

Hamilton Town Council Annual and Regular Board Meeting Minutes
Thursday, January 14, 2021 at 6:30 p.m.
Via Zoom Videoconferencing

Present: Eve Ann Shwartz, Peter Darby, Shari Taylor, Darrell Griff, Mary Lee Dinski.
Others Present: Sue Reymers, Town Clerk, Brynley Wilcox, Bookkeeper, Luke Dowsland, Highway Superintendent.
Public: Jim Leach, Chris Rossi

Call to order & Welcome: The meeting was called to order at 6:33 p.m. Supervisor Shwartz asked for a moment of silence to remember all those who have passed away due to COVID19 in our community and across the world.

ANNUAL ORGANIZATIONAL MEETING:

STAFFING AND CONTRACTUAL APPOINTMENTS

One-year Appointments, Commencing January 1, 2021 & expiring December 31, 2021:

RESOLUTION 2021-1: Annual Appointments for positions as listed.

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

Resolved that the following appointments for 1/1/2021 - 12/31/2021 as follows:

1. Historian - Jack Loop
2. Dog Control Officer - Gordon Baker
3. Zoning Enforcement Officer and Code Enforcement Officer - Mark Miller
4. Deputy Town Clerk/Collector - Elisa Robertson
5. Planning Board & Zoning Board Clerk, Planning Board & Zoning Board Secretary - Elisa Robertson

RESOLUTION 2021-2: Annual Contractual Appointment for Town Attorney.

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

Resolved that Costello, Cooney & Fearon be the town attorneys for 1/1/2021 - 12/31/2021.

RESOLUTION 2021-3: Appoint Suzanne K. Reymers as Town Clerk / Collector, Records Management Officer and Records Access Officer

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

Resolved that Suzanne K. Reymers be appointed as Town Clerk/Collector, Records Management Officer and Records Access Officer for a two-year term commencing January 1, 2021 and expiring December 31, 2022.

Note for the record that in December 2020, Registrar and Deputy Registrar of Vital Statistics were appointed as guided by NYS Department of Health to ensure that the positions were in place due to COVID.

RESOLUTION 2021-4: Appoint Luke Dowsland as Highway Superintendent

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

Resolved that Luke Dowsland be appointed as Highway Superintendent for a two-year term commencing January 1, 2021 and expiring December 31, 2022.

PLANNING BOARD, ZONING BOARD OF APPEALS APPOINTMENTS:

RESOLUTION 2021-5: Planning Board Appointment of Bettyann Miller

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

Resolved that the following be appointed:

- Bettyann Miller - New 5-year term 1/1/2021-12/31/2025.

RESOLUTION 2021-6: Planning Board Annual Chair Appointment

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

Resolved that Mike Welshko is Chair of the Planning Board for 1/1/2021-12/31/2021.

RESOLUTION 2021-7: Zoning Board of Appeals Appointments

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

Resolved that the following be appointed:

- Harvey Kliman - New 5-year term 1/1/2021 through 12/31/2025.

Note that there is still a vacant seat for Bill Nolan to finish his 5-year Term: 1/1/2020-12/31/2024.

RESOLUTION 2021-8: Zoning Board of Appeals Annual Chair Appointment

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

Resolved that Harmon Hoff is Chair of the Zoning Board for 1/1/2021-12/31/2021.

APPOINTMENTS & COMMITTEES BY TOWN SUPERVISOR:

Appointments by Town Supervisor

- Supervisor Shwartz appointed Peter Darby as Deputy Supervisor.
- Supervisor Shwartz appointed Peter Darby as Budget Officer.

TOWN COMMITTEES:

- Highway Committee – Peter Darby, Darrell Griff, Eve Ann Shwartz
- Personnel Officer and Liaison – Mary Dinski
- Economic Development, Partnership for Community Development Liaison – Mary Dinski
- Recreation and Youth Committee – Mary Dinski, Shari Taylor
- Zoning Update Committee – Darrell Griff
- Communications – Shari Taylor, Jim Leach
- Liaison to Villages of Earlville – Shari Taylor
- Liaison to Village of Hamilton – Mary Dinski
- Liaison to SOMAC – Peter Darby
- Liaison to Colgate University’s Upstate Institute and COVE – Eve Ann Shwartz

Annual Reorganizational Resolutions**RESOLUTION 2021-9: Official Newspaper - Utica Observer Dispatch**

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

Resolved that Utica Observer Dispatch be designated as the Town’s official newspaper.

