

**Town of Hamilton Regular Board Meeting Minutes  
Monday May 9, 2016 at 6:30 p.m.  
Held at the Town Office, 16 Broad Street, Hamilton, NY**

Present: Eve Ann Shwartz, Suzanne Collins, Chris Rossi, David Holcomb. Absent: Peter Darby. Others Present: Sue Reymers, Brynley Wilcox, Jim Leach, Bob McVaugh, Carolyn Todd, Grattan Johnson, 2 students from Hamilton Central School/BOCES, Harvey Kliman (6:59 pm).

**Call to order & Welcome:** Supervisor Shwartz called the meeting to order at 6:34 p.m.

**Public Comments:**

Bob McVaugh, Mayor of the Village of Hamilton gave an update on the Village.

**GENERAL:**

**Approval of Minutes**

**RESOLUTION 2016-51: Approval of Minutes for April 14, 2016**

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

Resolved that the minutes from April 14, 2016 be approved.

**Claims for Payment:**

**RESOLUTION 2016-52: Audit of Claims**

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

Resolved that the bills contained on Abstract #5 have been reviewed by the Town Board and are authorized for payment totaling \$23,347.60 plus \$1,900 in pre-pays in the following amounts:

General Fund A	No.	113	<i>through</i>	135	\$11,655.45
General Fund B	No.	21	<i>through</i>	22	\$547.31
Highway Fund DB	No.	54	<i>through</i>	67	\$10,745.84
Lighting Districts	No.	9	<i>through</i>	10	\$399.00
Pre-Pays					\$1,900.00

**Supervisor/Bookkeeper - Brynley Wilcox**

Ms. Wilcox gave her monthly report. March interest for tax collection came in at \$2,117.11. We are waiting for one more check for plowing the County Roads. Still below the expected budget for income but overtime is lower. Ms. Wilcox asked about the Government Efficiency Plan from last year. It does not seem like anything is needed for 2016. The Board asked her to look into it at the State to see if they need an updated report. The latest sales tax distribution came in during May. There is now enough money in DB to make a contribution to the equipment reserve. There will be a check on the abstract next month in the amount of about \$107,000 per the budget to be deposited into the reserve fund at the Community Bank Money Market Account. The sales tax check was in the amount of about

\$84,397.04 which is about \$8,000 short of the last check, which was from the 4<sup>th</sup> quarter of 2015 during holiday shopping. The budget has \$350,000 total for 2016 and right now the income is at \$177,000 which is just over half.

**RESOLUTION 2016-53: Funds Transfer**

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

Resolved that \$45,000 be transferred from the Community Bank Money Market Account to NBT Checking Account in the following amounts: A Fund=\$10,000, B=Fund \$3,000, DB=\$32,000.

Ms. Wilcox will send an updated copy of her contract for bookkeeping services.

**TOWN REPORTS:**

**Highway Superintendent - Bert Glazier**

Clerk Reymers gave a brief report in Mr. Glazier's absence. The highway crew cut shoulders on 14 roads and removed approximately 365 loads which was hauled to various places. The crew picked up 6 dead deer, installed four signs, trimmed brush around all intersection signs, made 300 tons of road patch material, hauled stone and put new material at the shop. They mowed the Smith Cemetery. The loader and backhoe are listed for sale on Auctions International. Truck #19 had a brake repair. Truck #16 had a turbo issue but it is under warranty. They returned the rental broom.

Supervisor Shwartz reviewed Mr. Glazier's plan for road repairs for the summer. There will be twelve roads that will be worked on. Costs are estimated at \$87,000 in repairs, but maybe \$95,000 with patching. CHiPS is \$109,000 this year. That leaves a chunk of funds available for Morse Road.

Ms. Wilcox confirmed that the time clock is working well. Mr. Glazier and Ms. Wilcox just discussed the salt order for next year. He is going to order a 1,000 which is what he ordered last year. Last year he only took 790 ton of the 1,000 ordered. You are required to take 75% of what you order and are guaranteed 20% above what you order. In 2014-2015, he ordered 1,000 ton but took 1,200. A 1,000 seems to be a good number.

