

Min., 6/18/90--7

Employee

Vacations:

Trustee Wooden asked the VB about employee vacations & how determination being mde. - Mayor sd. that Treas. and himself began before Mayors' Conf. - unfinished/will accomplish soon. Trustee Lynch asked if any progress mde. by committee to resolve the VOP's parking problems. Mayor answered "No." Mrs. E. Hartnagel suggested appointing a new committee.

Trustee Wooden read frm. Union Contract, Pg. 9 re employees' choices - under impression that either/or - if No. 1, pd. for 4 hrs. + 8 hrs.? If No. 2, pd. for straight time? Trustee Pope clarified - if work on holiday, pd. for what worked; Pd. for 8 hrs./get 4 hrs. at another time. VB discussed @ length.

Comm.Ctr.

(W.Foster):

Trustee Pope sd. that the VB shld. acknowledge ltr. rec'd on 6/18/90 frm. M/M Mark Bartholomew, W. Foster St., re complaints surrounding Comm. Ctr. Mayor sd. VOP shld. write ltr. and send copy of ZBA decision, however, they were informed of the outcome following ZBA hearing.

Adjourn-

ment:

At 10:05 p.m. Trustee Pope moved adjournment; Trustee Gilmore seconded. Voting was unanimous.

Ethel B. Johnson, Clerk

BOARD OF TRUSTEES

Special Meeting

6/26/90

10:00 a.m.

Present:

James G. Elliott, Mayor; Trustees Daniel S. Pope III, Thomas N. Lynch & C. D. Gilmore (arrived during Exec. Sess.); Village Atty., John B. Nesbitt, Esq.; Police Chief D. Dalton; Police Officer Eric Fuehrer & Mr. S. Smith, Union Pres.

Call to

Order:

Mayor Elliott called the meeting to order @ 10:05 a.m., stating that the purpose of the meeting was a "Personnel" matter; sd. mtg. was properly posted and notification mde. to the VOP official newspaper, The Courier-Journal.

Exec.

Sess.:

Mayor Elliott moved that the VB exercise Exec. Sess. @ 10:06 a.m.; Trustee Pope seconded. Voting "aye" were Mayor Elliott & Trustees Pope & Lynch. Carried.

Reconvene:

At 11:00 a.m. Trustee Pope moved that the VB emerge frm. Exec. Sess.; Trustee Lynch seconded. Voting "aye" were Trustees Pope, Lynch & Gilmore & Mayor Elliott. Carried.

Curbing

W.Foster:

The VB discussed curb installation/south side of W. Foster St. and confirmed the bid award mde. during 6/18/90 VB reg. mtg. to sole bidder, **HYNES Concrete Contractor, Inc.**, P.O. Box 240, Fairport, N.Y. 14450 - 2,200 LF/Concrete Curbing @ \$14.65LF (bid opening occurred @ 4:00 p.m., 6/4/90).

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Audit: Mayor Elliott spoke of a required audit when utilizing HUD funds; quotes rec'd frm. Mr. Raymond F. Wager, CPA, P.C., 332 Jefferson Rd., Rochester, N.Y. 14623 for VOP fiscal year ending 5/31/88 in the amt. of \$5000. - \$6000. - and Mr. Harvey M. Nusbaum, CPA, 370 Reynolds Arcade Bldg., Rochester, N.Y. 14614 for 6/1/87 - 5/31/88 in the amt. of \$3,600.

Short discussion - Mayor Elliott, then, moved that the VOP accept the quote frm. Mr. Harvey M. Nusbaum, CPA, to provide audit service as specified in his quote dated 6/22/90 in the amt. of \$3,600.; Trustee Pope seconded. Voting "aye" were Mayor Elliott & Trustees Pope, Gilmore & Lynch. Carried.

Adjournment:

Mayor Elliott moved adjournment @ 11:10 a.m.; Trustee Gilmore seconded. Voting was unanimous/carried.

Ethel B. Johnson, Clerk

BOARD OF TRUSTEES

Regular Meeting

7/2/90

7:00 p.m.

