

**Hamilton Town Council Regular Meeting Minutes**  
**Thursday, March 11, 2021 at 6:30 p.m.**  
**Via Zoom Videoconferencing**

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

Others Present: Sue Reymers, Town Clerk, Brynley Wilcox, Bookkeeper.

Public: Jim Leach, Chris Rossi, Deb Hotaling, Kathleen Palmer.

**Call to order & Welcome:** The meeting was called to order at 6:36 p.m.

**Public Hearing:** "IN THE MATTER OF SCHEDULING A PUBLIC HEARING FOR CONSIDERATION OF GRANTING A CABLE TELEVISION FRANCHISE HELD BY SPECTRUM NORTHEAST, LLC"

- Public Notice published in Utica Observer Dispatch on March 1, 2021
- Comments accepted up to deadline March 10, 2021

**RESOLUTION 2021-40: Open the public hearing**

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

Resolved that the public hearing be opened at 6:37 p.m.

No comments.

**RESOLUTION 2021-41: Close the public hearing**

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

Resolved that the public hearing be closed at 6:38 p.m.

**Public Comments:**

Chris Rossi report on Zoning Update Committee and HCPWG: The Zoning Update Committee is close to having a draft of the updated zoning to share with the town council for their review. Nan is going to be able to put together a red line version which will make it easy to see where things were updated. There will also be some sort of a finding aid to help as well. Hoping to hand it off in April and set up a zoom meeting to review it with the town council. That's preliminary because the lawyer must look at it, then we have to go to public with public meetings and all of that, so this is just a first step down that road. It was agreed that it will take some time for the council to review it. Chris suggested that we could have Nan join us for the meeting with the town council if that's helpful as well. There is one more ZUC meeting then we can determine a date to meet with the town council.

The Climate Preparedness Working Group is meeting next Monday night with the town council along with John Pumilio to look through the drafted municipal climate action plan. The group is also looking at another round of Clean Energy Communities. That will score some more grant money. Chris asked for Eve Ann, Sue, and John to reconvene with her to further discuss what we want to pursue from the program. It was decided to bring it up at the Monday night meeting after the Climate Action Plan gets reviewed. Sue asked Chris about the Climate Smart Communities next level request she received from a former intern. Chris thinks they are only exploring the option and will reach out to Chris Henke to confirm. March 17 is the presentation for the Finger Lakes climate fund program. Sue will send the link to the town board. Chris cannot attend.

**DEPARTMENT REPORTS:****Highway Superintendent – Luke Dowsland**

Mr. Dowsland was absent due to a fire in the Hubbardsville Fire District. The board reviewed his written report in his absence.

**GENERAL REPAIRS:**

- Patched a large hole in the parking lot and a small hole on Preston Hill Road.
- Started planning with Suit-Kote our spring paving projects. We will tentatively be shoulder patching the hospital end of Preston Hill Rd and then cape sealing it, also starting to mill and pave Cole Hill Road depending on weather (the Town of Brookfield is doing their end). If not, we will start on Eaton Rd.

**EQUIPMENT:**

- Revamped the cab interior of the grader.
- Rebuilt the entire beaver tail on the excavator trailer. Had the trailer sandblasted and we painted it. It's going to look brand new. Pictures will be coming once its complete.
- Replaced a hydraulic hose on 15.
- Replaced both air tanks on #15 due to them being rotted out from the salt.

**TREE REMOVAL:**

- Cut 2 trees out of the road from a small windstorm we had on the overnight of 2/24

**SNOW REMOVAL:**

- Plowed and sanded 17 times.
- Used 612 yards of sand salt mix and 8,500 gallons of brine.

**OTHER:**

- Mike Helly has had his hands full every spare second working on SOMAC's ambulances. There is an abundance of wiring issues with them. He's spent roughly 40 hours this month working on 3 ambulances.
- We installed a new sink in the bathroom.

- I will be sending out bid specs for the garage study this week to 3 different engineering firms to get pricing.
- The excavator should be arriving this month.

Peter Darby and Darrell Griff updated that board that the Highway Committee met on March 9. At the meeting, they discussed the ambulance repairs, getting quotes on a garage study, and the insurance funding from the burned-up truck. They also discussed ideas about the garage depending on the outcome of the engineering study and funding from COVID.

### **Supervisor/Bookkeeper – Brynley Wilcox**

#### **2020-2021 SNOW & ICE AGREEMENT:**

- \$8,883.47 was received from the County - Plow Dates: 01/01/21 – 01/13/21
- \$32,437.85 was received from the County - Plow Dates: 01/16/21 – 01/29/21
- 2021 YTD: \$ 63,891.29; BUDGET: \$ 120,000.00; Pending: \$ 36,098.91

#### **SALES TAX:**

- \$117,954.66 was received from Madison County
- Q4-2020 sales tax distribution - \$8,522.96 or 7.79% over Q4-2019.

