

**Hamilton Town Council Regular Board Meeting Minutes**  
**Thursday, December 14, 2023, at 7:00 p.m.**  
**Town Hall 38 Milford Street, Hamilton & Via Zoom Videoconferencing**

Present: Shari Taylor, Darrell Griff, Dana Krueger, Travis DuBois, Eve Ann Shwartz.  
Present: Sue Reymers, Town Clerk; Brynley Wilcox, Bookkeeper; Luke Dowsland, Highway Superintendent.

Public In-Person: Ian Helfant, Councilmember Elect. Public Via Zoom: Jim Leach.

**Call to order & Welcome:** The meeting was called to order at 7:01 p.m.

**Public Comments:** None.

**DEPARTMENT REPORTS:**

**Highway Superintendent Report - Luke Dowsland**

**GENERAL REPAIRS:**

- Picked up garbage on Borden Rd.

**EQUIPMENT:**

- Worked on fixing the heat and A/C on the sod loader.
- Wired my truck for the plow and sander.
- Serviced the generator.
- Fixed a blown hydraulic hose on 16.
- Fixed 2 blown hydraulic hoses on 15.
- Installed a new brine pump on 16.
- Replaced the drive tires on 16.
- Fixed 17's brine pump.
- Replaced a brake can on 16.

**TREE REMOVAL:**

- Cleaned up 2 down trees on Bonney Rd.

**SNOW REMOVAL:**

- Plowed and sanded 7 times.
- Used 252 yards of sand and 8,400 gallons of brine.
- Kept up making salt brine.

**OTHER:**

- Erick is back after his 7-week PFL time from having a baby.
- Don Noble from Noble Electric is installing a generator transfer switch so we can use the generator when we lose power.
- Don is also wiring a 240 volt plug to the brine maker so we can eliminate the gas pumps.
- The F550 finally came back, but It's back at Friendly Ford. It won't start again.
- Fixed a water leak in the Village of Earlville.
- Picked up the sod loader from the County.
- Attended a Deferred Comp meeting at the County Highway garage.

- The geothermal is broken again, the oil furnace also has a cracked fire box. I have ordered new propane radiant heaters. We will install them and have Broedel's come hook up the gas lines.

Brief discussion on the furnace and geothermal issue. RFP is due tomorrow December 15<sup>th</sup>, 2023. The Town has received 3 bids already with expectations to receive 2 more.

### **Supervisor/Bookkeeper – Brynley Wilcox**

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

- \$177,063.77 was received from the County.
  - Q3-2023 distribution
  - 12.9% over Q3-2022 distribution (\$156,863.99)
- YTD: \$623,410.94; Budget: \$ 500,000.00

#### **FRANCHISE FEES:**

- \$3,669.20 was received from Charter Communications
- YTD: \$14,745.00; Budget: \$ 11,000.00

#### **MORTGAGE TAX:**

- \$25,992.24 was received from Madison County
  - Apr. 2023 – Sep. 2023 house sales
  - \$4,866.12 or 15.77% under Apr. 2022 – Sep. 2022 (\$30,858.36)

#### **FUND BALANCE ESTIMATE:**

- See separate spreadsheet for end-of-year fund balance estimates.

#### **RESOLUTION NEEDED:**

- Resolved that the bookkeeper may initiate payment for any bills that are received before the end of the year.

#### **RESOLUTION NEEDED:**

- Resolved that the bills contained on Abstract #12 have been reviewed by the Town Board and are authorized for payment.
  - Councilmember TAYLOR to sign vouchers.
    - Councilmember KRUEGER to sign vouchers in JANUARY.

Brief discussion on fund balance and ARPA funds. A portion of ARPA funds were used for SOMAC but there is still an available balance. In the 2023 budget the town used \$73,612 of ARPA funds. In 2022, nothing was used. Brief discussion on SOMAC reserve funds leftover. The deadline for ARPA is to earmark the funds by the end of 2024 and spend it all by end of 2026. The reporting is done every April 30.

