

October 12, 1993

The regular meeting of the Village of Hamilton Board of Trustees was called to order by Mayor Baker in the Community Hall at 7:20 pm on October 12, 1993.

Present

Mayor Baker, Trustees Bergen, Getchonis and Brink, Village Engineer Rathbone, Village Clerk Kogut, Codes Enforcement Officer Sternburg, MUC President Hotaling, Commissioners Guilmette, Jaycox, MacNeilly and Gustafson.

Call to Order

Mayor Baker asked for a motion to approve the agenda for the meeting. Motion was made by Trustee Brink, seconded by Trustee Getchonis and carried to approve the agenda for the meeting.

Appointments

A. Government Committee. Mayor Baker remarked he would like to appoint Thomas King to the Government Committee.

Motion was made by Trustee Bergen, seconded by Trustee Brink and carried to appoint Thomas King to the Government Committee.

Approval of Minutes

A. Regular Meeting - September 14, 1993. On Page 1, under Citizen Participation, second paragraph add the word not in front of going in the first line. On Page 5, under C change acts positive, to reacts positively in the tenth line.

Motion was made by Trustee Brink, seconded by Trustee Getchonis and carried to accept the minutes of September 14, 1993 as corrected.

Reports

A. Treasurer's Report - September 1993. Reviewed.

B. Dumpster Summary - September 1993. Reviewed.

C. Police Chief Tilbe - Woodman's Pond Firing Range. Mayor Baker remarked that Chief Tilbe was ill and unable to attend tonight's meeting. The application for special use has been completed, however the map that needs to accompany has not yet been completed. It should be done shortly.

D. Engineer Rathbone. He stated that he received 2 bids and opened them on September 27, 1993. Present at the bid opening was Clerk Kogut, Fire Chief Reed and Engineer Rathbone. The 2 bids were from Auburn Armature for \$26,965 and Cummins Northeast for \$23,119. With the Cummins Northeast bid there was an adder for a remote annunciator panel in the firehouse, and a deduct if we went

with the standard terms. Engineer Rathbone went over the terms with the Board. Engineer Rathbone gave the bids to the fire department, and asked them to review them and come up with a recommendation. They have not done so.

Mayor Baker asked when this was originally talked about, what was the sum of money allowable. Clerk Kogut stated the entire budget \$50,000.

There is also the cost to install the generator, which Engineer Rathbone has advertise for bids for. Engineer Rathbone remarked that the cost for installation of the generator could probably be done for under \$10,000.

Mayor Baker asked Engineer Rathbone what his recommendation was. Engineer Rathbone stated he recommended going with Cummins Northeast for \$23,119 plus the annunciator panel, and keep the payment schedule as specified. Mayor Baker asked for a motion.

Motion was made by Trustee Bergen, seconded by Trustee Brink and carried to approve the bid for \$23,119 from Cummins Northeast for a generator.

Engineer Rathbone remarked the Village of Camillus Highway Department will be holding an auction on November 4, 1993 at 10:00 am for municipal equipment. He wanted to know if any of the village departments had any equipment to dispose of that could be thrown in for auction purposes. Mayor Baker stated that if Engineer Rathbone wanted to check with the various departments he had no objection with it, nor did the Board.

Engineer Rathbone stated he has written another letter to Alan Bloom, Regional Director of the DOT regarding the need for an extra lane on Broad Street at the W. Kendrick Avenue intersection, and related matters.

Engineer Rathbone remarked the Power Authority is offering once again their TreePower program. The program provides that for every tree that is purchased they will provide a free tree. If the cost was \$26 for a tree you would actually get 2 trees for \$26. Mayor Baker asked the village would put in the trees if residents were to buy them. Engineer Rathbone stated the village would install the trees in the public right-of-way only. The trees are 8'-10' high and come in a container. They are offering Emerald Queen Maple, Crimson King Maple, Summit Ash, Colorado Green and Colorado Blue Spruces, Flowering Crab Apple and Flowering Cherry's all at \$26 a piece. There are new trees available at \$38 which consist of the European Hornbeam, Sugar Maple and Honey Locust.

Mayor Baker stated he thought it was a wonderful program especially with the BiCentennial coming up. The Board all agreed to have Engineer Rathbone pursue the program.

