

May 11, 1993

The regular meeting of the Village of Hamilton Board of Trustees was called to order by Mayor Baker in the Community Hall at 7:00 pm on May 11, 1993.

Present

Mayor Baker, Trustees Bergen, Brink, Glaser and Getchonis, Village Engineer Rathbone and Village Clerk-Treasurer Kogut.

Call to Order

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

1. Add to Communications receipt of a UDC Airport letter.
2. Add to New Business a Colgate University commencement request.
3. Add to Communications a letter from Susan Bartetta, Daniel Scroy and Cynthia Scroy.

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

Citizen Participation

A. Aileen Peek - Education Presentation. Mayor Baker remarked that Mrs. Peek is here to present to the Board an education presentation on Frogs - "it's their world too". Let's be kind to our animal neighbors. Mrs. Peek stated she is here to represent the animals because they do not have a voice, and that she would like to make an appeal for preserving frogs. She gave three reasons she felt were the causes for the decline in the frog population. There are also three state laws that pertain to the contest, two of them directly. One is that anytime someone takes a wild animal out of the environment, they need a permit to return the animal. The reason for this is so that the animal is returned to its home where it can survive. The other law is Article 26 of the Agricultural and Markets Law relating to cruelty to animals Section 353. One last law which indirectly applies to this, is that public schools are required to provide two educational periods each week on the humane treatment of wild and domestic animals.

Mayor Baker stated he exchanged some correspondence with Mrs. Peek a few months ago regarding the frog issue, which he indicated the Board took the position a few years ago to not ban the frog jumping contest. He also stated that the Rotary Club has been given permission by the Board to run the July 4th celebration for a period of five years.

B. David Dow - D's Auto. The Board took no action on towing. Basically all things being equal, the Board tries to give preference to village merchants.

C. Suzanne Farrington. Mrs. Farrington stated she had some concern with the regulation in the Farmer's Market Rules regarding any vendor who has a "curb space" only can move into a vacant "curb space" after 8:30 am. She brought a signed petition which she circulated on Saturday, May 8, 1993

during the market hours. The petition read: "We the undersigned think that empty curb side spaces should be occupied after 8:30 am by any vendor who wishes to fill in that space on that particular day." Mrs. Farrington thought that maybe the "park space" vendors could fill in the "curb spaces" after 9:00 am, which gives the "curb space" vendors a chance to move first. She then went on to give reasons why she thought any vendor should be allowed to fill in a "curb space" that is not occupied.

Mayor Baker asked if the petition could be given to Trustee Brink since she is the Liaison to the Farmer's Market, so that she could review and make a recommendation to the Board.

Appointments

A. Election Inspectors. Mayor Baker requested that the Board appoint the list of election inspectors and their compensation for this year's General Election as follows:

Myron Bachellor	\$ 5.50 hr.
Dorothy Bachellor	4.75 hr.
Ann France	4.75 hr.
Cheryl Butts	4.75 hr.

Motion was made by Trustee Bergen, seconded by Trustee Brink and carried to approve the list of election inspectors and their compensation for this year's General Election.

B. Volunteer Firefighter. Motion was made by Trustee Glaser, seconded Trustee Getchonis and carried that Jeffrey K. Parnapy, be appointed as a volunteer firefighter for the Fountain Fire Department.

Approval of Minutes

A. Regular Meeting - April 13, 1993. On page 8, bottom paragraph, add Mayor Baker to the Aye list. On page 9, delete first paragraph. On Page 7, second paragraph from the bottom, change there to their.

Motion was made Trustee Bergen, seconded by Trustee Brink and carried to accept the minutes of April 13, 1993 as corrected.

B. Public Hearing & Special Meeting - April 20, 1993. Motion was made by Trustee Getchonis, seconded by Trustee Glaser and carried to accept the Pubic Hearing minutes of April 20, 1993.

Motion was made by Trustee Getchonis, seconded by Trustee Glaser and carried to accept the Special Meeting minutes of April 20, 1993.

