

Town of Hamilton Regular Board Meeting Minutes
Wednesday, July 11, 2018 at 6:30 p.m.
Held at the Court House, 60 Montgomery Street, Hamilton, NY

Present: Peter Darby, Mary Lee Dinski, Chris Rossi, Eve Ann Shwartz, David Holcomb

Others Present: Sue Reymers, Brynley Wilcox, Jason Florenz.

Public: R. Grattan Johnson, Jody Palmer.

Call to order & Welcome: The meeting was called to order at 6:32 p.m.

Public Comments:

Grattan Johnson expressed ongoing concerns with the traffic on Spring Street near Hamilton Street. After some discussion, Supervisor Shwartz stated that we can ask Madison County Highway, Joe Wisinski to give the town notice if a request is made for a new traffic light or entrance onto the properties there. Jodi Palmer expressed her appreciation for the adoption of the Right To Farm Local Law.

PUBLIC HEARINGS:

Proposed Law "A Local Law to Amend the Zoning Law of the Town of Hamilton to Add Provisions Regulating Solar Energy Systems in the Town"

RESOLUTION 2018-68: Open Public Hearing on Proposed Solar Law

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

Resolved that the public hearing for the proposed Solar Law be opened at 6:45 pm.

Eve Ann explained the background as well as the recent edits. Chris also reviewed some changes.

RESOLUTION 2018-69: Close Public Hearing on Proposed Solar Law

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

Resolved that the public hearing for the proposed Solar Law be closed at 6:50 p.m.

DEPARTMENT REPORTS:

Highway Superintendent - Jason Florenz

GENERAL REPAIRS:

- Cut shoulders on Hoose and Sacco Rd
- Ditching done on Hoose Rd
- Patched Hoose and Sacco Rd
- Installed new markers on Hoose intersection
- Took inventory of pipes on Williams Rd
- Patched Wickwire Rd
- 2 Days left of mowing all the roads for a second time

EQUIPMENT:

- Serviced #24
- Bent the front shield on the mower, we built a guard to prevent this from happening again
- Replaced all the Hydraulic lines on frame on #16 with new solid pipe
- The Toolcat was picked up for warranty work
- Met with Tenco about prices on plow equipment for a new plow truck

CHIPS:

- Micro paved Hoose and Horton Rd (see pics)

OTHER:

- Sanded Eaton, Crumb, Preston Hill, Excell, Wickwire, Hill, Thayer, Chappel, and Smith Rd (see pics)
- Installed Driveway pipes on Wilkinson, and Hill Rd (see pics)
- Spoke to the County and NYSDOT about Right to farm signs
- Received a quote for Right to farm signs
- Sent 2 trucks to help Lebanon Chip seal

SNOW REMOVAL:

- Ordered plow cutting edges to save 20% due to increase later this year

Discussion turned to the proposal from Jason Florenz on charging fees for the installation of new driveway culverts. Mr. Florenz gave the background again. After board discussion it was decided that the town would charge only for new culverts, not replacements and that the only fees would be the cost of the pipe itself. Additional costs would be incurred by the town and the town would install the pipe. Property owners would fill out a permit form at the town office. Then it would go to the Highway department to determine the size of the pipe needed. Most driveways are 30'. Then the owner is billed. Upon payment, it will be ordered from the County at bid price. The town will send out a press release to inform the public.

RESOLUTION 2018-70: Authorization for Highway to Charge Fees and use a Permit Form for all New Driveway Culverts

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

Resolved that there is a new process for property owners who request a new driveway culvert to access their property. The process will consist of an application to be filled out at the Town Office, an inspection by the Highway Superintendent to determine the size and costs of the pipe needed, the property owner is invoiced and upon payment, the town will install the pipe. Effective September 1, 2018.

Discussion turned to the Right To Farm Law Signs. According to Mr. Florenz, the NYSDOT will not install them. He determined that we need 20-30 signs. Cost is about

\$1,400 not counting posts. All agreed that we don't have to do all the roads. The board asked for a proposed list of places to put the signs, the number needed and a design.

Councilmember Rossi had a question about the intersection in Hubbardsville. There are many people running the stop sign. There was a brief discussion on how to handle it. It's not a 4 Way stop, only a 3 way stop. Jason Florenz will look into it with Joe at the County.