Engineer Rathbone remarked that the installation of the mirrors and one sign is the only work left to be done in the alleyways on Lebanon Street. Mayor Baker asked Engineer Rathbone to give him the final cost of the project when it is available.

Engineer Rathbone stated the paving project has been completed.

Engineer Rathbone remarked the DPW had a labor department inspection. The inspector mentioned the handling of rabid animals, and DPW Foreman Danny Hughes showed him the guidelines on it. The guidelines call for the use of a chlorox type solution for cleaning any tools or anything that the animal touches. The Health Department has issued a new directive on this and he will update our guidelines if necessary.

Engineer Rathbone stated most of the information we have seen on the Americans with Disability Act has come from the Equal Employment Opportunity Commission. Some where along the way the Federal Department of Transportation has also issued some regulations. One of these is extremely troubling because it requires all state and local highway systems that have crosswalks, to have ramp-type crosswalks every place there is a marked or unmarked crosswalks. This cannot wait until there is a paving project, which means it needs to be done next year. Engineer Rathbone remarked that between now and budget time next May, he intends to go around the village and mark each crosswalk and prepare a cost estimate.

Engineer Rathbone remarked we are coming up to the final sign off on the paving project by C.D. Wimmer. The only thing that remains is the elimination of a pond which created in front of the Village Garage. Mr. Wimmer will be coming back with a milling machine to mill away the high spots so that the water will flow in one direction.

Engineer Rathbone stated he made some copies of two publications of the Utica Street parking lot. One is from the specifications for the work, which shows the parking lot striped according with standards. We can cut down the 10' standard width to a 9' width, which would give us the 180' of parking space and we would end up with 10 parking spaces. If we plan to go ahead with the striping and if the police will enforce it, we would be displacing 12-14 cars that will need another place to park. Engineer Rathbone also gave a copy of an illustration of a Municipal Parking Lot sign to all the Board members.

E. Village Clerk Kogut - Delinquent Taxes. Clerk Kogut asked the Board to make a motion to turn over to the county for collection unpaid property taxes in the amount of \$32,270.19. He will also need the Board's signature on the document.

Motion was made by Trustee Bergen, seconded by Trustee Brink and carried to turn over to the county for collection unpaid real property taxes in the amount of \$32,270.19.

Clerk Kogut remarked that the Fire Chief told him the fire department would like us to declare surplus and advertise for the disposal of Engine #191, that is being replaced. This is a maintenance problem and they want it advertised and disposed of before something happens to it.

Motion was made by Trustee Brink, seconded by Trustee Bergen and carried to declare Fire Engine #191 as surplus.

Clerk Kogut stated that he and the Mayor audited the books for the Village Court in September and they looked to be in good order.

Clerk Kogut remarked that he received a letter regarding aid application the village sent in for the Blizzard of '93, and we will be receiving \$707.

F. Trustee Brink - Cable Television Status Report. Trustee Brink stated that the application for the village to become the regulatory agency for the municipality has been sent to the FCC. It was sent on October 6, and we will automatically become the regulator around November 5. Engineer Rathbone has sent to the New York State Commission on Cable Television and Paragon Cable to notify them of this. He also sent the proposed laws that were drawn up by the MEUA's lawyers as model logs to Steven Jones for his review. The committee is scheduled to meet on November 9, 1993 at 4:00 pm. There will be follow up meetings with Paragon Cable to determine how they have established their service standards and rate schedules. We must have regulations in place 120 days after the 30 days.

Trustee Bergen asked Trustee Brink if she had heard anything about the Paragon local broadcast channel negotiations. Trustee Brink stated we got the one letter and then everything was going to go through. It is not to the broadcast stations advantage to be eliminated from the cable, and she thinks it will actually be a stand off.

Approval of Claims

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

General	\$ 33,126.12
Capital Streets	79,053.90
Capital Fire	207.24
T & A	3,650.47
Total	\$ 116,037.73

Communications/Information

A. Fire Protection Contracts. Mayor Baker stated the letters went out to the affected areas on September 15, 1993. The letters stated the amounts would remain the same as they were in the previous year.

