

Hamilton Town Council Regular Board Meeting Minutes
Thursday, April 13, 2023, at 7:00 p.m.
Town Hall 38 Milford Street, Hamilton & Via Zoom Videoconferencing

Present: Eve Ann Shwartz, Shari Taylor, Darrell Griff, Dana Krueger, Travis DuBois.
Others Present: Sue Reymers, Town Clerk; Brynley Wilcox, Bookkeeper (7:30); Luke Dowsland, Highway Superintendent. Public in person: Bill Stuhl, Gair Meres, Deb Hotaling.
Public on Zoom: Jodi Palmer, Jim Leach, Chris Rossi.

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

Public Comments: None.

PUBLIC HEARING on Proposed Local Law A-2023:

"A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on Seasonal Accommodations Within the Town of Hamilton"

RESOLUTION 2023-39: Open the public hearing

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

Resolved that the public hearing be opened at 7:01 p.m.

Supervisor Shwartz provided a brief overview of the proposed local law which extends the current moratorium. Mr. Griff mentioned the status of the Village of Hamilton's short term rental local law, which should be passed soon. Bill Stull and Gair Meres spoke.

RESOLUTION 2023-40: Close the public hearing

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

Resolved that the public hearing be closed at 7:07 p.m.

DEPARTMENT REPORTS:

Highway Superintendent - Luke Dowsland

GENERAL REPAIRS:

- Started shouldering all the roads we will be surface treating this year.
- Started spring clean up
- Swept all roads

EQUIPMENT:

- Installed the new deck boards on the 20-ton trailer.
- Changed 2 thermostats and a water pump on 17
- Worked on getting the reverse lights on 15 working
- Serviced the skid steer
- The F-550 is still at Friendly Ford. They can't work on it until Ford gives them the go ahead.

- Took all wings and plow frames off, painted them and put them in storage for the summer.

TREE REMOVAL:

- Removed a tree on Bailey Rd.

SNOW REMOVAL:

- Plowed and sanded 13 times
- Used 468 yards of sand salt mix and 46,800 gallons of brine
- Started hauling next year's sand in.

OTHER:

- Hauled snow for the Village of Earlville after the 3/14 storm
- Helped the Village of Earlville fix 2 water leaks.
- Mike has been busy working on 513, 512 and 511.
- Attended the spring Hard Hat Show and Sherburne School Highway Appreciation breakfast.

Luke also shared that he's on vacation next week and to call Erick in his absence.

Brynley was running late, so her report was delayed.

Town Clerk - Sue Reymers**CLERK'S OFFICE:**

-March cash disbursements and bank reconciliations completed and up to date.

Tech Work:

- .Gov email migration is in process with ACC Tech.
- New Fax service is working. Incoming faxes to our fax line are automatically emailed to 4 designated staff emails. Anyone who wishes to fax something out needs to go to an online portal, login, upload the scanned document and then send it out. Apparently more and more places of business/municipal offices are migrating to similar services. Everything is secure. There will be a small monthly fee for the service.
- Forte credit card machine is being replaced under Warranty after it stopped working for no good reason. We can login to an online portal in the interim which is working out for now.
- Canon Copier/Printer:
 - I met with BME on April 5 to discuss our copier as the lease is up in February 2024. She is working on a proposal for replacement options for our 2024 budget process in the fall.
 - I reached out to Madison County IT and we can use their bid for copier services with Usherwood. I have a meeting scheduled with them at the end of April to discuss options.
 - Meanwhile, we can purchase the existing copier for a \$1, but it can only be maintained for another two years then it becomes obsolete. I pondered if it would be useful for the highway garage or donate it to a place like SOMAC. The sales rep is looking into what that cost would be if anyone wanted to use for those 2 years.

Training:

- Elisa and I are attending the NYSTCA conference on April 24 & 25 in Syracuse.
- I plan to attend NYALGO in June as well.

Clean Energy Benchmarking:

- I have a Colgate volunteer who is trying to assist me with the Clean Energy annual report on benchmarking. I am a year behind on it.

