

Judges: The Mayor acknowledged a communication from Rochester's Seventh Judicial Dist. (rec'd annually) re the VOP's participation in "Temporary Assignment of Judges." Mayor Elliott explained the VOP had sanctioned in past few years and that Judge John Baynes had indicated his desire to participate. Trustee Gilmore so moved; Trustee Wooden seconded. Voting "aye" were Trustees Gilmore, Wooden & Lynch & Mayor Elliott. Carried.

Fed.Exp.  
Drp.Bx.:

The VB, having discussed placement of a drop-box (during a prior mtg. following a request from Federal Express - and having suggested alternate stations) - Trustee Gilmore moved that Mayor Elliott be authorized to sign an Agreement, pending the Vill. Atty.'s review, with Fed. Exp. for a drop-box on the 'grassy knoll' between the South parking lot and Cuyler St. Trustee Wooden seconded. Voting "aye" were Trustees Gilmore, Wooden & Lynch & Mayor Elliott. Carried.

Abstract  
#13:

Trustee Lynch moved that the Treas. be authorized to pay **Voucher Nos. 613-658** in the amount of **\$20,834.70** on which appear the initials of at least three (3) VB members; Mayor Elliott seconded. Voting "aye" were Trustees Lynch, Wooden & Gilmore & Mayor Elliott. Carried.

Misc.:

Mayor Elliott, in reviewing the 'Old Business' on the Agenda, stated that he had nothing to report re Cable T.V.; no report on status of handicapped ramp for Vill. Hall; annexation of Rolfe/Bear Hill in hands of Atty.; requested Clerk to remove Mr. N. Gerber's request re Swiss Chalet from Agenda; regarding VOP Comp/Overtime policy, Mayor Elliott sd. that some additions had been made to the proposal and he would be submitting to Roch. on Thurs.

Waiver/  
Reportr.:

Trustee Lynch moved that the VB allow a Times reporter to ride in the Police car; Mayor requested an amendment, i.e. pending scheduling with the Police Chief. Trustee Lynch accepted amendment; Trustee Gilmore seconded. Voting "aye" were Trustees Lynch, Gilmore & Wooden & Mayor Elliott. Carried.

Office  
Closing:

Trustee Gilmore sd. brt. to VB's attention previously and no action taken, however, office staff requests taking Mon. a.m., 12/24/90 and 12/31/90, as floating half-holidays (office officially closes @ noon day before Christmas/New Year's). VB agreed - Mayor sd. he had distributed a Memo to that effect.

Exec.  
Sess.:

At 7:50 p.m. Mayor Elliott moved that the VB exercise Exec. Sess. for the purpose of legal and personnel matters. Trustee Lynch seconded. Voting "aye" were Mayor Elliott & Trustees Lynch, Wooden & Gilmore. Carried.

Reconvene:

At 8:05 p.m. the Mayor moved that the VB emerge from Exec. Sess.; Trustee Gilmore seconded. Voting "aye" were Mayor Elliott & Trustees Gilmore, Wooden & Lynch. Carried.

Attendances - School/Training

Approval:

Trustee Lynch posed the question of need for prior approval by the VB for employees' attendances @ seminars, schooling & other training, along with an explanation of the activity. Brief VB discussion, following which Trustee Lynch moved the foregoing;

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Trustee Gilmore seconded. Voting "aye" were Trustees Lynch, Gilmore & Wooden & Mayor Elliott. Carried.

Training  
CEO:

Trustee Wooden moved the attendance of CEO J. Roney @ a half-day workshop in Rochester on 2/21/90; sd. workshop deals wth. amendments to the NYS Energy Code. Mayor Elliott seconded. Voting "aye" were Trustees Wooden, Gilmore & Lynch & Mayor Elliott. Carried.

Adjourn-  
ment:

At 8:12 p.m. Mayor Elliott moved VB mtg. adjournment; Trustee Wooden seconded. Voting "aye" were Mayor Elliott & Trustees Wooden, Gilmore & Lynch. Carried.

