

**Hamilton Town Council Annual and Regular Board Meeting Minutes  
Thursday, January 11, 2024, at 7:00 p.m.  
Town Hall 38 Milford Street, Hamilton & Via Zoom Videoconferencing**

Council Present: Eve Ann Shwartz, Darrell Griff, Dana Krueger, Travis DuBois, Ian Helfant (via Zoom). Personnel Present: Sue Reymers, Town Clerk; Brynley Wilcox, Bookkeeper; Luke Dowsland, Highway Superintendent.

Public In-Person: Chris Rossi, Darryl Simcoe, Braden Houston, Shari Taylor, Rachel Amann-Burns. Public Via Zoom: Jim Leach, Deb Hotaling.

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

**Public Comment:**

Braden Houston of Spring Street brought concerns to the board about speeding on Spring Street and asked about the status of ordering the speed signs that show how fast people are going. Highway Superintendent said they will be ordered for the spring. They will be portable so they can be used in different locations. Rachel Amann-Burns, property owner on Hoose Road, expressed concern about the situation on Hoose Road. Supervisor Shwartz responded that the town has done what they can pertaining to the Town’s Zoning Law but cannot regulate free speech.

**ANNUAL ORGANIZATIONAL MEETING:**

**STAFFING AND CONTRACTUAL APPOINTMENTS:**

One-year Appointments, Commencing January 1, 2024 & expiring December 31, 2024:

**RESOLUTION 2024-1: Annual Appointments for positions as listed for 1 year term.**

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

Resolved that the following appointments for a 1-year term commencing 1/1/2024 through 12/31/2024 as follows:

- Historian - Jack Loop
- Dog Control Officer – Carol Lawrence
- Code Enforcement Officer – Chuck Ladd
- Deputy Town Clerk - Elisa Robertson
- Part-Time Clerk – Dean Curtis
- Planning Board/Zoning Board of Appeals Clerk & Secretary – Elisa Robertson

**RESOLUTION 2024-2: Annual Contractual Appointment for Town Attorney.**

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

Resolved that Costello, Cooney & Fearon, PLLC be the town attorneys for 1-year commencing 1/1/2024 through 12/31/2024.

**PLANNING BOARD, ZONING BOARD OF APPEALS APPOINTMENTS:****RESOLUTION 2024-3: Planning Board Re-appointment of Mike Welshko**

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

Resolved that Mike Welshko be re-appointed to the Planning Board for a new 5-year term 1/1/2024-12/31/2028.

**RESOLUTION 2024-4: Planning Board Annual Chair Appointment**

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

Resolved that Mike Welshko is Chair of the Planning Board for 1/1/2024-12/31/2024.

**RESOLUTION 2024-5: Zoning Board of Appeals Appointment of Lydia Slater**

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

Resolved that Lydia Slater be appointed to the Zoning Board of Appeals for a new 5-year term 1/1/2024-12/31/2028.

**RESOLUTION 2024-6: Zoning Board of Appeals Annual Chair Appointment**

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

Resolved that Harmon Hoff is Chair of the Zoning Board for 1/1/2024-12/31/2024.

**APPOINTMENTS & COMMITTEES BY TOWN SUPERVISOR:****APPOINTMENTS BY TOWN SUPERVISOR**

- Supervisor Shwartz appointed Dana Krueger as Deputy Supervisor.
- Supervisor Shwartz appointed Brynley Wilcox as Budget Officer.

**TOWN COMMITTEES:**

1. 9 Mile Park Committee - Darrell Griff, Ian Helfant
2. Cemetery Committee - Dana Krueger, Travis DuBois
3. Highway Committee - Travis DuBois, Darrell Griff
4. Hamilton Climate Preparedness Working Group Liaison - Ian Helfant
5. Partnership for Community Development Liaison - Dana Krueger
6. Liaison to Colgate University's Upstate Institute and COVE - Eve Ann Shwartz
7. Liaison to Villages of Earlville - Darrell Griff
8. Liaison to Village of Hamilton - Ian Helfant
9. Liaison to Personnel - Dana Krueger
10. Liaison to SOMAC - Travis DuBois

**Annual Reorganizational Resolutions****RESOLUTION 2024-7: Official Newspaper - Utica Observer Dispatch**

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

Resolved that Utica Observer Dispatch be designated as the Town's official newspaper.

