

**Hamilton Town Council Regular Meeting Minutes  
Thursday, October 14, 2021, at 7:00 p.m.  
Via Zoom Videoconferencing**

Present: Eve Ann Shwartz, Shari Taylor, Darrell Griff, Peter Darby.

Absent: Mary Lee Dinski. Others Present: Luke Dowsland-Highway Superintendent, Sue Reymers-Town Clerk, Brynley Wilcox-Bookkeeper.

Public: Chris Rossi, Jim Leach, and others from the public.

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

**Public Comments (5 minutes): no general comments.**

**PUBLIC HEARINGS**

**Public Hearing on the Proposed Local Law A of 2021 "Tax Cap Override"**

**RESOLUTION 2021-88: Open public hearing on Proposed Local Law A-2021**

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

Resolved that public hearing be opened at 7:05 p.m.

Deb Hotaling read a letter that she does not agree with the tax cap law as it reads but it is the standard that many taxing districts try to adhere to the 2% whenever possible. She realizes that there are times it's necessary to exceed it but her concern is that the Town of Hamilton consistently exceeds the 2% target. Maybe it's time to take a look at some of the discretionary spending and the budget or tap reserves, if appropriate, in the future.

Supervisor Shwartz responded that the town may be able to not exceed the 2% this year for very specific reasons. Tonight the board will select a date for the budget public hearing. Mr. Darby added that budget numbers are still coming in and the reason to pass the law is so that the board does not have to tie their hands. Supervisor Shwartz also clarified that she checked with the attorney, and she is going to propose to table the proposed local law because the town is so close to staying below the tax cap. If its needed, it can be voted on at the November meeting. If its not needed, it can be rescinded.

**RESOLUTION 2021-89: Close public hearing on Proposed Local Law A-2021**

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

Resolved that public hearing be closed at 7:10 p.m.

**Public Hearing on the Proposed Local Law B of 2021 "Seasonal Accommodations Moratorium"**

**RESOLUTION 2021-90: Open public hearing on Proposed Local Law B-2021**

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

Resolved that public hearing be opened at 7:10 p.m.

Clerk Reymers provided seven letters to the board pertaining to the proposed local law B-2021 and they will become part of the record.

Wanda Warren Berry spoke that she was in attendance to learn more and wanted to learn more about the kinds of concerns that the board is going to look into.

Doug Zamelis, land use and environmental lawyer from Cooperstown who represents Mr. Stull who lives on Spring Street spoke. He expressed concerns with this topic and shared that Cooperstown has had similar issues with transients and seasonal accommodations. "This phenomenon, this Airbnb stay economy is actually a very prevalent issue all over the state all over the country, the economy is changing. And many most zoning laws don't anticipate this type of use and how to regulate it, but in the 1990s just south of the village of Cooperstown a tournament baseball facility. was created, which brings a lot of people to Cooperstown, and they were having in and around the village serious problems with people who are coming to watch their kids, their nephews, their grandchildren play tournament baseball but, otherwise, it was their vacation, and they often stay up late, they bring lots of people, they have what many people consider as loud parties and in a residential community like you have in the town of Hamilton that often causes many conflicts. One thing that the village of Cooperstown has done has adopted owner occupancy requirements, which the town can check with the mayor. This owner occupancy requirement has led to a substantial reduction in complaints, because having an owner there, make sure that people behave themselves and that properties are accorded with respect. And that has been one thing that has worked well for the village of Cooperstown. I suggest that among all the other communities that have been dealing with this issue that you look at their laws which have actually, I can tell you have had some success, so I just wanted to share that experience with you, thank you."

Supervisor Shwartz thanked him and clarified that they are going to pass a moratorium, so the board has time to study the problem and look at various solutions that various communities have come up and try to find one that makes the most sense for the town outside, not the Villages (Hamilton and Earlville). Concerns regarding the Village of Hamilton should go to their board. Of the letters we have received, all of them have favored the moratorium in order to give the town time to make a good study because there are real concerns about its impact on residential life, as well as the impact on the economy of the Community, there are two sides to this and both sides need to be balanced.

