

BOARD OF TRUSTEES

Regular Meeting

1/21/91

7:00 p.m.

Present: James G. Elliott, Mayor; Trustees Charles D. Gilmore, Daniel E. Wooden, Daniel S. Pope III & Thomas N. Lynch; and Village Attorney, John B. Nesbitt.

000155

Call to Order: Mayor Elliott called the meeting to order at 7:03 p.m. following which he requested that a moment of silence be observed for the troops and the crisis in the Middle East.

Minutes 12/17/90: Trustee Lynch moved that the Minutes of the 12/17/90 Board Meeting be accepted as written; Mayor Elliott seconded. Voting "aye" were Trustees Lynch, Wooden & Mayor Elliott. Carried (Trustees Pope and Gilmore arrived at approximately 7:10 p.m.).

Minutes 1/7/91: Mayor Elliott moved that action on the Bd. Minutes of 1/7/91 be tabled; Trustee Lynch seconded. Voting "aye" were Mayor Elliott and Trustees Lynch and Wooden. Carried.

Citizens R. LaRose and Mark Crane: Messrs. R. LaRose and M. Crane approached the Bd. concerning plans for Canaltown Days, 1991, (for which a letter was written accompanied by a drawn sketch, i.e. blocking off Cuyler St., setting up a tent and selling beer, pizza and pop in conjunction with a proposed "street dance"). Mr. LaRose said that he had made contact with Marine Midland Bank re arrangements after the bank closed at 6:00 p.m. on Friday, preceding Canaltown Days - bank would work with them...."awaiting word from meeting here." Mr. LaRose said emergency vehicles would have access on either side of proposed tent. Bd. discussed route traffic would flow and asked about insurance...how tent would be staked out. Should be marked re gas & electric and informed that same had been done. They were asked about parking in back of stores on south side and told that area was for parking for his tenants. Mr. Lynch asked about the Legion and Atty. Nesbitt who are located in the area. Proposed tent would be open Friday night - removed Sunday. Mr. Crane said tent unnecessary - wanted "to contain it" - also, he spoke of 'usual' weather (rain) during Canaltown Days. Trustee Pope said he objected to blocking street in terms of fire protection.

Mayor Elliott spoke of places in close proximity where libations could be obtained. Trustee Wooden said plan he had heard for Canaltown Days was to block off Main St. on Friday night for dance. Trustee Gilmore said purely speculative - refer to Fire Chief and Fire Dept. Commissioners for recommendations. Mayor said that Bd. would not be deciding factor - need official 'blessing' of CTDays Committee. Mr. Wooden stated that M/M T. Overmeier in charge - he and Mrs. Wooden had been approached to chair Friday night dance. Chief D. Dalton related potential problems with traffic control for the event due to budget controversy between Sheriff R. Piscioti and WC Bd. of Supervisors. Must man detour route. Discussion discontinued - refer to Fire Commissioners and await clearance from WC. Trustee Lynch to contact CTDays Chairman, J. Kelley. He said that historically, Flea Market which runs Sat./Sun. (M/M Lynch in charge) in Marine Midland parking lot could not be set up Friday night. Mayor thanked Messrs. LaRose & Crane for attending meeting and presenting their proposal.

Committee Reports:

000156  
Trustee Lynch said he had nothing to report except problem with refrigerator in Park & Club Rms. - P. Retan said Hwy. employee, G. Kachel, had solved the problem.

Trustee Gilmore reported that Hwy. Dept. problem with 'big' truck - not in commission (soft plug gone - back to Leonardo's in Rochester for repair). Truck is 1975 model - replacement would cost approx. \$80,000. Anticipate truck being back in service current week. Re salt, used less than this time last year.

Trustee Pope stated that he had sent Memo to dpt. heads requesting their 1991-92 budgets (budget transfers made later in meeting).

Trustee Wooden said that he had nothing to report from the areas for which he is responsible.

Mayor Elliott said that Ms. Thelma Wideman, Director of WC Emergency Preparedness (when returning from vacation) would be forwarding "Town Emergency Plan" to the Village - she wants to work with W&WW Supt., Mr. H. Kruger. Village must adopt emergency plan, according to Mayor.

Mayor spoke of his appointment in Federal Bldg. in Rochester re questions from Labor Department, however, building was evacuated due to bomb scare; evacuees invited out of cold to City bldg. for coffee, etc.

Mayor moved authorization for Police Chief to attend a one-day seminar presented by State Division of Criminal Justice, Buffalo Division, on 2/8/91 for which there's a charge of \$5. - Trustee Pope seconded. Voting was unanimously in favor/carried.