B. College Street Independent Residence Alternative Invitation. Mayor Baker remarked he received a phone call from Gary Wisnuski, who is one of the overseers at the Syracuse Developmental house on College Street. He invited Mayor Baker to come and see what the independent residence alternative situation looks like. Mayor Baker told Mr. Wisnuski he would like to bring it before the Board to see if they would be interested in coming for a visit, and then he would get back to him. Mr. Wisnuski stated he had no problem with the Board coming for a visit. Mayor Baker remarked he would get back to Mr. Wisnuski and ask him to invite each of the Board members.

C. Meeting with E. Eismeier/PILOT with Colgate University. Mayor Baker stated he has been invited to lunch with Betsy Eismeier, along with Pete Backus and Bob Kuiper, to talk about the Colgate's voluntary contribution to local government. Mayor Baker remarked they would be discussing what the future is going to hold, and clarifying some confusion about this years payment.

D. Ruling in Legal Actions against Village. Mayor Baker asked Codes Enforcement Officer Sternburg to bring the Board up-to-date with the Bauman, Taub and von Wettberg matter. Codes Enforcement Officer Sternburg stated that at the September 28, 1993 hearing the State Board of Reviews upheld all of his interpretations in regard to the properties in question. Bauman, Taub and von Wettberg went through each one of the issues, asked the Board how they wanted to deal with it, and then asked the village if they supported them in their variance request. They were granted 8-10 variances with the support of the village. They were required to put in one more exit at 3 Enos Avenue. On the issue of 82 Lebanon Street, the State Board of Review again upheld all of Codes Enforcement Officer Sternburg's interpretations in regard to the building. They told Bauman, Taub and von Wettberg that if there was nothing in regard to life safety issues addressed, then this variance would be denied. The State Board of Review gave them 60 days to come up with how each of those issues will be addressed. Codes Enforcement Officer Sternburg has an appointment on Tuesday to review the total building and the violations they need to address. They will then go back to the State Board of Review with a proposal and

the Board will either grant or deny variances for the issues.

Mayor Baker asked Codes Enforcement Officer Sternburg how this affected his right to inspect the properties for the annual special permit. Codes Enforcement Officer Sternburg stated he has been waiting for the official letter to them in regard to the variance process, and the installation of the new exit. The Planning Board's feeling on this issue is that if New York State wants to grant the variance and allow the six students, then each building will have to go through this process.

E. SOMAC Request for Support. Mayor Baker remarked he had a conversation in late September with Jan Lamb, who is the Treasurer of SOMAC. She told him they were having a difficult time meeting their mortgage, and experiencing some financial difficulty. Mayor Baker remarked to her that we were giving them \$5,000, then \$4,000, then \$2,000 and as far as he knew we were still giving them \$2,000. He stated that at this year's budget meeting he indicated that the village should continue to give them \$2,000 for some time, and that was probably the best we could do. Mayor Baker remarked that since the phone conversation Clerk Kogut has sent the application for the funding to Dave Felton.

Old Business

A. Master Plan - next steps. Mayor Baker stated there was a meeting with Bruce Ward, Dr. Michael Zahn, Trustee Brink and himself. A final draft came out of the meeting. Mayor Baker remarked we are ready to move on to the next step.

B. Design Review Board Draft. Mayor Baker remarked that there was a meeting on October 6, 1993 with Bruce Ward, Mayor Baker, Trustee Bergen, Trustee Glaser and Dr. Michael Zahn. What came out of the meeting was a final version of the draft. The Design Review Board will next hold a public meeting and go over the draft with any interested parties strictly as a matter of information, clarification and expansion. Once this is done the draft will go to the attorney, and then back to the Board of Trustees for a public hearing. This process will probably take a couple of months.

New Business

A. Local Law 1-1993, Sewer Rates. Mayor Baker asked for a motion to adopt Local Law 1-1993 Sewer Rates. Motion was made by Trustee Bergen, seconded by Trustee Getchonis and carried to adopt Local Law 1-1993 Sewer Rates.

Section 1

That pursuant to the recommendation of the Municipal Utilities Commission, Section 2 of the Local Law No. 5 of the year 1984 entitled "Village of Hamilton Water Rates", as previously amended, be further amended as follows:

The water rate charge as established by Local Law No. 3 of the year 1985 is hereby decreased and levied against any real property within the corporate limits of the Village having water service, as follows:

First 200 Cu. Ft.	\$5.00 min charge
Over 200 Cu. Ft.	\$2.15/c Cu. Ft.

