

August 8, 1995

The regular meeting of the Village of Hamilton Board of Trustees was called to order by Mayor Brink in the Community Hall at 7:00 pm on August 8, 1995.

### **Present**

Mayor Brink, Trustees Bergen, Basher and Vantine, Engineer Rathbone and Village Clerk Kogut.

### **Call to Order**

Mayor Brink asked for a motion to approve the agenda with the following additions and changes.

1. Add Executive Session after New Business.
2. Add to Communications/Information, United Fund request, Farmers' Market, Colgate University request for Orientation Week.
3. Add to Old Business, Duties and Responsibilities of the MUC.

Motion was made by Trustee Vantine, seconded by Trustee Bergen and carried to approve the agenda as revised for the meeting.

### **Appointments**

A. Retirement - Village Engineer. Mayor Brink stated that Engineer Rathbone has indicated that he would be retiring effective August 29, 1995. While accepting his resignation, Mayor Brink asked that the record show the Village's appreciation for John's dedication and years of service.

B. College Community Relations Committee. Mayor Brink submitted the following names for the College Community Relations Committee; John Koen, David Hess, Val Rathbone and Ruth Ann Loveless (School Board representative).

Motion was made by Trustee Bergen, seconded by Trustee Vantine and carried to appoint John Koen, David Hess, Val Rathbone and Ruth Ann Loveless to the College Community Relations Committee.

### **Approval of Minutes**

A. Regular Meeting - May 9, 1995. Tabled until September meeting.

B. Regular Meeting - July 11, 1995. On Page 5, Item A under Old Business change *Mayor Baker* to *Mayor Brink*. On Page 5, Item E, 2nd paragraph, add *including a petition for annexation* after *had in mind* in the fourth line.

Motion was made by Trustee Basher, seconded by Trustee Vantine and carried to approve the minutes of the July 11, 1995 meeting as corrected.

**Reports**

A. Treasurer's Report - July 1995. Reviewed.

B. Bicentennial Financial Report - July 1995. Reviewed.

C. Dumpster Summary - July. Reviewed.

D. Engineer Rathbone. Engineer Rathbone stated that he received a sketch from Hamilton Central School, but it did not have all of the information he had requested. Engineer Rathbone will contact Mr. Backus to discuss the sketch with him.

Engineer Rathbone remarked that he has given Trustee Basher a flyer on the Annual Public Works School sponsored by the New York State Conference of Mayors.

Engineer Rathbone stated that the DPW crew is progressing as far as trying to help the grass grow and cutting it when it does. They are also crack filling and patching village streets.

Engineer Rathbone remarked that he requested a Safety Consultation from the New York State Department of Labor and the labor consultant came down and spoke with him. The consultant has visited all of the village facilities and he has talked with the foremen in those areas. Engineer Rathbone stated that the consultant told him that the areas were fairly clean and showed him that someone has paid some attention to safety matters. He will be sending us a detailed report.

Engineer Rathbone stated that the traffic signal project at the corners of Broad Street and Kendrick Avenue has come to a halt pending delivery of the mast and arm. It is expected to start up again possibly in October.

E. Village Clerk Kogut. Clerk Kogut asked the Board for permission to attend a Conference of Mayors Training School September 11-14, and Trustee Vantine would also like to attend the school as well.

Motion was made by Trustee Bergen, seconded by Trustee Basher and carried to authorize Clerk Kogut and Trustee Vantine to attend the Conference of Mayors Training School scheduled for September 11-14, 1995.

F. Fire Department Report for July. Reviewed.

**Approval of Claims**

Motion was made by Trustee Basher, seconded by Trustee Bergen and carried that the claims for July 1995 be approved for payment as follows:

General	18,245.19
T & A	18,288.75
Community Development	312.50
Joint Activity	1,327.88
Capital	40,426.35
Library	<u>950.00</u>



would be the time to revisit that idea.

Over the last couple of days Mr. Manton has tried to ascertain what the situation would be with respect to getting assistance from the FAA for acquisition of the airport. Mr. Manton remarked that one of the major objections to having the FAA assist the village has been a time requirement that would be chewed up by the FAA in trying to complete the deal, which could take 2-3 years. Mr. Manton stated that yesterday and today he spoke with a representative from the State Department of Transportation, and he told Mr. Manton to get in touch with the FAA and get a commitment from the FAA that would assure the village that funding would be available from the FAA during fiscal 1996.

Mayor Brink stated that from her perspective the Village should pursue the FAA grant as aggressively as possibly.

Trustee Vantine wondered if the village really wanted to be responsible for the running and maintenance of the airport, and she thought that the insurance liability would be very high.

