

The regular Town of Hamilton Town Board Meeting was held on Thursday, July 11, 2013, at 6:00 p.m., at the Town Office, 16 Broad Street, Hamilton, New York. Present were: Eve Ann Shwartz, Supervisor; Peter Darby, Deputy Supervisor; D. Holcomb, C. Todd and C. Rossi, Town Council; Bert Glazier, Highway Supt.; Sue Reymers, Bookkeeper; Mayor Miller, Doc Hayes, Wanda Warren Berry, Tim Collins, and Regina Silvestri.

Supv. Shwartz opened the meeting by welcoming everyone. Mayor Miller said she would like to introduce Tim Collins – new Business Manager at SOMAC. Doc Hayes and the Mayor of Earlville attended the 4<sup>th</sup> of July Parade here and he thought it was grand, and he would like to invite the Village Board and Town Board to their Parade (which is July 20<sup>th</sup>) – there will be some mailings going out. Doc said they have a lady working in their office 20 hours a week, from Experience Works (she is an older lady from Eaton -out of the Dept. of Labor)-if you are interested-give Kelly a call. Perhaps there could be some Records Retention help there. June 12<sup>th</sup> the Earlville Clerk and Doc went to the PCD breakfast and he felt a lot of their information could apply for business promotion for Earlville, and they have a committee in Earlville to look into this. He said they went to Cortland on the 19<sup>th</sup> for Record Retention, which was informative. Eve Ann thanked Doc for his Report and C. Todd said it was wonderful to have Doc & Bill in the Parade. Eve Ann said next year she would like a Banner.

A Motion was made by P. Darby, seconded by C. Todd and carried to Accept the June 13, 2013 Town Board Minutes.

A Motion to Pay the General Bills was made by C. Todd, seconded by C. Rossi and carried.

C. Todd asked about the \$4,000 tree removal bill under pre-pays--Eve Ann said he does a good job, is reasonable, but has some needs. C. Todd asked about FEMA marked bills and Bert explained them.

A Motion to Pay the Highway Bills was made by C. Rossi, seconded by C. Todd and carried.

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Sue said Bert expressed an interest in getting a Laptop Computer-regarding This PC Needs Help bill.

Bert then gave his Highway Report. He said they had damage from the storm on 12 different roads, so they have been repairing and taking down trees, fixing shoulders, and putting pipes back in. They took down 40 some trees and replaced 11 pipes (replaced or put new ones in). Storm damage was on June 28<sup>th</sup>, and then there was another storm on the 8<sup>th</sup> of July—and FEMA is going to extend their time from June 28<sup>th</sup> to July 11. Bert went to a FEMA meeting the other day – City of Oneida has covered Madison County for us - with meeting the minimum damage requirements. In other communities people’s homes were damaged, Eve Ann said, and if we know of anyone in our Town whose home was damaged by the storm-we should let them know they will be able to apply to FEMA. We will have meetings, we will be assigned project numbers, Bert said. Eve Ann said there will be a Center in Morrisville where people will go to apply. We need to let our residents know.

Bert then opened the Sand Bids submitted for 5,000 yards of clean, screened sand:

- 1) Payne - \$6.95 per yard – they load, Town trucks.
- 2) Cossitt - \$11.00 per yard – Cossitt load, Cossitt truck.  
\$6.00 per yard – they load, Town truck.  
\$5.85 per yard – Town load, Town truck.
- 3 ) White Eagle - \$6.25 per yard – they load, Town truck.

A Motion was made by P. Darby, seconded by D. Holcomb and carried to accept White Eagle’s sand bid, of \$6.25 per yard – they load, Town truck; after Town Board discussion – sand quality is good, and trucking is close.

Solar Installation – Sue reported that this project was behind schedule with the weather. They hope to get to our project the last week in July or first week in August.

