

June 12, 1984

The regular meeting of the Village Board of Trustees was held on June 12, 1984 at 7:00 p.m. in the Village Office. Present were Mayor E. Vantine, Trustees A. Fisher, C. Getchonis, and D. Ray, Engineer J. Rathbone, and Clerk J. Morgan. Also present was reporter Scott Phoenix and Dog Warden Danny Sanford.

Appropriation Transfers

It was moved by C. Getchonis and seconded by D. Ray to authorize the following appropriation transfers. The motion carried unanimously.

	<u>From</u>	<u>To</u>
A1990.4 Contingent Account	\$4,000.00	
A1420.4 Law-Contractual		\$4,000.00

Satellite Moratorium

Trustee Ray stated that he talked to Mr. Gerald Barnes who owns the Falls Earth Station and he did not seem upset about the satellite moratorium imposed by the Trustees. Trustee Ray suggested that the Trustees hold a public hearing and solicit the opinions of the village residents.

Mayor Vantine stated that he talked to Mrs. Ryan who recently wrote a letter to the Mid-York Weekly editor and assured her that the Trustees are not imposing this moratorium for the benefit of Group W. Cable. The Mayor noted that he called the Falls Earth Station Company and was advised that nine feet minimum size for the earth satellites. The Mayor stated that the board should consider enacting a special permit procedure but should allow for certain variances, especially for educational institutions. The Mayor stated that this type of law should be presented at a public hearing which should be held during the month of July.

The Trustees agreed to hold a public hearing on the earth station (satellite) moratorium on Thursday, July 19, 1984 at 7:30 p.m. in the Village of Hamilton Public Library.

Mulford Rogers Playground Sign

Mayor Vantine stated that Mrs. Louise Milner has requested that the Trustees have a sign installed at the Mulford Rogers Playground on Eaton Street.

It was moved by Trustee Ray and seconded by Trustee Getchonis to authorize the purchase and the installation of a wood carved sign at the Mulford Rogers Playground on Eaton Street. The motion carried unanimously.

Farmers' Market

Mayor Vantine stated that he asked for comments and suggestions from Mrs. Patricia Snyder on how the Farmers' Market could be improved. Mrs. Snyder advised the Mayor that the Market could start later in the morning such as at 8:30 a.m. and end at 1:00 p.m. Presently, the Market is not very busy during the first hour it is open and it closes during the peak of their business at 12:00 noon.

It was noted that a few of the market vendors are parking on Broad Street for the entire morning and the Broad Street merchants feel that these vendors are taking up valuable parking spaces which should be available for their customers. The Trustees stated that these vendors should be advised to park their vehicles in the Village Office parking lot.

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### Ames Department Store Project

It was noted that the site preparation work has commenced at the Ames Project site and should continue for eight to ten days.

### Sign Law Enforcement

Mayor Vantine stated that the Enforcement Officer wrote letters to various individuals and businesses advising them that their sign does not conform to the Sign Law and that their sign should be brought into compliance with the Sign Law.

The Mayor noted that the Oneida Valley National Bank has submitted a request for a variance to allow their time and temperature sign to remain as is at the main office. It was noted that the sign located at the drive-through bank on Utica Street should be permitted to remain at its present location between the sidewalk and curb.

The Mayor stated that Mr. Mayfred Plesniarski of John's Shoe Shop has retained an attorney, Mr. Patrick Joyce, to review his situation.

It was noted that the Reed's Hardware sign has been removed.

### 4th of July Celebration

Trustee Ray stated that the Fourth of July Committee has met a few times and a few groups have expressed their intent to participate in our parade. Trustee Ray noted that there will be a National Shriners Convention in Boston that same day but was hopeful that the Shriners will still be able to participate. Trustee Ray stated that the Third New York Regiment the Screaming Eagles and the Long Rifle Group will definitely participate this year.

The Mayor noted that sod should be removed by the firemen prior to their annual chicken barbeque and should be replaced afterwards.

A letter from Colgate University was presented requesting permission to hold their annual fireworks display on July 4th, with a rain date set for July 5th. It was moved by Trustee Ray and seconded by Trustee Getchonis to grant permission to Colgate University to hold their annual fireworks display on July 4th. The motion carried unanimously.

