REGULAR MEETING

SEPTEMBER 16, 2021

A Public Hearing and the Regular Meeting of the Town Board of the Town of Hampton, County of Washington and the State of New York was held at the Town Hall, 2629 State Route 22A, Hampton, New York, also via Zoom and live streaming on the You Tube Channel for “Town of Hampton New York” on the 16th day of September 2021.

Due to the Corona Virus, occupancy inside the Town Hall is limited at this time. Supervisor O’Brien did provide a link to join the meeting via Zoom.

PRESENT: David K. O’Brien------------Supervisor

Donald Sady-----------------Councilman

Tamme Taran----------------Councilwoman

Andrea Sweeney------------Councilwoman - absent

 Michael Pietryka------------Councilman

Rebecca Jones---------------Town Clerk

Camilla Shaw----------------Tax Collector/Deputy Town Clerk

Herbert Sady, Jr.-------------Highway Superintendent

Tyler McClure---------------Deputy Highway Superintendent

Kim Perry-------------------Budget Officer

Planning Board Member(s):… Bonnie Hawley, Chair; Ginny Kinsey, Matthew Pratt,

Renee Rountree

Others present at the Town Hall: See attached list

The Public Hearing was called to order by Supervisor O’Brien at 7:15pm

Town Clerk Rebecca Jones read the Legal Notice of Public Hearing (copy attached), which was published in the Manchester Newspapers to discuss the proposed “Town of Hampton Noise Control Ordinance”.

Supervisor O’Brien explained what the Ordinance is about.

All persons desiring to be heard, having been heard, the Public Hearing was closed at 7:31pm

**REGULAR MEETING**

The Regular Meeting was called to order by Supervisor O’Brien at 7:31pm, followed by the Pledge of Allegiance. Location of Fire Exits were given. Quorum of board members present.

**RESOLUTION NO. 75-2021**

**APPROVAL OF THE MINUTES**

On a motion of Councilman Sady, seconded by Councilman Pietryka, the following resolution was ADOPTED: AYES 4 O’Brien, Sady, Taran, Pietryka

NAYS 0

ABSENT 1 Sweeney

RESOLVED, that the Regular Town Board Meeting Minutes for August 19th, 2021, are approved.

**PERMITS/SUBDIVISIONS**

A subdivision application from Hollister Brothers to Cynthia Hollister was presented to the Board for review. Subdivision consists of 4.02 acres from John, David & Brian Hollister to Cynthia Hollister.

TOWN BOARD MEETING

SEPTEMBER 16, 2021 PAGE 2

**RESOLUTION NO. 76-2021**

**HOLLISTER-SHORT ENVIRONMENTAL ASSESSMENT FORM/NEGATIVE DECLARATION**

On a motion of Councilman Sady, seconded by Councilwoman Taran, the following resolution was ADOPTED: AYES 4 O’Brien, Sady, Taran, Pietryka

NAYS 0

ABSENT 1 Sweeney

RESOLVED, that the Short Environmental Assessment Form is complete and to adopt a negative declaration and finding that there will be no adverse environmental impacts and to consider it a minor subdivision, therefore waving the public hearing.

**RESOLUTION NO. 77-2021**

**HOLLISTER- APPROVAL OF SUBDIVISION**

On a motion of Councilman Sady, seconded by Councilwoman Taran, the following resolution was ADOPTED: AYES 4 O’Brien, Sady, Taran, Pietryka

NAYS 0

ABSENT 1 Sweeney

RESOLVED, to approve the Hollister subdivision.

Larry Carman, Dog Control Officer submitted his report, which was read by Supervisor O’Brien, copy of report is attached.

Camilla Shaw, Tax Collector….received a payment, which was forwarded to the County, no other activity. Submitted Bank Statement to the Board for review and signatures.

