

**Hamilton Town Council Regular Board Meeting Minutes**  
**Thursday, June 8, 2023, at 7:00 p.m.**  
**Town Hall 38 Milford Street, Hamilton & Via Zoom Videoconferencing**

Present: Eve Ann Shwartz, Shari Taylor, Darrell Griff, Dana Krueger, Travis DuBois.  
Others Present: Sue Reymers, Town Clerk; Luke Dowsland, Highway Superintendent.  
Absent: Brynley Wilcox, Bookkeeper.  
Public: Jody Palmer (Zoom), Deb Hotaling, Chris Rossi (Zoom).

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

**Public Comments:** None.

**DEPARTMENT REPORTS:**

**Highway Superintendent Report – Luke Dowsland**

**GENERAL REPAIRS:**

- Ditched and jetted pipes on Mason rd and Payne st.
- Worked on Kiley every day for the last 3 weeks widening, increasing sight distance and moving the ditches. More of a project than anticipated.

**EQUIPMENT:**

- Installed new bushing in the thumb of the excavator.
- Fixed a blown hydraulic line on 15.
- Fixed a leaking oil pan on 17.
- Removed and took 17's hydraulic pump to Marcy Hydraulics for re-sealing.
- Replaced a blown hydraulic line on the broom.
- 550 is still at Friendly Ford.

**TREE REMOVAL:**

- Cleaned up 1 tree on Gorton rd for the County.

**CHIPS:**

- The second half (1.2 miles) Williams rd was paved by Ulster Paving.

**OTHER:**

- Removed the blown down shed in the Poolville cemetery.
- Kept up mowing everything.
- Went to Tenco for the new truck 17 pre build meeting. It's supposed to be here mid July.
- Hooked up the water timer for the town office flowers.
- Distributed the Fire Safe Filing Cabinets. SOMAC and Town of Madison got theirs.

**Supervisor/Bookkeeper – Reviewed by Supervisor Shwartz**

**SALES TAX REVENUE:**

- \$143,785.42 was received from the County
  - Q1-2023 distribution
  - 14.8% over Q1-2022 distribution (\$125,292.73)
- YTD: \$285,413.62
- Budget: \$ 500,000.00

**MORTGAGE TAX:**

- \$16,683.99 was received from Madison County
  - Oct. 2022 – Mar. 2023 house sales
  - \$18,471.00 or 47.46% under Oct. 2021 – Mar. 2022

**FRANCHISE FEES:**

- \$3,651.08 was received from Charter Communications
- Q1-2023 franchise fees

**INTEREST ON REAL PROPERTY TAX:**

- \$4,747.43 was received from Madison County
  - Tax payments received in April 2023
- YTD: \$8,891.24
- Budget: \$5,500.00

**SOMAC EFFICIENCY STUDY:**

- \$7,125.00 was received from Colgate University
  - Their share of the study
- Pending receivables:
  - Community Memorial Hospital
  - Town of Lebanon/Madison County

**2022 AUDIT:**

- Cwynar, Farrow, and Locke were at the Town Office and Town Court for the 2022 audit from Monday, May 15<sup>th</sup> through Wednesday, May 17<sup>th</sup>.

**RESOLUTION NEEDED:**

- Resolved that the bills contained on Abstract #6 have been reviewed by the Town Board and are authorized for payment
  - Councilmember DUBOIS to sign vouchers
    - Supervisor TAYLOR to sign vouchers in JULY
  - Annual payments made to the Village of Hamilton:
    - Summer Recreation 11,000.00
    - Hamilton Library 2,500.00
    - 4<sup>th</sup> of July Parade 750.00

**RESOLUTION 2023-52: Audit of Claims**

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

Resolved that the bills contained on Abstract #6 have been reviewed by the Town Board and are authorized for payment in the following amounts:

