

Mr. Garry Riggs. Mr. Riggs expressed his appreciation for the courteous service the police department has provided during his stay in Hamilton.

It was moved by J. H. Wells, seconded by F. J. O'Hara and passed that this contribution be accepted and the clerk be directed to write a note of thanks to Mr. Riggs.

Tribute to Ozzie Hess

It was reported that the "Tribute to Ozzie" committee had turned over approximately \$168.00 to the school board, requesting that this money be used for suitable planting on the school grounds. The school board in turn suggested to the Village Board that a plaque be placed in the Village Park, surrounded by a grove of trees.

It was decided that the following suggestion be made to the school board-

Either place the plaque in the Village Park and plant the trees on the school grounds - - or - - put both the plaque and the trees on the W. Kendrick Ave. school grounds.

Master Plan

Discussion of the Master Plan was tabled until a full board is present.

Information Booklet

The information booklet, brought up to date by Arthur Meggett, was reviewed by the board. It was noted that the electric rates did not reflect the last rate reduction.

It was moved by J. H. Wells, seconded by V. K. Gibson and passed that the Planning Commission proceed with the booklet and the art work on the front page and subsequently have the booklet printed on letter size paper.

Allen Albe Lot

Mr. V. K. Gibson reported that he and the Engineer have inspected the land on the corner of Lebanon and Eaton Streets and actual measurements revealed that 18 to 20 cars could easily be accommodated.

The clerk was directed to contact the Village Attorney requesting that he open negotiations with Mr. Albe to lease this property for a municipal parking area.

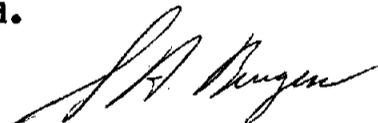
Fire Hall Lights

It was moved by J. H. Wells, seconded by V. K. Gibson and passed that red lights be installed on the front of the Village Fire Hall as requested by the Fire Chief and recommended by Mr. Wells.

Payment of Bills

It was moved by J. H. Wells, seconded by F. J. O'Hara and passed that bills on the following abstracts of audited vouchers, dated October 8, 1963, be paid: #6 - \$6,505.87 and #7 - \$3,765.46.

On motion, meeting adjourned.



S. A. Burgess, Clerk

November 12, 1963

The regular meeting of the Village Board of Trustees was held on Tuesday evening, November 12, 1963 at 7:30 P.M. in the Village Office. Present were Acting Mayor F. J. O'Hara, Trustees V. K. Gibson, J. A. Storing and J. H. Wells, Engineer R. H. Albrecht and Clerk S. A. Burgess. Mayor E. D. Clark was absent.

Minutes of the previous meeting were approved.

Garbage Collectors

Engineer R. H. Albrecht reviewed with the board, warning notices sent to the garbage men in regard to their drinking while on duty. Complaints received about the garbage truck weaving down the highway and garbage falling off the truck and on to the street were discussed.

Harold Sergent and Gordon Pierson appeared during this portion of the meeting to answer charges of drinking and being intoxicated during work hours.

Several questions were asked by board members. Mr. Sergent stated they were not drunk on the day in question and had not drank on the job since the last warning notice was received in February.

The garbage men were advised by the board that drinking while on duty would not be tolerated and requested their assurance that it would not happen again. Both men assured the board that in the future there would be no drinking while on duty.

Fire Truck Bids

Fire Chief William Basher, Lew Moore, and a representative from the American Fire Apparatus Co. were present to witness the opening of the fire truck bids.

Bids were received as follows for furnishing a new fire truck pumper:

| | <u>Alt. 1</u> | <u>Alt. 2</u> |
|-----------------------------|---------------|---------------|
| Central Fire Truck Corp. | \$22,427.00 | \$21,887.00 |
| American Fire Apparatus Co. | 21,800.00 | no bid |

It was moved by J. H. Wells, seconded by J. A. Storing and passed that the low bid of American Fire Apparatus Co. be accepted, subject to its meeting all bid notice and specification requirements.

Allen Albe Lot

The Clerk reported that the Village Attorney has contacted Mr. Allen Albe in regard to leasing his property on the corner of Lebanon and Eaton Streets to the Village for a parking area. It was also reported that Mr. Albe is willing to enter into an agreement with the Village. However, he requested a concrete proposal from the Village.

It was decided that such a proposal could not be made until the cost of improving the lot has been determined. Engineer R. H. Albrecht was directed to explore the cost of improving this land for a parking lot.

TKE Fraternity

It was reported that complaints have been received in regard to the hazardous condition of the TKE Fraternity, on the corner of E. Pleasant and Charles Streets.

