

Madison Street Posting

Attorney Hodge has prepared Local Law 3 regarding the designation of Madison Street and exclusion of truck traffic thereon. He will see that this proposed law be published in the local paper. M.M. Snyder moved that a public hearing concerning this proposed local law be held on September 4, 1979 at 7:00 P.M. at the Village Office. R. Greissman seconded and the motion carried. J.W. McDonald moved that the September regular meeting of the Village Board of Trustees be moved to September 4, at 7:00 P.M. in the Village Office vice September 11 as scheduled. J.N. Lloyd seconded and the motion carried.

Communications

Mayor J.P. McCarthy noted that the College-Community Relations Committee would be re-established. Colgate President George Langdon and Mayor McCarthy will be members and there will be eight other members, four each representing the college and the village. The Mayor also reported that an application for state aid for painting and preserving the office exterior had been submitted by Mr. Arthur Meggett. The Mayor has written to Camp Georgetown for additional assistance from their work crews.

J.W. McDonald reported that the proposed library addition appeared to exceed the available funds and posed certain questions of the engineer. Mr. Rathbone replied that a registered architect's seal must be on the plans and specifications, that the project must conform to the State Building and Energy Conservation codes and that the project must be advertised for bids. Attorney Hodge confirmed these remarks.

Dr. Shortliffe's complaint concerning the degradation of peace and tranquility on Payne Street was discussed. The Board is pursuing this matter.

Attorney Hodge discussed Helen Cossitt's petition to redesignate the zoning of the Hamilton Motor Truck property to permit a multiple dwelling.

Bills

J.N. Lloyd moved that the bills on the following abstracts of audited vouchers dated August 14, 1979 be paid: Village

It was unanimously moved, seconded and carried to adjourn at 10:02 P.M.

J. Rathbone  
Deputy Clerk

September 4, 1979

The regular meeting of the Village Board of Trustees on Monday, September 4, 1979 at 7:00 P.M. in the Village Office. Present were Mayor J.P. McCarthy, Trustees M.M. Snyder, J.N. Lloyd, R. Greissman and J.W. McDonald, Village Engineer J. Rathbone, Village Attorney LeRoy Hodge and Clerk S.A. Burgess.

Minutes of the previous meeting were approved, on motion of R. Greissman, seconded by J.W. McDonald and passed.

Public Hearing Local Law #3 for the year 1979 "Designation of  
Certain Highway from which trucks shall be excluded"

Notice of Public hearing was read by the Village Clerk. Many residents attended the hearing. Several in attendance expressed strong objection to the proposed law. Also a signed petition opposing the law was presented. It was suggested by some residents that a committee be appointed to study the flow of truck traffic thru the Village, particularly Madison and Utica Streets.

At the conclusion of the hearing, 8:00 P.M., it was moved by R. Greissman, seconded by J.N. Lloyd, that proposed Local Law #3 be rejected. Voting was as follows:

Ayes - McDonald, Greissman, Lloyd, McCarthy  
Nays - Snyder

Public Hearing Community Development Block Grant

Many residents attended the hearing. Trustee Greissman described the items in the block grant application prepared by Conifer Assoc. He also explained that part of the grant will be used for a fire hall with matching funds borrowed from FMHA. The Village will be advised within 60 days if the 1.95 million dollar grant application or a portion of it has been accepted. A copy of the pre-application will be made available in the near future for public review.

Police Car

Police Chief James Tilbe presented specifications for a new Police Car. Motion was made by J.N. Lloyd, seconded by R. Greissman and passed that the Village Clerk advertise for bids for a new Police Car.

Bids will be opened on October 9, 1979.

Cemetery

Mr. Rathbone reported that the vault work in the cemetery had been completed. However, there are problems with foundation caving in because of tree roots.

Halfway House

Trustee Snyder inquired about the number of residents moving from the Halfway House to live in apartments. Mayor McCarthy suggested that such inquiries be referred to Dr. Brenner, Chairman of the Halfway House Committee.