Pre-Pays					192.90
General Fund A	No.	139	<i>through</i>	163	23,809.39
General Fund B	No.	26	<i>through</i>	32	14,445.91
Highway Fund DB	No.	64	<i>through</i>	72	27,050.03
Street Lighting SL	No.	11	<i>through</i>	12	250.37
<b>TOTAL:</b>					65,555.70

**Town Clerk – Sue Reymers****Clerk's Office:**

- May cash disbursements aka Month End completed. Bank Reconciliations are up to date.
- Forte credit card machine is up and running.
- A few months ago, a few local businesses received counterfeit \$100 bills. The banks recommended not accepting them. I reached out to the District 6 NYSTCA group that covers numerous towns. No one had experienced the issue, but it brought up a good discussion. These local fraudulent bills were actually \$1.00 bills modified to \$100.00 so they passed the pen test. Only the bank scanners caught the fraud, but by then, the businesses were out the income as bank insurance does NOT cover that kind of issue. Elisa and I decided that we would take the \$100 bills but make a copy of the bill with the driver's license in case any show up. We will need to know who gave what \$100 bill if there is an issue, but it's likely 'they' have moved on.
- Auditors were her May 22 and 23. They asked for routine stuff from our office.

The board discussed the potential issue with counterfeit \$100 bills. People may not even know if they have a fraudulent bill. They asked the Clerk to not take them and to post a sign and the website. The Clerk will come back to the board if it creates issues at the front desk.

**Madison County Municipal Clerks Association:**

- We met on May 25 which included a presentation from Wanderers Rest Humane Association. The discussion included the fee schedules being low in most of the towns, particularly the redemption fees for dogs that are impounded at the shelter. The group wants to bring a proposal to the Board of Supervisors asking for each town to raise their fees. The low fees mean that taxpayers subsidize the costs of running the dog licensing and dog control programs. Raising fees will help offset those costs.

Fire Safes were delivered to the town highway garage and picked up from Village of Earlville who took 6, Town of Madison who took 7, SOMAC who took 2 and the Town of Hamilton took 4. Many thanks to Luke who coordinated it.

The town was able to take advantage of Colgate Salvage in May for a few organizers and lamps as well as tons of hand sanitizer that is free to the public at the front desk.

**RESOLUTION 2023-53: Approval of Minutes – 5/11/2023**

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

Resolved that the minutes for May 11, 2023 be approved.

**Codes Enforcement Officer – Chuck Ladd****May Activity;**

- Zoning applications, Inspections and building plan reviews.
- ZBA meeting for Area variance.
- Continued process of inputting issued building permits into new software.

- Process complaints into IPS software.
- Follow up on open permits. (call, email to request status from applicants)
- Permits issued. See attached report.

Permit Monthly Report 05/01/2023 - 05/31/2023					
Permit #	Issue Date	Owner	Permit Type	Property Location	Amount
May	2023				
BP-2023-013	05/01/2023	Monica+George Chamberlain	Garage/Storage Building	1622 Route 12	\$110.00
Description of Work: <i>20'x20' garage</i>				SBL#: 185.-2-51	
BP-2023-014	05/01/2023	Monica Chamberlain	Alteration	1622 Route 12	\$60.00
Description of Work: <i>Roof line pitch alteration</i>				SBL#: 185.-2-51	
BP-2023-015	05/09/2023	Tracy Waters	Swimming Pool/Pond	2431 Poolville Rd	\$90.00
Description of Work: <i>Above ground pool</i>				SBL#: 170.11-1-4	
BP-2023-016	05/30/2023	Martin Living Trust	Spas & Hot Tubs	2107 Spring St	\$60.00
Description of Work: <i>Installation of hot tub.</i>				SBL#: 169.5-2-14	
May 2023 Total:					\$320.00

## COMMITTEE REPORTS:

### Cemetery Committee

Darrell reported that the Committee met with Mike Seelman from NYSDOS Cemetery Division on June 7. We learned a lot and looked at how we wanted to handle the Hamilton Rural Cemetery (HRC). The bottom line is that it's unregulated and abandoned and up the Town to determine what to do with it. We are looking into more information on that.

