

The regular monthly meeting of the Hamilton Town Board was held on Thursday, June 13, 2013, at 7:00 p.m., at the Town Office, 16 Broad Street. Present were: E.A. Shwartz, Supervisor; P. Darby, Deputy Supv.; C. Todd & C. Rossi, Town Council; Sue Reymers, Bookkeeper; Mae Staples (Colgate Intern), B. Glazier, Highway Supt.; Regina Silvestri, Mayor Miller, D. Kliman; Wanda Warren Berry; Bruce Moseley; Virginia Elliott and her husband; and others (see attached sign-up sheet filed with the original Minutes).

Supv. Shwartz started the meeting by welcoming everyone.

A Colgate employee asked if she could record the meeting, as she wants to research hydro-fracking.

Wanda said she attended meetings regularly in the past and she wanted to thank the Town Board for publishing things on the website, and for Chris Rossi's articles in the newspaper-because she has felt that she was able to keep pretty well informed about what was happening – whenever she was unable to attend.

Mayor Miller asked about the 4th of July – she invited all the Town Officials and the Village of Earlville Officials, to be part of the ceremonial festivities. She also asked: do you want the Village to make a Banner. The 4th of July Committee is looking for their funding, the Mayor said – the check can be made out to the Village of Hamilton, with a memo saying it is for the 4th of July.

G. Hayes (Doc) reported that in July and August their meetings will be on the second Mondays instead of the second Tuesdays – because they have music in the park on Tuesdays.

Mayor Miller said the symphony will be playing here on the date of our next Town Board Meeting-so you may want to adjust your meeting-C. Todd said we did last year.

G. Hayes said they did hire a DPW worker, Dale Wissenbach, he has had a lot of experience with construction, he lives in Earlville. He said they had 30 applicants-there are a lot of people unemployed, underemployed, or not competent about their job security-it was sobering to see. He is taking Thayer's place-he retired; it pays \$11 an hour. The Village Clerk and Doc went to the breakfast here yesterday with PCD and Hamilton Business Alliance – and he thinks Earlville will get involved in this whole process again. They are going to Cortland next week on this electronic records meeting. He is hoping the Village of Earlville, the Town, the

County, and the Village of Hamilton can work on this electronic bookkeeping together. If there are any Grants for this, joining together will help, Eve Ann said. Earlville days are July 19 and 20; everyone is welcome. At Opera House this Saturday & Sunday Hugh Humphreys is giving a program. Eve Ann thanked Doc.

Eve Ann said some people came to speak about natural gas development in the Town. Virginia Elliott said at this time the State of New York is not permitting it, but if in the future they do allow it – the Town will be faced with some really big decisions and in anticipation of that – she would like to request that there be an agenda item for this group to really have a review of discussion of all the potential consequences should hydro-fracking be allowed. Mr. Chris Rasbrook of Lebanon Reservoir asked that such a meeting be held at the Library-as there will be representatives from both sides of the issue. C. Rossi said there is an Energy Working Group (EWG) and on that group - the Town Council pulled together members of the community that represented a broad base of the community: farmers, people involved in preservation, Colgate staff – did any have Leases, she was asked – one did, but it expired. The EWG Members are: Elaine Hughes, Jodi Palmer, Peter Darby, Chris Rossi, Rich Panco, Peter Klepsis, Harvey Kliman, Greg Owens, and Mike Welshko. The EWG wants it to be a peaceable community issue, they want to do research on it, and bring the research back to the Town Council. It is a divisive issue and they want to make sure all voices are heard. The EWG is looking into: protecting road use in case there is development- to give the Town some control. Zoning where fracking takes place is something that might also be something the Town has some sort of control over. The way that is established is through your Comprehensive Plan and eventually through Zoning. So we are reviewing our existing Comprehensive Plan and there is a Committee – it sets the tone for your vision of the Town today and in the future. They will be having public outreach sessions in the fall – surveying residents and having public dialogue. Mr. Rasbrook said this will come up for a vote again soon in the NYS Govt. and if we are not prepared; and they vote yes – how do we stop something before it gets out of hand, or they are already doing it. P. Darby said as long as the Courts are ruling that the Towns have the right to ban hydrofracking – we do not think gas companies will want to come in and purchase Leases because if Hamilton permits it, but Brookfield does not permit it, etc. – there is no way they