Village Clerk Resignation

Mayor McCarthy acknowledged that the Board had received written notice of the resignation of Village Clerk, Sidney A. Burgess, effective October 1, 1979. It was moved by M.M. Snyder, seconded by R. Greissman and passed that the resignation be accepted with regrets. Mayor McCarthy reported that a search committee has been appointed to recruit a replacement. This committee consists of Mayor McCarthy, Village Attorney Hodge, Engineer Rathbone, MUC President Jaquay and Richard Stradling.

Fuel Oil Bids

The following bids were received for furnishing Fuel Oil requirements for the following 1979-1980 heating season.

	<u>Fuel Oil</u>	<u>Kerosene</u>
Leland Fuel Oil Co.	.716/Gal.	.788/Gal.
Prices are .024 below posted retail price.		
Agway Petroleum Corp.	.799/Gal.	.829/Gal.
less .043 below posted retail price.		

The following resolution was moved by M.M. Snyder, seconded by J.W. McDonald and unanimously adopted:

Capital note resolution of September 4, 1979, authorizing issuance and sale of capital note of the Village of Hamilton, New York, in the amount of \$60,000.00 to pay a portion of the cost of street paving on College Street and Milford Street.

Resolved, this 4th day of September, 1979, by the Board of Trustees of the Village of Hamilton, New York, as follows:

Section 1: The object and purposed of the obligations herein authorized consists of a portion of the cost of street paving, at a cost of \$75,820.00.

Section 2: The plan for financing such cost consists of the issuance and the sale of said capital note in the amount of \$60,000.00 with the balance of such cost to be paid from current funds of the Village of Hamilton in the sum of \$15,820.00.

Section 3: The period of probable usefulness of such object or purpose is hereby determined to be fifteen years, pursuant to Section 11.00, Subdivision 28, of the Local Finance Law.

Section 4: The proposed maturity of the capital note hereby authorized will not be in excess of five (5) years, to wit: 2 years, 9 months.

Section 5: The said note shall be dated September 11, 1979 and shall be designated and known as capital note of the Village of Hamilton, New York. The said note shall bear interest at a rate not exceeding six and one half per centum (6 1/2%) per annum and the principal and interest thereof shall be payable in lawful money of the United States of America at the Oneida Valley National Bank of Oneida, Hamilton Branch, Hamilton, New York. The principal sum of \$20,000.00 together with and plus interest, shall mature and be payable on June 11, 1980, the principal sum of \$20,000.00, together with and plus interest, shall mature and be payable on June 11, 1981, and the balance, or the principal sum of \$20,000.00, together with and plus interest, shall mature and be payable on June 11, 1982.

Section 6: Except as herein expressly provided, the said note shall be of the terms, form and content as the Village Treasurer shall determine and execute consistent, however, with the provisions of the Local Finance Law.

Section 7: Said note shall be executed in the name of the Village of Hamilton by the Mayor and Village Treasurer and sealed with the corporate seal of the Village. That said note shall be sold at one time as a single capital note issued at private sale by the Village Treasurer within one (1) month after date of said note at a price of not less than par value of and accrued interest, if any, and the proceeds of the sale shall be applied solely for the purposes aforesaid.

Section 8: Upon due execution and sale of the said note, the same shall be delivered to the purchaser upon the payment by him or it of the purchase price in cash to the Village Treasurer, and the receipt of such Village Treasurer shall be full acquiescence to said purchaser who shall not be obliged to see to the application of the purchase money.

Section 9: The full faith and credit of the Village of Hamilton are hereby pledged to the punctual payment of the principal of and interest on said note, an amount sufficient to pay the principal of and interest on such capital note shall be included in the annual budget and levied as a part

of the taxes for the fiscal year, to pay the principal and interest becoming due and payable in such fiscal year.

Section 10: That said note shall provide that it may be called in and redeemed prior to maturity by giving the holder thereof at least thirty (30) days written notice by registered mail.

Section 11: This Resolution shall take effect immediately.

Adopted September 4, 1979 -- Said Resolution unanimously adopted by the Village Board.