Mr. Manton remarked that the village could own the property, but it would not have to operate the airport. If the village were to ask him what would be the best way to go, he would say to have the village own it but not operate it. What the village would do is to issue a request for proposals and attempt to get a private interest to come in with a proposal to operate the airport on behalf of the village. This way the village maintains control over what happens to it, but it would not have the responsibility of the day to day airport operations. Mr. Manton asked the Board who they wanted to have make the call to the FAA. Trustee Bergen asked whether the property could be used for other than airport services, if the village received FAA funding.

Mayor Brink stated that since Mr. Manton already knew the avenues, she would appreciate it if he would be willing to contact the FAA regarding the grant. The Board agreed with Mayor Brink that it would be a good idea to have Mr. Manton contact the FAA regarding the grant.

E. Fisher Letter. Mayor Brink remarked that Judge Fisher sent a letter to Dr. Neil Grabois at Colgate regarding some of the traffic safety problems we have as to who is in charge of what, and the problems it is causing for him. The official determination has been made that the roads on the campus are public roads, and this will probably be an ongoing problem.

F. Letter from Steve Hall. Mayor Brink stated that she received a letter from Steve Hall regarding the garbage problems behind his building. Mayor Brink will send a letter of response to Mr. Hall.

G. S. MacKinnon - Street Plowing & Maintenance. Mayor Brink remarked that she has been approached by Sandy MacKinnon to have the village take over maintenance of the street that goes to the Chenango Nursery School. Mayor Brink spoke with Engineer Rathbone and he told her that if the street was brought up to the village's specifications in terms of construction, we could consider it. There would also be a need for a cul-de-sac for turn around. These things would be the responsibility of the property owners prior to acceptance.

H. Colgate Inn request - Block Party. Mayor Brink stated that the manager of the Colgate Inn called and requested permission to have another block party. It was very popular during the Hamilton Days and he thought it would be nice to have one before the students come back. Mayor Brink checked with Chief Tilbe and the previous block party went off with very few problems, and he did not have any problem with it. After further discussion, the Board agreed to not allow the Colgate Inn to have another block party now, and to suggest that another one be done at next years 4th of July celebration.

I. United Fund Request. Mayor Brink remarked that she received a phone call a couple of weeks ago from Joan Ford asking to put up the United Fund thermometer which shows the fund total that they have generated. Mayor Brink has tried to call her back and cannot reach her. She will try again to get in touch with her and will let her know the Board would allow the sign to be put up between the library and the Village Office.

J. Farmer's Market. Mayor Brink stated there was a problem last Saturday with the Community Booth, but it has been taken care of.

K. Colgate University Request. Mayor Brink remarked that she received a letter from Burgell Howard, Director of Student Activities, requesting a variance from the Village of Hamilton Noise Ordinance to allow a band to perform on Whitnall Field on Saturday, August 26th from 9:30 pm through midnight.

Motion was made by Trustee Bergen, seconded by Trustee Vantine and carried to grant a variance from the Village of Hamilton Noise Ordinance and allow a band to perform on Whitnall Field at Colgate University on Saturday, August 26th from 9:30 pm through midnight.

### **Old Business**

A. Code Enforcement. Mayor Brink stated that the code enforcement problem has been a major problem. The gentlemen who was hired to do it on a part-time basis decided he could not be available at all. Clerk Kogut has been in touch with a couple of others and has gotten no response. Trustee Basher has also tried to contact the Codes Officer for the Town of Lincoln, but has not been able to get in touch with him. If Codes Enforcement Officer Sternburg is not back to work by the time Engineer Rathbone retires, Clerk Kogut will get together something in writing informing people that when they come in to pick up a building permit application, it will be their responsibility to hire someone to do the necessary inspections.

Engineer Rathbone remarked that he wondered if it might be time again to ask the New York State Department for a training session for both the Planning Board and the Zoning Board of Appeals. He was not sure if such a session is still available or not with today's budget at the state level, but the state used to have people come out and do a 2 - 2 1/2 hour session for the Planning Board and another one for the Zoning Board of Appeals. Clerk Kogut will look into seeing if there are any training sessions available.

Engineer Rathbone stated that there are problems again with the Main Moon polluting the alleyway. He spoke with the manager and told him that if they did not clean up the garbage cans, he would have the DPW crew haul them away. Engineer Rathbone also told him that they needed to clean up the alleyway. Yesterday there were three new garbage cans and today there were two cans that had holes in the bottom. Bob Browning threw the two cans into the garbage truck and Engineer Rathbone called Chief Tilbe. Chief Tilbe went over to talk to them, and he is going to proceed with the counties rules and regulations and cite them. Chief Tilbe told Engineer Rathbone that the next time the crew sees them using the containers with the holes, give him a call so that they can take pictures and proceed with some type of action.