**RESOLUTION 2024-8: Official Banks – NBT & NYCLASS**

On a motion of Councilmember DuBois, seconded by Councilmember Griff, the following resolution was: ADOPTED: Ayes: 5, Nays: 0  
Resolved that NBT, and NYCLASS be designated as the Town's official banks.

**RESOLUTION 2024-9: Authorization for Pre-Pays of Bills**

On a motion of Councilmember Griff, seconded by Councilmember Krueger, the following resolution was: ADOPTED: Ayes: 5, Nays: 0  
Resolved that authorization is given for advance payments of certain monthly bills such as electric, telephone, internet, postage, village court rent, insurances relating to health and dental, property, automobile, liability, and surety be paid as pre-pays. (*Bills that are paid in advance will be listed on the next available abstract and designated as prepaid.*)

**RESOLUTION 2024-10: Procurement of a Blanket Undertaking for Municipal Officials and Staff**

On a motion of Councilmember DuBois, seconded by Councilmember Krueger, the following resolution was: ADOPTED: Ayes: 5, NAYS: 0  
Resolved that the Town of Hamilton approve the procurement of a Blanket Undertaking from a duly authorized corporate surety covering the officers, clerks, board members, and employees of the Town pursuant to various sections of New York State Town Law and Public Officers Law.

**RESOLUTION 2024-11: Authorize Signatories for Checks**

On a motion of Councilmember Krueger, seconded by Councilmember Griff, the following resolution was: ADOPTED: Ayes: 5, NAYS: 0  
Resolved that Eve Ann Shwartz-Town Supervisor, Dana Krueger-Councilmember, Darrell Griff-Councilmember, Ian Helfant-Councilmember, Travis DuBois-Councilmember are signatories for checks. *A certified resolution will be provided to the Bookkeeper for the bank.*

**RESOLUTION 2024-12: Establish \$200 Petty Cash Fund & Impose \$20.00 fee for Bounced Checks**

On a motion of Councilmember DuBois, seconded by Councilmember Krueger, the following resolution was: ADOPTED: Ayes: 5, NAYS: 0  
Resolved that a \$200 Petty Cash fund be established in the Town Clerk's Office and to authorize the imposition of a \$20.00 fee on each check tendered as payment to the Town which is subsequently returned for insufficient funds or similar reasons.

**RESOLUTION 2024-13: Authorize Mileage Reimbursement Rate at .67 cents/mile**

On a motion of Councilmember Krueger, seconded by Councilmember Griff, the following resolution was: ADOPTED: Ayes: 5, Nays: 0  
Resolved that the 2024 Town mileage reimbursement rate be in accordance with NYS & Federal rate of .67 cents per mile.

**RESOLUTION 2024-14: Authorize Issuance of Payroll - Bi-Weekly and Monthly**

On a motion of Councilmember Dubois, seconded by Councilmember Krueger, the following resolution was: ADOPTED: Ayes: 5, Nays: 0  
Resolved that the issuance of payroll on either a bi-weekly or monthly basis only be authorized.

**RESOLUTION 2024-15: Designate Town Board Meetings**

On a motion of Councilmember Helfant, seconded by Councilmember Krueger, the following resolution was: ADOPTED: Ayes: 5, Nays: 0  
Resolved that the Town Board Meetings are designated to be held on the Second Thursday of each month, at 7:00 p.m. at the Town Hall located at 38 Milford Street and via Zoom Videoconferencing. *A legal notice to the official newspaper will be posted.*

**REGULAR MONTHLY MEETING**

**Public Comments:** Chris Rossi reported on the HCPWG committee meeting. They are continuing with their outreach efforts at the local farmers market at Parry's on energy savings and recycling. There are EPA grants available, the pre-application is due in February.

