

Hamilton Town Council Regular Board Meeting Minutes
Thursday, October 12, 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.

Absent: Luke Dowsland, Highway Superintendent.

Public In-Person: Ian and Astrid Helfant, Barbara Bowen, John Bowen, William Stull, Elizabeth Harris, Braden Houston, Allegra Culler, Elizabeth Caric, Gair Meres, Melissa Rock, Rachel Amann-Burns, Elizabeth Harris. Public Via Zoom: Jim Leach, Deb Hotaling.

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

Public Comments:

Braden Houston – Speed limit on Spring Street, wanted an update from the Town Board on his suggestion to get electronic speed indicators to monitor the 30-mile speed limit on Spring Street. Supervisor Shwartz indicated that the town had a budget workshop in which they proposed to purchase 2 portable monitors. This will allow the Town to move them from Spring Street to Poolville and other areas throughout the Town to help monitor Speed Limits and help gain compliance within the Town while budgeting out the costs. Braden emphasized that he feels it is a major safety concern that pedestrians aren't utilizing the sidewalks and are walking with traffic and would like more signs set up to address this issue.

The Bowen's brought up concerns regarding the property on the corner of Hamilton Street and Spring Street, Supervisor Swartz responded to Zoning process really needs to go through the Village not the Town since the property in question is asking for Annexation to water and sewer. Supervisor Swartz recommended any further concerns should really be addressed with the Village of Hamilton. Others also commented on the new proposal.

Public Hearing on Proposed Local Law C of 2023

"A Local Law To Enact Regulating Short Term Rentals in the Town of Hamilton."

Letters Received Regarding Local Law C-2023 from the Public

RESOLUTION 2023-83: Re-open the public hearing for Proposed Local Law C of 2023

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

Resolved that the public hearing be opened at 7:12 p.m.

Supervisor Shwartz stated that there were a few minor changes to the local law, which can be found online. Copies are available here tonight. Letters have been received, read, and filed.

Astrid and Ian Helfant spoke about the law and asked about their situation. Supervisor Shwartz responded. Dana Krueger explained about the process used to develop the local law. They submitted a letter on September 20. *Adoption to take place under New Business.*

RESOLUTION 2023-84: Close the public hearing

On a motion of Councilmember Griff, seconded by Councilmember Krueger, the following resolution was: ADOPTED: Ayes: 5, Nays: 0 with all persons being heard for or against, Resolved that the public hearing be closed at 7:35 p.m.

Public Hearing on Proposed Local Law D of 2023

"A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Hamilton."

RESOLUTION 2023-85: Open the public hearing for Proposed Local Law D of 2023

On a motion of Councilmember Taylor, seconded by Councilmember DuBois, the following resolution was: ADOPTED: Ayes: 5, Nays: 0
Resolved that the public hearing be opened at 7:35 p.m.

Supervisor Shwartz spoke about the need for the law. The town has passed this law many years in a row but did not need it last year.

William Stull asked about the reassessment. Shwartz responded that the purpose of the revaluation of everyone's properties to keep properties fairly assessed compared to each other. If you had a rise in the value of your property, and therefore an accompanying rise in your taxes, because in theory the taxes would say your property was undervalued. It didn't create more money. The only thing that creates more tax revenue from property taxes is actual additional building that's taking place. So, for example, the houses that were built next to 5 trees, that added about 20 to 25 houses to the tax base. There's actually been a lot of building out in out in the town in the last few years. So we continue to add more property that increases the tax base in theory, that's that reduce, that would reduce. And in a perfect world we didn't change the budget that would reduce everyone's taxes by small amount. It's not a simple, direct correlation. And you know, as I'm saying, you come back and hang out with us and go over the budget. You'll find that there's tremendous increases because we have to keep up in order to keep good employees. You have to be competitive. Supervisor Shwartz invited the public to attend the budget meetings which will be posted.

Adoption to take place under New Business.

RESOLUTION 2023-86: Close the public hearing

On a motion of Councilmember Taylor, seconded by Councilmember Krueger, the following resolution was: ADOPTED: Ayes: 5, Nays: 0 with all persons being heard for or against, Resolved that the public hearing be closed at 7:42 p.m.

DEPARTMENT REPORTS:**Highway Superintendent Report – Luke Dowsland****GENERAL REPAIRS:**

- Ditched on Hill Rd.
- Cut shoulders and ditched on Spring St.
- Built a new turn-around on Noble Rd.

- Finished crack sealing for the year.
- Replaced and fixed a few signs around Town.

EQUIPMENT:

- Went through 16 and undercoated it.
- Went through 18 and undercoated it.
- Serviced the leaf vac and chipper.
- Fixed the tarp on 17.

TREE REMOVAL:

- Met with Brent Harris about trimming 3 trees on Spring St. We decided we will completely remove the trees. Work will be done on 10/16.
- Trimmed trees in all the plow turn arounds.

SNOW REMOVAL:

- Hauled sand with Brookfield's help.

