

Hamilton Town Council Regular Meeting Minutes
Thursday, September 8, 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, Dana Krueger. Others Present: Sue Reymers, Town Clerk; Luke Dowsland, Highway Superintendent; Brynley Wilcox, Bookkeeper. Public: Kevin Congdon, R. Silvestri, Emily Oren, William Stull, Deb Hotaling, RG Johnson, Chris Rossi.

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

Eve Ann Swartz started the meeting introducing Dana Krueger as the town's new Councilmember as Mary Dinski stepped down for personal reasons.

Public Comments: Kevin Congdon from Horton Road spoke concerns about speeding issues on his road. Mr. Dowsland and Ms. Shwartz responded about the process for a speed study and the need for more people to petition for its review.

Public Hearing on Proposed Local Law B-2022 "A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on Seasonal Accommodations Within the Town of Hamilton" Clerk published the notice on August 28, 2022 in the *Utica Observer-Dispatch* and posted to the town's website and town bulletin board.

RESOLUTION 2022-80: Open the public hearing

On a motion of Councilmember Taylor, seconded by Councilmember Griff the following resolution was: ADOPTED: Ayes: 5, Nays: 0
Resolved that the public hearing be opened at 7:05 p.m.

Supervisor Shwartz gave an overview of the proposed local law, which extends the current moratorium. The Town Board has been reviewing the new proposed Zoning Law, which took time. Reviewing this issue was best done outside the new Zoning Law due to its volatility.

William Stull spoke in favor of the extension.

R. Silvestri spoke in favor as well and asked if this is being included in the new Zoning Law. Supervisor Shwartz clarified that a new zoning law specifically for Short Term Rentals will not be part of the new Zoning Law but once adopted would be an add on to it. The Town is compiling information on the topic as well as other town laws. The Village of Hamilton is looking at the issue as well and the town will collaborate with them on the law. If anyone has information on the topic they can email the board.

RESOLUTION 2022-81: Close 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 closed at 7:10 p.m.

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

- Ditched and cut shoulders on a small section of Payne
- Ditched and cut shoulders on Wilkinson
- Ditched and cut shoulders on Preston Hill
- Started widening and putting a ditch in on the seasonal portion of Wilkinson
- Put a turnaround in on Wilkinson so we're not turning around in a private driveway
- Hauled stone for Williams Road shoulders after paving is done
- Finished boom mowing the Hamilton plow run. Starting the Earlville run next

EQUIPMENT:

- Ordered a bunch of tires due to a carbon black shortage
- Replaced a tire on the chipper, all 4 on the jet trailer, mounted a spare for the grader, had new tires put on 23 and 25 and got new drive tires for 16
- Installed all new slack adjusters and brake cans on 17
- Fixed a blown hydraulic hose on the excavator
- Finished up the long list of things wrong with 15 to get it ready for NYS inspection

TREE REMOVAL:

- Picked up 3 truckloads of logs around the town that were too big to chip
- Cut and cleaned up 2 huge willows on Payne
- Cut 11 trees on Barnard to widen the shoulder also dug out all the stumps
- Cleaned up 2 downed trees due to wind. 1 on Crumb and 1 on Williams

SNOW REMOVAL:

- I'm looking into replacing our homemade brine maker with a commercially built one. Although ours has served us well it takes a ton of time to maintain, and we are constantly spending money on keeping it going. When it was built, it was built as a trial to see if we could keep up with our needs to save the town money and it has come to be true. I have enough money in the snow removal line to fund this project this year. So, now's a good time to get it done without taking money from fund balance. A quote for a commercial salt brine will go before the Highway Committee.

OTHER:

- Kept up with mowing all the Town's properties
- We spent 2 days in the Town of Brookfield helping them cold mix pave
- Mike has been working on SOMAC Ambulance 513

Travis DuBois complimented the ditch work on Preston Hill that was done by the Highway’s new employee Mike Mullenax who has extensive experience.