Ethel B. Johnson, Clerk

**VILLAGE OF PALMYRA - BOARD OF TRUSTEES**

Regular Meeting

12/17/90

7:00 p.m.

Present:

Daniel S. Pope III, Deputy Mayor; Trustees Charles D. Gilmore, Daniel E. Wooden & Thomas N. Lynch; Vill. Atty., John B. Nesbitt. Absent: Mayor James G. Elliott.

Call to  
Order:

Deputy Mayor Pope, in the absence of Mayor Elliott, called the meeting to order @ 7:01 p.m.

P.Hrng./  
LL#3:

Deputy Mayor Pope stated that a second public mtg. had been scheduled re Local Law #3, 1990 - "Home-Based Occupation," and requested the Clerk to read the Legal Notice. Mr. Pope then opened the hearing for public comment. Copies containing changes were available for those present; Mr. Pope asked Trustee Wooden to explain changes to Law following prior public hearing on 11/5/90.

Mr. Wooden sd. that the zng. law for the Village, as written, contains a section which allows for customary home occupations (allowable occupations read frm. Code by Mr. Wooden); he sd. that the Planning Board., in an attempt to update the Code and not limit occupations, felt any home-based business cld. apply for a Special Permit - changed definition frm. "Customary Home Occupations" to "Home-Based Business." He read revised definition, etc. Applies to R-1 & R-2 Districts. Fee wld. be \$25. every two (2) yrs. - requirements added wth. which businesses wld. have to comply. Mr. Wooden elaborated upon requirements.

Mr. R. Smith asked about businesses, according to zng. laws, now legal - wld. they be 'grandfathered' or wld. they approach ZBA & pay \$25. for hrng. then additional "User's fee" of \$25. for two-yr. period. Mr. Wooden sd. all that wld. apply is if person(s) had already been granted a variance to conduct business. Mr. M. Poretta asked about his operation and Mr. Wooden sd. that he had obtained variance previously. Mr. R. VanHout asked about his operation and told by Mr. Wooden that he, too, had received variance. Other businesses that were in existence prior to any zng., citing Doyle Upholstery - wld. be a 'grandfather' situation. Mr. R. Smith spke. of having rec. Certificate of Occupation three yrs. prior - wld. he have to apply...sme. confusion as Mr. Smith thought he had obtained variance. Mr. Wooden knew of bldg. permit but unaware of his having been granted a variance. Atty. Nesbitt sd. if lawful use established prior to proposed law, does not diminish the rights one already acquired.

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Discussion on record of Mr. Smith's hearing, etc. if one held - Code Enforcement Officer J. Roney sd. copies wld. be on file. Mr. Smith sd. that Mr. J. MacGuidwin was CEO when his permit came about...sd. he was on Zoning Board of Appeals at the time and they wanted to conform to the letter of the law. Mr. Wooden sd. that the zng. officer cld. not issue a special permit - wld. have to be obtained through the ZBA. Mr. Pope sd. no way business cld. be operated in residential neighborhood without either a variance or special permit. J. Roney spke. of the absence of any statement in the current amendment to the law relative to any pre-existing businesses; Atty. Nesbitt sd. unless you cld. point to some other provision of zng. ord. under which you cld. operate, citing Christine's where Joe Barberi had his shop, living upstairs as does she. She does not have to comply...can point to 'commercial zone' in business district where allowed. Mr. Pope cited M. Poretta which is located in an R-1 District - he has a pre-existing variance for use of his property on Mill/Vienna Sts. Mr. R. Smith cited Atty. Nesbitt who has his office down/lives up...will he/they have to go through special hearing????

