

VILLAGE OF PALMYRA BOARD OF TRUSTEES

Regular Meeting

June 17, 1991

7:00 p.m.

Present: Trustees Daniel S. Pope III & Thomas N. Lynch; Village Attorney, John B. Nesbitt, Esq. (a quorum was not present, therefore, Trustees Pope & Lynch discussed the respective problems of (and with) the following citizens): M/M Ron Reinwald; Mrs. Karlene Freyn & Mr. Joe Bettinger). Atty. Nesbitt departed @ 8:30 p.m. as it appeared that a meeting would not be conducted. Mayor Elliott arrived @ 8:45 p.m. constituting a quorum - he then officially called the meeting to order. Trustee Charles D. Gilmore arrived @ 9:20 p.m. Absent: Trustee Daniel E. Wooden.

Drainage - Fayette St.:

Trustee Lynch, having gone to problem site in the area of Fayette St. with Engineer Paul Russell, said that Mr. Russell would submit couple of plans....he felt the best plan (and most expensive) would be to place new culvert under street and run line through houses into the creek (if enough drop)....following further discussion, Mr. Reinwald asked if Hwy. had tried 'back-flushing,' referring to 10" pipe which reduces to 4" pipe. Mr. Lynch said Hwy. Supt. did not agree re pipe sizes; water runs through all of the pipes....just not fast enough...the Reinwalds said the drainage problem had gotten progressively worse....convinced that there's a broken/crushed pipe which could cause problem...15' in from new manhole VOP put in...speculation...Engineer to study and make recommendations to VOP, per Trustee Lynch...will cost approx. \$100. per ft. to replace culvert, he said.

Trustee Lynch suggested that the VOP make the drainage problems a part of the "Wastewater Dept."

Mr. Clayton DePew, who had requested placement on the Agenda, did not appear.

Wtr.LineBreak:

Raw water line break @ E. Foster & Johnson Sts. reported and talk of "acid problem" and plastic pipe.

CitizenK. Freyn:

Mrs. Karlene Freyn, 113 Vienna St., spoke about a tree between sidewalk/street badly in need of trimming - called the utility companies, she said, and was informed a Village responsibility. Mrs. Freyn said she had talked to C&P Supt. who said tree was diseased and scheduled for removal. Trustee Lynch said that occasional assistance received from utility companies - check to be made with C&P Supt.; long list of 'tree work' to be done. Trustee Pope spoke of a 'problem tree' at his Canandaigua St. residence - C&P Supt. to be informed.

CitizenBettinger:

Mr. J. Bettinger, Mill St., asked Bd.members present what steps he should follow to have zoning problems resolved in his neighborhood - neighbor Pal-Mart needs about 20 variances and special use permits & Mr. Mike Poretta in violation of zoning regarding his operation (iron-art welding shop). CEO J. Roney explained to Trustees Pope & Lynch the permit (variance?) filed by M. Poretta - granted.... When asked in what manner Mr. Poretta is violating zoning, Mr. Bettinger said...."unlicensed motor vehicles, gas tanks stored next to sidewalk, tires, snowplows, etc. on premises....past few months working on lift trucks...currently there's a lift truck there with forks about 12' in the air....dangerous...." - using part of Mill St. for auxiliary parking...he (M. Poretta) changed his whole method of operation.

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Mr. Bettinger then addressed those present of problems which persist with Pal-Mart upon which he elaborated, having presented a list to the VB...(difficult to hear tape, almost inaudible due to distance from tape recorder....) - Mr. Bettinger's complaints of Pal-Mart's violations which included noise from delivery trucks at all hours of the day and night - sometimes @ 3:00 a.m.; he said that fence and his yard becoming soaked from gases - gasoline and vapors could risk his house blowing up.. he could present video tapes and pictures of violations by Pal-Mart. Cars have hit area in which propane stored thereby moving tanks...a danger to his family and his house...he held up a building permit which he said was changed - apparently two sets of plans, he said. Original plans showed two filling areas (islands) - Pal-Mart added three; problem with dumpsters...no parking shown - they've had eighteen vehicles parked there...He also spoke of fence supposed to have been block - Pal-Mart put in wooden fence on property line. Also, Pal-Mart received no variances or special use permits. Mayor Elliott reminded Mr. Bettinger that it was at his request that building placed on property line (to avoid a driveway going around bldg.). Mention made of Mill St. caving in and repaired by VOP Hwy. Dept. - fire truck damaged in process, also, (en route to pumping out basement of Mr. George Lewis' Mill St. residence).