Present: James G. Elliott, Mayor; Trustees C. D. Gilmore, Daniel S. Pope III & Thomas N. Lynch; Village Atty., John B. Nesbitt. Absent: Trustee Daniel E. Wooden.

Call to Order:

At 7:05 p.m. Mayor Elliott called the meeting to order, following which he extended the VB's sympathy to Mr. Elmer Kniest, former Court Attendant, whose wife passed away recently; the Mayor requested a moment of silence.

Park Hill:

Mr. R. Setzer, Mgr., Park Hill Apts./Johnson St., did not appear to approach the VB re mowing grass alongside the road.

Citizen Haiz:

Citizen Annie Mae Haiz of E. Main St. approached the VB about disturbances (noise-making, foul language, etc.) on E. Main St. during the "wee" hours of the morning - and could not something/anything be done about it. Several were running through the hallways where she lives over a Main St. business. Also, she stated that her husband has a terminal disease and very disturbing to him. She was asked if she had called the Police and notified the landlord; she stated that she had - Police just asked them to quiet down and left. Mrs. E. Hartnagel related some of her experiences and those she had heard about. Some Bd. members stated they had been approached by businessmen about the very problems as related above.

Mr. R. Lape spoke of speeders on the street where he lives - E. Foster St. Ext. Trustee Pope sd. there were disturbances in his neighborhood prior night.

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Mayor Elliott stated that he wld. consult with the Police Chief and ask for additional routine foot patrols. A curfew was discussed briefly/it was stated that a curfew was believed to have been in existence several yrs. ago. Mayor sd. it seem that disorderly conduct charges cld. be brt. against offenders. Trustee Lynch asked about youths frm. out of town and Mayor sd. Policemen cld. ask them to leave the VOP.

Skate-boarding:

Mrs. Kathy Heary, owner of "Kathy's Antiques" on E. Main St. approached the VB re problems @ her place of business with skateboarders. A hazard, she sd., to customers, passersby - and to themselves! Vacant lot nxt. door has a curb and skateboarders utilize it she sd. Mrs. Heary sd. she had spoken wth. Mayor - called the Police several times; also, she contacted her insurance co. and told if youths hurt cld. come under "deep pockets liability" in which case parents wld. pursue her. She sd. if need be she wld. take her business out of the VOP.

Discussion on bicycles on sidewlks. as well as skateboards. Trustee Gilmore asked if a line out to the first sidewlk. block in front of stores/could not operate inside line - wld. take enforcement, he sd. He did not want to see the boards/bikes prohibited entirely. Mrs. Heary sd. there's no control wth. boards - no brakes. Mr. Gilmore did not want to see them 'kicked' into streets/elsewhere - where wld. they go? It was reiterated that VOP cannot allow in bk. of Park - insurance prohibits. Further discussion - all agreed a problem. Trustee Pope sd. not up to VOP to provide playgrnd. for youths - tired of making the Village a 'public playgrnd.' Mayor sd. there are other places including school where skatebds. cld. be operated.

Mayor spke. of pedestrian/property owners' safety - then moved that the VOP authorize the Vill. Atty. to draw up a proposed ordinance to ban skatebds. on Main St. frm. Canandaigua to Clinton and the block of Cuyler between Main & Jackson - William frm. Main to Canal & Market St. frm. Main to Canal. Portion of Fayette St. shld. be included, also. Trustee Lynch sd. he cld. not go along wth. banning bicycles - banned under State law, per the Mayor. Trustee Gilmore felt he cld. not support such an ordinance. Penalties discussed - take skatebds. away for ten (10) days???? Trustee Lynch suggested taking home/calling parents. It was stated that some parents don't seem to care.....second offense & after a \$25. fine. No definite determination re penalties. Atty. Nesbitt suggested leaving to Judge - Trustee Pope agreed...."maximum - not to exceed" (\$100. or whatever).....Mayor added to his motion that "appropriate fine" be imposed.....check wth. other villages who have adopted ordinance re skateboarding....will be established @ public hearing. Appropriate signs to be posted in areas of "No Skateboarding Allowed"..... Trustee Pope seconded the Mayor's motion. Trustee Lynch stated that he wld. not vote for confiscation of boards. Voting "aye" were Mayor Elliott & Trustees Lynch & Pope; Trustee Gilmore voted "nay." Carried by majority.