#### **FEMA:**

- \$4,014.21 received from NYS-12.5% State share of 2019 Halloween storm (shoulder repair only).
- AUD: The 2020 AUD was reviewed with Peter Darby on February 25<sup>th</sup>. Due to the State by April 1st, 2021.

### **RESOLUTION 2021-42: Authorization to file AUD with NYS**

On a motion of Councilmember Darby, seconded by Councilmember Taylor, the following resolution was: ADOPTED: Ayes: 5, Nays: 0  
Resolved that the AUD be filed as presented with NYS.

### **RESOLUTION 2021-43: Audit of Claims**

On a motion of Councilmember Darby, seconded by Councilmember Taylor, the following resolution was: ADOPTED: Ayes: 5, Nays: 0  
Resolved that the bills contained on Abstract #3 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No.	59	<i>through</i>	89	91,920.40
General Fund B	No.	20	<i>through</i>	27	314.65
Highway Fund DB	No.	31	<i>through</i>	48	41,924.67
Street Lighting SL	No.	4	<i>through</i>	5	158.49
Prepays					268.38
TOTAL:					134,586.59

Mr. Darby asked about Chips funding. Ms. Wilcox said that the money was restored.

**Town Clerk - Sue Reymers**

PLANNING BOARD: Meeting on March 9. On the agenda:

- Subdivision for property on Earlville Road- Unger.
- Heritage Farm (Dunhams) submitted an application for an amendment for their current Special Use Permit for outdoor ceremonies and events.
  - On February 22, the Dunhams had a working session with the CEO, PB Chair, Nadine Bell-Town attorney and the clerks. It was a productive session to help guide the Dunhams.

**OTHER PROJECTS:**

- Noise Law sent to the attorney John Langey on 2/19.
- Subdivision Law also is being reviewed by staff.
- Sent follow-up email to Mad Co for the new fax # to be set up.
- Making progress on securing our new .gov address for the new website.
- Gave Utilities Local Law and Permit to Eve Ann to review to see if that is what she was looking for.
- Worked with attorney and supervisor on the farm lease for 9 mile swamp.
- Bill Clark is scheduled to come back in Mid-March.
- Joan Prindle purchased boxes to store the loose Mid-York newspapers. She and other volunteers will be coming in soon to organize it all.
- List of Potentially Vulnerable Adults who need vaccines: I spoke with Samantha Field at the County and their call center in tandem with Office for the Aging is making calls daily to reach out to people who may need assistance getting the shot. She said to send a list to her and she will have them call. List is in process.
  - UPDATE: List sent 3/10

**CLEAN ENERGY LEADERSHIP PROGRAM - ROUND 2**

- I have been working on various aspects of the program so we can apply for more grants.
- Amanda Mazzoni from CNY Regional Planning continues to provide support that is helpful and insightful for our strategies. During our conversation, I mentioned the garage solar not working out as well as residential. I did some research and send her the information. She has forwarded it to Chris Carrick and Lindsay Speer, the HeatSmart campaign manager to try to get some more info from them on what could be happening here, and what actions we need to take at a policy level to try to fix these issues. I had to rebuild the Garage Solar file so the information is readily available. I am hopeful that Chris and Lindsay may be able to help us out.

My RMC Application was submitted to NYSTCA on February 19. I have to demonstrate 50 points of education and 50 points of experience for initial certification. I exceeded both of those areas by numerous points, so I was more than ready for this step. Once

approved, I will be a Registered Municipal Clerk and be able to add the RMC letters after my name.

After reviewing her written report, Ms. Reymers also explained that a blower door test is scheduled to address a concern with a couple of the windows. It was done in March last year but the town never received a report.

Supervisor Shwartz asked for clarification on the Garage Solar notes. Sue asked Peter to explain it. Peter explained that if you have a residential system., the system balances out once a year, so you can accumulate credits all through the summer, and you can spend them down through the winter. With a commercial system, any credit that you haven't used in that month they buy back to you, and they buy it back just for the cost of electricity, which it's likely less than three cents a kilowatt hour. And you don't get to save summer production for winter usage. So, the solar is never as advantageous for commercial as it is for residential. Supervisor Shwartz thinks it may be a regulatory fix. Hopefully, CNYRP can provide some insight or advice.

#### **RESOLUTION 2021-44: Approval of Minutes – 2/11/2021**

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

Resolved that the minutes for February 11, 2021 be approved with one edit.