Rebecca Ammerman spoke "I would like to just say a couple things about what I think are adverse conditions when we see people coming in and buying up not only in the town, but, as you mentioned Wanda there are a lot of houses being bought up now, so the village, so this is a two pronged concern it needs to go as, as we have learned from Eve Ann in two places, but even if I'm living in the village, I have to say that I have often been disturbed by loud parties on Spring Street, and these have occurred, you know, often with you know special weekends or any weekend or during the week with younger people who are living there for various reasons, and that noise comes up you know from the town across.

I remember in particular, this goes away back, but the first time that this occur to disturb me, I would like to say was when some of you will remember, Elaine Maxine was fighting cancer and she lived down the block she couldn't sleep. My neighbor was a carpenter he had to get up at 5am and go to work and he couldn't sleep. My son was in school, and he had to get up at 6:30 am and he couldn't sleep because of the noise issues so, even if the noise is in the township if it's close enough, it will you know disturb the peace of all of us.

Larger issues for me, though, are the fact that we are pricing out normal people from this village our school teachers in the local school can't afford to live in our housing and I think this kind of purchase of house which is for profit it's a way to invest extra money and so forth in real estate instead of stock markets, and so, yes, there is an economic advantage for some people, but we are destroying the quality of life that we have enjoyed and that local people who you know, have you know middle class salaries are now not able to live in the Community where their teachers you know they can't send their children to the school where they teach which has been a long time tradition here. It's even you know for the larger you know the entity of the university is one of the major financial drivers here in this village, but even their staff and their junior faculty are unable to find housing in this area that is affordable with this kind of thing; it's pricing them out and therefore it's not attracting people that we would want to be able to contribute to the to the Community to commit to contribute to this Community. They're going to have to look elsewhere, they may have to look at Cooperstown where they've passed legislation, maybe that's more favorable I don't know but I mean I'm joking, in that sense, but I do think that it's a serious economic issue for the quality of life for those who live here and in the township. Thank you.

David Rice of 2077 Spring Street spoke: I did send in a letter but I think that it addresses the questions to understand what some of the issues are for the for the everyone else who was on the call so I won't read the whole letter but I'll extract from it. "I do support the council's proposed moratorium, at least with respect to the town's a residential district. I don't have a view on the nonresidential district. Although I understand you probably want one rule. Conversion of single-family residential dwellings in the residential district to seasonal accommodations or the construction of the same has the

potential to have a significant and adverse impact on the character of these neighborhoods. This supports the need for increased oversight by the town for permitting and ongoing operation of such usage. Residential district is small and distinct, its land is a little under a square mile, which is only 2.5% of the whole town. The huge economic incentive to convert an existing resident to a seasonal accommodation reconfiguring the structure for an increase capacity turning a two-bedroom home into a home with capacity for 8 to 10 overnight guests, while this provides accommodations for out-of-town groups for Colgate or other functions, it also creates the potential for noise, parking and other problems for the neighborhood, especially because no resident owner is present in the house. There's a significant potential for private residence to be converted to an unsupervised commercial business. As the town considers how to regulate seasonal accommodations, I suggest that in addition to the purely zoning questions, it's also appropriate to consider neighborhood factors (such as proximity to other residences and screening), health code issues (smaller residential buildings are unlikely to have adequate septic systems for larger occupancy), fire code issues (extra smoke/CO2 alarms, extinguishers, escape routes), and law enforcement response capability for real-time noise or parking violations. We only have the Sheriff. Consideration could also be given to time-limited permits with renewal requirements, annual fees, and annual usage caps. The proposed moratorium has relief provisions for unusual hardship, and I suggest that the bar for such relief should be set very high. As noted earlier many other localities have addressed the same issue, including others in Madison and nearby counties I'm sure, the Council will seek to learn from the experience of others, thank you for your consideration."