Reports

- A. Treasurer's Report - April 1993. Reviewed.
- B. Dumpster Summary - April 1993. Reviewed.
- C. Engineer Rathbone. He stated we received from CHIPS a request for reimbursement

which has to be in their office no later than May 21, 1993. We will be going back over the projects that we have had in the past to find out if there is any in particular that we can apply towards CHIPS.

Engineer Rathbone remarked the materials have come in for the work in the alleyways. There are some bills to be paid and he would like to find out we are going to pursue this project. Mayor Baker stated he would look into this and get an answer by Friday.

D. Village Clerk Kogut. He stated Dean Shaul has been in to see him regarding adoption of the Disaster Plan. He wants it adopted so he can begin distributing it. Mayor Baker told Clerk Kogut to inform Mr. Shaul it will be on the agenda for the June meeting.

Clerk Kogut remarked we got the paper work to fill out for the snow emergency reimbursement. We documented over \$13,500 associated cost with the removal. Clerk Kogut stated it took about four days to complete the report, and it came down to the Village will be receiving \$537.97.

E. NYCOM Syracuse Meeting. Trustee Bergen remarked this was a meeting for elected municipal officials for a workshop on April 24 in Syracuse. About 100 officials from all over upstate New York. He had lunch with the Mayor and a Trustee from Brockport. They commiserated about the trials of governing a college town. At the other end of the table was the Mayor from Tannersville, which is in the Delaware River/Catskills area. He was concerned about New York City reservoirs. Trustee Bergen felt it was an interesting meeting, and went over a few things he thought were important information.

F. HCS 1993-94 Budget. Trustee Bergen stated that if the budget proposal from the school including the two new buses passes, the increase in the tax rate will be 1.6% over last year.

G. Fire Protection District Lines. Trustee Glaser gave some background that lead up to the changes of the lines. He also stated that Clerk Kogut could fill in the Board regarding the tabling of this matter. Clerk Kogut remarked that Attorney Hughes had not had any conversations with Tom McCobb. He explained to Attorney Hughes what he and Trustee Glaser had discussed, and the discussion he had with Bob Reed. Trustee Glaser stated the reasons they could table would be first to vote on it at their next meeting, or second to wait until election time comes closer so if there is a referendum it can be done at the time of elections. The district that is drawn out now does not effect the contract as much as the previous one, but there would be some reduction.

Further discussion was held regarding SOMAC's involvement, problems with. Madison's vehicles crossing into our fire district, and the politics involved.

Mayor Baker asked Trustee Glaser to speak with Dave Felton from SOMAC about setting up a meeting at the new SOMAC facilities.

Approval of Claims

A. Claims for April 1993. Motion was made by Trustee Brink, seconded by Trustee Glaser and carried that the claims for April 1993 be approved as follows:

General	\$ 36,951.98
T & A	2,282.28
Total	39,234.26

Communications

A. Archie Ross - Group Residence Fee. Mayor Baker remarked a letter was received from Archie Ross regarding the change in the fees for group housing.

B. Woodman Pond Petition. Mayor Baker stated he received a petition from Rich Fenner regarding Woodman Pond. Mayor Baker stated a joint board will be formed of two Village Board members and two MUC members to deal with questions regarding Woodman Pond. He remarked he would like to appoint Trustees Glaser and Getchonis to the joint board.

Motion was made by Trustee Glaser, seconded by Trustee Getchonis and carried to appoint Trustees Glaser and Getchonis to a joint board with two MUC members to deal with questions regarding Woodman Pond.

C. NYS Municipal Bulletin - What is a Family? Mayor Baker remarked Trustee Brink asked that this article that appeared in the NYS Municipal Bulletin be brought to the Board's attention. Trustee Brink stated the March/April NYCOM Municipal Bulletin had a fairly extensive article regarding what is a family for zoning purposes. She thought it would be a good idea for the Board to take a look at it and review it. The article does not answer the question, but rather there is the problem that no one really knows what a family is.

D. Letters from Susan Bartetta, Cynthia Groy and Daniel Scroy. Mayor Baker stated the letters basically requested that the Board vote to substitute an alternative event in place of frog jumping at the July 4th celebration.