**PRESENT AND VOTING YES:**

James P. McCarthy, Mayor  
 Madeline M. Snyder, Trustee  
 James N. Lloyd, Trustee  
 James W. McDonald, Trustee  
 Richard Greissman, Trustee

Village Justice Resignation

Mayor McCarthy received a letter of resignation from Village Justice Robert Kuiper. He expressed his willingness to serve as acting Village Justice for 2 to 3 months to insure a smooth transition and to clear up the open cases on his dockets. Motion was made by J.N. Lloyd, seconded by R. Greissman and passed that the resignation be accepted with regret.

It was moved by R. Greissman, seconded by J.N. Lloyd that Robert Kuiper be appointed Acting Village Justice for a minimum of 2 months or until such time as his successor is legally qualified to so act.

Appointment of Village Justice

Mayor McCarthy recommended the appointment of Wayland Williams III as Village Justice to replace Robert Kuiper. It was moved by J.W. McDonald seconded by J.N. Lloyd and passed that Wayland Williams III be appointed Village Justice until the next annual Village election.

Noise Ordinance Proposal

Trustee Snyder suggested that an ordinance to control noise be pursued. Mayor McCarthy appointed Trustee Snyder as a committee to research a noise ordinance. Trustee Lloyd agreed to assist Mrs. Snyder with this project.

Rte. 12B Project

The traffic islands included in the State Highway Project were discussed.

Bridges

Mayor McCarthy received a letter from Craine and Mirabito Ins. Co. expressing concern with the condition of the bridges on Payne and College Streets. Mayor McCarthy reported that the Town of Hamilton is willing to co-operate in repairing these bridges with a common sense expense approach. Motion was made by J.W. McDonald seconded by M.M. Snyder and carried that the Village, with the Town's co-operation, do required bridge repairs.

Cable T.V.

Mayor McCarthy called upon Village Attorney Hodge to give a status report as to the progress being made on Cable T.V. Attorney Hodge proceeded to read a written statement and after numerous interruptions by Trustee Snyder, questioning the contents of the statement, Attorney Hodge ceased reading it and copies were presented to the Board members present.

A copy of this statement is made part of these minutes. Attorney Hodge was questioned by the Board and the residents present as to how Terrance Murphy had failed to comply with the conditions of the July 10th resolution awarding the franchise to Klear-View Systems, Inc. Attorney Hodge was further questioned as to why Mayor McCarthy declined to sign the proposed franchise presented by Klear-View Systems, Inc. following the work sessions of August 25th, 1979. It was explained that the August 25th meeting was a non-publicized work session and that no official action could be taken. A discussion was then held as to what respects Klear-View Systems, Inc. had not complied with the conditions of the July 10th resolution. It was pointed out by Attorney Hodge that the resolution to award the franchise was subject to 2 conditions:

1. That Klear View System, Inc. be incorporated and that
2. A performance bond be furnished.

Attorney Hodge responded to questions that as of this date he had never been furnished with the actual certificate of incorporation and was handed on August 27th a photostat disclosing that the corporation papers were filed with the Dept. of State on July 25th. A performance bond has never been furnished to date. The total cost of construction, engineering diagram, and specs have also not yet been received.

Trustee R. Greissman expressed concern of the financial credibility of Klear-View Systems, Inc. and their failure to furnish the necessary data on which to base the amount of a performance bond.

Mayor McCarthy noted that it was not the Village Attorneys responsibility to prepare documents on behalf of Klear-View Systems, Inc. and that he would sign a franchise only upon the advice of the Village Attorney if all the Legal requirements had been met. Mayor McCarthy read a letter from the Village of Smyrna asking Hamilton's consideration of Tele-a-promter.

It was moved by R. Greissman seconded by J.W. McDonald that the resolution of July 10, 1979, with respect to the award of a franchise to Klear-View, be rescinded, since they had failed to timely meet the conditions of award.

During the discussion of the motion, Trustee Lloyd stated that he would have no part of this proceeding and absented himself from the remainder of the meeting. Trustee Snyder made a statement accusing Mayor McCarthy of collaberating and bargaining with Tele-a-promter and stated that the Mayor wanted the franchise to go to Tele-a-promter against the CATV committee recommendation to award to Klear-View.