OTHER:

- The new 18 was delivered.
- The new 24 was delivered and is at the body installer. It should be done by the end of next week.
- Dump Days went well. We hauled 6 truckloads to the landfill. We stayed under the "10-ton free" limit. Two loads of electronics were hauled to LOJO's
- Kept up on lawn mowing.
- Put the kayak launch in storage at Eve Ann's house. Thank you, Eve Ann. Clerk Reymers inquired if the Insurance covered the storage, Brynley to follow up and verify coverage.

Supervisor/Bookkeeper – Brynley Wilcox

AIM PAYMENT: \$44,184.00 was received from the State.

CLEAN-UP DAY:

- Saturday, September 30, 8:00am to 4:00pm
- \$350.00 was received: 8 air conditioners, 5 dehumidifiers, 3 refrigerators, 2 propane tanks, 1 freezer

CHIPS:

- CHIPS reimbursement paperwork was mailed to the State on 10/03/2023
 - \$126,479.96 was requested through CHIPS
 - \$90,569.82 will be rolled over to 2024
 - \$32,792.54 was requested through EWR
 - \$37,544.54 was requested through PAVE-NY
 - \$25,029.70 was requested through P.O.P.
- TOTAL REIMBURSEMENT: \$221,846.74-anticipated funding date: 12/15/2023

2024 BUDGET:

- Budget requests were given to Department Heads on August 29th
- Tentative budget meeting was held on Tuesday, September 26th
- Tentative budget was filed with the Town Clerk on Wednesday, Sept. 27th
- Still waiting on final figures for: Assessed values from the County, NYMIR insurance, Health insurance, Computer quote

- Preliminary Budget hearing will be at 6:30pm on *Thursday, November 9th, workshop will be held at 6:00 pm.* For additional info see: 2024 Town Budget – Timeline for Fall 2023

RESOLUTION 2023-87: Audit of Claims

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

Pre-Pays	N/A				116,163.34
General Fund A	No.	243	<i>through</i>	271	122,808.12
General Fund B	No.	64	<i>through</i>	70	325.14
Highway Fund DB	No.	117	<i>through</i>	129	27,868.88
Street Lighting SL	No.	19	<i>through</i>	20	266.77
Total					151,268.91

Town Clerk – Sue Reymers

Clerk's Office:

- September cash disbursements (month end) completed. Had fun finding two accounting errors in my month end from August and September pertaining to DEC. Sent corrections to Bookkeeper.
- Elisa was out from September 18-27 to care for a family member.
- The rush for hunting licenses ended the last week of September.
- Dean Curtis started 10/3.
- Local Law 2 of 2023 was filed with NYSDOS. Received a letter of confirmation from them on 10/10.

Special Projects:

- Worked on developing a budget for the EVCS grant. It just needs to be finalized and then Amanda Mazzoni will assist us in updating the workbook for the grant.
- Posted the RFP for the garage on the website in 2 locations.

FOIL Requests:

- We have had a few foil requests recently. One of the properties is Marshall's Storage south of Good Nature on 12B.

Jury Duty:

- I received a summons for Jury Duty for Madison County Court on Monday, October 23, 2023. I'll know Friday after 5 p.m. on 10/20 if I need to show up.

RESOLUTION 2023-88: Approval of Minutes for August 10, 2023

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

Resolved that the minutes from August 10, 2023 be approved.

Codes Enforcement Officer – Chuck Ladd

September Activity;

- Attend September 5th Zoning board meeting.
- Attend September 12th Planning board meeting.

- Weekly routine inspection of Hoose rd. complaint
- Conduct 9 construction inspections.
- Drive after inspections and look for any new Complaint/violation/permits needed.
- Permits issued. See attached report.
- Attend IPS training via zoom on September 19th.

Permit #	Issue Date	Owner	Permit Type	Property Location	Amount
September	2023				
BP-2023-029	09/05/2023	Kerry Dart	New Structure	Hill Rd SBL#: 155.-1-7	\$262.50
BP-2023-030	09/05/2023	Maple Ave Farms	Alteration	534 Borden Rd SBL#: 214.-1-50.112	\$120.00
BP-2023-031	09/12/2023	Matthew Jasek	Garage/Storage Building	8265 Rhodes Rd SBL#: 155.-3-6	\$170.00
BP-2023-032	09/19/2023	Scott Clendenen	Heating	1079 Humphrey Rd SBL#: 200.-2-24.1	\$60.00
BP-2023-034	09/26/2023	Donald Misch	Garage/Storage Building	2072 Route 12 SBL#: 171.-1-22.1	\$230.00
BP-2023-035	09/26/2023	Michael Craven	Porch	8172 Larkin Rd SBL#: 185.-2-71.2	\$70.00
TOTAL					\$912.50

COMMITTEE REPORTS:

Cemetery Committee – Ray Brothers posted on their website regarding making donations

Highway Committee – RFP posted on our website, mailings sent out. Four companies inquired and 2 are definitely interested in submitting a proposal, 2 others are inquiring and possibly submitting a proposal.