**DEPARTMENT REPORTS:****Highway Superintendent - Luke Dowsland****GENERAL REPAIRS:**

- Unplugged pipes all around town after a rain event
- Dug out our erosion control structures on Wickwire Rd. and Williams Rd.

**EQUIPMENT:**

- Replaced an air valve on 17
- The 550 is back and is running well.
- Welded a jack on the new plow.
- Replaced the cutting edge on the new plow and wing.

**TREE REMOVAL:**

- Cleaned up a downed tree on Hill Rd.

**SNOW REMOVAL:**

- Sanded twice and plowed 5 times.
- Used 252 yards of sand/salt mix and 25,200 gallons of brine.
- Built a house for the outdoor salt brine pump.
- Cleaned out the Brine Maker.

**OTHER:**

- Hung all the new tube heaters.
- Don Noble wired all the heaters.
- Started running all the gas line for the new heaters.
- Don Noble wired a 240-volt line to the brine maker for electric pumps so we can hopefully not go through so many gas pumps.
- Shifts have started.

RFP for the Highway Garage: The Committee has met and we have a narrowed it down to 5 bidders. They will present in-person to us on February 1.

**Supervisor/Bookkeeper - Brynley Wilcox**

**2023-2024 SNOW & ICE AGREEMENT:**

- \$13,002.48 was received from the County
  - Plow Dates: 11/15/23 – 12/15/23
- 2023 YTD: \$ 117,417.09
- *BUDGET: \$ 120,000.00*

**CHIPS:**

- \$221,846.74 was received from NYSDOT; \$90,569.82 was rolled over

**END OF YEAR REQUIREMENTS:**

- W-2s and 1099s will be mailed out by January 31st
- A draft of the Town’s AUD will be ready by the March meeting. Due to NYS by April 1, 2024. (*Now called the AFR-Annual Financial Report.*)

**RESOLUTION NEEDED:** Resolved that the bills contained on Abstract #1 have been reviewed by the Town Board and are authorized for payment

- Councilmember GRIFF to sign vouchers
- Next month: KRUEGER

**2023 YEAR-END FINANCIALS:**

- Balance Sheet
- Profit & Loss vs. Budget
- Fund Balance—2019 to 2023

**RESOLUTION 2024-16: Audit of Claims**

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

Resolved that the bills contained on Abstract #1 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No.	1	<i>through</i>	18	40,249.21
General Fund B	No.	1	<i>through</i>	1	1,000
Highway Fund DB	No.	1	<i>through</i>	8	23,200.35
Street Lighting SL	No.	1	<i>through</i>	2	283.69
<b>TOTAL (not including Pre-pays, if any):</b>					64,733.25

**RESOLUTION 2024-17: Receive and File Financials**

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

Resolved that the 2023 financials and fund balance 2019 - 2023 be received and filed. (ATTACHMENT A)

**Town Clerk - Sue Reymers**

**Clerk’s Office:**

- December cash disbursements (month end) completed. It was a typically quieter month for the front desk.

**Technology:**

1. Gov Email: Ian was set up with his email.
2. COPIER:
  - Usherwood is delivering the copier On January 25. ACC Tech will remote to coordinate the network end of it.
  - I notified BME on January 5<sup>th</sup> that we will be ending our contract with them effective 2/13/2024. We are paid up to that day and we must provide notice of at least 30 days.
  - At the end of the contract, we will own the machine. Neither Usherwood nor BME wants it. It's at the end of its life and is not valuable. I spoke with Joann at the Town of Lebanon and they could use the machine, so I would like to pass it on to them.
3. Phones: Madison County fixed the issue with the phones
4. I ordered the new computers. Just waiting for payment, then they will order them.

**Short-Term Rentals:**

- Nothing new to report at this time.