Shari reminded that board that we talked last month about a request to bury someone there. From the Flummer family. At this point, we told the family that we are not in the position to do that right now. We did learn after our meeting with Mike that we actually do have additional pots that could be used but without going there and figuring out exactly where the bodies are under the grass. Darrell shared that Mike spoke to us that we could hire a company to come in and use ground penetrating radar/sonar survey. Darrell continued to say that lots and plots are used interchangeably but a LOT is considered (typically) to be about 10-12 graves and a PLOT is a grave. Since its used interchangeably at different cemeteries and at different times in minutes without definitions of what's been used at the time, so it's hard to determine what was bought when someone say they bought a lot. So did

they buy 10 gravesites when they bought a Lot? As for Poolville and Woodlawn, they seem to be moving a long pretty well.

Supervisor Shwartz asked what a survey would cost. Clerk Reymers said we don't know because we are still on a fact-finding mission but there are other ways we can explore the grounds. There is a rod we can get to determine where burials are. Darrell said that Mike stated that because our cemetery is unregulated, he doesn't have to work with us. To further explain, the Hamilton Rural Cemetery is our responsibility because it was abandoned, and Town Law Section 291 determines that it falls to the town. NYSDOS does not regulate those cemeteries, only those owned privately. Once it's with the town, they do not regulate. There are a few rules and guidelines, such as fencing, but it depends on our class. We don't know what class it is, and Mike is trying to find out.

We still have to do some research, but the rest is up to us. We need to establish policies and a fee schedule. According to Mike we would not even have to honor the burial request. In this case, it's just a cremation so it would not be a full excavation. The family wants to buy more plots. The committee asked what is the consensus of the board at this point? Do we want to pursue allowing them to bury their ashes there? Or do we want to restrict burials to just cremations, because according to Mike we can do that and not get into the larger burials? Cremations are more common now and it could also generate some income to offset the costs of mowing. Poolville charges \$55 for a cremation burial.

Eve Ann brought up surrounding private cemeteries and how they have capacity to bury and sending them the business will keep them stable and not vulnerable to become the town's responsibility.

Graham charges \$400 for cremation burials per Deb Hotaling and they average 8-10 burials a year which covers their operational costs per year for now. NYSDOS requires a perpetuity fund for cemeteries where a percentage of costs go to that fund.

Meanwhile, the family needs to hear back from us. Shari stated that we did find in an old handwritten journal where the family bought a half lot which is probably 6 burial plots. That's what Mr. Flummer said to Sue is that they places to bury 6 people. When Mike said a Lot is 12 and half lot is 6, the committee saw how this could all be lining up. Darrell said that he doesn't have any deeds, but Clerk Reymers said that nobody has deeds for the Hamilton Rural Cemetery. It is in the ledger (From the HRC Association) which aligns with what the family said. This still comes down to a moral issue – do we honor burial requests even though we don't have to. We have one burial for the Flummer family. The committee needs to see the site. Sue said that every town and cemetery goes through this kind of pain. There have been so many stories from other places.

Shari's thinking is that if we do keep going and let them bury their person there, that we should tell the Flummer family that we will not be selling additional lots (plots?). So you have 4 spots remaining and then you have to go somewhere else. Eve Ann asked if there are other outstanding plot sales. Committee responded that we just don't know. The Dunham's

have family buried there and have a strong interest in this cemetery. Sue spoke with Megan Barnes from Brookfield, the local person who has been cleaning gravestones. She called the town office regarding another cemetery, but Sue and Megan were talking about having her teach others to do this. She knows Drew Dunham and plans to go into HRC to help clean up some of them. There seems to be a growing interest in general in cemeteries.

