

August 22, 1973

The regular meeting of the Village Board of Trustees was held on Wednesday evening, August 22, 1973 at 7:30 P.M. in the Village Office. Present were Deputy Mayor M. S. Randall, Trustees R. L. Murray and W. E. Gallik, Engineer J. Rathbone and Clerk S. A. Burgess. Mayor Kiper and Trustee G. R. Gillmore were absent.

Minutes of the previous meeting were approved, on motion by W. E. Gallik, seconded by R. L. Murray and passed.

Randall Authorized to Sign Checks

It was moved by W. E. Gallik, seconded by R. L. Murray and passed that Deputy Mayor M. S. Randall be authorized to sign checks for all Village accounts during the absence of Mayor Kiper.

Fiscal Officers Training School

It was moved by R. L. Murray, seconded by W. E. Gallik and passed that Sidney A. Burgess and LeRoy Hodge be authorized to attend the Training School for Fiscal Officers and Municipal Clerks in South Fallsburg, New York on October 2-5, 1973.

Fuel Oil Bids

The following bids were received for furnishing fuel oil and kerosene requirements during the 1973-1974 heating season:

	<u>#2 Fuel Oil</u>	<u>Kerosene</u>
Leland Fuel Oil Co., Inc.	.21/gal.	.25/gal.
Jones Petroleum	.194/gal.	.23/gal.

It was moved by W. E. Gallik, seconded by R. L. Murray and passed that the low bid of Jones Petroleum be accepted.

Appointment to Fire Co.

A letter was received from the Fountain Fire Co. recommending Mr. William E. Penoyer as a volunteer fireman.

Motion was made by W. E. Gallik, seconded by R. L. Murray that Mr. Penoyer be appointed as a volunteer fireman.

U. S. Flag - Village Office

Mr. Murray reported that the Townscape Committee has requested that a new flag be purchased which is the same size as the village flag.

Motion was made by R. L. Murray that a new flag be purchased in accordance with the Committee's request. There was no second to this motion.

Trash Cans

A proposal, from the "Minit Man RecepticalCo.," to provide the village with free litter recepticals, was discussed. Advertising solicited by the Company would appear on these recepticals.

The Townscape Committee expressed their disapproval of these trash recepticals with advertising. It was decided not to enter into an agreement with this company at this time.

Christmas Decorations

The Townscape Committee recommended that the Village Board consider lighted christmas decorations. The Engineer explained that the poles must be wired to provide for alighted decoration.

No action was taken.

Comprehensive Sewerage Study

The Engineer described the County Comprehensive Sewerage Study as it would affect the Village of Hamilton Sewer System. It was pointed out that according to the proposal, with cost developed from using the figures

in this report, it would cost approximately $3\frac{1}{4}$ million dollars to furnish sanitary sewers to approximately 290 homes.

Motion was made by R. L. Murray, seconded by W. E. Gallik that the Engineer write a letter to the Madison County Board of Supervisors noting the discrepancies in this report and expressing the disapproval of the Village Board and the inacceptability of the report.

Leash Laws

Mr. Joe McCue, Village Justice was present during this portion of the meeting. Mr. McCue recommended that the Village Board consider the adoption of a leash law. He also pointed out that the Madison County Dog Warden is recommending that Villages adopt leash laws. Leash laws adopted by other communities were reviewed.

It was moved by R. L. Murray, seconded by W. E. Gallik and passed that a public hearing be held on September 11, 1973 at 7:30 P.M. to consider the adoption of the following leash law:

Section 1. Purpose. The purpose and intent of this Ordinance shall be to preserve the public peace and good order of the Village of Hamilton, Madison County, New York., to contribute to the public welfare, and to the preservation and protection of the property and the person of the inhabitants of said Village by declaring and enforcing certain regulations and restrictions on activities of dogs and owners of dogs within the Village.

Section 2. Definitions.

(A) Dog. Any dog, both male or female, whether such female dog is spayed or not.

(B) Owner. Any person who owns, keeps, harbors, or has the care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents, or other head of the household where the minor resides.

(C) At Large. Any dog shall be deemed at large when it is off the property of its owner, and not under restraint.

(D) Restraint. A dog is under restraint when it is controlled by a leash, said leash not to be in excess of 6 feet, or in the presence of a competent person and obedient to that person's commands; or on or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper, or upon the premises of another with the consent of such other person.

Section 3. Dog Warden. The position of Dog Warden may be created by the Village Board of Trustees of the Village of Hamilton and such Dog Warden shall have all of the powers of a peace officer in the execution of this Ordinance and in the execution of Article 7 of the Agriculture and Market Law, including the service of summons, and the service and execution of any other order or process. Every dog seized by the Dog Warden shall be maintained, redeemed, sold or destroyed in accordance with Article 7 of the Agriculture and Market Law.

Section 4. Restrictions.

(A) No owner shall permit or allow a dog to run at large within the Village of Hamilton, unless such dog shall be restrained as provided in Section 2 (D) herein.

(B) No dog shall be permitted to cause damage or destruction to property, or commit a nuisance, or to defecate upon the premises of a person, other than to or upon the premises of the owner or persons harboring such dog.

(C) No owner shall keep or harbor a dog which howls or barks habitually or continuously so as to disturb the peace and quiet of other persons.

(D) No dog shall be permitted to chase or otherwise harass any person in such manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.

(E) No dog shall be permitted to habitually chase or bark at moving motor vehicles, bicycles, animals or snowmobiles.

(F) No unspayed female dog in season shall be permitted to be outside a building or a fenced enclosure, except that the owner may exercise such dog while on a securely fastened leash not more than six feet long.

