

**Hamilton Town Council Regular Meeting Minutes**  
**Thursday, October 13, 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. Staff Present: Sue Reymers, Town Clerk; Brynley Wilcox, Bookkeeper. Public: Tom Taylor, Jim Leach (Zoom), Deb Hotaling (Zoom).

**Call to order & Welcome:** The meeting was called to order at 7:02 p.m.

**Public Comments:**

Tom Taylor, Mayor of the Village of Earlville, informed the board that Trustee Dean Hatton stepped down and Mark Golden was appointed to fill the position.

**Public Hearing on 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"  
*The Clerk published the notice on October 2, 2022 in the Utica Observer-Dispatch and posted to the town's website and town bulletin board.*

**RESOLUTION 2022-89: Open the public hearing**

On a motion of Councilmember Taylor, seconded by Councilmember DuBois the following resolution was: ADOPTED: Ayes: 5, Nays: 0  
Resolved that the public hearing be opened at 7:04 p.m.

Supervisor Shwartz gave an overview of the proposed local law and why it is needed. Deb Hotaling asked the board to stay as close to the tax cap as possible.

**RESOLUTION 2022-90: Close the public hearing**

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

**DEPARTMENT REPORTS:**

**Highway Superintendent**

**GENERAL REPAIRS:**

- Finished boom mowing the Hamilton and South Hamilton runs. Started on the Earlville plow run.
- Finished ditching and cutting shoulders on the hospital end of Preston Hill Rd.
- Ditched on Williams Road.
- Ditched on Horton and fixed 3 washouts.
- Rebuilt the Thayer Rd turn-around with the Town of Madison.
- Rebuilt the Alderman Rd turn around.
- Started re-building the Humphrey Rd turn around.

- Ditched and shouldered on Humphrey Rd.
- Patched on various roads around town.
- Seeded and mulched everything that was dug up over the last month.

**EQUIPMENT:**

- Had the new 18's transmission programmed for "plow mode".
- Got all the trucks their annual DOT inspection.
- Fixed a couple of hoses and leaks on 16.
- Stadium International came down to diagnose a check engine light on 15. We think it may be another EGR valve. The code was cleared, if it comes back on, we'll know for sure that the valve needs replacing.

**TREE REMOVAL:**

- Started cleaning up brush behind the boom mower.
- Brent Harris cut a large pine tree down in the Hamilton Center cemetery for us. We are waiting on his schedule to clear up to work on 4 trees on Spring St.
- Dave's Stump Grinding ground a stump on Chappel Rd.

**SNOW REMOVAL:**

- Ordered the new salt brine maker. It should be here by the month's end. About \$16,000.

**CHIPS:**

- Paved one mile on Williams Road.
- Finished hauling stone for the shoulders on Williams Rd.

**OTHER:**

- Mike has spent 88 hours in the past month working on SOMAC's ambulances.
- Hauled hot mix asphalt for the Town of Georgetown for half of one day.
- Found a set of used axels in "like new" condition at a dealer in Buffalo for the big trailer. We got them for less than half the cost of a new brake system which was going to be replaced this winter. I estimate this saved us \$2,000-\$3,000.
- Sold the loader to a dealer in Madison, Wisconsin for \$213,000. The new loader costs \$213,129. Once the new one is in (November 2<sup>nd</sup> tentatively) the dealer will send a truck out to pick ours up.
- Dump Day was a massive success. We ended up with ½ a 30 yd dumpster of tires, a full 30yd dumpster of garbage, 6 truckloads of electronics and 2 truckloads of refrigerators, A/C's and dehumidifiers.

In Luke's absence, Brynley shared that they took in \$580 and that the day went well because they were much busier than expected. Luke Dowsland also sent the Town Council an updated annual inventory per Section 142 of NYS Highway Law.

**Supervisor/Bookkeeper****AIM PAYMENT:**

- \$44,184.00 was received from the State
- Same amount since 2014

**2023 BUDGET PROCESS:**

- Tentative budget meeting was Wednesday, October 5<sup>th</sup>
- Still waiting on finalized SOMAC budget and Codes Officer position details
- Preliminary Budget hearing will be at 6:30pm on Thursday, November 10<sup>th</sup>

**PERSONNEL MANUAL:**

- A 79-page draft of the handbook was received from Public Sector HR Consultants
  - Department Heads to review in September
  - *Changes will be given to Public Sector (10/14)*
  - Board review during October & November
  - Adopt at December meeting and distribute to all employees
  - Effective January 1, 2023

**RESOLUTION 2022-91: Authorize Signatories for Checks**

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

Resolved that Mary Dinski be removed as an authorized check signatory due to her resignation effective August 8, 2022 and Dana Krueger be added as signatory for check signing effective immediately.

