

VILLAGE OF PALMYRA BOARD OF TRUSTEES

Regular Meeting

June 19, 1995

7:30 pm

PRESENT: Mayor James G. Elliott, Trustees Kathleen C. Drews, Frederick Celentano, Ann F. Guest, Daniel E. Wooden and Attorney Nesbitt who arrived later.

CALL TO ORDER: Mayor Elliott called the meeting to order at 7:30 p.m.

CITIZEN JOHN PAUL EVANKOVICH: Mr. Evankovich of 356 West Main St. had complained about the pump noise during the drainage construction to members of the Village Board. Mayor Elliott was called and he and Trustee Wooden were not available. Trustee Celentano came to the site at the request of Mr. Evankovich and witnessed the noise and the conversation with Mr. Evankovich and Roger Decker of Villager Const. where Roger Decker said that Villager would black top his (Evankovich's) driveway to satisfy his problem with the noise of the pump. Mr. Evankovich complained that "Extension's" driveway had been black topped but his driveway had not and wanted to know what the problem was and why? Mr. Evankovich also questioned why Mr. Clark of Villager told his son that Villager was not going to blacktop his driveway. Mr. Evankovich wanted Trustee Celentano or the VB to contact Villager and tell them to black top his driveway. Trustee Celentano noted that he was a witness and would testify to the statement Mr. Decker made about paving on Mr. Evankoviches' behalf, however, this was not a Village agreement and Mr. Evankovich made the deal directly with Villager and Roger Decker which is who he should see to address his problem. No other discussion at this time. Mr. Evankovich left the meeting.

MINUTES OF 5-15-95: Motion was made by Trustee Guest and seconded by Trustee Celentano to approve the minutes of the 5-15-95 VB meeting as CORRECT -Trustee Drews voted aye vs nay on the motion on hiring a secretary for the ZBA and Planning BD., vote, 4 ayes, 1 abstain (Trustee Drews who did not read), CARRIED.

MAIN STREET CONFERENCE IN AUBURN, NY: NYCOM is presenting the annual conference in July. Mayor Elliott moved to authorize any VB member and J. Hudak, Chairman of the Planning Board to attend, seconded by Trustee Wooden, vote, 5 ayes, CARRIED.

ABSTRACT #1: 6/8/95 and ABSTRACT #2: 6-19-95: Motion made by Mayor Elliott and seconded by Trustee Drews Vouchers #1 through #27 totalling the amount of \$112,202.05 and vouchers #28 through #108 totalling \$100,795.42, vote, 5 ayes, CARRIED.

WATERLINE MONEY: East Foster St. and Howell St. Waterline. A permissive referendum is needed to transfer the money from reserve to complete the project.

Motion is made by Mayor Elliott and seconded by Trustee Wooden that an additional sum not to exceed \$40,000 from reserve HR3 to water fund project expense at E. Foster Street and Howell, vote, 5 ayes, CARRIED.

Discussion on the \$40,000 original price and the contractors to date price of \$43,000. Contractor is Villager Constr.

STEVE STAUFFER (MHPC) REPORTS ON W/WW: S. Stauffer had no report, however, he responded to the questions about sewer to the TOP. Mayor Elliott advised that the VB should have a capacity for what the TOP is requesting on the sewer to the Town and the TOP did not want that. Trustee Wooden noted that 4-5 years ago it was discussed to sell water as a Town District to the area near Bear Hill, Mayor Elliott said that the TOP suggested an annexation but this offer was declined by the residents. Put this topic on the next meeting's agenda. The water part of

179
this letter from the TOP was asking that water go all the way to Manchester. Mayor Elliott commented that he thought that the original request from the TOP included water to Manchester.

TANK CLEANING AND PUMP ENGINEERING QUOTES FROM SNIEDZE ASSOC.:

Trustee Wooden submitted the two (2) quotes from Sniedze Assoc. on cleaning and painting the inside and outside of the water tank. A permissive referendum will be necessary for the water pump and tank project both, noted Mayor Elliott. Trustee Wooden asked if this engineering amount be part of the amount for the perm. ref. Mayor Elliott suggested that the bills may come before the perm. ref. becomes valid. Mayor Elliott checked the budget and noted that these engineering fees can come out of contingency where there is \$25,000 and engineering where there is \$4,000 budgeted.

A motion was made by Trustee Wooden to hire Sniedze Assoc. to do the engineering work and bid preparation for cleaning and painting of the water tank on Prospect Hill in the amount of \$2,950 with hourly rates of \$60/hr. proj. man. and \$35/hr. technician, seconded by Trustee Celentano, vote, 5 ayes, CARRIED.