Partnership for Community Development Liaison Report – Dana Krueger – HUB has secured the lease for 8th Lebanon Street, location is currently vacant across from Julies, between the bookstore and Oliveri's. They have requested 50k in assistance from the County. January 10th 2024 they are having an Economic Development Summit at SUNY Morrisville. March 2024 World Equity Group participation theories, libraries regarding start-ups. New pop-ups. DOT project where they presented the Chamber and how they are doing, including the 71 members with their September social at MOM's (Mothers on Main Street) which was well attended. Hamilton's Chamber of Commerce created Third Fridays to support local businesses, businesses have been staying open from 5-7 offering sales and promotions etc., it helped increase foot traffic and spark sales and advertising for these local businesses. Chamber of Commerce is working on budgets and trying to raise funds to get a part time admin. Next Partners meeting will be held October 24th, 2024 at 1:30 pm.

SOMAC Liaison Report – Travis DuBois – they had a board meeting with an Attorney who specialized in EMS and Fire Law and inquired about possible solutions regarding SOMAC. One of the pointed questions was, "Would Somac gift in either cash or properties to Madison

County?" The attorney discussed the process and how it would go to attorney general then to NYS Supreme Court judge, but if no one contested it, it could be possible. The Board met again this week and the Board voted unanimously in support to leasing the building to Madison County. The Board also voted unanimously to lease the newest ambulance to Madison County for the amount to cover the Bond payment that is due in August.

The SOMAC building was Assessed at \$450k with an estimated 8% return on that investment arrives to an estimated \$3,000 month lease payment per month plus the County will be paying for the utilities.

SPECIAL PROJECTS:

9 Mile Project

1. Special Use Permit Application: Continuation of Public Hearing on application held on October 10.
2. The Town offered to install a hedge along the parking lot no more than 4 ft wide and 5 ft high and will be maintaining it within 2 ft of the boundary line. Discussion regarding maintaining the organic certification of the neighboring property the Palmers are renting from the Hotaling's. Eve Ann did extensive reading of the organic certification standards from NYS. The issue is primarily spray. The Town agreed to a 50 ft no spray zone along the entire southern boundary of the property. It eliminates 14 parking spaces, but the environmental impact is more important. Town also promised to put deer fencing around the Hedge to allow the Hedge to grow and to provide a physical barrier between the parking lot and the 9 mile project. Luke is working with a nursery that Soil and Water Conservation recommended to research what materials and plants would be best suited for the Hedge.

Earlville for Earlville Project – Shari Taylor – No report this month other than updating their new welcome baskets. Senior Resource Fair was held September 19th, 2023, there was a great group of vendors and about 26 Seniors attend which will hopefully lead to a bigger attendance for next year. Discussion was made about possibly changing venues for next year due to the noise factor within the Bell Tree and moving it to the library. It was advertised on Facebook and Nextdoor Hamilton but suggested that the flier be sent out to the all the vendors electronically so they could share with their networks. Overall, everyone seemed happy about the event.

Hamilton Climate Preparedness Working Group (HCPWG) – Chris Rossi

No report for this month.

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

Town Clerk Reymers updated the budget to reflect the Town installing the charging station. Still working on the in-kind working costs that will be to reflect on the budget.

Housing: Vacant – Restore NY Grant – Supervisor Shwartz met with 4 of the 6 owners. Jocelyn from the Partnership for Community Development and a potential construction manager to discuss the projects and what the people want to do. One of the next steps is the need for a firm budget for each project. Neither the PCD staff nor the Town staff have construction management experience. They immediately contacted a local architect and septic engineer to arrange a meeting to discuss the scope. Possibilities for reconstruction or Modulares. Currently the Town is working on getting the estimates together and obtaining a contract for a construction manager along with a budget and working with the homeowners on possibly matching money including a form for expenditures from the home owner. The Town is in contact with Restore NY staff.

Zoning Update – nothing to report this month.

OLD BUSINESS:

2024 Budget Timeline

- Schedule Public Hearings for Budget & Fire Contracts
 - *Reminder to move tentative budget to preliminary budget prior to Public Hearing.*
November 11, 2023
- Plan for adoption of 2024 Town Budget

NEW BUSINESS:

Seasonal Roads Annual Resolution – Town Highway Law §205-a

SECTION 205-A - Highway (HAY) CHAPTER 25, ARTICLE 8

§ 205-a. Seasonal limited use highway.

1. The town highway superintendent is authorized to annually designate, on or before the first day of November in each year, a town highway as a seasonal limited use highway.
2. Seasonal limited use highways shall be those town highways without occupied residences or commercial buildings dependent upon such highways for access.
3. Seasonal limited use highways shall be appropriately posted.
4. The town is authorized to temporarily discontinue snow and ice removal and maintenance from the first day of December until the first day of April on any highway so designated.