RESOLUTION 2021-10: Official Banks – NBT, Community Bank, & NYCLASS

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

Resolved that NBT, Community Bank, and NYCLASS be designated as the Town’s official banks.

RESOLUTION 2021-11: Authorize Issuance of Payroll – Bi-Weekly and Monthly

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

Resolved that the issuance of payroll on either a bi-weekly or monthly basis only be authorized.

RESOLUTION 2021-12: Designate Town Board Meetings

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

Resolved that the Town Board Meetings are designated to be held on the Second Thursday of each month, at 6:30 p.m. at the Town Hall located at 38 Milford Street or via Zoom Videoconferencing as permitted by NYS Executive Order during COVID.

- *Legal notice to follow informing public.*

RESOLUTION 2021-13: Authorize Mileage Reimbursement Rate at .56 cents per mile

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

Resolved that the 2021 Town mileage reimbursement rate be in accordance with NYS & Federal rate of .56 cents per mile.

RESOLUTION 2021-14: Authorization for Pre-Pays of Bills

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

Resolved that authorization is given for advance payments of certain monthly bills such as electric, telephone, internet, postage, village court rent, postage, insurances relating to health and dental, property, automobile, liability, and surety be paid as pre-pays. *(Bills that are paid in advance will be listed on the next available abstract and designated as prepaid.)*

RESOLUTION 2021-15: Procurement of a Blanket Undertaking for Municipal Officials and Staff

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

Resolved that the Town of Hamilton approve the procurement of a Blanket Undertaking from a duly authorized corporate surety covering the officers, clerks, board members, and employees of the Town pursuant to various sections of New York State Town Law and Public Officers Law and while not required, shall be filed with the Madison County Clerk's office.

RESOLUTION 2021-16: Establish \$200 Petty Cash Fund & Impose \$20.00 fee for Bounced Checks

On a motion of Councilmember Dinski, seconded by Councilmember Taylor, the following resolution was: ADOPTED: Ayes: 5, NAYS: 0

Resolved that a \$200 Petty Cash fund be established in the Town Clerk's department for town office use and to authorize the imposition of a \$20.00 fee on each check tendered as payment to the Town which is subsequently returned for insufficient funds or similar reasons.

Public Comments:

Chris Rossi report on Zoning Update Committee and HCPWG.

Chris started by reminding the board that we should do an annual review of the Comprehensive Plan. Supervisor Shwartz asked Shari Taylor and Darrell Griff to meet with Chris Rossi to review the comprehensive plan and report back to the town council.

The Zoning update Committee met on December 17 to incorporate the new density and density bonuses into the zoning law as well as completing the dimensional tables. We meet again on January 19 to complete that work. A draft will be ready soon for the council to review.

The Hamilton Climate Preparedness Working Group is working on a joint municipal Climate Action Plan (CAP) for the Village and the Town. We should have a draft copy in February or early March. The CAP committee would like to invite the Town Council to a Zoom meeting to review the draft once it is ready. Part of the CAP involves action on environmental justice issues. The Finger Lakes Climate Fund is one way the Town might be able to address some of those concerns. The Fund works with community members who would like to make donations as a form of carbon offsets. Those donations are then used to help pay for green energy initiatives for low- and mid--income residents. A copy of the report developed by Colgate students detailing how the Town could become involved with the fund was emailed to all the board members. Are we interested in exploring this possibility further? There was a brief discussion such as seeing if we can create a local fund dedicated to our area. The board is interested and wants to learn more.

REGULAR MONTHLY MEETING

DEPARTMENT REPORTS:

Highway Superintendent - Luke Dowsland

GENERAL REPAIRS:

- Unclogged pipes around the town from the rain we got on Christmas day.
- Fixed washouts on Horton and Preston Hill again from the Christmas day rain.

EQUIPMENT:

- Sent truck #15 to Piluso's for a new turbocharger.
- JPJ came and installed radios and beacon lights on the F550, mowing tractor and installed a radio in #25.
- Replaced an ABS valve on #18.
- Fixed the starter solenoid on the grader. Also fixed the parking brake and changed the controls around to what we're more familiar with.

TREE REMOVAL:

- Cut close to 20 loads of trees and brush off of Brown Road.
- Marked out trees on Borden Road to be taken down.
- Cut a small limb on Kiley Road.