Trustee Wooden sd. some 'fine lines' here - people will 'try to make their own case' as in case of Mr. R. Smith - does work @ home/main office in Penfield. Mr. Pope sd. he has registered a business name @ his residence. Mr. R. Smith explained his situation wth. his insurance business. Mr. Wooden sd. wld. be up to ZBA to make judgment. Mr. Smith cited Trustee Lynch who makes calls frm./wrks. @ home, but he works out of Nothnagle - wld. he be in violation.... Mr. Wooden sd. not unless he calls it "Tom Lynch Realty"....Mr. Smith sd. same as his situation. Mr. Lynch sd. "Nothnagle" his home base but not employed by Nothnagle. Mr. Wooden sd. section to Code to undergo changes was amended in 1979. If businesses in homes other than those listed in Code, illegal according to Mr. Wooden. Mr. Lynch sd. he did not see how he cld. work @ his job without working @ home - then breaking the law??? Can't run his business otherwise - did not feel he shld. have to apply for permit....if he did apply, cld. get turned down. Does not disturb anyone, he sd. Way proposed law written no way anyone cld. be turned down...five people on ZBA to make decision. Mr. Smith disagreed saying that not everyone wld. be approved. Further discussion. Mr. Wooden reviewed conditions....detracting frm. neighborhood, etc. Mr. Smith spke. of prior mtg. when two people frm. Wash. St. - one who deals wth. antiques and another who does furniture refinishing - were present and left under the assumption that necessary only to pay \$25. fee and they wld. be approved. Not true, Mr. Smith sd. He spke. of hazardous materials involved wth. furniture refinishing - might be refused...many people will be upset....those people doing as a hobby. Mr. Wooden sd. there wld. be no guarantee. Further discussion - Mr. Lynch sd. re proposed law that every house on residential street where he lives cld. become 'commercial.' Mr. Smith pointed out that he was trying to show that the law wld. be wrong - needs more work....pays taxes - his taxes went up when he remodeled...existing structure was of no use to him. Mr. Roney sd. his taxes did not go up because he put a business in his barn but because he mde. improvements to the barn. Now he

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wld. be paying \$25. to run a business there. Mr. Wooden reiterated that a special permit wld. be needed...law saying that other businesses cld. operate. Mr. Smith sd. if his were a retail business where people came and 'bought' his product(s) he cld. comprehend. Mr. Wooden sd. he doubted very seriously if a retail business cld. be operated out of a residential neighborhood.

Mr. J. Hudak, Plng. Bd. member, explained the Bd.'s reasoning for proposal - gentleman cme. before PB to run business out of his home - ZBA cld. not grant him a 'change of usage'....in order for ZBA to change 'usage' a fine definition involving 'hardship', etc. The gentleman sd. that many people running businesses in VOP out of their homes (he was selling furniture out of his frnt. yard) - PB faced wth. situation - sme. small businesses that don't interfere wth. neighborhood...might even be unknown. PB mde. determination for them to come before ZBA and request a Special Permit - if intrusion in neighborhood minor, then permit might be granted - a case-by-case basis. Did not want neighborhood to become "anything goes"....commercial....spke. of rezoning in those instances. Approach was to attempt to regulate....Mr. Lynch sd. good idea, however, the proposed law does not say that. Mr. Hudak sd. that the proposal may not be well written, although a start....spke. of 'intent'. He spke. of 'judgment calls'.....Mr. R. Smith spke. of proposed construction in Mr. Hudak's neighborhood in past and his strong opposition. Mr. Hudak agreed - against the law, he sd. Mr. Smith spke. of interpretation (re five ZBA members). Serious matter he sd. and must 'turn every page'. Mr. Wooden sd. economic conditions being what they are....why shld. one person be able to...nxt. person not be able to. Mr. Pope sd. he cld. not afford \$300. per month for rm. in which to put his computers....why shld. he be penalized then and not be able to use @ home without paying someone for privilege of doing so....impinges on no one, he sd. Mr. P. Retan spke. of 'policing' - no one wld. want junk cars in frnt. yd. - antiques, etc. Mr. Pope referred to definition....if money mde.....no one even knows of his computers, etc. or comes to his hse., however, makes income. How wld. you define a business if you don't make income asked by Mr. Wooden....how wld. you limit....Trustee Gilmore asked how many worked out of their home and if law passed, wld. they discontinue for \$25. fee. It was pointed out that he talks VOP business on the phone - is that a business? Mrs. E. Hartnagel sd. slim chance that ZBA turns down and she couldn't operate at all (sm. cake baking/decorating business) - what then? Her operation does not affect her neighbors. Mr. Wooden sd. if neighbor who doesn't object moves away - new neighbor moves in and asks about her operation...complains...she wld. stand chance of being shut down (old law). Mr. Pope sd. substantial difference between 'customary home occupation' - operated full-time in a home where public invited to come - and a 'home-based business' where someone derives income frm. something frm. within the hse. May add insurance business to that.....Mr. Wooden sd. why definition changed. Mr. Pope spke. of hobby/sideline (as in Mrs. Hartnagel's cakes). Mr. R. Smith sd. zng. laws put into effect to protect neighborhood...and differentiated into R-1, R-2, Commercial & Hwy.

