

Town of Hamilton Regular Board Meeting Minutes
Thursday, November 12, 2020 at 6:30 p.m.
Via ZOOM VIDEOCONFERENCING

Present: Eve Ann Schwartz, Shari Taylor, Darrell Griff, Mary Dinski.

Absent: Peter Darby. Others Present: Sue Reymers, Town Clerk, Brynley Wilcox, Bookkeeper, Luke Dowsland, Highway Superintendent, Mark Miller, CEO.

Public: Jim Leach, Chris Rossi, Kathleen Palmer.

Call to order & Welcome: The meeting was called to order at 6:35 p.m.

Public Comments:

Chris Rossi updated the board on activities of the Zoning Update Committee and HCPWG.

DEPARTMENT REPORTS:

Highway Superintendent – Luke Dowsland

GENERAL REPAIRS:

- Fixed driveways on Excell Rd from cutting shoulders
- Put a new driveway culvert in on Preston Hill Rd
- Fixed two driveway culverts on Hoose Rd
- Sucked leaves out of the ditches on Preston Hill, Spring St, Spring Hill, Sacco Rd
- Took out a beaver dam on Excell Rd twice
- Cleaned under the guiderails on Wickwire Rd

EQUIPMENT:

- Got all trucks ready for winter
- Put new tires on #23
- Fixed the County's sod loader
- Got the leaf sucker that we purchased off Auctions International running
- Revamped the grizzly we use to screen our sand
- Put hydraulic fittings on the loader to allow us to use our grapple bucket
- Put recap tires and refurbished wheels on #17
- Took #16 to Utica Mack for a horsepower upgrade and to have the steering adjusted

TREE REMOVAL:

- Hauled all the brush that was piled at the shop to Eve Ann's gravel bed
- Picked up 2 trees that came down on Cole Hill Rd

SNOW REMOVAL:

- Sanded once and plowed and sanded twice
- Put all the plow frames and wings on
- Rebuilt the brine maker to better keep up with the compacity we need it to run at

OTHER:

- Purchased and picked up a used leaf vac to suck the leaves out of ditches around town to prevent them from clogging up. We got a very good deal on it and it'll allow us to keep up with the ditches better than relying on borrowed equipment
- Replaced the modem on the electric vehicle charging station near the village office
- Cleaned out both sheds to make room for winter storage
- Hot mix paved the trench from the floor drain behind our shop and filled pot holes at the school. They paid for all the material we used there.

Supervisor/Bookkeeper – Brynley Wilcox

CHIPS:

- \$29,058.24 was received from the State
 - Amount requested: \$29,058.24
 - NO reduction taken by the State

PAVE-NY:

- \$20,043.76 was received from the State
 - Amount requested: \$25,054.70
 - 20% reduction taken by the State

EWR-Extreme Winter Recovery:

- \$17,052.12 was received from the State
 - Amount requested: \$21,315.15
 - 20% reduction taken by the State

CHIPS (pending)

- \$65,850.80 was submitted to the State for reimbursement on 11/2/20

RESOLUTION 2020-113: Audit of Claims

On a motion of Councilmember Dinski, seconded by Councilmember Griff, the following resolution was: ADOPTED: Ayes: 4, Nays: 0

Resolved that the bills contained on Abstract #11 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No.	337	<i>through</i>	369	44,002.17
General Fund B	No.	60	<i>through</i>	68	7,297.98
Highway Fund DB	No.	144	<i>through</i>	163	32,134.40
Street Lighting SL	No.	21	<i>through</i>	22	405.00
Prepays					61,955.62

Ms. Wilcox requested that a board member arrange to sign the bills from the last few months because we have been meeting via Zoom, it's not getting done. Shari Taylor will handle it.

Town Clerk Reports – Sue Reymers**CLERK'S OFFICE**

- Processed month end and distributed funds for October.
- Sales have been strong for Hunting and Fishing this year.
- People are finding us in the new location. Lots of compliments on the building.
- Customers are following the guidelines for mask wearing and keeping distances.