Mr. Holcomb stated that he spoke with Mr. Glazier about Morse Road. At the last meeting, he said that he needs to build  $\frac{3}{4}$  of a mile, which is going to be really pricey. The turn-around is going to need to be  $\frac{3}{10}$  of a mile. Ms. Shwartz stated that the house is in the Sherburne-Earlville School District and they will need to drive their children to school to be enrolled at Hamilton Central. There is no need for a bus to be there. It will give us time to complete the road. It needs to be widened and filled in and trees need to be taken down. We were hoping to get information on CHiPs to see if there will be any additional monies. Ms. Wilcox stated that no letters have come in yet.

**Town Clerk – Sue Reymers**

Clerk Reymers reported that the front desk has been busy with fishing licenses. We are starting to see couples come in for marriage licenses. There's still a steady stream of people coming for dump tickets. Tax collection was wrapped up and brought to Madison County today. A complete report on tax collection will be given at the June meeting. Clerk Reymers shared that there are only three town properties going for tax sale this year. Overall, Madison County has fewer properties. Getting back to tax collection, last year, a large property owner paid their property taxes late which significantly increased the interest income. The April interest check has not arrived yet. This year to save paper, over 2,000 sheets, the tax bills were scanned for the town's purposes and will print on demand as people request copies. Clerk Reymers will ask Becky Marsala at the County to see if we even need to have them printed in the first place.

The Dog Control Officer sent in his monthly report for April and there were 6 calls.

**Codes Enforcement Officer–Donald Forth**

Mr. Forth sent in his April report. There was one new home permit for the house on Morse Road. Clerk Reymers reported that the building plans came in today. Additionally, there is a short update from the Planning Board's May 3<sup>rd</sup> meeting on the event center and pending subdivision. The Board reviewed the update and briefly discussed to gain an understanding of the complexities of the application. The Planning Board has been very busy lately. Clerk Reymers stated that Colgate spoke with the Mr. Forth and Mr. Darrell Griff, Planning Board Chair about a potential application for a parking lot that will cross village and town lines.

**COMMITTEE REPORTS:****SOMAC – David Holcomb**

Mr. Holcomb reported that the latest thing is that Kyle Sylvester, Operations Manager schedule has shifted to Mondays – Fridays rather than the odd hours. By being in house during the week, he can perform administrative duties and be available to the public. Benefits include the creation of a 2<sup>nd</sup> rig availability which can do transfers during weekdays which covers his salary. The next meeting is May 19<sup>th</sup>.

**Comprehensive Plan – Chris Rossi**

After the town board's working sessions, Ms. Rossi went back to Nan with the suggested edits. The updated Draft was presented to the Board. Nan made all the changes but there was one item that she had not changed due to strong professional feelings on the suggested edit on page 34. Nan recommended removing the waiver for agriculture subdivisions and instead make it a minor subdivision process. The edits the town board gave her said no, leave it where it is and keep the waiver for agriculture subdivisions. It's highlighted in yellow in the plan. Nan expressed concern that the acceptance of keeping the agricultural waiver, it's a subdivision process, not zoning and second, it's not legal to waive the subdivision and technically the County should not be accepting any new lot unless it has been approved by the town. And third, waiving that creates a loophole that

makes it unfair and treats farmland owners differently from others who want to do the same thing. She wanted the board to consider that before moving forward. If the plan is officially submitted today, the town has 90 days to hold the public hearing.

Does the town council want to review it again in a working session? The Board agreed to not officially accept this and to have a working session on Monday, May 23 at 7:00 p.m. at the Town Office. The plan is to accept the plan at the June meeting and have the Public Hearing in September.

### **Partnership for Community Development – Peter Darby**

Jim Leach reported in Mr. Darby's absence. Last month, it was reported that the RFP is out for a feasibility study, but not sure if there have been any responses yet. There is a meeting from 7:00 – 9:00 p.m. tomorrow (May 10) at the Hamilton Library with Cornell on the Recreation Initiative. June 8<sup>th</sup> is the HBA and PCD annual meeting at the Colgate Inn.