The water rate charge is hereby decreased and levied against any real property outside the corporate limits

of the Village having water service, as follows:

First 200 Cu. Ft.	\$6.00 min. charge
Over 200 Cu. Ft.	\$2.58/c Cu. Ft.

Section 2

That pursuant to the recommendation of the Municipal Utilities Commission, Section 2 of Local Law No. 1 of the year 1982 entitled Village of Hamilton Water Rates and Sewer Rates, as previously amended, be further amended as follows:

The sewer use charge as established by Local Law No. 2 of the year 1985 is hereby increased and levied against any real property within the corporate limits of the Village having sewer service, as follows:

First 200 Cu. Ft.	\$5.00 min charge
Over 200 Cu. Ft.	\$3.05/c Cu. Ft.

The sewer rate charge is hereby increased and levied against any real property outside the corporate limits of the Village having sewer service, as follows:

First 200 Cu. Ft.	\$6.00 min charge
Over 200 Cu. Ft.	\$3.66/c Cu. Ft.

Section 3

This local law shall take effect immediately upon its proper filing as required by law.

B. Fine Arts Show Request. Mayor Baker remarked he received a letter from Jeanette Robertson requesting permission to hold a fine arts show in the village. He has not spoken to her yet, and feels we need more information on it. Mayor Baker will contact Ms. Robertson and ask her to come to a session and talk about her request in more detail.

C. Halloween Designation. Mayor Baker stated that the village office received a phone call from a non-resident of the village wanting to know when Halloween was going to be held in the village. He also received a call at Morrisville College from someone asking the same question. Mayor Baker told both parties that he did not feel it was any of the Board of Trustees business. Carol Albrecht went back through the Village Board minutes and found out that in the October 1985 minutes, that upon the recommendation of Police Commissioner Don Ray, Thursday, October 31, was designated as the official trick-or-treat day. This was actually Halloween Day. Mayor Baker feels the Board should not get involved in this at all. The Board members all agreed.

Mayor Baker remarked he received a phone call from a student at Colgate today at the Student Government Office wondering if the Village Board would declare Saturday, October 30, 1993 as Global Awareness Day. They are having a function at the university on Saturday, October 30, 1993 to salute diversity; multi-culturalism and pluralism, throughout the world

Motion was made by Trustee Getchonis, seconded by Trustee Brink and carried to adopt Saturday, October 30, 1993 as Global Awareness Day for the Village of Hamilton - a day on which our community celebrates the cultural diversity of our planet.

D. Cleaning up after dogs/Patricia Ostrander. Mayor Baker stated the dog article generated

only one defender of dogs and their problems and a few phone calls. He also received a letter from Patricia Ostrander, who lives at the corner of Utica and Wylie Street. She was very supportive of the article.

E. Structural inspection/Utica Street - Recommendations for action. Codes Enforcement Officer Sternburg stated he would not recommend anyone going into the garage at 52 Utica Street owned by Dr. Richard Cohen. It is extremely dangerous. Mayor Baker asked Codes Enforcement Officer Sternburg about conversations he had with the owner. Codes Enforcement Officer Sternburg remarked that both property owners, as well as, the complainant were notified of the inspection report and his recommendation. They are aware of his recommendation and have no objection. His recommendation is that the Board of Trustees give the owner 30 days to have a plan in place with a time frame for completion.

Trustee Brink asked what the time frame for completion would be. Codes Enforcement Officer Sternburg remarked that with the condition as it is now, he does not feel it would survive another winter.

Trustee Bergen asked if the Board was able to act on the Codes Enforcement Officers recommendation without having a Board member conduct a personal inspection. Codes Enforcement Officer Sternburg stated our local law requires the inspection by a Board member, but New York State does not. Under state regulations he does have the authority to declare dangerous and unsafe buildings to be corrected. Trustee Brink remarked that if knowing the condition this building is in, if the Board did not act and something happened to it and someone got hurt we would be in a lot more jeopardy.