Sue’s Financial Report – she tried to move Quick Books around to structure it – so you can see what we have total for the General and Highway, she pulled the Special Districts out and separated that, so that also carries through to the Profit

and Loss, which is attached to the Balance Sheet. She moved money (\$129,212.00) out of the Capital Reserve to replenish what was used on the DA. She got the money in on the 1993 dump truck. Eve Ann asked Bert if the Town ever received the FEMA money they had applied for before – not yet. They need to get that money to us, she said. They talked about the lighting districts bills and energy savings -D. Holcomb will help Sue by advising her who to call about this. David Craine put some changes together for the Hartford, and their policy regarding the Town's financial coverage; and he is waiting for their approval; Sue said. Doc said the Town of Sherburne switched their insurance from Mang to Gates-Cole, and had fantastic savings. We could get an estimate Eve Ann said, and there may be some savings there; but we just renewed with Mang-so maybe next year. Applications for an Office Cleaner will be reviewed, Eve Ann & Sue said. Codes Officer report is no activity, but there are some sub-divisions coming up soon.

Eve Ann then talked about introducing a Local Law to Abolish the Elective office of Town Highway Superintendent and turn that into an Appointed office of Town Highway Superintendent and also do the same thing with the Town Clerk/Tax Collector position. This would give the Town Board more control over the whole process. More and more these positions really require people with some very high degree of skills – we have had some great people -and we want to keep it that way.

Our current Highway Supt. is in favor of this, Eve Ann said.

(Our current Town Clerk/Tax Collector of 20 years, notified the Madison County Board of Elections on June 17, 2013, that she will be retiring).

We will introduce the Local Law tonight, and schedule a Public Hearing for our next Town Board Meeting on August 8. Then the Town Board will take a Vote – and if passed, it would be placed as a Referendum on the November 2013 Ballot. If the Referendum is passed by the Voters in the November 2013 Election it would go into effect January 1, 2014. Therefore if this Referendum is passed in the November 2013 Election – there would be no office for anyone running to fill. Regina asked about the Procedure and what the Public may say. Eve Ann said as far as she knows it has not been a controversial issue in some other Towns. She said they are trying to make Government more efficient – streamline positions, save money. Wanda Warren Berry asked about seeing the whole Law, and was given a copy of it.

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Doc asked if these become Appointed Positions – would the Supervisor or Town Board do the hiring. Eve Ann said the way it is written today: Section 5 says: the “Appointed” Highway Supt./”Appointed” Town Clerk & Tax Collector of the Town of Hamilton shall Serve at the Pleasure of the Town Board. The Supervisor does not want to make those decisions solely, the goal is for it to be a Town Board decision.

When we get to the point of new people coming in – we will be doing a Search – it allows us to look for qualified people to do the job; however we still have to get the Voters to Approve this, Eve Ann said. C. Rossi said it works both ways – if someone competent is working for you and every 2 years has to run-it is a hardship; and then the Town runs the chance of losing them. However, at the same time – if the Board changes – they could clean house, Doc said. They could, Eve Ann said. Peter said he thinks the reason those Positions were Elected positions in the first place- was because of that risk. Another risk is parties trying to get someone elected- who are not wise about it (ex: Choosing someone trying to run a Highway Dept); so if you have a 5 member Board choosing – the risk is lower that the Board is going to make a bad decision, than it is that the Political Parties are going to make a bad decision. Eve Ann said we are all accountable to the voters. The voters may be very reluctant to change what is already being done, Doc said. Regina said does the wording-Pleasure of the Board- mean one year appointments.

Eve Ann said: it gives the Town Board the ultimate decision to hire and fire; as in the Private Sector.