can put together the kind of infrastructure that they need in order to be successful, and an election can change the Town Board's makeup, too. Until the Court case is settled, we do not see anything happening here. Also the low price of gas – we feel we have the time to be slow and deliberate about this. The first thing everyone said when they learned the Town could ban hydraulic fracturing – this could tear our Town apart. We are trying to find a middle ground. We have the right at any time to declare a Moratorium-we intentionally have not done that- because we do not feel there is any threat. That gives us up to two years and we are working on trying to understand what is within our authority and what is not; and what our response should be. Will there be a vote on this – it is a Board decision, Peter said. It is part of the Comprehensive Plan project, C. Rossi said- they are trying to hear all voices; on all different issues. There is one Supervisor, four Board members, and an election in November – and two current Board members are retiring (we want them to stay with us), but there may be new faces on the Board; Eve Ann said. V. Elliott said if they are people who have signed Leases with the gas company – how can they make an impartial decision. They would have to look at the Comprehensive Plan and its conclusions – that is why we are going through this whole process; Eve Ann said. There is still a lot of open space where there is not a lot of housing development close by our water resources; and farmers in this community who are interested in gas development as a way to help them stay in farming. There are two sides to this and our Board is trying to find a way to not tear the Town apart; Eve Ann said. Peter said the Town Board is not taking authority on ourselves – it is our job. It will be a consideration in the next election, V. Elliott said. Absolutely, that's democracy, Eve Ann said. The Comprehensive Plan Committee Meetings are open to the Public – every third Thursday at 7:00 p.m., at the Library. The entire process will take 18 months, Peter said. James Felizola said he's been here 10 months and wants it on record that he is support of the Comprehensive Plan limiting the damage that can be done by hydraulic fracturing to both private and public wells, and underground aquifers. Also he is in support of the Village of Hamilton, as well as other Villages banning hydraulic fracturing, to send a message to the State; he is in support of landowners developing their resources – but when it is done in a way that is going to persist over generations, he does not think they have that right. Eve Ann said this is the Town, not the Village, just to clarify-as it gets confusing. He said the same message is to the Town.

A Motion to Accept the May 9, 2013 Town Board Minutes was made by P. Darby, seconded by C. Todd and carried. C. Todd thanked Cathy for sending these out earlier.

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

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

C. Todd had a couple questions about pre-paid bills, and Sue answered her questions. Also as a BAR member only attended one session, and not both sessions, should that member get the whole \$100. Eve Ann said it is probably a flat fee for serving on the BAR. Also the Excellus bill was questioned, and Sue explained it to C. Todd.

C. Todd said dept. heads need to sign their bills. Sue said: Warrants are signed after the meetings, after the verifications, by either the Town Clerk or Deputy Town Clerk. Regarding: Assessment Bill –Rochelle works for three Towns and each Town pays 1/3 of the cost, for her training fees.

B. Glazier then gave his Highway Report: They worked on Preston Hill and Rhodes Rd. for road surface – as they are bleeders. Bleeding is a process wherein the oil comes to the top and makes the road sticky in hot weather. They chip-sealed the top of Preston Hill, Harris Road, Humphrey Road and Hoose Road. There were 2 trees down on Borden Road they cleaned up-cleaned culverts and ditches on upper Payne and Thayer Road. They helped Lebanon, Smyrna, Madison, Brookfield, and assisted the Town Office with one of their projects and yesterday the new Loader came in; and they received a check for the 1993 dump truck. P. Darby said they should be called plow trucks and not dump trucks, as it could be confusing. That new loader we just received was at no cost – we bought that just by selling our other machine; Bert said. Next month let's look at a summary ,Eve Ann said. Sue and Bert will get the Sand Bid ready, he said. The Solar is going to be in on the 24th instead of the 10th; Bert said. We are still under State Contract with the fuel bid, Bert said. Then Sue and Bert will do the fuel oil bids next. C. Rossi said Sue did a great fact sheet on the solar project and she is wondering if it should be posted on our website.

