

VILLAGE OF PALMYRA BOARD OF TRUSTEES

Regular Mtg.

December 19, 1994

7:30 p.m.

PRESENT: Mayor James G. Elliott, Trustee Kathleen C. Drews, and Trustee Ann F. Guest. Trustee Frederick Celentano arrived at 7:45 p.m. and Trustee Daniel E. Wooden arrived at 7:40 p.m.

CALL TO ORDER: Mayor Elliott called the meeting to order at 7:35 p.m.

MINUTES: Mayor Elliott moved to approve the minutes of the 12-19-94 meeting as written, seconded by Trustee Guest, vote, 3 ayes, **CARRIED.**

ABSTRACT #14: Mayor Elliott moved to authorize the Village Treasurer to pay vouchers #778 through 823 totalling \$34,151.62 seconded by Trustee Guest, vote, 3 ayes, **CARRIED.**

WATER DUMPING PERMIT TO J. & L. FUELS: Mayor Elliott reported that a leaking fuel tank had been found by J&L Fuels and the DEC had called the VOP about issuing a permit to put the filtered water into the storm sewer or sanitary sewer. The VB was polled and one (1) negative vote was received. The VB required a permit from the DEC which was issued on Friday. The VOP was faxed a copy of this permit. The fuel has been filtered out of the water the next filter process would be for other items, which were not described.

VACATION POLICY: Mayor Elliott reported that the vacation policy was tabled from the last VB mtg. Trustee Wooden noted that there should be no policy and no payment of the vacation request pending as well as a mistake had been made to pay the prior request. Mayor Elliott said that people would rather have the vacation time off vs the money. Chief Dalton remarked that if only two requests had been given in four wks. it was not likely to be a common request. A policy should be made since the VB had stated it would make such a policy. Trustee Wooden noted that the last paragraph should be the only one included. Attorney Nesbitt had said that it was not legal said Trustee Celentano. Trustee Guest asked that if sick time is paid, why not the same for vacation time? Trustee Wooden noted that a mistake was made and that this could be made into a contract issue.

Trustee Guest moved to approve the pending request for vacation payment upon passing of the proposed vacation selling pay policy which will become effective immediately, seconded by Trustee Wooden for discussion only. Trustee Wooden requested that Trustee Guest split the motion which she denied. Trustee Celentano discussed that the payment of vacation time was illegal and the VB could not expend money illegally. It was noted that Attorney Nesbitt was in attendance when the first vacation selling motion was made and approved. Trustee Guest noted that there was no policy in effect for the first vacation selling circumstance, therefore, a policy should not be necessary for the second request. Should the pending request be denied, said Trustee Guest, then, the original request must be recinded and the money returned to the VOP.

Trustee Guest said that she would hold the motion until Attorney Nesbitt arrived later in the meeting.

CANAL CORRIDOR PROJECT: Trustee Wooden reported that S. Cleason of the Master Plan Committee will be doing a map for the project. A meeting will be set up with the Master Plan committee and Jim Coloumbe tentative dates January 7th or 14th, 1995 at 11:00 A.M. J. Coloumbe can guide the VOP with the proposals.

Trustee Wooden noted that some of the information in the MHPC letter was not available to MRB at the time of the hydraulic gradient study. Trustee Wooden and Mayor Elliott noted that the VB should meet with J. Coloumbe at the next VB workshop meeting.

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Mayor Elliott noted that Item #4 on page 2 of the letter on the Canal Corridor should be done if nothing else is attempted.

JACKSON ST. PROJECT: A letter had been received from MHPC on Jackson St. water information. Trustee Wooden reported that Jackson St. was a large project and an engineer should be selected to begin the specifications of the project. VB is inviting MHPC to the last meeting in January which is a workshop meeting.

WEST FOSTER ST. AND HYDE PARKWAY WATER PIPES: Trustee Wooden discussed the W. Foster St., Fayette St., and Hyde Parkway pipe pressures. Trustee Guest noted the potential problem with water pressure at the P-M School. Jackson St. project will address the pressure problem at the school.