That is the model Eve Ann is looking at, she said, but at the same time people applying for jobs that are well qualified can say “ I understand you’re offering me these benefits and offering me this salary, but I would like some security – (Ex: If you want me to leave my work and come work for the Town and bring my 20 years of working experience, then I would like a 2 year Contract with some kind of guarantee-with performance review). Being careful about it, getting competent people, and setting Policy for not only this Board, but the future Town Boards – to set Policy in the Highway Garage and in the Town Office. Because as it is now there is some Power that resides with each of these Positions. Eve Ann said: you can call this a Power grab, if you want to, it could be seen that way, but we have rational reasons for it. Regina said she came from a Village on Long Island – wherein that Village had appointed positions, but they were appointed for one year. Regina said finite the term to make that person at least prove themselves to

the new Board – so it does not say –you are out, because you are not in my party. We can modify the language of the proposed Law, Eve Ann said – she asked her Board members. C. Todd said we have been considering this strictly in terms of professionalizing these positions, and we are looking at qualifications and experience. However, it is possible that the Board, being an elected political body, will function in more of a political vein and hire/fire based on political reasons-and I do not know how we can get around that, she said. Peter said to Regina – If you have a Board that fires a competent Highway Supt. because he is the wrong party-you have a deeper problem than that. Wanda Warren Berry said it is so unlikely that if the Office is being run well –that the Board is going to get rid of the person who is doing it well, because it makes more work for them. However, this could be written so that there was an appointment for maybe a term of office, and when that term expired, the Board could consider re-appointment, rather than the language it is, she said. D. Holcomb said whether it is the private sector or the public sector in this Country – people do not get fired unless they really screw up now days; so for a Board to think they are going to come in and have an Election and just clean house; that is absurd—not going to happen, but it will cost the Town a lot of money-Show Just Cause. Peter said Jordan Elbridge (in the newspaper) paid \$400,000 in legal fees to try and fire administrators.

Tim Collins asked if that would be something that needs to be approved by the Board of Elections, or New York State, to take away Elected positions. Eve Ann said no, basically the governing body is the local government plus the voters-that is what our attorney has told us. In checking with the Association of Towns -It is the same procedure that the Town of Cazenovia is using. Eve Ann said we are following accepted policy of the way to do it – it certainly is up for debate/up for discussion – we talked about this online. There are arguments on both sides, she said. We need to move forward formally to Introduce these proposed Local Laws.

Resolution # \_\_18\_\_ Introducing and Scheduling a Public Hearing on Proposed Law # 1 – 2013 year:

A Local Law Abolishing the Elective Office of Town Highway Superintendent and creating the Appointive Office of Town Highway Superintendent of the Town of Hamilton, effective January 1, 2014, a copy of which is attached hereto, was

introduced at this meeting by a member of the Town Board using the words: "Be it enacted by the Town Board of the Town of Hamilton as follows;; and

WHEREAS said proposed Local Law would allow the Town Board to Appoint the Highway Superintendent, who would then serve at the pleasure of the Town Board; currently this office is an Elected position; this Local Law would not become effective unless Approved by the Voters in a mandatory Referendum; if approved, the law would become effective January 1, 2014; and

WHEREAS, this Board desires to hold a public hearing with respect to the adoption of said Local Law,

NOW THEREFORE, BE IT RESOLVED that a Public Hearing be held by this Board with respect to the adoption of aforesaid proposed Local Law No. 1 of 2013 at 7:05 p.m., on August 8, 2013 at the Town of Hamilton Office, 16 Broad Street, Hamilton, New York, and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause Public Notice of said Public Hearing to be given as provided by law.

ON MOTION OF Carolyn Todd, seconded by Chris Rossi, and carried.

Roll Call Vote: Todd-yes, Rossi-yes, Darby-yes, Holcomb-yes, Shwartz-yes.

Resolution # 19 Introducing and Scheduling a Public Hearing on Proposed Law # 2 – 2013 year:

A Local Law Abolishing the Elective Office of Town Clerk and the Elective Office of Collector of the Town of Hamilton and creating the Appointive Office of Town Clerk and the Appointive Office of Collector of the Town of Hamilton, effective January 1, 2014, a copy of which is attached hereto, was introduced at this meeting by a member of the Town Board using the words: "Be it enacted by the Town Board of the Town of Hamilton as follows;; and

WHEREAS said proposed Local Law would allow the Town Board to Appoint the Town Clerk, who would then serve at the pleasure of the Town Board; and to Appoint the Collector who would serve at the pleasure of the Town Board, currently these offices are Elected positions; this Local Law would not become effective unless Approved by the Voters in a mandatory Referendum; if approved, the Law would become effective January 1, 2014; and

WHEREAS, this Board desires to hold a public hearing with respect to the adoption of said Local Law,

NOW THEREFORE, BE IT RESOLVED that a Public Hearing be held by this Board with respect to the adoption of aforesaid proposed Local Law No. 2 of 2013 at 7:05 p.m., on August 8, 2013 at the Town of Hamilton Office, 16 Broad Street, Hamilton, New York, and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause Public Notice of said Public Hearing to be given as provided by law.

