

VILLAGE OF HAMILTONBOARD OF TRUSTEESAUGUST 10, 1993

The regular meeting of the Village of Hamilton Board of Trustees was called to order by Deputy Mayor Glaser in the Community Hall at 7:15 pm on August 10, 1993.

Present

Deputy Mayor Glaser, Trustee Getchonis, Brink and Bergen, Village Engineer Rathbone and Village Clerk-Treasurer Kogut. Mayor Baker was present later.

Call to Order

Deputy Mayor Glaser asked for a motion to approve the agenda for the meeting. Motion was made by Trustee Getchonis, seconded by Trustee Brink and carried to approve the agenda for the meeting.

Citizen Participation

A. Julia McGrath - Paragon Cable. Ms. McGrath was at the meeting to discuss the re-regulation of cable television. Some documents were sent out that would tell the town, village, and city councils how to apply to become the regulating body over basic cable channels 2-13, and any equipment charges that Paragon would be able to charge their customers. In order to become the regulating body, the village would need to apply to the Federal Communications Commission. After 30 days the village automatically becomes the regulator over cable television for the basic channels 2-13, any equipment charges, and customer services standards. Under the Cable Act of 1992, Paragon was asked to calculate the rates they could charge per channel for cable television service to their customers. The FCC shipped a 500 page manual along with a 5 page spreadsheet on how to calculate the rates, and Ms. McGrath went over the calculations for the Board.

Trustee Getchonis asked if the channel charges above the basic channels included HBO and other special channels. Ms. McGrath told him it did not.

Trustee Glaser asked how many customers in the village had basic channels. Ms. McGrath estimated about 200 customers. Trustee Getchonis asked how many customers in total in the village had cable. Ms. McGrath stated there was about 821 customers.

Trustee Bergen asked Ms. McGrath to address customer service and standards. Ms. McGrath stated that there were a few things that will be looked at under FCC Guidelines for customer service standards. One is they must answer the telephone calls within 30 seconds 90% of the time. The second is they must respond to any service problem within 36 hours. The third is they must respond to any installation request within 7 days.

Trustee Bergen asked Ms. McGrath if Paragon would welcome advisory input from a community based on surveys as to the kind of programming a community would like to see. Ms. McGrath told him yes they would. Trustee Bergen also asked if they could address programming to an individual community. Ms. McGrath stated one of the things they will be looking at in the future is what's called "tiering". This is where a customer can pick and choose the services they would like to view.

B. Val Rathbone - Farmer's Market. Mrs. Rathbone remarked about vendors coming from outside the surrounding area of Hamilton and selling their goods at the market. Most of the time she will not see any customers in her store until after the market closes for the day. The individuals

she does have come in remark about spending all their money at the market, or paying less for something similar to what she has. She asked if the farmers who come in with their produce have to pay the same fee as everyone else. Trustee Brink told her they did.

Mayor Baker stated there has been a feeling on the Board that the whole farmers market question causes us to wonder whether or not this is something the village as an entity should be involved in sponsoring. The other side of that question is that there is a large segment of the village population who find the market attractive, folksy, pleasant, etc. The visitors on big weekends at the university find it very charming. The Board's problem is do they take something that has a significant, positive public relations value for the village as an entity, and dispose of it because it is so bothersome. Trustee Brink will send out the rules and regulations to any merchants who would like to see them. If after they look at them they have any questions, Trustee Brink would be willing to get together with them to discuss them.

#### Appointments

A. Cable Committee. Mayor Baker asked the Board for names of individuals to serve on the Cable Committee, which the Board gave him several. Mayor Baker will get in contact with some of the individuals and the Board will vote on them at next months meeting.

#### Approval of Minutes

A. Regular Meeting - July 13, 1993. Motion was made by Trustee Getchonis, seconded by Trustee Glaser and carried to accept the minutes of July 13, 1993.