**Annual Insurance Renewal Application:**

- ACC Tech completed their portion of the cybersecurity application. It's being reviewed. I was told that we are doing well with our systems so far, which is good feedback to have at this stage.

**Records Request:**

- Still working on the records request for the NYS Attorney General's office for the Marshall properties. Should be done soon.

**Madison County Municipal Clerks Association**

- Elisa and I attended a training session on December 4<sup>th</sup> on Registrar of Vital Statistics - Birth, Death & Marriage - presented by NYS Dept of Health.

**RESOLUTION 2024-18: Designating Disposal of Surplus Town Personal Property**

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

Resolved that the following item has been reviewed and approved, and now declared as surplus: Canon Copier. *Clerk Reymers will contact the Town of Lebanon about the copier.*

**Codes Enforcement Officer - Chuck Ladd** *No report this month due to illness.*

**COMMITTEE & LIAISON REPORTS:****9-Mile Park Committee**

DASNY Grant for 9-Mile (Sen. May - \$135,000): A fully executed agreement was received on 12/11/2023. The town can now submit expenditures.

**Cemetery Committee**

The Poolville Cemetery is holding their meeting at the Town Office on 1/24. Clerk Reymers mentioned the NYS Guide on how towns can assist cemeteries including bookkeeping.

**Hamilton Climate Preparedness Working Group (HCPWG) Liaison**

Already reported on.

**Highway Committee** - Already reported on.

**Partnership for Community Development Liaison**

Dana Krueger reported that the HUB moved to its new location on Lebanon Street. There was a small business summit at Morrisville State College with about 50 people in attendance. Next meeting is January 16.

**SOMAC Liaison**

Travis DuBois reported he has attended two meetings. They are waiting to hear back from the Attorney with a preliminary judgement from the Attorney General's Office as to whether SOMAC can gift assets to Madison County. There is money in the account from Colgate that is going to be used for the renovations for the students. The CON (Certificate of Need) has officially been sent back to NYS. The County has missed no 911 calls since taking over; they did miss some transfers that is improving. Madison County held a CPR course at SOMAC building with 9 in attendance. NBT credit card was cancelled. There are stocks and bonds and paper certificates. Board agreed it should be rounded up and get them into a money market account and then they will be liquidated. The Treasurer Richard Higgins suggested that. Next meeting is February 6. The lease between Madison County and SOMAC is still pending. Wendy Noble is now on an hourly basis. Supervisor Shwartz noted that the Town received \$58,000 refund from SOMAC for lack of services in 2023. Brief discussion.

**Village of Earlville Liaison**

No report. Shari Taylor was in the audience. Travis asked for an update on the water issue. Shari said nothing new, but the water report recommended water districts. Meetings are 2<sup>nd</sup> Tuesday of the month.

**Village of Hamilton Liaison**

Meetings are on the 3<sup>rd</sup> Tuesday of the month.

**SPECIAL PROJECTS:****Housing Project: Restore NY Grant**

Supervisor Shwartz reported that there have been several meetings with homeowners. Four properties are interested in putting in modular homes in place of their current buildings because they are in very poor shape, and they have a lot of asbestos in them. They have to be taken down in an expensive way unfortunately, but there is money in the grant for that - \$30,000 for each house that can be used for removal. One of the advantages of having 4 projects to work on is that they have been able to have a couple of different bids for a group - one excavator and removal company comes in and do all the projects at once. Then that same excavator can turn around and dig out new foundations once people decide on what exactly modular home they want.

The PCD is exploring seriously creating their own separate Local Development Corporation to purchase one of the properties where the current owner is unable to manage the project financially as the project is a reimbursement program. The owner is willing to sell the house to the PCD. The PCD board is supportive. The PCD is very involved in helping pick out the modular homes because of Jocelyn's background as a landscape architect. She's been a tremendous resource. Homeowners are on board but need a lot of hand holding.

