

**Town of Hamilton – Regular Meeting Minutes**  
**Thursday, December 10, 2015 at 6:30 pm**  
**Held at the Town Office, 16 Broad Street, Hamilton, NY**

**Present:** Eve Ann Shwartz, Peter Darby, Suzanne Collins, David Holcomb (arrived late. Absent: Chris Rossi **Others Present:** Bert Glazier, Sue Reymers, Brynley Wilcox, Mayor Bob McVaugh, Tom Fagan, Jerry Fuller, Jim Leach, a representative from Buell Fuels.

**Call to order & Welcome:** Supervisor Shwartz called the meeting to order at 6:30 pm.

**Public Comments:**

Village of Hamilton’s Mayor, Bob McVaugh shared with the community details about Ron Perlman’s production company shooting a movie in the Village of Hamilton which will take place during the first week in January. HBA deserves the credit for securing this opportunity. Additionally, the deer culling program is starting December 22 and going through until March.

**GENERAL:**

**Approval of Minutes:**

**RESOLUTION 2015-143: Approval of Minutes from November 12, 2015**

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 3 Nays: 0

Resolved that the minutes from November 12, 2015 be approved as presented.

**Claims for Payments:**

Prior to approving the claims, Councilmember Darby wished to discuss the Funds. Discussion took place about payment for the salt shed since the bill arrived today. On January 1, 2016, the intention was to move snow removal and equipment from DA to DB. Due to the salt shed invoice arriving today, the board needs to make that change today. Then we can pay for the salt shed out of DB.

**Resolution 2015-144: Approval to Move Snow Removal and Equipment from DA Fund to DB Fund.**

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 3 Nays: 0

Resolved that effective December 19, 2015, that all snow removal and equipment be funded out of DB Fund.

The final inspection on the salt shed was done by Dave Mitchell of Barton & Loguidice. There is a small crack in the extension portion which is being repaired by Wakeman. It’s not structural. It’s guaranteed. Then a final bill will come afterwards.

**RESOLUTION 2015-145: Audit of Claims**

On a motion of Councilmember Collins, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 3 Nays: 0

Resolved that the bills contained on Abstract #12 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No.	272	<i>through</i>	307	\$13,365.11
General Fund B	No.	36	<i>through</i>	37	\$20.98
Highway Fund DA	No.	125	<i>through</i>	139	\$11,980.92
Highway Fund DB	No.	44	<i>through</i>	46	\$286,213.48
Lighting Districts	No.	21	<i>through</i>	22	\$386.00
Cemetery Trust	No.	3	<i>through</i>	3	\$62.15

**Fuel Bid Opening: 6:45 p.m.**

Legal notices were posted in the Mid-York Weekly on November 19, 2015 and the Oneida Daily Dispatch on November 19 and 24 as well as on the website and at the town office. The following sealed bids were received for the purchase of fuel: heating and diesel from the following companies: Mirabito Energy Products, Buell Fuels, Paul Oil, and Broedel Energy. After reviewing the numbers, the board decided it needed a better format to compare the information. A spreadsheet will be created, including last year's usage, for the Highway Committee to review next week.

6:55 David Holcomb arrived.

**RESOLUTION 2015-146: Approval for Highway Committee to Review and Make Decision on Fuel Bid**

On a motion of Councilmember Holcomb, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the Highway Committee review all of the bids and make a decision on who should receive the award.

**Correspondence:**

The following is a list of letters made available to the Board. All letters are on file in the Town Clerk's Office. All were emailed to the Town Board on 12-3-15.

1. Hamilton Public Library – Received 12-3-15. Thank you letter.
2. NYS Homeland Security and Emergency Services – Received 11-23-15. Regarding 2011 FEMA Flood claims are done and file is closed.
3. Association of Towns – Received 11-30-15. Regarding Resolutions Committee.