CEO J. Roney:

Mr. Roney was available for VB assistance re house construction on W. Foster/Stafford Sts. - he spoke of

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lot owned by the Lehman's and proposal to divide into two (2) bldg. lots. Stream cuts down to the lot as shown on maps provided to the VB; Atty. Nesbitt & Mr. Roney felt it did not fit definition of a "sub-division" since no new street involved. Some problems have arisen wth. stream - may have been to the VOP's advantage to have easement to go on the property to do some work. His question to the VB was did they want to seek easement on the stream as it divides the two (2) particular lots; Mr. Roney's understanding that no easement exists on the stream as it passes through the Comm.Ctr. or Fairgrnds.

Trustee Lynch cited problem re creek @ Carriage Stop Rest. (Prosp. Dr.) - VOP had to have owner handle - responsibility of property owner. Atty. Nesbitt sd. that easement does not permanently obligate one to exercise one's rights of an easement....gives one a 'right'. Trustee Gilmore spke. of opinion rendered by prior Vill. Atty. re 'creeks.' Wld. benefit the VOP in an emergency, per Mayor Elliott. Atty. Nesbitt sd. easement does not increase or diminish any owner's responsibility to take care of drainage, etc. Time-frame asked by Mr. Lynch. Trustee Pope asked how 'split' met wth. minimum lot requirements - it does, per Atty. Nesbitt & CEO Roney. VOP/Code lot requirement (wth. water/sewer) is 9,600 sq. ft. (.22 acres) - 2.22 minimum requirement in R-1 District, per Mr. Roney. Cost asked by Mr. Lynch - informed a small filing fee. Trustee Lynch then moved that easement be 15' ea. side frm. center of creek - 30' wide easement. Must have some erosion control on sides of bank, per CEO. Mayor seconded providing easement wld. be 12'. Voting "aye" were Trustees Lynch, Pope & Gilmore & Mayor Elliott. Carried.

**Public
Assembly:**

CEO Roney spke. of having begun a program in March of areas of public assembly (required by State Bldg. & Fire Prevention Code) - Presby. Church was first and person in charge sd. that the Session ruled that since their ins. co. did not require, they did not recognize such inspection. Called Albany, he sd. re compliance (lighted exit signs, emergency lighting, etc.) - and informed to cite for violation/same as wth. any property owner. Some other churches have cooperated, he sd. Mr. Roney gave specifics where Church in violation & asked for assistance frm. Vill. Atty. if necessary - J. Nesbitt was requested to write letter of explanation (Mr. Roney to provide him wth. a copy of the report) - it was pointed out that the Church/ officials may not be aware that law is a State mandated one.

Trustee Lynch inquired of Mr. Roney if anything cld. be done about resident on William St. who has two trailers on sd. street - and about which many complaints rec'd. Chief Dalton suggested that cld. only be prevented if ordinance adopted that the VOP does not allow any trailers parked on any VOP streets unless attached to a registered vehicle. Time limit suggested by Trustee Gilmore, say, 48 hrs. on same street/24 hrs. suggested also. Vehicles cld. be moved ft. or two and be legal, per Mayor. Motor homes not allowed in Fairport, per Chief Dalton - must park outside. Chief cautioned about "selective enforcement." Mr. J. Roney spke. of 48 hrs. only in any 168 hr. period/can't move one day, bring back the nxt. - only one commercial vehicle may be parked on one street for more than 48-hr. in any consecutive

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168-hr. period a possibility. Further discussion on the perplexing situation. It was pointed out that garbage allowed to collect for too long a time.