Motion was made by Trustee Brink, seconded by Trustee Bergen and carried that the Board of Trustees give the owner of 52 Utica Street 30 days to have a plan in place, and that it should be completed within 60 days after that.

F. Smith Block Fire Lanes. Mayor Baker asked Codes Enforcement Officer Sternburg to go over the situation. Codes Enforcement Officer Sternburg remarked that based upon the recent problem with the fire trucks access to the back of the Smith Block, it was felt that it was important to at least have an access route to get to the hydrant that is located there. With all the traffic and parking back there they are blocking the chain access, and there is no place for the fire trucks to go. Based on state codes there is a building back there that has no other access for fire equipment. Codes Enforcement Officer Sternburg remarked he did not feel it was important to have the access to the fire hydrants at this location, but he does feel it is important for the trucks to be able to get to at least one of the hydrants. He does not feel it is necessary for the fire lane to continue out to Broad Street. Our main purpose is to get the fire truck to the back, and after the emergency is over the fire department can maneuver around and get out. Access does need to be assured to the back area.

Mayor Baker asked where the access lane would be at. Codes Enforcement Officer Sternburg stated it would be from Maple Avenue through Burt Marshall's parking lot, down to the chain and up to the back of the Garden Gate. Trustee Getchonis asked if the chain had to be down permanently. Codes Enforcement Officer Sternburg remarked that the chain could remain because the fire department has a key to it. The biggest problem is vehicles and the parking along that area. If there was a clear identified fire lane where there is no parking, there would be some control over the parking in that area and the owners of the vehicles could be ticketed or the vehicle towed.

Trustee Brink asked if people are parking along there now, how would they be stopped from it. Codes Enforcement Officer Sternburg stated they would be stopped by ticketing and towing. Mayor Baker remarked that we currently do not ticket and tow in that parking lot. Trustee Brink asked if it was marked as a fire lane and does it state no parking there. Codes Enforcement Officer Sternburg stated that it is not a

fire lane now, so we would have to put up signs in regards to a fire lane and no parking. After it was marked off as a fire lane Codes Enforcement Officer Sternburg would take the square footage that is left, and based on upon our local law regarding 180' per parking space, come up with a figure for each property owner as to the number of cars that would be permitted to park there.

Trustee Bergen stated that he wondered what responsibility the landlords as the property owners have for improving the parking area and clearly marking parking places. If a parking lane is to be established and clearly marked by signs or whatever, then at that point those property owners should bear some responsibility in adequately developing a parking area for their tenants.

Trustee Brink asked if the village has any authority to ask the property owners to improve on the parking lot that is there. Codes Enforcement Officer Sternburg stated he was not sure. There is some areas in the state code regarding property maintenance, and Codes Enforcement Officer Sternburg will look into it.

Ms. Susan Shapiro remarked that she thought that the property being talked about where the fire lane would go was property owned by the Estate of Joe Shapiro on Broad Street. She also wanted to point out that they do not have any tenants that park in that parking area. Ms. Shapiro then gave a little background about their property.

Mayor Baker stated he appreciated the thoughts and care that Ms. Shapiro had given to the remarks she made, and the level of disappointment that she has experienced. He remarked that there was a meeting held in March 1992 which many of the landlords attended. There was discussion about the problems with access by the tenants, access by fire equipment and the village garbage truck, and the general problem of parking. The only access that was identified as useful was through the alleyways, and the village had a lot of trouble getting a traffic engineer to indicate that it could be done. Mayor Baker remarked that when he spoke with Ms. Shapiro about the fire lane issue he wanted her to be aware of it, and he did ask if it would be all right if the Codes Enforcement Officer talked to her. Mayor Baker told Ms. Shapiro that answers to all her questions could be provided to her.

Mayor Baker stated that the village's actual control over what takes place behind this property is far less than might be thought. We did not have any ticketing power because there are no defined parking areas as fire lanes. All we could do was to keep bringing it to the attention of the land owners hoping that their own self interest would prompt them to do something about it. This of course did not take place, and because of the location of the property it has been the unhappy recipient of many of those negatives. The village had attempted by working with the landlords at the March meeting to bring some order in that area, and were not successful.