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Sue handed out her Financial Report and Report to the Town Supervisor from Secretary to the Supervisor. She has not done her bank reconciliations, as they arrived today. \$21,000- the last check from Madison County Road Fund came in. The budget was \$90,000 and we got over \$121,000 to date; Sue said. A Madison County Mortgage Check came in, money for two trucks came in, and more Franchise Fees from Time Warner. She will be working with Carol King next week doing some Fund Balance Work, but also there is an entry that will effect the balances on the Capital Reserves. Records Retention has added some expenses, too.

Sue explained our Fidelity Bond is covered by the Hartford Insurance and she was added for coverage since all the bookkeeping is done in house. What happened was that this put us under scrutiny by the Hartford and they felt we needed to strengthen our internal controls and are requesting we do that. NYMIR will cover our policy, if we wish, at an additional cost. The areas of concern were how cash is being handled and segregation of duties – so that is in the claims auditing process and cash handling. We are very small and are trying to come up with realistic reasonable changes that will give us checks and balances; and satisfy the Hartford. Prior to July 17th – something formal should be written up, Sue said. We have honest people working for us, but this would protect us should anything every happen, Eve Ann said. We are going to propose that one Councilperson review this every month, and rotate this, Eve Ann said. The Crime Policy includes all the Town's money that comes in. Sue needs a fire safe and wants to purchase one. It is lockable, fire safe and water damage safe.

A Motion allowing the Bookkeeper to purchase a fire safe was made by P. Darby, seconded by C. Rossi and carried.

Some Staff need an Agency Credit Card – NBT offers a Visa Community Card; Sue needs. The Mayor said Sue could talk to their Bookkeeper about this.

A Motion was made by P. Darby, seconded by C. Todd and carried authorizing the Bookkeeper to get an application for an Agency Credit Card.

Eve Ann said our cleaning lady is leaving – maybe use a service. C. Todd said put it on the website. Wanda said Next Door Hamilton might be helpful. The salary for the year is just over \$2,000 the Bookkeeper said. The Town will need references.

C. Todd welcomed Mae Staples, a Colgate U. intern – she started June 3rd and is with us for 10 weeks. We are delighted to welcome her to our office and staff- and the Records Retention Committee and Comprehensive Plan Committee. On June 6th everyone came here, and Bert arrived with 3 strong helpers and 2 trucks, and they moved into their off site location for Records Retention. Thanks to Colgate –it has been donated to us a warehouse type space – the former Parry’s. We have a Lease until the end of the year, insurance policy, lock, etc. She thanked Bert and his workers for their help. Once we are all over there – we are to do an inventory, Regina has come up with this labeling program, and C. Todd has done a hand drawn diagram of what it looked like before it was touched in the basement. Regina came on as a volunteer – she has been a librarian, a teacher, she is certified by NYS as an archivist, has gone to training with them and is now advising them. There is a Label inside the box, outside the box, and on top of the box – and that coordinates with the List we have and the diagram, C. Todd said. Records go back to 1859, she said. Caretaker of the poor-Town of Hamilton-1850 something – is one book, she said. We are working off site and we need some fixed hours when we can go to Utica Street – Mon-Thurs. 1-4 they will work on them. What if we closed the Town Office in the afternoons, and after their lunch hour, they joined us. The Town Clerk and Deputy wanted to go on record as being against summer hours-they have not been done-it would confuse the public; and we are here to be of service to the public. Doc Hayes said he agrees with the Town Clerk’s thinking –the Earlville Clerk is alone – and when you get 2 or 3 people coming to the door and the Clerk is not there; there is going to be some unhappy people and it will come back to bite you. We have dog licenses, marriage licenses, fishing licenses – these are seasonal –we received from the DEC we have to have training for DEC sales for this year; they are changing the whole system of DEC sales that we will have to be trained for-for next year. I have to stay on track for what my job requires and the public would be upset with me, not the Town Board. C. Todd said the Clerk is in charge of Records. Regina said by doing this, boxes will be cleaned up, and there will be less of them. Regina also said the records will be categorized by need. We have to know what is there first Regina said. Wanda said you may need more help-there are a number of retired librarians here, maybe use Hamilton Next Door/get volunteers. Regina said maybe in a week or so – but not yet. Anything prior to 1910 we have to keep, anything of an archival value has to be kept, C. Todd said. There will be

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Costs involved in doing this C. Todd said. Why would you put them back in the basement when you are done, Bert asked. Peter thanked everyone involved in it, it is an incredible amount of work involved in it.

