

VILLAGE OF HAMILTONBOARD OF TRUSTEESAUGUST 14, 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 August 14, 1990.

Present

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

Citizen Participation

A. Sidewalk Project. Mayor Pike indicated that the Village Board has agreed to review the 50-50 split of the cost of replacement of sidewalks and curbs. Since the last meeting, the question of curbs or curb cuts at the alley between John's Shoe Shop and the theatre has come up.

Trustee Erb stated that at the March 1990 Board meeting, the Board passed a resolution to make that area, and the alley entrance between the Oneida Valley National Bank and the building the Mid-York Weekly used to occupy both parking places. Current plans indicate that both of these areas will receive a curb. Mr. Plesniarski and Mr. Gustafson, representing the Metz organization have now asked for a curb cut. In order for the Board to have time to consider the change, the contractor was asked to wait on pouring the sidewalk in those areas until this meeting.

Mayor Pike reminded the Board that he was not in favor of blocking any alley. He felt that the access should always be available. Trustee Bergen added that he is very concerned with access to the rear of the buildings, although he is also concerned about the loss of a parking space. Discussion followed about putting the curb cuts in and allowing parking to continue.

Attorney Hughes stated that he has done some additional research regarding the cost allocation of the project. He found that New York State Village Law says that the Village can contribute up to half of the cost of the sidewalk and that it also states that you must make a determination on a Village-wide basis no more than once a year as to what that apportionment will be. An informal opinion from the State Attorney General's Office sounds attractive, but he feels it does not totally address our situation. He is awaiting a return call from the State Comptrollers Office regarding further clarification. His recommendation is to be conservative and avoid anything that may result in a legal battle.

Trustee Bergen asked if the Village, without passing a Local Law according to Municipal Home Rule Law, would be open to suit if the decision was made to pay for more than 50% of the sidewalk. Attorney Hughes replied that the statute is clear regarding 50% of the sidewalk as the maximum. He added that the passing of a law under the Municipal Home Rule Law is a

permitted action, but that is not an assurance that it would pass muster if challenged.

Attorney Pitts stated that he believes that some of the same sections of law that Attorney Hughes is referring to can be interpreted more broadly to permit the Village to pay for more of the sidewalk. He feels that the informal Attorney General's opinion supports his idea. His opinion is that the Village has the power to assess anywhere from 0% to 100% of the cost to the landowner.

Attorney Hughes added that, beginning next year, the Village will be requiring sidewalk replacement in the residential areas of the Village. The Village has already agreed to reimburse in those areas 50% of the cost of sidewalk replacement, up to a maximum of \$2.00 per square foot.

Mayor Pike stated that the real issue, assuming the Village is willing to risk legal challenge, is whether or not the Board wants to pay more than 50% of the cost.

Trustee Bergen spoke in strong support of paying 100% of the cost of the current project. Trustee Fuller added that residents do not have the tax and business deduction advantages that the businesses have.

Trustee Erb said she is able to understand all sides of the discussion. However, she does not favor different levels of reimbursement.

Trustee Baker stated that it is very difficult to go against the advice of our attorney. He feels we should wait on our decision until the Comptroller's Office contacts Attorney Hughes with a more definitive opinion. The actual assessment does not need to be made until the project is complete, so time is not yet a crucial element.

Motion was made by Trustee Baker, seconded by Trustee Erb and carried that the Board's decision on the cost assessment be held until Attorney Hughes received a more definitive opinion from the Office of the State Comptroller.

Motion was made by Trustee Baker, seconded by Trustee Fuller and carried that the curb cut be restored between John's Shoe Shop and the theatre and that decisions be made regarding the parking be made at such a time as necessary.

Following additional discussion, motion was made by Trustee Erb, seconded by Trustee Baker and carried that the curb cuts be restored to the alley between Oneida Valley National Bank and the old Mid-York building,

and the alley between Burt Marshall's and Bob's Small Engine on Maple Avenue.

Oneida Savings Bank. Tom Glaser advised the Board that the items requested at the July meeting have been incorporated into the Bank's plans. The commitment for the retaining wall is to be presented tonight. As a result of investigation and discussion with Mrs. Jaquay, it was determined by the Bank that the area will be cleaned out and a picket fence will be added to match others in the area.

After discussion, motion was made by Trustee Baker, seconded by Trustee Bergen and carried that the Village Board approve of the plan submitted by

Oneida Savings Bank on July 20, 1990 and as revised according to requests of the Board at that meeting.

Appointments

Motion was made by Trustee Erb, seconded by Trustee Baker and carried that Debby Dutkewych be appointed to the College-Community Relations Committee.

Minutes

Regular Meeting - July 10, 1990. Motion was made by Trustee Baker, seconded by Trustee Bergen and carried that the minutes of the regular meeting of July 10, 1990 be approved as corrected.

Reports

A. Treasurer's Report - July 1990. Following discussion, motion was made by Trustee Bergen, seconded by Trustee Erb and carried that the Treasurer's Report for July 1990 be accepted.