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Speaking of 'intrusion,' Mr. Roney asked Mr. Hudak if he cld. define 'intrude' in a way which he cld. enforce it and interpret sme. - didn't think so! Cld. be a problem, Mr. Hudak sd. - problems wth. existing law & referred again to a case-by-case basis. Mr. Roney mentioned that so far as he cld. determine the definition of "home-based occupation" refers solely to the residents - shld. be amended to include accessory/auxiliary bldgs. Mr. Pope spke. of only two criteria - makes use of the residence and/or aux. bldgs. & produces any income - that makes it a "home business" as law is proposed.

Deputy Mayor Pope asked for further comments and when none were forthcoming he declared the public hearing closed @ 7:50 p.m. Trustee Wooden moved adoption of LL#3, 1990; Trustee Gilmore seconded. Trustee Lynch asked if Law adopted, cld. VOP go back for changes. Atty. Nesbitt advised the Bd. that sd. Law must be forwarded to the WC Plng. Bd. for their review (their nxt. mtg. scheduled for last Wed. of Jan., '91 - the December mtg. having taken place) prior to adoption, therefore, Trustee Wooden withdrew his motion and moved that sd. Law be sent to the WC Plng. Bd. for their review & recommendations. Trustee Gilmore seconded. Voting "aye" were Deputy Mayor Pope and Trustees Gilmore, Wooden & Lynch. Carried.

Minutes  
11/19/90:

The lengthy 11/19/90 Bd. Mtg. Minutes had not been reviewed in their entirety by the VB, therefore, Trustee Gilmore moved tabling same; Trustee Lynch seconded. Voting "aye" was unanimous by the Bd. & carried.

Minutes  
12/3/90:

Trustee Gilmore moved acceptance of the 12/3/90 Bd. Minutes; Trustee Lynch seconded (Clerk to write "Town of Macedon" instead of abbreviation, "TOM"). Voting "aye" were Trustees Gilmore, Wooden & Lynch. Deputy Mayor Pope abstained due to his absence frm. sd. mtg. Carried by majority.

F.D. Appli-  
cations:

Trustee Gilmore moved that Fire Department membership application - Ambulance only - for Mrs. Rose S. be approved pending successful completion of a physical examination by the Village physician; Trustee Wooden seconded. Voting "aye" were Trustees Gilmore, Wooden & Lynch & Deputy Mayor Pope. Carried. Additional membership application to be reviewed in Executive Session.

DeWitt Clin-  
ton Award:

Trustee Gilmore spke. of the prestigious Palmyra Masons' **DeWitt Clinton Award** recently bestowed upon Vincent and Jean Craft of Spring St. - and read the citation - for their efforts in the operation of the Fire Department Oxygen Squad - and how dëserting the Crafts were. The Bd. agreed and Trustee Pope seconded Trustee Gilmore's motion to officially recognize sd. Award to the Crafts. Voting was unanimously in favor/carried. Trustee Gilmore, who cld. not attend the Awards' ceremony, thanked Water & Wastewater Supt., Mr. H. Kruger, for attending in his absence.

