

VILLAGE OF PALMYRA BOARD OF TRUSTEES

Special Meeting

8/14/91

7:30 p.m.

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

Public Hearing: Mayor Elliott announced publication of required Legal Notice, read by the Clerk, for a public hearing to be conducted by the VB to consider the adoption of Local Law #3, 1991, relating to providing an employees' Retirement Incentive Program as set forth in Chapter 178, Laws of 1991. Mayor read text/substance of Local Law.

Exec. Sess.: At 7:35 p.m. the VB determined to conduct Exec. Sess. moved by Mayor Elliott for matters of "Personnel" which relates to proposed LL#3, 1991; Trustee Wooden seconded. Voting "aye" were Mayor Elliott & Trustees Wooden, Gilmore & Lynch. Carried.

Reconvene: At 7:50 p.m. Mayor Elliott moved that the VB emerge from Exec. Sess.; Trustee Gilmore seconded. Voting "aye" were Mayor Elliott & Trustees Gilmore, Wooden & Lynch. Carried.

Local Law #3, 1991: VB discussion on action before the State mandated deadline (8/16/91), agreeing that they had very little information upon which to act. Trustee Wooden asked Clerk if benefits known to her if VB entered into proposed plan and Clerk stated that, in talking with State's Mr. Douglas Burr, when/if adopted State would forward forms (work sheets) for eligible employees to figure out their own.

Mayor reiterated that the State had not mailed original materials as a Village "Personnel Director" had not been specified, thus his call to Albany.

It was pointed out that Comm. Ctr. Dir., Mr. J. Campbell, an eligible employee, had plans to visit State office to find out specifics re his status. Messrs. Campbell & H. Kruger would be eligible for full three (3) yrs. - Clerk a little less (Clk. on State retirement since May, '77).

Trustee Wooden spoke of need for adoption before 8/16/91 - if not done, too late. Discussion on whether or not the Local Law could be adopted subject to approval of Vill. Atty., whether or not said law could be rescinded if need be. Trustee Wooden suggested passage pending further information from the State (adopt this program.....) - more discussion.

Trustee Gilmore agreed to accept pursuant to the acceptance by the VOP Atty. and by VB's acceptance of materials when received. Mayor's belief that the VOP would not receive any future materials except to notify employees an estimate...Trustee Wooden said a possibility that the VOP would give better benefit than those from State...Trustee Lynch said it would then be a 'done deal'...it was questioned whether or not a benefit to employees (Mayor believed that J. Campbell informed of this when contacting Albany by phone). Mr. Campbell wld. not be eligible for Soc. Sec. for couple more yrs. - wld. figure into his decision. Trustee Gilmore wanted to know more about benefit to individual(s) - perhaps VOP could make it up to person(s) retiring if law not adopted.

Trustee Wooden reiterated that eligibles must retire by 12/31/91 (Clk. spoke of her plan to retire in Fall - in any event); Trustee Wooden said if VB adopts - and no one retires...wouldn't cost the VOP 'a penny.' "Yes," per Mayor - if all retired, cld. cost VOP \$9200. per yr. for five yrs. Could work around, per Mr. Wooden. Mayor didn't know if an employee option...do all three have to retire...one person cld., per Mayor. The 'unknown quantity' here...wld. cost VOP approx. \$2600.-\$2800. just for Clerk, per Mr. Wooden. Mayor sd. unknown if Clk.'s pension wld. increase \$5. or \$50. per mo. Mr. Wooden cautioned that VB wld. be amiss not to pass and discover later on that Clerk would have benefited....cannot do if not adopted by 8/16/91. Trustee Gilmore did not want the VOP to pass up opportunity to benefit employee(s)...rescinding the law again mentioned....entering into a contract with the State, per Mr. Gilmore...VOP had rescinded other laws, per Mr. Wooden. Mayor said possible that VOP wld. not be able to withdraw benefit once granted. Mr. Wooden said, for example, if Clerk to receive a \$5,000. amt. in retirement, wld. be worth passage. If turned down...no chance at all...don't have option. Trustee Lynch said amt. cld. be put in bank for five years...VOP does have option, he said. VOP wld. have option, per Mr. Wooden as Clerk 'doesn't have to retire by 12/31/91'....can't stop her either....only way to stop wld. be by offering a better retirement. VB spke. of 'window' period. Three people involved...Mr. Wooden said...if all three retire under said program, VOP wld. make up the difference in salaries....would hate to 'close door' - or even 'open door', Mr. Wooden said.. but wld. rather not close....

