

Hamilton Town Council Regular Meeting Minutes
Thursday, September 9, 2021, at 7:00 p.m.
Poolville Community Center, 7484 Willey Road, Poolville

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

Call to order & Welcome: The meeting was called to order at 7:01 p.m. Supervisor Schwartz moved the public comment first, then the Fuel Bid openings.

Public Comments (5 minutes): No general comments.

Public Comment Period on the Marijuana Regulation and Taxation Act *which allows adult-use cannabis retails dispensaries within the town (excluding the Villages of Hamilton & Earlville).*

Vaughn Carney, Gair Meres, Sam Cooper, Debby Zahn, Rebecca Mosby all spoke with five in favor of opting in. Included in the comments was the potential for tax revenue, but also a suggestion for further study on where the tax revenue will go.

Public Comment on Proposed Moratorium for Seasonal Accommodations: Supervisor Schwartz allowed for a brief comment period on the proposed moratorium. A public hearing will be held on October 14. Several spoke about their concerns and asked questions. Schwartz clarified that the proposed local law does not impact residents in the Villages nor anyone running a bed and breakfast from their home. It's intended for absentee landlords running these types of rentals. Public comment is encouraged and directed to the Town Council for the public hearing.

Fuel Bid Opening and Resolution

Clerk Reymers handed Luke Dowsland four sealed bids. He opened them and read aloud the numbers for each. See Canvass of Bids Attached. Broedel, Buell, Paul Oil, Mirabito. The board discussed the bids. Mr. Peter Darby spoke up that he had a comment to make. The town has used both Mirabito and Buell before who failed to keep fuel tank filled. Mr. Dowsland confirmed that was correct. Mr. Darby continued to recall that one year we switched in the middle of the year away from Buell after we had drawn their attention to that problem, and they continued to not keep our fuel tank full during plowing season. Mr. Darby cited that we have the Best Value Law and proposed not using those two from bids. Supervisor Schwartz asked the Bookkeeper to crunch the total costs for the remaining two bids (Broedel and Paul Oil). The Bookkeeper ran the numbers and reviewed them with the board. Broedel was the lower total cost for both fuel oil and diesel and therefore won the bid. Luke Dowsland will call Broedel.

RESOLUTION 2021-76: Award Bid for Fuel to Broedel

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

Resolved that Broedel Fuel be awarded the bid for fuel oil and diesel.

DEPARTMENT REPORTS:**Highway Superintendent****GENERAL REPAIRS:**

- Cold patched holes all around the town
- Dug out and replaced the Bailey Road culvert. It took us one full week to complete everything. Shawn Payne dug it for us.
- Put a new driveway culvert in on Chappel Road
- Fixed washouts on Lake Road
- Started work on the seasonal end of Humphrey Road

EQUIPMENT:

- Serviced the tamper and the F-550
- #15 blew 3 tires. Replacements have been ordered.
- Changed the blades on the Ferris
- Replaced the dust covers on #17's brake system

TREE REMOVAL:

- Cut a tree out of the road on Hoose that the wind blew over

OTHER:

- Helped the Town of Sherburne stone and oil for one day
- Helped the Town of Brookfield replace a large culvert like Bailey Road for about a week.
- Worked on SOMAC 511 replacing the power steering rack
- Picked up the new 512 from JPJ
- Mowed all the Town properties
- Put 2 signs up at the Wickwire Road park (two signs from Terry Signs).

Supervisor/Bookkeeper - Brynley Wilcox**ARPA FEDERAL FUNDING:**

- \$384.72 was received from NYS on 8/30/21
 - 50% of *additional allocation*
 - Payment 1 of 2
- Bonadio Group update – email today from them that the lost revenue from 2020 did not exist, which means there are restrictions on how these funds can be spent. Potential exists for parks or SOMAC funding.