NEW WEBSITE:

- Training was completed end of October. Go Live Date was 10/23.
- From this point forward, I will promote the website more on social media so people know to go to our website for resources.
- Please spend time on it and get familiar with it. Send suggestions and edits to me.
- This is never a finished project but rather an going. Check back often.

OTHER PROJECTS:

- Uploaded two entries to Clean Energy program with assistance from Amanda Mazzoni.
 - September entry: CSC Bronze Certification
 - October entry: LED Streetlights changeover.
- Technical Updates
 - Met with ACC Tech to assess our needs now that we have moved in.
 - Exploring Microsoft Teams and online storage. Waiting for proposal on what that entails and potential costs, if any.
 - New Supervisor's laptop is here.
 - Added another camera and mic for staff for Zoom and Webinars.

TRAININGS:

- New York State Town Clerks Association is offering webinars on various topics for free. This is in lieu of the annual conference and quarterly trainings that require travel costs and fees.

Minutes to Approve:

- March 12
- March 16
- March 25
- April 1

RESOLUTION 2020-114: Approval of Minutes – 3/12, 3/16, 3/25, 4/1

On a motion of Councilmember Dinski, seconded by Councilmember Griff, the following resolution was: ADOPTED: Ayes: 4, Nays: 0

Resolved that the minutes for March 12, March 16, March 25, April 1 be approved.

Discussion led by Supervisor Shwartz on request by Clerk Reymers to close to the public on Fridays to allow time for catching up due to COVID and the town hall project

as well take time when over hours. Services would continue via appointment and work would still take place. This is only from November to April 30 and resume normal hours starting back in May. Clerk Reymers is also thinking ahead to modify how we operate if the County goes to a yellow zone. Mary Dinski is working on the Emergency Health Plan. If anything changes with the office, Clerk Reymers will keep the board informed. All agreed.

Codes Enforcement Officer Report – Mark Miller

There will be a regular report next month.

COMMITTEE REPORTS:**SOMAC**

Clerk Reymers shared Peter Darby's report. SOMAC's projected operating loss \$33,000 less than budgeted. Karl Clauss to join the board. They need to replace one ambulance. Consulting with Dave Buran on fund raising. Will cost north of \$150,000. Also, they saved a life with the auto pulse. Construction worker at Five Trees went into afib. Auto pulse kept him alive for two hours with no heartbeat. Expected to make full recovery. Supervisor Shwartz asked if Luke's crew is still repairing the equipment. Luke shared that they have not repaired anything since the summer. Supervisor shwartz asked him to contact them to ask about it. Clerk Reymers shared that the service agreement was never finalized. Clerk Reymers will email it again to Ms. Shwartz.

Partnership for Community Development

Mary Dinski updated the board. They are working on their budget, which will be tight. They received a contract for first time buyers program up to \$350,000 for Village and Town residents first. Max grant for individual is \$31,000. HBA and PCD is filing a merger. Shari reported on the Earlville for Earlville project. Design Connect is working on designing a skate park, playground, and a trail system at the old school. Shari was enthusiastic about their design. There was a hiccup with the new fire station, which will be built where the old bus garage is located, but after a meeting it was all worked out. The group will take a hiatus while Jen is out on maternity leave. The plan now is to move the village office, courthouse and fire station altogether. An idea that Shari has is for the old village office to become part of the library and be a meeting room. Lauren Schwarting is the new village trustee. Mary continued to report that the PCD is launching a USDA technology grant for ag and forestry businesses.

Recreation and Youth Committee – Nothing to report.

Zoning Update Committee – Already reported on.

SPECIAL PROJECTS:

Hamilton Climate Preparedness Working Group – Already reported on.

