

**Town of Hamilton Regular Board Meeting Minutes**  
**Thursday October 13, 2016 at 6:30 p.m.**  
**Held at the Court House, 60 Montgomery Street, Hamilton, NY**

Present: Chris Rossi, Suzanne Collins, Peter Darby, David Holcomb. Absent: Eve Ann Shwartz. Others Present: Sue Reymers, Brynley Wilcox, Bob McVaugh, Melissa Davies, Regina Conti, Bettyann Miller, Greg Moon and John Bailey.

**Call to order & Welcome:** Mr. Darby called the meeting to order at 6:37 p.m. He explained that we will address two things on the agenda first. Melissa and Regina are here to talk about the Dog Park and John Bailey is here so we can talk about the heating system for 38 Milford Street because the architect needs a decision.

**Public Comments:**

Melissa Davies handed out an information sheet (ATTACHMENT A). She then presented what they have been working on and the status of the project. They then have a question to propose to the town with no expectation of a particular answer. For about 18 months, a group of people have been working on establishing a dog park. A dog park is a great big enclosed area where people can let their dogs off leash. The group believes it will be a great amenity for our area. They are popping up all over the place. They are enhancing communities. There are a lot of people who think it will be great. There is a committee that has been gathering information. There is a website. There's a lot of information on what a dog park could look like. The group has spoken to the Village Parks and Recreation, they seem to like the idea. The group has not asked for any approval yet. They have been floating the idea and getting feedback. They also went to the Village Planning Board and they also asked the Village if they could access some of the people with expertise in the village. At this point, they know where they want to site the project. A lot of alternatives have been looked at. They believe it will be attractive to a larger group of people therefore, they wanted to throw it out to the township to see what they have to say. The Village wants to make sure we looked everywhere for possibilities. If the township has an area, we have a great plan. That is our open ended question to the town.

Mr. Darby clarified that there is no town park and the only property we own is the highway garage and there is no suitable space on that property. Ms. Davies responded that they wanted confirmation that there was no town land. The other thing they want the town to think about is working with our codes enforcer or possibly working with the dog licensing for fees to support the park. They felt sure that people from the town would want to come and use it. There may be ways that the town could still help us administratively. She asked if that was something they could come back and talk to us about. Mr. Darby responded with a yes. There was a brief discussion.

Heating System: Mr. Darby explained that there needs to be a decision on the system. He and John Bailey spent a few hours with the architect and engineer last week to discuss the

options. There are two system choices: the first is a gas fired furnace, ducted to various spaces and then an independent air conditioner, which would share the same duct work; the second system is an air source heat pump which has a variable speed compressor, and it's connected to many distribution points with refrigerant lines so that you have heating and cooling units in four zones (meeting room, offices on the east side, offices on the west side and a small zone for an auxiliary storage room on the 2<sup>nd</sup> floor in the back of the building). Each one of those zones can be controlled independently and the electronics of the system take into account the outside temperature and the demand from the different zones and can ramp up the compressor to provide whatever it needs. A more sophisticated implementation of that same technology actually allows it to take excess heat from the west side of the building to cool it and transfer the heat to the east side. Both Mr. Bailey and Mr. Darby left the meeting convinced that the second system would be quieter than the traditional system, more flexible, most likely more comfortable. Basically, the furnace is either on or off and people are getting the same blast, it's not adaptable. The rough ballpark estimates is \$40,000 for the gas, and \$60,000 for the heat pump system. Both felt that in the long run, it would be better to spend that money up front as it's more efficient, less operating costs, the system has basically no maintenance. They are considered very reliable and sophisticated systems. The issue is that if we put in the gas system, we need to carve out additional utility space for the furnace itself and we need to accommodate the duct work. The architect needs a decision so they can go ahead with drawings. It cannot be done as a bid alternative because they involve different construction. The board discussed the options. The consensus was to choose option 2 with consideration to keep small costs down as they move forward with design decisions.

Mayor Bob McVaugh updated the board on the activities at the Village of Hamilton.

**PUBLIC HEARING-Local Law #1 of 2016 "A Local Law To Override The Tax Levy Limit Established in General Municipal Law 3-c"**

Mr. Darby opened up the public hearing at 7:33 p.m. and began by reading the resolution to the public. Following the distribution of the proposed Local Law to the Town Board members in September 2016, Notice of said Public Hearing was duly published in the Oneida Daily Dispatch on October 6, 2016 and the Mid-York Weekly on the same date, with same notice being posted on September 20 at the Town Office and on the website.