FRANCHISE FEES:

- \$3,288.29 was received from Charter Communications
 - Q2-2021 franchise fees

- YTD: \$ 9,286.45
- Budget: \$10,000.00

BAILEY ROAD PROJECT:

- \$10,079.38 was received from Madison County Soil & Water
 - Reimbursement for Bailey Road culvert pipe

RESOLUTION 2021-77: Audit of Claims

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

Resolved that the bills contained on Abstract #9 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No.	234	<i>through</i>	265	\$17,587.72
General Fund B	No.	59	<i>through</i>	66	\$19,591.08
Highway Fund DB	No.	132	<i>through</i>	147	\$15,120.15
Lighting Districts	No.	10	<i>Through</i>	10	\$46.26
Prepays					\$0
TOTAL:					\$52,245.21

Town Clerk – Sue Reymers**Grants:**

- DASNY (Valesky - \$100,000) Vouchers need to be sent it. Pending.
- DOS (Magee \$50,000) Waiver for a portion of the MWBE is still pending. If approved, we will get 100% of the \$50,000 grant. If rejected, the grant will be short \$2,874.74.

Town's Technology (hardware and software):

- SOFTWARE: The staff have finalized their choice to go with BAS Software for Clerk and Codes. Just need to get final approval to purchase.
- HARDWARE: ACC Tech is working on a proposal for a small server to switch us from a peer-to-peer server system. It will meet specs for BAS software. We also will need a new computer.
- CREDIT CARDS: I have selected to sign up with Forte to accept credit cards and online payments. Contract is pending my final review as I have to make a few decisions.
- Website: Still waiting for Civicplus developers to install the final code to switch over to .gov. I email periodically to check in, but it's on their list to do.
- PHONES: after I get these other tech pieces in place, I will be adding to our phone system. The County handles our phones.
- Online Meetings: Gov. Kathy Hochul signed into law that among other things, that public meetings and hearings may be conducted remotely. Law is set to expire January 15, 2022. The issue is that I have noted that I tried to work with microphones and work with our laptops to create a successful hybrid system but

it never fully worked well. I now leave it to the town board to hire someone who can assess our technical needs for hardware and software, to purchase the equipment with the proper town approvals and to set it up and then to train me and the staff in its use. I no longer have the time nor apparently the necessary expertise to accomplish it. Until we can resolve these issues, meetings are either 100% in person or 100% online.

CENSUS 2020: Authenticated statement received from NYS Department of State with our 2020 population.

4/1/2010 – 6,690

4/1/2020 – 6,379 (-311; 4.6% reduction)

CORRESPONDENCE: On August 18, we received this email:

“Luke Dowsland started replacing the Bailey Road bridge culvert first thing this morning. By lunchtime the road was passable and nicely attended to. Excellent and efficient job. I am pleased to commend Luke and the crew.” Margaret Klisiwecz, 2376 Bailey Road, Hubbardsville, NY 13355

On September 1, we received a thank you card from the Thursdays on the Village Green Committee thanking us for the support of their summer concert series and asked for support again for 2022.

Supervisor Shwartz said that the County lost closer to 7%. Colgate put a lot of effort to make that the students were counted but with COVID, that may have impacted the numbers. Same with the other two colleges in our County. The Census numbers impact the number of County Votes for the Town Supervisors as it's a weighted vote. It may take a couple of years to impact that vote. Sales Tax is not based on population. It could have other impacts at the County such as grants.

RESOLUTION 2021-78: Approval of Minutes – 6/10/2021 and 7/15/2021

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

Resolved that the minutes for 6/10/2021 and 7/15/2021 be approved as submitted.

Discussion on switching to online meetings. It was decided to move the October 14 to online Zoom for safety reasons but that the Tentative Budget and others would be case by case.

Codes Enforcement Officer

August Activity

- Approved 7 new Building permits.
- Approved 4 Zoning Permit applications.

- Reviewed incoming site plan and paperwork for 3 special use permit amendment (Heritage Barn, Farm operation in Hamlet district, Seasonal Accommodations Spring St.).
 - Heritage Barn would like to expand the scope of their operations to include outdoor wedding ceremonies and outdoor events.
 - 2089 Spring St LLC is applying for a SUP to run an Airbnb
 - Reviewed incoming documents for Special Use Permit (farm operation in Hamlet of Poolville).
- Conducted 24 construction inspections for the town.
- Currently performing Code related duties for the Village until the position is filled. Performed 26 construction inspections for the village.
- Followed up on property maintenance violations.
- Referred 2 zoning permit applications to the ZBA.
 - Gorton Rd
 - Harris Rd
 - South Hamilton Rd
- Attended 2 Planning Board meetings.
- Met with contractors and homeowners to discuss potential projects.