Supervisor/Bookkeeper – Brynley Wilcox

FRANCHISE FEES:

- \$2,860.22 was received from the Charter Communications
- 2018 YTD: \$5,725.69; BUDGET: \$ 10,000.00

2017 AUDIT:

- Met with Dan Farrow on Wednesday, July 11th
- Copy of the 2017 audit is available for each Board Member
- Several of the prior year's recommendations have been cleared, new recommendations center around donations going to and from the Town and financial controls for the Justice Court

2% FOREIGN FIRE TAX MONEY:

- \$2,182.06 was direct deposited into the NBT Checking account on 06/28/18
- *RESOLUTION NEEDED* to process the distribution of monies to the fire departments/districts (see reverse)
- Question: What is the Foreign Fire Tax Program? Answer: 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 2018-71: Audit of Claims

On a motion of Councilmember Darby, seconded by Councilmember Holcomb, 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:

General Fund A	No.	210	<i>through</i>	244	\$55,765.25
General Fund B	No.	32	<i>through</i>	34	\$385.42
Highway Fund DB	No.	101	<i>through</i>	119	\$91,637.77
Street Lighting SL	No.	13	<i>through</i>	14	\$376.41
Prepays					\$208.34

RESOLUTION 2018-72: Funds Transfer

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

Resolved that \$70,000 be transferred from Community Bank Money Market account to NBT Bank Checking account to cover the July abstract and July/ August payroll:

- A Money Market to Checking in the amount of \$70,000.

RESOLUTION 2018-73: Receive and File Financials

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

Resolved that the June monthly financials be received and filed. (Attachment A)

RESOLUTION 2018-74: Authorization to Distribute Foreign Fire Tax Program

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

Resolved that the town be authorized to distribute the Foreign Fire Tax Program in the following disbursements:

- Hamilton Fire District: \$1,178.31
- Hubbardsville Fire District: \$ 763.72
- Earlville Fire District: \$ 240.03.

Peter Darby briefly spoke about the audit with the board. There are no money issues, more about policies for minor stuff. For example, gifts going out and coming in. When it comes to gifts going out, the town should send a letter and invoice with the check and ask them to acknowledge that they received the gift. With gifts coming in, we should acknowledge the donations. Peter Darby reminded the council that we need to do the PR for the charging station acknowledging Colgate's gift for it.

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

- Elisa is out of the office from 7/5 - 7/20.
- It's Wedding Season and we are busy with marriage license appointments.
- Continue to sell lots of fishing licenses to locals and visitors to area lakes/reservoirs.
- Our increased efforts to get lapsed dog renewals up-to-date has been very effective.
- Had a couple of animal complaints that is now being handled by either NYS or the County.

PLANNING & ZONING BOARDS:

- Planning Board met July 10:
 - Approved a subdivision for Hughes on Horton

- Preliminary review of property owned by Steffco on Quarterline Road for a Special Use Permit. Renovation of over 50%. Section 3.3 on Town's Zoning Law requires going before the PB.
- Dunham invoice was paid on the Special Use Permit professional services.
- Zoning Board of Appeals
 - Has an application for a variance on another Steffco property on Quarterline Road as they want to build a garage. Lot coverage or setback issue.
- Started research on how other towns handle professional services.

MISC PROJECTS:

- Solar Pilot was sent to attorney on 6/18/2018. Waiting for other legal work to be completed to pursue follow-up.

GRANTS:

NYSERDA Grant (Clean Energy - \$50,000)

- Contract was sent to NYSERDA on 6/22/2018. Waiting to hear back.
- Amanda Mazzone was researching a model RFP for us, but nothing exists.
- Jason and I met on the timeline for implementing:
 - Q3 2018 (Jul-Aug-Sept) - Executed Contract
 - Q4 2018 (Dec)-Q1 2019 (Mar)-RFP created and released
 - 12/2018-3/2019-Bids received, contractor selected
 - 4/2019-6/2019-Finalize Design to report to NYSERDA for approval
 - Q3 2019 (July Aug Sept)-Design Phase - Component 1
 - Q3 2019 (Sept)-In/Outdoor construction, including drilling loop fields, piping back to building, ductwork, electrical. System start-up
 - Q2 2020 (JUNE)-Project Completion – Component 1 - GRANT DEADLINE

Climate Smart Communities Funding Research

- Climate Change Mitigation Easement Requirement: needs more research. The best way to determine is from the deeds.

Bridge, NY Grant

- Timeline: Fall 2018: Award Notice – if awarded, the following timeline needs to happen: Feb '19-Town handles ROW process; Jul '19 – ROW Certificate deadline

Magee Grant-NYS DOS-\$50,000

- Extended Deadline expires 7/31/2018
- Sent request for additional extension on 6/27/2018 – needs follow-up

Valesky Grant-DASNY - \$100,000

- Contract still pending, need updated projected budget.
- \$ earmarked for overall construction, no restrictions.

RESOLUTION 2018-75: Approval of Minutes for May 9, 2018

On a motion of Councilmember Rossi, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 5, Nays: 0
Resolved that the minutes from May 9, 2018 be approved.

