

Hamilton Town Council Regular Meeting Minutes
Thursday, August 11, 2022, at 7:00 p.m.
Via Town of Hamilton, 38 Milford & Zoom Videoconferencing

Council Present: Eve Ann Shwartz-Supervisor, Shari Taylor, Travis DuBois, Darrell Griff. Absent: Mary Lee Dinski.

Others Present: Sue Reymers, Town Clerk; Luke Dowsland, Highway Superintendent; Brynley Wilcox, Bookkeeper.

Public: David Rice (Zoom), William Stull, R Silvestri, Lyosha Gorshkov, RG Johnson, Lori Godshalk, Suzie and Gair Meres, Deb Hotaling.

Call to order & Welcome: The meeting was called to order at 7:00 p.m.

Public Comments: Bill Stull asked about the status of the Moratorium. Several residents from Spring Street spoke about the truck traffic, speeding issues, and Airbnbs.

Public Hearing on Proposed Local Law A-2022 "A Local Law Authorizing the Public Bodies of the Town of Hamilton to Use Videoconferencing Technology to Participate in Public Meetings" Clerk published the notice on July 19, 2022 in the *Utica Observer-Dispatch* and posted to the website and town board.

RESOLUTION 2022-69: Open the public hearing

On a motion of Councilmember Taylor, seconded by Councilmember DuBois the following resolution was: ADOPTED: Ayes: 4, Nays: 0
Resolved that the public hearing be opened at 7:17 p.m.

Supervisor Shwartz gave an overview of the proposed local law and why it is needed.

RESOLUTION 2022-70: Close the public hearing

On a motion of Councilmember Griff, seconded by Councilmember Taylor, the following resolution was: ADOPTED: Ayes: 4, Nays: 0
Resolved that the public hearing be closed at 7:20 p.m.

Opening of Fuel Oil and Diesel Fuel Bids and Resolution to Select Successful Bidder
Luke Dowsland competently opened the bids and read them aloud.

RESOLUTION 2022-71: Award Bid for Fuel to Broedel Fuel Group

On a motion of Councilmember DuBois, seconded by Councilmember Griff, the following resolution was: ADOPTED: Ayes: 4, Nays: 0
Resolved that Broedel Fuel Group be awarded the bid for fuel oil and diesel.

Mr. Dowsland will inform Broedel of the award.

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

- Dug and replaced a 4' culvert on Williams Road. (MCSWCD is paying for the pipe)
- Installed erosion control structures in the stream on Williams-upstream from the pipe we replaced (Per MCSWCD design)
- Started moving a ditch on Barnard Rd. There was no shoulder so we moved it back 5 to 6 feet
- Installed two "No Parking" signs on Wickwire at the park
- Started second pass roadside mowing
- Patched on various roads

EQUIPMENT:

- Madison County hauled 17 to Stadium for a DEF system issue with their low boy trailer
- Fixed a hydraulic leak on 16
- Fixed the tail lights on the big trailer
- Stared working on 15 to get it ready for the DOT inspection
- Put a new auto feed solenoid on the chipper

TREE REMOVAL:

- Helped NYSEG and the Fire Department with a massive tree down on 12
- Chipped a dozen or so trees and limbs that came down from a small wind storm

OTHER:

- Mike Helly has been busy working on SOMAC 513 again
- Returned the landfill's dozer
- Kept up on mowing everything (office, park, cemetery)
- Started the budget process
- Moved a broom for the Town of Nelson
- The Town of Brookfield borrowed the jet trailer

There was a question about dead trees along Spring Street.

Supervisor/Bookkeeper**SALES TAX REVENUE:**

- \$138,830.03 was received from the County
 - Q2-2022 distribution
 - 2.45% under Q2-2021 distribution (\$142,317.32)
- YTD: \$397,057.58
- *Budgeted:* \$ 475,000.00

ARPA FEDERAL FUNDING:

- \$94,615.10 was received from NYS on 7/19/22
 - 50% of Federal ARPA Funding
 - Payment 2 of 2

PERSONNEL MANUAL:

- Meeting on Tuesday, August 2nd with Ian from Public Sector HR Consultants
 - Current policies reviewed
 - Fed/NYS/Civil Service Laws discussed
- Four weeks of compiling our policies into his manual framework
- Questions or draft to review after that

RESOLUTION 2022-72: Audit of Claims

On a motion of Councilmember DuBois, seconded by Councilmember Griff, 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:

FUND	VOUCHER NO.		AMOUNT TO PAY:
Pre-Pays	N/A		99.90
A	211	through	237
B	48	through	51
DB	108	through	120
SL	15	through	16
	total		39,827.75

Town Clerk

CLERK’S OFFICE:

- July cash disbursements and bank reconciliations completed and up to date.
- Hunting Licenses went on sale on August 1 and we have had strong sales so far. Our first week had an increase in sales over previous years. We have worked hard to bring back returning customers, some of whom we lost after our two moves. Most of our customers appreciate the individual attention and time we take with them explaining changes in the regulations, the doe permit options and fixing any issues with their accounts that we find.