WC Water  
Authority:

Having postponed action (during 12/3/90 Bd. mtg.) on the proposed resolution authorizing the Wayne County Water Authority to participate in future planning for water supply/transmission, Trustee Wooden moved

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that the Board adopt sd. resolution and that the Mayor be authorized to sign sd. document; Deputy Mayor Pope seconded. Atty. Nesbitt said resolution more expression of support rather than a binding legal obligation. Voting was unanimously in favor/carried. Resolution attached hereto.

Agmmt./Ont.Cty. & Watershed Comm.:

The "Agreement for Services between Ontario County Soil & Water Conservation District and members of the Canandaigua Watershed Commission" received no action by the Board.

VOP/TOP Wtr. Cont.:

Trustee Wooden stated that the water contract between the Village/Town of Palmyra lapsed in 2/90; wld. distribute copies of draft to VB - major change, Village no longer supplying water to the North Water Dist. (they're buying water frm. Town of Macedon). Town Councilman D. Lyons requested a 20-yr. contract rather than a 3-yr. contract, he sd. Wth. changes and potential changes re "water," Mr. Pope expressed his surprise that the Town of Palmyra would want to enter 20-yr. Contract. Trustee Wooden sd., for North Water District only, he proposed that the Village of Palmyra charge the Town of Macedon for meters in existence - instead of charging quarterly for meters, one paymnt. per yr. until pd. off. If they choose to hire Village employees to read meters, Village wld. do so - on an annual basis; Village would charge them to replace/install meters. Appropriate since no revenue forthcoming from North Water District. Water rate itself another matter - @ present time Village charging them in excess of one and one-half times what Village's retail rate is - Mr. Wooden felt might be an excessive amt.; Town of Macedon to charge Town of Palmyra 75% of retail rate. Mr. Pope spke. of 'old' practice of charging commercial/industrial properties far higher assessment levels than charged residential properties...same process...one particular group subsidizing other group - many court challenges in recent yrs. He sd. he did not understand why different rates charged for water...if Village decreases rate Town of Palmyra asked to pay, wld. increase for Village residents...he spke. of inequity. Mrs. E. Hartnagel sd. why she lives in Village - convenience of water & sewer....pays Village, Town & County taxes. Discussion - cost when lines run, etc. Mention mde. of water contract wth. Garlock Inc. and their request to be notified of any contract changes wth. other municipalities, etc. Clerk to research.

Animal Control:

Deputy Mayor Pope stated that agreement wth. Town of Palmyra re reimbursement for Animal Control Officer had not been resolved - he presently only receives mileage.

Vill. Hall Roof:

Mr. Pope said that contractor inspected Village Hall roof (northeast side) recommended that nothing be done during Winter; recommended placing heavy plastic below roof level to catch water frm. any melting snow. Contractor believes leakage coming frm. "hip". Highway to lay plastic. Mr. P. Retan sd. problem wld. recurr until pigeons gone. Contractor spke. of shingles blowing off west side - poor job, not leveled...Trustee Gilmore said it was done as an emergency measure & P. Retan sd. done @ wrong time of year....tar oxidized. Wayne Roofing

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did give recommendation as to how roof should be repaired. Bd. agreed wld. be costly - include in budget preparation.

C&P:

Trustee Lynch spoke. of asking Cemetery & Parks' Superintendent to order marker for "1976 Bicentennial Time Capsule" for small cost (approximately \$19.). He stated that plan afoot to start nursery on south end of Cemetery - in ten yrs. Village could realize savings. Discussion on cost of Christmas trees used for decorating. Mr. Lynch said that Rotary Club to buy trees (approximately 65) - divide between Village & Macedon - free! Village to pick up in Canandaigua - ceremony to be held when Village gifted wth. trees.