SNOW REMOVAL:

- Plowed and sanded 17 times, just sanded 3 times.
- Used 21,100 gallons of brine.
- Used 766 yards of sand/salt mix.
- We're continuing to make our own brine. The new brine setup is keeping up perfectly with our demand.

OTHER:

- Helped the Village of Earlville haul snow out of their Village.
- The part-timers and shifts have started.

- The new Town of Hamilton sign was put up at the office.
- Attended 2 Highway Committee meetings.

Supervisor/Bookkeeper - Brynley Wilcox

2020-2021 SNOW & ICE AGREEMENT:

- \$9,031.68 was received from the County -Plow Dates: 11/02/20 - 11/24/20
- 2020 YTD: \$ 112,329.47; BUDGET: \$ 120,000.00

FRANCHISE FEES:

- \$2,909.81 was received from Charter Communications
- 2020 YTD: \$ 11,734.57; BUDGET: \$ 10,400.00

CHIPS:

- \$65,850.80 received from the NYSDOT via direct deposit-2020 YTD: \$132,004.92

SALE OF EQUIPMENT:

- \$54,000 was received from Hamilton Central School - 2018 Ford F550 Small Dump Truck

FEMA:

- \$43,722.20 was received from the NYSDHSES via direct deposit
 - Federal share (75%) of the estimated cost to repair Borden Rd. culvert
 - Total estimated cost: \$58,296.27

END OF YEAR REQUIREMENTS: W-2's and 1099's will be mailed out and W-3 and 1096 will be filed by the end of this month.

2020 AUD: A draft of the Town's AUD will be ready for the February meeting. It is due to the State by April 1, 2020.

RESOLUTION 2021-17: Audit of Claims

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

Resolved that the bills contained on Abstract #1 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No.	1	<i>through</i>	19	\$21,982.43
General Fund B	No.	1	<i>through</i>	2	\$57.16
Highway Fund DB	No.	1	<i>through</i>	10	\$15,368.12
Street Lighting SL	No.	1	<i>through</i>	2	338.00
Prepays					\$1,740.00
TOTAL:					\$39,485.71

2020 YEAR-END FINANCIALS:

- Balance Sheet
- Profit & Loss vs. Budget
- Fund Balance – 2016 to present

RESOLUTION 2021-18: Receive and File Financials

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

Resolved that the 2020 financials and Fund Balance 2016 – present be received and filed.

Please see Appendix #1

Town Clerk – Sue Reymers**CLERK'S OFFICE**

- Processed month end and distributed funds for December. Bank reconciliations done.
- Handicap placard renewals: Deputy is calling the ones that are expiring and sending the new ones in the mail to make it easier for constituents.
- Week between Christmas and New Year's Eve went smooth. I was able to handle the few calls that came in. Everyone appreciated the much-needed break.
- On January 4, we resumed normal hours Monday – Thursday.
- There was a Planning Board meeting on January 12 with 2 applications: a follow-up meeting on an approved subdivision to clean up a parcel and an application to build a house on Poolville Road on a steep grade which requires a special use permit.

CLIMATE SMART COMMUNITY SIGNAGE:

- NYSDEC sent us two signs. Dazzle Ekblad gave me some guidelines: *"The town is free to hang them anywhere you like. They are not intended for use as street signs, however. As I understand it, the signs are durable enough to be placed outside on the side of a building if they are protected from direct sunlight and moisture by an awning. Every certified CSC gets two signs, no matter its size or number of buildings."*
- I recommend that one gets put aside the new bulletin board, yet to be hung, to the left of the entrance. Suggestions for the 2nd one, Garage?

OTHER PROJECTS:

- Reviewed the Emergency Health Plans with Mary Dinski.
- Pending: Noise Law needs some additional work then will be passed along to Nan and Attorney for review.
- New fax # is now assigned, but still waiting for County to come and set it-up.
- Bill Clark came in before Christmas to handle a long list of misc. handyman projects in the building. I need to reschedule him for the bulletin board and a few more things.

MID-YORK WEEKLY:

- Jack Loop called me last week. The Mid-York Weekly office in Hamilton is closing down and called Historic Commission - Joan Prindle and Jack Loop to offer them all the past copies of the paper and photographs. They have nowhere to store them. Jack and I were able to review our space. Then Joan and Jack with

me on video reviewed the stacks. As Records Manager Officer, I determined we can accommodate it; it's a wonderful opportunity for the town to be able to offer this space in our new town hall.

