

VILLAGE OF HAMILTONBOARD OF TRUSTEESJULY 10, 1990

The regular meeting of the Village Board of Trustees was called to order by Mayor Pike in the Village Library at 7:00 pm on July 10, 1990.

Present

Mayor Pike, Trustees Baker, Erb and Bergen, Engineer Rathbone, Attorney Hughes and Clerk-Treasurer Kogut.

Citizen Participation

Downtown Sidewalk Project. Attorney Ed Pitts was present representing 12 of the small property owners concerned with the project. Some of the problems they have are:

- A. Measurements are not accurate. For example, Burt Marshall is being assessed for 99 feet, but his frontage is actually only 69 feet.
- B. Consideration should be given to landowners who have recently put new sidewalks in - within the last three or four years. There is also a question whether sidewalks that are in good shape should be replaced.
- C. What are the plans for change orders? How will they be handled and what will the effect be on all the other land owners?
- D. What will the required method of payment be and what will the owners be charged for interest?
- E. Business disruption. There is a concern about lost business during the construction.

He finally stated that since the project is to benefit the entire Village, the Village should bear the entire cost.

Mayor Pike stated that a lot of these questions were answered at the two public hearings that nobody attended. The Village tried as far back as last December to communicate with the landowners regarding the vaults. Several people failed to even reply to our inquiries.

The cost, based on a 50-50 split of the cost of the sidewalks and

curbs, is \$273,000. The owners are being asked to pay \$72,822, less than 30% of the total cost. A full time inspector is being hired to oversee the construction phase.

Why this project is being done and why some apparently good sidewalks

will be rebuilt have already been addressed and it is not necessary to go into all that at this time. Last Thursday, July 5, the contractor was here for a meeting and described how he expects to proceed to cause as little inconvenience as possible. He will provide walkway access to every store. The contractor and representatives of Stearns & Wheler will be at the Village Office tomorrow at 4:00 pm to answer questions that anyone may have.

If in fact there are measurements that are off, surely we will try to adjust those. There are certain to be vaults, oil tanks and other items that should result in change orders. A change order to the project will not impact the individual land owner. Each person will only be charged for his or her own sidewalk and curb. Payment can be spread over ten years at a favorable interest rate. The latest figures were adopted after the last public hearing. This calls for a 50-50 split of the cost for sidewalks and curbs.

The numbers appeared to change several times because available information changes several times. The first figures were strictly an estimate which was higher than the bid numbers. The next numbers were based on the actual bid which was a unit price bid. Individual items may have been higher, but the total bid was lower than the estimate. Then it was decided to go to a 50-50 split of all concrete work for the curbs and sidewalks.

Dick MacNeilly asked whether engineering supervision will be by Stearns & Wheler. Mayor Pike replied that was the case.

Mayfred Plesniarski asked about reimbursement for lost business and insurance in the event someone is injured going into or out of a store. Attorney Hughes replies that liability insurance is required in the contract. Mayor Pike added that there is no provision for reimbursing the merchants for loss of business.

Brent Moyer asked if there is any truth that the sidewalk may be extended beyond Eagle Mall? The Mayor replied no, but stated that he may want to take advantage of the project. Attorney Hughes added that to make that kind of change we would have to repeat several steps to actually change the sidewalk district.

Mr. Moyer asked about the parking lot entrances between the sidewalk and curbing. Mayor Pike replied that as he recalls the apron is concrete and part of the project.

Gerald Douglass asked about contingencies for damage to property.

Mayor Pike replied that that insurance is in place as part of the contract. Attorney Hughes added again that business loss is not covered. Mr. Douglass wanted to know if the Village is prepared for any claims that may be brought against it.

Mayfred Plesniarski stated that the fact that construction is taking place will be enough to keep people away.

Attorney Pitts asked if the Village will reconsider the assessment plan. Trustee Baker stated that he feels we have gone as far as we can. Attorney Hughes indicated that the NYS Village Law states that 50% cost sharing is the maximum for sidewalk.