F. Talomie to Visit:

Trustee Wooden moved Bd. approval of Assemblyman Frank Talomie's "Listen-In" session frm. 1:30-2:00 p.m. on 12/27/90 in the Trustees' Rm.; Trustee Gilmore seconded. Voting "aye" were Trustees Wooden, Gilmore & Lynch & Deputy Mayor Pope. Carried.

Games of Chance:

Trustee Gilmore moved that the Board approve the Application frm. the American Legion to conduct "Games of Chance" and that the Clerk issue a license for one-yr. Trustee Lynch seconded. Voting "aye" were Trustees Gilmore, Lynch & Wooden & Deputy Mayor Pope. Carried.

Bingo License:

Trustee Gilmore moved that the Board approve the Application frm. St. Anne's Church to conduct Bingo games for one-yr. and that the Clerk issue a license for sd. period. Trustee Lynch seconded. Voting "aye" were Trustees Gilmore, Lynch & Wooden & Deputy Mayor Pope. Carried.

WC Atlas:

The large WC Atlas in the Villages's possession discussed briefly by the VB and it was felt that the Atlas might received more exposure in the Palmyra Library. Deputy Mayor Pope then moved that said Atlas be declared surplus and donated to the King's Daughters' Library; Trustee Gilmore seconded, however, the Clerk was requested to check records to see if the Atlas had been microfilmed. Atty. Nesbitt sd. wld. be an "in-kind" contribution. Voting "aye" were Deputy Mayor Pope & Trustees Gilmore, Wooden & Lynch. Carried.

Flood Ordinance:

The Board discussed possibility of new Local Law regarding "Flood Ordinance" due to new regulations as notified by Mr. R. Ryczek of Elmira. The resolution presented by Department of Environmental Conservation rec'd no action by the Board.

NYCOM Leg. Mtg.:

Deputy Mayor Pope moved authorization for any Board member who desired to attend New York Conference of Mayors' Winter Legislative Mtg. frm. 2/24-26/90 to be held @ the Albany Hilton Hotel. Trustee Gilmore seconded. Voting "aye" were Deputy Mayor Pope & Trustees Gilmore, Wooden & Lynch. Carried.

Abstract #14:

Deputy Mayor Pope moved that the Treasurer be authorized to pay **Voucher Nos. 659-718** in the amount of **\$30,154.94** on which appear the initials of at least three Board members; Trustee Gilmore seconded. Voting "aye" were Deputy Mayor Pope & Trustees Gilmore, Wooden & Lynch. Carried.

Drainage

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Drainage  
Ditch:

Mr. R. VanHout was present and expressed his disappointment that no progress had been made toward a resolution re the drainage ditch on E. Foster St. Mr. VanHout spoke of seeing an attorney - being charged taxes by both municipalities. People liable for their own property...he sd. Mayor Elliott was to have talked to Mr. and Mrs. Wm. Clark and signing easement. Mr. VanHout said a simple, two-day operation, however, Mr. Pope said that the Village could not approach residents' properties without an easement. A lengthy discussion ensued with no resolution in sight. Mr. VanHout said half of the pond in Village/one-half in Town of Palmyra...he spoke of water in Cemetery and his plans to develop part of area in question. Legal action spoken of by other than Mr. VanHout and Town of Palmyra to blame in many respects. Code Enforcement Officer Jud Roney spread ownership map and Village reviewed the properties involved.

Landfill:

Trustee Wooden objected to headline in newspaper (Courier-Journal) which stated that the Village opposed the Landfill (opposed to traffic which could go through the Village); Courier-Journal Reporter, Wendy Wright, said that the Editor had written said headline. Mr. Wooden said some Macedon residents were upset....said "none of Palmyra's business"....Trustee Gilmore sd. that what neighbors do affects each other - spoke of quality of life in Palmyra. Mr. Lynch sd. he had read where Supervisor Stuart Carlson stated that Macedon would have no control over traffic...Village might. Chief Dalton spoke of imposing weight control/restriction, etc. Rt. #21 has restrictions for tractor-trailers re length, width & weight....supposed to travel #390, #490 to Express-way then down #31. Mr. Pope asked about enforcement - fines, per the Chief.