**RESOLUTION 2021-91: Close public hearing on Proposed Local Law B-2021**

On a motion of Councilmember Darby, seconded by Councilmember Griff, the following resolution was: ADOPTED: Ayes: 4, Nays: 0  
Resolved that public hearing be closed at 7:25 p.m.

**DEPARTMENT REPORTS:**

**Highway Superintendent - Luke Dowsland**

**GENERAL REPAIRS:**

- Hauled all the stone in to pave Bailey Road
- Suit-Kote came and paved Bailey Road
- Madison County paved Borden Road over the arch culvert
- Mowed all the roadsides that we have to put shoulders on. (Bailey, Wickwire, Cole Hill and Kelly)
- Put shoulders on all the roads we paved this year
- Graded Lake Road

**EQUIPMENT:**

- Got the leaf box put back on the small dump and prepped for leaf sucking season
- Got the leaf sucker out; serviced and fixed up for the season

- Put a new blower motor in #15
- Took #16 to Utica Mack for a sensor in the rear end
- Under coated #15 and #16

**TREE REMOVAL:**

- Cleaned up 5 downed trees

**OTHER:**

- The new #25 was delivered. NYE took the 2010 F150 in trade
- Paved in Brookfield for a week
- Helped Georgetown for a week cleaning up from a large rain event they had
- Dump Days was a success; fairly well-attended. Definitely worth doing next year. It was noted that more advertising was needed.
- Worked on 511 once replacing a brake line
- Took 512 to Syracuse twice for a sensor issue. We believe it's fixed now.

**Supervisor/Bookkeeper - Brynley Wilcox**

AIM (Aid & Incentives for Municipalities) - \$44,184.00 received from NYS on 9/17/21

TRASH DAYS: \$25.60 was received for the disposal of freezers, microwaves, etc.

**EV CHARGING STATION:**

- \$75.32 was received from ChargePoint
- Since being installed in August 2017:
  - \$452.69 in revenue has been received
  - \$455.31 in electricity expenditures

Mr. Darby asked usage and Ms. Wilcox will create a usage chart on the EV charging station and email it to the board.

Ms. Wilcox also reported on the meeting with the auditor, Dan Farrow, the CPA. Not a lot to report. A lot of the recommendations from the last few years have been removed. There were four new ones in 2020; town of which were COVID restricted, which she described. A new recommendation included a formal review of journal entries recorded, which only take place once or twice a month for interest or payroll so from now on it will be reviewed by somebody. The audit was good and sunny and a resolution is needed to accept it.

**RESOLUTION 2021-92: Audit of Claims**

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

Resolved that the bills contained on Abstract #10 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No.	266	<i>through</i>	304	82,473.77
General Fund B	No.	67	<i>through</i>	77	711.57
Highway Fund DB	No.	148	<i>through</i>	174	94,059.27
Lighting Districts	No.	11	<i>Through</i>	11	191.25
Prepays					2,405.62
TOTAL:					179,841.48

**AUDIT****RESOLUTION 2021-93: 2020 Audit of the Town, Town Clerk and Justice Court Financials and Accounts**

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

Resolved that the Town Board acknowledges that a 2020 audit was conducted by Cwynar, Farrow & Locke, CPAs of the Town, Town Clerk, and Justice Court financial records and accounts and is on file in the Town Clerk's office.

**TECH for MTG ROOM**

Ms. Wilcox shared a proposal from Dedicated Systems to convert the meeting room into a technically able room that can accommodate hybrid meetings. They are from the Hamilton area and handle the tech in federal court rooms and this job is so much smaller than they are used to. Ms. Wilcox described the various features which includes a large display that has a touchscreen and smart board. There was a brief discussion. Funding from ARPA can cover this expense because it's COVID related.