Meanwhile, Supervisor Shwartz is working with the Town Attorney to develop an owner agreement that the homeowner would sign with the Town of Hamilton which would commit them to all the record keeping and the fact that they would be spending their own money and there would be a consensual lien on the property. If they fail, that would be on the property for 5 years. That would make sure that the money invested gets used as it should be, which is occupied, whether by the owner or rented. They need to occupy the building quickly once the Certificate of Occupancy is issued. If they sell the house, the consensual lien will follow to the next owner because they're essentially getting the value of that when they buy the house so legally, they would be also obligated.

A gross budget with estimates is being submitted on Monday. All of the projects are going to be more than \$180,000 by about \$20-30,000 but that does not matter to the state. The agreements should be done by next month. Overall, it's going well. When done, there will be 4 new houses and 2 renovated houses.

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

NYSERDA Grant for EV Charging Station: NYSEG order is still pending. The next step then is to get a purchase order or contract for the charging station that we can submit to NYSERDA for reimbursement. There is a meeting tomorrow to address this.

#### **Zoning Update**

Eve Ann and Sue started to work on reviewing the attorney's comments. The Zoning law is now with Nan Stolzenburg to incorporate elements of the Short-Term Rental Law. She will have it back to us at the end of January. The noise law was sent to the town attorney on December 28 with additional questions for her.

#### **OLD BUSINESS:**

**AOT - Assign Delegate and Alternate Delegate for AOT Annual Business Meeting to be held on 2/21/2024 in New York City**

**RESOLUTION 2024-19: Designate Delegate and Alternate Delegate as Representative for AOT Annual Meeting on February 21, 2024 in New York City**

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

Resolved that Dana Krueger be voting delegate and Eve Ann Shwartz be the alternate delegate for the AOT Annual Meeting on February 21, 2024 in New York City.

**NEW BUSINESS:****Resolution to apply for a Municipal Certificate of Need (CON) for Ambulance Services within the Town of Hamilton**

SOMAC was at one point talking about selling their CON to another company which would conflict with the County. That did not happen but in the process Supervisor Shwartz had a conversation with Dan and Jenna at the County and both the Towns of Nelson and Lebanon have their own CON. It basically allows the town board to decide who they want to contract with, and the state is very supportive of municipalities getting their own CON because it means that you are making sure that the service exists in your community. Because SOMAC was already here, it was not an issue but now things are different. It would be a good thing at this point for the Town to get such a certificate. In the process of getting the certificate the Town would present why its needed and that the Town is going to contract with the County for now. The preliminary CON is for 2 years and then it's renewable. It would allow the Town, in the event that if something happened at the County, something that people were concerned about at the public meeting last fall. What if the Board of Supervisors change their mind or it's become too expensive to operate a countywide annual service that is no longer feasible. What would Hamilton do? She is recommending to the Town Board to do. She has only explored the option so far. The Town can use the Town of Nelson's resolution and Jenna would fill out the application. Hope to have this in February.

**Assessor Trainee Position**

Supervisor Shwartz discussed this with Shelly Harris. The person interested in the position got another job. Shelly is working on a Job Description. Ms. Shwartz spoke with Melissa Davies at the HUB and she had ideas of people who might be interested.

**Concerns of Town Board:****Supervisor's Report: Madison County Activities:****EXECUTIVE SESSION****RESOLUTION 2024-20: Executive Session**

On a motion of Councilmember Griff, seconded by Councilmember Krueger, the following resolution was: ADOPTED: Ayes: 5, Nays: 0  
Resolved that this Board move into an Executive Session for litigation at 8:18 p.m.

**RESOLUTION 2024-21: Return to Regular Session**

On a motion of Councilmember Krueger, seconded by Councilmember Griff, the following resolution was: ADOPTED: Ayes: 5, Nays: 0  
Resolved that the Board return to regular session at 8:34 p.m.

With no further business, on a motion of Councilmember DuBois, seconded by Councilmember Krueger, the meeting was adjourned at 8:35 p.m. Carried unanimously.

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