Accreditation application (Village would apply to be an accredited Police Dept.); information re rules & regs. would be forwarded by simply signing non-binding Contract - at no cost to Village. Chief asked Mayor to sign/Mayor said he'd present to Bd. Chief then explained advantages, i.e. credit given to P.D.'s who have rules & regs. which meet State mandates - prestigious award to receive accreditation, Chief said. He spoke further of area enforcement agencies who had received accreditation and assets thereof. Two stages - minimum of 50 rules & regs. - then 200. When asked, Atty. Nesbitt said "no down-side" to entering contract as Village not promising to do anything. Bd. agreed to seeking Police Dept. accreditation.

#### CSEA

Mayor Elliott reported that communication received from CSEA, dated 1/15/91, in which request made for Union/Village to commence negotiations for new contract and name of negotiator for the Bd. (current contract expires 5/31/91). The Mayor referred to expertise of Trustee Pope in area of negotiations. Mayor asked Bd. to ponder until next Bd. meeting, 2/4/91, when subject will be approached during Executive Session.

#### Grievance

##### Day:

Mayor Elliott said State law mandates Grievance Day for villages third Tues. of Feb., therefore, Village to observe on 2/19/91 (Mayor acknowledged that Village Office closed for Presidents' Day, 2/18; Tues., 2/19/91 Bd. mtg. established during April's "Organizational Mtg."). Mayor Elliott and Trustee Pope to join Assessor Roney for grievance hours,

4:00 - 6:00 p.m. - Bd. convening during 7:00 - 9:00 p.m., therefore, all Bd. members available. Mayor so moved the foregoing re Grievance Day and that same be conducted in the Trustees' Rm. or such other room as assigned; Trustee Pope seconded. Voting "aye" were Mayor Elliott and Trustees Pope, Gilmore, Lynch and Wooden. Carried.

000157

Spring  
Auction:

Mayor Elliott acknowledged receipt of communication frm. Auctioneer Roy Teitsworth of Geneseo re the "Municipal Auction" at the Town Barns on 5/18/91.

Memo to be sent to department heads regarding surplus items and/or equipment.

WC Recycling  
Program:

Notification received from WC that recycling program to be reinstated at end of Feb. announced by Mayor.

1991-92 Budget

Shedule:

Village Bd., Treas. & Clerk in receipt of budget schedule from Donegan Associates containing meeting dates with Village.

Abstract

#16:

Trustee Pope moved that the Treasurer be authorized to pay Voucher Nos. 781-831 in amount of \$23,623.58 on which appear the initials of at least three Bd. members; also in Mr. Pope's motion was inclusion of V#780 in amount of \$156.00 (manual check) dated 1/16/91. Trustee Gilmore seconded. Voting "aye" were Trustees Pope, Gilmore, Wooden & Lynch & Mayor Elliott. Carried.

WC Self-

Insurance:

Trustee Pope stated that notification received from WC re 1991 Self-Insurance Plan Budget Assessment amount of \$7,867.15 (\$2000. over budget), therefore, he moved the following transfers to cover above amount: \$1100. from General Fund Contingency (A1990.4) to Workmen's Comp. (A9040.8).; \$500. from Water Fund Contingency (F1990.4) to Workmen's Comp. (F9040.8); \$500. from Sewer Fund Contingency (G1990.4) to Workmen's Comp. (G9040.8). Trustee Gilmore seconded. Voting was unanimously in favor/ carried.

Misc.:

Agenda review of "Old Business" revealed nothing new to report re Cable T.V. (contact to be made with State agency); Handicapped ramp; Policy Manual (Mayor to obtain information in Rochester); Mr. R. Lake was present to ask about progress re drainage ditch on E. Foster - area in which he lives. Mayor said he had been unable to contact Mr. Wm. Clark re an easement, however, had spoken with Mrs. Clark. Mr. Lake said backyard water knee-deep. Mrs. E. Hartnagel asked about a drain near Venturino's property - Mr. Lake asked about running by McGuire's - Mayor said has to run south and downhill. Trustee Wooden said that in order to drain it, must run east then south...supposedly a pipe at southend of Mr. V's pond to handle overflow. Mr. Lake disagreed and related his mother's and his dissatisfaction and way being handled. Paying year's taxes and only using property four months....he spoke of upsetting natural waterways and how he had gone back-and-forth to Town and Village Bd. mtgs. Trustee Lynch asked about Town and last time he went to Town mtg. and Mr. Lake said they referred back to the Village - getting "run-around" he said. He also said that the Town did not have a signed permit re the ditch. Mayor asked if a DEC permit existed - it was reiterated that part in Town/part in Village. Discussion on size/depth of Mr. V's pond - informed that pond is for 'pleasure.' No determination made by Bd. re drainage problem.