Trustee Wooden then moved that the VB pass Local Law #3, 1991 as a thank-you for the years of good service that the three employees gave the Village of Palmyra. Mayor Elliott seconded upon premise that the VOP name a 'window period' anywhere from 30-90 days...must be more specific...discussion...'window' dates suggested from 8/14/91 to 11/14/91...Mayor questioned whether Perm. Ref. needed...had not been specified, per Clerk....suggested making law effective after Atty. reviews - 9/4/91 effective date suggested and accepted (good time as VB cld. discuss @ 9/3/91 VB Mtg. and having heard frm. Vill. Atty.). Voting "aye" were Mayor Elliott & Trustees Wooden & Gilmore; Trustee Lynch voted "nay." Carried by majority.

Culvert/Prospect Drive:

Engineer Paul Russell's report previously received and discussed by VB; VB discussion on placing new culvert on Prospect Dr. to help alleviate persistent area flooding problem. Since Cap. Res. funds to be used, need for Permissive Referendum, therefore, Mayor Elliott moved that the VOP expend an amount up to and not to exceed \$42,000. from HR-6, "Capital Reserve and Street Rehabilitation," for anticipated repairs relating to replacing the culvert that runs under Prospect Drive, subject to Perm. Ref. - Trustee Wooden seconded. Voting was unanimously in favor/carried.

Adjournment:

At 8:30 p.m., there being no further business to come before the Board, Trustee Gilmore moved adjournment; Trustee Wooden seconded. Voting was unanimously in favor/carried.

Ethel B. Johnson, Clerk

VILLAGE OF PALMYRA BOARD OF TRUSTEES
 Regular Meeting 8/19/91 7:00 p.m.

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

Call to Order: Mayor Elliott called the meeting to order @ 7:10 p.m.

Minutes 8/5/91: The VB agreed that not all had had opportunity to review the Minutes for the 8/5/91 meeting, therefore, Trustee Wooden moved tabling same; Mayor Elliott seconded. Voting "aye" were Trustees Wooden & Gilmore and Mayor Elliott. Carried. (Voting does not reflect a vote by Trustee Lynch (Mr. Lynch was detained and did not arrive until 7:20 p.m.)

WC Fair: Trustee Gilmore moved that the VB recognize and commend the WC Fair and Advisory Board - and Pres. "Bud" Baker in particular - for an outstanding Fair and that Pres. Baker be praised by letter. Trustee Wooden seconded; voting "aye" were Trustees Gilmore, Wooden & Mayor Elliott. Carried.

Fire Cont. Manchest.: Trustee Gilmore said that he had attended a Town of Manchester meeting regarding the Fire Contract between said Town and the VOP (current Contract expires 12/31/91) - information forthcoming re increase, perhaps will have arrived by nxt. VB mtg. - in budget process and feeling 'crunch' as are other municipalities.

Trustee Wooden: Trustee Wooden had nothing to report from his areas of responsibility.

Mayor Elliott: The Mayor spoke of John Blazey, Jr. having come into the office seeking help with plugged catch basins in are of their business on Holmes/Canal Sts. Hwy. Supt. P. Retan said that Blazey's had been dumping oil in the basins for years...built up....he also spoke of the clogging and a home-made device put in by Blazey's Mayor Elliott said that Blazey's would supply pipe if the VOP wld. install. Discussion on old Canal bed(s), etc. Mayor suggested that the VOP conduct an investigation before making any commitment.

Mayor said Bill Boys, Cuyler St., had approached him regarding prior requests for filling in front of his house as well as seeding and curbing. Supt. to look into...Trustee Gilmore said curbs too low...talk of milling, etc. needed on said street.

F.D. Mechanic: Trustee Gilmore spoke of having received resignation letter from Mr. K. Skeels - as custodian of the F.D. equipment - due to illness. Mr. Gilmore then moved that the VB regretfully accept Mr. Skeels' resignation and that he receive a letter of thanks for his past service...saved the VOP large amount of money over the years due to his expertise as a mechanic. Mayor Elliott seconded. Voting was unanimously in favor/carried. Mayor suggested/Trustee Gilmore moved that the VOP authorize the F.D. to begin search for replacement (conduct interviews); hire someone acceptable to the F.D. @ the same salary or less. Said person becomes a VOP employee, per the Mayor. Mayor seconded. Voting was unanimously in favor/carried.