#### Reports

A. Treasurer's Report - July 1993. Reviewed.

B. Dumpster Summary - July 1993. Reviewed.

C. Independence Day Celebration Committee Report. Mayor Baker received the report from Jean Skahan of the Hamilton Rotary Club. Ms. Skahan provided a 1992-1993 comparison along with the report. She will attend the September meeting to respond to any questions.

D. Engineer Rathbone. He stated that the contractor doing the street paving project is responsible for dust control. They have a roller which is in the shop today, and he will be working on it tonight to try to get it running again.

Engineer Rathbone remarked that C.D. Wimmer is going to be sending in a progress payment request which will be reviewed by him and O'Brien & Gere. It will probably be here in about a week to 10 days, and Engineer Rathbone asked the Board if they would get together to review the request for payment.

Engineer Rathbone stated the Cable Television Workshop will be held this Thursday, August 12, 1993 from 9:00 am - 3:00 pm. Trustee Brink stated she thought the hours were 10:00 am - 4:00 pm. Engineer Rathbone will find out and let her and Trustee Bergen know.

Engineer Rathbone remarked that NYSEG wants to provide gas for Colgate's heating plant. As a result of our first meeting we found out they are required by the Public Service Commission to make a rate of return on any investment that they put in to gas extension in this direction. Originally they were going to probably come in from the south to avoid ripping up out streets. Now they have decided they want to come in from either Madison or Morrisville. Madison is closer, but does not have a gas substation, whereas Morrisville does. The cost for either one would be about the same, and with that cost they could not meet the required rate of

return the Public Service Commission has. For them to get at least border line they would have to have the hospital and high school. NYSEG still has some questions and would like to meet with us. The MUC however, does not really want to sit down and meet with NYSEG at this time.

#### Approval of Claims

A. Claims for July 1993. Motion was made by Trustee Getchonis, seconded by Trustee Glaser and carried that the claims for July 1993 be approved as follows:

General	\$ 28,340.18
Com. Dev. (Sidewalks)	2,812.50
Capital Streets	1,457.73
Capital Village Vehicles	35.34
Capital Fire Vehicles	71.44
T & A	1,722.30
Joint Activity	<u>1,583.15</u>

Total \$ 36,022.64

#### Communications

A. Assemblyman Magee/Town Meeting. Mayor Baker stated he received a letter from Assemblyman Bill Magee indicating that on Tuesday, August 24, 1993 at 8:00 pm there will be a town meeting at the Community Hall.

B. Margaret Mauer/Use Variance on Milford Street. Mayor Baker remarked he received a copy of a letter from Margaret Mauer to Dr. Michael Zahn regarding the request of Jeff Paul to purchase a house on Milford Street to use as a funeral home. Mr. Paul also wanted to possibly purchase adjoining land to use for parking.

C. Landfill Groundbreaking. Mayor Baker stated we received an invitation from the Madison County Board of Supervisors and Committee on Solid Waste and Recycling inviting us to attend a groundbreaking ceremony for the new landfill on Tuesday, August 17, 1993 from 10:00 am - 12:00 pm.

D. Water Environment Federation Conference. Mayor Baker remarked he received a notice about a group called the Water Environment Federation Conference. This group and US EPA Region 2 wish to invite us to a one day conference on Environmental Issues For Small and Rural Communities.

E. Chenango Canal/Tourism. Mayor Baker stated he received a notice

from the Chenango Canal/Tourism Committee advising us that another meeting was held on August 9, 1993 at 7:00 pm at Fred Hillsingers on Canal Road in Bouckville.

F. Code Enforcement Officer/N. von Wettberg, Construction Debris. Mayor Baker remarked he received a copy of a letter from Code Enforcement Officer Sternburg to Norman von Wettberg on July 28, 1993. Mayor Baker read the letter to the Board. Mr. von Wettberg stated he felt there were three separate issues regarding this matter. The first issue was that it was his belief and contention that he had permission to do what he has been doing. He does not deny that he has been putting construction debris inside the dumpster behind the Off Campus Deli. The second issue had to do with what commercial businesses can put in their dumpster. He has read the law several times and does not think it is defined clearly on what commercial enterprises are allowed to put in their dumpster. The third issue regarded construction waste as it applies to homeowner and the do-it-yourselfer versus the contractor generate. He felt this was a violation of equal protection under the law.