A motion was made by Trustee Wooden to hire Sniedze Assoc. to do the engineering, contract, and bidding phases of the proposed water pump for the Town of Palmyra on the eastend of the Village in the amount of \$6,300 with hourly rates at the construction phase of \$60/pro.manager and \$35/technician seconded by Trustee Celentano, vote, 5 ayes, CARRIED.

WATER CONTRACT WITH THE TOP: Trustee Wooden asked if the TOP water contract had been received by everyone? Mayor Elliott questioned the overage amount be paid annually or at the end of five (5) years. Mayor Elliott suggested dropping that part (5 yr) and billing yearly with payment due in 30 days. Mayor Elliott noted that average cost of water be the same as Mon. Cty. and Wayne Cty. which was discussed previously with original discussions with the TOP. Mayor Elliott questioned the portion about water testing using samples of all TOP water districts and extension supplied by the VOP upon request at anytime without cost to the TOP. This part should be changed to the TOP being responsible for all tests. Trustee Wooden said that portion could be changed but the current contract reads this. Mayor Elliott noted that the current contract states the samples at VOP expense because the VOP owns the water now and it would be co-mingled water with the change. Mayor Elliott then questioned the length of time being 20 yrs. saying that was too long suggesting 10 years. Trustee Wooden said that he doesn't have a problem with 20 years. Mayor Elliott noted he did not find an out clause. Trustee Wooden said he would not want the rate for the current South and East sections to change since the VOP will be loosing some revenue until all districts are on line. Mayor Elliott agreed this was a good idea adding that Attorney Nesbitt should see and offer comments.

Trustee Wooden noted that he would also ask Sniedze Assoc. to engineer the feasibility of the treated water going to Manchester during the contract for the pump study. Trustee Wooden noted that the VOP needs to know how many hook ups and how much water is being requested.

PROPOSED INCREASE IN MEMBERSHIP TO WATERSHED: S. Stauffer reported that the VB needed to vote on the proposition made by the to amend the regulations of Canandaigua Lake Watershed authorizing the municipalities which border Canandaigua Lake and are not users of the lake water to be members of the Watershed commission. Article 1 and 2 of the proposition could weaken the control of public waters and quantities by the users by allowing non using municipalities and possibly in the future non-municipalities or outside organizations to determine the use of the lake water. Mayor Elliott noted the quorum requirements are those who are in attendance, but the majority vote should still lie with the users. Now the State law only allows the five (5)

municipalities to be voting members of the comm. No one else was allowed in as a member of the comm. after this law was passed. S. Stauffer noted that while other municipalities are not perveyors they may be members of the comm. if the watershed wants, the perveyors do maintain the liability. Trustee Wooden noted his original concern not to charge the non users to be in the comm.

A motion was made by Trustee Wooden to accept the Canandaigua Lake Watershed's proposal on purveyors, amending the regulations to allow non-users of lake water as member of the Watershed Commission, seconded by Mayor Elliott, vote, Mayor Elliott - Nay, Trustee Drews - Nay, Trustee Guest - Nay, Trustee Wooden - Nay, and Trustee Celentano - Nay. DEFEATED UNANIMOUSLY.

MRB - Villager Const. will finish this week on the waterline on E. Foster/Howell St. instead of August. The VB noted no problem with this.

MEETING CHANGE: Mayor Elliott made a motion that the meeting of 7-3-95 be cancelled and the next regular board meeting would be on 7-17-95, and that the Treasurer be authorized to complete vouchers for the VB to sign by 7-6-95, seconded by Trustee Wooden, vote, 5 ayes, CARRIED.

PARKING ON W. MAIN ST. BETWEEN CURB AND SIDEWALK: Mayor Elliott noted that he has received two (2) complaints from residents about parking between the sidewalk and curb on West Main St. Eye sore and people cannot see to get out of their driveways. There is an ordinance about that but the VB had it on hold. Mayor Elliott suggests that the VB members look as they travel throughout the Village. Discuss and decide to enforce or not and depending on the decision--publisize to inform the citizens.

SPRING ST. VACANT VILLAGE LOT: The contract has expired with the current realtor, Nothnagel. Mayor Elliott asked the VB if it wanted to renew the contract and lower the selling price? Mayor Elliott noted that Habitat for Humanity requested a gift of the property. Trustee Wooden suggested that Habitat be contacted and an inquiry made about their wishes before the Village lists again. To be discussed at the next meeting.

FLEX PLAN: Pat Domeratz explained the operating procedures of a flex plan. Mayor Elliott recommended that BC/BS be the administrator of the plan and a written plan be in place ASAP with it being available to non union members. Mayor Elliott moved to hire BC/BS to administer the Flex Plan, seconded by Trustee Guest, vote, 5 ayes, CARRIED.