ON MOTION OF Chris Rossi, seconded by Peter Darby, and carried.

Roll Call Vote: Todd-yes, Rossi-yes, Darby-yes, Holcomb-yes, Shwartz-yes.

Eve Ann said these Local Laws will further be discussed at the next meeting, and information should go on our website.

Eve Ann said Delta Engineering met with Steve Jones, Attorney and Jim Goldstein about the Road Use Law, and the Highway Supt. from Lebanon. They got more details – they could pass the Road Use Law this year, and pay for it now – and they could extend the time of the surveying to go beyond one year, two years, three years – they could do it in chunks with up to three years to pay for it; the Lebanon Supervisor is very positive and the Town Board of the Town of Lebanon would like to see Hamilton go first on this. C. Rossi is ready for the Town of Hamilton to go first on this. The Town of Brookfield will discuss this and vote on it in August, Eve Ann said. Steve has gone over the Scope of Services in detail and there is greater clarification, but no changes. Steve said if the Hamilton Town Board passed a Resolution tonight to enter into the Contract with Delta Engineering to provide Road Use Law and the additional services of surveying 20 miles of road in the Town of Hamilton, for a price not to exceed \$9,900 – with the proviso that if at least 2 other Towns join with us – the price would be \$7,900. That is the Resolution that is needed.

A Motion was made by Peter Darby, seconded by C. Todd and carried that the Town of Hamilton set a Contract with Delta Engineering to provide Road Use Law and survey our roads; subject to review by the Town Attorney and Town Supervisor; not to exceed \$9,900 and not to exceed \$7,900 should two other Towns participate.

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C. Rossi gave the Town Comprehensive Plan (TCP) update. They met on Tuesday night and worked on the Survey that they are putting together to be used in the Community Outreach portion of the Comprehensive Plan. They are meeting with Nan on Thursday July 18<sup>th</sup> to regroup and see where she is at – with data collection. Mae Staples has been working with us, she has been terrific. The project is moving forward, we need to finalize review of Nan's Contract, Steve has had a couple of revisions –she is billing us monthly. They want a page on the Website and also a press release, she said. C. Todd said Chris has taken leadership on this-calling the meetings, running the meetings, taking the minutes, reporting on everything --she is doing a great job, Eve Ann said.

C. Todd reported on Records Retention – they did go to Cortland: Sue, Mae, Regina and Carolyn- to the Training. Significantly after that meeting-they were able to visit Cortland County - Jeremy –he is the Records Management Officer for Cortland County recommended that they go to the Town of Cortlandville and meet the staff there. They saw their Records Retention Facility, an upstairs vault, a down stairs storage, it is beautiful and for a couple million dollars we could have the same thing. The Town of Sherburne has had tremendous water problems with flooding, the Town Office was flooded – the Records Retention section was not flooded, but some damage to boxes of Court records – the floor, the carpet suffered a lot of damage to the Town Office. Our Records Retention is down below and we can see daylight down there – if there was flooding it would not take too long for the water to come in—so there is a lot of concern about protecting these records. Mae has been wonderful – 12 hours a week Monday-Thursday we work at Parry's –Carol Dewey has come over and began to work with us this week. We are moving forward and are ready to have a Destruction Log and having that reviewed by various people. We have to show that on such a date – these records were destroyed. We have to document what we are doing. We are getting shredding estimates, she said. With 6 years of retention, there are things that do not have to be kept, we have 50/60 years of all kinds of things, but some may be archival. She talked about mortgage documents. C. Rossi asked would any of this have a better home at Madison County or NYS Historical Association. C. Todd said it is her understanding that the Committee does not have to come back to this Board for permission to execute the Destruction Law, and Sue said at year end – they make a typed list of what needs to be destroyed, and they submit