Bonnie Hawley, Chair gave Planning Board Report……On September 8th the Planning Board met with Nan Stolzenburg, Consultant with Community Planning and Environmental Associates. This meeting was their Kick Off Meeting. Mission of Work is to successfully complete a comprehensive Farmland Protection Plan for Hampton intended to preserve, protect and promote the agricultural industry of our community. Attached is their Draft Timetable. The Overall Effort will address the following three questions:

* Question 1: What are the current agricultural characteristics and conditions?
* Question 2: What does the community and farmers envision and hope for in the future

related to agriculture?

* Question 3: What can the Town, farmers, and other farm-related entities and agencies

do to meet the Town’s vision and goals related to agriculture?

A Consulting Agreement between Nan Stolzenburg and Town of Hampton for AFPP (Agriculture and Farmland Protection Plan) was then introduced.

**RESOLUTION NO. 78-2021**

**CONSULTING AGREEMENT APPROVAL**

On a motion of Councilwoman Taran, seconded by Councilman Pietryka the following resolution was ADOPTED: AYES 4 O’Brien, Sady, Taran, Pietryka

NAYS 0

ABSENT 1 Sweeney

RESOLVED, to authorize the Town Supervisor to sign the Consulting Agreement with Nan Stolzenburg.

Herbert Sady, Jr., Highway Superintendent submitted his report, copy of which, is attached.

Tyler McClure has been offered and has accepted the Appointed Highway Superintendent position starting January 1, 2022.

TOWN BOARD MEETING

SEPTEMBER 16, 2021 PAGE 3

**SUPERVISOR’S REPORT/ COUNTY UPDATES/ COMMUNICATIONS**

**RESOLUTION NO. 79-2021**

**APPROVAL OF SUPERVISOR’S MONTHLY REPORT**

On a motion of Councilman Sady, seconded by Councilman Pietryka, the following resolution was ADOPTED: AYES 4 O’Brien, Sady, Taran, Pietryka

NAYS 0

ABSENT 1 Sweeney

RESOLVED that, the Supervisor’s Monthlyreport be accepted as submitted for **AUGUST**

7/31/21 8/31/21

ACCOUNT BALANCE RECEIPTS DISBURSEMENTS BALANCE

General Fund $ 83,243.38 $ 6,230.96 $ 7,994.30 $ 81,480.04

Highway Fund $127,350.54 $ 3.17 $ 12,672.35 $ 114,681.36

Equipment Reserve $ 79,913.40 $ 2.04 $ 0.00 $ 79,915.44

Fire #1 $ 21,648.50 $ 0.00 $ 0.00 $ 21,648.50

Fire #2 $ 5,100.00 $ 0.00 $ 0.00 $ 5,100.00

Cemetery $ 1,751.78 $ .73 $ 0.00 $ 1,752.51

Totals $319,007.60 $ 6,236.90 $ 20,666.65 $304,577.85

All Board Members present signed Supervisor’s Report.

**OLD BUSINESS**

Cannabis Opt In/Opt Out

**RESOLUTION NO. 80-2021**

**CANNABIS-OPT OUT OF RETAIL DISPENSARY LICENSES**

On a motion of Councilman Pietryka, NO SECOND was made. Therefore the establishment of Retail Dispensary(ies) are not prohibited in the Town of Hampton.

**RESOLUTION NO. 81-2021**

MOTION BY: CouncilmanDonald Sady

SECONDED BY: CouncilwomanTamme Taran

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW REQUESTING THAT**

**THE CANNABIS CONTROL BOARD OF THE STATE OF NEW YORK PROHIBIT ON-SITE CONSUMPTION LICENSES IN THE TOWN OF HAMPTON, COUNTY OF WASHINGTON, STATE OF NEW YORK**

**WHEREAS,** New York’s recently adopted Cannabis Law of the State of New York provides, at Section 131 of the Cannabis Law, that a municipality may request that the New York State Cannabis Control Board prohibit on-site consumption licenses in the municipality, which request must be in the form of a local law adopted by the municipal board subject to permissive referendum; and