**PUBLIC COMMENTS:**

Bettyann Miller spoke how their place of work is facing the same issue with higher insurance rates, but income rates stay the same. They have to live within the same budget, so why can't the town do the same. It will be a hardship on them. Upon retirement, they are leaving due to high taxes. They are not the only ones out there. Others are in the same situation. And their income is substantially higher than other people in Poolville and Hubbardsville.

Mr. Darby reiterated that this action tonight does not mandate or require that we exceed the tax rate. It just gives the town that option and keeps it open.

Greg Moon spoke that he is retired on Tier 4 NYS retirement and the pay increases are low and insurance costs get higher. People will move out. There are a lot of retirees in the area.

Chris Rossi responded that they know it's a problem and that the board is working to get the number down and think they are doing better this year than they have been able to do in the past.

Greg spoke about how they handle increases at the power company.

Mr. Darby clarified that health insurance is going up 14%, not the budget.

Ms. Rossi acknowledged that the board knows how hard it is and they work hard to tighten the budget. The tax cap is not even at 2%, it's lower than that this year. If the budget is already lean you start running out of places to dig out a little bit.

No one else wished to comment.

With all persons desiring to be heard, Mr. Darby closed the public hearing at 7:40 p.m.

**RESOLUTION 2016-98: AUTHORIZING ADOPTION OF LOCAL LAW #1 of 2016**  
**On a motion of Councilmember Holcomb, seconded by Councilmember Rossi,**  
**the following resolution was: ADOPTED: Ayes: 4, Nays: 0 by ROLL CALL VOTE**  
**Collins-Aye, Holcomb-Aye, Darby-Aye, Rossi-Aye, Shwartz-Absent.**

WHEREAS a resolution was duly adopted by the Town Board of the Town of Hamilton introducing proposed Local Law #1 of 2016 entitled "A Local Law To Override The Tax Levy Limit Established in General Municipal Law 3-c" and scheduling a public hearing on said proposed local law for October 13, 2016, at 7:00 PM at the Court House, 60 Montgomery Street, Hamilton, NY to hear all interested parties on said proposed local law, and

WHEREAS notice of said public hearing was duly advertised in the official newspaper of the Town, at least 5 days prior to said public hearing, and

WHEREAS notice of said public hearing was posted in the Town Clerk's office, and

WHEREAS each member of the Town Board received a copy of said proposed local law in final form in accord with the Municipal Home Rule Law, and

WHEREAS the Town Board after due deliberation finds it in the best interest of the Town to adopt said Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamilton hereby adopts, by roll call vote, said local law and designates it as Local Law #1 of 2016 entitled "A Local Law To Override The Tax Levy Limit Established in General Municipal Law 3-c" a copy of which is attached hereto and made a part of this Resolution, and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town, to give due public notice of its adoption, and to give due notice of the adoption of said Local Law to the Secretary of State. (ATTACHMENT B)

**GENERAL:**

**Minutes:**

**RESOLUTION 2016-99: Approval of Minutes for August 11, 2016**

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

Resolved that the minutes from August 11, 2016 be approved.

**Claims for Payment:**

**RESOLUTION 2016-100: Audit of Claims**

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

Resolved that the bills contained on Abstract #10 have been reviewed by the Town Board and are authorized for payment totaling \$65,868.76 plus \$77,523.57 in prepays in the following amounts:

General Fund A	No.	251	<i>through</i>	281	\$25,449.07
General Fund B	No.	33	<i>through</i>	37	\$1,078.64
Highway Fund DB	No.	136	<i>through</i>	155	\$38,942.05
Lighting Districts	No.	19	<i>through</i>	20	\$399.00
Pre-Pays					\$77,523.57

**TOWN REPORTS:**

**Highway Superintendent**

**RESOLUTION 2016-101: RESOLUTION OF THE TOWN BOARD APPROVING AGREEMENT WITH MADISON COUNTY FOR SNOW AND ICE CONTROL ON THE COUNTY ROAD SYSTEM**

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

WHEREAS, the Board of Supervisors of Madison County adopted Resolution No. 281-16 on August 9, 2016 designating the improved roads of the County Road System of the County upon which snow and ice removal should be performed; and

WHEREAS, the County Superintendent of Highways was authorized to enter into agreements with the Town for the aforementioned purpose starting October 1, 2016

through April 30, 2017 at rates as specified in the Agreement (\$17.91 per lane mile; \$120 per hour for the loader); and

NOW, THEREFORE BE IT RESOLVED, that the Town Superintendent of Highways of the Town of Hamilton, Madison County be and hereby is authorized and directed to enter into an agreement with the County of Madison to perform snow and ice removal upon the improved County Road System as per attached Agreement. (ATTACHMENT C)

**Town Clerk - Sue Reymers**

Clerk Reymers handed in her monthly report and updated the board on the move to 40 Milford Street.