BAS SOFTWARE:

- CODES (IPS): Third training completed July 20. Software is working well.
- CLERK: I started setting up the Clerk software. Training scheduled: 8/16 & 24.

TAX COLLECTION:

- Shared services agreement is signed by both Madison County & TOH and filed.

CLEAN-UP DAYS (10/1/22)

- A large postcard is currently being designed to mail to all households via EDDM which will contain details of date/time/location and what they can and cannot bring, what is free, and what has prices or limits. Luke and Brynley will be on site to handle it.

Zoning Update:

Worked with Eve Ann and Chris Rossi to finish up edits to move them to the next steps.
Status:

- Subdivision Law – Nan is working on edits and answering questions (7/28)
- Noise Law – Sent to Town Board for final assessment (7/20) Responses pending.
- Smart Growth Maps – Sent to Madison County to finalize (7/28)
- Zoning Law – Sent to Nan to work on edits and answering any questions (7/29)
- Use Table– pending final touches; will be integrated into Zoning after Nan sends it back.
- Codification Services – I have a quote from General Code. Quote from Municode pending.

RESOLUTION 2022-73: Approval of Minutes for 7/14/2022

On a motion of Councilmember Taylor, seconded by Councilmember DuBois, the following resolution was: ADOPTED: Ayes: 4, Nays: 0
Resolved that the minutes for July 14, 2022.

Codes Enforcement Officer – Mark Miller
July Activity

- Approved 4 new Zoning Permits.
- Approved 2 new building permits.
- Conducted 16 construction inspections.
- Issued 2 Orders to Remedy.
- Attended training for new code software.
- Continued process of inputting issued building permits into new software.
- Reviewed incoming documents for subdivision (Tackabury Rd).
- Attended Planning Board meeting for 1 subdivision.
- Followed up on property maintenance violations.
- Met with contractors and homeowners to discuss potential projects.

7/1/2022 - 8/8/2022

Complaint #	Open Date	Status	Location	Identifier	Complaint Type	Owner
2022-0002	07/05/22	Open	1325 Poolville Rd	199.12-1-6	High Grass	Cristina Amann
2022-0003	07/05/22	Open	7478 Willey Rd	199.12-1-32	High Grass	Ashton Boyd

Permit Monthly Report

07/01/2022 - 07/31/2022

Permit #	Issue Date	Owner	Amount
BP-2022-020	07/19/2022	Kurt Reymers	\$105.00

BP-2022-005	07/25/2022	Alteration Brad Locke	SBL#: 199.12-1-25 7806 Bonney Hill Rd	\$440.00
		Single Family Home	SBL#: 155.-1-2	
			Total:	\$ 545.00

COMMITTEE REPORTS:

Cemetery Committee

From the Clerk:

- Woodlawn Cemetery has the records storage agreement to sign. Pending.
- Cemeteries in other communities keeps making the news where associations are failing to be sustainable, whether financially or having enough volunteers.
- New BAS Clerk software has a section for Burial Permits, which might be useful for cemeteries. I'll know more after training.

Highway Committee

Nothing to report except for the exploration of funding sources. There was discussion for SAM grant funding and the highway, but it would not help much so it's better invested in something like 9-mile park.

Partnership for Community Development

Supervisor Shwartz updated the board on PCD's activities in researching housing development companies. The Village, Town and Colgate is supporting this effort to address the continued needs for housing.

SOMAC

Mr. DuBois provided highlights SOMAC's recent meeting including financials and call volume. It looks like they will be on budget for 2022. SOMAC board is discussing payroll for 2023. Students return this month. The student housing at SOMAC is back on track. Madison County is short on staff at the 911 call center. Ms. Shwartz asked for their 2023 budget number early this year for our budget planning. Supervisor shwartz explained the basics of the town funding for ambulance service and ARPA funds going towards the ambulance.

Policy Update Committee

Already covered by the Bookkeeper.

SPECIAL PROJECTS

9 Mile Park

Supervisor Shwartz explained that the DEC got back to us and requires an archaeological survey of the site which means we need to hire someone.