#### **Codes Enforcement Officer – Mark Miller**

##### **February Activity**

- Approved 3 new Building permits.
- Approved 5 Zoning Permit applications.
- Reviewed incoming site plans and paperwork for 1 special use permit amendment and 1 special use permit (Heritage Barn and Peters' home construction on slope >15%).
  - Heritage Barn would like to expand the scope of their operations to include outdoor wedding ceremonies and ancillary outdoor activities.
- Reviewed incoming documents for subdivision (Unger/Earlville Rd.).
- Conducted 8 construction inspections.
- Investigated 2 complaints. No violations found.
- Followed up on property maintenance violations.
- Attended Planning Board meeting. Peters special use permit approved (construction on >15% slope).
- Attended zoning update committee meeting.
- Met with contractors and homeowners to discuss potential projects.

Permit #	Date	Owner's Name	Location of Project	Description of Work	Permit Fee
2021-3	2/8/21	Mark Sanford	1837 Gorton Rd	Full bathroom/basement	\$127
2021-4	2/18/21	Alea Mills	7590 Bonney Hill Rd	Sunroom	\$97.50
2021-5	2/23/21	Hamilton Manor	8196 Green Rd	20Kw standby generator	\$60.00

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

Peter Darby reported that SOMAC accepted the bid from Ashcraft Builders to build the sleeping quarters for the students. Total cost is coming in about \$40,000. They have \$10,000 that Colgate gave them last year. Colgate has extra money in their budget; they're allowed to give out \$29,000 without board approval, and so they think they're going to get an additional 29,000 from Colgate that will essentially pay for this project. SOMAC does have money in their own fund balance to pay for it if Colgate doesn't come through.

Mr. Darby also shared that in Chenango County, Norwich and Sherburne stopped providing mutual aid ambulance services outside of the district. It's similar to concerns of the town where the ambulance is covering a community (outside our district) where their taxpayers are not supporting ambulance service and they don't have full ambulance coverage. Then there is an emergency call at home, and you can't cover it. There was a brief discussion about the issue of mutual aid. Brynley Wilcox shared that Sherburne ambulance is now contracted by Columbus and Smyrna and limiting mutual aid for SOMAC and that the County is considering County wide services again. Eve Ann will follow-up with Bill Acee about it.

**Partnership for Community Development**

Mary Dinski reported that she mentioned the 9-mile access property to PCD. Laura said that is something they can help with. She will follow-up more next month.

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

**Zoning Update Committee** – Already reported on.

**SPECIAL PROJECTS:**

**Hamilton Climate Preparedness Working Group** – Already reported on.

**Earlville for Earlville**

Shari Taylor reported that she anticipates things picking up when Jennifer returns to work. There is an election for the Village of Earlville next Tuesday. Shari pulled up the election information and shared who was running. Earlville Days is scheduled for September 11.

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

Ms. Shwartz reported that the farm lease has been revised and sent back to the Palmers. There is a resolution later on the agenda pertaining to it.

### **OLD BUSINESS:**

#### **Health Emergency Plan (Due 4/1)**

Note: Report was emailed to the board on March 10. Ms. Shwartz reviewed that Mary worked with this plan with Luke and Sue. There is one thing to consider pertaining to temporary housing. There was a discussion on whether to provide temporary housing to employees and/or their families if they need to be quarantined or test positive. It was determined that temporary housing should be added but only if needed or deemed necessary based on a case-by-case basis per discussion.

#### **RESOLUTION 2021-45: Adoption of Health Emergency Plan**

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

WHEREAS, on September 7, 2020, Governor Cuomo signed legislation requiring all public employers to create a plan to adequately protect workers in the event of another state disaster involving a communicable disease; and

WHEREAS, a plan was carefully developed with participation from staff which will provide guidance in the event of another health emergency; and

WHEREAS, in the legislation, such plan is required to be finalized by April 1, 2021; and

NOW THERE, it is RESOLVED that the Town of Hamilton Town Council adopt the following Health Emergency Plan. Said Plan shall be placed in the following locations and available for public inspection:

1. Highway Garage
2. Town Office
3. Town of Hamilton Website

(ATTACHMENT A)

### **NEW BUSINESS:**

#### **Resolution Designating Polling Places for the Town of Hamilton**

#### **RESOLUTION 2021-46: Approval of Designated Polling Places**

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



Resolved that District 1 & 2's polling place be located at the Hamilton Public Library 13 Broad Street, District 3 will be at the Village of Earlville Clerk's Office 8 North Main Street and District #4 will be at the Poolville Community Center 7484 Willey Road.

**Resolution to Authorize the Execution of a Lease Agreement between the Town and Palmer's pursuant to Permissive Referendum.**

Legal Notice to immediately follow. Lease can be signed by both parties post 30 days.

