

Hamilton Town Council Regular Board Meeting Minutes
Thursday, July 13, 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: Deb Hotaling (Zoom), Tom Taylor-Earlville Village Mayor.

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

Public Comments: Tom Taylor spoke about water issues in the Village of Earlville and the history. The main issue is rusty brown water on East Main Street outside the Village limits, which is a dead-end line and the pipes are very old. These customers pay for Earlville water, but there is no water district. The USDA told the Village that they could not expend any money outside the Village limits, so they could not replace the water lines during the water project (~12-15 years ago). The Towns never created water districts – Hamilton, Sherburne, Lebanon and Smyrna. Supervisor Shwartz said there is a lot of grant money out there right now. Brief discussion on the water districts. Tom Taylor said the Village has more research to do; they are talking to NYS, Soil and Water. Travis DuBois said he had a similar issue in Sherburne. On East Main Street, there are about 26 houses with water service on both sides. Supervisor Shwartz said that the Town will support their efforts. Tom said they need to hire an engineer first. The PCD may be able to help with grants when they are ready.

DEPARTMENT REPORTS:

Highway Superintendent Report – Luke Dowsland

GENERAL REPAIRS:

- Finished what we could do on the Kiley Rd. project, we're just waiting for the County to come pave the cross culverts we replaced.
- Completed the erosion control structures on Wickwire Rd.
- Patched all the roads we are surface treating.
- Mowed roadsides.

EQUIPMENT:

- Picked up the re-sealed hydraulic pump for 17.
- The 550 will not be covered under warranty. The body upfitter (manufacturer) mounted a wire in the wrong place that shorted out causing the fire (They basically put the circuit breaker on top of the battery. When the hood closed, it just touched and wore through the rubber). The cost to fix the truck is \$1,200. It will be done soon.... I hope. (At Friendly's). It would cost more money to get the money from them. The Utica Truck Company changed how they are handling it. Board discussion on sending a letter to them to get their insurance to cover it. The Highway Committee will discuss.
- Serviced the bulldozer
- Fixed a leaking side dump on 16

TREE REMOVAL:

- Cut a tree out of the road on Wilkinson and Poolville

OTHER:

- Helped the Town of Sangerfield for 1 day with a beaver dam blowout.
- Helped the Town of Sherburne for 1 day putting shoulders on a road they paved.
- Helped the Town of Brookfield (bulldozer and operator and 1 truck) for 2 weeks building three roads.
- Kept up mowing everything
- Chip sealing takes place next week on Borden, Smith, Bonney, and South Slope.
- SOMAC is taking the ambulance to Small Town Auto because Mike has been off.

HIGHWAY COMMITTEE:

- The committee has come to the conclusion that it’s time to move forward in putting a RFP out for a complete site plan and construction documents from an engineering/architectural firm. This will make our project “shovel ready” should any grant money become available. Travis and I will be putting the RFP together.

Supervisor/Bookkeeper – Brynley Wilcox

RESOLUTION NEEDED: Resolved that the bills contained on Abstract #7 have been reviewed by the Town Board and are authorized for payment: Councilmember TAYLOR to sign vouchers; Councilmember KRUEGER to sign vouchers in AUGUST.

2% FOREIGN FIRE TAX MONEY:

\$4,361.21 was direct deposited into the NBT Checking account on 07/05/23. RESOLUTION NEEDED to process the distribution of monies to the fire departments.

What is the Foreign Fire Tax Program? The foreign fire tax program as set forth in New York Insurance Law §9104 and §9105 requires foreign and alien insurance companies to pay a 2% tax on premiums written for insurance against loss or damage by fire on property located in the State. Excess line brokers licensed to place insurance business with an unauthorized insurer as set forth in New York Insurance Law §2118 are required to pay a 3% tax on fire insurance premiums on property located in the State. The tax collected from the insurance companies and brokers by the Department of Financial Services is distributed to fire departments, fire districts, fire department benevolent associations, and the Firemen's Association of the State of New York.