Mayor said verbal request rec'd from Mr. E. Petix, St. Anne's Cemetery Caretaker, that the VOP assist them by cleaning out old drainage ditch which runs in a strip up to E. Foster (to VanHout's property).

Citizen Wasserlauf/Park Hill Mr.:

Mayor acknowledged communications from Mrs. Karen Wasserlauf, 259 Fayette St. & M/M R. Setzer, Mgrs. Park Hill Apts., 250 Johnson St. Ms. Wasserlauf reminded the VB of her prior request for needed tree, sidewalk and street-work @ the corner of Fayette/Walker St. Work has been scheduled per Trustee Lynch. He added that sidewalk on corner of Fayette/Spring Sts. in bad condition. Budget running low, he said.

Discussion re Park Hill Apts. - Hwy. Supt. said no problems occurred with driveway wash-out when Prospect Hill entrance blocked off and ditched. Trustee Lynch said portion of problem addressed (cutting weeds alongside guardrails); will look into wash-out problem.

Short discussion on Prospect Hill trees which have fallen....and whether or not to remove....Trustee Lynch to consult with C&P Supt. Supt. Weaver to be re-hospitalized soon for additional surgery stemming from automobile accident in 4/91, per Mr. Lynch.

Hwy. Dept. Truck - Perm. Ref. -

Trustee Lynch brought to the Bd.'s attention that 1975 Hwy. Dept. truck needed a new cab (one in which new engine, etc. installed prior year) due to floorboards collapsing - cost of new truck would be approx. \$80,000. Mr. Lynch so moved "that a sum up to and not to exceed Sixteen Thousand Dollars (\$16,000.) shall be expended from the 'Capital Reserve Fund for Machinery and Equipment,' (HR-7) for the purpose of repairs of an emergency nature on a Highway Dept. truck." Mayor seconded, adding that following 20-day period of Perm. Ref., wld. be necessary to bid. Specs to be drawn and submitted to Atty. Nesbitt. Voting "aye" were Trustees Lynch, Wooden & Gilmore & Mayor Elliott. Carried. Trustee Pope arrived @ 7:40 p.m.

Old Canal Bed:

Trustee Gilmore said that person(s) unknown had apparently dug out the earthen dam to the west of the old Canal, water flowing to the west - intended to flow east toward spill-way...appears to be ft. and one-half....make sure pipe is open before jack-hammering out spill-way....dam needs to be filled in (in back of Fischette's)...problem with heavy rain... mention made of small foot-bridge at end of Carroll St. - Hwy. Supt. Retan informed VB of work performed there by his crew...Mr. Retan to scope out problem.

Trash Containers (Main St.):

Trustee Lynch stated that the Pal-Mac Rotary Club looking into purchasing of trash containers (treated wood) if VOP would agree to dump and maintain. Discussion on size, etc. - small enough that trash easily removed by Hwy. Trash picked up each Monday & Thursday, per Hwy. Supt. Citizens' dumping their garbage a problem - Trustee Wooden said CEO Roney might write letters to property owners that receptacles must be provided their tenants....Chief Dalton said that complaints rec'd that one landlord's tenants using another landlord's dumpsters. "Theft of services," per Trustee Gilmore.

Suggestion made by Trustee Pope that dates for "No Parking" be added to signs in VOP (11/1 to 4/1 - Snow Ordinance) - his belief that attachment with dates had come off.

Sign - Animal Control Officer Vehicle -

Trustee Pope related that Mrs. Kim Diefendorfer had requested signs for truck used as Animal Control Officer (Palmyra) - reasonably priced, per Mayor. Talk of sharing expenses with Town. Discussion, also, on I.D. Badges for employees who come in contact with public. Mayor explained process used for K.

Diefendorfer - done @ Sheriff's Dept. for \$3. per head.

Trustee Pope said that he and Animal Control Officer attended mtg. @ WC Humane Society, today's date.

Union

Neg.:

Trustee Pope reminded the VB of Union Negotiation mtg. on 8/20/91 @ 7:00 p.m.

Beer - Canaltown Days:

VB discussion on plans of any organization to sponsor a "Beer Tent" during Canaltown Days; Mayor said, having talked with Chairman J. Kelly, they had no plans to sell beer; no word rec'd from Messrs. Mark Crane/Bob LaRose who originally petitioned the VB to sell beer.

Abstract #6:

Trustee Pope moved that the Treas. be authorized to pay Voucher Nos. 220-253 in the amount of \$33,042.65 - and in addition Voucher Nos. 216-219 (manual checks) in the amount of \$45.00 on which appear the initials of at least three (3) VB members. Trustee Gilmore seconded. Voting was unanimously in favor/carried.