New License for Officiants for Marriage Licenses

- As of March 28, Town Clerks are now required to issue one-day marriage efficient licenses in accordance with Domestic Relations Law Section 11-d.
- The Authority is limited to an applicant who want to marry a couple whom the Town Clerk issued a marriage license. Domestic Relations Law Section 11-d (3). To reiterate, officiants must get their license from where the couple got their license to marry and its only good to marry that couple.
- They must be 18 years old and provide a government issued photo identification. They do not have to a NYS resident. They are not required to apply in person.
- There is a \$25.00 fee that the town keeps.

Local Laws Filing with NYSDOS:

- NYSDOS has received the last 3 local laws per the certified mail postcard. Waiting for official letters from NYSDOS.

RESOLUTION 2023-41: Approval of Minutes - 3/9/2023

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

Resolved that the minutes for March 9, 2023 be approved.

Codes Enforcement Officer - Chuck Ladd

March Activity

- 2022 D.O.S annual report completed
- Spoke with Jim Richer from Anderson windows in regards to the window installation in the Town office. He'll reach out to me in the near future he said to do a site visit.
- Continued process of inputting issued building permits into new software.
- Meet with Contractors and review plans for upcoming Home construction.
- IPS support clarification with Michelle from Edmunds.
- Site visits for future issuance of violations.
- Meet with property owner for possible Variance request.
- 3 Permits issued. See attached report.

Permit #	Issue Date	Owner	Permit Type	Property Location
BP-2023-003	03/13/2023	Crown USA LLC (Verizon Tower)	Remove/Replace/Upgrade Antennas on existing tower	7362 Mason Rd
BP-2023-006	03/21/2023	Anita Bueno	Single Family Home	7734 Hill Rd
BP-2023-004	03/21/2023	Erik Green	Single Family Home	Earlville Rd

Supervisor/Bookkeeper - Brynley Wilcox

2022-2023 SNOW & ICE AGREEMENT:

- \$ 25,476.42 was received from Madison County
- \$ 7,439.52 was received from Madison County
- YTD: \$ 64,034.05
- Budgeted: \$ 120,000.00
- Pending: \$ 40,380.55

MADISON LANE APARTMENT PILOT:

- \$615.45 was received from the Village of Hamilton

INTEREST ON REAL PROPERTY TAX:

- \$1,281.77 was received from Madison County
- Tax payments received in February 2023

RESOLUTION NEEDED:

- Resolved that the bills contained on Abstract #4 have been reviewed by the Town Board and are authorized for payment
 - Councilmember GRIFF to sign vouchers
 - Supervisor SHWARTZ to sign vouchers in MAY

RESOLUTION 2023-42: Audit of Claims

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

Resolved that the bills contained on Abstract #4 have been reviewed by the Town Board and are authorized for payment in the following amounts:

Pre-Pays					10,933.66
General Fund A	No.	81	through	110	124,467.23
General Fund B	No.	15	through	22	621.25
Highway Fund DB	No.	34	through	50	28,369.75
Street Lighting SL	No.	7	through	8	476.28
TOTAL:					153,934.51

Discussion on presentation by Community Bank with the Madison County Board of Supervisors regarding investment account. The town has a NYCLASS account which has been doing really well on interest compared to when it was with bank.

Supervisor Shwartz asked about the ARPA report, which will be filed soon.

COMMITTEE REPORTS:

Cemetery Committee

Clerk Reymers reported that there is a new volunteer Darryl working with Bob Tackabury, Board President of the Poolville Cemetery. Bob handed over the map of the burial plots and various papers to him. Sue and Darryl have had several discussions and meetings at the office. They've compared burial permits, which has helped resolve a few questions. In an effort to assist the cemetery, Clerk Reymers allowed him to make copies since he does not have a copier at home. They also spoke about the software option and he is watching the video about it. Additional discussion included records storage here for their records because

some of them are old and frail, so after scanning and copying, Darryl wants to see them stored for safekeeping. Previously this option was discussed with Bob. Clerk Reymers requested that the town board approve to accept their records so the process of signing a shared services agreement can take place the proper storage of the records.

Clerk Reymers also suggested that a member of each cemetery be on the committee to engage them in their needs and discuss software.

RESOLUTION 2023-43: Authorize Clerk to House Poolville Cemetery Records at the Town Office Archives Room

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

Resolved that the Town Clerk be authorized to house boxes of records from the Poolville Cemetery in the Town Office Archives Room.