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

Approval of Claims

Motion was made by Trustee Erb, seconded by Trustee Bergen and carried that the claims for July 1990 be paid as follows:

General	\$ 26,859.68
Capital	<u>101.16</u>
Total	\$ 26,960.84

Communications

A. Paragon Cable. Additional temporary operating authority has been granted.

On Thursday, August 16, there will be a meeting of all the communities with the NYS Cable Commission representatives to discuss the tentative agreement. Following that, public hearings will be scheduled and, if there are no problems, contracts will be adopted.

B. Library Board to Mayor Pike regarding the appointment of new Library Board members.

C. Colgate University regarding their in-lieu of tax payment. It is time to meet with them regarding future in-lieu payments. Mayor Pike is suggesting that the distribution of the current funds between the Village, Town of Hamilton and School District be addressed, since the Village provides most of the community services.

D. Memo regarding a joint meeting with the Planning Board to discuss the Lewiston Construction Senior Citizen Project.

New Business

A. Trustee Bergen proposed a resolution allowing the League of Women Voters to place their "Vote" sign on the lower green. He spoke in support of the sign in that it is not for a social function, or sporting event. The elections are important, and if the sign can help insure that people vote, it should be permitted.

Motion was made by Trustee Bergen, seconded by Trustee Baker and carried that:

BE IT RESOLVED that no temporary signs shall be placed on the Village Green with the exception of a sign announcing a public election placed thereon by the Hamilton League of Women Voters during the hours of voting.

Trustee Fuller stated that the Rotary Club has some interest in a permanent sign such as in Clinton. Trustee Bergen will contact the Village of Clinton regarding the monitoring of their sign.

Board Members & Staff

A. Trustee Baker. Attended a meeting on tourism at Morrisville College recently. That meeting was really a television - print media matter to be presented through the Leatherstocking concept. It was media coordinated, special events oriented. He felt that it is something that we just are not ready for.

He has been discussing the Russ Ray matter with Jim Hughes. Mr. Ray's objective is to be able to add on to his store. He feels that it would be wise to determine in advance if all the necessary variances can be obtained and he will be able to get permission to build what he wants.

B. Trustee Fuller. Inquired if a DPW dump truck could be made available on Saturday, September 1 for the pickup of leftover items from the Rotary auction.

Following discussion, motion was made by Trustee Fuller, seconded by Trustee Bergen and carried that a dump truck be provided to pick up leftover items from the Rotary auction on September 1, 1990, and that the Rotary Club be billed for use of the truck, the tipping fee associated with the load and labor.

Mayor Pike advise the members that there is a need for a one-time, floater permit for people selling items such as pumpkins in the Farmers' Market. Following discussion, it was agreed that there should be no problem with that type of permit.

C. Trustee Bergen. Mentioned that he had conversation with Mr. Donald Huller, Administrative Director of the Madison County IDA. If the Board agrees, he would like to invite Mr. Huller to attend our next meeting.

Trustee Bergen mentioned that he believes that information regarding monthly board meetings should be distributed in summary fashion in the

local newspapers. After discussion, it was agreed that the Mayor and each of the Trustees would, in turn, summarize the meetings and submit to the newspapers.

Trustee Bergen asked Engineer Rathbone about the status of the salt shed. Engineer Rathbone advised the Board that three bids have been received for supplying materials.

Motion was made by Trustee Erb, seconded by Trustee Baker and carried that the bid for supplying materials for the salt shed be awarded to Wickes Lumber Company, in the amount of \$12,328.87.

He asked if a schedule for pickup of materials other than garbage and recyclable items is available. There seems to be a great deal of confusion concerning this. Engineer Rathbone stated that he will speak with Danny Hughes about this to see if a fixed schedule can be set.

D. Mayor Pike. Stated need to get together with Trustee Bergen and Engineer Rathbone to work on the Recycling Law and the Trash, Rubbish and Refuse Law.

E. Engineer Rathbone. Recommended the appointment of Dean Abrams of Hubbardsville to the position of Motor Equipment Operator, at the rate of \$7.06 per hour, effective as soon as he is able to report to work.

Motion was made by Trustee Bergen, seconded by Trustee Fuller and carried that Dean Abrams be appointed as a Motor Equipment Operator at the rate of \$7.06 per hour effective as soon as he is able to report to work.

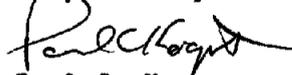
F. Village Justice Fisher. Made a proposal to the Board that Acting Village Justice Lloyd Belton be paid for work he does for the Village Court. He does much more for the Court than just fill from time to time.

After discussion, motion was made by Trustee Baker, seconded by Trustee Bergen and carried that, beginning with the month of August, Lloyd Belton be paid \$150 per month as Acting Village Justice.

Adjournment

There being no additional business to come before the Village Board, motion was made by Trustee Baker, seconded by Trustee Erb and carried that the Board Meeting be adjourned at 10:18 pm.

Respectfully submitted



Paul C. Kogut
Village Clerk-Treasurer