**RESOLUTION 2021-47: AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE TOWN OF HAMILTON AND KEITH AND JODI PALMER PURSUANT TO PERMISSIVE REFERENDUM**

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

WHEREAS, the Town of Hamilton has been approached by Keith and Jodi Palmer, with an address of 2251 Wickwire Road, Hubbardsville, New York 13355 (hereinafter the "Palmers"), with a request that the Palmers be allowed to lease a portion of the land consisting of 1.0 +/- acres comprising the property commonly known as Tax Map No. 171.-1-8, located on Wickwire Road in the Town of Hamilton, as delineated on the attached Exhibit "A" for the purpose of producing hay crops only; and

WHEREAS, the Town Board of the Town of Hamilton and the Palmers have reached a tentative agreement for said land area located on Wickwire Road (more formally known as portions of Tax Map No. 171.-1-8) that will suit the needs of the Palmers for said purposes; and

WHEREAS, the aforesaid land area is excess land and space and is not needed by the Town for its own purposes and is surplus and available for this proposed purpose; and

WHEREAS, pursuant to Section 64-2 of the New York Town Law, such an agreement may be entered into by the Town, subject to a permissive referendum; and

WHEREAS, such agreement constitutes a Type II action for purposes of State Environmental Quality Review and, as a result, no environmental impact is anticipated.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Hamilton approves the agreement between the Town and the Palmers for the leasing of land and space on a portion of its property located on Wickwire Road (more formally known as a portion of Tax Map No. 171.-1-8), in substantial accordance with the attached Agreement that has been negotiated for this purpose and authorizes the Supervisor to execute said Agreement and take any and all further action needed to give full force and effect to this approval; and it is further

RESOLVED that appropriate notice of this action shall be posted and shall be published in the official Town newspaper; and it is further

RESOLVED that this action be and the same hereby is subject to a permissive referendum.



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

Darrell Griff	Councilor	Voted	Yes
Shari Taylor	Councilor	Voted	Yes
Mary Ann Dinski	Councilor	Voted	Yes
Peter Darby	Councilor	Voted	Yes
Eve Ann Shwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**Resolution to adopt Spectrum Franchise Agreement**

**RESOLUTION 2021-48: IN THE MATTER OF GRANTING A CABLE TELEVISION FRANCHISE HELD BY SPECTRUM NORTHEAST, LLC (L/K/A CHARTER COMMUNICATIONS) IN THE TOWN OF HAMILTON, COUNTY OF MADISON, NEW YORK**

The following resolution was offered by Peter Darby, who moved its adoption, and seconded by Mary Dinski, to wit:

**WHEREAS**, an application has been duly made to the Town Board of the Town of Hamilton, County of Madison, New York, by Spectrum Northeast LLC, l/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of State of Delaware, doing business at 6005 Fair Lakes Road, East Syracuse, NY 13057, for the approval of a renewal agreement for Spectrum Northeast LLC's cable television franchise for eight (8) years commencing with the date of approval by the Public Service Commission; and

**WHEREAS**, the Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

**WHEREAS**, a public hearing was held in the Town of Hamilton, New York on March 11, 2021 at 6:30 p.m. and notice of the hearing was published in the Utica Observer Dispatch on March 1, 2021; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, on February 11, 2021 the Town Board declared itself lead agency and determined that the authorization of said resolution is a Type II action for purposes of environmental review under SEQRA, thus concluding the environmental review process; and

**WHEREAS**, it is in the public interest to grant the cable television franchise of Spectrum Northeast LLC and the Town of Hamilton for eight (8) years.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of the Town of Hamilton finds that:

1. Spectrum Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests; and

**BE IT FURTHER RESOLVED** that the Board of the Town of Hamilton hereby grants the cable television franchise of Spectrum Northeast LLC and the Town of Hamilton for eight (8) years commencing with the date of approval by the Public Service Commission and expiring eight (8) years hence; and

**BE IT FURTHER RESOLVED** that the Board of the Town of Hamilton hereby confirms acceptance of this Franchise Renewal Agreement.

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

<b>Darrell Griff</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Shari Taylor</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Mary Ann Dinski</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Peter Darby</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Eve Ann Shwartz</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**Concerns of Town Board:** None.

**Supervisor's Report: Madison County Activities:**

Supervisor Shwartz gave a brief report on the status of the issue of the flag with the Thin Blue Line at the County Sheriff's office and on vaccine distribution.

With no further business, on a motion of Councilmember Darby, seconded by Councilmember Dinski, the meeting was adjourned at 8:26 p.m. Carried unanimously.

Respectfully submitted,  
Suzanne K. Reymers  
Town Clerk