

**Town of Hamilton Regular Board Meeting Minutes**  
**Wednesday, August 8, 2018 at 6:30 p.m.**  
**Held at the Court House, 60 Montgomery Street, Hamilton, NY**

Present: Mary Lee Dinski, Chris Rossi, Eve Ann Shwartz, David Holcomb. Absent: Peter Darby. Others Present: Sue Reymers, Brynley Wilcox, Jason Florenz. Public: Leslie Green Guilbault, Brian and Samantha Rogers, Jody Palmer, Kathleen Palmer

**Call to order & Welcome:** The meeting was called to order at 6:35 p.m.

**Public Comments:**

Gratten Johnson expressed concern about the Colgate property on Spring Street and Hamilton Street where they are developing as well as the property on the corner. Supervisor Shwartz explained that the property next to the campus is now in the Village of Hamilton. The property on the corner is in the town, but there are no zoning issues or permits required from the town for what they are doing.

Samantha and Brian Rogers from 8720 South Hamilton Road. They bought their property 7 years ago with 5 acres of land. They have concerns about constant and excessive junk on their neighbor's property. They also have pigs and large pallet animal enclosures. They did make Mark (Miller) aware back in March. They are here because they are frustrated and the neighbors are frustrated and are going to sell their properties. Ms. Rogers shared photos with the town board. Supervisor Shwartz said she had not heard of any concerns from the Codes Officer on this property. Typically Mark Miller can work with people to get them in compliance which is a better way to handle it. There was some additional discussion of the situation. Clerk Reymers stated that it is an active file. Supervisor Shwartz will follow up. They thanked the board.

**SPECIAL GUEST:** Leslie Green Guilbault, LGG Creative – The Fingerpaint Project  
Leslie introduced herself and presented her project to the board. She received a grant from CNYArts for "The Fingerprint Project", the goal of which is to use local clay to create a ceramic vessel that the residents of Madison County will decorate, one fingerprint at a time, to create a permanent visual depiction of a community working together to make art. This project is about creating an artifact that will record three details about Madison County in 2018: the physical properties of the clay in Hamilton, NY, how that clay was manipulated by a local artist to become a functional vessel, and how that vessel was transformed as it passed through the hands of an entire county. The clay came from Soule Road on John Gustafson's property. She further explained the details of the crock's construction.

This piece is purposely "low tech" and the design concept involves nothing more than a pot, black acrylic paint, and human touch. This vessel will travel quite a bit to meet the people of Madison County, and during that time she will enjoy telling the story of how

it came to be made, her approach to art, and the unifying concept of the project: that no matter our differences, each of us gets to leave an equal and enduring mark on this pot-- a record of our existence in this world and, for many she hopes, a connection to each other and to art as a medium for personal expression. The crock will reside at Madison County Historical Society. The board and those attended were then invited to put their fingerprint on the vessel. The board thanked Leslie. (ATTACHMENT A)

### **DEPARTMENT REPORTS:**

#### **Highway Superintendent - Jason Florenz**

##### **GENERAL REPAIRS:**

- Ditching done on Sacco Rd
- Replaced pipes on Preston Hill Rd for 2019 paving project (see pictures)
- Finished mowing roadside for the second time
- With the help of Brookfield's trailer, we moved the 4ft pipe and concrete blocks to Excell Rd to be replaced Monday, August 13<sup>th</sup> (see pictures)

##### **EQUIPMENT:**

- Ordered Mack 10-wheeler for 2019
- Swapped the 2017 F150 for a 2018 F150

##### **SNOW REMOVAL:**

- Started hauling sand from White Eagle and abrasive sand from Hanson

##### **OTHER:**

- Constructed a new kitchenette at the Town Office (see pictures)
- Helped the County mow roadsides for 3 days
- Helped the Town of Sherburne haul crusher run with 3 trucks for 3 days
- The County helped with their brush mower on Kiley Rd
- Attended FEMA exit meeting at the County
- Attended PERMA training at the Village of Hamilton Fire House
- Driveway culvert application completed (ATTACHMENT B)

#### **Supervisor/Bookkeeper - Brynley Wilcox**

##### **SNOW & ICE AGREEMENT:**

- \$13,681.43 was received from Madison County
  - 2018 YTD: \$127,981.67 | BUDGET: \$110,000.00
- Check was never cashed, the County reissued another check.

##### **SALES TAX:**

- \$113,822.02 was received from the County for Q2-2018 sales tax
  - 15.85% more than Q2-2017
- 2018 YTD: \$331,799.67
  - 19.76% over this same time last year
- 2018 BUDGET: \$350,000.00

**RESOLUTION 2018-81: Audit of Claims**

On a motion of Councilmember Holcomb, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the bills contained on Abstract #8 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No.	245	<i>through</i>	276	\$13,805.60
General Fund B	No.	35	<i>through</i>	37	\$250.22
Highway Fund DB	No.	120	<i>through</i>	132	\$90,122.76
Street Lighting SL	No.	15	<i>through</i>	16	\$376.41
Prepays					\$16,272.76

**RESOLUTION 2018-82: Funds Transfer**

On a motion of Councilmember Dinski, seconded by Councilmember Holcomb, the following resolution was: ADOPTED: Ayes: 4, Nays: 0

Resolved that \$180,000 be transferred from Community Bank Money Market account to NBT Bank Checking account to cover the August abstract and August/Sept payroll:

- A Money Market to Checking in the amount of \$ 55,000.00
- B Money Market to Checking in the amount of \$ 1,000.00
- DB Money Market to Checking in the amount of \$117,270.00
- DB Equipment Reserve to Checking in the amount of \$ 6,730.00

**RESOLUTION 2018-83: Receive and File Financials**

On a motion of Councilmember Rossi, seconded by Councilmember Holcomb, the following resolution was: ADOPTED: Ayes: 4, Nays: 0

Resolved that the July monthly financials be received and filed.