Trustee Glaser stated if the third dumpster was for Mr. von Wettberg's construction business, then it should be added to the dumpster pick up list and he should be billed separately every month for any pick ups.

After further discussion Mayor Baker asked the Board what action they

wanted to take on this issue. Motion was made by Trustee Glaser, and seconded by Trustee Bergen to approve the use of a third dumpster at the Off Campus Deli property on Lebanon Street for use for the von Wettberg Construction Company offices at that property. The vote passed as follows - Ayes 3, Nays 1.

Mayor Baker stated for the record he felt that Code Enforcement Officer Sternburg acted appropriately, judiciously and in a prudent manner. He also remarked that CEO Sternburg certainly was guilty of no improper conduct nor was he guilty of harrasment. The Board members agreed with Mayor Baker's statement.

G. NYCOM/CHIPS Funding Lawsuit. Mayor Baker remarked he received an update from NYCOM which stated that State Supreme Court Judge Edward Spain on July 27, 1993 upheld New York State's Financing Plan for 6 billion in state and local transportation projects including the CHIPS program, rejecting Robert Shultz's claim that the plan is unconstitutional.

#### Old Business

A. Annexation. Mayor Baker stated Russ Lura gave him the name of Scott Chatfield as an attorney from Tully, who deals with annexation questions. Mayor Baker contacted Mr. Chatfield and they have scheduled a meeting for August 18, 1993 at 4:00 pm in the Village Office. Mr. Benji Manton called and asked Clerk Kogut if the Village was doing anything about annexation, and were we prepared to accelerate the procedure. Mr. Manton stated the reason for these questions was because there is a potential buyer for the airport. The owner/operator of the Riverside Airport north of Utica in the Marcy location is being forced to close, and he is looking for airport property.

B. Towing Policy/Neal Rose letter. Mayor Baker remarked he received a letter from Mr. Neal Rose regarding towing policy in the Village. Mayor Baker felt in his opinion that the concluding paragraph was presumptuous.

He wanted to get the Board's reaction on this. Trustee Brink stated she felt our position needed to be that our rotation system would be to first call the towing service within the village, and if they are not available then go to outside the village. Trustee Bergen remarked Mr. Rose raises an interesting point about competitive contracts bidding, which is different from rotation. He could see us making a little money on this as a village if we imposed an administrative fee as part of a bidding arrangement, opening the bidding to whomever. Mayor Baker stated he would get in contact with Mr. Rose to discuss the matter.

#### New Business

A. DPW Contract. Mayor Baker asked for a motion to approve the DPW Labor Contract. Motion was made by Trustee Bergen, seconded by Trustee Getchonis and carried to approve the DPW Labor Contract.

B. Resolution, Section 41-j, Sick Leave Allowance. Mayor Baker asked for a motion to adopt the resolution. Motion was made by Trustee Bergen, seconded by Trustee Brink and carried to adopt the Section 41-j, Sick Leave Allowance resolution.

C. Zoning Map Amendment. Motion was made by Trustee Glaser, seconded by Trustee Brink and carried to approve a resolution for a conditional planned residential district, depending on federal funding, for the properties illustrated in the communication from Codes Enforcement Officer Sternburg dated August 2, 1993.

D. Parking - Hamilton Street. Trustee Bergen stated he talked with Mary Jaquay regarding vehicles that are usually parked in front of her house all day and sometimes all night that belong to the tenants at 13 Hamilton Street. It is difficult for Mrs. Jaquay to see down the street when she is backing out of her driveway. Trustee Bergen told her these vehicles were not violating any law, but there does seem to be a public safety problem. Trustee Glaser remarked that this property is a three-

family residence that is under a special permit. The Planning Board would have the right to contact the owner of the property for a parking plan, and this would force the owner to be a little bit more responsible with available parking.