### **RESOLUTION 2023-106: Authorization for Bookkeeper to Initiate Payment for Bills received before the end of the year**

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

Resolved that the Bookkeeper may initiate payment for any bills that are received before the end of the year.

### **RESOLUTION 2023-107: Audit of Claims**

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

Resolved that the bills contained on Abstract #12 have been reviewed by the Town Board and are authorized for payment in the following amounts:

Pre-Pays					50,997.32
General Fund A	No.	301	<i>through</i>	336	16,647.39
General Fund B	No.	72	<i>through</i>	80	849.65
Highway Fund DB	No.	146	<i>through</i>	160	24,697.95
Street Lighting SL	No.	23	<i>through</i>	24	274.27
<b>Total</b>					<b>42,469.26</b>

**RESOLUTION 2023-108: Receive and File Financials**

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

Resolved that the December monthly financials be received and filed.

**(ATTACHMENTS - FINANCIALS on file at Clerk’s Office.)**

**Town Clerk - Sue Reymers**

Clerk’s Office: November cash disbursements (month end) completed.

Technology:

- Gov Email Migration: The .gov email immigration took place over the last month. I believe everyone is set. It took many hours of my time to assist the process.
- COPIER: I am working with Usherwood who holds the contract for Madison County Copier services and getting a replacement for our Canon Copier. The prices are cheaper. We will get the new copier in late January/early February.
- Phones: We have had a few glitches with the phone system. Madison County is sending a technician to look at it.

Short-Term Rentals:

- Mailing to 22 known or identified STRs properties was sent on 11/15. The packet included a letter, STR local law, STR Forms - all of which is on the website.
- So far 7 have been in touch. 2 are pursuing the STR process. 2 are determined to be BNBS. 1 is not pursuing and selling property. 1 is in question as to whether or not they need an STR. 1 is still trying to connect with the CEO.
- Also, an email went out to numerous local real estate agents.
- All the STR Forms are on the website with a FAQ page that will be expanded as we move along with this process.
- Staff met on Monday December 1 to review the STR law again to make sure we are all on the same page. There are a few questions.

Annual Insurance Renewal Application:

- I am working on the annual insurance renewal application and cybersecurity renewal application. The cybersecurity application has been sent to ACC Tech for their portion to fill out.

Records Request:

- The NYS Attorney General’s office has sent a request for building permit records for the Marshall properties in the Town and Village. I passed the request to the Village for their properties.

**Codes Enforcement Officer – Submitted by Chuck Ladd**

November Activity:

- Annual Performance Review with Town Supervisor.
- Attended November 14<sup>th</sup> Planning board meeting.
- Conduct 6 construction inspections.
- Drive after inspections and look for any new Complaint/violation/permits needed.
- Permits issued. See attached report.
- Meeting with Town Supervisor and Town Attorney in regard to Hoose rd. complaint. (Determination review)

**Permit Monthly Report**

11/01/2023 - 11/30/2023

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
<b>November 2023</b>						
BP-2023-040	11/06/2023	Colgate University	Septic	2051 Payne St SBL#: 169.5-2-1		\$50.00
BP-2023-041	11/14/2023	Jeff Moyer	Single Family Home	7333 Mason Rd SBL#: 154.-1-21.13		\$447.50
BP-2023-042	11/27/2023	Owen Tallman	Alteration	1527 Smith Rd SBL#: 184.-1-28		\$170.00
<b>November 2023 Total:</b>					<b>\$0.00</b>	<b>\$667.50</b>
<b>Reporting Period Total:</b>					<b>\$0.00</b>	<b>\$667.50</b>

**COMMITTEE REPORTS:**

**Cemetery Committee**

Darrell Griff asked Clerk Reymers about how things were going with the President of the Poolville Cemetery. Clerk Reymers reported that the President had been frustrated. He was in the town office recently and expressed that wants to step down but would wrap up some projects first. The day after he was in the office, Bob Tackabury came in for services and mentioned Darryl’s stepping down. He asked if Sue had any suggestions which she gave, but he said that they’d done it all. Bob’s feeling was that maybe this would come to the town after all. Progress was starting to be made, grants for repairing headstones, getting in compliance. Darryl was taking on the roles of Secretary and Treasurer in addition to President due to recent resignations.