Highway Committee

Work has continued on the RFP for the highway garage. Eve Ann met with Revolution Solar and has their agreement with the annual cost of \$150 for the solar panels on top of the garage. The panels are only producing at about 80-85%. It was originally producing 18,000 kW annually. Revolution Solar said that shouldn't happen until they are 20 years old. Their technicians will be looking at the data and panels.

Partnership for Community Development Liaison Report - Dana Krueger

There was no April meeting. There was a Buy Madison matchmaker event to match local farmers and producers with local stores. There is a new pop up in the window. Lots of grants going on including Bell Tree for a soup kitchen. The Earlville school was brought up so that was discussed. The Village Pavilion is being renovated. The Village office is getting more renovations. There is a new EV charging station going in one of the old stations on Utica Street. HBA has been busy with Britty. They are talking about a coupon book. Talking about shutting down Lebanon Street for a dinner event in the fall. There have been some open spaces on the mail street.

SOMAC Liaison Report - Travis DuBois

RFP for Financial/Operations Study

A Request for Proposal was sent to CGR. There is a meeting with Paul Bishop of CGR next week. Income and calls are up. Staff shortages and scheduling problems. Some of the part-timers left for the County. So now Kyle is working on a 6-month schedule. Equipment issues with the van, which has rust. 513 broke down in Albany on a transfer. There are new board members: two are from Community Memorial Hospital - Heather Bernard and Sam Mazar as well as Brooks Cato (Episcopal Minister) and a Colgate professor (economics) will be the new treasurer. Next month, we will have the final number for the cost sharing of the study, about \$5-7,000. Ms. Shwartz also shared about the County's new countywide ambulance.

Brief update on the status of the study for SOMAC.

SPECIAL PROJECTS:**9 Mile Project**

Tatiana Parker confirmed on 4/4 that the grant (CREST Grant for \$135,000 submitted 12/22/2022 to Senator May's office.) is in process and DASNY will reach out in the coming weeks. PCD sent in a response to the DEC on the public comments last week that we had received on our application. After the DEC process, the town will apply to the Planning Board for a Special Use Permit where there will be a public hearing. PCD submitted a grant application to CFCNY on April 4, 2023, for \$45,000 to assist with handicap kayak access.

Earlville for Earlville Project - Shari Taylor

At the last meeting, they finalized a letter that they are sending out to local businesses and organizations in the village asking them for information to contribute to our welcome basket that the group is organizing for new residents. When they created the list going back 18 months there were 130 families/people including areas outside the village. So, they need to rethink the list. Shari will not be at the next meeting where they figure out who to send the baskets out to.

Hamilton Climate Preparedness Working Group (HCPWG)

Last month there was a presentation from Mike Buccozzi on the Development and Adoption of a Climate Adaptation and Resiliency Plan. The board had some questions and answers came back via email. Chris Rossi reported that they had a meeting last week on this and reminded the board that they would need to gather data from the town, also the town would need to host some public meetings, much like the comprehensive plan. They would do all the leg work. We would identify stakeholders, people that want to be involved, but we would not do the writing. They would organize stuff and at the end of the day, the town would have a climate adaptation and resiliency plan. The vulnerability assessment in your packet would be rolled into the plan. The plan is not legally binding, it's a roadmap to help guide us as we are facing climate change issues.

The board discussed the timing and prospect of this project on board and staff time and decided to wait until the fall to reconsider. Chris will pass this along to the group. Hamilton was the pilot project; the Village is planning on doing this on their own.

Housing: Affordable/Vacant Grant

Jocelyn got a phone call from ESD asking what we would do if we didn't get all the money. Jocelyn responded that we wouldn't upgrade as many houses. Could be a good sign for funding approval. Community Bank is interested in providing support.

Zoning Update

Nadine Bell is reviewing the Subdivision Law for 2nd time. Nan Stolzenburg has the Zoning Law 2nd review.

Short Term Rentals - Moratorium expires 4/15/2023

OLD BUSINESS:

NYSERDA Grant for Clean Energy Project - \$10,000 – application due May 1, 2023

Things are moving along for the grant. Our end of the grant application is prepped. The proposed agreement was reviewed by the Bell Tree board, they had some concerns, which need follow-up. There would not be any funds for the lease or use of the space.