**RESOLUTION 2021-94: Approval of Proposal for Meeting Room Technical**

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

Resolved that the Supervisor be authorized to make the final decision on the proposal from Dedicated Systems, Inc. (\$8,942.50) for the Meeting Room technology once the Clerk has reviewed the features.

**Town Clerk - Sue Reymers****Grants:**

- DASNY (Valesky - \$100,000) Payment Packet Request Sent 10-8-2021. They requested a few documents in follow-up and will be sent along asap. UPDATE- DASNY has the follow-up documents and is now under final review.
- DOS (Magee \$50,000) Waiver for MWBE - still pending. If rejected, the grant will be short \$2,874.74. Follow-up email sent 9/22/2021. No response.

**Town's Technology (hardware and software):**

- SOFTWARE: The staff have finalized their choice to go with BAS Software for Clerk and Codes. Discussing with Town Supervisor when to purchase and implement with consideration of budget and workloads.



- **HARDWARE:** ACC Tech is working on a proposal for a small server to switch us from a peer-to-peer server system. It will meet specs for BAS software.
- **Credit Cards:** I have selected to sign up with Forte to accept credit cards and online payments. Contract is completed. Hardware arrived 10-12-2021. Set-up will occur soon.
- **Website:** Still waiting for Civicplus developers to install the final code to switch over to .gov. I email periodically to check in, but it's on their list to do.,
- **PHONES:** Purchase 2 new phones for Deputy and Town Clerk. Will begin process to transition to Phone Tree.

#### RECORDS RETENTION UPDATE:

- Dan Misch started on September 18 with the reorganizing of the records room. He was able to rebox the records that needed new boxes. He moved some of the shelves around to increase capacity. He re-organized the boxes by department. Dan has done a fantastic job and way more efficiently than I could have done because they boxes are very heavy. He is now boxing up the codes building plans/site plans/subdivisions. There will be around 200 of those when he is done.
- Town Court Records – 20 boxes were sent to our site from the court house.
- Meet with Matthew Shaler, Madison County Records Management Coordinator on October 6. Meeting was a result of my inquiry about the town's assessment books because we have 15 banana boxes full of these large, oversized books from the early 1900's to-date. Back in 2013, when I contacted the county to verify that they had the books, no one could tell me that they did have them, so we needed to keep them. When I contacted Matt at the County, he had just finished reorganizing the town's assessment books and upon meeting verified that he has all of the books we have. The good news is that we can destroy most of the assessments books now with a couple of exceptions – records prior to 1910 need to be retained and I will also retain a few copies from the 1970s to help with unidentified codes property files that were pre-911. Overall, this will save space.

#### CEMETERIES:

- Have not received boxes yet from Woodlawn.
- **Burial Permits:** I noticed that I have not received Burial Permits in the last few years and after one came in recently, I called Michael Seelman from NYSDOS Division of Cemeteries to clarify the law. He cited the law that shows how completed permits need to be filed with the registrar of the district. "...within 7 days after the date of interment, cremation or other disposition." per Public Health Law §4145. It's now on my list to further research to get the records in order.

**BUILDING WARRANTY ISSUES:** Staff Bathroom corners were fixed again on 10/1. Ms. Schwartz asked about the windows. Mr. Darby responded that it will be reviewed again with winter coming.

**RESOLUTION 2021-95: Authorization for Town Clerk to Accept Credit Cards and e-Checks**

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

Resolved that the Town Clerk's office be authorized to take credit cards and eChecks for town services.

**Codes Enforcement Officer****September Activity**

- Approved 2 new Building permits.
- Approved 4 Zoning Permit applications.
- Reviewed incoming site plan and paperwork for 2 special use permit applications (Seasonal Accommodations Spring St.).
  - Reviewed incoming documents for Special Use Permit (farm operation in Hamlet of Poolville).
  - 2089 Spring St LLC is applying for a SUP to run an Airbnb
- Conducted 21 construction inspections.
- Currently performing Code related duties for the Village until the position is filled. Performed 20 construction inspections.
- Followed up on property maintenance violations.
- Referred 2 zoning permit applications to the ZBA.
  - 2089 and 2077 Spring St.
- Reviewed incoming documents for 2 variance requests.
- Attended 1 Planning Board meetings.
- Met with contractors and homeowners to discuss potential projects.

