

Town of Hamilton Regular Board Meeting Minutes
Thursday, April 11, 2019 at 6:30 p.m.
Held at the Court House, 60 Montgomery Street, Hamilton, NY

Present: Eve Ann Shwartz, Mary Lee Dinski, Chris Rossi, Peter Darby.
Absent: David Holcomb. Others Present: Sue Reymers, Brynley Wilcox, Jason Florenz.
Public: Joe Bello, Town Attorney-Jim Hughes, Priore Construction, Kathleen Palmer, Tracy Thompson.

Call to order & Welcome: The meeting was called to order at 6:33 p.m.

RESOLUTION 2019-36: Executive Session

On a motion of Councilmember Dinski, seconded by Councilmember Darby, the following resolution was: ADOPTED: Ayes: 4, Nays: 0
Resolved that this Board move into an Executive Session for the purposes of advice of counsel and matters of litigation at 6:34 p.m.

RESOLUTION 2019-37: Return to Regular Session

On a motion of Councilmember Darby, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 4, Nays: 0
Resolved that the Board return to regular session at 7:52 p.m.

Attorney Jim Hughes arrived.

RESOLUTION 2019-38: Executive Session

On a motion of Councilmember Darby, seconded by Councilmember Dinski, the following resolution was: ADOPTED: Ayes: 4, Nays: 0
Resolved that this Board move back into an Executive Session for the purposes of legal and contracts at 7:54 p.m.

RESOLUTION 2019-39: Return to Regular Session

On a motion of Councilmember Darby, seconded by Councilmember Dinski, the following resolution was: ADOPTED: Ayes: 4, Nays: 0
Resolved that the Board return to regular session at 8:05 p.m.

Public Comments: None.

DEPARTMENT REPORTS:

Highway Superintendent - Jason Florenz

GENERAL REPAIRS:

- Patching done on Preston Hill, Excell, and Noble Rd
- Working on sign inventory on all roads that need replacing
- Fixed signs on Wickwire, Bonney, Preston Hill, and Rhodes

- Cut trees on Borden and Excell Rd (see pictures)
- Used the Village’s ToolCat and rake to help clean up intersections
- Swept all roads in record time of 3 days
 - Used one set of broom bristles instead of two
 - Due to using more salt brine and less sand. Better quality sand as well.
- Hauled six loads of millings from the Town of Cazenovia given to us by the County

EQUIPMENT:

- Worked on #23 body work and paint job (see pictures)
- Working on #18 body work and paint job (see pictures)
- Service done on the 1972 grader
- Met with Tenco about the new Mack
- The 2019 John Deere backhoe was delivered

CHIPS:

- Met with the Gorman Group about 2019 road work
- The 2019 NY State Budget eliminated the Extreme Winter Recovery fund which mean \$21,315.15 less in road work for 2019

SNOW REMOVAL:

Snow Removal Year-to-Year Comparison			
	Number of Runs	Tons of Salt Purchased	Brine Used (Gallons)
2016-2017 Winter	131	1,192.61	39,500
2017-2018 Winter	148	1,136.18	48,350
2018-2019 Winter	151	943.10	104,400

- Increasing the amount of brine caused us to purchase 943 ton of salt (vs 1,136 last year) for roughly the same number of runs.
- Had we needed to use the same amount of salt as last year, it would have cost \$70,250. Instead, we spent \$58,250 – **a savings of \$12,000**

OTHER:

- On May 6th we will attend DigSafe training at the Village library along with the Village and the Town of Brookfield
- Helped the County with a water problem on Green Rd
- Installed new mailbox on Earlville Rd

Supervisor/Bookkeeper – Brynley Wilcox

2018-2019 SNOW & ICE AGREEMENT:

- \$52,474.96 was received from the County

o Plow Dates: 01/31/19 – 03/12/19

- 2019 YTD: \$ 148,337.98
- BUDGET: \$ 115,000.00

MADISON LANE PILOT:

- \$579.08 was received from the Village of Hamilton
- 2019 Madison Lane Apartments PILOT payment
- BUDGET: \$ 550.00

INTEREST & PENALTIES:

- \$1,846.91 was received from Madison County
- February 2019 interest and penalties
- BUDGET: \$ 6,000.00

FRANCHISE FEES:

- \$2,995.95 was received from Charter Communications
- BUDGET: \$ 10,400.00 (quarterly payments)

2018 AUD:

- The 2018 AUD was filed with the State on March 20th, 2019

RESOLUTION 2019-40: 2019 Budget Amendments/Modifications

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

Resolved that the 2019 budget amendments be accepted as follows:

Code	Description	From:	To:	Difference:
B5031	Interfund Xfer (Use of FB)	10,000	40,912.90	30,912.90
B1985.4	Distribution of Sales Tax	0	30,912.90	30,912.90

Ms. Wilcox noted that SOMAC typically sends a request for April, but we are still waiting to hear from them. Money has been transferred in anticipation of their request.