Brief discussion about the mowing needs of the cemetery. Goats were mentioned. Further discussion on how to salvage the situation. Darrell Griff mentioned that the law only requires mowing 3 times a year and put a fence around it as a bare minimum.

Clerk Reymers asked that the board talk about next steps and consider the recommendation that has been brought to the board’s attention since 2014. The Town should assign a council member to serve on the board as a liaison. Then discuss ways the town can assist them further. Supervisor Shwartz stated that it’s clear the problem is not going away.

**Highway Committee**

Already discussed.

**Partnership for Community Development Liaison Report - Dana Krueger**

Dana shared that the HUB is moving to Lebanon Street between the bookstore and Oliveri's soon. The Chamber of Commerce is hosting 3<sup>rd</sup> Fridays with lots of events.

**SOMAC Liaison Report - Travis DuBois**

Travis reported that the monthly board meeting was a few nights ago. He gave a few stats on the calls. Travis brought up the reimbursement of the portion of the \$407,820 that was paid to SOMAC for the year. Everybody agreed. There will be 51 days SOMAC will not be serving the town. Wendy, the bookkeeper for SOMAC asked that the town issue an invoice for that amount. Quick calculation estimated about \$56,983 but that should be double checked.

**RESOLUTION 2023-109: Authorization to Submit Invoice to SOMAC for refund**

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

Resolved that an invoice be submitted to SOMAC for a refund of about \$56,983 (final amount to be calculated by the bookkeeper) for the 51 days of not providing services to the town for the year 2023.

Travis further reported that there is a closure plan that needs to be submitted to all stakeholders in the area such as the Towns, the Hospital, Colgate. This is a Department of Health requirement. That has been drafted by SOMAC's attorney for the Dissolution Plan to close SOMAC.

Discussion turned to SOMAC's CON (Certificate of Need). SOMAC has considered selling it but that would create competition to the County. SOMAC's board voted to not sell it, but the draft of the plan discussed selling the CON. That needs to be resolved.

Luke brought up the problem with a lack of a CON. If there are no calls in 30 days, it lapses. The Town of Lebanon holds the CON and need to renew it. Supervisor Shwartz thinks it should be investigated and will contact Jenna about it. The board will go into executive session to discuss more about SOMAC.

**SPECIAL PROJECTS:****9 Mile Project**

Sue Reported: 9-Mile Grant from DASNY (Sen. May -\$135,000) A fully executed agreement was received on 12/11/2023. We can go ahead and submit now for expenditures. There is an on-going litigation pertaining to the park project and that will be discussed in executive session.

**Earlville for Earlville Project - Shari Taylor**

There was no recent meeting. Shari will not be continuing on the committee. Eve Ann asked if the town should send a representative. Sue to remind Eve Ann to follow up on it.

**Hamilton Climate Preparedness Working Group (HCPWG) - Submitted by Chris Rossi**

Our focus right now is public outreach, and we are planning to have a table about winter preparedness and winter energy saving efforts at the January 20 indoor market at Parry's. Sue, any info/handouts you have please share from the Town Office would be welcome.

In March we are planning a public presentation on recycling with Kristin Welch from the County. Colgate Environmental Studies classes have students available to assist with related town projects during the spring semester. Does the Town need help with any ongoing climate assessment work?

Eve Ann stated that Ian would be the new liaison for the working group. Once Ian is settled into his position on the Town Council, then we can discuss what we should be doing or want to do. Probably should sit down with Chris Rossi.

**NYSERDA Grant for Clean Energy Project -\$10,000**

There are documents that we need to provide to NYSEG.

**Housing: Vacant - Restore NY Grant -Jordan Ashcraft**

Jordan has been working hard to move the owners of the properties forward. It appears 3 possibly 4 of the properties are going to be complete tear downs. Currently working on soliciting quotes from contractors to get the best prices for demolition, asbestos survey, air monitoring and septic exploration of each property. Supervisor Shwartz received good feedback from the properties owners on the work Jordan is doing on moving the project forward. They will need a ballpark estimate by January 15<sup>th</sup> 2024 to the State to move to the next phase.