**RESOLUTION 2022-92: Audit of Claims**

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

Resolved that the bills contained on Abstract #10 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		1,169.97
A	264	through 293	115,899.55
B	5255	through 63	6,841.63
DB	130	through 148	126,740.33
SL	17	through 18	247.55
total			249,729.06

Board reviewed the financials and had a few questions for the bookkeeper.

**RESOLUTION 2022-93: Receive and File Financials**

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

Resolved that the September monthly financials be received and filed.

**Town Clerk****CLERK'S OFFICE:**

- The month end for September is done including cash disbursements and bank reconciliations. September is our busiest month due to hunting license sales. Income was \$8,219.50 with \$5,576.55 alone for hunting/ fishing licenses, which is around the same amount year to year.
- We finally started to take credit cards, which many hunters took advantage of. The fees did not present an issue. Anyone who didn't want to pay it simply paid in cash or check. Fees are min. \$1.95 or 2.5% whichever is greater for all sales except dog licenses which just has a flat fee of \$1.75.
- Unfortunately, my Deputy was out the last week of September due to COVID19.

**BAS SOFTWARE - Clerk:**

- Still working on new procedures and details of the software, which is normal.

**CODES OFFICER:**

- Mark's last day was September 28. I spent some time reorganizing the office to get a handle on the work for the interim and new CEO when hired.
- The Town Clerk's office has been handling calls and walk-ins for the CEO. We communicated with Gerard Snow from the Village of Hamilton for various inspections, and he has been quick to respond so far. However, that needs follow-up for documentation on the inspections for the file as well as its input into IPS. Files are pulled or created and put on the desk as active for this interim period.
- The Planning Board has three applications for subdivisions for their meeting 10/11.

**DOG CONTROL:**

- I worked closely with the Dog Control Officer Carol Lawrence and the town attorneys on a dangerous dog case involving three dogs. The case concluded in Town Court on September 21. The dogs have been signed over to Wanderers Rest where they will be sent to a program for rehabilitation.

**Codes Enforcement Officer**

No report this month. Supervisor Shwartz shared that the town hired a new CEO, Chuck Ladd. She gave a brief background on his experience. He is a contractor and home inspector. He currently works for Town of Cazenovia, DeRuyter, and Georgetown. His schedule will be more flexible with his hours in our town for Mondays and Tuesdays 9 am – 12 pm. Brief discussion on tech needs for new hire.

**RESOLUTION 2022-94: Hiring of Charles Ladd as Codes Enforcement Officer**

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

Resolved that Charles Ladd be hired as the new Codes Enforcement Officer.

**COMMITTEE REPORTS:****Cemetery Committee**

Nothing new to report.

**Highway Committee**

Brief report on Highway Department equipment.

**Partnership for Community Development**

Dana reported that she attended her first meeting. Mary Galvez left the PCD and they hired Melissa Davis. She also reported on their current projects.

**SOMAC**

Travis reported on the latest financials and call numbers. Vinny Faraone is stepping down as Board President. New board members are needed. Eve Ann explained that Madison County had a guest presentation by a similar County that developed a County Wide hybrid ambulance service that has been running since 2012 and is successful. There are meetings next week with SOMAC and the towns to discuss their services.

**Policy Update Committee** – Already reported on.

**SPECIAL PROJECTS****9 Mile Park**

Shari reported that the committee discussed at length the ADA launch and its impact on the plan and water levels. Also discussed the pavilion size and costs. Jocelyn and Luke will meet to obtain quotes for a budget for the SAM grant. Eve Ann reported that the archaeological survey came back with clearance to move forward, no more study is needed. That report will be sent to SHPO and the DEC. Next public meeting would be in January. Brief conversation that the project needs to go before our Planning Board and needs a building permit. Sue shared that she met one of the admins for the 9 Mile Facebook group and that he knows that a bunch of people would like to volunteer.

**Earlville for Earlville Project**

Shari reported there was a September meeting reviewing the feedback from Earlville Days. Ideas include a welcome packet for residents and a sidewalk to Dollar General. Sue asked to include information about the town services.