RESOLUTION 2022-74: Approval of Proposal to Hire Birchwood Archaeological Services for Survey at 9 Mile Park in the amount of \$4,324

On a motion of Councilmember Taylor, seconded by Councilmember DuBois, the following resolution was: ADOPTED: Ayes: 4, Nays: 0
Resolved that the proposal from Birchwood Archaeological Services for Survey at 9 Mile Park in the amount of \$4,324 is approved.

Clerk Reymers added from her report that Madison County Tourism approached all local municipalities to promote outdoor adventures in our community. Ms. Reymers created an account for 9-mile park and will keep it updated as the park develops.

Earlville for Earlville Project

Ms. Taylor reported that they had a meeting last week with some new members. The group is looking for smaller projects that would increase visibility. Grant was submitted for playground but do not expect to hear until winter of its award. E4E will be at Earlville Days with a booth to talk about what they would like to see be a part of our community. Shari was appointed as contact person for the PCD.

Hamilton Climate Preparedness Working Group - Group is on vacation.

Zoning Update

Supervisor Shwartz updated on the status of the project. Chris and Sue need to meet about the Use Table. There will be a public input process.

OLD BUSINESS:

CDBG Grant - Affordable Housing

Supervisor Shwartz explained that the PCD is potentially applying for a housing grant. They are still gathering information to determine if the grant is a good fit. There is a grant from Restore NY which is larger which is possible.

SAM Grant Funding (2021)

This is funding from Senator May's office.

NEW BUSINESS:

Adoption of Proposed Local Law A-2022 "A Local Law Authorizing the Public Bodies of the Town of Hamilton to Use Videoconferencing Technology to Participate in Public Meetings"

RESOLUTION 2022-75: Adoption of "A Local Law Authorizing the Public Bodies of the Town of Hamilton to Use Videoconferencing Technology to Participate in Public Meetings"

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2022, "A Local Law Authorizing the Public

Bodies of the Town of Hamilton to Use Videoconferencing Technology to Participate in Public Meetings,” was presented and introduced at a regular meeting of the Town Board of the Town of Hamilton held on July 14, 2022; and

WHEREAS, a public hearing was held on such proposed local law on this 11th day of August, 2022, by the Town Board of the Town of Hamilton and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Hamilton in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. A-2022 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. A-2022.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Hamilton, Madison County, New York, does hereby enact proposed Local Law No. A-2022 as Local Law No. 1-2022 as follows:

“TOWN OF HAMILTON LOCAL LAW 1-2022

A LOCAL LAW AUTHORIZING THE PUBLIC BODIES OF THE TOWN OF HAMILTON TO USE VIDEOCONFERENCING TECHNOLOGY TO PARTICIPATE IN PUBLIC MEETINGS

Be it enacted by the Town Board of the Town of Hamilton, as follows:

SECTION 1. INTENT.

It is the intent of this Local Law to give the Town of Hamilton’s public bodies, as that term is defined in Public Officers Law § 102, the authority to participate in meetings via videoconference in a manner consistent with the Town’s videoconferencing policy and the authority granted in Public Officers Law § 103-a.

SECTION 2. AUTHORITY.

This Local Law is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the Town Board to adopt a local law giving the public bodies of the Town of Hamilton the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the public body participates from locations where the public may be physically present and other conditions are

met. This Local Law is also enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law § 10.

SECTION 3. VIDEOCONFERENCING FOR PUBLIC MEETINGS.

The Town Board of the Town of Hamilton hereby authorizes all members of the public bodies of the Town of Hamilton to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the Town’s videoconferencing policy adopted by the Town Board.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State.”

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	Absent
Travis DuBois	Councilor	Voted	Yes
Eve Ann Shwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Resolution to Adopt: ‘Policy and Procedures for Town of Hamilton Public Body Member Videconferencing Pursuant to Public Officers Law §103-a’

RESOLUTION 2022-76: AUTHORIZING THE ADOPTION OF THE POLICY AND PROCEDURES FOR TOWN OF HAMILTON PUBLIC BODY MEMBER VIDEOCONFERENCING PURSUANT TO PUBLIC OFFICERS LAW § 103-a

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

WHEREAS, Section 103-a of the New York State Public Officers Law provides a procedure whereby a public body may use videoconferencing technology to participate in public meetings under certain extraordinary circumstances if such a local law is enacted; and