### **38 Milford Street – Suzanne Collins/Peter Darby**

Ms. Shwartz reported that there is a meeting with the architects on Friday, May 13 at 3:00 p.m. The question on the easement on the survey still needs answering. Chris Kendall dropped off some notes. Upon review, Ms. Shwartz shared that all of the easements are not detrimental to us but give us rights. The architects are bringing down their draft plans. The survey is completed except for the easement language. The contract was signed with Delta Engineering and they are coming down on Thursday to do the hazmat survey. The turn-around should be about 2-3 weeks.

### **Court Consolidation & Shared Services– Suzanne Collins**

Consolidation is on the back burner for now. Russ Lura would like to still pursue it. After the election he will talk to Bob McVaugh about it. As for the shared services for the justice clerk, Ms. Reymers and Ms. Collins looked over the details of the budget and reviewed it with Maryann Henderson.

Clerk Reymers reminded the board that last month, they looked at a proposed budget from the village for costs for the position and operating expenses. A spreadsheet was handed out with budget details. Ms. Reymers reported that she went over the budget to see what operating expenses qualified for us to pay a portion of as some of the expenses listed are already paid by the town. The budget was reviewed with Ms. Henderson and so far, both seem agreeable on the wages and payroll taxes and benefits, which is 20%. The rent, which is \$300 per month includes the following items: electric, water, sewer, heating oil, phone, and internet, rugs, and fire extinguisher maintenance. It makes sense for the town to pay for the wages and payroll taxes on a monthly basis on the same check that we pay for rent, but itemize it out. As for the operating expenses, it makes sense for the town to pay at the end of the year for the village because we will not know what they will need for office supplies or training. Since both clerks are new it makes sense that they may want to take advantage of more training opportunities compared to Vivian Phoenix. So the Village could bill us in June for their year-end expenses. We will not know until after a

year how this will work and this will be a transition year. It can be pro-rated for 2016 and we can pay in December but budget this fall for the following June.

Ms. Collins stated that the interviews are taking place soon. Ms. Collins and Town Justice Don Haight will be involved in the interviews as well as Sandra Carter and Tom Bogan.

At the April meeting, the Town Board authorized the Supervisor to enter into a shared services agreement.

### **OLD BUSINESS:**

#### **Salt Shed**

Ms. Shwartz shared that a core sample was taken from the addition and that the results are pending. The town now has on file, a certified engineers drawing for the repairs. There are still a few questions left. Waiting for Peter Darby to return from his trip to make some final decisions. The town has been in communication with Wakeman. The warranties will need to be moved up to when the work is finally completed. The final repair on the addition is pending warmer weather. Hybrid Solutions has been scheduled to adjust the roof and train the highway department to adjust it annually. It needs to be tightened. Hope to have it all finalized by next month.

#### **Subdivision Regulation Amendments**

The Planning Board held their Public Hearing on May 3, 2016 for the Subdivision Regulation Amendments. No one opposed the change and one person spoke in favor of it. They passed a resolution to send the amendments to the Town Board for approval.

First, the board needs to consider the SEQRA Resolution and pass it if they find it acceptable. Second, they need to consider the Resolution which amends the subdivision regulations. After that, a copy is filed with the Madison County Clerk with the same procedure used in 1988 when the Subdivision Regulations were first adopted. Town Attorney Steve Jones suggests that the Town Board later pass it as a local law but perhaps wait until the adoption of the Comprehensive Plan.