Mr. Bettinger gave some background speaking of illness of VOP/CEO and using Newark CEO...when Mr. J. MacGuidwin came back from being ill...he was to have issued a "Stop Work Order" ...and "talked out of it," per Mr. Bettinger...he refused to issue a CofO...was "talked out of it"... did issue a conditional CofO...they couldn't sell kerosene until ZBA approval..which they did...Mr. Bettinger spoke of "vents" re fumes and having had to evacuate his home before...he spoke of "vapor recovery line"...Trustee Lynch asked questions and told by Mr. Bettinger of having filed a lawsuit...filed one day after (since no CEO by this time - he left due to illness, hearing held by the ZBA)....Judge said they shouldn't have had hearing...thought IRS seizing property re former owner then found out about Pal-Mart...more talk of original plan vs. one used to build Pal-Mart...spoke of former owner's (Mr. Maletta) attempt to open a gas station and refusal by ZBA...VOP Hwy. Dept. took out curb day or so before Pal-Mart opened for business....VOP paid overtime...he talked of Pal-Mart washing down area (on which there are spills) and runs into the creek...he talked of parties held @ Pal-Mart (in parking lot east of store) and having reported same to ABC Bd. - local police cooperative, Mr. Bettinger said....a voter he sd. and had spent large amount of money trying to resolve the problem (s).

Although Mr. Roney was not functioning as CEO at the time of Pal-Mart's application and subsequent approval, he pulled the files for the VB's review. At a glance, Trustees Pope & Lynch indicated that the full Bd. should review (along with Village Atty.) and for which more time needed. CEO Roney said that Mr. Bettinger had right to file complaint with the Zoning Board of Review...if unhappy with their decision, then could go to court. Mr. B. said that Judge had said the State Supreme Judge told him that he could obtain a permanent injunction forcing the VOP & Pal-Oil to comply with Zoning Law. CEO's time to be taken into consideration, per Mr. B.

The VB agreed to refer Mr. Bettinger's concerns to the Village Attorney for a review.....and a ruling on Mr. Bettinger's offer to donate money to the VOP (since the VOP's "budget crunch" and allowance of a ten-hr. work-week to CEO J. Roney, his contribution could allow Mr. Roney additional time to work on his cases - apparent/alleged zoning violations on Mill St., i.e. Mr. M. Poretta & Pal-Mart). The VB disfavored such a contribution - ethically, VOP could not accept. Discussion on process of appeal - Mr. B. and Bd. disagreed on process - ZBA first then CEO - Mr. B. felt other way around....changes since CofO issued discussed. Bottom line was for VOP Atty. & CEO Roney to review and recommend what action should be taken.

Minutes

5/20/91:

Trustee Pope moved acceptance as written of the 5/20/91 VB Mtg. Minutes; Mayor Elliott seconded. Voting "aye" were Trustees Pope, Lynch & Gilmore & Mayor Elliott.

Minutes

5/30/91:

Clerk to add name of Trustee Gilmore as having attended the 5/30/91 Union negotiations meeting. Trustee Pope moved approval of Minutes with foregoing addition; Trustee Gilmore seconded. Voting "aye" were Trustees Pope, Lynch & Gilmore. Mayor Elliott abstained (having been absent from the meeting). Carried by majority.

Minutes

6/3/91:

Trustee Lynch asked for change in wording on Pg. 3, first paragraph somewhat vague re "Mr. Potter aware that it may be his problem" - change to "his own drainage pipes in his own backyard" of which he is aware....(not neighbors' yards)Trustee Gilmore moved acceptance of the 6/3/91 VB Mtg. Minutes with foregoing corrections; Trustee Lynch seconded. Voting "aye" were Trustees Gilmore, Lynch & Pope (Mayor Elliott was in attendance @ the Mayors' Conference, therefore, absent from meeting). Carried.

Hiring

Engineer:

Trustee Lynch spoke of drainages on Birdsall Pkwy. & Fayette St. Following discussion, Mayor Elliott moved that the VOP expend up to \$550. for the services of an engineer for a solution to the drainage problem on Fayette St. Trustee Gilmore seconded. Voting "aye" were Trustees Lynch, Gilmore & Pope & Mayor Elliott. Carried.