(G) No owner shall fail to provide dogs with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

Section 5. Unlicensed Dogs. Pursuant to Section 126-A of the Agriculture and Market Law, owning or harboring a dog within the Village of Hamilton unless such dog is licensed as required by provisions of the Agriculture and Market Law shall be an offense punishable by a fine not exceeding TenDollars (\$10.00) for each offense or violation. The fact that a dog is without a license tag attached to a collar, shall be presumptive evidence that the dog is unlicensed.

Section 6. Violations of Restrictions.

(A) Any person who observes a dog violating, or which is being permitted to violate any of the restrictions set forth in Section 5 herein, may file a complaint signed under oath, with the Municipal Judge, Village of Hamilton specifying the violation, the date thereof, damage, if any, caused, a description of the dog, and name and residence if known, of the owner or other person harboring such dog.

(B) Upon receipt by the Municipal Judge of any complaint against the conduct of any particular dog, or the owner thereof, the Municipal Judge shall, upon a three day notice, summon the alleged owner or other person harboring said dog to appear in person before him to answer to said complaint. If the summons is disregarded, the Judge may permit the filing of an information and issue a warrant for the arrest of such person.

Section 7. Exclusions. This Ordinance shall not apply to dogs owned by such persons or confined to such societies, hospitals or institutions as defined by Article 7, Section 127 of the Agriculture and Markets Law.

Section 8. Penalties. A violation of this Ordinance shall be deemed an offense and a violation thereof shall be punishable by a fine of not more than \$25.00 for each violation.

Section 9. Additional Civil Penalties.

(A) Any violation of this Ordinance acted upon by the Dog Warden, shall subject the owner of such dog to civil penalties which shall be in addition to and or instead of other penalty or fine as may be provided for in this Ordinance or pursuant to Article 7 of the Agriculture and Markets Law.

(B) For the first violation of Section 5, the Dog Warden shall, upon determination and identification of the dog, may serve, mail or deliver a notice of first violation specifying the time, place, date and nature of violation upon the owner of the dog, and which notice shall instruct the owner to report at the Village Clerk's Office of the Village of Hamilton, New York, in regard to said violation. Each such owner shall within seven (7) days of the time which such notice was served, mailed or delivered, pay to the Village, as an additional Civil Penalty for such violation, the sum of \$15.00, and or proceed under Section 6 of this ordinance.

(C) For a second or subsequent violation of Section 5 within a one-year period, the Dog Warden may, upon determination and identification of the dog, seize the same, and hold the same for redemption or otherwise as provided in Section 114-A of the Agriculture and Market Law; in addition to such seizure and in any event, whether or not such seizure is made, the Dog Warden shall serve, mail or deliver to the owner of the dog a Notice of Second Violation, and which notice shall instruct the owner to report to the Village Clerk's Office in regard to such violation. Each owner shall, within twelve (12) days of the time when such notice was served, mailed or delivered, pay to the Village and additional Civil Penalty for such violation, the sum of not to exceed \$50.00.

(D) The failure of such owner to make payment to the Village Clerk, shall render the owner subject to a civil action in the name of the Village, to recover from the owner the applicable penalty established in this Section.

Section 10. Separability. If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 11. Effective Date. This Ordinance shall take effect ten days after its publication and posting as provided by law.

Salaries

The present salary schedule for policemen and other Village employees was discussed. It was decided to thoroughly discuss all employees salaries at the September meeting.

Cemetery

Mr. Rathbone reported that Timothy and Michael Briggs have done some maintenance work, on their own, in the Village Cemetery.

The Clerk was directed to write a letter to the Brigg's boys expressing the Board's appreciation for doing this work.

Cable TV

It was moved by R. L. Murray, seconded by W. E. Gallik and passed that the employment of a consultant for a feasibility study for a municipally operated Cable TV system be approved. This study would include a signal check, preparation of a questionnaire, analyzing results of questionnaire, supply information on comparison with other municipalities our size, with typical connection charges. The municipal Utilities Commission has allocated up to \$500.00 for this study.

Fraternity Taxes

Mr. Randall reported that Mr. Ray Krehel, Colgate University, has been invited to the September 11th Board meeting to discuss the University's request for a reduction in Fraternity assessments.

Planning Board Minutes

The Clerk Was directed to mail copies of the Planning Board minutes to the members of the Village Board.

Village Boundary Extension

The desirability of extending the Village Boundaries to the south of the village to include the property recently aquired by the Hospital, and squaring off the South Boundaries was discussed.

It was moved by R. L. Murray, seconded by W. E. Gallik and passed that up to \$1,600.00 be appropriated to employ Mr. McKee to survey the village boundaries, annexing the hospital land and squaring off the south boundary to include the Newell Apts. and University property on the east side of Broad Street.

Diseased Elm Trees

It was moved by R. L. Murray, seconded by W. E. Gallik and passed that the Engineer be authorized to advertise for bids for the removal of diseased elm trees as appropriated in the 1973-1974 budget.

Resignation - Gary Hunt

A resignation was received from Mr. Gary Hunt, Policeman, effective September 3, 1973. Mr. Hunt has accepted a position with Colgate University.

It was moved by W. E. Gallik, seconded by R. L. Murray and passed that Mr. Hunt's resignation be accepted.

Resignation - Gerald Douglass

A letter of resignation was received from Mr. Geràld Douglass as a member of the Recreation Commission.

Motion was made by W. E. Gallik, seconded by R. L. Murray and passed that Mr. Douglass' resignation be accepted.