Permit #	Date	Owner's Name	Location of Project	Description of Work	Permit Fee
2021-33	8/2/21	Biagio Distefano	3280 Amelias Way	Deck	\$160
2021-34	8/9/21	Norm button	933 Williams Rd	Restore foundation	\$187.50
2021-35	8/12/21	Connie Bricca	1288 Gorton Rd	621 ft sq addition	\$255.00
2021-36	8/19/21	Kessa Schaeffer	1803 Preston Hill	48' x10' deck	\$160
2021-37	8/19/21	Stephen Stebulis	7325 Mason Rd	16'x14' pergola	\$130
Demo	8/23/21	Sharron McIlhenney	1660 Humphrey Rd	Asbestos removal/demo	\$80
2021-38	8/24/21	Pat Costello	790 Wilkinson Rd	Pellet stove	\$80

Supervisor Shwartz and Ms. Dinski noted that the CEO is tracking his hours to send invoices to the village of Hamilton because this was beyond the shared services agreement.

COMMITTEE REPORTS:

SOMAC – Darby reported that the meeting is next week.

Partnership for Community Development – No meeting last week.

Recreation and Youth Committee – Nothing to report.

Woodlawn Cemetery Committee

Griff reported that there was a meeting September 7 with the Woodlawn Cemetery Board and a representative from NYSDOS Division of Cemeteries Michael Seelman. They asked if the town could store about 12 boxes of records for them. A resolution is needed for approval of town to house some of their records.

RESOLUTION 2021-79: Authorize Clerk to House Woodlawn Cemetery Records at the Town Office Archives Room

On a motion of Councilmember Griff, seconded by Councilmember Taylor, the following resolution was: ADOPTED: Ayes: 5, Nays: 0
Resolved that the Town Clerk be authorized to house boxes of records from the Woodlawn Cemetery in the Town Office Archives Room.

SPECIAL PROJECTS:

Zoning Update Committee - Next workshop is September 13 @ 8 am.

Hamilton Climate Preparedness Working Group

Chris Rossi knows that the town has a resolution to pass the Municipal Climate Action Plan. Village is still working on theirs. The group is starting to meet again and will be looking at student projects and looking ahead at the Community Climate Action Plan which would happen next year.

Earlville for Earlville

Shari Taylor reported that the group met with Jocelyn. Public workshops are scheduled for October 16 and November 16 at the Bell Tree. Looking for feedback on the park.

9 Mile Swamp Access Property

Eve Ann Schwartz reported that the August 21 workshop brought about 30 people. Results are on the website. People were enthusiastic about the river access and the potential for a park. Lots of discussion on the parking. Committee needs to reconvene. Sue will update PCD on the results of the workshop to keep them in the loop.

OLD BUSINESS:

Town Office Building: Warranty Claim, Building Issues, Grants, Grand Opening
Sheetrock was repaired in the staff bathroom. A tree was removed behind the building because the branches were hitting the building. Need to replace a shingle on the roof. Furniture arrives early November. After then and with consideration of COVID numbers, a grand opening can be discussed.

American Rescue Plan – Already reported on.

Marijuana Regulation and Taxation Act Discussion

REOLUTION 2021-80: Town of Hamilton will Not Opt Out of the Marijuana Regulation and Taxation Act

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

Resolved that the Town of Hamilton has reviewed the issue and will not opt out of the Marijuana Regulation and Taxation Act.

NEW BUSINESS:

Madison County Snow & Ice Agreement Resolution for 2021-2022

RESOLUTION 2021-81: RESOLUTION OF THE TOWN BOARD APPROVING AGREEMENT WITH MADISON COUNTY FOR SNOW AND ICE CONTROL ON THE COUNTY ROAD SYSTEM

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

WHEREAS, the Board of Supervisors of Madison County adopted Resolution No. 21- on August 10, 2021 designating the improved roads of the County Road System of the County upon which snow and ice removal should be performed; and

WHEREAS, the County Superintendent of Highways was authorized to enter into agreements with the Town for the aforementioned purpose starting October 1, 2021 through April 30, 2022 at rates as specified in the Agreement; and

NOW, THEREFORE BE IT RESOLVED, that the Town Superintendent of Highways of the Town of Hamilton, Madison County be and hereby is authorized and directed to enter into an agreement with the County of Madison to perform snow and ice removal upon the improved County Road System as per attached Agreement.

Tax Bill Memo Resolution

RESOLUTION 2021-82: Authorization to Include a Tax Bill Memo with the Tax Bills

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

Resolved that the town include a tax bill memo with the 2022 tax bills.