**Zoning Update**

Chris Rossi asked: Where are we with moving forward with zoning update at this point? I realize you had many other projects to tackle before year end. Supervisor Shwartz outlined that they are in the final stages, will meet in January with Clerk Reymers and plan final stages including public hearing and public information sessions and final revisions.

**OLD BUSINESS:**

NONE

**NEW BUSINESS:**

**Annual Contract Resolution - Cwynar, Farrow & Locke for 2023 Financial Audit**

**Cwynar, Farrow & Locke-Contract for 2022 Audit**

**RESOLUTION 2023-110: Authorization to Contract with Cwynar for Annual Audit**

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

Resolved that the Town of Hamilton contract with Cwynar, Farrow & Locke to perform an annual audit for financial statements for 2023 for the Town, Town Clerk, and Justice Court financial records and accounts.

**Association of Towns (AOT) Upcoming Training****RESOLUTION 2023-000: TABLED Designate Councilmember Krueger and Supervisor Shwartz for AOT Annual Meeting Representative in February 2024**

On a motion of Councilmember \_\_\_\_, seconded by Councilmember \_\_\_\_, the following resolution was: ADOPTED: Ayes: 0, Nays: 0 TABLED

Resolved Dana Krueger be voting delegate and Eve Ann Shwartz be the alternate for the AOT Annual Meeting 2024. -**Tabled until January 2024 Town Board Meeting**

**Upcoming Board Appointments**

- Planning Board: Mike Welshko–Term Ends 12/31/23; Next Term 5 years (1/1/24 – 12/31/28)
- Zoning Board of Appeals: Lydia Slater–Term Ends 12/31/23; Next Term 5 years (1/1/24 – 12/31/28)

**Concerns of Town Board:** None

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

Cap sales tax at the 2022 levels, continue to do 48 Town, 52 County, unanimous push back from the Town Supervisors. December 19<sup>th</sup>, 2023 there will be a public hearing on the land fill regarding the proposed contract with Casella. Clean up days will continue.

**EXECUTIVE SESSION****RESOLUTION 2023-111: Executive Session**

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

Resolved that this Board move into an Executive Session for Contracts regarding SOMAC, Legal updates on the Park and Hoose Road at 8:26 p.m.

**RESOLUTION 2023-112: Return to Regular Session**

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

Resolved that the Board return to regular session at 9:00 p.m.

**RESOLUTION 2023-113: Town of Hamilton’s Position on SOMAC’s Closure Plan**

On a motion of Councilmember DuBois seconded by Councilmember Krueger:

**WHEREAS**, the Town of Hamilton has spent countless hours in working with SOMAC and Madison County Emergency Management to find a solution to providing emergency ambulance service to our community; and

**WHEREAS**, the Town of Hamilton has invested almost a million dollars of taxpayer dollars over the last decade in support of SOMAC’s deficit to ensure their success in providing services to our community; and

**WHEREAS**, the Town of Hamilton expects/demands that SOMAC honor their public agreement with Madison County; and

**WHEREAS**, the Town of Hamilton opposes SOMAC's selling of the Certificate of Need (CON) to another private ambulance service because it undermines the current and future services of Madison County; and

**WHEREAS**, the Town of Hamilton expects/anticipates that SOMAC will honor the turning over of 100% of their assets to Madison County.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Town Board of the Town of Hamilton, Madison County, New York, does hereby direct the board of directors for SOMAC to comply with the public agreement with Madison County.

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

Ayes: 5 (Shwartz, DuBois, Taylor, Griff, Krueger)

Nays: 0

The foregoing resolution was thereupon declared duly ADOPTED.

With no further business, on a motion of Councilmember Krueger, seconded by Councilmember Taylor, the meeting was adjourned at 9:03 p.m. Carried unanimously.

Respectfully submitted,  
Suzanne K. Reymers, Town Clerk and  
Dean R. Curtis, Clerk