**Highway Superintendent**

Donald Marcellus handed in a written report read by Clerk Reymers. From the report: Last week we finished hauling about 4,000 yards of sand in the salt building. We started cleaning the shop. This week we cleaned up brush and wood from several trees cut down by the County in Hubbardsville. We cut shoulders and patched on Alexis and Spring Streets. We cleared wood and debris on Chappel Road. We worked on pick-up for painting. We worked on repairing road side mower. In the next couple of weeks, we will put plow frames and wings on the trucks and test run sanders for the winter. We will heavily cut shoulders and sweep Bailey Road, which has not been done in 6 years. We will regrade and roll several spots on Morse Road. We will be ditching the lower end of Chappel, Excell Road, and Kiley Road. We will clean up small rotted trees along road sides. We will finish mowing road sides - Borden, Williams, Crumb, Harris, and Barnard. We will continue with shop maintenance and deal with anything else that may pop up.

**Dog Control Officer-Larry Butts:** No report this month

**Codes Enforcement Officer-Donald Forth:** Will report next month

**COMMITTEE REPORTS:**

**SOMAC - David Holcomb**

Nothing to report as Tuesday is the next meeting. Mr. Darby shared that he, Kyle Sylvester (Director of Operations), and Vinny Faraone (Board President) met with Colgate about their support. There was no decision but they hope to know soon. That's another thing in the budget that is not in their control. Traditionally, Colgate likes to support capital campaigns, they don't like to support general operating. They tried to convince them that this is different. Everyone is dependent on the ambulance. The ambulance will never be self-supported, there has to be public money to get this level of service and Colgate needs to be a part of this. They said it was a good time to ask as they are just starting to work on their budget. If they get money, it come during the second half of the year.

**Comprehensive Plan - Chris Rossi**

Ms. Rossi reported that they had a public hearing on September 27. There was good attendance and received some comments. Most of them were positive. They received one email and one letter after the meeting. At the point now where they are wondering what to do in terms of taking some of these comments and making final edits on the plan. The comp plan committee has had communication via email about what has come in. Ms. Rossi proposes that a couple of volunteers from the committee along with Mr. Darby and herself to get together to make final edits to get it ready to go the county for review.

One of the suggestions that came from the Comp Plan that there was concern over the confusion over the hamlet designation. They tried to respond to that by having local communities would have to weigh in on whether ever going for Hamlet zoning makes sense or not. It still seems to be a point of confusion. At this point, some of the committee and board members have suggested that it's probably best to take that option out. In reading some of the comments, there is still confusion. It's hard to understand that the Town has villages and hamlets. Just because you are called a hamlet does not mean you have hamlet zoning. Going through and cleaning up the language so that it's easier to understand. When the plan was being worked on, gas development was one of the hot topics that everybody was worried about. It was one of the things that made them realize that the plan was outdated. Options are no longer relevant because fracking is banned in NYS but the committee did not want to lose the work on it, so it was moved to the appendix for future boards. There is also confusion with material in the appendix actually being part of the plan and what's meant to be implemented. Clarification needs to happen with some of the editing. That is one of the goals by getting this group together, but also it was suggested by Jodi Palmer to look back one more time to make sure that all past comments are reviewed and that nothing has fallen in the cracks. It's not possible to make everyone happy. While there are some zoning changes, they tried to make things incentivized rather than compulsory. If board is in agreement, Ms. Rossi wants to proceed with that. After the last edits, the board would review them and make them public. There does not need to be another public hearing, but the document would be made public. Nan is starting the SEQR process as she was contracted to do so. The County needs to review it. The board agreed and Chris Rossi will coordinate the working session.

**Partnership for Community Development - Peter Darby**

The PCD put out a survey to small businesses and in response to that, they have partnered with Thought In Action (TIA) at Colgate. TIA is a program where Colgate business alumni mentor students interested in careers in entrepreneurship. It's now open to local community members as well. They have extended their partnership to include the Small Business Development Center, a program at SUNY Tech. They are now offering classes. One is being offered next week with 25 enrollees to help them develop their small businesses.

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

Covered this agenda item earlier.

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

Ms. Collins spoke with the Mayor who thought it was a dead subject. He will bring it up with the Village trustees. Then we will see what the Village wants to do and if we want to go forward with consolidation. If they do, they will figure out who will look into it. If not, then the Town can take it off the agenda.