RESOLUTION 2023-89 : Authorization for Highway Superintendent to Designate Seasonal Roads in the Town of Hamilton

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

Resolved that the Highway Superintendent be authorized to designate the following roads as seasonal limited use highway from December 1, 2023 to April 1, 2024:

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

Adoption of Proposed Local Law C of 2023 as #3-2023:

"A Local Law To Enact Regulating Short Term Rentals in the Town of Hamilton"

RESOLUTION 2023-90 : Adoption of Local Law #C-2023 as #3-2023 "A Local Law To Enact Regulating Short Term Rentals in the Town of Hamilton"

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. C-2023, "A Local Law to Regulate Short-Term Rentals in the Town of Hamilton," was presented and introduced at a regular meeting of the Town Board of the Town of Hamilton held on August 10, 2023; and

WHEREAS, a public hearing on such proposed local law was conducted on September 14, 2023 and extended to October 12, 2023, by the Town Board of the Town of Hamilton with proof of publication of notice of such public hearings, 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, said Local Law was duly referred to the Madison County Department of Planning pursuant to General Municipal Law Section 239, a referral report was received; and

WHEREAS, the enactment of Proposed Local Law No. C-2023 has previously been determined to be a Type I action and will have no significant effect on the environment thus concluding the SEQOR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. C-2023.

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. C-2023 as Local Law No. 3-2023 as follows:

"LOCAL LAW NO. 3-2023 TOWN OF HAMILTON

**A LOCAL LAW TO REGULATE SHORT-TERM RENTALS
IN THE TOWN OF HAMILTON**

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

SECTION 1. TITLE.

This Local Law shall be known as "Regulating Short-Term Rentals."

SECTION 2. LEGISLATIVE INTENT AND PURPOSE.

- A. The Town recognizes that it would be beneficial for the Town to control and regulate the use of Short-Term Rentals within the Town of Hamilton, which applies to all properties within the Town of Hamilton, excluding the Villages of Hamilton and Earlville. While the Town recognizes that some property owners wish to rent to others on a short-term basis all or part of a dwelling unit they own, the Town also recognizes that pursuant to the Town of Hamilton 2017 Comprehensive Plan, it has an obligation

to preserve and protect the health, character, safety, and general welfare of the residential neighborhoods and rural areas where Short-Term Rentals are operated, and to mitigate the adverse effects of Short-Term Rentals.

B. By enacting this Local Law, the Town intends to:

- (1) Protect the health, safety, and welfare of the community and of persons occupying short-term rentals and assure that Short-Term Rentals meet applicable Town and New York State fire and safety standards;
- (2) Prevent to the greatest extent practicable public safety risks and minimize quality of life impacts including, but not limited to, increased noise, trash, traffic, and parking associated with Short-Term Rental uses;
- (3) Preserve and protect neighborhood character and stability, and minimize the impact of Short-Term Rental uses on neighboring parcels and residential properties;
- (4) Short-Term Rentals have the potential to be incompatible with the character of the surrounding area, particularly when there is a concentration of such rentals in an area, thereby having the potential for a deleterious effect on adjacent residents. Special regulation of Short-Term Rentals is necessary to ensure that such rentals will be compatible with the surrounding area and will not harm and/or alter the neighborhood character within which the rentals are located.
- (5) Protect property values of the community;
- (6) Protect housing affordability within the community for long-term residents, whether owners or renters; and
- (7) Enable property owners to provide lodging for visitors to the Town during periods of peak visitor and tourist demand, such as university and college graduation weekends and holidays.

SECTION 3. STATUTORY AUTHORIZATION.

The adoption of this Local Law is in accordance with §264 of New York Town Law and §10 of the New York Municipal Home Rule Law.

SECTION 4. DEFINITIONS

As used in this Local Law, the following terms shall have their meanings indicated.

Accessory Dwelling Unit: An independent dwelling unit, whose use is not limited to family members, that has been added onto or created within a single-family home or located in an accessory structure located on the same lot and having an independent means of access as the principal single-family home. Units commonly known as ‘granny flats’ shall be considered an accessory dwelling unit. A Tiny House shall be considered an accessory dwelling unit when

it is a secondary use on a parcel.

Bed and Breakfast: An owner-occupied dwelling used for renting accommodations to transient, fee-paying guests and providing not more than one meal (breakfast) daily to lodging guests only.

Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and with access to units primarily from interior lobbies, courts, or halls.

Motel: A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

Owner-Occupied: Occupied by the property owner of record as a primary residence and where the owner resides for no fewer than 260 nights per calendar year. For clarity, this does not require the owner to be present during the period of time the property is being rented as a Short-Term Rental.

Primary Residence: Residence on property where the owner resides no fewer than 260 nights per calendar year.

Short-Term Rental: Any portion of real property rented for compensation in exchange for lodging for a period of not more than thirty (30) consecutive nights. This may include tent sites or tent platforms and other temporary structures on the parcel. For the purpose of this Local Law, the term "Short-Term Rental" shall not include a bed-and-breakfast, boarding/lodging house, hotel, motel, commercial campsites or ongoing month-to-month tenancies.

SECTION 5. PRESUMPTION OF DWELLING UNIT AS SHORT-TERM RENTAL PROPERTY.

- A. The presence of the following shall create a presumption that all or a part of the property is being used as a Short-Term Rental:
- (1) All or part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away, and VRBO, for a rental period of less than 30 night per year; and/or
 - (2) All or a part of the property is offered for lease for a period of 30 nights or less through any form of advertising.
- B. The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer that the premise is not operated as a Short-Term Rental.

SECTION 6. SHORT-TERM RENTAL REQUIRED PERMIT.