**TOWN REPORTS:****Highway Superintendent - Bert Glazier**

Speed zone update: The speed limit signs on Willey Road through Poolville as well as Hubbardsville on Green and Quarterline Road are legal. We don't not know about Earlville Road going into Poolville as it's not in the County's records. Same with Payne Street, there is no record of it. The County is doing research on Preston Hill to see what they can do for signage on curves.

Councilmember Darby requested that the Poolville Signs identifying the Hamlet get updated.

Salt Shed: Wakeman is fixing the crack on December 11 and it's under guarantee for a year. Salt and sand is now in the new building. Bollards (posts) have been put in front of the building to avoid bumps to the building and are a bright yellow.

General Highway: New snow fence is up on Larkin Road. Trees have been removed on Collins, Humphrey, and Excell. New signs are up on Horton and Sacco. Shoulder repair on Eaton and Upper Payne. Wings are on the trucks. Dead deer were picked up from Spring, Gorton, and Payne Street. Sanded two times. Last year at this time they were out 16-18 times for snow removal. Vacations are used up by all staff. School bus signs have been added on Horton Road near a hidden driveway.

Councilmember Darby shared maps from Madison County Planning to use to make a list of roads that need shoulders for a work plan for 2016. It will need revision in the spring after winter damage is assessed.

**Town Clerk- Sue Reymers**

Clerk Reymers reviewed her financials for the month. Total Fees collected = \$3,627. Town portion was \$678.65 with the remaining being distributed to the State and County.

Funding Requests: Funding was awarded for the salt shed at \$255,000 from NYSDEC Water Quality Improvement Program as part of the CFA. Spoke with Laura Martino from Magee's office on the 38 Milford funding. She confirmed that the funds are preliminarily in the coming budget year per the Finance Ways and Means Committee. They are under the discretionary budget and for our project is probably under the Dormitory Authority (DA). We will likely hear after the budget is finalized. We may just directly hear from the DA. Nothing new on the Valesky grant.

NYSTCA Board: Board met in Cooperstown on Sunday, December 6. We are preparing for the Annual Conference which provides various professional workshops on topics relevant to clerk work and town business. Several members of

the board are still working with Village and City Clerks to find a new location for the Municipal Clerks Institute that provide training and certification that is recognized internationally. Cornell will no longer host. Rockefeller Institute is interested. An RFP is currently being developed. Also working on updating the clerk contact lists for our district, post-election.

**Tax Collection:**

TAX BILL MEMO: Under new business, need a resolution per local law #4 of 2013-A Local Law to authorize supplemental mailings with tax bill – for the approval of the tax bill memo seen by the board in November. Printer has the memo and ready to print. Waiting to hear back from Becky at Madison County Treasurer’s office on several items pertaining to tax collection: Tax Bill edits, Back of the tax bill, Legal Notice, When will the tax roll and tax bills be ready? Typically hear back by now. If the County plans on mailing the bills prior to Christmas, than I will go get them and mail them myself so they go out after December 25.

In January I will be approaching the board more about the Dog Enumeration.

**RESOLUTION 2015-147: Approval of Tax Bill Supplemental for 2016 Tax Bills**

On a motion of Councilmember Darby, seconded by Councilmember Holcomb, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the Tax Bill Supplemental document be approved as presented to be included with the 2016 property tax bills. (ATTACHMENT A)

**Dog Officer Report- Larry Butts**

The board reviewed the October and November report for the Dog Control Officer. In October, he had 5 calls and 1 dog went to Wanderers Rest. In November, 2 calls.

**Codes Enforcement Officer- Donald Forth**

November report showed 3 building permit renewals – Zahn, Darby and Marshall and 2 new solar permits for Meyers on Hamilton Road and Amann-Burns on Poolville Road.

**Supervisor/Bookkeeper- Brynley Wilcox**

NYMIR Insurance Changes: Small Dump: traded in 2013 Chevy Silverado for a 2015 F350 with plow and dump body; additional \$10.00 for this endorsement.

Time Warner Income: 4<sup>th</sup> and final installment was received, the total for this year is over the budgeted amount of \$10,000 as total received was \$10,113.10.