RESOLUTION 2019-41: Audit of Claims

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

Resolved that the bills contained on Abstract #4 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No.	113	through	147	\$31,647.33
General Fund B	No.	23	through	29	\$408.44
Highway Fund DB	No.	47	through	63	\$16,159.16
Street Lighting SL	No.	7	through	8	\$491.37
Prepays					\$4,184.76

RESOLUTION 2019-42: Funds Transfer

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

Resolved that \$113,000 be transferred from Community Bank Money Market account to NBT Bank Checking account to cover April bills and April/May payroll:

- A Money Market to Checking in the amount of \$ 110,000.00
- B Money Market to Checking in the amount of \$ 3,000.00

RESOLUTION 2019-43: Authorization for Town Supervisor to sign the Section 284 Agreement to Spend Town Highway Funds

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

Resolved that the Section 284 - Agreement to Spend Town Highway Funds be approved as submitted by the Highway Superintendent, Jason Florenz and the Town Supervisor be authorized to sign it.

Town Clerk - Sue Reymers

CLERKS Office: Financial Report for March 2019: Collected \$1,042.00; Town keeps: \$549.56

TECHNOLOGY:

- Email migration is complete from Go Daddy to Office 365.
- Website will be migrated next week.

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

- Task 1 (Executed Contract) has been uploaded to the online system and once approved, we can invoice for 25% of the grant.
- RFP is being reviewed by NYSERDA as part of Task 2. Waiting for approval, then we can go out to bid.

NYSDOS (Magee Grant) - \$50,000 for Town Hall Project

- Letter received on 12/12/2018 for extension until 7/31/2019.
- Approval of language change on Legislative Initiative Form with Assembly:
 - 2/28/19 - Formal Request sent to Assembly Ways and Means Committee
 - 3/13/19 - Followed up with Deputy Budget Director - still in process.
 - 4/9/19 - Called Deputy BD again - still in process.
- Next, I will be working on updating the grant application with NYSDOS.

DASNY (Valesky Grant) - \$100,000 for Town Hall Project

- The completed draft of the contract was sent to DASNY for processing. Waiting to hear back.

Annual Review by NYMIR for Risk Assessment

- Original meeting scheduled with Jay Lewandowski for 2/27 has not been rescheduled yet. Waiting to hear back from him.

Lighting Districts conversion to LED - NYSEG: NYSEG has contacted us for the next stage. More to follow.

Abandoned Cemeteries

The Town of Hamilton has 3 cemeteries that are not currently owned by anyone and is non-taxable status for the assessor's roll. These cemeteries are listed in the 'Guide to Madison County Cemeteries' Book by the Madison County Historical Society as ENDANGERED. They are falling into major disrepair. 1 of them is landlocked by private property. The other 2 are accessible by the road. I understand that when a cemetery association disbands or shuts down, that the town is obligated to take it over. However, in this situation, these 3 properties are in 'limbo' and likely have been for a long time. Even the County Historian thinks that these properties have always been like this. The Barnard Cemetery has a descendant of some of the people buried there and she is interested in fixing up and recovering the cemetery. She plans on attending the May meeting to appeal to the town to help address the issue of this property. As Clerk, I am very interested in seeing these properties get preserved.

RESOLUTION 2019-44: Approval of Minutes from January 10, 2019

On a motion of Councilmember Dinski, seconded by Councilmember Rossi, the following resolution was: ADOPTED: Ayes: 4, Nays: 0
Resolved that the minutes from January 10, 2019 be approved.

Dog Control Report – Gordon Baker

The town council reviewed his monthly report and asked that the Clerk add it to her report in the future.

Codes Enforcement Officer – Mark Miller

March 2019 Activity Report

- 3 new Zoning Permit application
- 1 Demo Permit Issued
- Reviewed incoming documents for 3 subdivisions (Chapura-Mason Rd, Butzgy-Larkin Rd, HLP Holdings-Smith Rd)
- Conducted 7 construction inspections.
- Conducting inspections and monitoring progress of large-scale projects:
 - New home construction: Gibson/Alderman Rd, Kogut/Willey Rd, West/Quarterline Rd, Locke/Bonney Hill Rd
 - Large scale renos: Tan/Payne St, Sewell/Rte 12, Zombori/Quarterline
- Continued work filing old codes related files.
- Attended Planning Board meeting for 2 Special Use Permits and 1 subdivision.
- Reviewed incoming documents for Special Use Permit-1866 Quarterline Rd.
 - Planning Board approved site plan, application sent to county for GML review.
 - Applicant is currently working on converting property into commercial space (Accessibility, commercial hoods).
 - They are also addressing concerns of light pollution with shielding for current lighting arrangement.