### Landfill Tipping Fee

Mayor Vantine stated that Trustee Fisher and Engineer Rathbone will not be present during this portion of the meeting because they are representing the village at a public hearing that is being conducted by the Madison County Board of Supervisors regarding their landfill tipping fee proposal. The Mayor noted that if this proposal is enacted, we will be looking at an additional cost to the taxpayers of approximately \$1.00 per \$1,000 of assessed valuation.

### Fire House Project

Trustee Ray stated the fire house construction project is progressing along quite well.

Long Range Planning Committee Report

Trustee Getchonis reported that the Long Range Planning Committee held a meeting with Mr. Jonathan Hale from the NYS Division of Housing and Urban Development. Trustee Getchonis stated Mr. Hale's department has worked with other communities and helped them prepare self-help concepts and to assess resources, buildings and the infrastructure. Trustee Getchonis added that a meeting will be held with Mr. Arthur Meggett and Mr. Steve Berlind of the Madison County Planning Department to further discuss this concept.

Mayor Vantine reported that a letter has been received from Byrne Dairy, Inc. stating that they have an option to purchase the former Texaco property on Utica Street. The Mayor stated that Byrne Dairy intends to demolish the existing building and construct a new one. The Mayor stated that he would like to see the Byrne Dairy store fit into a development scheme and would like to refer this to the Long Range Planning Committee.

It was noted that Dr. Howard Amann has added another doctor to his practice and is considering developing an office in the Planned General District that is located just south of the Oneida Savings Bank.

Dog Control

Mayor Vantine stated that he received a letter from Mr. Allen Strand regarding the dog control problem. Trustee Ray stated that we need to have a dog warden who is available both during the day and at night. The Mayor asked how the Board should pursue alleviating this problem. Dog Warden D. Sanford stated that he previously was able to leave his job to investigate dog complaints that were received during the day but will not be available during the day anymore since his employer will not let him leave his job for dog control enforcement.

Trustee Fisher stated that we need a dog warden who is available during the day and this conflicts with Mr. Sanford's job.

Mr. Sanford stated that \$100 per month and \$.17 per mile for transportation is not enough compensation for this job. Mr. Sanford suggested that a per diem rate be paid.

Mr. Sanford suggested that a DPW employee be appointed as the Dog Warden. Mr. Sanford stated that better dog pound facilities should also be available. Trustee Fisher replied that the Village Board diligently pursued to locate better dog facilities but the Town of Hamilton backed out.

The Trustees agreed to table discussion until a later date and to leave the present situation as is.

Assessment Roll

Mayor Vantine reported that the Trustees would like more time to investigate whether or not to adopt the Town/County assessment roll. The Mayor stated that a decision should be rendered by the Board at the July meeting. If the Board does decide to adopt the Town/County assessment roll, there will be quite a bit of work to be done (informational letters and hearings) prior to the January 1st taxable status date. The Mayor noted that if a decision can't be rendered at the July meeting, then this issue should be postponed indefinitely.

Trustee Ray stated that he is not against using a new system but does have a problem with the present assessing system that it used for the Town/County rolls.

### Design and Review Guidelines

Engineer Rathbone stated that the Design and Review Guidelines have not yet been enacted.

Trustee Fisher stated that he feels that the Board of Trustees should have the final decision. Trustee Fisher noted that a decision by the Design and Review Board could make or break a project and not be subject to review by the Trustees.

Engineer Rathbone stated that the Design and Review Board (DRB) has been given this authority in accordance with the Village's Zoning Law. Engineer Rathbone stated that if the Trustees are not comfortable with the authority given to the DRB then the Zoning Law should be revised.

Trustee Fisher stated that he feels that the elected officials should have the final decision.

Trustee Getchonis stated that we tend to legislate ourselves to death. Trustee Getchonis noted that Trustees make good appointments to the various subcommittees and that these subcommittees should have this responsibility.

The Trustees agreed to table discussion of this item until next month.

### VonWettberg Project

Trustee Fisher reported that Mr. VonWettberg called his house and left word that he will not be able to attend this meeting, therefore there will not be a report this evening.

### Park United Methodist Church Communication

Mayor Vantine reported that Mrs. Louise Milner has submitted a letter on behalf of Park United Methodist Church requesting permission to hold its annual chicken barbeque commencing in May 1985. Trustee Ray stated he is not in favor of granting permission.