- A. Property owners shall not use their property as a Short-Term Rental without obtaining a revocable Short-Term Rental Permit. Short-term Rentals shall be limited to thirty (30) nights' use on an annual basis.
- B. A Short-Term Rental Permit shall be valid for two (2) years and must be renewed thirty (30) days prior to expiration of the current permit if the premises is to continue to operate as a Short-Term Rental. A re-inspection by the Code Enforcement Officer is required for all renewals prior to the application to renew per Section 11 of this Local Law.
- C. The Short-Term Rental Permit is not transferable to a new property owner. The new property owner of the premises subject to a Short-Term Rental Permit must file a new permit application prior to any use of the premises as a Short-Term Rental by the new owner. Notwithstanding the foregoing, those properties with Short-Term Rental commitments existing on the date this Local Law takes effect shall be permitted to honor such existing commitments and continue to make commitments for Short-Term Rentals but must apply for a Short-Term Rental Permit and, within designated zoning districts, a Special Use Permit within 180 days of the Local Law's effective date for all future Short-Term Rental commitments. In the event such an application is denied, all commitments shall be cancelled.
- D. Short-Term Rentals are permitted in the Agricultural-Residential Zoning District upon the issuance of Short-Term Rental Permit by the Town of Hamilton Code Enforcement Officer. Short-Term Rentals are permitted in the Residential, Hamlet, and Commercial Zoning Districts upon approval of a Special Use Permit by the Town of Hamilton Planning Board, in addition to the Short-Term Rental Permit issued by the Code Enforcement Officer. However, premises that are the primary residence of the applicant shall not require the approval of a Special Use Permit, even if situated within the Residential, Hamlet, and Commercial Zoning Districts. For purposes of this Local Law, one (1) Accessory Dwelling Unit, which is located on the same tax map parcel as that which contains an owner-occupied primary residence, shall be included in the Short-Term Rental Permit issued by the Code Enforcement Officer to the applicant.
- E. Any Special Use Permit issued pursuant to this Local Law shall be in effect for two (2) years from the date of Planning Board approval. The Special Use Permit shall require renewal by the Planning Board, which must be requested by the owner(s) of the premises or their designated agents on a form by the Town at least ninety (90) days prior to expiration. Failure to timely request a renewal may result in the lapse of the Special Use Permit. Upon receipt of a request for the renewal of a Special Use Permit, the Code Enforcement Officer shall confirm whether the Short-Term Rental is in compliance with the terms of its Special Use Permit and shall report their determination to the Planning Board. The Planning Board shall have the discretion to amend the Special Use Permit or deny renewal for good cause shown, which may include, but is not limited to, consideration of violations of the Town's local laws and the Regulating Short-Term Rentals Local Law.

SECTION 7. SHORT-TERM RENTAL PERMIT APPLICATION REQUIREMENTS.

A. Applications for a Short-Term Rental Permit may be obtained at the Town of Hamilton Office and permit applications shall be submitted to the Code Enforcement Officer, accompanied by payment of a nonrefundable permit fee to be determined from time to time by resolution of the Town Board. The application shall include the following:

- (1) The signatures of all property owners or their designated agents.
- (2) A statement authorizing the Code Enforcement Officer to inspect the property to ensure compliance with all requirements and standards contained within this Local Law.
- (3) An acknowledgement of present and ongoing compliance with the Short-Term Rental Standards as defined in this Local Law, including, but not limited to, the demonstration of adequate off-road parking spaces for the proposed Short-Term Rental.
- (4) A list of each property owner including names, addresses, telephone numbers and email addresses of each.
- (5) The name, address, telephone number, and email address of a contact person, who shall be responsible and authorized to act on behalf of the property owner(s) to promptly remedy any violation of the standards outlined in this Section. The contact person may be the property owner(s), or an agent designated by the property owner(s) to serve as a contact person and shall respond to any correspondence or concern from the Town Code Enforcement Officer within 24 hours.
- (6) An accurate suitable floor plan for each level of the dwelling that can be occupied measuring at least 8.5 inches by 11 inches, drawn to scale, and certified by the applicant. The floor plan does not need to be prepared by a professional, but must include the following:
 - a. The location of buildings and required parking.
 - b. Basement - location of house utilities and all rooms including bedrooms, windows, exits and any heating/cooling units.
 - c. First floor - all rooms including bedrooms, windows, exits and any heating/cooling units.
 - d. Second floor - all rooms including bedrooms, windows, exits and any heating/cooling units.
 - e. Attic (if present) - all rooms including bedrooms, windows, exits and any heating/cooling units.
- (7) For all properties not on public water, a current (within thirty (30) days of the application) water test must be completed, and the report filed with the Codes

Enforcement Officer at the time of application. Water must meet Madison County Department of Health's requirements.

(8) A copy of a valid Certificate of Registration, as issued by Madison County pursuant to the Madison County Occupancy Tax Law, and an acknowledgement of present and ongoing compliance with the Madison County Occupancy Tax Law.

(9) A statement that none of the owners of the subject property have had a Short-Term Rental Permit revoked within the previous year for any rental properties owned individually or together with others.