**Trustee
Lynch:**

Mr. Lynch questioned if the VOP cld. use "Water" money to perform street-work on a five-yr. plan & informed the VOP cld. not, however, if water lines need replacing/repared the "Water" fund cld. be used to repair streets, sidewlks., etc. in the process. A possibility, per VOP Accountant. Mayor Elliott cited the "Vienna Street Project" as an example...paying off a bond issue because the VOP can only use portion attributable to the water line project/pd. out of water funds. Vienna St. cld. use chip-sealing now, per Mr. Gilmore - other streets in bad shape/waiting for Canal St. until bridge completed. Mr. McMasters sd. VOP cld. cut water bills/raise taxes - two million + in water fund. Mayor sd. if large projects surface re water, wld. deplete water fund. Further VB discussion/bond issues vs. borrowing - VOP may borrow money from itself - innerfund transfers possible in sme. cases. Mayor Elliott spke. of multiple year projections for streets which he requested ever since his terms on VB. No action taken in the foregoing regard.

**Exec.
Sess.:**

At 8:20 p.m. Mayor Elliott moved that the VB exercise Exec. Sess. for matters of "Personnel" - sd. session to include the four (4) VB members present; the Vill. Atty.; Pol. Chf., D. Dalton & Mr. S. Smith, Union Pres. Trustee Pope seconded. Voting "aye" were Mayor Elliott & Trustees Pope, Gilmore & Lynch. Carried.

Reconvene:

At 8:40 p.m. the VB emerged frm. Exec. Sess. as moved by Trustee Gilmore; seconded by the Mayor. Voting was unanimous/carried.

**P.D.
Clerk(s):**

Mayor Elliott moved that the VOP accept the resignation of Ms. Cynthia Countryman as P-T P.D. Clerk, effective @ Noon on 6/29/90; Trustee Pope seconded - voting was unanimous/carried. Mayor Elliott then moved that the VOP hire Mrs. Cheri Freeland as P-T P.D. Clerk @ the rate of \$5.50 p.h. to serve during the absence (maternity leave) of Mrs. S. Clemmons. Trustee Pope seconded. Voting was unanimous/carried.

**Police
Rpt.:**

Chief Dalton reported that the Sheriff's Dept./Pal-Mac's Dr. Tobin had approached him to become involved in the school re "Drug Education Program (DERE)." Will involve sending a Police Officer for training for two (2) wks. for 17 wks. - wld. be working in Pal-Mac Middle Schl. & in Macedon schools, also wrking. wth. Kindergarten through 3rd Grade. Chief Dalton elaborated on the program. VB discussion - schools have money to spend, per Trustee Lynch. Also money available through Cty. out of Wash., per Chief. Mayor spke. of one session he had attended. Chief sd. he had been reading to grade school students; Trustee Lynch asked him/others to stop occasionally @ the Comm. Ctr. Chief suggested having Sgt. Potter come to the VOP & give demonstration. VB was receptive to the idea. Trustee Gilmore, re sending officer(s) for training wld. balance out to two (2) mos. when the VOP wld. be without an Officer - 16% of one yr. - long time, he sd.

The Chief sd. a school crossing guard wld. be needed for Bible School @ the Presby. Church one (1) wk. in August....provided in the past, per Mayor.

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Chief Dalton proposed that the VOP develop a law providing handicapped parking in front of the P.O. on Cuyler St. (formerly nxt. to bldg.). East side drop boxes re-stationed, per the Chief. VB discussed possibilities. Driveway on north does not belong to the P.O., per the Mayor, therefore, cannot be placed there. In order for enforcement, VOP must pass Local Law. Area must be identified. Trustee Gilmore moved that the VB authorize Atty. Nesbitt to prepare a proposed Local Law re handicapped parking @ the P.O. which wld. entail a public hearing. Mayor Elliott seconded. Voting was unanimous/carried.

Minutes6/18/90:

The VB Mtg. Minutes of 6/18/90 were approved as written/moved by Trustee Pope; seconded by Trustee Lynch. Voting was unanimous/carried.

Spec. Mtg.6/26/90:

VB Mtg. Minutes of Spec. Mtg. held on 6/26/90 were approved as written/moved by Trustee Pope; seconded by Trustee Lynch. Voting was unanimous/carried.

July 4thPicnic:

Trustee Lynch sd. everything in place for "4th of July Picnic in the Park" except that the "Heart of NY Barbershop Chorus" had canceled their appearance.