E. Letter of Resignation - Bicentennial Committee. Mayor Baker stated he received a letter of resignation from Robert Palmiter from the Bicentennial Committee due to a number of ongoing conflicts which have not allowed him to attend the meetings.

F. UDC Audit. Mayor Baker remarked he received a letter from the New York State Urban Development Corporation regarding their acknowledgement of our application. They will be making their decisions on all applications by June 17, 1993 and will notify us in writing of such decisions.

G. Aileen Peek - Dog Excrement Problem. Mayor Baker stated he received a letter from Aileen Peek regarding dog excrement problems. Trustee Bergen remarked Rosita Dickson has offered to sell the devices in her store. Mayor Baker stated he would put an article in the paper regarding this in early June.

Old Business

A. Design Review draft review. Mayor Baker remarked that Bruce Ward, Chairman of the Design Review Board is here to discuss the Design Review draft. Mr. Ward has a draft of the Design Review and Historic Preservation local law and would like some feedback from the Board. Mr. Ward gave an overview of the proposed changes to the draft law. Mayor Baker then asked the Board if they had any questions or concerns.

Trustee Glaser stated that taking an inventory of the historic districts and landmarks, and possibly establishing and defining it might be a good idea. The areas that could use some attention are business, historic, and business transitional (if it is approved in the long range plan). On Page 2, under Section 3, Trustee Glaser wanted to know if the first paragraph was talking about historic district or the entire village. Mr. Ward told him it was the entire Village.

Concerns were raised on Section 5 -- Projects which require Approval, regarding the guidelines in the Non-Historic Properties area.

Further discussion was held involving other sections of the law, such as Criteria for Approval of a project, Procedures for Application for Approval, Hardship Criteria, Hardship Application Procedures, Enforcement, Maintenance and Repair Required, Violations, and Appeals.

Mayor Baker stated he felt there was a general consensus that the portions of this dealing with historic sections is probably going down the right path. Relative to identifying things outside historic districts that have landmark status, there needs to be a process by which this is done.

On the non-historic district he felt the Board was interested on a much narrower basis than the historic district. They would like to see the Appeals as a function of the Planning Board. As far as violations he feels the Board is not ready at this point to say what the penalties would be at this point, other than the way it is now.

B. Towing Procedures. Mayor Baker stated during a public presentation last month a concern was expressed about towing practices within the village. He asked the Board if they had any thoughts on this.

Trustee Getchonis remarked he found it hard for the Board to dictate who gets the business and who does not. He would not be comfortable with issuing some kind of an order that there has to be some kind of a rotation.

Trustee Glaser stated he agreed with Trustee Getchonis. He wondered who is called if Ed Reuter is not available for a towing. Trustee Getchonis stated they would call whoever the person requests that needs the towing. Mr. Dow remarked he felt it was unfair that businesses outside the village are not able to do some of the towing.

Mayor Baker stated the issue involved is the practice with the police department. The Board is basically commenting on whether or not they feel that practice is appropriate or inappropriate, and a number of them are saying they feel it is not inappropriate.

New Business

A. Election Day Resolution. Mayor Baker remarked this is a resolution that establishes election day. The resolution read as follows:

BE IT RESOLVED that the Village Election will take place on Tuesday, June 15, 1993 from 12:00 noon to 9:00 pm at the Village Hall, 60 Montgomery Street, Hamilton, New York 13346.

Motion was made by Trustee Brink, seconded by Trustee Glaser and carried to adopt the resolution regarding Election Day.

B. Sternburg Recommendations - 18 Madison Street. Mayor Baker stated he received some correspondence from Mark Sternburg. The first letter dated May 5, 1993 states that Mr. Sternburg requests the removal of a dilapidated garage at 18 Madison Street to insure safety and health to others. The second letter dated also May 5, 1993 states the Mr. Sternburg questions the structural stability of barn in the back of 52 Utica Street. He is requesting an interior inspection of the building to determine the extent of the damage before making recommendations. Mayor Baker was not sure what type of action the Board needed to take on the two requests, so no action was taken at this time. He will interact with Mr.

Sternburg and some type of action will be taken at next month's meeting.