Darrell talked about perpetual care that Mike Seelman mentioned. Then there are green burials, but the committee thinks we should avoid it.

Travis thinks we should not get into the cemetery business, but we should honor this burial but its disconcerting to not know.

Discussion on how the rod works. In the 1960's the state started to require burials to have concrete blocks. The Flummer plots are in the newer section. Mike Seelman said if you dig up and find bones, you just rebury them and leave them and move on. Mike also said an experienced person digging would see the changes in the dirt color so they would likely know before finding the bones. Erick at the Highway works for a Brookfield Cemetery and has experience. Luke said even if they want a full burial, it would not be a big deal because there is nothing around the Flummer burial. Dana is thinking if there is a wave of interest coming, we need to be prepared for it on some level. Difference between honoring previous sold lots vs. selling more lots. It can be case by case. Darrell cited Mike saying that some places do some forensics on each case to see if things line up.

Eve Ann summarized that consensus seems to be that we honor the previous sales and not sell additional lots and have a policy to that effect to protect ourselves. The policy can change later. A simple policy that states that as of this date, we will honor people who either have a deed or can show some kind of documentation or that there is documentation on the lot/plot. Sue said in the class we took, the packet had a sample policy and procedures and fee schedule. The committee needs to come to the board with a proposed policy, procedures, and fee schedule. Sue has to continue to work about the burial permits too.

**Highway Committee** – There is a meeting on June 19.

**Partnership for Community Development Liaison Report – Dana Krueger**

The NYSDOT meeting on Route 12B project with over 75 people attending. They did the Buy Madison for local products event which over 50 people attended. They have to leave the HUB space by the end of the year, so they are looking for space elsewhere in the Village. There is a social media training by Scrap Paper Social. Lots of grant stuff is going on. They are applying for the Earlville Skate Park again. They finished the DEC permitting for 9-Mile Park. The HBA has 61 members, and they are building up a committee for that. There is a community dinner on August 16 or 17.

**SOMAC Liaison Report – Travis DuBois**

Travis reported on SOMAC's financials and call numbers. Staff coverage challenges continue.



Travis shared a story about a road bicyclist who was hit by a car at Middleport Road (it was the cyclist's fault) and the emergency response- SOMAC, local EMT lived nearby and local Doctor who happened to be driving by. The guy is surviving and miraculously doing well. IT speaks to the importance of the service and having it close by. Brings it home.

CGR, that's doing the study on SOMAC, had a group call with the stakeholders. There will be bi-weekly updates. Eve Ann reported that the County approved to pay the difference for Town of Lebanon for CGR.

### **SPECIAL PROJECTS:**

#### **9 Mile Project**

- Recap DEC Application Status
- Application for SUP to Planning Board
- CNY Community Foundation Update
- CREST Grant Update

The DEC has approved our application for the park. An application has been prepared for the Town Planning Board for their next meeting. The only pending permit is from the Army Corps of Engineers but their jurisdiction is probably not relevant because it's not their wetland. Once our application is deemed complete by the Planning Board there can be a public hearing. PCD applied to the CNYCF for the kayak launch. Sue's working on the CREST grant which is due by June 20. The public hearing is when the public can comment on the application.

#### **Earlville for Earlville Project – Shari Taylor**

They packed welcome bags for newer residents, about 25. They have been well received.

#### **Hamilton Climate Preparedness Working Group (HCPWG) – Chris Rossi**

Chris reported that this summer's focus is doing outreach at the Saturday's Farmers Market. June 17 will be about local pollinators and what you can do at home to support them. August 5<sup>th</sup> or 12<sup>th</sup> tabling will be about home energy efficiency. Sue has some handouts from the town that can be used at the outreach table. The Village has some light bulbs to be given away. September 30 outreach will be about the State climate policies.