**WHEREAS**, the Town Board of the Town of Hampton has debated such on-site consumption licenses in the Town of Hampton and wishes to hold a public hearing on a proposed local law requesting that the Cannabis Control Board prohibit on-site consumption licenses Town of Hampton pursuant to Cannabis Law Section 131; and

TOWN BOARD MEETING

SEPTEMBER 16, 2021 PAGE 4

**WHEREAS**, a proposed local law requesting that the Cannabis Control Board of the State of New York prohibit any on-site consumption licenses in the Town of Hampton pursuant to Cannabis Law Section 131 in the Town of Hampton has been drafted; and

**WHEREAS**, the Town Board wishes to hold a public hearing concerning the proposed local law.

**NOW, THEREFORE BE IT**

**RESOLVED,** that the proposed local law requesting that the Cannabis Control Board of the State of New York prohibit on-site consumption licenses in the Town of Hampton pursuant to Cannabis Law Section 131 in the Town is hereby accepted for introduction to the Town Board; and be it further

**RESOLVED,** that the consideration and proposed adoption of this Local Law is an

action under the New York State Environmental Quality Review Act (SEQRA). The Town

Board hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5(33) and the action is hereby precluded from further environmental review; and be it further

**RESOLVED**, that a public hearing shall be scheduled for the consideration of this proposed local law to be held by the Town Board on September 30th, 2021 at 7:15p.m. at the Town of Hampton Town Hall; and be it further

**RESOLVED**, that the Town Clerk is direct to post and publish a notice of said public hearing in the Post-Starat least five (5) days before the public hearing.

**RESOLVED**, that this resolution shall take effect immediately.

DATED: September 16th, 2021 Supervisor O’Brien AYE

Councilman Sady AYE

Councilwoman Taran AYE

Councilman Pietryka AYE

Councilwoman Sweeney ABSENT

**RESOLUTION NO. 82-2021**

**SPECIAL MEETING**

On a motion of Councilman Sady, seconded by Councilwoman Taran, the following resolution was ADOPTED: AYES 4 O’Brien, Sady, Taran, Pietryka

NAYS 0

ABSENT 1 Sweeney

RESOLVED, to hold a Special Meeting on September 30th, 2021 immediately following the Public Hearing on Proposed Local Law prohibiting On-Site Consumption Licenses.

**RESOLUTION NO. 83-2021**

MOTION BY: CouncilmanMichael Pietryka

SECONDED BY: CouncilmanDonald Sady

**RESOLUTION ADOPTING PROPOSED ORDINANCE**

**ENTITLED “TOWN OF HAMPTON NOISE CONTROL ORDINANCE”**

TOWN BOARD MEETING

SEPTEMBER 16, 2021 PAGE 5

**WHEREAS**, pursuant to Section 10 of Municipal Home Rule Law and Section 130 of the Town Law, the Town Board of the Town of Hampton (the “Town”) has the authority to adopt local law and ordinances in order to preserve, protect and promote the public health, safety and welfare of the community; and

**WHEREAS**, the Town Board hereby declares that the making, creation or maintenance of excessive or unreasonable noises within the Town, affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the Town; and

**WHEREAS,** the Town Board scheduled a public hearing to be held before the Town Board on September 16th, 2021 at 7:15 p.m. at the Offices of the Town of Hampton, Hampton, New York, to hear all interested parties regarding the adoption of a proposed Ordinance, titled “Town of Hampton Noise Control Ordinance”; and

**WHEREAS,** notice of said public hearing was duly posted and then published in the official newspaper of the Town, pursuant to and in conformance with Section 20 of the Municipal Home Rule Law; and

**WHEREAS,** said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Ordinance; and

**WHEREAS**, the Town Board after reviewing the Short EAF and taking a hard look at the potential environmental impacts of the proposed Ordinance, the Town Board issued a Negative Declaration in connection with its findings pursuant to the State Environmental Quality Review Act (“SEQRA”), as codified under 6 NYCRR Part 617 et. seq., relative to the adoption of the proposed Ordinance, whereby the adoption thereof constitutes an Unlisted Action that will not have any significant adverse impact upon the environment.