Mayor Baker remarked that the need for the fire lane is obvious, and it happens to be along property that is part of the Estate of Joseph Shapiro. Fire vehicles cannot safely travel down the alleyway from Lebanon Street, and some of the larger vehicles could not make it down Ms. Shapiro's driveway either. The only way left to get back there was the access that comes in from Burt Marshall's property on Maple Avenue, and to have it make sense has to go back straight so that a proper turn could be made.

Ms. Shapiro stated that it seemed to her that she had been so extremely cooperative with the needs of the other land owners, that they really did not need to be cooperative, nor has the village pursued it. The village had tried to work with them, so why not continue to try to work with them. Mayor Baker remarked that we are attempting to get them to pay for the alleyway improvement, and Codes Enforcement Officer Sternburg is suggesting the laying out of the parking lot so that there would be a controlled number of spaces.

Trustee Bergen remarked he felt that Ms. Shapiro had a good point about the need for some type of

overall view of this, because the parking and the fire lane are linked. He thought maybe we need some legal help at this point about fire lanes, and we also need to know what power or leverage we may have as a village. Trustee Bergen stated that maybe the time has come to have another meeting with the property owners, but have the village go into the meeting with a lot of clear legal council this time because in the absence of this everyone would just be talking past each other.

Engineer Rathbone stated that sometime ago there was a study that was done and the village paid for it. The study was about this particular area; what to do, how to do it, who should do it, and where the village sits as far as whether we are in an advisory position as the Board of Trustees or whether the village takes the leadership position. Because it was all private property at the time, the recommendation was that the improvement district be formed back there and the village would act as an advisor for a very strongly interested outside party. This improvement district would be operated by the people who actually own the land.

Trustee Getchonis remarked he remembered getting merchants and the Board of Trustees together 9 years ago for this exact same purpose. Three people showed up at the meeting, and what kept coming up was the fact that the village was wasting time because it was all private property. The village had nothing to do with this unless they wanted to take this eminent domain and take it away for the good of the public, and then they would have had to invest a lot of money into it. No one wanted to invest a lot of money, and so the improvement district was brought up. Trustee Getchonis stated that he agreed with Ms. Shapiro in that we continue to make it easy for the landlords to do nothing about their parking problem. Because we are concerned about the parking problem we legitimized the alleyway, and Trustee Getchonis is concerned that when the first person is hurt at that entrance we are going to close it again. No one has still shown him why Burt Marshall had the right to close down an access that has been opened ever since he could remember, and now the problem has fallen on the village to solve and the property does not even belong to the village.

Trustee Brink stated that she felt Ms. Shapiro had certainly brought up some good points, and being new to the Board she got the feeling that this was something that just goes on and on and never gets resolved. She remarked that as a Board we need to take some aggressive action, and get a determination one way or another as to what our powers are.

Mayor Baker remarked that if it was the pleasure of the Board, he would set up another meeting with the land owners of these properties to be held after we get the legal information.

G. Courthouse Repair. Mayor Baker stated that there was a listing of projects that Judge Fisher suggested we undertake at the Court House. Mayor Baker asked the Board what action they wanted to take on the items. He remarked that certainly the water problem in the basement and the illegal door are definitely matters to look at. The cost for the two items would be roughly \$2,905.

Motion was made by Trustee Brink, seconded by Trustee Getchonis and carried to have the repairs done at the Court House totaling \$2,905.

H. Revitalization of Downtown Hamilton. Trustee Bergen remarked that Trustee Getchonis described the appearance of downtown Hamilton as tired. Trustee Bergen had a conversation with Gary Ross at Colgate who stated how important the appearance of the village was to the parents of prospective students. He was looking at the proposed Master Plan as to the alterations for downtown Hamilton, and many of them are so elaborate and costly that they may never be done. Trustee Bergen stated that he thought what was needed was some kind of group made up of property owned, and non-property owned merchants, Colgate and village government. The purpose of the group would be to somehow upgrade the appearance of downtown by the BiCentennial year 1995. He sees the need for one ambitious person who

is a member of the downtown business community to really begin doing something about it.

Adjournment

There being no additional business to come before the Board of Trustees, the meeting adjourned at 10:12 pm.

Respectfully submitted,

Paul C. Kogut
Village Clerk-Treasurer