**Town Clerk - Sue Reymers****RESOLUTION 2018-84: Approval of Minutes for June 13 and June 27**

On a motion of Councilmember Dinski, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 4, Nays: 0

Resolved that the minutes from June 13 and June 27 be approved.

**Clerk's Office:**

- Continue to be busy with marriage license appointments.
- Hunting Licenses went on sale August 1. Lots of regulars coming in.
- During August, we will be cleaning up the office more, putting stuff in archives to make more room to work.
- Thanks to the Highway Guys - they built a shelving unit for our "break room". It's awesome and we really appreciate it!!
- Electronic Death Registration System (EDRS) - The town needs to prepare for the system to go live.
- New computers - still need to order the 3 new computers for the office.

**PLANNING & ZONING BOARDS:**

- Planning Board
  - Next meeting is August 21
  - Dunham's have a small amendment to their Special Use application
  - Steffco has an application for a Special Use for a property on Quarterline Road.
- Zoning Board of Appeals
  - Met on August 7 - variance for Steffco property on Quarterline Road was denied due to lot coverage and setback issue.

**ABANDONED/VACANT/ZOMBIE HOUSES:**

- We have kicked off this project. Shelly Harris gave us a list of the houses that are in fair/poor condition.
- Mark and Shelly will drive around with this list to start.

**GRANTS:**

- NYSERDA Grant (Clean Energy - \$50,000): Grant contract was finalized. Next Step is RFP to go to the papers by December (At the latest)
- Climate Smart Communities Funding Research: Easement Requirement: needs more research.
- Bridge, NY Grant: Timeline: Fall 2018: Award Notice - if awarded, the following timeline needs to happen: February 2019 - Town handles ROW process; July 2019 - ROW Certificate deadline.
- Magee Grant-NYSDOS-\$50,000
  - Extended Deadline expired 7/31/2018.
  - Spoke to someone at NYSDOS. They are short staffed at this time. They said:
    - Do not spend any funding until we have another agreement (extension) signed, otherwise they may not reimburse us.
    - They will send forms if the funding was re-appropriated. (That person is out until Aug 2)
    - Call in Mid-August to follow-up, especially if I don't hear back. On my schedule to do.
- Valesky Grant-DASNY - \$100,000
  - Contract still pending, need updated projected budget.
  - \$ earmarked for overall construction, no restrictions.

**Codes Enforcement Officer - Mark Miller****(ATTACHMENT C)**

- 4 new Building Permit applications approved
- Approved 4 zoning permits.
- Continued work on 1872 Quarterline Road project for Special Use Permit.
- Reviewed incoming documents for special use permit (>50% reno of nonconforming lot).

- Continued work on 1866 Quarterline Road garage project that needs variance.
- Issued order to remedy for failure to obtain building permit.
- Mediated 3 neighbor disputes.
- Conducted 10 construction inspections.
- Continued work filing old codes related files.
- Meet with various builders and residents to discuss projects.
- Continued work on zoning update.
- Attended Planning Board meeting for special use permit.
- Attended Zoning Update committee meeting.
- Attended training for Town personnel.
- Followed up with previously issued orders to remedy violations.

### **COMMITTEE REPORTS:**

#### **Town Office Building Committee**

Supervisor Shwartz shared that the committee is meeting next week with the architect. The committee has been gathering data and summaries on options. The contract is signed with Bell and Spina. There will be more to report in September. The committee also met on July 18 to discuss building materials such as roofing, windows, and siding. We discussed whether to have a shingle roof, metal roof, etc. Travis Dubois did some research and came back with estimates. The consensus of the committee was that a shingle roof would not last more than 20-30 years. We also discussed how it would look on a railroad building. We are talking through the issues and the general consensus is that we want the building to be of really good quality without going crazy on the cost.

#### **SOMAC**

Mr. Holcomb shared that SOMAC is alive and well. They are battling to keep paid staff, so they are trying to sweeten the pot for paid time off. There is no board meeting in August, but the treasurer will have a capital plan for September. Meeting 2<sup>nd</sup> Tuesday of the month. Open spot on the board.

#### **Partnership for Community Development**

Supervisor Shwartz reported in Mr. Darby's absence. The housing strategy study draft has come back to the committee and it's been shared with the town board. This report is important because it could be a basis of action. There does not seem to be a lot written for outside of the Village of Hamilton. Ms. Shwartz asked Jody Palmer if there was anything else to report. Ms. Palmer responded no.