Basket for ball @ Cemetery Park - Comm. Ctr. to give extra one for C&P Supt. to put in place.

Tour/E.Fost. St.:

Trustee Gilmore spke. of tour mde. of the drainage ditch on E. Foster by himself, Hwy. Supt., Atty. Nesbitt & Trustee Lynch. Atty. Nesbitt getting descriptions in place...tax maps discussed. The Mayor sd. the Soil & Water Conservation/Alton have topographical maps of subject area - Atty. Nesbitt sd. solution to draw line where drainage easement desired....determination must be mde. where wanted - have to physically describe on written document; if it ran along property lines wld. be easier. If VOP utilized services of Engineer Paul Russell (who did wk. on Salzburg), might give VOP a break. Trustee Gilmore asked if wld. not "Mr. Smith" of NYS Dept. of Agriculture/Conservation provide sme.? A local surveyor, Mr. Schwartz, also mentioned.

Discussion on VOP contract wth. Hynes Concrete re curbing/W. Foster St. - Atty. Nesbitt sd. contract drawn as well as new, updated "labor rates." Mr. Nesbitt spke. of posting Performance Bond. Stated in bid specs that he has to comply wth. general conditions of the "Architects' Assoc." required by State Law. Trustee Pope moved that the Mayor be authorized to sign the Contract, subject to bid bonds, etc. and filling in blanks re commencing/completion dates, subject to review by the Vill. Atty. Trustee Gilmore seconded. Voting was unanimous/carried.

Hwy. Supt.Mtg.:

Trustee Gilmore moved that the Hwy. Supt., P. Retan, be authorized to attend the NYS Assoc. of Town Supts. of Highways Mtg. @ The Nevele, Ellenville, N.Y. on 9/30/90-10/3/90 - Mrs. Retan to attend @ own expense; Trustee Gilmore suggested a \$300. advancement to the Hwy. Supt. Trustee Pope seconded. Voting was unanimous/carried.

DogWarden:

Trustee Pope, having talked wth. Councilman Andy Baran, stated that the TOP had rec'd two (2) Apps.; VOP rec'd one (1) on 7/2/90. He asked sanction by the VB to hire an "Animal Control Officer" in conjunction wth. the TOP - and that the VOP pay on

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sme. basis as the TOP (\$10. per animal) as opposed to a salary. Trustee Gilmore seconded. Trustee Gilmore sd. his understanding was that fine imposed regardless of whether or not owner picked up. Mayor added that citation wld. have to be issued in order for Dog Warden to get paid. Voting was unanimous/carried.

Treas. to inform Mr. R. Case by ltr. that he will rec. no pay, although he says he is handling complaints (lives out-of-town - no local phone).

Misc.:

Mayor Elliott reported that complaint rec'd no street lights @ Dar-Lind Lane - Mayor checked and ea. hse. has a light/lamp-post. Mr. Triou sd. they are set on timers.

Mayor wrote ltr. of acknowledgement to the Bartholomew's of W. Foster re the Comm. Ctr. activity there.

Report frm. Engineer P. Russell re Salzburg (partial Laurentian Dr. dedication), copies dist. to VB. Mayor interpreted rpt. to state that VOP cld. accept sewer line if it wld. pass inspection wth. camera. Trustee Pope how cld. sewer be accepted without remainder? Mayor sd. example...if VOP accepted 500' and first manhoe @ top, blockage...no way for VOP knowing site of blockage - in VOP's or Salzburg' portion??? If accepted part-way up hill, wld. seem that VOP wld. have to have a manhole at the end of VOP's. Atty. Nesbitt suggested sending copy to Atty. P. Rubery for his client's info. & his comments.

Plng.
Bd.:

In Trustee Wooden's absence, Trustee Lynch moved the re-appointment of Mr. John Hudak to the VOP Plng. Bd. for a period of five (5) yrs. expiring @ Noon, first April Monday of '95; Trustee Gilmore seconded. Voting was unanimous/carried.