Municipal Climate Action Plan Resolution to Adopt

RESOLUTION 2021-83: Approval of the Municipal Climate Action Plan

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

Resolved that the Municipal Climate Action Plan be approved as submitted. (ATTACHED)

Proposed Local Law #B-2021 "Moratorium on Seasonal Accommodations"

- No SEQRA needed. Type II.
- NOTE: GML239 Referral Notice – Need to be sent to Madison County Planning Department where they have 30 Days to respond. If no formal action is taken by MCPB within 30 days, the referring board may proceed without their recommendations.

Supervisor Shwartz read the intent of the local law. It was clarified that it excludes owner occupied types of businesses.

RESOLUTION 2021-84: Introduction of Proposed Local Law B-2021 "A Local Law Imposing a Twelve (12) Month Moratorium on Seasonal Accommodations Within the Town of Hamilton"

Councilor Griff introduced proposed Local Law No. B-2021, relating to the imposition of a twelve 12) month moratorium on new seasonal accommodation uses within the Town of Hamilton and made the following motion, which was seconded by Councilor Darby:

WHEREAS, proposed Local Law No. B-2021 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

WHEREAS, this proposed moratorium will enable the Town to undertake review and comprehensively address the issues involved with seasonal accommodation uses; and

WHEREAS, the Town recognizes the potential benefits and desirability of seasonal accommodation uses, but determines that time and research is necessary to determine how to properly regulate such use; and

WHEREAS, the Town Board has deemed this moratorium urgent and immediately necessary in order to preserve status quo while this issue is examined by the Town; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws in the Town of Hamilton, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of this proposed local law is a Type II action under SEQR, thus concluding the environmental review process; and be it further

RESOLVED AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. B-2021 that will be convened using the telephone/video conferencing medium known as ZOOM on October 14, 2021 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons

interested in the subject shall be heard; and it is further

RESOLVED AND DETERMINED that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Hamilton; and be it further

RESOLVED that pending action on this local law, the Town will neither accept nor process any application pertaining to short-term rental dwellings.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Darrell Griff	Councilor	Voted	Yes
Shari Taylor	Councilor	Voted	Yes
Mary Lee Dinski	Councilor	Voted	Yes
Peter Darby	Councilor	Voted	Yes
Eve Ann Shwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Proposed Local Law #A-2021 "Tax Cap Override"

- REVIEW OF SEQR

RESOLUTION 2021-85: Introduction of Proposed Local Law & SEQRA Law A of 2021 "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Hamilton"

Councilor Darby introduced proposed Local Law No. A-2021, relating to the ability of the Town of Hamilton to override the limit on the amount of real property taxes that may be levied by the Town of Hamilton pursuant to General Municipal Law §3-c, and to allow the Town of Hamilton to adopt a Town budget for the fiscal year 2022 in excess of the "tax levy limit," and made the following motion, which was seconded by Councilor Griff:

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Hamilton, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, said EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED that the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further;

RESOLVED AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law No. A-2021 that will be convened using the telephone/video conferencing medium known as ZOOM on October 14, 2021 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Darrell Griff	Councilor	Voted	Yes
Shari Taylor	Councilor	Voted	Yes
Mary Lee Dinski	Councilor	Voted	Yes
Peter Darby	Councilor	Voted	Yes
Eve Ann Schwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

2022 Budget Timeline

- Tentative budget meeting scheduled for Monday October 5 at 7 p.m.
- Tax Cap public hearing is October 14, 2021.
- Budget public hearing date: Pending to wait for October 5 to determine whether it should be online or not.

Concerns of Town Board: None.

Supervisor's Report: Madison County Activities: Supervisor Schwartz said meeting is next week. There were two areas of concern, letters on the budget and school masking.

EXECUTIVE SESSION

RESOLUTION 2021-86: Executive Session

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

Resolved that this Board move into an Executive Session for the purposes of personnel at SOMAC at 8:31 p.m.

RESOLUTION 2021-87: Return to Regular Session

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

Resolved that the Board return to regular session at 9:31 p.m.

With no further business, on a motion of Councilmember Griff, seconded by Councilmember Taylor, the meeting was adjourned at 9:32 p.m. Carried unanimously.

Respectfully submitted,
Suzanne K. Reymers
Town Clerk