#### **Housing: Affordable/Vacant Grant**

##### **Restore NY Grant Update**

The Town was awarded over a \$1 million dollars for the 6 houses in Poolville per the NYS press releases. Nothing has been received in writing to us. There have been some discussions because this is a complicated grant. You need to work with the homeowners and contractors. Eve Ann discussed how we have a lot of grants to work on and the Clerk staff are busy. PCD is evaluating their staffing. The grant provides some funds for administration, but it needs review again. Eve Ann asked for the authority from the board to explore what kinds of options we might have; the possibility of a grant administrator or a person we could hire and what it would cost us. Jocelyn thought there might be people who have experience with the Restore NY Grant or other housing grants. Dana supports this exploration because there are

people out there and the reporting for these grants are complicated. The increased assessed value and 6 houses with occupancy is a benefit for the community. Discussion on whether or not this is affordable housing. Our application did not specify affordable housing. Eve Ann will report back to the board. We need to manage this well for future opportunities. More discussion. Eve Ann reported how Jocelyn noticed that grants were taking old school buildings and converting them to housing. She is now researching it. The Earlville School has that potential. Synergy!

### **Zoning Update**

- *Zoning Law: Attorney is currently reviewing the zoning law.*
- *Subdivision is all but done. One pending item needed back from the attorney; received it 6/7.*
- *Noise Law: waiting for a consultation with attorney.*
- *Timeline of all the laws.*

Eve Ann reported that she and Sue have been working on this. The attorney is reviewing the Zoning Law. She sent the Subdivision Law back to us. It's very close. Noise Law is now reformatted with the proper structure. Looking at where the Zoning Law cites the Noise Law to make sure it makes sense and does not contradict. For example, with the Wind section. Timeline: Eve Ann, Sue, Nan, Chris, and Harvey met to discuss the public meetings and timeline. Talked about the need to have the laws reviewed by the Planning Board, which is a requirement. Sue reminded everyone about the timeline for the Short-Term Rentals law and the moratorium deadline. Brief discussion on the STR. The ad-hoc committee suggests that we fast track the STR Law and follow up with the Zoning Law and don't do all of the laws at the same time. Sue has prepared a proposed timeline. Sue also started to look at the budget season which coincides with the zoning timeline. The board reviewed the timeline; discussion.

### **Short Term Rentals – Moratorium expires October 15, 2023**

Already discussed above.

### **OLD BUSINESS:**

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

Waiting to hear from NYSERDA for user agreement.

### **Real Property Tax Exemptions Volunteer Firefighters and Ambulance Workers Opt-in**

Nothing to report.

### **NEW BUSINESS:**

#### **NYMIR Insurance Memo: Regarding Master Battery Disconnect (MBD) Switches on all medium and heavy-duty vehicles and equipment (*dumps, plows, loaders, sweepers, graders, etc.*)**

Luke Dowsland informed the board that they added the switches already. NYMIR needs proof that it was done.



**Annual Tax Collection Resolution for Shared Services with Madison County**  
**RESOLUTION 2023-54: Authorization for Shared Services Agreement with Madison County for the 2024 Town and County Tax Collection**

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

Resolved that the Town Supervisor be authorized to enter into a Shared Services Agreement with Madison County for the 2024 Town and County Tax Collection.

**Concerns of Town Board:** None.

**Supervisor's Report: Madison County Activities:** Nothing to report other than that Madison County declared a State of Emergency to prohibit private hotels/motels or individuals or organizations from contracting to take in asylum seekers from NYC or anywhere else. The reason is that the County lacks emergency housing and can barely cover our own citizens needs for winter emergency housing. There was no coordination between NYS and the Counties where they wanted to deliver the people and no clarity of who would pay for it. Brief explanation. Meanwhile SUNY Morrisville and other SUNY schools have potential for housing.

With no further business, on a motion of Councilmember Griff, seconded by Councilmember DuBois, the meeting was adjourned at 8:48 p.m. Carried unanimously.

Respectfully submitted,  
Suzanne K. Reymers, RMC  
Town Clerk