Drainage

E.Fost.:

Mayor said that the VOP had rec'd a report from Engineer Paul Russell; Trustee Pope referred to sketch map which showed an 'east ditch' and 'west ditch' in relation to the new construction (Mr. Venturino's new house). Mayor said the 'west ditch' wld. be immediately to west of the construction....ditch on east of house, per Trustee Wooden...Mayor said pond is over a few feet where ditch was...Trustee Pope said it seemed that pond higher at both ends than ditch...would drain 'backwards'....difficult to tell, per Mayor, unless one wld. take a transect and shoot it to determine if inlet and outlet are at proper levels, per Mayor...he questioned if any springs run into pond or just the water from the water table...if dry (as this summer), should seek level of actual water table...Mayor said he knew about ditches to the east...did not know until recently about west ditch...

If all of the residents to cooperate, Mayor Elliott said Mr. S. Venturino indicated his willingness to work with them re inlet/outlet....if easements could be obtained...if VOP/Town/residents could discuss the matter and have Engineer involved with readings... what can the municipalities accomplish with own crews. ...\$5,000. not an exhorbitant amt. of money - if hauling out 5-10 times that amt., wld. strap the VOP. Town has the Drott...stumps would have to be hauled out...M/M Clark did not want dumping - would create a swale and water would run into his field - M/M Clark said they would allow access but not an easement....it was pointed out that a Newark contractor had quoted amt. of \$1800. (but no haul-away). Most of easements obtained, per Mayor....Town wld. like 'Drainage District' he said. VB agreed that there must be a way to solve/discuss with Town Bd. Mayor to communicate with Town re a meeting.

Mayor said Mr. Venturino called him, today's date, of his belief that the inlet (re pond) at the proper level - if not, he would change it. Line does not sit under the house, Mr. Venturino changed it...regulations different if a 'stock' pond or for swimming. Some areas require permit.

Miscellaneous:

Fee schedule re LL#2 in Atty.'s hands; re Palmyra Creamery - WC Judge busy on other matters - Atty. Nesbitt was to have requested a change of Judges...eminent domain mentioned...Mayor said VOP wld. have to have a use for property.

Beer - Canalton Days -

Discussion, again, re allowance of a "Beer Tent" for Canalton Days - Trustee Gilmore, then, moved that the VOP rescind the "Open Container Law" for Canalton Days along the Parade route, 4-7 p.m. from the Legion to Miller's Rest. - Jackson to Canal St. - Church to Fayette St. Trustee Wooden seconded. Voting was unanimously in favor/carried. Chief Dalton stated that Canalton Days meeting among enforcement and State DOT agencies to occur the following Wed.

Chief Dalton also commended the Hwy. Dept. for placing the signs during "Fair Week." Trustee Pope commended the Hwy. Dept. for filling hole (unknown origin) in area of Mr. Brian Knapp's residence.

Complaint rec'd that in the Washington St. area a tractor-trailer blocks view on south side of W. Main St....residents have difficulty making left turn... truck, however, is legally parked. Discussion on 50' clearance, etc. Truck owner known to Hwy. Supt. who said he would talk with him.

P&C Bldg.: Trustee Lynch spoke of cleaning and pointing brickwork on P&C Bldg. and quote of \$4500. rec'd from Mr. M. Zurich. Mr. Lynch moved that the Mayor be authorized to sign a contract upon receipt of a Certificate of Insurance (as recommended by VanParys' Ins.) from the contractor; Trustee Pope seconded. Voting was unanimously in favor/carried.

Exec.**Sess.:**

At 8:45 p.m. Trustee Pope moved that the VB exercise Exec. Sess. for matters of "Personnel" - session to include Hwy. Supt. Retan for portion of same. Trustee Gilmore seconded. Voting was unanimously in favor /carried.

Reconvene:

At 9:15 p.m. Trustee Gilmore moved that the VB emerge from Exec. Sess.; Trustee Pope seconded. Voting was unanimously in favor/carried.

Parade Drivers:

Trustee Gilmore requested the Clerk to write thank-you's to Messrs. Joe Latona & Dave Scribner for driving the VB in the Firemen's Parade.

**Adjourn-
ment:**

At 9:15 p.m. Trustee Pope moved adjournment; Mayor Elliott seconded. Voting was unanimously in favor/carried.

Ethel B. Johnson, Clerk