it to the counsel just so it is well documented. Peter asked if Jack Loop (Historian) was involved, and Carolyn said yes. Eve Ann said she trusts their judgment and if they disagree on anything – they can ask C. Rossi for her opinion. Carolyn said the end of the Lease is December and they do not want to bring those records back here. She said a meeting of the Joint Shared Services Committee to talk about beginning to think of a shared space for the 2 Villages, the Town, and 2 Courts. It should be humidity controlled. Sam Cooper said the Courthouse isn't filled, Wanda Warren Berry said there are pods (climate controlled) for storage. Eve Ann said ask Mae to look into this task. Exhibition Alliance rents out space, C. Rossi said.

Eve Ann said she and the Mayor need to go over the Shared Code Officer Agreement – Eve Ann needs to review it and see how it is meeting our needs, and how the hours Paul is putting in- turns into dollars we are spending, etc.

SOMAC Update-David Holcomb said the Mayor introduced Tim Collins, the new Business Manager that SOMAC has hired and after he has been on the job one month-and having a long meeting the other night-it is pretty impressive to see what he has his hands on already. Tim then spoke and said policies and procedures are in place-it is just a matter of enforcing them. There are a lot of good volunteers and a lot of good paid staff. The paid staff's concern is EMS. With changes in State Laws and Regulations - things have to be put in order, and we have made a lot of headway, he said. He has established a 3 month plan wherein he feels SOMAC will be back on track. David said Tim has a handle on billing there. David said there is an overwhelming amount of paperwork, and a short window on billing that is a problem, but you do not want to lose that money; Tim has a good business background on that. Discussion about unpaid SOMAC bills – Tim said he will be doing training with drivers on PCR's and PCS's and what is necessary and how that information has to be submitted. They have all the elements there, and you will see the sharpness back in them. Eve Ann thanked Tim for taking on this task – we know how important SOMAC is to this Community.

Other Concerns of Town Board –none.

County Board Update: Eve Ann said they spent a lot of time looking at the FEMA situation in the Town and Countywide. We did have a good Economic

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Development Report from the Madison County IDA, and about all the different Grants and programs. There are revolving Loan Programs, Micro Grant programs that help start some businesses here in Hamilton-there is a second round of funding they have not used –we need to reach out to PCD and the Hamilton Business Alliance, and see if there are new businesses looking to get started that can get a Grant up to \$20,000. There are opportunities here and we should help our community take advantage of that. Most of the economic activity the IDA is doing is taking place in the northern part, above Route 20, and we need to do more-that is one of her goals. She said someone was interested in trying to find a space – they recycle glass, and they crush it, and turn it into some sort of new product – and she said they connected with Bill Porta; and they are looking for 2,000 to 5,000 square feet of warehouse space; with 20 feet high ceilings – open buildings.

C. Todd said in terms of Economic Development the Village Board reported that approximately 2 or 3 businesses have come to look at property at the Airpark. The Mid-York Airpark is notable for the fact very little development has taken place there, compared to the other business parks in the rest of the County-so we should all be doing all we can to support the Village and get some businesses there, Eve Ann said. With natural gas coming into the Village – it will be cheap energy, they both said.

A Motion to go into Executive Session for discussion of Litigation was made by P. Darby, seconded by C. Todd and carried.

A Motion to come out of Executive Session was made by P. Darby, seconded by C. Todd and carried.

A Motion was made by P. Darby, seconded by C. Rossi and carried to set up a Committee to find a new Codes Enforcement Officer. David Holcomb and Peter Darby will do this – there will need to be advertisements/interviews.

A Motion to Adjourn the Meeting was made by C. Rossi, seconded by P. Darby and carried at 8:15 p.m.

Respectfully submitted,

Catherine S. Hotaling, Town Clerk