Permit #	Date	Owner's Name	Location of Project	Description of Work	Permit Fee
2021-39	9/7/21	Fiver	7464 Mill St	Break room/septic	\$320
2021-40	9/16/21	Wayne Harris	Ackley Rd	900 sq ft in-law	\$327.50

Supervisor Shwartz explained that a memo of understanding between the village and town is being worked out. Basically offered gratis for 14, not continuous but 14 days during the year when we cover for them, or they cover for us and then after that point, the other party, either the village or the town, that's using more services will then have to pay for those services.

**COMMITTEE REPORTS:****SOMAC**

Mr. Darby reported that SOMAC and the hospital are discussing if there is some way there can be cooperation which would result in SOMAC providing better transfer



transportation and better response for the local community. It's exploratory at this stage. SOMAC is having staffing issues, which is not unique to SOMAC. Mr. Darby described what solutions they are trying. Brief discussion on the 2022 budget, sales tax, ARPA and increased request from SOMAC, which would result in a large tax increase. This will be discussed at the budget public hearing. Ms. Shwartz expanded on the potential for the hospital and SOMAC to work together including a feasibility study to start. The board reviewed the monthly call numbers report from SOMAC.

**Partnership for Community Development** – Nothing to report.

**Recreation and Youth Committee** – Nothing to report.

**Woodlawn Cemetery Committee**

Mr. Griff reported that he spoke with Jay Whipple and told him that the town passed a resolution to accept their records and asked him if there was any update on the last questions that the committee had asked. He said they haven't put them together yet and as the Clerk reported, they have not handed over the records yet. The ball is in their court and the lines of communication are open.

**SPECIAL PROJECTS:**

**Zoning Update Committee**

Next meeting is Monday, October 18.

**Hamilton Climate Preparedness Working Group**

Ms. Rossi reported that they met on Friday and, as you may recall the New York Climate leadership Community Protection Act was passed in and that sets target goals for New York state for reducing greenhouse gases and moving to clean electricity by 2040 and reducing the gas emissions by 2050. They're putting together a Climate Action Plan, much like the town just has done, and they're looking for public input.

The working group is going to put together some sort of response to this. One of the concerns is that, even though we applaud the goals of the group, and what will be the goals of the climate action plan, we want to try and advocate for small communities, like us, that might be adversely impacted by sighting of green energy projects because, as you may know, the sighting process has changed and municipalities will have very little to say when it comes to things like large scale wind projects or large scale solar. There'll be an opportunity for comment if the town wants to draft something. It's possible or if you're interested, the climate working group can draft something and run it by the town, you know we could create some sort of draft comment to send into the group. Supervisor Shwartz agreed that it makes sense to sign onto something because it's likely to impact the town outside. Similar issue in Fenner with wind farm. She asked Ms. Rossi for the group to draft something. Ms. Rossi also reported that there are grant opportunities and asked for a grant wish list for highway or other areas that the group

can keep an eye on. The grants do require a matching fund. The group is going to re-up our climate smart community standing, and they will see how we are doing with greenhouse gas emissions and asked if Sue needed help from Colgate students to assist with the benchmarking. Discussion on getting a summer intern to help with the annual reports.

### **Earlville for Earlville**

Ms. Taylor reported that there is a public meeting this Saturday at the Bell Tree to get input on different design possibilities for the park on Fayette Street. PCD hired Jocelyn Gavitt to put together a design based on the Design Connect plans. PCD will also be looking for funding for it but we need more specifics on what we want to do before we can successfully write a grant.

### **9 Mile Swamp Access Property**

Ms. Shwartz said that this project is on the backburner due to other projects and the committee should meet soon. Need to figure out the second public workshop.