**NOW, THEREFORE BE IT**

**RESOLVED**, the Board, upon due deliberation of the proposed Ordinance and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the residents, inhabitants and guests of the Town of Hampton.

**RESOLVED**, the proposed Ordinance is hereby adopted, copies of which are attached hereto and made a part hereof; and be it further

**RESOLVED**, that pursuant to and in accordance with Section 133 of the Town Law, the Town Clerk is hereby directed to enter the “Town of Hampton Noise Control Ordinance” into the minutes of this meeting and publish the same inthe official newspaper of the Town; and be it further

**RESOLVED**, this resolution shall take effect immediately.

DATED: September 16, 2021 Supervisor O’Brien AYE

Councilman Sady AYE

Councilman Pietryka AYE

Councilwoman Taran NAY

Councilwoman Sweeney ABSENT

TOWN BOARD MEETING

SEPTEMBER 16, 2021 PAGE 6

**RESOLUTION NO. 84-2021**

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

On a motion of Councilman Sady, seconded by Councilwoman Taran, the following resolution was ADOPTED: AYES 4 O’Brien, Sady, Taran, Pietryka

NAYS 0

ABSENT 1 Sweeney

RESOLVED, to accept the Short Environmental Assessment Form regarding the “Town of Hampton Noise Control Ordinance”.

Short Term Disability….The cost is $60.00 year, which is for the two Highway Employees. Must be full-time, can pay up to $170.00 a week for employee if on short-term disability for 12 weeks or less. Employees must use vacation/sick time first. The Town would cover the cost. The following resolution was then introduced.

**RESOLUTION NO. 85-2021**

**SHORT-TERM DISABILITY**

On a motion of Councilwoman Taran, seconded by Councilman Sady, the following resolution was ADOPTED: AYES 4 O’Brien, Sady, Taran, Pietryka

NAYS 0

ABSENT 1 Sweeney

RESOLVED, to offer the Short-Term Disability to full-time employees at no cost to the employees, the Town will pay the premium.

**NEW BUSINESS**

Bond Resolution

**RESOLUTION NO. 86-2021**

MOTION BY: CouncilwomanTamme Taran

SECONDED BY: CouncilmanDonald Sady

**BOND RESOLUTION AUTHORIZING THE ISSUANCE OF**

**$100,000.00 AGGREGATE PRINCIPAL AMOUNT OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE TOWN OF HAMPTON TO PAY THE COSTS FOR ASPHALT PAVING WITHIN THE TOWN OF HAMPTON AND AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES OF THE TOWN OF HAMPTON FOR THE AFORESAID PURPOSES AND IN CONNECTION THEREWITH**

**WHEREAS**, after due deliberation thereon, the Town Board (the “Board”) of the Town of Hampton (the “Town”) desires to obtain short term financing for the expense of asphalt paving in the amount of One Hundred Thousand and 00/100 Dollars ($100,000.00) (the “Project”) and

**WHEREAS**, the total estimated cost of the Project is One Hundred Twenty-Five Thousand and 00/100 Dollars ($125,000.00) all of which is the responsibility of the Town; and

**WHEREAS**, in order to finance the costs associated with the Project, the Town desires to issue notes or serial bonds or a statutory installment bond, in lieu of serial bonds, in the aggregate principal amount of One Hundred Thousand and 00/100 Dollars ($100,000.00); and

**WHEREAS**, no other bond anticipation notes have been previously authorized or issued in anticipation of the issuance of serial bonds authorized by this resolution and the bond

TOWN BOARD MEETING

SEPTEMBER 16, 2021 PAGE 7

anticipation notes authorized by this resolution will not serve to renew any other existing bond anticipation notes.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of the Town as follows:

**Section 1**. The specific object and/or purpose of the Project for which the obligations authorized by this Resolution is asphalt paving for the total sum of One Hundred Thousand and 00/100 Dollars ($100,000.00).