Town Tax  
Rolls:

Having been tabled from prior meeting, Deputy Mayor Pope moved that the Village adopt a standing resolution that the Village adopt Village portion of the Town of Palmyra Tax Rolls subject to adjustments for fires & demolition & new construction. Trustee Wooden seconded. Mr. Pope stated that at some point in time, the Village might decide to no longer be an assessment unit. Voting "aye" were Deputy Mayor Pope & Trustees Wooden, Gilmore & Lynch. Carried.

Treas.  
Rpts.:

Adjustments to be made in some areas - Messrs. Pope & Wooden to collaborate.

VOP Christmas Party:

Deputy Mayor Pope said that the Village/Village of Palmyra employees to have Christmas Party on 12/21/90 in Park & Club Rooms from 4-6 p.m. Village Office closed all day on 12/24 & 12/31/90 (employees taking one-half floating holiday).

Drainage:

Trustee Wooden requested that the Bd. authorize Atty. Nesbitt to draw up instructions/description what the Village can do legally against the Town of Palmyra re the drainage ditch. Trustee Lynch suggested talking to the Town Bd. Mr. VanHout sd. that Messrs. Wizeman & Councilman Lyons business partners - conflict of interest, he said and should be investigated. Bd. unaware of same. Mr. VanHout, again, asked that the "No dumping" signs be erected (torn down by persons unknown).

Citizen



Citizen  
Perri:

Mr. Joe Perri addressed the Village concerning a problem he had re demolition of old Palmyra Creamery for which Mr. Perri had a contract - he related that Mr. J. Roney signed demolition permit on 10/30/90...owner kept permit in his car - no permit posted on bldg. Mr. Perri said he was never called back by owner to complete his contract - Mr. Jud Roney was asked to respond to Mr. Perri's complaint as follows...on or about 22nd of Oct. Mr. Perri was demolishing a building for which no permit had been issued...he was asked to 'cease and desist' - which he did. On 5th of Nov. Mr. Mogavero came into office and signed document (approved by Atty. Nesbitt) re demolition of structure. Mr. Mogavero agreed demolition would be conducted in a certain manner, a copy of which was given to Mr. Perri...he had full clearance (the sooner the better)...Mr. Perri came in saying that permit had expired - matter between Mr. Mogavero & Mr. Perri (contractor) - Village not involved, told him he should get job done. Contacted Mr. Mogavero and informed him that it had to be done....boarded up - or Village might tear down and assess the cost of the property....Mr. Mogavero came in and indicated that Mr. Perri wouldn't be completing job - would work with another contractor...Mr. Mogavero informed by Mr. Roney that it made no difference to him who completed the demolition. Gave deadline of 12/14/90 for demolition to which Mr. Mogavero agreed...permit not posted, per Mr. Perri and Mr. Roney said that he didn't look for permit when he started work. A lot of confusion occurred which Clerk unable to decipher or record. Deputy Mayor Pope asked if law says permit to be posted. Mr. Roney said that law says so, but does not define a penalty if not done. Mr. Pope sd. problem between Messrs. Perri & Mogavero. Trustee Wooden said Mr. Perri had come to him at one time and said he would not be demolishing - Mr. Perri disagreed. Discussion was discontinued since problem appeared to be between Messrs. Mogavero & Perri, therefore, must be resolved by them.

Judge  
Baynes:

Judge Baynes approached the Board re arrangements for the Christmas Pty. - and what input he might make. He was asked to check wth. Central Office for details. Deputy Mayor Pope read a Memo frm. Judge Baynes in which Chief David Dalton was commended for handling a situation; not always does a problem go through the Court system.

Executive  
Session:

At 9:30 p.m. Deputy Mayor Pope moved Executive Session for matters of "Personnel" for which the Board, Atty. Nesbitt & Chief Dalton were present; Trustee Wooden seconded. Voting "aye" was unanimous/carried.