WHEREAS, in addition to Section 103-a of the New York State Public Officers Law requiring that a municipality must enact a local law authorizing the municipality, and, if applicable, its public bodies, as defined in Section 102 of the New York State Public Officers Law, to use videoconferencing technology to participate in public meetings, Section 103-a of the New York State Public Officers Law also requires that the municipality establish written procedures governing attendance by videoconferencing technology; and

WHEREAS, the Town of Hamilton believes it is beneficial to both members of the public bodies of the Town of Hamilton, as defined in Section 102 of the New York State Public Officers Law, and the public at large to allow for attendance at public meeting via videoconferencing technology under certain extraordinary circumstances; and

WHEREAS, the Town of Hamilton adopted a local law authorizing public bodies of the Town of Hamilton to use videoconferencing technology to participate in public meetings pursuant to Public Officers Law § 103-a on August 11, 2022; and

WHEREAS, the enactment of said local law has been determined to be an unlisted action that will have no significant effect on the environment; and

WHEREAS, said local law shall take effect immediately upon filing with the Secretary of State; and

WHEREAS, a policy outlining written procedures governing attendance at public meetings by videoconferencing technology, titled, "Policy and Procedures for Town of Hamilton Public Body Member Videoconferencing Pursuant to Public Officers Law § 103-a," has been drafted and reviewed by the Town Board.

NOW, THEREFORE, BE IT RESOLVED that the Town of Hamilton Town Board hereby adopts said policy, attached hereto, which shall be conspicuously posted on the Town of Hamilton website pursuant to Section 103-a of the New York State Public Officers Law.

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	Absent
Travis DuBois	Councilor	Voted	Yes
Eve Ann Shwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Introduction of Proposed Local Law B-2022 & Schedule Public Hearing for 9/8/22: "A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on Seasonal Accommodations Within the Town of Hamilton"

RESOLUTION 2022-77: Introduction of Proposed Local Law B-2022 & Schedule Public Hearing for 9/8/22: "A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on Seasonal Accommodations Within the Town of Hamilton"

Councilor Griff introduced proposed Local Law No. B-2022, titled "A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on Seasonal Accommodations Within the Town of Hamilton," and made the following motion, which was seconded by Councilor DuBois:

WHEREAS, proposed Local Law No. B-2022 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 extension will enable the Town to continue to 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 extension 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-2022 at the Town Hall located at 38 Milford Street in the Town of Hamilton on September 8, 2022 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	Absent
Travis DuBois	Councilor	Voted	Yes
Eve Ann Shwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Town Hall Gutters Quote

Mr. Dowsland gave a brief description of the gutters.

RESOLUTION 2022-78: Approval of Proposal for Gutters with Barry’s Best in the amount of \$3,090

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

Resolved that the quote from Barry’s Best in the amount of \$3,040 be approved.

Resignation and Filling of Vacancy

Supervisor Shwartz shared that Mary Dinski, Town Councilmember, resigned effective August 11, 2022, for personal reasons. There is a candidate to fill the vacancy until the end of next year. That would have to run in the 2023 general election to continue. Ms. Shwartz gave a brief overview of Dana Krueger and her background.

RESOLUTION 2022-79: Appointment of Dana Krueger to fill vacancy for Town Council effective August 11, 2022 until December 31, 2023

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

WHEREAS, the Town Board has received a resignation from Town Councilmember Mary Dinski effective August 11, 2022, and

WHEREAS, the Town Board appoints Dana Krueger as Town Councilmember

NOW, THEREFORE, BE IT RESOLVED that the Town of Hamilton Town Board hereby appoints Dana Krueger to the Town Council effective August 11, 2022 and will serve until December 31, 2023.

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
Travis DuBois	Councilor	Voted	Yes
Eve Ann Shwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Concerns of Town Board: Darrell Griff brought up a concern. Luke called him because he has a concern on the replacement of the truck. Luke explained that 2023 truck is costing about \$50,000 more than the 2021 truck, which is identical in its specs. He suggests jumping on this now with the order bank to get the truck in a timely manner, otherwise it could delay the truck until 2025. The companies are not guaranteeing prices. There are delays in getting parts. Some towns have had their truck orders cancelled. Mr. Griff wants to call a Highway meeting to discuss and decide. The town is on a 7 year cycle for plow truck replacement. Luke mentioned that there is leftover CHiPS money that could go towards it. Travis also spoke about this issue with equipment in Sherburne.

Supervisor's Report: Madison County Activities:

Nothing to report.

With no further business, on a motion of Councilmember DuBois, seconded by Councilmember Taylor, the meeting was adjourned at 8:24 p.m. Carried unanimously.

Respectfully submitted,
Suzanne K. Reymers, RMC
Hamilton Town Clerk