- Reviewed incoming documents for an amendment to the special use permit at Fiver.
- Labeling and indexing of all construction blueprints, special use/site plans, subdivisions, annexations and surveys. This will help us assess our storage needs and we will be able to readily access older prints to better serve Town residents.
- Attended training for management of floodplain development at State Preparedness Training Center.
- Currently monitoring the construction and progress of 3 recently approved Special Use Permits according to conditions set forth by the Planning Board.
 - Dunham Wedding Barn-Poolville Rd
 - Dog Boarding- Chappel Rd

COMMITTEE REPORTS:

Town Office Building Committee

Supervisor Shwartz updated the board on the status of the project. Bids were opened on April 5, 2019 and are being reviewed.

SOMAC

Town board reviewed the March Data report provided by SOMAC. The board wondered how each month would compare to previous years. Clerk Reymers stated that based on previous discussions and the need for comparisons, she emailed Kyle to ask for a year to year comparison at year end.

Partnership for Community Development

Mr. Darby had nothing to report. There will be a funding request soon.

Recreation and Youth Committee

Ms. Dinski has a meeting next week with a pediatrician and School Superintendent Dowsland.

Zoning Update Committee

Ms. Rossi reported that the committee continues to work on Density of Development and Density Bonuses. Next steps are a complete review of the Subdivision Law, which will have Conservation Subdivision rolled into it.

Hamilton Climate Preparedness Working Group

Ms. Rossi reported that the group has a funding request to support activities for public outreach and education, visioning workshops, etc. The total budget for the year is \$3,000. Asking the town for \$500. The Village will also support at \$500 and various entities at Colgate will give for the remainder.

RESOLUTION 2019-45: Approval for funding for Hamilton Climate Preparedness Working Group for \$500 for Education and Outreach

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

Resolved that the town fund the HCPWG in the amount of \$500 for education and outreach.

OLD BUSINESS:

Hamilton Area Anti-Racism Coalition Request - Tabled until next month.

NEW BUSINESS:

Intermunicipal Agreement Resolution for Storage of Construction Materials

Supervisor Shwartz reviewed this agreement for the Town Hall Project. The Town and Village both reviewed it.

RESOLUTION 2019-46: Authorization for Supervisor to Sign Agreement with Village of Hamilton for Storage of Construction Materials

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

Resolved that the Town Supervisor be authorized to sign an Intermunicipal Agreement for Storage of Construction Materials for the New Town Hall Project on the Village of Hamilton's property located on Milford Street.

Policy Statement Regarding Future Telecommunications Technology Regulation and Permitting within the Town Resolution

Supervisor Shwartz gave a brief background.

RESOLUTION 2019-47: POLICY STATEMENT REGARDING FUTURE TELECOMMUNICATION TECHNOLOGY REGULATION AND PERMITTING WITHIN THE TOWN

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

WHEREAS, the Town of Hamilton has jurisdiction and responsibility to maintain the safety and general welfare of the public rights-of-way; and

WHEREAS, the Town of Hamilton Office of Highway Superintendent and the Town Board may establish a permitting process for telecommunication installations in the public rights-of-way; and

WHEREAS, the Town recognizes that wireless telecommunication technologies are important to the community, but the technology changes rapidly; and

WHEREAS, the Town is committed to the preservation of health and safety of its residents, business and visitors, and to protection of public safety by minimizing the potential adverse effects of wireless telecommunication facilities through an established permitting process; and

WHEREAS, the Town is committed to the protection, to the maximum extent possible, of aesthetic quality, property values, and visual character of the Town, while not unreasonably limiting competition among communication providers; and

WHEREAS, the Town does not intend to limit the use of in-house wireless communication devices installed solely for the use of the property owner or business; and

WHEREAS, the Town is committed to minimizing the visual and aesthetic impact of telecommunication facilities to the maximum extent practicable through the permitting process and by emphasizing careful design, siting, screening and innovative camouflaging techniques, and with the understanding that modification or revision or even replacement of that process may be necessary to continue to pursue these intentions as new technology is proposed to be installed within the Town; and

WHEREAS, the Town wishes to preserve and maintain all of its legal rights and options to address and reasonably regulate additional telecommunication technologies, including, but not limited to so called "4G" and "5G" technology.