Nate Secord and Tim Burns, Green Team Lighting, are working on the proposal and is aware of the deadline of 5/1.Green Team applied to NYSEG for their work. Green Team will also be handling the request for NYSEG’s Make Ready incentives program which will help support the costs above the grant. Brief discussion on the details of the application.

RESOLUTION 2023-44: Authorization for Town to Submit Application for the \$10,000 NYSERDA Grant for the Electric Charging Station

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

Whereas the Town of Hamilton is fully committed to providing clean energy and a sustainable future for all its citizens and is proud of our designation as a Clean Energy Community and achievement of 3,000 points;

Whereas, in order to make an immediate impact on Greenhouse gas reductions, the Town of Hamilton is seeking a \$10,000 grant from NYSERDA to install an EV Charging Station in the Village of Earlville. Through this project, we anticipate to increase opportunities for area residents and travelers to charge their Electric Vehicles as a public service;

Whereas, If awarded the requested funds, the Town of Hamilton commits to implementing the project outlined and using the funds as described in the grant proposal submission;

Whereas, we are grateful to the State of New York for assisting local governments to reduce their environmental impacts, save money, and demonstrate leadership in sustainable practices. We are honored to have been designated a Clean Energy Community, and we look forward to using the requested funding to create a more energy efficient community;

IT IS HEREBY RESOLVED that the Town of Hamilton is authorized to submit an application to NYSERDA for a grant of \$10,000 for an electric charging station.

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

Dana Krueger	Councilor	Voted	Yes
Shari Taylor	Councilor	Voted	Yes
Darrell Griff	Councilor	Voted	Yes
Travis DuBois	Councilor	Voted	Yes
Eve Ann Shwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Real Property Tax Exemptions Volunteer Firefighters and Ambulance Workers Opt-in

The board discussed this new option again. This would have to be implemented by Local Law with a public hearing. The board feels positive about this program but feels that they need to know what it will cost as an exemption. Per an article on the subject from AOT, it can be a resolution or local law, but either option requires a public hearing. AOT recommends a local law. It was decided that the town needs more guidance and information to move forward.

RESOLUTION 2023-45: Authorization to Gather Information and Draft Local Law

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

Resolved that the board needs more guidance and information on the prospect of adopting a local law for Real Property Tax Exemptions for local Volunteer Firefighters and Ambulance Workers.

NEW BUSINESS:

Adoption of proposed Local Law A-2023: *"A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on Seasonal Accommodations Within the Town of Hamilton."*

RESOLUTION 2023-46: Adoption of Proposed Local Law A of 2023 "A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on Seasonal Accommodations Within the Town of Hamilton"

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2023, "A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on Seasonal Accommodations Within the Town of Hamilton," was presented and introduced at a regular meeting of the Town Board of the Town of Hamilton held on March 9, 2023; and

WHEREAS, a public hearing was held on such proposed local law on this 13th day of April 2023, 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-2023 has previously been determined to be a Type II 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-2023.

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-2023 as Local Law No. 1-2023 as follows:

**“TOWN OF HAMILTON
PROPOSED LOCAL LAW NO. 1 OF 2023**

**A LOCAL LAW EXTENDING FOR AN ADDITIONAL PERIOD OF SIX (6) MONTHS
THE MORATORIUM ON SEASONAL ACCOMMODATIONS
WITHIN THE TOWN OF HAMILTON**

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

SECTION 1. AUTHORITY.

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

SECTION 2. INTENT.

It is the intent of the Town Board of the Town of Hamilton to impose a six (6) month moratorium on seasonal accommodations within the Town of Hamilton.

SECTION 3. LEGISLATIVE PURPOSE.

Pursuant to the statutory powers vested in the Town of Hamilton to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town of Hamilton hereby declares a continuation of the temporary moratorium on the establishment, creation, maintenance, advertisement and/or operation of new seasonal accommodation uses within the Town of Hamilton, pending the development and adoption of a local law designed to regulate and govern such uses. The Town Board continues to be aware of the need to review and analyze the current state of seasonal accommodation uses and the potential impact of such rentals within the Town. It is the concern of the Town Board that although such seasonal accommodation uses may provide housing and economic benefits to some individuals and businesses in the area, they may also have a negative impact on the quality of life for the citizens and residential districts of the Town.