Mortgage Tax Income: 2<sup>nd</sup> and final installment received, the total for this year is over the budgeted amount of \$40,000 as total received was \$42,149.30.

One-Time Sales Tax Payment: Due to the change in Sales Tax Methods, we are to receive a one-time check for the amount of \$328,047.35. This is \$100,000 more than we anticipated from Cindy's originally projected amount. Due to the large difference, Ms. Wilcox called her and the check amount is valid, in fact, she sent a copy of the check to show the amount. The reason for the difference is that she forgot a couple of things in the original estimation. Check should arrive soon.

Councilmember Darby reviewed with the council how the sales tax used to work. The County used to hold the 4<sup>th</sup> quarter, plus the first 3 quarters of sales tax, then they would deduct about 1/3 and apply toward the County taxes and we would get the balance later in which we knew how much we were getting. Now, with the new method, we will get a check in January from the 4<sup>th</sup> quarter or receipts of taxes. For the one-time changeover, we get an extra check (to be received November/December 2015) and it will include taxes from 2014 4<sup>th</sup> quarter and the first 3 quarters of 2015 minus an amount that is not fully understood. Basically, it was always a year behind. The \$328,000 is a one-time additional money that would just be getting deferred. So it's essentially added to the \$405,000. Essentially, we will have \$738,000 addition to our fund balance that was not there last year. It was noted however, that then the salt shed and 38 Milford needs to be deducted. Even after all that, we will still have a decent fund balance.

**Payroll question:** Ms. Wilcox would like to give the monthly paid employees the option to go bi-weekly. It's not any extra work.

**RESOLUTION 2015-148: Change in Payroll for Employees to have option to switch from monthly to bi-weekly**

On a motion Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the bookkeeper can give the option to employees who currently get paid monthly, to get paid bi-weekly instead if they so choose.

**RESOLUTION 2015-149: Authorization to Transfer Funds**

On a motion Councilmember Darby, seconded by Councilmember Holcomb, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that \$195,000 be transferred from Money Market Account at Oneida Savings Bank to NBT Checking account for payment of December bills, and November and December payroll as follows: General A \$15,000; Highway Fund DA \$40,000; Highway Fund DB \$140,000.

**RESOLUTION 2015-150: Budget Modification**

On a motion Councilmember Holcomb, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the budget be modified as follows:

## FUND: A

Code	Description	From:	To:
A1010.4	Town Board Contractual	1,000	2,700
A1110.1.1	Justice Clerk Personal Wages	4,080	4,400
A1310.4	Dir. Of Finance Pers. Wages	38,966	39,900
A1420.4	Attorney Contractual	11,023	14,350
A1620.4.2	BCE: Milford St Contractual	83,675	131,600
A5132.4.2	Garage Roof Repairs	0	4,400
A5132.4	Garage Contractual	32,000	33,500
A6410.4	Publicity Contractual	2,100	2,700
A9050.8	Unemployment Insurance	2,270	2,600
A1990.4	<i>Contingent</i>	5,491	0
A1110.4	<i>Justice Contractual</i>	6,200	4,900
A1220.4	<i>Supervisor Contractual</i>	3,000	1,000
A1335.4	<i>Assessor Contractual</i>	9,340	6,400
A1410.4	<i>Town Clerk Contractual</i>	8,854	2,000
A1460.4	<i>Records Mngmt Contractual</i>	1,569.97	800
A1620.4.1	<i>BCE: Phone System</i>	3,100	0
A1650.4	<i>Central Communication</i>	1,700	600
A3310.4	<i>Traffic Control Cont.</i>	750	0
A4540.4	<i>Ambulance Cont.</i>	114,000	96,150
A5132.4.1	<i>Garage Study</i>	10,000	0
		514,232.97	584,150
<b>A1090</b>	<b>Interest &amp; Penalties</b>	<b>6,000</b>	<b>13,000</b>
<b>A3005</b>	<b>Mortgage Tax</b>	<b>40,000</b>	<b>41,881.03</b>