It was moved by V. K. Gibson, seconded by J. H. Wells and passed that Mr. Albrecht, Building Supt, write a letter to the TKE Fraternity directing them to barricade the windows and doors unless the structure is going to be torn down or sold in the near future.

Legal Opinions on Edward Moten

A legal opinion was received from the Village Attorney in regard to Mr. Edward Moten's returning to work and performing his regular police duties. The clerk was directed to attach a copy of the Village Attorney's opinion to the minutes of this meeting.

No decision was made pending receipt of a certification from Dr. Rainsford indicating that Edward Moten is physically fit to resume his full time duties as a policeman.

The Clerk was directed to write a letter to

LEROY HODGE

ATTORNEY AT LAW

HAMILTON, N.Y. 13346

November 11, 1963

Board of Trustees
Village of Hamilton
Hamilton, New York

Gentlemen:

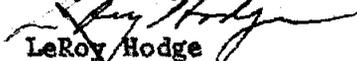
In regard to Edward Moten, it is my understanding that he had a heart attack that was in no way related or arose out of his employment with the Village of Hamilton. It is also my understanding that Dr. Rainsford will now certify that Edward Moten is physically fit to resume his duties as a policeman for the Village of Hamilton and the question has been raised as to the Village's liability in the event that Edward Moten should have another heart attack or should die from a heart attack while working.

From a legal standpoint, as long as the Village has a certification that Edward Moten is now recovered and is capable of performing his duties, we will not have any problem with our Compensation carrier. Section 15, subdivision 7 of the Workmen's Compensation Law specifically allows the re-hiring of an employee who has suffered a previous disability. From a practical point of view, if Edward Moten received an injury while performing his work for the Village that was in no way connected with his former heart problem, there would be no question of his right to Compensation. On the other hand, if death should occur from a heart attack while so employed and working, I know from previous experiences and cases of this nature, our Compensation carrier will claim that the death did not arise out of his employment and the Motens would have a very difficult time to show that death was caused and arose out of the employment. The unfortunate part of this situation is that the family does not blame the Compensation carrier who has the legal responsibility in these cases, but will blame the Village if no compensation is received.

present

Under the/circumstances the Village legally can permit Edward Moten to return to work and the Village will be covered by Compensation.

Very truly yours,


LeRoy Hodge
Village Attorney

Dr. Rainsford requesting a certification signifying that Edward Moten is physically fit to resume his police duties and advise him of some of the duties which Mr. Moten will be required to perform.

Information Booklet

Mr. Albrecht read a proposal from Mr. Frank MaHoot to do art work in connection with the revised information booklet. This proposal totaled \$255.00. Printing cost for 500 copies of this information booklet is expected to be approximately \$225.00.

It was decided that this detailed art work is not necessary and it was felt that a photo of the Village Office Building on the booklet cover would be sufficient.

Traffic on Utica and Eaton Streets

The possibility of having better traffic control of the Utica and Eaton Streets intersection was discussed. A sketch presented by Dr. Gibson was reviewed and discussed. It was thought that perhaps stop signs could be moved to help the traffic situation. No action was taken.

Snow Removal

Mr. Albrecht asked the cooperation of the police department during the winter season in enforcing the Village Ordinance relating to snow removal. Mr. Wells assured the Engineer that he would have the full cooperation of the police department.

Abandoned Vehicles

The clerk was directed to write a letter to the village Attorney in regard to the Village's authority to remove abandoned vehicles during the winter in order that snow removal operations can run smoothly.

Taxes - Colgate Inn

Mr. Albrecht reported that Colgate Inn has paid its 1962 Village Tax.

Parking Restrictions

It was moved by V. K. Gibson, seconded by J. H. Wells and passed that two hour parking limit signs be installed on Madison Street to extend the restricted parking zone to the north side of Dr. Thro's property with the same distance on the east side of the street, also that "No Parking Here to Corner" sign be installed on both sides of E. Kendrick Ave. from the Alpha Chi Epsilon fraternity driveway to the corner of Broad Street.

Acting Mayor

It was moved by J. A. Storing, seconded by J. A. Wells and passed that the Acting Mayor, F. J. O'Hara be authorized to sign checks during the absence of Mayor Clark.

Payment of Bills

It was moved by V. K. Gibson, seconded by J. H. Wells and passed that bills on the following abstract of audited vouchers, dated November 12, 1963 be paid: #8 - \$7,049.69.

On motion, meeting adjourned.


S. A. Burgess, Clerk