SENIOR CITIZEN EXEMPTION: Mayor Elliott reported that the exemptions as noted have been adopted by the Town of Palmyra and Mayor Elliott suggested that the VOP adopt the same exemptions.

Mayor Elliott moved that a public hearing to establish LL#2, 1995, rescinding the LL#3, 1993, for senior citizen exemption be held on January 3, 1995, Tuesday, at 8:00 P.M. in the Trustee's Room, seconded by Trustee Celentano, vote, 5 ayes, CARRIED.

OPEN GOVERNMENT ARTICLE IN BULLETIN: Mayor Elliott read the open government portion of the article in the NYCOM Bulletin regarding a VB vote in Public Mtg. concerning the payment of a benefit to a Village employee. Mayor Elliott noted that the article stated that the VB had taken the proper steps.

VACATION TIME PAYMENT: Attorney Nesbitt arrived at 8:45 p.m. Attorney Nesbitt noted General Municipal Law Art. 5 Note 37 page 527, #92, 79-401 which states that the governing board to grant leave at time of separation of service. A municipality may adopt a local law or collective bargaining agreement.

Trustee Guest asked if the VB had the right to request the money back which had already been given. Answer was yes. Trustee Guest said that she would rescind the motion and wanted the employee notified that due to the Village Board not being fully aware that this practice was illegal an agreement would need to be worked out with said employee to return the vacation sale money given.

Trustee Guest moved to rescind her open motion, "to pay the proposed request for vacation time and accept the current policy", and notify the employee who was previously paid for vacation time that due to the Village Board being unaware of the legalities of the payment could not make such a payment, therefore, an agreeable payment planned would need to be worked out with the employee to repay the Village the money, seconded by Trustee Celentano, Trustee Guest called the question, vote, 4 ayes, Mayor Elliott abstain, CARRIED 4-1.

Trustee Celentano suggested that the VB discuss the possibilities of having a local law or collective bargaining agreement. Mayor Elliott specifically suggested a local law be implemented for non-union employees.

HIGHWAY REPORT: Trustee Celentano addressed the chipping questioned by Trustee Wooden as being against the Village Board policy at the corner of Hyde Parkway and W. Jackson St. Complaints had been received from residents for other chipping stated Clerk Hays and the police dept. had received a number of complaints that the visibility was unsafe due to the brush and limbs. Trustee Celentano noted that Superintendent Weaver handled the situation properly, as far as he was concerned.

Trustee Wooden also remarked about the incident of plugged pipes at Swiss Chalet noting that the VB should not be surprised if Martin submits a bill to the Village for repair work done to the

lateral line of Swiss Chalet. Trustee Wooden submits that the repair was only necessary due to damage to the line when the highway crew repair the sewer line which was located under the lateral. R. Weaver's report stated that the two employees that were on site for both the sewer repair and this lateral repair stated that at no time did the Village crew break the line, however, the line was totally broken off after the contractor for the Swiss Chalet had been digging. Trustee Wooden questioned the accuracy of R. Weaver's report stating that he (Trustee Wooden) was on site and not R. Weaver and that how could R. Weaver who was not on site know about a situation better than Trustee Wooden who was there. Trustee Celentano again stated that the report on this incident given by R. Weaver was in the words of the two Village employees who were on site at the time of both repairs.

EXECUTIVE SESSION: Mayor Elliott moved to have exec. session at 9:25 p.m. for matters of personnel with regards to an alligation with the Village Attorney, VB, Chief Dalton, Clerk Hays, Officer Alessi, and Mr. Hays present, seconded by Trustee Wooden, vote, 5 ayes, **CARRIED.**

Motion to go out of exec. session at 10:55 p.m. by Trustee Guest, seconded Mayor Elliott, vote, 5 ayes, **CARRIED.**

ADJOURNMENT: Trustee Guest moved to adjourn the meeting at 10:56 p.m. seconded by Trustee Celentano, vote, 5 ayes, **CARRIED.**

Respectfully submitted,

Bonnie J. Hays, Village Clerk