C. Farmer's Market Bakery Sales Request. Trustee Brink stated she would first like to comment on the petition that was brought before the Board tonight by Suzanne Farrington. One of the things that was added to the rules this year regarding the movement from one space to another, was you must have permission of the monitor when doing so. The problem that we have is there are about 2-3 vendors who wait until about 9:00 am to find a curb space that is open, because they like to be able to pull up and park there. However, they do not want to pay for a curb space, they pay for a park space and then figure they can pull up to any vacant curb space. Mayor Baker stated Trustee Brink should make a recommendation at next month's meeting.

Trustee Brink remarked the spaces that are occupied by the people with the fried dough and pancakes were applied for by the children who are supposedly 16 or 17 years old. They do not pay for the spaces, but pay \$5.00 for the electricity. She had a phone call from Richard Finn of the Calico Kitchen, who was upset with the fact that the pancakes were being sold in the park. He felt this would harm his breakfast business. Trustee Brink felt she did not think this would harm his business. Two problems have come out of this. One is the father was running the pancake stand for the son because he was busy Saturday morning. The other is the issue of health department requirements when serving prepared foods, and whether or not they were meeting these requirements. The reality is no they were not meeting the requirements. It does not state anything in the rules that there cannot be prepared food. If it really becomes an issue, then we are going to have to say that there cannot be any prepared foods like that done.

Trustee Brink also stated she had a call from Jim Reynders of the Hamilton Home Bakery, asking if he could have a booth in the park during the market hours. When he talked with her he stated that he was aware that there were some commercial growers who sell plants, and so what is the difference between that and commercial food processing. Trustee Brink remarked she needed some direction from the Board at this point.

Trustee Bergen stated he felt if you are serving prepared food you are in essence operating a restaurant. It seems like there is something incompatible between a farmer's market and a prepared food service such as pancakes.

Trustee Glaser remarked we need to discontinue the sale of the pancakes and fried dough immediately. It is extremely dangerous.

Mayor Baker asked the Board how they felt about the Hamilton Home Bakery selling their baked goods in the park. Trustee Glaser thought it was a good idea. Trustee Getchonis stated he had no problem with it. Trustee Bergen remarked he had a problem with the bakery coming into the park, and so did Mayor Baker.

Trustee Brink stated she will check with the Health Department regarding the rules and regulations for preparing food outdoors.

D. Leaf Vacuum draft. Trustee Bergen stated the leaf vacuum was purchased from AMA about 1978. It is in precarious condition, and is imperative that we use it with dry leaves as much as possible. The draft would establish a leaf vacuuming season. Engineer Rathbone has suggested an eight-week vacuuming season running roughly from the day after Columbus Day, for a period of eight weeks. At other times during the year clear plastic sealed bags would be required so that we do not have an enormous work load at the beginning of spring. This draft should rationalize our leaf pick up process.

Mayor Baker stated he felt the Board was in favor of the eight weeks pick up in the fall, and the question

is in the spring can there be some way in which bags do not have to be used all the time. The Board will discuss this further at the next meeting.

E. Paving Contract. Engineer Rathbone remarked we have established a pre-bid meeting for June 3, 1993, and the bid opening will be on June 8, 1993. The advertisement will be issued on May 17, 1993. Engineer Rathbone went over the priority items with the Board, which he would like to be on the bid. The Board will be able to look at the bids at the regular meeting in June.

F. Colgate Commencement Request. Mayor Baker stated he received a letter from Michael Cappeto, Dean of Colgate University regarding Colgate's Commencement on Sunday, May 23. He is requesting the closing of Broad Street from Kendrick Avenue to College Street from 1:15 pm to 4:00 pm, with the exception of trucks weighing over five tons. Mayor Baker asked for a resolution on this.

Motion was made by Trustee Brink, seconded by Trustee Getchonis and carried to allow the closing of Broad Street from Kendrick Avenue to College Street from 1:15 pm to 4:00 pm for Colgate's Commencement.

Adjournment

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

Respectfully submitted,

Paul C. Kogut
Village Clerk-Treasurer