B. "Motel" Property Disposition. Mayor Brink remarked that there are two parties interested in the property. One is Byrne Dairy who would like to expand their parking area. The other party is Park City Builders who would like to build a two story office building. Because of their being two interested

parties, Mayor Brink thought that we might have to accept bids. Clerk Kogut stated that the village is not required to have an auction. The village is also not required to offer it to the adjacent landowner unless there is already something in place that states that is our policy. We have no such thing. Clerk Kogut remarked that since there are only two interested parties, the minimum we would need to do is to advertise, and we could send each of the parties a copy of the ad and specify a date which we would accept their offer. Clerk Kogut stated that there are certain provisions in the law that the Board could use to determine whether or not to accept the higher bid.

Motion was made by Trustee Basher, seconded by Trustee Bergen and carried that the Board proceed with the advertisement on the property disposition. The ad should contain the parameters of our ability to accept or reject the bids. The minimum cost would be \$6,000.00 which is our cost at removal, plus our portion of removal of the tank. The ad should also include the fact that the village will maintain a right-of-way for the utilities through the old canal line.

C. Zoning Changes. Mayor Brink stated that she received a letter from Michael Zahn, Chairman of the Planning Board, asking that the Board get going on the zoning changes. Trustee Vantine attended the last Planning Board meeting and one of the things they requested was a time to get started with the changes. The first meeting will be August 16 with the Planning Board at 7:00 pm at the Community Hall.

D. Truck Route Problems. Mayor Brink remarked that there have been some complaints from residents on Hamilton Street with the trucks going out to Poolville. Because of the complaints someone suggested the trucks be routed to Kendrick Avenue, and Engineer Rathbone stated that Kendrick would not withstand the traffic. Mayor Brink spoke with Joe Slivinski at the County Highway Department, and he told her they were almost done with the job they were doing. The bulk of the job would be done by the next day. Mr. Slivinski agreed to not use the village on a regular basis whenever possible, and to try to avoid it.

E. Local Law #3-1995. Mayor Brink asked for a motion on Local Law #3-1995.

Motion was made by Trustee Bergen, seconded by Trustee Vantine and carried to adopt Local Law #3-1995 Business Investment Exemption.

F. Duties and Responsibilities of the MUC. Trustee Bergen stated that in early February the Village Board had a joint meeting with the MUC. At that time it was suggested to the MUC that they come up with a draft of their duties and responsibilities and get it to the Village Board by the June 1. If the draft was good enough it would be drafted into a local law as per the Government Committee recommendation.

Engineer Rathbone remarked that most of what the MUC does is spelled out in the state's village laws under Bulk Provisions for Water Utilities Commissions and the provisions for Electric Utilities Commissions.

G. DPW School Workshop. Mayor Brink asked Engineer Rathbone if this was something that Danny Hughes should attend. Engineer Rathbone thought it would benefit Danny Hughes to go to the workshop. The workshop will be October 16-19.

Motion was made by Trustee Basher, seconded by Trustee Bergen and carried to offer Danny Hughes the opportunity to go to the DPW School Workshop from October 16-19.

## **New Business**

A. Village Administrator - 1st Draft. Mayor Brink stated that Clerk Kogut came up with the draft by reviewing some job descriptions from other villages and towns. Between now and January 1, the Board will be making two important appointments. One will be the Village Administrator and the other will be the Superintendent of Utilities and DPW. Clerk Kogut will be going to Wampsville to get some help in terms of hiring procedures and job descriptions. The Superintendent of Utilities and DPW job is a civil service class job and the Village Administrator is not. Mayor Brink asked Clerk Kogut to get copies of the job descriptions to the Board so they can make any modifications on them before the October meeting.

B. Supt. of Utilities & DPW - 1/1/96 projected date, interim period 9/1-12/31/95. Motion was made by Trustee Bergen, seconded by Trustee Basher and carried to authorize Mayor Brink to negotiate with John Rathbone to act as a consultant to the Village during this interim period. Compensation should not exceed \$10,000 for services during this time.

C. MUC Access. Mayor Brink stated that this is in regards to access to the water tower on west hill. Mr. Fred Werner owns the land between the water tower and the road, and he has take exception to the fact that he does not think the village has a right-of-way. Attorney Walton says that the village does have a right-of-way and Mr. Werner's attorney says the village does not. District Attorney Don Cerio went with Chief Tilbe up to look at the right-of-way and the tower. Since that time Clerk Kogut has had communications with Mr. Werner and he is willing to grant us access, if we would give him the right to build his road up to the top of the property. Mayor Brink remarked that she had a problem with that because of drainage, etc., and so one of the stipulations we would have would be that it would have to have an engineers approval. The Board will discuss this issue further at the September meeting.

### **Executive Session**

Motion was made to go into executive session at 10:14 pm.

Motion was made to go back to regular session at 10:25 pm.

### **Adjournment**

There being no other business to come before the Board of Trustees the meeting adjourned at 10:49 pm.

Respectfully submitted,

Paul C. Kogut  
Village Clerk-Treasurer