## FUND: B

Code	Description	From:	To:
B8020.1	Planning Board Clerk	250	700
B9055.8	Disability Insurance	26	27
B1990.4	<i>Contingent</i>	9,054	8,603

## FUND: DA

Code	Description	From:	To:
DA5130.4	Machinery Contractual	40,000	43,000
DA5142.2	Snow Removal Cap. Outlay (Salt Shed)	25,000	29,000
DA5148.1	Snow Removal (Other Gov'ts) Pers.Wages	34,434.38	47,434.38
DA9030.8	Social Security	9,360	10,360
DA9055.8	Disability Insurance	37	67
DA5130.2	<i>Machinery, Equipment</i>	203,406	196,406
DA5148.4	<i>Snow Removal (Other Gov'ts) Contractual</i>	38,000	23,970

## FUND: DB

Code	Description	From:	To:
DB5142.2	Snow Rem Cap Outlay (Salt Shed)	0	286,000
<b>DB5031</b>	<b>Interfund Transfer</b>	<b>0</b>	<b>286,000</b>

FUND: CC

Code	Description	From:	To:
CC8810.4	Cemeteries Contractual	0	154
<b>CC5031</b>	<b>Interfund Transfers</b>	<b>0</b>	<b>154</b>

**RESOLUTION 2015-151: Receive and File Financials**

On a motion Councilmember Collins, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the November monthly financials be received and filed.

**Assessor Report on 2017 Assessment Update.**

Supervisor Shwartz asked Rochelle Harris to give a report on the assessment update and timeline. Ms. Harris has been going through all of the files, using the new photos, and correcting any errors. There are about 300 parcels left to go. In late summer of 2016, field work will be done and information will be sent to the public. New assessment totals will go out by 2/1/17 followed by informational meetings and then grievance day, with changes to be finalized by 5/1/17.

**Resolution 2015-152: Increase bounced check fees for Clerk from \$10 to \$20**

On a motion Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the fee for returned or bounced checks be increased from \$10 to \$20 due to the increase in bank fees at NBT Bank.

**COMMITTEE REPORTS:**

**SOMAC-Dave Holcomb**

Nothing to report. Board meet on Monday, December 14. Vinny Faraone sent an email to the Village of Hamilton, Town of Hamilton and Town of Lebanon informing them of changes to board – representatives from municipalities will be non-voting members of the board. There will be a presentation on both the 2014 Balance Sheet Audit and 2015 Audit, which will be completed by end of 1<sup>st</sup> quarter, once it's complete to all the municipalities at a SOMAC board meeting.

**Ambulance Services Community Working Group-Eve Ann Shwartz**

Nothing to report. Chris is working on a summary.

**Comprehensive Plan-Chris Rossi**

The committee hopes to have a meeting in January to finish up the rewrite. They will present it to the town board afterwards.

**Partnership for Community Development-Peter Darby**

The airpark received a \$50,000 grant from the State for its development. There is progress in addressing the needs of senior living. There will be a Lifelong Learning

class on senior housing on January 7. PCD is looking at a proposal to develop a property behind Madison Street (within the Village) with 12-16 units for seniors. It's based on pocket neighborhood principles which means relatively small houses that face into a common green area. It would not be income restricted. The target is moderate income housing in the range of \$225,000-300,000. It's in the beginning stages and is speculative, there are no drawings yet. There is a recreation initiative that is intended to promote more use of the areas recreational resources by providing consistent signage, an easy to use website so people understand what resources we have available and some promotion. Working with snow mobile clubs, Canal Association and other groups. Also working on opportunities to bring broadband to the area.

### **38 Milford Street Building Committee-Suzanne Collins/Peter Darby**

We are at end of contract with Crawford and Stearns for design phase and need to work on the next phase.