**Supervisor/Bookkeeper – Brynley Wilcox**

Annual Aim Payment arrived in the amount we expected. CHiPS deadline is November 7<sup>th</sup>. There are checks in the abstract today and once they clear, they will be submitted for reimbursement. CHiPs amount is \$109,675.99 and PAVE NY is \$25,034.64. The highway only spent about \$110,000, so there will be a rollover into next year. Check from NYMIR came from the claim for the accident on September 15 of the 2016 F150. \$1,000 is still owed to the collision shop, but no invoice has been received.

**RESOLUTION 2016-102: Funds Transfer**

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

Resolved that \$75,000 be transferred from the Community Bank Money Market Account to NBT Checking Account to cover October bills and October/November payroll in the following amounts: A Fund=\$10,000; DB Fund = \$65,000.

**RESOLUTION 2016-103: Funds Transfer**

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

Resolved that \$76,000 be transferred from the Community Bank Money Market Account to NBT Checking Account to cover the SOMAC check written per their request letter.

**OLD BUSINESS:****Climate Smart Communities**

Ms. Rossi will be meeting with Andy Patterson's class. The class is going to be working with the group and giving support for the Climate Smart Communities (CSC) process. The group will be merging goals from the Town's Comprehensive Plan with what fits with action steps for the CSC. Not sure when the next meeting is with Chris Henke.

**NEW BUSINESS:****Frontier Telephone**

Ms. Rossi reported that after the Comp Plan public meeting, Jodi Palmer brought up the fact that her Frontier service had been completely unreliable. Ms. Rossi shared that she has been having trouble with their service, too. It was suggested that the town put up a sign-up sheet at the Hubbardsville Mall to see who else was having trouble. There are a bunch

of signatures showing problems ranging from 2 weeks to 2 years with phone problems, internet problems. Jim Goldstein at the Town of Lebanon invited someone from Frontier to meet with the Town Council because they were having the same kind of issues. There was no satisfaction with the representative from Frontier. Now Jim is registering a complaint to the PSC, the Attorney General. Bettyann Miller shared that they were told to contact the Attorney General's office as that is the way to go. Ms. Rossi proposes that the Town do something on behalf of people outside the villages to complain about Frontier and see if we can get some of attention. Ms. Rossi will get in touch with Jim Goldstein and see where they are at with their complaint. Ms. Rossi will check in with Eve Ann Shwartz as well when she returns from being out of town. Ms. Rossi will put the sheet back out at the Hubbardsville Mall.

**Local Law #2 of 2016 - "A local law to establish the residency requirements for the appointed office of Highway Superintendent for the Town of Hamilton"**

Mr. Darby introduced the local law by reading the law out loud. (ATTACHMENT D)

**RESOLUTION 2016-104: RESOLUTION Introducing and Scheduling A Public Hearing on Proposed LOCAL LAW #2 of 2016**

**On motion of Councilmember Rossi, seconded by Councilmember Holcomb the following resolution was: ADOPTED: Ayes: 4, Nays: 0 by ROLL CALL VOTE Collins-Aye, Holcomb-Aye, Darby-Aye, Rossi-Aye, Shwartz-Absent.**

WHEREAS, a Local Law being proposed Local Law #2 of 2016, a copy of which is attached hereto, is hereby introduced at this meeting by a member of the Town Board under the name and style "Be it enacted by the Town Board of the Town of Hamilton"; and

WHEREAS the title of said proposed local law is "A local law to establish the residency requirements for the appointed office of Highway Superintendent for the Town of Hamilton"; and

WHEREAS, this Board desires to hold a public hearing with respect to the adoption of said Local Law,

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held by this Board with respect to the adoption of the aforesaid Local Law at 7:00 p.m. on November 10, 2016 at the Hamilton Courthouse, 60 Montgomery Street, Hamilton, New York; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said public hearing to be given as provided by law.

**Concerns of the board:**

Chris Rossi and Darrell Griff spoke today. He mentioned there is information coming about industrial solar. The town has talked about this a little, but we are not there yet.

Greg Moon interrupted and stated that was why he was here tonight at the meeting. He has 8 questions from the CEO of the Oneida-Madison Electric Cooperative, Inc. He handed out the questions and asked the board to go over them. He will attend the next town board meeting.

**Supervisor's Report:** None.

**RESOLUTION 2016-105: Executive Session**

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

Resolved that this Board move into an Executive Session for the purposes of contract and personnel at 8:30 p.m.

**RESOLUTION 2016-106: Return to Regular Session**

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

Resolved that the Board return to regular session at 8:47 p.m.

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

Respectfully submitted,  
Suzanne Reymers  
Town Clerk