RESOLUTION 2023-55: To distribute the Foreign Fire Tax Income

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

Resolved that the NYS Insurance Department that wire transferred insurance monies in the amount of \$4,361.21 into the Town General Fund Account shall be disbursed to the following entities:

Fountain Fire Co. #1.....	\$ 2,355.06
Hubbardsville Fire Department.....	\$ 1,526.42
Earlville Fire Department.....	\$ 479.73

RESOLUTION 2023-56: Audit of Claims

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

Resolved that the bills contained on Abstract #7 have been reviewed by the Town Board and are authorized for payment in the following amounts:

Pre-Pays					125.46
General Fund A	No.	164	<i>through</i>	194	127,019.95
General Fund B	No.	33	<i>through</i>	42	833.28
Highway Fund DB	No.	73	<i>through</i>	89	185,195.46
Street Lighting SL	No.	13	<i>through</i>	14	252.51
Total					313,301.20

Town Clerk - Sue Reymers

Clerk’s Office:

- June cash disbursements aka Month End completed. Bank Reconciliations are up to date.

Madison County Municipal Clerks Association:

- Met with Wanderers Rest Office Manager to develop a proposal to align all of the fees for dog redemptions which will be proposed to all the Town Supervisors.

Cybersecurity:

- I attended the June 14 Cybersecurity training offered by Madison County which was very insightful and terrifying. There are actions that the town should do to protect our network and data. Some items include:
 - Double-check redundancy in our back-ups.
 - Make an Asset Inventory – Depts, Computers, Software, Network, policies, vendors, IT services, vulnerabilities, etc.
 - Hard copies of phone numbers and emergency contacts. I have had one but its been neglected.
 - ADOPT POLICIES
 - **Develop a Continuity of Operations Plan (COOP)**
 - Set-up an internet in a box in case we ever face a pandemic or relocation.
 - Educate and Train Staff and Board on security.
 - Test our systems. (Good note is that with our new cybersecurity insurance, they test us with Phishing Scams randomly and we have been passing.)

Summary: Tech is changing fast. The Town of Hamilton is falling behind. We have no real policies in place and no Cyber Incident Response Plan. If our computers went down today, would we be able to operate?

HANDOUT: Cybersecurity Primer for Local Government Leaders (Feb 2022)

Discussion on Cybersecurity including the considering a consultant, and to follow-up on Brynley’s back-up system.

BRiDGES Pride Program (www.madcolgbtqia.org):

- BRiDGES is a non-profit organization that houses an LGBTQIA Network which was formed in 2017 with support from the CNY Community Foundation. Part of their program is to engage local businesses and organizations to show they are an ally to their community. Hamilton Library is one of those places. I plan to sign-up the Town Clerk’s office as part of the network to show visibility that the Town of Hamilton is friendly to the LGBTQIA Community.
- NYS passed the Marriage Equality Act in 2011, which allows same sex couple to get married and just like any opposite-sex couples, with the same rights, responsibilities, and privileges under State law. Additionally, NYS passed the Gender Expression Non-Discrimination Act in 2022 which allows New Yorkers to request a gender-neutral X on nearly all state forms effective 2023. For Vital Records, we now have forms that reflect this change and can process any changes to previously filed forms if they provide the appropriate documentation.
- As Registrar of Vital Statistics since 2014, I have had the privilege of handling over 300 marriage licenses including many same sex couples. I believe it’s important to show that the Clerk’s office and the services provided are available to anyone regardless of their gender or sexual identity.
- What does this mean if we join the network? We would be listed on their website and offer materials about the program. Much like I already do for other non-profits.

The board supported joining the program.

Codes Enforcement Officer - Chuck Ladd

- Attended 6-13-23 Planning board meeting.
- Meet with Heritage Barn (6-20-23) for upcoming event. (7-1-23)
- Stop work order issued on Williams rd. Variance needed.
- Continued process of inputting issued building permits into new software.
- Follow up on open permits. (call, email to request status from applicants)
- Permits issued. See attached report.
- Inspections and building plan reviews.