Town Office Building

Supervisor Shwartz noted a bill from the electrician. Clerk Reymers clarified that a couple of the light fixtures needed replacing and that he also installed a new light for the pump station that is outside the building. If the pump station fails, the light goes on. She sent out letters to a few neighbors and the Village DPW to call Luke, Sue or Eve Ann if the light goes on. Shari asked about the bulletin board. Clerk Reymers has a list of items to order and it will be ordered. The signage needs to be finalized. Debate on whether or not to have a board behind it. The letters are PVC and will be black. Luke will handle it. Brief discussion on the grant for CFCNY. Clerk Reymers is working on assessing the tech needs for the grant. Due in April.

Earlville Needs Assessment – Already reported on.

OLD BUSINESS:**Resolution to Adopt 2021 Budget****RESOLUTION 2020-115: Adoption of 2021 Budget**

On a motion of Councilmember Dinski, seconded by Councilmember Griff, the following resolution was: ADOPTED: Ayes: 4, Nays: 0
Resolved that the 2021 Preliminary Budget be adopted.

BOARD APPOINTMENTS:

Still pending is the replacement for Zoning Board Member for Bill Nolan – Term 1/1/2020-12/31/2024. There have been a couple of suggestions.

NEW BUSINESS:**Policies Development**

Brynley Wilcox suggested that a more comprehensive personnel policy be adopted including other policies such as sexual harassment. It will need review by an attorney. Ms. Wilcox is happy to take this on. Clerk Reymers added that computer policies should be included. We tried to use another town's HR manual, but it was more than we needed. There are samples out there, but we need a list of what we need. Brynley will be in charge of this and ask for input as needed.

Property Complaint

Report to the Board as follows:

“October 19, 2020

Members of the Town of Hamilton Board,

I have been dealing with a property on 7478 Willey Rd, tax map #199.12-1-32. The property has been issued 3 property maintenance orders to remedy dating back to April 2019. The current owners Ashton Boyd and Kristina Shockley have responded in the past to said orders and made limited efforts to bring the property into compliance. The dwelling has been vacant for over a year. On July 14, 2020, responding to a complaint I issued an order to remedy for several property maintenance and fire code violations (see attached). The certified letter was received and signed for on 7/17/2020. The property owners were given 30 days to remedy the violations.

Upon investigation after the 30 days had expired it was determined that the violations still existed. The front door remains open and broken windows have not been secured. The garage still contains bags of garbage and is a source of rodent harborage. (see attached photos)

International Fire Code

311.2 Safeguarding vacant premises.

Temporarily unoccupied buildings, structures, premises, or portions thereof shall be secured and protected in accordance with Sections 311.2.1 through 311.2.3.

311.2.1 Security.

Exterior and interior openings open to other tenants or unauthorized persons shall be boarded, locked, blocked, or otherwise protected to prevent entry by unauthorized individuals. The fire code official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

International Property Maintenance Code

302.5 Rodent harborage.

Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

308.3 Disposal of garbage.

Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

302.4 Weeds.

Except as provided for in statute, local law, ordinance, or other regulations, all developed areas of a premises that are intended to be used by building occupants or the public shall be maintained free from weeds in excess of 10 inches (254 mm). Noxious weeds shall be prohibited.

I believe the Town of Hamilton could utilize Local Law #1 of 2020, to remedy the violations that endangers the health, safety, or welfare of the residents of Poolville. The following sections of this Local Law are directly applicable to this case:

SECTION I. LEGISLATIVE PURPOSE AND INTENT.

Unsafe buildings and collapsed structures pose a threat to life, health, and property in the Town of Hamilton. Buildings and structures may become unsafe by reason of damage by fire, or other casualty damage, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows are nuisances and serve as a congregation area for vagrants, the homeless, mentally incompetent and children who may be injured therein. A dilapidated building or collapsed structure may also serve as a place of rodent infestation and thereby create a health menace to the community. Debris, rubble or parts of buildings left on the ground or in disrepair and not removed constitute a dangerous, unhealthy and unsightly condition. It is the purpose of this Local Law to provide for the safety, health, protection and general welfare of people and property in the Town of Hamilton by requiring such unsafe buildings, structures and/or premises to be secured, repaired, removed and/or demolished.