### **OLD BUSINESS**

#### **NYMIR Underwriting Survey:**

Clerk Reymers reviewed the pending response that is needed after a visit from NYMIR as there were several suggestion made that needed action. The first has to do with reviewing Drivers' records via the NYS LENS program. They also made recommendations for the town to review all Certificates of Insurance for 38 Milford during renovation for adequacy of insurance. The third recommendation was in the area of training in the areas of avoiding sexual harassment and anti-discrimination for all town employees. Clerk Reymers contacted the Association of Towns and stated that they could not find any statute that required all employees receive that training. The highway department receives the training on an annual basis already through PERMA. Supervisor Shwartz shared that the County just contracted with a consulting group to provide those kinds of trainings and it is available to the towns for under \$20.00 per employee annually. It's an online training.

#### **Resolution 2015-153: Approval to participate in County Trainings**

On a motion Councilmember Collins, seconded by Councilmember Darby, the following resolution was:

ADOPTED: Ayes: 3 - Shwartz, Darby, Collins, Nays: 1 - Holcomb

Resolved that the town employees be able to participate in the County trainings annually.

Ms. Wilcox reported that the town is now a member of the LENS program. Superintendent Glazier was already a member. Ms. Wilcox has forms for staff to fill out. We need to have staff fill out form to enable us look up their information. Once we sign up, we get notices via email if there is an issue.

**Good Nature Brewing – IDA Tax Pilot Hearing, Walking Path Requirements**

Supervisor Shwartz reviewed the public hearing information being held by the IDA that is coming up next week on a PILOT for Good Nature Brewing (GNB). The PILOT would introduce a reduced tax obligation over the course of 15 years. Mayor McVaugh expressed concern over the sales tax. Sales tax is apportioned based on taxable value of properties in a town. Supervisor Shwartz requested that Mayor McVaugh send a letter to her regarding this issue.

The walking path for GNB is required by law for a year round path. GNB will need an easement by Colgate or they will have to build a sidewalk by the road. Their business will attract residents and visitors and its likely some will walk. They need a path needs to have a hard surface and signage.

**NEW BUSINESS****RESOLUTION 2015- 154: Approval of Contracting with Cwynar for Annual Audit**

On a motion of Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the Town of Hamilton contract with Cwynar & Co. to perform an annual audit for financial statements for 2015 for the bookkeeper, town clerk and justice accounts.

**RESOLUTION 2015- 155: Health Insurance Plan Selection and Buyout**

On a motion Councilmember Holcomb, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the Health Insurance plan for 2016 with Excellus – Simply Blue Plus Silver 2 plan be approved and the buyout option for 2016 remain at 45% of the annual cost of the premium for those staff who are eligible for health insurance from the town, but who can secure insurance from other means, such as a spouse.

**RESOLUTION 2015- 156: Time Clock Policy**

On a motion Councilmember Darby, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that time clock policy is adopted as presented. (Attachment B)

**Wanderers’ Rest Proposal for Stray Cats**

Wanderers’ Rest sent a proposal for towns to contract for stray cats. It’s being reviewed at the County. Clerk Reymers recommended that she research this more. Supervisor Shwartz will keep her informed of any County discussion on the matter. Proposal is tabled pending more information.

**Concerns of Town Board:** None

**Supervisor's Report:**

**Madison County Activities:**

Budget was passed. Nothing else to report.

**RESOLUTION 2015-157: Executive Session**

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

Resolved that this Board move into an Executive Session for the purposes of contract and personnel at 8:40 pm.

Respectfully submitted,  
Sue Reymers  
Town Clerk

**RESOLUTION 2015-158: Return to Regular Session**

On a motion Councilmember Darby, seconded by Councilmember Holcomb, the following resolution was: ADOPTED: Ayes: 4 Nays: 0

Resolved that the Board return to regular session at 8:48 pm.

With no further business, on a motion of Councilmember Holcomb, seconded by Councilmember Collins, the meeting was adjourned at 8:50 p.m. Carried unanimously.

Respectfully Submitted by,  
Eve Ann Shwartz  
Clerk Pro Tem