The Town Board of the Town of Hamilton maintains its desire to address, in a careful manner, the issues raised by this use on a comprehensive basis, rather than on an ad hoc basis, and is working diligently towards its goal of adopting appropriate zoning or other land use laws or by amending its current laws to properly regulate the same. The Town Board is now in the process of considering various options relating to this issue and the Board finds and determines that it needs this additional period of time to study the entire issue, and draft proposed amendments to the local Zoning Law, make appropriate changes to the draft of any proposed Zoning change, schedule and hold the required public hearings on such changes, perform an appropriate environmental review for such changes and, comply with applicable provisions of law regarding the adoption of a Zoning modification.

The Town has since adopted Local Law No. 1 of 2021 (“A Local Law Imposing A Twelve (12) Month Moratorium On Seasonal Accommodations Within the Town of

Hamilton”) and Local Law No. 2 of 2022 (“A Local Law Extending For An Additional Period of Six (6) Months The Moratorium On Seasonal Accommodations Within the Town of Hamilton”). Since passage of the original moratorium and its extension, the Town has been preparing proposed amendments to the local Zoning Law for public comment and is in the process of creating a separate committee that will oversee and handle seasonal accommodations within the Town. It has been determined that a moratorium extension limited to an additional six (6) months in duration from the date of expiration of the original moratorium, coupled with a mechanism for a “hardship” appeal procedure, will achieve an appropriate balancing of interests between, on the one hand, the public need to safeguard the character and other resources of the Town of Hamilton and the health, safety and general welfare of its residents, and, on the other hand, the rights of individual property owners and businesses desiring to conduct such activities during such period.

This Local Law shall therefore act as an extension to the prior moratorium extension adopted by the Town of Hamilton Town Board on September 8, 2022 (Local Law No. 2 of 2022) and filed with the New York State Department of State on September 14, 2022 for an additional six (6) months, until October 15, 2023.

SECTION 4. VALIDITY & SEVERABILITY

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section of this Local Law.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of six (6) months from the date of the expiration of the first six (6) month extension of the moratorium memorialized in Local Law No. 2 of 2022 (“A Local Law Extending For An Additional Period of Six (6) Months The Moratorium On Seasonal Accommodations Within the Town of Hamilton”), on September 8, 2022.”

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
Dana Krueger	Councilor	Voted	Yes
Travis DuBois	Councilor	Voted	Yes
Eve Ann Shwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Policy for Recording in Town-Owned Buildings and at Town Meetings

POLICY Emailed to Town Council on Monday April 10.

SUMMARY:

- Applies to all Town buildings.
- Includes audio, video, livestreaming, and photography.
- Restricts in certain areas for purposes of public and staff safety and the confidentiality of records (E.G.: Birth, Death, Marriage Certificates)
- Restrictions are the purview of the Town Board and upheld by Supreme Court.
- The public is allowed to record gov't officials in public forums. Except executive session. Space is allocated at the back of the meeting room.
- Policy must be posted in the Meeting Room.
- Areas are to be demarcated by signage:
 - "Recording Allowed Here"
 - "No Recording Beyond this Point - The Use of Video and Audio Equipment is Prohibited."
 - "Authorized Personnel Only."
- Annual training on policy and safety.

RESOLUTION 2023-47: Approval of Policy for Recording in Town-Owned Buildings and at Town Meetings

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

Resolved that the Policy for Recording in Town-Owned Buildings and at Town Meetings approved effective immediately.

Concerns of Town Board: None.

Supervisor's Report: Madison County Activities: Supervisor Shwartz gave a brief report on the Sheriff's threat assessment for municipalities, schools, churches, etc. that was organized by a task force including identifying profiles of people who are potentially prone to violent acts. Pilot program including NYSDOH and State Police. There have been 8 or 9 interventions since this was established. With the right intervention, people can get the help they need. There is a 1-hour video for citizens to learn more. Eve Ann will send out the link.

With no further business, on a motion of Councilmember Taylor, seconded by Councilmember Griff, the meeting was adjourned at 8:55 p.m. Carried unanimously.

Respectfully submitted,
Suzanne K. Reymers, RMC
Town Clerk