Minutes to Approve: November 12, November 30, December 10

RESOLUTION 2021-19: Approval of Minutes - 11/12/2020, 11/30/2020, 12/10/2020

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

Resolved that the minutes for November 12, November 30, December 10 of 2020 be approved.

**Codes Enforcement Officer - Mark Miller
December Activity**

- Approved 4 new Building permits.
- Approved 6 Zoning Permit applications.
- Reviewed incoming maps and paperwork for 1 subdivision application (Rte 12B, Rivington).
- Referred Zoning Permit Application to Planning Board for Special Use Permit Approval (construction on slope of <15%, Peters-Poolville Rd).
- Reviewed incoming application materials and site plan for SUP.
- Conducted 10 construction inspections.
- Issued 1 C of O, 1 C of C
- Investigated 1 complaints. Issued order to remedy for failure to obtain permit.
- Followed up on property maintenance violations.
- Attended Planning Board meeting. Rivington subdivision.
- Attended Zoning update committee meeting.
- Attended 4hrs of required 24hrs of code enforcement training.
- Solicited bids for board up/clean up on Willey Rd.
- Met with contractors and homeowners to discuss potential projects.

Permit #	Date	Owner's Name	Location of Project	Description of Work	Permit Fee
2020-19	12/1/20	Constantine Bricca	1288 Gorton Rd	Install 1250g septic tank	\$110
2020-20	12/8/20	Daniel Gordeyeva	2337 Bonney Rd	Install wood burning stove	\$110
2020-21	12/21/20	Howard Powell	7200 Rambling Brook	Repair roof/ ceiling	\$120
2020-22	12/22/20	Khaled Sanad	1786 Preston Hill Rd	20'x20' barn	\$170

Town Justice - Annual Report – Judge Donald Haight Written Report

The town council reviewed the report. They asked the Clerk to share last year's report via email to compare the activity.

COMMITTEE REPORTS:**SOMAC – Peter Darby**

Peter reported that SOMAC's budget ended up better than they had budgeted. Students have been gone for longer. Calls are down. 38 student volunteers return in the spring and once they finish their quarantine, they will be eligible for vaccinations. Colgate will be a designated vaccination site. There was a discussion on the vaccination rollout. Renovations should start soon for the new sleeping quarters in the spare building which will include six bedrooms, a bathroom and kitchen. They want to add a heated walkway between the buildings but they need a variance from the Village Planning Board. Carl Klauss is now on the board and helping to ramp up their fundraising efforts for the renovation project. Another brief discussion on funding SOMAC.

Partnership for Community Development – Mary Dinski

Mary shared that there are no updates as meeting is next Tuesday. Shari reported for the Earlville for Earlville project. The group is waiting for Design Connect final plans. She also reported that the group will wait for the next round of the Main Street Grant program because they could not get things in place which strengthens the application. Also, the Village is not quite in place. Clerk Reymers spoke with Scott Ingmire about the grant and shared that there is another round in June and would be better to apply then since now is difficult during the holidays. The Village does need to do a resolution for the application. One thing that Stefan is trying to clarify has to do with the County line. If Madison County applies, the grant may not be able to extend beyond the county line so it may be restricted. Supervisor Shwartz asked if both County Planning Departments could apply for it and asked Shari to contact Stefan to ask that question. It could be a good shared services project.

Recreation and Youth Committee – Nothing to report.

Zoning Update Committee – Already reported on.

SPECIAL PROJECTS:

Hamilton Climate Preparedness Working Group – Already reported on.

Earlville for Earlville

- **NYS Main Street Grant Program update**

9 Mile Swamp Access Property

Discussion on the property and who should be on the committee. What do we want to do in the first year? Concerns about the parking along the side of the road was cited.

Darrell Griff mentioned that Keith Palmer contacted him about the area on the property that is farmed. He was renting that area to hay for his organic farm from Lamb and would like to continue to use it. He needs to know by February 1 for his paperwork. There was a discussion.

Sue will reach out to the County to get their lease for solid waste land use. Darrell will inform Keith that we need an insurance certificate. It was also agreed that PCD needs to be involved with this project and we should wait for Jennifer's return. Luke, Darrell and Eve Ann will meet on site soon to see about posting the property and look at a potential parking area and access to the river.