- B. All completed applications are subject to a Floor Plan review and approval by the Code Enforcement Officer.
- C. Property owners wishing to apply for a variance relating to sleeping capacity, parking capacity, or other standards stated below must petition to the Zoning Board of Appeals. Variance applications will be reviewed by the Zoning Board of Appeals in accord with §120-7(B) of the Town's Zoning Code.

SECTION 8. SHORT-TERM RENTAL STANDARDS.

A. Property Requirements:

- (1) Property must comply and meet all current NYS Uniform Building Codes.
- (2) There shall be one working smoke detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code.
- (3) Evacuation procedures must be posted in each sleeping room to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke- detecting or other alarm device.
- (4) There shall be an ABC Fire Extinguisher on each floor and in the kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the property owner(s) to ensure each contains a full charge. A record of the date inspected, initialed by the property owner, shall be maintained, and made available to the Code Enforcement Officer upon request.
- (5) The house number shall be located both at the road and on the dwelling unit so that the house number is clearly visible from both the road and the driveway.
- (6) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- (7) Electrical systems shall be in good operating condition, labeled, unobstructed and shall be visible for the Code Enforcement Officer during the permitting process. Any

defects found shall be corrected prior to permit issuance.

(8) All fireplaces, woodstoves or heating sources shall comply with all applicable laws and regulations.

(9) The property must have a minimum of one (1) designated, off-road parking space for every bedroom shown on the floor plan included with the application. The maximum number of parking spaces shall not exceed the number of bedrooms plus one (1).

(10) Maximum occupancy for each Short-Term Rental Unit shall not exceed two (2) people per bedroom shown on the floor plan included with the application and two (2) people per minimum full size convertible sleeping accommodation furniture (i.e. futon, hide-a-bed) also identified on the floor plan. The maximum occupancy of a Short-Term Rental Unit shall not exceed twelve (12) people, including permanent residents and renters.

(12) A property must have a properly operating septic system and that is compliant with Madison County Department of Health's requirements.

(13) One sign identifying the Short-Term Rental shall be allowed and must follow the Town of Hamilton's Zoning Law on Signs.

- B. Insurance Standards: All owners of Commercial short Term Transient Rentals shall provide to the Town proof of general liability insurance against claims for personal injury, death or property damage occurring on, in or about the subject premises in an amount not less than One Million Dollars (\$1,000,000.00) in respect of personal injury or death, and in an amount of not less than One Hundred Thousand Dollars (\$100,000) in respect of property damage.
- C. Garbage Removal: Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the road except at approximate pick- up time.
- D. Rental Contract: All applicants and property owners must have a rental contract, which includes the following:
- (1) Maximum property occupancy;
 - (2) Maximum on-site parking provided; and
 - (3) Good Neighbor Statement stating:
 - a. The Short-Term Rental is in a residential area in the Town of Hamilton and renters should be considerate of the residents in neighboring homes.

- b. Guests are requested to observe quiet hours from 10:00 p.m. - 7:00 a.m.
- c. All renters will be subject to New York Penal Law §240.20 or any successor statute regarding disorderly conduct.
- d. Littering is illegal; and
- e. Recreational campfires must be attended.

SECTION 9. PROCEDURE UPON FILING APPLICATION.

- A. Short-Term Rental Permit applications shall be filed with the Town of Hamilton Code Enforcement Officer with all supporting documentation and the nonrefundable permit fee. Only completed applications will be accepted by the Town's Code Enforcement Officer. The Code Enforcement Officer may decline to accept an application for consideration for any of the following reasons:
 - (1) The application documentation required by this Local Law was not included or the full permit fee was not paid.
 - (2) A previously issued Short-Term Rental permit was revoked within the past year and defects and/or violations have not been corrected and inspected by the Code Enforcement Officer.
- B. Upon receipt of a completed Short-Term Rental Permit Application, adjacent property owners of the Short-Term rental shall be notified of the application by the property owner via post card, letter, or e-mail. Proof of such notice shall be furnished to the Town of Hamilton with the application.
- C. Upon the Code Enforcement Officer's acceptance of the completed permit application, all documents and information required by this Local Law and the permit fee, the Code Enforcement Officer shall have thirty (30) days to conduct a property inspection to certify and approve that all Short-Term Rental requirements have been met.
- D. Upon approval of the Short-Term Rental Application by the Code Enforcement Officer, a Short-Term Rental Permit will be issued. Short-Term Rental permits issued pursuant to this Section shall state the following:
 - (1) The names, addresses, and phone numbers of each person or entity that has an ownership interest in the Short-Term Rental property.
 - (2) The name, address and phone number of a primary contact person who shall be available during the entire time the Short-Term Rental property is being rented.
 - (3) The maximum occupancy and vehicle limits for the Short-Term Rental property.
 - (4) Identification of the number and location of parking spaces available.
 - (5) Any conditions imposed by the Planning Board, Zoning Board of Appeals and/or Code Enforcement Officer.