### **RESOLUTION 2016-54: Town Board SEQRA and Negative Declaration on Amendments of Subdivision Regulations from 1988**

WHEREAS, the Town Board is considering whether to approve amending the Town of Hamilton Subdivision Regulations, by eliminating Section 350 of the Regulations, which provides for a two lot subdivision waiver, and by redefining minor subdivision as "A subdivision containing two (2), three (3) or four (4) lots fronting on an existing road", and

WHEREAS, the Town Board recognizes that Volume 6 N.Y.C.R.R. Part 617 et seq. of the Regulations relating to Article 8 of the New York State Environmental Conservation Law (SEQRA) requires that the Board, as an involved agency, make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, the Town Board is the lead agency since it has the power of final approval of the proposed action, and whereas there were no other interested or involved agencies, and whereas the proposed action is an unlisted action, all for purposes of SEQRA; and

WHEREAS the lead agency has completed its review and has carefully and fully discussed the potential environmental impacts of the proposed action;

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby determines that the proposed action to approve amending the Town of Hamilton Subdivision Regulations, by **eliminating Section 350 of the Regulations**, which provides for a two lot subdivision waiver, and by **redefining minor subdivision as "A subdivision containing two (2), three (3) or four (4) lots fronting on an existing road"**, will not have a significant adverse effect on the environment; and be it

FURTHER RESOLVED and this resolution hereby adopts the Short Environmental Assessment Form which constitutes a negative declaration attached hereto for the purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq.

Motion by Chris Rossi; Seconded by David Holcomb

Shwartz: Aye, Holcomb: Aye, Rossi: Aye, Collins: Aye, Darby: absent.

Resolution was ADOPTED Ayes: 4 Nays: 0

Date Adopted: 5-9-16.

#### **RESOLUTION 2016-55: Approval of Subdivision Regulations Amendments**

WHEREAS the Town of Hamilton Subdivision Regulations were adopted in 1988, and

WHEREAS the Town of Hamilton Planning Board has found that Section 350 of the Regulations, which provides for a two lot subdivision waiver, sometimes results in the creation of sub-sized lots which do not conform with other laws of the Town of Hamilton, and

WHEREAS, eliminating said section from the Subdivision Regulations, and redefining minor subdivision as "A subdivision containing two (2), three (3) or four (4) lots fronting on an existing road", would allow for more orderly growth and would protect the public interest, and

WHEREAS, the Planning Board would still have discretion to waive certain requirements in certain situations, as provided in Section 420, and

WHEREAS Section 170 of the Subdivision Regulations allows the Planning Board to amend those regulations after a public hearing, and upon approval by the Town Board, and

WHEREAS a public hearing on the proposed amendment of the Subdivision Regulations was held by the Planning Board on May 3, 2016, and

WHEREAS the Town of Hamilton Planning Board has adopted a Resolution dated May 3, 2016 requesting that the Town Board of the Town of Hamilton approve eliminating Section 350 from the Subdivision Regulations, and redefining minor subdivision as "A subdivision containing two (2), three (3) or four (4) lots fronting on an existing road";

NOW THEREFORE be it resolved that the Town Board of the Town of Hamilton hereby approves the amendment of the Town of Hamilton Subdivision Regulations, by **eliminating Section 350 and by redefining a minor subdivision as "A subdivision containing two (2), three (3) or four (4) lots fronting on an existing road,"** and be it further

RESOLVED that this proposed amendment is pursuant to the authority in Section 170 of the Subdivision Regulations, and a copy of this Resolution shall be filed with the Madison County Clerk.

Motion by Suzanne Collins; Seconded by Chris Rossi

Shwartz: Aye, Holcomb: Aye, Rossi: Aye, Collins: Aye, Darby: Absent.

Resolution was ADOPTED Ayes: 4 Nays: 0

Date Adopted: 5-9-16.

**NEW BUSINESS:**

None.

**Concerns of the board:**

None.

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

There have been a couple of committee meetings, but nothing significant has happened. They have reviewed some RFPs for the landfill. They are considering buying an expensive piece of equipment called the terminator. It will crush construction debris into tiny pieces which allows landfill to last that much longer. There will be about 50-60 houses in the Oneida City area that will be demolished that were in the flood. The debris will end up at the landfill, which is why they are considering the equipment.

With no further business, on a motion of Councilmember Holcomb, seconded by Councilmember Rossi, the meeting was adjourned at 7:47 p.m. Carried unanimously.

Respectfully submitted,  
Suzanne Reymers  
Town Clerk