A Motion was made by P. Darby, seconded by C. Todd and carried that the Town Clerk, Deputy Clerk schedule their help and if Carol's time is not covered by comp time, that we authorize paying her for that time.

Eve Ann said it is summertime and the Clerk has already scheduled Carol for some time off. Next month if we need to add more help for this project, we should, Eve Ann said. Jack Loop, the Historian, is interested too, C. Todd said.

Regina has been very generous with her time and is making parts of this project possible that we would not be able to do and she wonders how to compensate her-C. Todd said. We could compensate her on a Consultant basis, C. Todd said. Eve Ann said she is trying to figure out paying Carol for extra time – if comp time does not work out. Eve Ann thanked everyone for their hard work.

The Town Board went over revised Codes forms, revised fees. Eve Ann said Steve Jones, Esq. said these changes can be made by Resolution. They discussed inspection fees: Up to 5 inspections - \$150, with each additional inspection \$30 each.

A Motion was made by P. Darby, seconded by C. Rossi and carried that contingent upon satisfactory design by C. Rossi, and contingent upon satisfactory review by C. Todd, that the revised Code Forms and Fees will be acceptable.

A Motion was made by P. Darby, seconded by C. Todd and carried that the Designation of the 2013 Year General Election Districts are: District 1 & District 2 – Hamilton Public Library; District 3 –Village of Earlville Office; District 4 – Poolville Community Center.

Eve Ann said \$500 has been committed to the 2013 Symphoria, by the Town.

C. Rossi then gave an update on the Town's Comprehensive Plan. She has the Contract from Nan and has forwarded it to everyone. She will be meeting with the Comprehensive Plan Committee next Thursday the 20th, at 7:00 p.m., in the

Library and we need to hopefully approve her Consulting Agreement and her Estimate. Her Estimate for scope of work is \$23,950 – based on all the tasks she outlined in her proposed scope of work-and the Consulting Agreement lays out the terms. C. Todd asked: can we opt out of certain portions of it, or is it a fixed price. It is not a fixed price, C. Rossi said-and she will bill us monthly for what is done. Peter said she has been extremely flexible and agreeable with what we do, and what we want her to do. C. Rossi said Mae is doing a list of data from the Town – in the long run it will save time and energy to have her do certain things, as opposed to us doing certain things. Nan will facilitate the meeting – get things together –and put everything into a written form – C. Rossi said regarding the housing issue – Nan’s estimating \$500 for that scope of the work. Maybe we can get an intern for the fall, Eve Ann said.

A Motion was made by P. Darby, seconded by C. Todd and carried approving the amount of \$23,950 for the Consulting Agreement with a Scope of Work Document; subject to review by Steve Jones, Esq.

C. Rossi will forward that to Steve Jones, Esq. Mae is doing data collection for Nan and will meet her next week. They will review sample survey questions-to get community involvement.

Energy Working Group (EWG) Report: Road Use Agreement – Steve Jones and Jim Goldstein will be meeting with Delta to talk through the issues next week, Eve Ann said. Maybe Bert would like to go to this meeting, she said.

C. Rossi attended an Upstate Institute Board Meeting to talk about the Article 10 citing process. Hamilton should be a participating agency and we should be monitoring the wind farms application. She got on the PSC website and got a user name and she is keeping tabs on their application. They have done a petition, and once they go to the pre-application phase –that is when intervener funds become available. Hamilton would be able to get intervener funds, because we are an affected community. Concerns about loss of revenue and quality of life for our community members, C. Rossi said. C. Rossi will help the Mayor get this information, too. They can go Article 10 or Town, B. Moseley said. Article 10 is more efficient for them, and that is their (EDP) choice, B. Moseley said. The only thing left for the Town is that you can review zoning-it gets taken into consideration-example: set backs and that sort of thing, the State would take that

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into consideration when they were looking at an Article 10 sighting. C. Rossi said what is important for Madison is whether they get any wind laws through and get some zoning through, it might affect Article 10. The State is sympathetic to renewable energy, B. Moseley said; 30% by 2015. Any Village, Town affected can participate in the Article 10 proceedings and can receive funds. Jodi Palmer is looking to do a field trip down to Pennsylvania – a Town that has experienced hydro-fracking.