Reconvene:

At 10:20 p.m. Deputy Mayor Pope moved that the Board emerge frm. Executive Session; Trustee Lynch seconded. All "aye" votes recorded by the Clerk/carried.

P.D. Sgt.:

Trustee Lynch moved that the Village meet the salary scale for Police Department Sgt. R. Hall, the amount of which was agreed upon by the Union & Civil Service, effective 12/19/90; Deputy Mayor Pope seconded. Voting "aye" were Deputy Mayor Pope & Trustees Lynch, Wooden (reluctantly); Trustee Gilmore voted "nay." Carried by majority.

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F.D. App.: Trustee Gilmore moved that the Board accept the application of Mr. William Eddy, Burnham Heights, as a member of the Fire Department Oxygen Sqd. only, following successful completion of a physical examination by the Village physician (with special note made of a "heart condition" as mentioned in Mr. Eddy's application). Deputy Mayor Pope seconded. Voting "aye" were Trustees Gilmore, Wooden & Lynch & Deputy Mayor Pope. Carried.

H.E.O. Posit.

Hwy.: Trustee Gilmore moved that the Highway position of "Highway Equipment Operator" be posted in accordance with Wayne County Civil Service requirements; Trustee Lynch seconded. All voted "aye"/carried.

Reimb.

Request: Trustee Gilmore moved that the Board authorize payment in the amount of \$5.35 to Mrs. Karlene Freyn, Vienna St., for damage to her vehicle on 12/3/90 when the Village streets were in bad condition, according to her letter of 12/10/90. Trustee Wooden seconded. Voting "aye" was Trustee Gilmore; voting "nay" were Deputy Mayor Pope & Trustees Lynch & Wooden. Motion failed for lack of sufficient "aye" votes.

Am. Leg.

Ck./P.D.: Brief Village Board discussion re check from the American Legion for special Police Department purpose (Law Enforcement Training Network) as previously discussed.

Adjourn-

ment: At 10:25 p.m. Trustee Gilmore moved adjournment; Trustee Lynch seconded. All voted "aye"/carried.

Ethel B. Johnson, Clerk

**RESOLUTION AUTHORIZING WAYNE COUNTY WATER AUTHORITY TO PARTICIPATE IN FUTURE PLANNING FOR WATER SUPPLY AND TRANSMISSION ON BEHALF OF THE VILLAGE OF PALMYRA**

Trustee Wooden moved passage of the following resolution:

"WHEREAS, the Wayne County Water Authority was created as a vehicle to plan for the existing and future water needs of the residents of Wayne County, and;

WHEREAS, the Water Authority also is empowered to implement plans it develops with the permission of involved municipalities, and;

WHEREAS, the Water Authority has an emerging track record both in developing water projects and administering them, and;

WHEREAS, the Water Authority has drafted preliminary documents and figures which inventory present facilities and suggest future supply and transmission strategies for the purpose of developing and insuring a safe, stable and adequate water supply for the foreseeable future, and;

WHEREAS, the Village of Palmyra is in concurrence with the Water Authority's goal to provide an adequate water supply now and for the future:

**NOW, THEREFORE, BE IT RESOLVED,** that the Village of Palmyra authorizes and directs the Wayne County Water Authority to further develop and refine its

long range strategy to insure an adequate water supply for the Village of Palmyra, and;

**BE IT FURTHER RESOLVED**, that the development and refinement of this strategy may include negotiations with the Monroe County Water Authority as a potential future supply of water to Wayne County, and;

**BE IT FURTHER RESOLVED**, that Wayne County municipalities electing to enter into a partnership with the Wayne County Water Authority who are suppliers of water shall, as a condition of that partnership, be allowed to continue to supply water and shall be considered as a future water source in any strategies developed by the Wayne County Water Authority."

Trustee Pope seconded Trustee Wooden's motion for passage of the foregoing resolution; voting "aye" were Trustees Wooden, Pope, Gilmore & Lynch. Carried. Mayor James E. Elliott was absent from the meeting.

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