OLD BUSINESS:**Reconvene hearing under Local Law 1-2020- Unsafe Buildings & Structure:**

- 7478 Willey Road, Earlville NY (Tax Map #: 199.12-1-32)

RESOLUTION 2021-20: Reconvene Hearing under Local Law 1-2020- Unsafe Buildings & Structure for 7478 Willey Road, Earlville NY (Tax Map #: 199.12-1-32)

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

Resolved that the hearing be reconvened under Local Law 1-2020- Unsafe Buildings & Structure for 7478 Willey Road, Earlville NY (Tax Map #: 199.12-1-32).

RESOLUTION 2021-21: Close Hearing on 7478 Willey Road (Tax Map #: 199.12-1-32)

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

Resolved that the hearing be closed at 8:17 p.m.

RESOLUTION 2021-22: Authorization for Town to Secure Buildings located at 7478 Willey Road (Tax Map #: 199.12-1-32)

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

Whereas the Codes Enforcement Officer reported to the board on November 12, 2020 that the property located at 7478 Willey Road (Tax Map #: 199.12-1-32) has numerous property violations and poses a threat to the health and safety of the community;

Whereas the Local Law 1 of 2020 "A LOCAL LAW TO PROVIDE FOR THE SECURING, REPAIR, REMOVAL OR DEMOLITION OF UNSAFE BUILDINGS AND STRUCTURES IN THE TOWN OF HAMILTON" allows the Town of Hamilton to take

action to secure the property and make safe; and that the town has determined that the issues as presented by the Codes Enforcement Officer pose a health and safety risk therefore passing a resolution on November 12, 2020 to hold a hearing with the owners;

Whereas the owners of the property were properly notified of the public hearing, scheduled on November 30, 2020, by certified mail sent out on November 19, 2020 and a notice posted on the property on November 23, 2020;

Whereas the hearing was held on November 30, 2020 and the owners were not present and the hearing concluded on January 14, 2021 and to date, no response has been heard from the owners and it's been 30 days since the notice has been posted on the property;

Resolved now that the Town of Hamilton now be authorized to move forward to secure and make safe the buildings/structures located at 7478 Willey Road (Tax Map #: 199.12-1-32) by use of Town employees and or independent contractors.

Spectrum Franchise Agreement

Supervisor Shwartz updated the board that more time is needed to review the proposal. It will be on the February agenda. Luke Dowsland interjected that he was discussing the recent installation with Brad Newman from the County and he suggested a Utilities Permit like the County. Luke will share the County's version. There was a brief discussion. Supervisor Shwartz asked Luke and Sue to look into this with our attorney.

NEW BUSINESS:

Resolution to approve a shared services Agreement with Madison County Highway

- Services include but not limited to: *road shoulder installation, road paving, culvert installation guiderail installation and rock installation*
- Resolution for Madison County 2020 Shared Services Agreement for Highway
- Resolution for Madison County 2021 Shared Services Agreement for Highway

RESOLUTION 2021-23: Authorization for Supervisor to sign Shared Services Agreement with Madison County for Highway Road Work for 2020

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

Resolved that the Town Supervisor be authorized to enter into a shared services agreement with Madison County for road work, services include but not limited to: road shoulder installation, road paving, culvert installation guiderail installation and rock installation for the year 2020.

RESOLUTION 2021-24: Authorization for Supervisor to sign Shared Services Agreement with Madison County for Highway Road Work for 2021

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

Resolved that the Town Supervisor be authorized to enter into a shared services agreement with Madison County for road work, services include but not limited to: road shoulder installation, road paving, culvert installation guiderail installation and rock installation for the year 2021.

Concerns of Town Board: Mary mentioned that she sent the Emergency Health Plan to Eve Ann for review. Mary will resend it.

Supervisor's Report: Madison County Activities: Supervisor Shwartz gave a brief report on vaccine distribution, shared services efforts and saving money, and the issue with the thin blue line flag at the County jail.

EXECUTIVE SESSION**RESOLUTION 2021-25: Executive Session**

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

Resolved that this Board move into an Executive Session for the advice of counsel on an assessment lawsuit against the town at 8:36 p.m.

RESOLUTION 2021-26: Return to Regular Session

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

Resolved that the Board return to regular session at 8:47 p.m.

With no further business, on a motion of Councilmember Dinski, seconded by Councilmember Taylor, the meeting was adjourned at 8:48 p.m. Carried unanimously.

Respectfully submitted,
Suzanne K. Reymers
Town Clerk