Trustee Erb indicated that the Board's intention is mainly to improve the downtown area, not penalize anyone in the area. Since she has been on the Board, the most common complaint she has had has to do with improving the sidewalks. She also does not totally understand what the problem is, because if any one of us as an individual wanted to replace the sidewalk in front of our house, the Village would not even offer a 50-50 cost sharing.

Gerald Douglass said that some of the worst sidewalks are not downtown, but in the residential areas. Trustee Erb agreed, adding that the decision to do the downtown was made long ago because that was an area of high visibility and would benefit the most people.

Trustee Baker acknowledged that this improvement was imposed on the downtown land owners. That was his reasoning for going to the maximum allowable cost sharing.

Attorney Pitts stated that it is appreciated that the Board went to great lengths to set this project up. They are asking, however, that the Board further address the apportionment and assessment question. If the Board is prepared to say that that will be done, he and his clients will be satisfied. Trustee Baker indicated that that is reasonable. Other Board members agreed that alternative cost apportionment and assessment options will be explored, although the final decision may be the same.

LeRoy Hodge stated that he has done some investigating and discovered that there are one or two instances where the dimensions are exactly the same, yet the cost distribution sheet shows different costs. He feels that if this kind of error has been it is possible that there are others. Trustee Baker stated that the Board has already taken the position that where there are errors or inconsistencies, steps will be taken to correct those errors or inconsistencies.

Appointments

A. Mayor Pike made the following Commission appointments:

Trustee Baker	Liaison to Long Range Planning Committee Liaison to Planning Board Liaison to Townscape Committee Tourism Coordinator Liaison to Town/Gown Committee
Trustee Bergen	DPW Commissioner Liaison to Municipal Utilities Commission Liaison to Senior Citizens Solid Waste Management Coordinator Madison Street Cemetery and Playgrounds
Trustee Erb	Deputy Mayor Police Commissioner Liaison to Library Commission Liaison to Zoning Board of Appeals Liaison to Design Review Board Bicentennial Coordinator
Trustee Fuller	Parks & Recreation Commissioner

Liaison to Cable Television
 Business District Improvement Coordinator
 Liaison to Merchant's Association
 Farmers' Market

The Mayor presented the following appointments:

George Guilmette - Municipal Utilities Commission, term to expire 6/30/95
 Michael G. Zahn - Planning Board, term to expire 6/30/95
 Carol VanSchaack - Zoning Board of Appeals, term to expire 6/30/95
 Nelson Brown - Recreation Commission, term to expire 6/30/95
 E. K. Elmer - Library Trustees, term to expire 6/30/95
 John Brennan - Historical Commission, term to expire 6/30/95
 Hancock & Estabrook (James Hughes) - term to expire 6/30/95
 Paul Kogut - Freedom of Information Officer, Budget Officer and Investment Officer
 John Rathbone - Civil Defense and Disaster Preparedness Coordinator, Parliamentarian
 Village Board of Trustees - Board of Health
 Howard Williams - Historian

Vivian Phoenix - Court Clerk

Lloyd Belton - Acting Village Justice

Thelma Frederick - Dog Control Officer

Mid-York Weekly and Chenango Valley News - Official Newspapers

Oneida Valley National Bank - Official Depository

Mileage Reimbursement - \$.20 per mile

Mayor, MUC President and Village Attorney - Personnel Committee

Official Meeting Date - second Tuesday of each month at 7:00 pm

Conduct of Meetings - Roberts Rules of Order

Motion was made by Trustee Erb, seconded by Trustee Baker and carried that the Mayor's proposed appointments be approved.

Approval of Minutes

A. Motion was made by Trustee Baker, seconded by Trustee Erb and carried that the minutes of the Public Hearing of June 11, 1990 be approved.

B. Motion was made by Trustee Erb, seconded by Trustee Baker and carried that the minutes of the Regular Meeting of June 11, 1990 be approved.