Trustee Snyder also stated that this is the land of opportunity and that the Village Board should give Mr. Murphy every opportunity and not penalize him for his lateness or the manner in which he has presented his proof. Trustee Snyder then absented herself from the remainder of the meeting.

#### Voting on the Resolution

Ayes - MdDonald, Greissman and McCarthy  
Nayes - None

It was moved by R. Greissman, seconded by J.W. McDonald and passed that a special work session meeting be held on September 10, 1979 with Terrance Murphy of Klear-View Systems, Inc. to review the situation and determine when Klear-View Systems, Inc. would be able to present proof of all the necessary papers of the consideration of the awarding the franchise.

Al Ford apologized to Village Attorney LeRoy Hodge and Mayor McCarthy for his recent remarks in the Mid-York Weekly.

Public Works School

It was moved by Mr. McDonald, seconded by R. Greissman that J. Rathbone be authorized to attend the NYS Public Works School in Ellenville, New York, October 9-12, 1979.

Payment of Bills

It was moved by J.W. McDonald and seconded by R. Greissman and passed that the bills on the following abstracts of audited vouchers dated September 4, 1979 be paid:

Village #4 - \$1,096.89; Village #5 - \$24,984.55.

Trust & Agency: #3 - \$6,671.41; Trust & Agency #4 - \$7,091.97

On motion, meeting adjourned.

Sidney A. Burgess  
Village Clerk

When a Municipal Board has before it the option of accepting bids or granting franchises, it is their obligation to make the award to the lowest responsible bidder or applicant.

On July 10, 1979, the Village Board received two applications for a Cable T.V. franchise. Basically Terrance Murphy's offer was \$9.00 basic monthly charge and would be in operation by January 1, 1980. Teleprompters basic fee was \$8.50 per month which would include the availability of a public access channel. This system would be in operation in nine months. On July 10th this Board moved that a Cable T.V. franchise be awarded to Klear-View, subject to the conditions that this company be incorporated within two weeks and a performance bond be furnished for the installation cost of the system. From the time that it became evident that someone would be receiving a franchise, I repeatedly advised the Board that I as Village Attorney would not prepare the franchise and would only review it upon receipt of all of the required documents. Immediately following our July 10th meeting, I suggested to Mayor McCarthy that a special meeting be called for July 24th to receive proof of incorporation, proposed franchise, availability of use of Klear-View head-end, a progress report, as to the installation of the system within the village, and a cost estimate of the total installation.

In response to this the Board of Trustees received a letter from Frank Bruguglio that Klear-View is going to be incorporated under Article 9 of the New York State Transportation Corp. Inc. (Article 9 is for the district steam Corporation.) There was also a letter from Gerald R. Barnes that Nu-View T.V. Inc. would make available to Murphy use of his head-end equipment and an unsigned letter on Colin E. Ingham stationery as to the progress of making ready for construction. One of the items of this unsigned progress report was Item 7, "Right of Ways have been acquired on West Lake Road to accommodate 4500 feet of buried cable". I repeatedly asked Trustee Snyder to have Terrance Murphy furnish me with the right of way agreement from the County on West Lake Road and the same has never been furnished to date.

Now as I understand it, buried cable is going to run through private property and Terrance Murphy did not have available at the CATV work session of August 25th his rights of way agreement with the private land owners, or a right of way agreement from the Town of Madison or the County to lay his underground cables under the highways as would be required. The August 25th meeting was an impromptu gathering of Trustees Snyder, McDonald, Lloyd and Greissman decided upon following the regular meeting of August 14th that they would have a work session with Terrance Murphy on August 25th to assist him in getting his necessary papers and documents together.

Both Mayor McCarthy and I advised the Board that we respectfully had previous engagements for August 25th and could not be present. The August 25th gathering was not a legally called meeting and under the Sunshine Laws, that we now must operate, no official board action could be taken without proper meeting notice.