Permit Monthly Report

06/01/2023 - 06/30/2023

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
June 2023						
BP-2023-017	06/26/2023	Frederick D. Eaton	Septic	2214 Route 12		\$80.00
Description of Work:				SBL#: 171.-1-24		
<i>Replace septic tank with new 100 gallon concrete tank.</i>						
BP-2023-018	06/26/2023	Andrew Richards	Addition	3071 Cole Hill Rd		\$205.20
Description of Work:				SBL#: 156.-1-2.13		
<i>12'x28' Living Room Addition</i>						
June 2023 Total:					\$0.00	\$285.20
Reporting Period Total:					\$0.00	\$285.20

COMMITTEE REPORTS:

Cemetery Committee - Darrell Griff - Nothing to report. Tom Taylor asked if the committee knew about the Earlville Cemetery because they lost their investments with the Marshall 8% fund. The Earlville Association is fundraising.

Highway Committee - Already reported on.

Partnership for Community Development Liaison Report - Dana Krueger

Dana reported that the annual meeting with membership was recently. New officers: Mary Dinski-President, Corey Mosher-Vice President. The HBA is now the Hamilton Chamber of Commerce and the person who is the head of that will not have a seat on the PCD. The reason is because if they are seeking funding from the PCD they would have a conflict of interest. August 16 is the Supper under the Stars. Sales are good so they are selling more tickets. They are restarting the Chamber awards again. Food by Michael's. Senator Gillibrand came to Hamilton to make her announcement.

SOMAC Liaison Report - Travis DuBois

Travis reported last meeting was on 7/11. He gave a brief financial report. Older ambulance rig is having trouble. They are having trouble covering the shifts. Supervisor Shwartz said that Madison County needed to cover some of it and that they are expanding their relationship with other territories because of a lack of volunteers and staff. The student housing project has been halted due to costs. They are now looking at adding onto the building. They spent about \$20,000 already. The consultants met recently.

SPECIAL PROJECTS:**9 Mile Park Project**

- 1) Application for SUP to Planning Board
- 2) CNY Community Foundation
 - Grant Approved for \$45,000 from the Dr. Robert J. Vitkus Fund
 - Resolution for Purchase of Kayak Launch
- 3) CREST Grant Update - Financial Documents for DASNY were completed June 26.

Supervisor Shwartz reported that on Tuesday night, she appeared before the Planning Board to present the revised drawings, which included locations of all of the signs. They wanted to make sure that we had proper signage and a simple list of rules for the park that we established. Other than that, there was no other major change to the site plan. The site plan was reviewed and approved by the DEC. The Planning Board did approve the site plan and found the application complete and scheduled a public hearing for August 8. There were some commentary questions asked from the public, even though it wasn't a public hearing. There is a desire for a buffer along the boundary of the hay field that adjoins us to the south. There's some question as to whether or not that's required under our existing Zoning Law Section 6.2-2. Ms. Shwartz sent a letter to Nadine Bell (Town Attorney) to ask for clarification. She then continued to describe how the town's land and neighbor's land are in an Agricultural District. While it's a change of use with a parking lot and not a residential, it makes it difficult to interpret the Zoning Law Section. The purpose of the buffer is to protect

the farm operation from the new use and make the applicant install the buffer. The question is whether or not the town is going to feel that it needs to install a buffer in order to protect the cars from spray drift or manure potentially. Brief description of farm operations pertaining to spraying. Ms. Shwartz thought that the buffer would create a significant additional expense and she was not sure it would actually do anything to protect nor does she think that people parking there are going to be too worried about the haying next door.

The good news is that the Community Foundation for CNY approved the purchase of the kayak launch. We need a resolution to approve the purchase of it.

RESOLUTION 2023-57: Approval to Purchase Kayak Launch

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

Resolved that the Town Supervisor be authorized to purchase a Kayak Launch from the Diamond Waterfronts Marine Construction and EZ Dock Distributor in the amount of \$44,032.48, to be installed at 9 Mile-Park and funded by a grant from the CNY Community Foundation in the amount of \$45,000.

Also the Army Corps of Engineers will send a letter to say that we don't need a permit from them. Clerk Reymers shared that the financial documents for DASNY were completed June 26 for the CREST grant. Also, in a recent post on NextDoor Hamilton, people were asking about the parking at 9-Mile and which side of the road to access the river. Sue updated the town's webpage including a page about the SUP application and then replied to the post and linked to the webpages. Beaver Dam came up again also, more signage would be helpful for people to find the parking and river access area.