It was moved by Trustee Fisher and seconded by Trustee Getchonis to refer this letter to the Townscape Committee for their recommendation. The motion carried unanimously.

### Norris Clark Letter

Mayor Vantine stated that the Codes Enforcement Officer should respond to the Norris Clark letter requesting clarification of certain definitions pertaining to the group residence permit requirements as specified in the Zoning Law.

### Fourth of July - Firemen's Chicken Barbeque

The Trustees agreed that the firemen be granted permission to hold their annual chicken barbeque in the Village Park on the 4th of July but no alcoholic beverages or beer shall be permitted at the park.

### Hamilton Senior Citizen's Center Letter

Mayor Vantine stated that Melissa Crumb, Director of the Hamilton Senior Citizen's Center has submitted a letter stating that she has worked many weeks without any remuneration and will not be able to continue work unless she is compensated. The Mayor stated that she is proposing that \$800 be transferred to the Hamilton Senior Citizen's Center to be used for wages, rent and other miscellaneous expenses.

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The Clerk stated that he is not sure if the Hamilton Senior Citizen's Center is incorporated as a non-profit agency or if it is a privately, organized agency. The Clerk stated that according to the Recreation Program for the Elderly rules and regulations, the transfer of funds to a private agency is not considered to be an eligible expenditure for state aid reimbursement. However, expenditures for rent, utilities, supplies and wages, if paid directly by the village, are considered to be an eligible expenditure.

The Trustees directed the Clerk to contact the Office for the Aging for their recommendation.

#### Executive Session

It was moved by Trustee Ray and seconded by Trustee Getchonis to enter into executive session to discuss personnel matters. The motion carried unanimously.

It was moved by Trustee Fisher and seconded by Trustee Getchonis to leave executive session. The motion carried unanimously.

#### Hamilton Central School Request

Mayor Vantine reported that Mr. David Mullen, Music Director at the Hamilton Central School, has submitted a letter requesting permission to use the park band stand for a band concert on June 13, 1984.

It was moved by Trustee Fisher and seconded by Trustee Getchonis to approve the request of Mr. David Mullen on behalf of the Hamilton Central School. The motion carried unanimously.

#### Summer Employment - P. Fischer

It was moved by Trustee Fisher and seconded by Trustee Getchonis to appoint Mr. Patrick Fischer as a temporary summer employee at \$3.35 per hour, effective immediately. The motion carried unanimously.

#### Permanent Appointment - Gary Laureti

It was moved by Trustee Getchonis and seconded by Trustee Fisher to approve the permanent appointment of Gary Laureti as Police Officer subject to a six month probationary period. This appointment, at an annual salary of \$11,500, is made from the eligible list submitted by the Madison County Personnel Department. The motion carried unanimously.

#### Department of Labor Apprenticeship Training Program

Trustee Getchonis stated that to help keep our new Police Officers for a period of at least two years, the Trustees should consider participating in the NYS Department of Labor Apprenticeship Training Program. This program benefits both the employee and the employer.

It was moved by Trustee Getchonis and seconded by Trustee Fisher to participate in the NYS Department of Labor Apprenticeship Training Program for a period of two years with Police Officer Gary Laureti. The motion carried unanimously.

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Resolution - Reallocation of Hydropower

Engineer Rathbone presented a resolution to the Trustees for their consideration. Engineer Rathbone stated that this resolution was prepared by a member of Senator M. Auer's staff. This resolution is very similar to the one that was recently adopted by the Mayors of Onondaga County. Engineer Rathbone stated that the MEUA has also sent a letter recommending that the local governing boards adopt a similar resolution. The MUC adopted a resolution at their June 5, 1984 meeting recommending that this resolution be adopted by the Board of Trustees.