Reports

A. Treasurer's Report - June 1990. Motion was made by Trustee Baker, seconded by Trustee Erb and carried that the Treasurer's Report for June 1990 be accepted.

B. Police Report - June 1990. Motion was made by Trustee Baker, seconded by Trustee Bergen and carried that the Police Report for June 1990 be accepted.

Claims

Motion was made by Trustee Erb, seconded by Trustee Baker and carried that the claims for June 1990 be approved for payment.

Communications

A. Report from NYS regarding birth & death certificates handled in the Village.

B. Letter from the County regarding the \$.25 per box reimbursement from the County for the distribution of the green recycling boxes.

C. Letter from Paragon Cable to Mayor Pike regarding the loss of channel 2.

D. Letter to CU granting permission for fireworks. Mayor Pike added that he felt the Fourth of July celebration went very well, and that this year's committee did a good job.

E. Letter from Gail Schumacher regarding the pavement breaking up at 53 University Ave.

F. Letter from Rotary Club requesting permission to hold their annual auction from August 31 to September 1, 1990, and reserve parking spaces for a tractor and trailer and three of four pickup trucks on September 1.

Motion was made by Trustee Baker, seconded by Trustee Erb and carried that the request of the Rotary club be granted.

G. Letter from Planning Board recommending the addition of a \$100 application fee for a subdivision application.

Motion was made by Trustee Baker, seconded by Trustee Erb and carried that the recommendation be accepted and forwarded to the Village Attorney for action.

H. Paperwork from Mark Sternburg, handout for citizens giving direction about certain requirements to be met for certain construction and improvements, permits etc. within the Village.

I. James Ryan regarding designation of a lead agency for the SEQRA requirements to be met for the development of the strip mall.

Motion was made by Trustee Erb, seconded by Trustee Bergen and carried that the Village Board designate itself as the lead agency for the SEQRA study.

J. Engineer Rathbone to Madison County. They will pay us \$2,000 for the truck and rolloff now at our recycling center.

Old Business

A. Downtown Sidewalk Project. Attorney Hughes had prepared

resolutions for Board action at this meeting. After discussion, Motion was made by Trustee Baker, seconded by Trustee Erb and carried that the Board did not act on three resolutions of apportionment as proposed by the Village Attorney because they were uncertain of the impact on oral reassurances given as a result of public input and pending the investigation of the Village Attorney as to possible alternatives.

B. Sidewalk Reimbursement Program. Following discussion, motion was made by Trustee Baker, seconded by Trustee Erb and carried that reimbursement for residential sidewalk replacement be increased to a 50-50 cost sharing program, up to a maximum Village reimbursement of \$2.00 per square foot.

Reimbursement for tax exempt property was discussed, no decision made.

C. Little League Project. Russ Lura explained to the members that he would like to apply for a municipal parks program matching grant. He stated that the Little League people feel they could raise \$50,000, so he would apply for a grant of \$50,000. Chuck Fox stated that the ground preparation will be more difficult than originally thought, so they may now be content with developing two fields. Fund raising can be started at anytime.

Following discussion, motion was made by Trustee Baker, seconded by Trustee Bergen and carried that William R. Pike, the Mayor is authorized and directed to file an application on forms prescribed by the New York State Office of Parks, Recreation and Historic Preservation for financial assistance in accordance with the provisions of Title 9 of the Environmental Quality Bond Act of 1986, in an amount not to exceed \$100,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this municipality for the Eaton Street Recreation Project.

Mayor Pike suggested we stop referring to the project as the Little League Project and give it a legitimate name. The consensus of opinion was that Eaton Street Recreation Project is appropriate.

New Business

A. Oneida Savings Bank. Tom Glaser, Planning Board Chairman, presented the recommendations of the Planning regarding proposed changes the bank has in mind. Their goal is to put in an additional drive-in

teller, and add some more parking spaces. They are basically aware of the recommendations of the Planning Board, except possibly the number of parking spaces.