### **OLD BUSINESS:**

**Town Office Building: Warranty Claim, Building Issues, Grants, Grand Opening**  
No updates.

### **2022 Budget**

- Budget & Fire Contracts Public Hearing Date
  - Monday, October 25, 2021, 7 p.m. at the Poolville Community Center.
- Budget Adoption Date
  - Thursday, November 11, 2021, 7 p.m. at the Town Hall.

### **NEW BUSINESS:**

Adoption of Proposed Local Law #A-2021 "Tax Cap Override"

**RESOLUTION 2021-96: TABLED Proposed Local Law "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-C in the Town of Hamilton"**

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

Resolved that the proposed local law A-2021 "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-C in the Town of Hamilton" be tabled until the November meeting.

Adoption of Proposed Local Law #B-2021 "Moratorium on Seasonal Accommodations"

**RESOLUTION 2021-97: Adoption of "A Local Law Imposing a Twelve (12) Month Moratorium on Seasonal Accommodations Within the Town of Hamilton"**

The following resolution was offered by Councilor Griff, who moved its adoption, seconded by Councilor Darby, to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2021, "A Local Law Imposing a Twelve (12) Month 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 September 9, 2021; and

**WHEREAS**, a public hearing was held on such proposed local law on this 14<sup>th</sup> day of October, 2021, 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-2021 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-2021.

**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-2021 as Local Law No. 1-2021 as follows:

**"TOWN OF HAMILTON LOCAL LAW NO. 1 OF 2021  
A LOCAL LAW IMPOSING A TWELVE (12) MONTH 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. INTENT.**

It is the intent of the Town Board of the Town of Hamilton to impose a twelve (12) month 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 term "seasonal accommodation" does not include bed-and-breakfast establishments, as defined in Article 12 of the Zoning Law, or owner occupied dwelling or dwelling units that have been properly approved by the Town of Hamilton Planning Board or Town of Hamilton Code Enforcement Officer, as appropriate. This local law is enacted under the authority of Section 10 of the New York Municipal Home Rule Law.

**SECTION 2. 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.

### **SECTION 3. DEFINITIONS.**

SEASONAL ACCOMMODATION - This term includes the use of any land, facilities or structures for the transient housing of guests other than group homes, hotels and motels, and includes such uses as camps, guest or vacation homes for pay and private clubs that offer overnight accommodations. The term "seasonal accommodation" does not include bed-and-breakfast establishments, as defined in Article 12 of the Zoning Law, or owner occupied dwelling or dwelling units that have been properly approved by the Town of Hamilton Planning Board or Town of Hamilton Code Enforcement Officer, as appropriate.

### **SECTION 4. MORATORIUM.**

A. Unless permitted pursuant to Section 5 hereafter, from and after the date of this Local Law, no application for a permit, zoning permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official agent of the Town of Hamilton, for the construction, establishment, use, creation, maintenance, advertisement and/ or operation of any land, building or structure within the Town of Hamilton for any new seasonal accommodation use, as defined above.

B. This moratorium shall be in effect for a period of twelve (12) months from

the effective date of this Local Law and shall expire on the earlier of: (i) the date twelve (12) months from said effective date of this local law, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Under no circumstances shall the failure of the Town Board of the Town of Hamilton, the Zoning Board of Appeals of the Town of Hamilton, the Planning Board of the Town of Hamilton, or the Code Enforcement Officer for the Town of Hamilton to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

#### **SECTION 5. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.**

A. The Town Board of the Town Hamilton reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Code Enforcement Officer together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b in reviewing any application for relief.

C. The Town Board of the Town Hamilton may refer any applications for relief herein to the Town Hamilton Planning Board or Zoning Board of Appeals for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board after determining whether the requested relief is compatible with any contemplated amendments to the Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

D. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Code Enforcement Officer and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

**SECTION 6. PENALTIES.**

Any individual, partnership, firm or corporation that shall establish, construct, reconstruct, relocate, enlarge or modify any site to be used for a seasonal accommodation use in violation of the provisions of this local law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

**SECTION 7. ENFORCEMENT.**

This local law shall be enforced by the Town Hamilton Code Enforcement Officer or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law.