The Village of Hamilton Gas Utility Franchise Agreement was reviewed by our attorney and he is satisfied with it- so we need a resolution, Eve Ann said.

Resolution # 18 was made by P. Darby, seconded by C. Todd and carried to approve the Village of Hamilton's Gas Utility Franchise Agreement that was presented and reviewed at the Town of Hamilton's Public Hearing on May 9, 2013.

Shared Codes Officer Agreement – The Mayor and the Supervisor need to get together on this.

D. Holcomb represented the Town of Hamilton on the SOMAC Board – a new business administrator has been hired for at least 20 hours a week of work. He was a former management person in corrections, he is a computer whiz, and his resume is very impressive; the Mayor said. He is Suzanne Collins's husband, Tim. Sally Campbell is our other new Board member, the Mayor said. The Finance Campaign is going well, the Mayor said.

Carolyn, Peter and Eve Ann went to a meeting – met with the architects Colgate has hired to do a Master Plan-it has not been approved by the Board of Trustees yet. The idea is to get more of the Residence Halls back on campus because the College Street apartments are reaching their lifespan, and also trying to clean up Taylor Lake from the creek (source of pollution), and parking would close off the traffic going up to Frank (that area); and make it more walking friendly; Bruce said. Also close the Gate House, the Mayor said. Nan should see the Colgate Master Plan, Eve Ann said.

A Motion was made by P. Darby, seconded by C. Todd and carried authorizing up to \$1,000 in payment to Nan for her work. Nan has in there five hours at \$100 an hour, so far, Eve Ann said.

Town Board Concerns-Have been addressed already.

County Board update –Eve Ann said lots of meetings, your Town Supervisor voted against the Oneida Nation Agreement-because she thought the County was dragged to the bargaining table, with our arms twisted up behind our backs, threatened, our attorneys were taken away from us - because our attorneys were giving them advice that the Agreement had a lot of holes in it and was inadequate. It will have some positive initial short term benefits – if it is approved by Oneida County, the Oneida Indian Nation, the State of New York, and Madison County-in which it is agreed to drop our legal claims against the Oneida Nation; in exchange they will give us 11 million dollars in back taxes. The State will give us 3.5 million dollars annually from their share of the slots – which is estimated to be 50 million dollars. The governor’s legal counsel has interpreted the document, and that is what we are relying on. There are still legal cases against the Oneida Nation – Villages of Verona and Vernon are still continuing their legal cases against the Nation. You can not checkerboard – that is putting little pieces of property into trust and not paying taxes on them. This Agreement stops arguments. They get another 1,000 acres in Madison County and they are not going to pay taxes on that land – that 3.5 million dollars is to compensate for that. They are not going to pay sales tax, and they are going to raise their prices to equal our prices (parody). They are supposed to use that money for similar government functions – but they are not giving us any of that money. Why NYS gave up their right to enforce the sales tax law – they threw away millions of dollars . In the Agreement it says they will not oppose Andrew Cuomo’s casino legislation. Also, Grants Madison County was supposed to get –sorry. Per Wanda’s question: Eve Ann said in other Counties who loses the right to have a casino would get a payment. The thing that bothers Eve Ann the most is the 3.5 million dollars – there is no cost of living, escalating clause. The Madison County Landfill proposal to develop the Agricultural and Renewable Energy Park at the Landfill as an economic development industrial park – has been held up by the Oneida Indian Nation – their Indian land remains there at the site. It has been held up for years and we just got a final letter from the DEC to go forward.

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The County is taking 75 acres out of the landfill and putting a conservation easement on it – to protect that land from ever being developed.

A Motion to go into Executive Session was made by P. Darby, seconded by C. Rossi and carried.

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

A Motion was made by P. Darby, seconded by C. Rossi and carried to approve the Confidentiality Agreement between Eberhardt LLC, the Town of Hamilton, and Colgate University in connection with their tax assessment case. Vote taken was unanimous.

A Motion to Adjourn was made by P. Darby, seconded by C. Rossi and carried at 10:10 p.m.

Respectfully submitted,

Catherine S. Hotaling
Town Clerk