Supervisor/Bookkeeper

FRANCHISE FEES:

- \$3,710.46 was received from Charter Communications
- Q2-2022 franchise fees

2023 BUDGET PROCESS:

- Department request forms have been distributed
- Employee wages and the Highway Fund have been discussed
 - Updated the Equipment Replacement Schedule
- Still waiting on insurance figures, SOMAC budget, Earlville Fire contract
- Next meeting of Budget Committee will be Wednesday, September 14th at 8:30am

PERSONNEL MANUAL:

- A 79-page draft of the handbook was received from Public Sector HR Consultants
 - Department Heads to review in September
 - Board review during October & November
 - Adopt at December meeting and distribute to all employees
 - Effective January 1, 2023

RESOLUTION 2022-82: Audit of Claims

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

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

FUND	VOUCHER NO.		AMOUNT TO PAY:
Pre-Pays	N/A		518.68
A	238	through	263 16,283.71
B	52	through	54 1,713.65
DB	121	through	129 21,314.22
	total		39,311.58

Town Clerk

CLERK’S OFFICE:

- Month end for August is done including cash disbursements and bank reconciliations.

BAS SOFTWARE - Clerk:

- Training finished and we are live. It’s going well other than a few details to work out.

- The next few weeks will be spending time using the software and updating our procedures.

TAX COLLECTION:

- Tax bill memo approval needed – under New Business on agenda. The memo will be sent in November to the County for printing and stuffing with the December tax bills.

CLEAN-UP DAYS (10/1/22)

- Postcard hit the mail over Labor Day weekend.

2023 BUDGET

- Submitted my department's budget request via the new form to the Budget Officer.

CODES OFFICER:

- Worked on advertising the CEO position in the Evening Sun & Pennysaver (Norwich), Syracuse.com, Oneida Daily Dispatch, Utica Observer Dispatch & Mid-York Weekly, Rome Sentinel as well as town website, town facebook and NextDoor Hamilton.

LOCAL LAWS:

- Local Law 1 of 2022 (Videoconferencing) I filed the law with the Department of State. Waiting for confirmation letter from them for the file. Then a copy of the filing is sent to the attorney. A copy of the law is on the website along with the procedures.

ZONING UPDATE:

- Worked with Eve Ann to finish up the zoning stuff prior to sending to attorney.
- Subdivision, Noise, and Zoning Laws were sent to the attorney on September 2.
- Worked on the drafted Smart Growth Maps. Madison County sent second draft back, which I need to review.
- Codification Services – quote from Municode pending.

RESOLUTION 2022-83: Approval of Minutes for 8/11/2022

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

Resolved that the minutes for August 11, 2022.

Codes Enforcement Officer – Mark Miller

Supervisor Shwartz shared that Mark has submitted his resignation effective September 28 as he has an opportunity at the County. September 14 is the deadline for applications to fill the position. The hiring committee is meeting soon. Travis is on the committee. Meanwhile, the Village of Hamilton is covering inspections for us under a shared services agreement as we did this for them last year. We may need them longer and it needs to be discussed. Right now there are no qualified candidates.

August Activity

- Approved 5 new Zoning Permits.

- Approved 5 new building permits.
- Approved 1 tent permit.
- Conducted 19 construction inspections.
- Issued 1 Order to Remedy.
- Continued process of inputting issued building permits into new software.
- Attended 2 hours of code training.
- Followed up with zoning violation.
- Met with contractors and homeowners to discuss potential projects.

Building Permits & Violations

Permit #	Issue Date	Owner	Property Location	Amount
BP-2022-021	08/02/2022	Tristan Leinen	1837 Gorton Rd	\$180.00
		Garage/Storage Building	SBL#: 169.-1-22.2	
BP-2022-022	08/02/2022	Tom McGarrity	2103 Spring St	\$130.00
		Decks	SBL#: 169.5-2-14.1	
BP-2022-023	08/16/2022	Linda Oord	Poolville Rd	\$477.50
		Single Family Home	SBL#: 170.11-1-1	
BP-2022-024	08/25/2022	Colgate University	2051 Payne St	\$282.50
		New Structure	SBL#: 169.5-2-1	
BP-2022-025	08/30/2022	Norman Button	1125 Collins Rd	\$190.00
		Garage/Storage Building	SBL#: 201.-1-33	
				\$1,260.00