NOW THEREFORE, BE IT RESOLVED that no other agency has the legal authority to adopt the proposed resolution in the Town of Hamilton, that the adoption of the proposed resolution is a Type II action and therefore will have no significant effect on the environment, thus concluding the environmental review under the State Environmental Quality Review Act; and be it further

RESOLVED that the Town of Hamilton shall reserve the right to define and/or further define "small commercial wireless facilities," which are defined, in part, by the Declaratory Ruling and Third Report and Order ("Order") issued by the Federal Communications Commission ("FCC") as facilities that are (i) mounted on structures 50 feet or less in height including their antennas as defined in 1.1320(d); or (ii) mounted on structures that are no more than 10 percent taller than other adjacent structures; or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater, which are owned and maintained by a wireless telecommunication infrastructure provider requiring permit review as currently established or as may be established, or as may be modified by local law in the future; and be it further

RESOLVED that requirements for the siting, construction operation and maintenance of such small commercial wireless facilities shall at all times meet or exceed the most recent American National Standards Institute (ANSI) Code, National Electrical Safety Code and the National Electric Code and shall be at all times kept and maintained in good condition, order and repair by qualified maintenance and construction personnel so to protect persons and property within the Town; and be it further

RESOLVED that siting of all telecommunication facilities shall, as a matter of policy, have the least adverse effect on the environment and character of all zoning districts within the Town of Hamilton, including visual impacts, existing vegetation, residential character and lighting; and be it further

RESOLVED that all applications for the construction or installation of a new small wireless facility or modification of an existing wireless facility shall require the submission of documentation that demonstrates and proves the need for the small wireless facility to provide service primarily and essentially within the Town; and be it further

RESOLVED that the Town, consistent with the Order, hereby imposes, at a minimum, the following standards upon small commercial wireless facilities to address aesthetic and safety concerns as part of the review and permitting process:

- (1) Facilities shall be situated in a manner that minimizes proximity and visibility to residential structures, does not impede pedestrian or vehicular traffic, or otherwise create a safety hazard, and shall be no higher than the minimum height necessary;
- (2) Ground-mounted accessory equipment, walls, or landscaping shall be located in consultation with and the consent of the municipality with respect to snow removal and storage;
- (3) To the extent feasible, accessory equipment shall be placed underground; if equipment must be ground mounted, screening from surrounding views, to the fullest extent possible, through landscaping or decorative features to the satisfaction of the Town, shall be employed;
- (4) Camouflaging techniques, which may include screening and incorporating architectural features, shall be employed to limit visibility from public ways and residential uses while still permitting the facility to perform its designated function;
- (5) Where appropriate, small wireless facilities in the public right-of-way shall be collocated on existing structures, whenever possible;
- (6) Standardized, pre-approved location spacing, antenna and equipment cabinets shall be mandated;
- (7) Facilities shall be painted or shielded with street-design materials; and
- (8) The antenna and supporting electrical and mechanical equipment must be of a neutral color, so as to make the antenna and related equipment as visually unobtrusive as possible; in areas with underground utilities, additional camouflaging techniques may be required, such as decorative utility or light poles; and be it further

RESOLVED that all standards governing small commercial wireless facilities as set forth in the aforementioned Order are hereby acknowledged and reaffirmed; and be it further

RESOLVED that as soon as practicable, and upon due deliberation, the Town shall enact such additional modified standards for such small telecommunication facilities to be situated within the Town of Hamilton, as may be necessary to assist in

the review of such permits or as may be necessary upon the amendment of Town policy or the enactment of a Local Law; and be it further

RESOLVED that any approval for a small wireless facility that is proposed for Town property or in the public right-of-way shall require the applicant to at all times defend, indemnify, protect, save, hold harmless and exempt the Town and its elected officials, officers, employees, representatives and agents, from any and all damages, costs or charges which might arise out of, or be caused by, the placement, construction, erection, modification, location, product performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of the small wireless facility; and be it further

RESOLVED that the Town of Hamilton Town Board hereby establishes an application fee of \$500.00 for a single up-front application of a small wireless facility, that may include up to five (5) sites, and \$100.00 per application for each site thereafter; and be it further

RESOLVED that the Town further imposes a recurring charge for each small wireless facility to be situated within the public right-of-way to be \$270.00 per site per year, which shall include all related access, permitting and rental fees.

The question 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	Absent
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.

Concerns of Town Board: None.

Supervisor's Report: Madison County Activities:

Ms. Shwartz informed the board that AIM funding was restored in the NY budget, but it is coming out of internet shared sales tax. The Casino money for being a community host has been renewed. There is a proposal for the County garage to be on County land near Leland pond; an old gravel bed.

With no further business, on a motion of Councilmember Darby, seconded by Councilmember Dinski, the meeting was adjourned at 8:58 p.m. Carried unanimously.

Respectfully submitted,
Suzanne Kern Reymers
Town Clerk