SECTION 3. DEFINITIONS

UNSAFE BUILDING OR STRUCTURE - Any building or structure or portion thereof that endangers the health, safety, or welfare of the public, and may include, without limitation, buildings, or structures with any or all of the following:

- A. Open at the doorways or accessible by and a source of attraction to minors under 18 years of age, as well as to vagrants and other trespassers;
- B. Which may become a place of rodent infestation, or infestation by other insects or pests.

Thank You, Mark Miller, Code Enforcement Officer"

Mark Miller reviewed his report on vacant property located at 7478 Willey Road next to the community center. There have been several past orders to remedy last couple of years and they made some progress for cleanup. It has been vacant for the last year. There have been different issues; main concern is front door is not secure and is wide open. Issue for minors getting into the property. There are different health hazards. The garage is full of garbage, including food refuse, that are as high as the windows. Over the summer an order to remedy went to the owners but there has been nothing done. This is the status and ask the town board to contemplate what they wanted to do next.

Supervisor Shwartz described that under the new law that was passed recently, it gives the town board the right to take action to secure the property and make it safe, whether it's to repair it or demolish it. In this case, there are things that can be remedied for the safety of the neighbors. She then described the process. First, the board would pass resolution and schedule a hearing. A notice is given to the owners about the issue and to attend the hearing. There was some confusion whether the town or the owners have 30 days to begin to remedy the situation and 60 days to complete it. If the town handled the clean-up, the cost would go on the tax bill for reimbursement to the town. Likely on the 2022 tax levy. The town can use it's own crew for aspects of the work, such as mowing. The garbage removal may be the biggest health hazard. The town would have to follow its own procurement policy to hire someone. It likely would only cost a \$1-2,000. There was a brief discussion on the details of the property.

RESOLUTION 2020-116: Order to repair Buildings/Structures at 7478 Willey Road (Tax Map #: 199.12-1-32) and Order for a Hearing on November 30

On a motion of Councilmember Griff, seconded by Councilmember Dinski, the following resolution was: ADOPTED: Ayes: 4, Nays: 0

Resolved that the owners of 7478 Willey Road (Tax Map #: 199.12-1-32) be sent a notice of order to repair the property per the CEO's report and notice of a hearing before the Town Board on November 30 via Zoom Videoconferencing; notice to be give at least 5 days via certified mail per Local Law 1-2020 "A Local Law to Provide for the Securing, Removal or Demolition of Unsafe Buildings and Structures in the Town of Hamilton."

Concerns of Town Board: None.

Supervisor's Report: Madison County Activities:

Supervisor Shwartz reported on COVID and emergency operations response to the increasing numbers. There was a motion to defund Cornell Cooperative Extension which was voted down. Also there was a motion to change the budget to increase the levy from 1% to 6% which was also voted down.

EXECUTIVE SESSION**RESOLUTION 2020-117: Executive Session**

On a motion of Councilmember Taylor, seconded by Councilmember Dinski, the following resolution was: ADOPTED: Ayes: 4, Nays: 0

Resolved that this Board move into an Executive Session for the advice of counsel on an assessment lawsuit against the town at 8:11 p.m.

RESOLUTION 2020-118: Return to Regular Session

On a motion of Councilmember Dinski, seconded by Councilmember Taylor, the following resolution was: ADOPTED: Ayes: 4, Nays: 0

Resolved that the Board return to regular session at 8:36 p.m.

With no further business, on a motion of Councilmember Taylor, seconded by Councilmember Dinski, the meeting was adjourned at 8:37 p.m. Carried unanimously.

Respectfully submitted,
Sue Reymers
Town Clerk