NOTICE OF CLAIM: Mayor Elliott read the NOTICE OF CLAIM from Keith Nesbitt due to his alledged injury on a grate at Canandaigua and Church St.

GRADING: Mayor Elliott reported that the VOP Highway was doing sidewalks and grading and that C&P was reseeding Washington and Main St. area after construction.

DRAINAGE: Trustee Wooden reported that he, Bob Raeman, and Villager construction were going to be meeting. Trustee Wooden noted that a priority on the drainage project and that Roger Weaver and Jerry Kachel would work together to complete their work.

FIREMEN APPLICATIONS: Trustee Drews moved to approve the applications of Mark R. Panek and Mark E. Forman for firemen pending a positive physical examination by the Village Physician, seconded by Mayor Elliott, vote, 5 ayes, CARRIED.

GEORGE LEWIS - FD AMBULANCE: Trustee Drews reported that the Fire Dept. sent a letter to G. Lewis stating that an error was made in his training records. George Lewis said this was acceptable to him.

181

OLD FASHIONED DAY IN THE PARK: Trustee Drews reported that on Sunday, July 16, 1995, there will be music in the Main Street Park from the Dixie Steamers and with luck Aaron Austin. The Steamers will play from 2-4. Advertising will be done by the Village and a portable root beer float stand will be in the park.

RESIGNATION OF KEN MASKER: Trustee Guest moved to regretfully accept the resignation of Mr. Ken Masker from the Planning Board per his letter of June 4, 1995, seconded by Trustee Celentano, vote, 5 ayes, **CARRIED.**

APPT. OF STEPHEN G. HAYS: Trustee Guest moved to appoint Stephen G. Hays to the vacant position of Alternate on the ZBA per his letter of intent dated June 19, 1995, seconded by Trustee Drews, vote, 5 ayes, **CARRIED.**

GARLOCK OFFICE BLDG. ON CHURCH ST.: A letter was received from J. Denniston of Denniston/Welker concerning the zoning of the Garlock Office Bldg. Mayor Elliott noted that due to the non-use of the bldg. for over one (1) year, the allowed use has been removed and is not acceptable in an R1 district without a variance. If this parcel is more than one (1) deed there maybe a change in the zoning. Trustee Guest moved to submit the request for a variance on the Garlock Office Bldg. to the Planning Board at the August Meeting, Trustee Celentano seconded, vote, 5 ayes, **CARRIED.**

CANAL CORRIDOR: Mayor Elliott and Trustee Wooden are planning to get together and discuss the progress and a letter from Steve Cleason, Sear/Brown, to go to the State who has asked for a response concerning the proposed plan and received non to date.

CITIZEN CARL PARKER: 100 Division St. was noted as being in the center on the remodeling proposal for Canal Corridor and Master Plan. Neither plan reflects something being done with Mr. Parker's house. Mr. Parker had a buyer who declined after reading the newspaper article on the proposed plans for improvement and construction. Mayor Elliott stated he knows of someone that may be looking for a house of Mr. Parker's size and will have this person contact Mr. Parker directly. Trustee Wooden also mentioned he would speak to Mr. Parker later.

Elaine Hartnagel noted she had requested another time to speak to exec. sess. since her son in law and daughter were unable to attend. A reschedule was requested from Elaine Hartnagel and Mayor Elliott said the VB would discuss a in exec. session.

EXECUTIVE SESSION: Mayor Elliott moved exec. sess. at 9:00 p.m. for matters of employee with regards to comp. time, litigation, and union contract with persons that the VB requests present, seconded by Trustee Celentano, vote, 5 ayes, **CARRIED.**

P. Domaratz and Chief Dalton were in exec. sess. from 9:15 p.m. to 9:33 p.m.

Nelson Cook in exec. sess. at 9:50 p.m. and left at 10:40 p.m.

Motion out of exec. session at 11:50 p.m. by Trustee Wooden and seconded by Mayor Elliott, vote, 5 ayes, **CARRIED.**

ADJUSTMENT OF WATER BILLS: A motion made to adjust the next water bills for the residents watering their newly planted lawns in the drainage project area by Mayor Elliott and seconded by Trustee Celentano, vote, 5 ayes, **CARRIED.**

ADJOURNMENT: Trustee Celentano moved to adjourn the meeting at 11:58 p.m., seconded by Trustee Guest, vote, 5 ayes, **CARRIED.**

Respectfully submitted,

Bonnie J. Hays, Village Clerk