Codes Enforcement Officer - Mark Miller

- 3 new BP applications approved. Approved 3 zoning permits.
- Referred 1872 Quarterline Rd. project to Planning board for Special Use Permit.
- Reviewed incoming documents for special use permit (>50% renovation of nonconforming lot).
- Referred 1866 Quarterline Rd. garage project to ZBA for variance (side setback and max lot coverage).
- Investigated 2 complaints for unregistered vehicles. Issued 1 order to remedy.
- Attended required training for CEO recertification.
- Conducted 8 construction inspections.
- Continued work filing old codes related files.
- Meet with various builders and residents to discuss projects in the upcoming building season.
- Continued work and attended meeting - Zoning Update Committee.
- Attended PB meeting for subdivision.
- Followed up with previously issued orders to remedy violations.

The board reviewed the monthly report as well. (Attachment B)

COMMITTEE REPORTS:**Town Office Building Committee**

Mr. Darby and Ms. Shwartz discussed the revised proposal from Bell & Spina on the phone today. There was one tiny change to the proposal but the numbers will not change. The design cost is \$33,000, with an hourly for construction administration not to exceed \$14,000. Mark Miller has agreed to do the onsite supervision, so Doug Arena (Architect) will not have to do as much. The design includes all the bidding documents. We are trying to schedule an August (the 15) meeting with the architect. There is a committee meeting on July 18, needs confirmation. The architect hopes to get the bid documents ready in September.

SOMAC

Mr. Holcomb reported that they did not meet in June. Shooting for July 31 to meet. Supervisor Shwartz reported that there was a report on chute times by the County but not distributed. They continue to try to address the issue of response times at the County. SOMAC did request for the 3rd quarter shortfall. Total to date is about \$100,000. Total collected from taxes was about \$192,000. Lebanon is happy with the services.

Partnership for Community Development

Mr. Darby reported that the PCD is working on developing a website on local recreations called GoSoMad.com. It went live recently. It's a resource for people visiting and local residents. They are applying for \$100,000 micro enterprise grant through CDGPG for the just the village this time because 95% of the grants are given out to businesses in the village, despite efforts to go outside the village. The County is

sponsoring Cazenovia this time. The PCD is on their own for this grant. The grocery store closed and Clyde's is for sale and likely closed in Earlville. Dollar General is being built there.

Recreation and Youth Committee

Nothing to report.

Zoning Update Committee

Everyone is going to be delighted that the Right to Farm Law went through and that we are getting to adopt the Solar Law. We are meeting next Tuesday night and we are turning our attention to Conservation Subdivision and flood plain law. The staff are working on the revised site plan review process. Nan put together a site plan review process and in June the committee, which was mostly the office staff, went through the proposed changes and got partway through it. That's what Nan has been doing, providing a draft for us to customize for the town. Some aspects of the review are more specific to the town office staff and codes. It makes more sense for them to really concentrate on it and once they have their edits, they will bring it back to the group to review. Trying to make it more clear and easy to understand. The flood plain law is pretty standard and will get us in compliance with the state law. The Conservation Subdivision would be voluntary compliance with incentives for participation. Supervisor Shwartz would like the draft to be shared with the housing study group.

Hamilton Climate Preparedness Working Group - Chris Rossi

Miller Downer measured our town garbage at the town office. He is our Upstate Institute intern and is ticking off stuff for the CSC checklist. The HCPWG meets once a month. Looking at putting together a climate action plan that could be done jointly with the town and village. Taking all the pieces like the Greenhouse Gas Study and putting it altogether in a snapshot of where things are now and what we might do to build resiliency. A lot of it is all around flooding. We think we have enough person power with Colgate students and faculty to do this ourselves rather than with outside help. The Village has been great and we complement each other's work whenever possible. Lydia Slater is participating as a community member.

OLD BUSINESS:

PILOT for Large Scale Solar Resolution - Being reviewed with the attorney.

Procurement Policy Update - On hold.

NEW BUSINESS:

Adoption of Proposed Local Law #2-2018 - Solar Law

RESOLUTION 2018-76: Adoption of Proposed Local Law "A Local Law to Amend the Zoning Law of the Town of Hamilton to Add Provisions Regulating Solar Energy Systems in the Town"

The following resolution was offered by Councilor Rossi, who moved its adoption, seconded by Councilor Darby, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2018, "A Local Law to Amend the Zoning Law of the Town of Hamilton to Add Provisions Regulating Solar Energy Systems in the Town," was presented and introduced at a regular meeting of the Town Board of the Town of Hamilton held on May 9, 2018; and

WHEREAS, a public hearing on such proposed local law was conducted on June 13, 2018, by the Town Board of the Town of Hamilton with proof of publication of notice of such public hearings, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Hamilton in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, following said public hearing and based on comments received from the public as well as the Madison County Planning Board, the Town Board determined to revise the proposed Local Law; and

WHEREAS, said Local Law was re-introduced, as revised, at a special meeting held on June 27, 2018; and