#### **Recreation and Youth Committee**

Nothing to report

**Zoning Update Committee**

Ms. Rossi reported that the committee is working on the conservation subdivision language and flood plain law. The town staff are working on the site plan review. There is no general meeting in September; just the staff are meeting to work on site plan review. With the flood plain law, we are trying to get in compliance with NYS and looking at alternate language that can toughen it up if we decide it is desirable with the Town of Hamilton. With the conservation subdivision we are finding ways to make it voluntary and trying to incentivize it.

**Hamilton Climate Preparedness Working Group**

Ms. Rossi reported that we are fortunate in having Miller Downer from Colgate Upstate Institute who was going through the online portal this summer and filling it out what has been done. He will continue as a work study this fall to carry on the work. **Andy** Pattison's ENT group students are going to be doing a project where they benchmark best practices for community outreach and engagement in terms of environmental issues. So when the Village and Town put together a climate action plan, and we need to go out to the community and get input, we will have some of the ways that will work well in this area.

**OLD BUSINESS:****PILOT for Large Scale Solar Resolution****RESOLUTION 2018-85: Authorization for PILOT Agreement Requirement of Commercial Solar Facilities of More than 200kW through Written Notice**

The following resolution was offered by Councilor Rossi, who moved its adoption, seconded by Councilor Dinski, to wit:

WHEREAS, the Town of Hamilton permits and regulates the construction of solar energy in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.

WHEREAS, Section 487(9)(a) of the NYS Real Property Tax Law allows for taxing jurisdictions to require a Payment in Lieu of Taxes (PILOT) Agreement for properties seeking an exemption under NYSRPTL 487 (Solar Wind exemption).

(a) A County, City, Town, Village or School District, except a School District under article fifty-two of the education law, that has not acted to remove the exemption under this section may require the owner of a property which includes a solar or wind energy system which meets the requirements of subdivision four of this section, to enter into a contract for payments in lieu of taxes. Such contract may require annual payments in an amount not to exceed the amounts which would otherwise be payable but for the exemption under this section. If the owner or developer of such a system provides written notification to a taxing jurisdiction of its intent to construct such a system, then in order to require the owner or developer of such system to enter into a contract for payments in lieu of taxes, such taxing jurisdiction must notify such owner or

developer of its intent to require a contract for payments in lieu of taxes within sixty days of receiving the written notification.

WHEREAS, it is the intent and desire of the Town of Hamilton to require those developers proposing the location and siting of commercial solar facilities rated at 200 kW or larger to provide written notification of their intent to construct such a facility.

NOW, THEREFORE, BE IT RESOLVED that the Town of Hamilton hereby determines developers of commercial solar facilities for wattage rated more than 200 kW shall provide written notice of its intent to the Town of Hamilton and that upon notice of intent to construct a qualifying solar facility, the Town of Hamilton hereby requires a PILOT Agreement be entered into with the Town for large scale solar energy systems that produce energy primarily for supplying more than 200 kW of electrical energy into a utility grid for wholesale or retail offsite sale or consumption whether generated by photovoltaics, solar thermal devices or other solar technologies, and whether ground-mounted or building-mounted.

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

Peter Darby	Councilor	Voted	ABSENT
David Holcomb	Councilor	Voted	Yes
Chris Rossi	Councilor	Voted	Yes
Mary Lee Dinski	Councilor	Voted	Yes
Eve Ann Shwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

### **Procurement Policy Update**

The town attorney still needs to review it.

### **NEW BUSINESS:**

#### **Charitable Reserve Funds**

Mary Dinski, Sue Reymers and Brynley Wilcox all reported that based on their attendance of the information session provided by the Associations of Towns that this is an administrative nightmare and likely overturned by the Federal Government. There are a lot of uncertain aspects to this process and law. Many of the upstate towns and counties, including Madison County, are not considering this. The advice is to talk to legal counsel to see how much risk we are willing to take as a town. Supervisor Shwartz will ask at the County because Mark Scimone was also going to attend one of the session. Sounds like it will not work for the town regardless.

#### **Concerns of Town Board:**

None.

**Supervisor's Report: Madison County Activities:**

The Public Service Commission voted to kick Spectrum out of NYS. They have 60 days to provide another provider to sell their business to another provider. The County continues to work with Frontier on the local level.

**RESOLUTION 2018-86: Executive Session**

On a motion of Councilmember Rossi, seconded by Councilmember Holcomb, the following resolution was: ADOPTED: Ayes: 4, Nays: 0

Resolved that this Board move into an Executive Session for the purposes of legal counsel at 8:04 p.m.

**RESOLUTION 2018-87: Return to Regular Session**

On a motion of Councilmember Holcomb, seconded by Councilmember Dinski, the following resolution was: ADOPTED: Ayes: 4, Nays: 0

Resolved that the Board return to regular session at 8:21 p.m.

With no further business, on a motion of Councilmember Dinski, seconded by Councilmember Holcomb, the meeting was adjourned at 8:22 p.m. Carried unanimously.

Respectfully submitted,  
Suzanne Reymers  
Town Clerk