Complaint #:	2022-0004		
Location:	2137 Spring St	Identifier:	169.5-2-11
Owner:	AWG, LLC		
Nature Of Complaint:	Property is being used as seasonal accommodations without SUP during moratorium		
		Date:	08/23/22

COMMITTEE REPORTS:

Cemetery Committee

Mr. Griff had nothing to report but the Mid-York had an interesting article on a local cemetery. Clerk Reymers did say that she looked at the BAS Clerk software which offers a Burial Permit module but it will not offer the features needed for managing a cemetery.

Highway Committee - No recent meeting.

Partnership for Community Development

Ms. Shwartz will appoint Dana to the PCD board to represent the town. She has been working with PCD on housing. They still have two more years left on their HUB grant. It's future location needs to be determined as the current building they are in may be demoed soon. The Poolville Community Center is an option per Travis.

SOMAC - Meeting is next Tuesday.

Policy Update Committee

Nothing to report; Brynley already reported on HR manual.

SPECIAL PROJECTS**9 Mile Park**

Ms. Shwartz reported that an archaeologist was hired and is in the final stages of investigation. Once completed they will send a report which gets submitted to NYS and that is our only hold up at this point. After the DEC approval, we will go back to the public with our finalized plan. There is a SAM grant from Senator May's office to fund it in the amount of \$135,000.

Earlville for Earlville Project

Ms. Taylor reported that there will be a booth at the Earlville Community Days. They will be asking the community what they want from E4E. Mark Golden is primarily going to be there promoting it. The Village of Earlville did have an emergency meeting because they had an opportunity to get a new dump truck.

Hamilton Climate Preparedness Working Group

Chris Rossi reported that the group took a break over the summer and is getting back together in October. They need an additional representative from the town if there's someone they want to recommend. Amanda is now in charge of HeatSmart Program. Ten people enrolled in the program but only 3 have a quote and 2 are active participants. We need 5 in order to get some qualification for grant funding. HeatSmart needs some marketing such as a table at the Farmers Market. A press release might be a good start. Brief discussion.

Housing - Affordable/Vacant

Ms. Shwartz reported that during the process of applying for the Community Development Block grant that they realized that the State wanted the town to work on occupied houses, not vacant houses which was the plan. Meanwhile, the PCD has been very busy on the Downtown Revitalization Initiative with the Village where they can get up to \$10 million dollars, but it also includes the Village of Morrisville and Village of Cazenovia in a collaboration. So the application for CDBG was pulled. Meanwhile, there is another fund, Restore NY, to consider that offers a higher threshold for investment in each house which can help with vacant houses. This grant is more forgiving and does not have a claw back provision to get the money back; it doesn't have a lien on the property; and there is a 10% match for the homeowner. Plus, there is not low- or moderate-income requirements. Deadline is in January. The intention is for the property to remain residential and not go for short-term rental. It is a reimbursement grant so homeowners need to have the money to spend or the town needs to assist them to find funding. Jocelyn of PCD is reaching out to a credit union, which the PCD already connected with, to see if they can work with this program. Need

to ask if the program reimburses as we go in case projects take 2-3 years. There are lots of questions to ask yet. Brief discussion on the project.

Zoning Update - Clerk Reymers reported that the Noise Law, Subdivision Law and Zoning Law all went to the attorney to review.

OLD BUSINESS:

SAM Grant Funding (2021)

Already discussed.

NEW BUSINESS:

Poolville Speeding Letter

A petition was received by a group of Poolville citizens. There are a couple of things that could be done. First, the town could lower it to 25 MPH per new law by NYS which does not require a speed study. Last time there was a discussion about using speed signs and their effectiveness. It definitely got people to slow down for a while. Luke has a proposal. Luke presented a quote for signs such as you see when entering Waterville and Hamilton, but mobile. It's cemented in concrete on a pallet. For two of them, solar powered, it's a total of \$6,500. The highway can move them around town as complaints come in. There was a brief discussion on what to buy and how to fund the purchase including the fact that some are County roads. The petition also went to the Sherriff's department. The board decided to wait for the 2023 budget season process to complete to see how the fund balance looks. Meanwhile, Supervisor Shwartz asked Travis to call the County Sherriff's office and she will call the Poolville liaison from the petition.