Town/VOP
Wtr.Cont.:

Trustee Pope moved approval and authorization for the Mayor to sign the TOP/VOP Water Contract for a three-yr. period be approved & authorization for the Mayor to sign, wth. increases as follows: \$1.23 per 100 c.f. - '90 & '91; \$1.33 per 100 c.f. - '91 & '92; \$1.42 per 100 c.f. - '92 & '93 (please see Contract for further details). Trustee Gilmore seconded. Voting was unanimous/carried.

NYSEG:

A trade show/luncheon presented by NYSEG on 7/19/90 frm. 11 a.m.-3 p.m. @ Holiday Inn/Waterloo. Mayor sd. he wld. attend/Trustee Gilmore 'might' be able to attend. Clk. to respond re reservations.

MC Pure
Waters:

Trustee Gilmore moved that the VOP enter into - and the Mayor authorized to sign - a contract wth. Monroe County/Div. of Pure Waters for sludge disposal service @ a cost of \$303. per dry ton. Trustee Pope seconded. Voting was unanimous/carried.

Abstract
#3:

Trustee Pope moved that the Treasurer be authorized to pay Voucher Nos. 78-128 in the amt. of \$62,375.29 on which appear @ least three (3) VB members' initials; Trustee Gilmore seconded. Voting "aye" were Trustees Pope, Gilmore & Lynch. Mayor Elliott did not register a vote. Carried.

Mr.
Gerber:

Atty. Nesbitt sd. that he had not had any word frm. Mr. Gerber re his letter req. to the VB for re-zng.

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the area in which his apt. complex (Swiss Chalet) located.

Elec.
Inspec.:

Re electrical inspections material on CEO's desk; VB can set public hearing at any time.

TADA
Radios:

VB discussion pagers used prev. by dept. hds. - Trustee Lynch asked if they were told to use them - Mayor & Trustee Gilmore thought the pagers were ineffective. Mayor Elliott moved that the VOP authorize the purchase of TADA Radio equipment, per their quote of 5/31/90 out of budgeted Hwy. Dept. Line Items. Trustee Gilmore seconded. Voting was unanimous/carried.

Cemet. Rules
& Regs.:

Revisions to Cemetery Rules/Regs. tabled for further VB review.

Adjourn-
ment:

At 9:40 p.m. Trustee Gilmore moved adjournment; Trustee Pope seconded. Voting "aye" were Trustees Gilmore, Pope & Lynch & Mayor Elliott. Carried.

Ethel B. Johnson, Clerk

VILLAGE OF PALMYRA BOARD/TOWN OF MACEDON
July 10, 1989 - 7:30 p.m.

Present:

Palmyra - Mayor James G. Elliott, Trustees Penelope K. Frontuto, C. D. Gilmore, Daniel S. Pope III and Daniel E. Wooden and Village Atty., John B. Nesbitt.

Macedon - Supervisor Stuart Carlson, Councilmen Richard Kassel, Jr., Art Ainsworth, Richard Nunan, Steve Bumpus and Town Atty., Samuel Bonafede.

Review of
Prior VB
Action:

Mayor Elliott reviewed past action by the Village Board of Palmyra - 2/21/89, "That the Village of Palmyra indicate to the Town of Macedon that the Village of Palmyra would entertain a proposal to hook in a district that would encompass the land owned by Robert Nolan for a Sewer District and/or Water District to be served by the Palmyra mains." The foregoing motion was passed unanimously.

During the Board's 5/15/89 meeting a motion - "That the Village of Palmyra request Robert Nolan to seek annexation into the Village of Palmyra" - was defeated (3-2 vote).

The VB, during a meeting on 6/12/89 (recessed frm. 6/5/89) voted unanimously (Trustee Frontuto was absent) "That the VOP Village Bd. not entertain any requests for sewer service except to residents of properties in the VOP."

During the Board's 6/29/89 meeting the following motion was passed by Board majority (3-2 vote): "That the Village of Palmyra would consider a proposal from the Town of Macedon whereby the Village of Palmyra would extend sewers for the Robert Nolan property only, without requiring annexation to the Village of Palmyra."