000158  
Per Trustee Wooden, WC Planning Bd. to review proposed "Home-Based Occupation" Law at end of Feb. '91 rather than Jan.'91 as contained in Agenda.

Mayor spoke of Congressman Frank Horton's proposed visit on Thurs., 2/14/91, at which time he meets with constituents from 9:00 a.m.-12 Noon.

Flood Insurance Resolution:

Request from office in Elmira for Bd. to pass resolution and send three Certified copies; Bd. turned to Village Atty. who saw no problem with resolution provided, however, regarding changes in or amending "Flood Ordinance," retain on Agenda and Bd. to review prior to next meeting requested by the Mayor.

Shook House:

M/M Barcy Smith approached the Bd. re disposition of "Shook" house next door (which remains a shell since fire 8/90). Mrs. Smith said that she had asked CEO Jud Roney and he suggested that she approach the Bd. He said he had told her what he had attempted to do, i.e. talking with mortgage company representative - foreclosed on 1/9/91; 1/23/91 insurance company to have contractor appraise damage done by fire and subsequent to fire re elements, etc. following which insurance company will settle with Embanque who would then rehabilitate (asking Mr. Roney if property can be rehabilitated...). Mr. Roney informed Embanque that his opinion - and that of the Fire Chief - that would not pay to rehabilitate...Embanque said they would take into consideration.

M/M Smith advised that they would be informed as soon as possible. Trustee Wooden said that at time of fire, bank unaware of existing insurance. Mr. Roney said insurance company's position was that Embanque had not informed them of fire - bank could not advise since they didn't know! Mrs. Smith asked if no insurance and something happens to their next-door house, who would be liable - part of burned house dangerous and looks to be ready to fall down. Atty. Nesbitt said Village has authority to tear down building and assess against property (citing old Agway as an example). Trustee Gilmore suggested 30 or 60-day limit. Trustee Wooden said bank had problem of locating owner - two owners...he added that two buildings exist - "Shook" house and old "Palmyra Creamery"...no money in budget to demolish buildings. Mr. Roney spoke of possible solution, i.e. getting everyone involved together and going to Supreme Court. Mayor suggested if Village notified within week's time, why not wait for outcome. If habitable, more profitable for Village. Discussion on former owner's whereabouts (Mr. Shook). A wait-and-see approach, per Mayor.

Vehicle @ Swr.Plant:

Trustee Wooden asked about vehicle stored at Sewer Plant - covered with blue tarp and informed by Chief Dalton the car had stolen parts on it. Discussion. Chief to check with District Attorney as to disposition of car.

Trailers:

Mr. Wooden asked about Mr. J. Converse's trailers which had been towed away because they were illegally parked. Chief said a charge of \$3. per day would be charged Mr. Converse as long a time as impounded plus towing fee - beginning to "mount up."

Trustee Pope mentioned having seen a car "hanging" precariously over bank on Mr. R. Rider's property, visible from Route #21; Chief Dalton to check on

same. If on private property, zoning matter - Mr. Roney said if on bank, on State land. Mr. Pope said he has a car on his property, the owner of which is in service, overseas. Discussion - Planning Bd.'s reaction....Trustee Wooden said an issue (unlicensed/unregistered vehicles) that Plng. Bd. to take up following solution of "Home-Based Occupations." Trustee Gilmore then moved that if individual overseas and their car parked in out-of-way place, refrain from citing until owner returns. Trustee Pope seconded. Voting unanimously in favor/carried.

000159

Left Turn Lane:

Chief Dalton said DOT removed overhead signs from E. Main St. intersection because the Bd. did not respond to their request. Mayor said that the Village requested that the signs be placed...Chief said no accidents occurred while signs were there - disappointed that they were removed. Mayor moved that the State be re-requested to mark lanes in accordance with the drawing supplied - and install signs for the turn lights. Trustee Gilmore seconded. Voting "aye" were Mayor Elliott and Trustees Gilmore, Wooden, Pope and Lynch. Carried.

Exec. Sess.:

At 8:15 p.m. Mayor Elliott moved that the Bd. exercise Executive Session for purpose of legal matters with the Bd. and Village Atty. present; Trustee Pope seconded. Voting was unanimously in favor/carried.

Reconvene:

At 8:50 p.m. Trustee Gilmore moved that the Bd. emerge from Executive Session; Trustee Pope seconded. Voting was unanimously in favor/carried.

Adjournment:

Mayor Elliott moved adjournment at 8:51 p.m.; Trustee Gilmore seconded. Voting "aye" were Mayor Elliott and Trustees Gilmore, Wooden, Pope & Lynch. Carried.

Ethel B. Johnson, Clerk

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