**SECTION 8. VALIDITY AND 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 affect any other section of this local law.

**SECTION 9. 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 twelve (12) months from the date of passage."

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>Mary Lee Dinski</b>	<b>Councilor</b>	<b>Voted</b>	<b>Absent</b>
<b>Peter Darby</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.

Seasonal Roads Resolution – Town Highway Law §205-a



**RESOLUTION 2021-98: Authorization for Highway Superintendent to Designate Seasonal Roads in the Town of Hamilton**

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

Resolved that the Highway Superintendent be authorized to designate the following roads as seasonal limited use highway from December 1, 2021 to April 1, 2022:

- Alderman Road
- Barnard Road
- Brown Road
- Collins Road
- Humphrey Road
- Lake Road
- Morse Road
- Thayer Road
- Wilkinson Road

**APPOINTMENTS****Board of Assessment Review Appointment**

Tracie DeBisschop 5-year term (10/1/21-9/30/26)

**RESOLUTION 2021-99: Board of Assessment Review Appointment**

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

Resolved that Tracie DeBisschop be reappointed for a 5-year term (10/1/2021-9/30/2026) for the Board of Assessment Review.

**Petition Received September 20, 2021 requesting a lower speed limit on NYS Route 12 by Larkin Road**

Nancy Schmidt spoke about the issues they have been experiencing on NYS Route 12 in East Hamilton and the local residents there are asking the town board to lower the speed limit to 45 beginning at Larkin Road corner down to at least the East Hamilton Methodist Church on Humphrey Road. Ms. Schmidt described the challenges getting in and out of the driveways. Her daughter had an accident recently while entering her driveway while heading north. Cathy Lamphier clarified details on the extent of the accident. They continued to describe the amount of speeding and dangerous conditions.

Supervisor Shwartz acknowledged their concerns and explained the procedures that the town can request the state to do a speed study. The town does not have control over the road but they can request it to be studied. Luke further explained that it's a long process where engineers put the tubes along the road to measure the speeds and they look at different factors. After discussion the board agreed it warrants a speed study. Clerk

Reymers explained that the resolution needs to specify the road between which roads so she can fill out the TE9A Form.

**RESOLUTION 2021-100: REQUEST TO MADISON COUNTY AND NYS TO LOWER THE SPEED LIMIT ON STATE ROUTE 12 (between 1,000 feet north of Larkin Road and to 1,000 feet south of Humphrey Road)**

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

WHEREAS, State Route 12 (between 1,000 feet north of Larkin Road and to 1,000 feet south of Humphrey Road), is a NYS Road located in the Town of Hamilton; and

WHEREAS, the road is posted with a speed limit of 55 mph; and

WHEREAS, because of the nature of the road is flat and straight causing a tendency for motorists to speed; and

WHEREAS, the road has experienced numerous accidents and dangerous conditions for those who live in East Hamilton along that section of road; and

WHEREAS, more data and info such as: accident records from law enforcement, emergency response officials and local residents, State Route 12 would benefit from traffic safety improvement measures, now, therefore be it

RESOLVED, the Town requests that the speed limit on State Route 12 in the Town of Hamilton be lowered and that a speed study be conducted and authorizes the Town Clerk to sign a New York State form TE9a, submitting said request to Madison County for its review and forwarding to NYSDOT.

**Concerns of Town Board:** None.

**Supervisor's Report: Madison County Activities:** Supervisor Shwartz gave a brief report.

With no further business, on a motion of Councilmember Griff, seconded by Councilmember Darby, the meeting was adjourned at 8:38 p.m. Carried unanimously.

Respectfully submitted,  
Suzanne K. Reymers, RMC  
Town Clerk