Trustee Bergen asked the Bank representatives present if they would consider adopting a policy that the remaining green area would be designated "forever green". To date, the Bank board is reluctant to make

such a commitment. They indicated, however, that it is not their plan to develop the area any further, and this plan is designed to satisfy needs for approximately ten years. They added that the Village Board has the final say on development in this area because it is a planned district.

Mayor Pike stated that he felt the extra parking will just be more attractive to after hour, late night and all night parking. There is already a lot of parking there and the potential for noise and disturbances will increase. The bank representatives agreed that they could consider posting signs prohibiting all night parking.

Following additional discussion, motion was made by Trustee Baker, seconded by Trustee Erb and carried that preliminary approval be given to the project as follows:

1. The new parking lots should be reduced to one lot to accommodate no more than 8 cars. The new parking lot should be redesigned to provide maximum set backs from the sidewalk on Hamilton Street. the parking area must also have a set back of at least 30 feet from the Jaquay property. The parking area should also not extend past parking space #18 indicated on their drawings. The parking areas must have evergreen hedge screening neighboring and set back to provide visibility for drivers and snow removal.
2. The Bank must submit an updated plot of the district reflecting the modifications to their lot, green space and the remaining building lots. The current site plan and survey maps must show the planned district designated for the bank and residential use.
3. Landscaping plan should be expanded and redesigned. The bank should come up with a landscaping plan for the parking areas and the access lane that screens them year round, and on its property to the south and east.
4. The bank must develop and implement a plan to resolve the deterioration of the retaining wall bordering the Jaquay property.
5. The Planning Board recommends that the Bank add a sidewalk from the front of the building to the side entrance and that lighting be provided in this area.
6. The resolution to this proposed project should be documented in a manner that will allow both the bank and the village to realize what is required and to be completed.

B. Sale of surplus/obsolete equipment. Engineer Rathbone asked the Board to declare the following equipment surplus and authorize him to seek bids to sell a 2½-ton dump truck, a concrete mixer, a tree sprayer and a 1-

ton dump truck.

Board Members & Staff

A. Trustee Baker. Mentioned the increase of the income limit for elderly exemptions is increasing to \$15,000. The Clerk stated that we have no action to take, and the impact on the Village will be minimal.

Trustee Baker has spoken with Attorney Hughes regarding the tree law.

Russ Ray is agreeable to a lease for the use of property behind his store. Trustee Baker also recommends that we sell Mr. Ray the piece of land between his store and Lebanon Street. The problem with senior citizen parking can be resolved without a lot of difficulty. He will work with Attorney Hughes.

B. Trustee Bergen. Stated that he was interested in the request to the MUC for water services for a proposed development at the intersection of Airport Road and Johnny Cake Hill.

Trustee Bergen added that the League of Women Voters has approached him regarding the Board resolution prohibiting temporary signs in the village green. Mayor Pike stated that the idea of a changeable sign has come up, but does not seem entirely practical.

C. Mayor Pike. Reported that he has had contact with Gerald Rockwell several times. He is having trouble getting before the Madison Town Board regarding his proposed development on Madison Street, just beyond the Village line.

D. Engineer Rathbone. Propose the purchase of a used 1979 Elgin Sweeper for parts at the cost of \$1,500.00.

Motion was made by Trustee Erb, seconded by Trustee Baker and carried that a 1979 Elgin Sweeper be purchased for \$1,500 to be used for parts.

Executive Session

Motion was made by Trustee Erb, seconded by Trustee Baker and carried that the Board of Trustees go into executive session at 10:17 pm to discuss personnel.

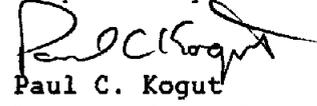
Motion was made by Trustee Bergen, seconded by Trustee Erb and carried that the Board of Trustees return to regular session at 10:31 pm.

Adjournment

There being no additional business to come before the Board of Trustees, motion was made by Trustee Baker, seconded by Trustee Erb and

carried that the meeting be adjourned at 10:31 pm.

Respectfully submitted,



Paul C. Kogut
Village Clerk-Treasurer