SECTION 10. CONFORMITY AND DISPLAY OF PERMIT

A. Short-Term Rental Permits are subject to continued compliance with the requirements of these regulations.

(1) If the Code Enforcement Officer has probable cause to believe that the property owner is not in compliance with the provisions of this Local Law, the Code Enforcement Officer may request permission from the property owner of the Short-Term Rental permit to enter the premises and to conduct an inspection of the Short-Term Rental property for purposes of ensuring compliance with this Local Law. If the property owner refuses to permit the Code Enforcement Officer to inspect the property, the permit will be revoked. If an inspection authorized herein is conducted, the Code Enforcement Officer shall use the results of such inspection in determining whether to revoke the permit.

(2) The Short-Term Rental permit, maximum occupancy limit, maximum parking, contact form and standards shall be prominently displayed inside and near the front entrance of the Short-Term rental.

(3) The Short-Term Rental property owner shall ensure that current and accurate information is provided to the Code Enforcement Officer and that they notify the Code Enforcement Officer immediately of any change in the information displayed on the permit. If, based on such changes, the Code Enforcement Officer issues an amended Short-Term Rental Permit; the property owner(s) must immediately post the amended permit inside and near the front entrance of the Short-Term Rental.

(4) The Short-Term Rental property owner must conspicuously display the Short-Term Rental Permit Number in all advertisements for the applicable Short-Term Rental.

SECTION 11. APPLICATION FOR RENEWAL OF PERMIT.

Renewal permits will be granted for an additional two (2)-year term if the following conditions are met:

(1) Application for renewal of the Short-Term Rental permit shall be made thirty (30) days prior to expiration of current permit and requires payment of renewal fee.

(2) At the time of application for renewal, the property owner(s) or designated agent must present the previous permit for Short-Term Rental.

(3) The property must have undergone a re-inspection performed by the Code Enforcement Officer prior to the renewal application is submitted.

(4) Any violations must be remedied prior to renewal of a permit for Short-Term Rental.

SECTION 12. COMPLIANCE AND PENALTIES.

A. Violations of this Local Law or of any Short-Term Rental Permit issued pursuant to this Local Law shall be subject to enforcement and penalties prescribed in this Local Law.

B. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this Local Law or of any Short-Term Rental Permit issued pursuant to this Local Law, the Code Enforcement Officer shall properly record such complaint and immediately investigate the report thereon. If the Code Enforcement Officer determines there is a violation of this Local Law, the property owner(s) shall be notified in writing by first class mail and certified return receipt mail of said violations and the Code Enforcement Officer may take any or all of the following actions:

(1) Attach conditions to the existing Short-Term Rental Permit.

(2) Suspend the Short-Term Rental Permit. The Notice of Suspension shall be provided to the property owner(s) and a copy filed with the Town Clerk.

(3) Require corrective action that remedies the violation(s). The corrective action must be completed and approved within thirty (30) days of Notice of Suspension from the Code Enforcement Officer or the property owner(s) risks revocation of the Short-Term Rental permit.

(4) Issue an accusatory instrument in criminal court for the violation of a Town of Hamilton Local Law.

(5) Penalties for Violations.

a. Any property owner(s), lessee, contractor, agent or other person who uses or maintains or causes to be used or maintained, or actively participates in any use of any building or premises or any part thereof in the Town of Hamilton for any purpose other than the uses permitted therefor in this Local Law or who erects, enlarges, alters or maintains or causes to be erected, enlarged, altered or maintained any building or any part thereof in the Town of Hamilton except in conformity with the provisions of this Local Law or who otherwise violates or causes to be violated any provision of this Local Law shall, upon conviction, be guilty of a violation subject to a fine not exceeding \$250.00 for each such violation. Each day that such violation continues shall constitute a separate and additional offense punishable by a separate fine. If more than one provision of this Local Law is violated, each provision violated shall be considered a separate violation, liable to maximum penalties as herein specified.

b. If any said person fails to abate any said violation of this Local Law within five (5) calendar days after written notice has been personally served upon said person or within ten (10) days after written notice has been sent to said person by registered mail at the person's home or business address, said person may be subject to a civil penalty of \$1,500 for each and every day that said violation continues, recoverable by civil suit brought by the Town and to be retained by it. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

c. Any violation of this Local Law may also be enjoined pursuant to law.

- d. The remedies provided for herein shall be cumulative and shall be in addition to any other remedies provided by law.
- e. Revoke the Short-Term Rental Permit. Should a permit be revoked, all property owner(s) of the Short-Term Rental are prohibited from obtaining a Short-Term Rental Permit on the property for one (1) year after the date of revocation. The Code Enforcement Officer shall send Notices of Revocation to property owner(s) and shall file a copy with the Town Clerk.

SECTION 13. GROUNDS FOR SUSPENSION OR REVOCATION OF PERMIT.