Earlville for Earlville Project - Shari Taylor

They did not meet in June. The good news is that the welcome basket brought a new family into the library.

Hamilton Climate Preparedness Working Group (HCPWG) - Chris Rossi

HCPWG had its first table event on June 24 at the Farmers' market with a focus on pollinators. The groups distributed literature and pollinator friendly plants, with good attendance from market visitors, many of whom signed up for information about upcoming events. Next table is slated for August with a focus on home energy efficiency, with the last table in September about NYS climate policy. Reminder that CSC recertification happens in 2025. HCWG is here to help, and perhaps could review current application and what needs to be submitted to maintain bronze. I believe Chris H has offered to discuss with the Town Council. Next meeting is July 26.

Housing: Affordable/Vacant Grant

Restore NY Grant Update - Supervisor Shwartz reported that the Town Clerk received an email today with the official award letter and a request for next steps including a 2-page document with questions and request for financials which is due August 13. Ms. Shwartz thinks we need to reconvene the committee. There is an MWBE requirement.

Zoning Update

We are waiting for Nadine to get back to us on the Zoning Law. She did get back to us on the Short-Term Rental Law. The Subdivision law is all but done.

Harvey and Chris, along with Sue and Eve Ann have worked on the outline for the PowerPoint, but need to reconnect with Nan. Not introducing the Short-Term Rental yet. It will be introduced in August and a public hearing in September. Finishing the Zoning by the end of year goal may not happen.

Short Term Rentals – Moratorium expires October 15, 2023

Nadine answered our question that we cannot discriminate between outside residents and residents. She did not clearly distinguish between the use of a STR by a resident of the town versus a resident who's operating a STR within their primary residence. She said if you can make a rational distinction between those 2 groups, you can regulate it differently. Eve Ann gave her a couple of scenarios and is waiting for a response. Brief discussion.

Dana Krueger left at 8:09 p.m.

OLD BUSINESS:**NYSERDA Grant for Clean Energy Project - \$10,000**

Sue has a meeting with Jeff Scharl next week (7/19) to discuss the grant award. She needs a full outline in writing of the changes as to what the Town is handling in terms of the installation to discuss with NYSERDA. Travis said he reached out to Colin at NYSEG and there is no application on file. Travis will follow-up and file an application for NYSEG for new construction and construction service. Luke, Eve Ann, and Sue will meet on June 17. Brief discussion on previous installation.

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

Nothing to report.

NEW BUSINESS:**Fuel Oil & Diesel Fuel Bid Resolution**

- *Bid deadline: August 7, 2023, 4 pm*
- *Bid opening: August 10, 2023, 7 pm*

RESOLUTION 2023-58: Authorization to go out to Bid for Fuel

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

Resolved that the town is authorized to go out to bid for 2023-2024 fuel oil and diesel fuel.

Need to Update Policy Against Discrimination and Harassment per NYSDHR

- Policy will replace Section 800-3 in the 2022 Employee Handbook

Brief discussion on need to update the handbook. Sue to contact Public Sector HR to ask about it.

Solar PILOT Exemption 2018 Update

Supervisor Shwartz reported that in 2018, the town adopted, pursuant to NYS Real Property Law Section 487, a resolution for the Solar PILOT taxing program that says when a project comes to town with a large renewable energy project, they would be tax exempt but have to negotiate a PILOT. Since the town is not have any high voltage lines there have been no applications. Now the County passed the same law to opt in, but now wants to opt out of the PILOT because it has been a lot of work with the legal department at the County. Most of it has been in the upper part of Madison County. The State is taking over the assessment of all renewable energy projects anyway. This will simplify everything. Supervisor Shwartz recommends that the Town follow the County and do the same thing. If Solar comes here, we would be negotiating on our own. The Town Board agreed to move forward with a local law.

Concerns of Town Board:

None.

Supervisor's Report: Madison County Activities:

Supervisor Shwartz gave a brief report.

With no further business, on a motion of Councilmember DuBois, seconded by Councilmember Griff, the meeting was adjourned at 8:27 p.m. Carried unanimously.

Respectfully submitted,
Suzanne K. Reymers, RMC
Town Clerk