permit Applications for use of the aforementioned properties. Approximately one year ago, Applicant obtained a Special Use Permit to allow the partial demolition of a nonconforming residential structure situated upon 1872 Quarterline Road. Despite the terms of the approval, Applicant proceeded to demolish the entire structure. Having demolished the structure in its entirety, Applicant was advised that a new structure could not be built upon the property. Thereafter, Applicant filed two (2) additional Special Use Permit Applications, one for 1866 Quarterline Road and one for 1872 Quarterline Road. During subsequent meetings before the Planning Board, Applicant indicated an intent to discontinue the pending applications in favor of a new application proposing a single use to encompass both parcels was planned. As result of the multiple applications and the representations made before the Planning Board, unless and until a decision is rendered on the most recent Special Use Permit Application, it is unknown whether the scope of use proposed will continue to undergo change.

Because the Planning Board has not reviewed Applicant's most recent Special Use Permit Application, the terms and conditions to be imposed upon Applicant's proposed use, which necessarily encompasses the service of wine, beer, and alcohol, are unknown. Accordingly, the Town Board respectfully requests that the New York State Liquor Authority delay issuing the requested liquor license until such time as the Town Planning Board has undertaken action on the Special Use Permit Application, to allow the Town Board to submit appropriate comments. In the event the New York State Liquor Authority chooses to proceed with its review prior to the Planning Board's consideration of the Special Use Permit Application, the following discrepancies were noted after reviewing the information set forth in the Notice and the information submitted by Applicant in support of its Special Use Permit Application:

The answer to #13 of the Notice indicates that the type of establishment is a "bar/ tavern" which is not consistent with the application to the Planning Board. At all times, the application materials provided to the Planning Board have seemingly stressed that the service of alcohol/ beer/ wine is supplemental to the primary café use. Notably, the answer to #14 indicates that the "method of operation" is a "community & family friendly bed & breakfast/ café," which is consistent with the application materials. If one were to accept the information on the Notice as controlling, it would appear that the use that is proposed for the property is that of a bed & breakfast, bar/ tavern and café.

In #15 of the Notice, the Applicant indicates that the licensed outdoor areas are to consist of the patio or deck, and the sidewalk café. In the Special Use Permit Application materials it is not entirely clear that the patio area is to be used for serving alcoholic beverages, nor is it clear that there is a “sidewalk café.” In the past, the Applicant has assured the Town that there was no intent to serve outdoors; however, this is an item that the Planning Board intends to seek clarification of as part of the Special Use Permit process.

In #16 of the Notice, the Applicant indicates that the establishment serving alcohol is to encompass the “entire house.” In the application materials submitted to the Planning Board it appears that the second floor is solely intended to serve as sleeping quarters. Again, the Planning Board intends to clarify whether the intent in the Notice is to acknowledge that alcohol may be taken from the first floor or basement to the second floor for purposes of consumption, or whether the Notice intends to allow/ acknowledge the sale or service of alcohol on the second floor.

Thank you for your consideration of the Town of Hamilton’s concerns.”

RESOLUTION 2019-30: Authorization to set aside \$400,000 in Fund Balance for Town Hall Project

On a motion of Councilmember Dinski, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 3, Nays: 0
Resolved that the town bookkeeper be authorized to designate \$400,000 in Fund Balance for Town Hall Project.

With no further business, on a motion of Councilmember Dinski, seconded by Councilmember Rossi, the meeting was adjourned at 8:06 p.m. Carried unanimously.

Respectfully submitted,
Suzanne K. Reymers
Town Clerk