WHEREAS, a second public hearing on such proposed local law was conducted on July 11, 2018, by the Town Board of the Town of Hamilton with proof of publication of notice of such public hearings, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Hamilton in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. B-2018 has previously been determined to be a Type I action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-2018.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Hamilton, Madison County, New York, does hereby enact proposed Local Law No. B-2018 as Local Law No. 2-2018 as follows: ATTACHMENT C

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Peter Darby	Councilor	Voted	Yes
David Holcomb	Councilor	Voted	Yes
Chris Rossi	Councilor	Voted	Yes
Mary Lee Dinski	Councilor	Voted	Yes
Eve Ann Shwartz	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Shared Services Agreement for 2019 Tax Collection

RESOLUTION 2018-77: Authorization for Shared Services Agreement with Madison County for the 2019 Town and County Tax Collection

On a motion of Councilmember Darby, seconded by Councilmember Rossi, 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 2019 Town and County Tax Collection.

Mr. Darby asked about how the Charitable Reserve Funds will impact the agreement. This was briefly discussed. More information is needed.

Jodi Palmer asked about the old business from Frontier; she wondered if there are any updates. Her parents has not had phone/internet service since 7/1. They were told it could be fixed on July 28. Location is 1160 Harris Road, Earlville.

Concerns of Town Board: None.

Supervisor's Report: Madison County Activities:

Supervisor Shwartz shared that the CNY Regional Planning Board held a special meeting focused on rural broadband. They invited the Executive Director for the NYS Rural Broadband project that has handed out \$500 million in 3 rounds of funding. The State partnered with private companies and they auctioned off sections of census blocks that were not properly served. The 1st round that were the easiest areas to serve were done first, then the next round and then finally in the 3rd round- Madison County came around. Each round was more expensive than the last. The meeting was held on June 27 and we attended. Ms. Shwartz was impressed with his intention to hold Charter Communications/Spectrum to their word and their legal obligation. They are advocating with the Public Service Commission to try to make sure that they do the buildout. Charter has already been fined about \$2 million for not fulfilling it. Charter has most of Madison County and Hamilton, Frontier has a small part of it. We don't know what Charter is going to do, where they are going to build out. They are supposed to have it done by 2020. The County decided yesterday to sign a non-disclosure agreement with Charter to know where the buildout will be so we can monitor that. Then the County will meet with Charter and go over and see what is planned for the County. Then we can hold them accountable and can communicate with the PSC which knows what they are doing.

The County committee pulled all the franchise agreements together from all the towns. The County attorney is making a big chart of when they expire. They are all over the place, they don't all charge the same amount. Some charge 0%, some 3%, some 5% like Hamilton. There is no uniformity and what services are supposed to be provided. Most

of them have never been updated to include internet, just television and cable. So the County is working on a uniform agreement and negotiate with Charter on behalf of the whole County and all the towns together.

Mr. Nordhouse, appointed by Cuomo, has agreed to facilitate with Frontier. He comes out of the finance sector as he's worked on Wall Street for years. He said that Frontier is in a really bad financial place. They made some very bad financial decisions, some poor investments. He thinks that the County will maybe have to work with Frontier and maybe potentially give them some money to do the work and improve the service.

Dave Holcomb spoke up that it's not as simple as it sounds. It's not just running wires. There are a tone of poles that need replacement. They don't replace them, NYSEG replaces them. There has to be clearance to install them.

Ms. Shwartz continued that CNY Regional Planning Board has decided that they want to facilitate this process. Hughesnet got an award in Georgetown and Brookfield. Supervisor Shwartz told Jody that she will make some phone calls. County is paying for fiber to go to landfill. Some of the casino revenue is going towards that this year.

RESOLUTION 2018-78: Executive Session

On a motion of Councilmember Rossi, seconded by Councilmember Dinski, the following resolution was: ADOPTED: Ayes: 5, Nays: 0
Resolved that this Board move into an Executive Session for the purposes of legal counsel and personnel at 8:17 p.m.

RESOLUTION 2018-79: Return to Regular Session

On a motion of Councilmember Rossi, seconded by Councilmember Dinski, the following resolution was: ADOPTED: Ayes: 5, Nays: 0
Resolved that the Board return to regular session at 9:07 p.m.

RESOLUTION 2018-80: Authorization to increase Deputy Clerk Pay to \$18 an hour

On a motion of Councilmember Dinski, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 5, Nays: 0
Resolved that that the Deputy Clerk's pay be increased to \$18 an hour starting on January 1, 2018.

With no further business, on a motion of Councilmember Rossi, seconded by Councilmember Darby, the meeting was adjourned at 9:08 p.m. Carried unanimously.

Respectfully submitted,
Suzanne Reymers
Town Clerk