Tax Bill Memo Resolution

RESOLUTION 2022-84: Authorization to Include a Tax Bill Memo with the Tax Bills

On a motion of Councilmember Krueger, seconded by Councilmember Taylor, the following resolution was: ADOPTED: Ayes: 5, Nays: 0
Resolved that the town include a tax bill memo with the 2023 tax bills.

Adoption of Proposed Local Law B-2022: "A Local Law Extending for an Additional Period of Six (6) Months the Moratorium on Seasonal Accommodations Within the Town of Hamilton"

RESOLUTION 2022-85: Adoption of Proposed Local Law B-2022 "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 Darrell Griff, who moved its adoption, seconded by Councilor Dana Krueger, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2022, "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 August 11, 2022; and

WHEREAS, a public hearing was held on such proposed local law on this 8th day of September 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. B-2022 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. B-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. B-2022 as Local Law No. 2-2022 as follows:

**“TOWN OF HAMILTON
PROPOSED 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**

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 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 has become aware of the need to fully 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 desires to address, in a careful manner, the issues raised by this use on a comprehensive basis, rather than on an ad hoc basis, with the 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 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"). Since passage of the original moratorium, 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 moratorium adopted by the Town of Hamilton Town Board on October 14, 2021 (Local Law No. 1 of 2021) and filed with the New York State Department of State on October 22, 2021 for an additional six (6) months, until April 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 original twelve (12) month moratorium memorialized in Local Law No. 1 of 2021 ("A Local Law Imposing A Twelve (12) Month Moratorium On Seasonal Accommodations Within the Town of Hamilton"), on October 14, 2021."

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.

Introduction & Scheduling of Public Hearing for Proposed Local Law C-2022 “A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Hamilton”

RESOLUTION 2022-86: Introduction of Proposed Local Law C of 2022 “A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Hamilton”

Councilor Shari Taylor introduced proposed Local Law No. C-2022, 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 2023 in excess of the “tax levy limit,” and made the following motion, which was seconded by Councilor Dana Krueger:

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. C-2022 at the Town Hall located at 38 Milford Street in the Town of Hamilton on October 13, 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.

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.

2023 Budget Timeline

Clerk Reymers handed out the annual budget timeline as well as the Association of Town’s article on the budget process.

It was determined to have a Tentative budget meeting on October 5 at 7 p.m.

Concerns of Town Board:

None.

Supervisor’s Report: Madison County Activities:

Supervisor Shwartz shared news from the County. County is also working on the annual budget. She has had discussions with various members at the County pertaining to SOMAC, emergency services and the County fly car, which is working. The financial pain is being felt everywhere, not just Hamilton.

Supervisor Shwartz asked Mark Scimone, the County Administrator, to invite Livingston County to present to our County about their County wide ambulance service with which they have had success. She has been pushing because Hamilton cannot handle the financial pressure, and everyone is in a similar position.

Luke shared that the Director of Emergency Management for Livingston County is a Colgate graduate, Andrew Broedel.

RESOLUTION 2022-87: Executive Session

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

Resolved that this Board move into an Executive Session for the purposes of personnel at 8:14 p.m.

RESOLUTION 2022-88: Return to Regular Session

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

Resolved that the Board return to regular session at 8:58 p.m.

Short-Term Rental Project Committee is Darrell and Dana with Darrell as Chair. Darrell wants to see where the Village of Hamilton is at with theirs. Clerk Reymers will share what research she has on the Short-Term Rentals. There was a complaint about a property that is being used for short-term rentals but it needed a Special Use Permit. The owner's father filed a comment about it which the board received.

With no further business, on a motion of Councilmember Taylor, seconded by Councilmember Krueger, the meeting was adjourned at 9:02 p.m. Carried unanimously.

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