A. The Code Enforcement Officer may immediately suspend a Short-Term Rental Permit based on any of the following grounds:

- (1) Applicant has falsified or failed to provide information in the application for a permit or the application for permit renewal.
- (2) Applicant failed to meet or comply with any of the requirements of this Local Law.
- (3) Property owner(s) is in violation of any provision of the Zoning Code of the Town of Hamilton.
- (4) Property owner(s) has violated any provision of the Penal Code of the State of New York, which violation occurred at, or related to the occupancy of the Short-Term Rental.
 - a. Any conduct performed on the premises, which disturbs the health, safety, peace, or comfort of the neighborhood or which otherwise creates a public nuisance; such conduct shall include, but is not limited to, the following:
 - i. exposed garbage or litter on the premises;
 - ii. failure to maintain buildings and grounds;
 - iii. parking of vehicles in undesignated or unapproved areas; and
 - iv. the occurrence of parties or other gatherings which exceed the number of people authorized upon the premises.
 - b. Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.

B. In the event the property owner(s) fails to permanently address the grounds for suspension in a timely manner, the Code Enforcement Officer may revoke the Short-Term Rental Permit.

SECTION 14. APPEALS AND HEARINGS.

The property owner(s) is entitled to appeal the Code Enforcement Officer's determination to the Zoning Board of Appeals when a property owner's application for a Short-Term Rental

Permit or a Short-Term Rental Permit Renewal is denied or a Short-Term Rental Permit is revoked or suspended. A Notice of Appeal shall be filed with the Town Clerk and the Zoning Board of Appeals within sixty (60) days of the Code Enforcement Officer's filing of the denial or revocation with the Town Clerk. A hearing shall be held by the Zoning Board of Appeals not more than forty-five (45) days after the filing of the Notice of Appeal.

SECTION 15. VALIDITY AND SEVERABILITY.

Should any word, section, clause, paragraph, sentence, part, or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

SECTION 16. REPEAL, AMENDMENT AND SUPERSESION OF OTHER LAWS.

All other ordinances or local laws of the Town of Hamilton which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

SECTION 17. EFFECTIVE DATE.

This Local Law will take effect upon its 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:

Travis DuBois	Councilor	Voted	Yes
Dana Krueger	Councilor	Voted	Yes
Darrell Griff	Councilor	Voted	Yes
Shari Taylor	Councilor	Voted	Yes
Eve Ann Schwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

RESOLUTION 2023-91: Short-Term Rental Fees for New application and Renewal be \$200

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

Resolved that the Short-Term Rental application fee along with the renewal fee every two years be set at \$200.

Adoption of Proposed Local Law #D-2023 "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Hamilton"

RESOLUTION 2023-92: Adoption of Local Law #D-2023 as #4-2023 "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Hamilton."

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. D-2023, "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Hamilton," was presented and

introduced at a regular meeting of the Town Board of the Town of Hamilton held on September 14, 2023; and

WHEREAS, a public hearing was held on such proposed local law on this 12th day of October, 2023, by the Town Board of the Town of Hamilton and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Hamilton in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Local Law No. D-2023 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Local Law No. D-2023.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Hamilton, Madison County, New York, does hereby enact Local Law No. D-2023 as Local Law No. 4-2023 as follows:

**“TOWN OF HAMILTON LOCAL LAW NO. 4 OF 2023
A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW § 3-C IN THE TOWN OF HAMILTON**

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

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Hamilton, County of Madison pursuant to General Municipal Law §3-c, and to allow the Town of Hamilton to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2024, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

SECTION 2. AUTHORITY

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

SECTION 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Hamilton, County of Madison, is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.”

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

Travis DuBois	Councilor	Voted	Yes
Dana Krueger	Councilor	Voted	Yes
Darrell Griff	Councilor	Voted	Yes
Shari Taylor	Councilor	Voted	Yes
Eve Ann Schwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Concerns of Town Board: None

Supervisor's Report: Madison County Activities:

Supervisor Schwartz wanted to give updates on the 20% tax levy if the Town uses the same amount of Fund balance as last year 2022. Madison County Fund Balance as of December 31st 2022 was 25.8 million. If the County used 4.5 million same as last year to reduce the taxes it would still be 20%. So they would have to reduce the fund balance more, which isn't a wise policy because of annual expenses and eventually be gone. The cause of the increase, Medicaid - removal of the tax cap for Medicaid 1.37 million, Assigned Counsel Attorney's 1 million, EMS budget 1.5 million, Retirement 1.1 million, Correctional Officer Increased Salary 965K, County Clerks Salary 670k, 8% Cost of Living. All combined to 9.6 million dollar increase and we need 5.3 million to keep it under 10% the goal is 9%. Supervisor Schwartz discussed areas that would help with this process and also suggested the Town have their own Budget Workshop. The County did unanimously pass the Resolution for 6 full time Paramedics, 6 full time EMT's, 10 permanent part time Paramedics, 10 permanent part time EMT's currently using Per Diem employees.

EXECUTIVE SESSION

RESOLUTION 2023-93: Executive Session

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

Resolved that this Board move into an Executive Session for Contracts at 8:57 p.m.

RESOLUTION 2023-94: Return to Regular Session

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

Resolved that the Board return to regular session at 9:41 p.m.

With no further business to bring before the board, Councilmember Krueger motioned to adjourn, seconded by Councilmember Taylor, the meeting was adjourned at 9:41 p.m. Carried unanimously.

Respectfully submitted,
Suzanne K. Reymers, RMC, Town Clerk
with assistance from Dean Curtis, Clerk