**Hamilton Climate Preparedness Working Group**

Chris Rossi sent an email reporting that the group is meeting on October 25.

**Housing – Affordable/Vacant**

Eve Ann reported on a meeting last week with the Consolidated Federal Credit Union that would provide financing for the housing program from Restore NY. Submission is likely in January. She explained more details on the program.

**Zoning Update**

**Subdivision Law:** Nadine Bell, Town Attorney sent back the Subdivision Law with comments. She is working on the Zoning Law. Eve Ann will send it to everyone.

**Short Term Rentals:** Clerk Reymers distributed an Association of Towns article on Short Term Rentals. Dana and Darrell were named to be the committee. Darrell is Chair.

**OLD BUSINESS:**

**SAM Grant Funding (2021)** – Already discussed.

**NEW BUSINESS:****Madison County Snow & Ice Agreement Resolution (2022-2023)**

- \$20.40 per lane mile (same as 2021-2022)
- Salt Brine: \$12.23 per lane mile | \$13.73 per lane mile w/magnesium chloride
- \$120 per hour for snow bank removal under certain circumstances w/prior approval.
- A Certificate of Insurance is needed to accompany per this agreement.

After a brief discussion, it was decided to delay approving the agreement so Luke can contact them to inquire about their concerns on the lack of increase this year.

**Village of Hamilton Salt Brine Agreement Resolution (2022-2023)**

Luke Dowsland informed the Clerk that with the town's new brine tank, they no longer require this contract. Sue to inform the Village.

**Resolution to Adopt 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" with GML Dated 9/12/2022****RESOLUTION 2022-95: 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 Travis DuBois, to wit:

**WHEREAS**, the Town Board acknowledges that the adoption of Proposed Local Law B of 2022 on September 8, 2022 was premature as the GML Recommendation Report, which returned the matter for local determination, was not received until September 12, 2022; and

**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 the 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.

### **Resolution to Adopt Proposed Local Law #C-2022 "Tax Cap Override"**

#### **RESOLUTION 2022-96: Adoption of Local Law "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-C in the Town of Hamilton"**

The following resolution was offered by Councilor Shari Taylor, 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. C-2022, "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Hamilton," was presented and introduced at a regular meeting of the Town Board of the Town of Hamilton held on September 8, 2022; and

**WHEREAS**, a public hearing was held on such proposed local law on this 13<sup>th</sup> day of October, 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 Local Law No. C-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 Local Law No. C-2022.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Town Board of the Town of Hamilton, Madison County, New York, does hereby enact Local Law No. C-2022 as Local Law No. 3-2022 as follows:

#### **"TOWN OF HAMILTON LOCAL LAW NO. 3 OF 2022**

#### **A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C IN THE TOWN OF HAMILTON**

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

#### **SECTION 1. LEGISLATIVE INTENT**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Hamilton, County of Madison pursuant to General Municipal Law §3-c, and to allow the Town of Hamilton to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2023,

that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

#### **SECTION 2. AUTHORITY**

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

#### **SECTION 3. TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of Hamilton, County of Madison, is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

#### **SECTION 4. SEVERABILITY**

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been 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:

<b>Darrell Griff</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Shari Taylor</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Dana Krueger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Travis DuBois</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Eve Ann Shwartz</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

#### **Risk Management Bulletin – First Amendment Audits**

Memo from NYMIR sent to Town Council via email. Clerk Reymers to attend webinar on topic on October 19. Sue explained that there is a recommendation to have a policy and signage for areas that is not privy for public inspection. Sue will report back to the board.

#### **2023 BUDGET Timeline**

November 10, 2022 at 6:30 pm is the Budget and Fire Contracts for Hamilton & Earlville Public Hearing.

**Concerns of Town Board:** None.

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

Eve ann shared that the County had a presentation by the Consultants Cornerstone that knows of a successful model addressing the issue with their landfill that is combination of public and private. She briefly described the issue in Madison County and what other Counties have done. Basically, the County is losing money at all of the transfer stations as well as the recycling program.

**RESOLUTION 2022-97: Executive Session**

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

Resolved that this Board move into an Executive Session for the purposes of personnel at 9:09 p.m.

**RESOLUTION 2022-98: Return to Regular Session**

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

Resolved that the Board return to regular session at 10:26 p.m.

With no further business, on a motion of Councilmember Krueger, seconded by Councilmember Griff, the meeting was adjourned at 10:26 p.m. Carried unanimously.

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