The following resolution was moved by Trustee Fisher, and seconded by Trustee Getchonis to wit:

WHEREAS the people of Central New York, served by investor-owned utilities, and municipal and cooperative utility systems have for more than a quarter of a century depended on electricity furnished by the St. Lawrence and Niagara hydropower projects of the Power Authority of the State of New York; and

WHEREAS The people of Central New York serviced by these utilities paid the costs of retiring the bonds for the St. Lawrence and Niagara hydropower projects of the Power Authority of the State of New York without assistance from the State or any of its agencies; and

WHEREAS In the Power Authority of the State of New York's application for the power project at Niagara River, August 20, 1956, the Power Authority stated the purpose of the project was to provide power to domestic and rural consumers to whom the power could be made available economically, and that the sale of hydropower to industry would be a secondary purpose; and

WHEREAS Other sections of New York State declined to purchase hydropower from the Power Authority of the State of New York's hydropower projects at Niagara and St. Lawrence because fossil fuel-generated electricity was less expensive; and

WHEREAS The loss of the hydropower would create considerable personal hardships for residential consumers because of dramatic increases in residential utility bills by being forced to replace hydropower with more expensively produced electricity; and

WHEREAS The recommendations of the Millonzi Commission did not take into consideration the fiscal damage which would be inflicted by the reallocation of significant amounts of the hydropower currently furnished by the Power Authority of the State of New York; and

WHEREAS The Millonzi Commission was negligent in not preparing a fiscal impact statement to advise the Governor of the damage which would occur if the Commission's recommendations were adopted; and

WHEREAS Large portions of the hydropower which would be diverted from the people of Central New York under the Millonzi Commission recommendations would be furnished to commercial and industrial customers despite the Power Authority of the State of New York's pledge in its license application for the Niagara Project that such use would be secondary; and

WHEREAS the Millonzi Commission was dominated by the Power Authority of the State of New York through the appointment of a former trustee of the Power Authority as its Chairman, and the actions of three senior members of the Power Authority who sat at the table with panel members during deliberations of the Commission, and took an active role in the panel; and

WHEREAS Even with the domination of the Power Authority in the deliberations of the Millonzi Commission, the five to four vote to accept the majority report cannot be considered a clear cut mandate for action; and

WHEREAS The Millonzi Commission was used as a litigation stratagem by the Power Authority with the recommendation that the State Legislature retroactively approve legislation allowing the Power Authority of the State of New York to charge hydropower customers for non-hydropower projects, even though such charges were denied in the Auer Decision rendered by State Supreme Court Justice John Tenney; and

WHEREAS The Power Authority's subsequent decision to include in its new rate schedule for hydropower customers a charge for nonhydropower projects is currently being contested in the courts; and

WHEREAS The recommendations of the Millonzi Commission would further expand the powers of the Power Authority of the State of New York, which is already virtually unregulated; now, therefore, be it

RESOLVED That the members of the Board of Trustees of the Village of Hamilton, of County of Madison, do hereby pause in their deliberations and call on the Governor to reject any and all recommendations of the Millonzi Commission, and further request that the Governor appoint an independent body, none of whose members could have a current, or past association with the Power Authority of the State of New York, nor could be any currently serving cabinet officer of the State of New York, with such appointed body to consist of seven members, three of whom must be current residents of areas presently served by hydropower from the St. Lawrence and Niagara projects, at least one of whom must be a current resident of a municipality owned and operated electric distribution system, and that such body prepare and submit to the Governor, and the Senate Majority Leader, and the Speaker of the Assembly, an independent fiscal impact statement concerning the consequences of adoption of the recommendation of the Millonzi Commission.

RESOLVED, That a copy of this Resolution be transmitted to the Governor of the State of New York, the Speaker of the Assembly, and the State Majority Leader.

ADOPTED UNANIMOUSLY BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMILTON, IN THE COUNTY OF MADISON, 12, JUNE 1984.

On roll call,

Affirmative:

1. E.K. Vantine, JR.
2. A.R. Fisher
3. R.C. Getchonis

Negative:

NONE

Audit Engagement Letter

The Clerk stated that the Village's auditing firm, Carlton Shay, CPA's has submitted an engagemet letter to the Trustees for the audit of the financial records of the village for the year ending May 31, 1984. It was moved by Trustee Getchonis and seconded by Trustee Fisher to accept the engagement letter of Carlton Shay, CPA's for the audit of the Village's financial records at a fee of \$3,600.00. The motion carried 3-0.

Payment of Bills

It was moved by Trustee Fisher and seconded by Trustee Getchonis to approve the payment of the bills as presented. The motion carried unani-  
mously.

General	\$ 60,801.40
Trust & Agency	11,795.61
Capital Fund	28,826.53
Joint Activity Fund	707.50

On motion, meeting adjourned.

James P. Morgan  
Clerk