**Section 2**. The financing of the Project shall be undertaken by the Town through the issuance of a bond anticipation note or notes in accordance with and pursuant to the Local Finance Law of the State of New York in an amount not to exceed One Hundred Thousand and 00/100 Dollars ($100,000.00). The Town hereby authorizes any bonds, including a statutory installment bond, in lieu of serial bonds, to be issues for this Project in an amount not to exceed One Hundred Thousand and 00/100 Dollars ($100,000.00).

**Section 3**. The Town hereby authorizes the Supervisor of the Town (the “Supervisor”) to utilize funds held within the Fund and within the Budget for the purpose of physical public betterment or improvement and the payment of services rendered in connection with the Project and further authorizes the Supervisor to repay any funds expended from the Fund with funds borrowed in connection with any bond anticipation note or bonds, including statutory installment bonds, issued pursuant to and authorized by and through this bond resolution.

**Section 4**. There are hereby authorized to be issued bond anticipation notes (“Notes”), including the renewal of such Notes, for the aforesaid specific objects or purposes in amounts up to but not exceeding the maximum amount of the Bonds herein authorized. Any such Notes issued shall be approved as to form and executed by the Supervisor and issued in anticipation of the sale of the Bonds herein authorized.

**Section 5**. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is fifteen (15) years pursuant to Section 11.00(a)(20) of the Local Finance Law. It is hereby further determined that the maximum maturity of the Bonds authorized herein shall not exceed five (5) years.

**Section 6**. The full faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on any Bonds or Notes issued in connection with this bond resolution, as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of, and any interest, if applicable, on the Bonds or Notes becoming due and payable in such years.

**Section 7**. The maximum maturity of the Bonds shall not exceed the periods of probable usefulness set forth above and shall mature on or before the date of the expiration of the aforesaid periods of probable usefulness as measured from the date of the Bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. If deemed necessary by the Supervisor, the Bonds or Notes to be issued hereunder may be issued in two or more separate series.

**Section 8**. Any Notes or Bonds issued hereunder shall be payable from the proceeds derived from the issuance and or sale of the Bonds authorized herein or otherwise redeemed in the manner provided by Section 23.00 or Section 62.10 of the Local Finance Law.

TOWN BOARD MEETING

SEPTEMBER 16, 2021 PAGE 8

**Section 9**. There are no bond anticipation notes or Bonds outstanding which have been previously issued in anticipation of the sale of the Bonds authorized herein.

**Section 10**. Subject to the provisions of the Local Finance Law, the power to issue and sell the Bonds and/or Notes, including all powers and duties pertaining or incidental thereto, is hereby delegated to the Supervisor of the Town, except as herein provided. The Bonds and/or Notes shall be of such terms, form and content, and shall be sold in such manner, whether by public or private sale, as may be determined by the Supervisor, pursuant to Local Finance Law, this resolution and any further resolution which the Board may hereafter adopt. The Supervisor is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this resolution, including any resolutions, contracts or authorizations necessary to secure any Federal or State issued grant(s) or loan(s).

**Section 11**. The exact date of issue of the Bonds and/or Notes and the exact date upon which the same shall become due and payable shall be fixed and determined by the Supervisor, provided however, that the maturity of said Notes or renewals thereof shall not exceed one year from the Note's or renewal's date of issue except as permitted by the Local Finance Law.

**Section 12**. The Supervisor shall prepare, or cause to be prepared, such Bonds and/or Notes and sell the same in accordance with the applicable provisions of the Local Finance Law, and at such sale shall determine the interest rate to be borne by such Bonds and/or Notes, whether fixed or variable.

**Section 13**. The proceeds of the sale of the Bonds and/or Notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Supervisor and the power to invest in any instruments described in the said Section 165.00 is expressly granted.

**Section 14**. To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer hereby designates the Bonds and/or Notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Issuer hereby covenants that it will (i) take all actions on its part necessary to cause interest on the Bonds and/or Notes be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the Bonds and/or Notes to be included in gross income for purposes of Federal income taxes.