E. Certified Local Government - National Historic Preservation Act. Trustee Bergen remarked he saw this article in the Chenango Valley News. Someone is making a strong effort to get Madison County as a certified local government for historic preservation under the National Historic Preservation Act. Once the county is certified it becomes eligible for funding, and technical expertise from the federal government. Trustee Bergen feels maybe we should instruct our Design Review Board to pursue this, since they are right now looking at some kind of recommendation concerning historic districts. Mayor Baker asked Trustee Glaser to look into this with the Design Review Board.

F. Proposed Madison County Occupancy Tax. Trustee Bergen stated the tax passed by a vote of 986 to 686. It will be 3% over 3 years dedicated to the promotion of tourism, and will create a Madison County Tourism office.

G. No-Parking Resolution. Trustee Getchonis remarked the resolution is to correct a dangerous situation caused by on-street parking on the easterly side of Lebanon Street at the College Street intersection. The

resolution read as follows:

Since a dangerous situation exists at the intersection of Lebanon and College Streets as a result of on-street parking, the following resolution is proposed:

Village of Hamilton Board of Trustees is desirous of correcting a dangerous situation caused by on-street parking on the easterly side of Lebanon Street at the College Street intersection.

THEREFORE, BE IT RESOLVED that the Village of Hamilton Board of Trustees hereby establishes a no-parking zone on the easterly side of Lebanon Street from a point +/-200 feet south of a manhole located in the intersection of College and Lebanon Streets to a point +/-200 feet north of the manhole located in the intersection of College and Lebanon Streets, approximately ending at utility pole #41, and,

BE IT FURTHER RESOLVED that the appropriate signs be ordered and put in place at the earliest possible date.

Motion was made by Trustee Brink, seconded by Trustee Glaser and carried to adopt the No-Parking Resolution.

Adjournment

There being no additional business to come before the Board of Trustees, the meeting adjourned at 10:40 pm.

submitted,

Treasurer

Respectfully

*Paul C. Kogut*  
Paul C. Kogut  
Village Clerk-

VILLAGE OF HAMILTON

BOARD OF TRUSTEES

PUBLIC HEARING

AUGUST 10, 1993

The public hearing on the amendment of the zoning map was called to order at 7:00 pm by Deputy Mayor Glaser in the Community Hall on August 10, 1993.

Present

Deputy Mayor Glaser, Trustees Getchonis, Bergen and Brink, Village Engineer Rathbone and Village Clerk-Treasurer Kogut.

Amendment to Zoning Map

The public hearing was opened by Deputy Mayor Glaser who stated that the legal notice for the public hearing was not done correctly, so we cannot formerly hold the public hearing. He remarked if anyone was here at the hearing regarding the Mid-York Senior Homes development, the Board could listen to any input as citizen participation. Deputy Mayor Glaser asked if anyone in the audience had any input. Mr. Robert Kuiper, Chairman of the Madison County Board of Supervisors, stated that he and Russ Lura, Director of the Madison County Planning Board were prepared to answer any questions also.

Trustee Bergen asked questions regarding whether the process of changing the zoning map would require any involvement with the Zoning Board of Appeals; whether there should be any kind of direct notification of the immediate neighbors; and since the property has not yet been purchased from Geraldine Miller, should the petition for change come from her rather than the Mid-York Senior Homes.

Trustee Getchonis asked if Mid-York Seniors had to buy the 11 acres to get the 2 acres they needed. Mr. Kuiper told him they did.

Deputy Mayor Glaser asked if anyone else in the audience had any comments. Noone had any comments. He then asked the Board members if they had any other comments or concerns. The Board had no other comments or concerns.

Adjournment

There being no further discussion, the public hearing adjourned at 7:15 pm.

Respectfully submitted,



Paul C. Kogut  
Village Clerk-Treasurer