**Section 15**. The validity of such Bonds and/or Notes (collectively "Obligations") may be contested only if:

(1) Such Obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced with twenty (20) days after the date of such publication, or

(3) Such Obligations are authorized in violation of the provisions of the constitution.

TOWN BOARD MEETING

SEPTEMBER 16, 2021 PAGE 9

**Section 16**. This resolution, or a summary hereof, shall be published in full in the Manchester Newspapers, which has been designated as the official newspaper of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 17**. The adoption of this Resolution is considered an action under the New York State Environmental Quality Review Act (SEQRA). The Town hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5(27), and hereby declares that the action does not have a significant impact on the environment and the action is hereby precluded from further environmental review.

**Section 18**. This resolution shall take effect immediately and supersedes any prior resolution on this matter.

The question of the adoption of the foregoing resolution was duly put to a vote by roll call, which resulted as follows:

Voting: Ayes: Nays: Abstain: Absent:

David O’Brien, Supervisor X

Tamme Taran, Councilwoman X

Andrea Sweeney, Councilwoman \_ \_X\_\_\_

Donald Sady, Councilman X

Michael Pietryka, Councilman X

The foregoing resolution was thereupon declared duly adopted.

[Seal]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Rebecca S. Jones, Town Clerk

Town of Hampton

Discussion regarding Peckham bill. The following resolution was introduced.

**RESOLUTION NO. 87-2021**

**PRE-AUTHROIZE PAYMENT OF PECKHAM BILL**

On a motion of Councilman Sady, seconded by Councilwoman Taran, the following resolution was ADOPTED: AYES 4 O’Brien, Sady, Taran, Pietryka

NAYS 0

ABSENT 1 Sweeney

RESOLVED, to pay the Peckham bill for paving as soon as it is received. Then include said bill on the next Warrant.

The **Tentative Budget** for 2022 was presented to the Town Board. Will discuss at the Special Meeting set for September 30th.

Supervisor O’Brien read a Thank You note from Tamme Taran for the flowers sent for her mom’s funeral.

Matthew Pratt handed out and went over the Fire Company’s request.

TOWN BOARD MEETING

SEPTEMBER 16, 2021 PAGE 10

Discussed reassessment and how it has impacted school taxes and should impact taxes in January.

Public Comments/Council Comments

Subdivisions…..Subdivider or an Agent should be present at Board Meeting, according to Local Law 1 of 2016.

Mobile Homes…..several seem to have been moved in before being inspected.

One on Hills Pond is working with Code Enforcement

One on South Road is not a permanent place

One on County Route 18 is working with Code Enforcement

Another one behind a South Road home has been turned over to Code Enforcement

**RESOLUTION NO. 88 -2021**

**AUDIT OF CLAIMS**

On a motion of Councilman Sady, seconded by Councilwoman Taran the following resolution was ADOPTED: AYES 4 O’Brien, Sady, Taran, Pietryka

NAYS 0

ABSENT 1 Sweeney

RESOLVED that the bills have been reviewed by the Town Board and are authorized for payment in the following amounts.

General Fund No. 114 through No. 122 $ 2,955.08

Highway Fund No. 102 through No. 115 $ 3,996.82

Total both funds $ 6,951.90

The Town Clerk’s report for August 2021 was submitted to the Board. The Town Clerk had Board Members review and sign bank reconciliation statements for the Town Clerk Account and Special Clerk Account dated August 31, 2021.

**RESOLUTION NO. 89-2021**

**MEETING ADJOURNED**

On a motion of Councilman Sady, seconded by Councilwoman Taran, the following resolution was ADOPTED: AYES 4 O’Brien, Sady, Taran, Pietryka

NAYS 0

ABSENT 1 Sweeney

RESOLVED that the meeting adjourned at 9:36pm.

Respectfully submitted,

Rebecca S. Jones, RMC

Town Clerk