Bid - Leaf

Vacuum:

The VB briefly discussed the bid specifications for a Hwy. Dpt. leaf vacuum, following which Trustee Pope moved that bid opening be established for 1:00 p.m., 7/11/91. Mayor Elliott seconded and amended motion "subject to approval of specs by Village Atty." VB agreed to amendment - all voted "aye"/carried.

C&P Supt.:

Trustee Lynch related that C&P Supt. had been invited to attend a meeting at the U of R re "trees" - valuable program/he would like to attend but in view of his injury would have to be transported. VB discussion on 'transporter'...seasonal employee, Darrin Moore has background, however, Trustee Pope to check

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his schedule to see if it would permit him to take C&P Supt.

Old Creamery

Bldg.:

Trustee Gilmore asked the status of the "old Palmyra Creamery" to which CEO J. Roney answered that no reply received to his Certified letter to Mr. Mogavero;

VB discussion following which Trustee Gilmore spoke of VB authorization for Atty. Nesbitt to take to Supreme Court - Trustee Pope so moved & Mayor Elliott seconded. Voting "aye" were Trustees Gilmore, Pope & Lynch & Mayor Elliott. Carried.

"Sludge"
Meeting:

Trustee Pope acknowledged invitation from Village of Sodus to VOP to attend a meeting @ 7:00 p.m. on 7/8/91 re "...alternatives to high cost of sludge disposal...."

New
Printer:

VB discussion on need for new printer (to complement computer systems) and price quote for Unisys Dot Matrix, AP 1324 received from Tomaselli Assoc. for \$1833. which would include extra software & upgrade in word processing @ no charge...he also spoke of compatibility wth. VOP's present system and the Mayor agreed re the compatibility. Mayor spoke of present printer's incapacity (almost non-functioning) and pluses of new one ...time-saver in end....two feeders for single sheets...continuous feed...can do checks...may need for backup if others break down...does not have to go to bid. Trustees Gilmore & Lynch asked about "a State Bid item"....Clerk requested to inquire if a State bid item (call Bd. of Supervisor's chambers in Lyons). VB agreed that three VB members sign Voucher & P.O. in any event. Vendor offers extra discount if printer paid for in advance.

Abstract
#2:

The Abstract was unavailable, however, Mayor said his understanding that Voucher amounts do not necessarily have to be included in the motion...number of Abstract (when finished) for all Vouchers signed by three (3) Bd. members by the close of business (Wednesday). Trustee Pope moved that the VB authorize the Treas. to pay current Vouchers on which appear the initials of @ least three (3) VB members; Mayor Elliott seconded. Voting was unanimously in favor. Carried. (Treas. submitted the following on 6/18/91 - Voucher Nos. 36-79 in the amount of \$42,282.42).

Fltng.
Holiday:

The VB acknowledged the request from the Hwy. Dept. to utilize employees' "floating holidays" on July 5th (Friday) which would make long holiday weekend for Village workers. VB agreed it could include all VOP employees.

Perm. Ref.
Wtr.Pumps:

Trustee Pope moved VB authorization for Permissive Referendum up to \$90,000. (from Water Reserve Fund) with which to purchase two (2) new water pumps @ Water Plant. Mayor Elliott seconded. (Clerk had relayed Trustee Wooden's phone call re the Perm. Ref.). Voting was unanimously in favor/carried.

LL#1, '91:

VOP received notification of filing from the State of Local Law #1, 1991 re certain zoning changes - once VB establishes fee schedule, new fees can take effect.

Adjourn-
ment:

At 9:55 p.m. Mayor Elliott moved adjournment; Trustee Pope seconded. Voting was unanimously in favor/carried.

Ethel B. Johnson, Clerk

VILLAGE OF PALMYRA BOARD OF TRUSTEES

6/24/91

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Informal meeting @ 10:45 a.m. in the Trustees' Room of the Village Hall, 144 E. Main St., among VB members and representatives of Woodbury Enterprises, Inc. as follows:

Present:

James G. Elliott, Mayor; Trustee Daniel E. Wooden; Village Atty., John Nesbitt; Dr. Tillman Farley; Messrs. Robert Mincemoyer & William Wayne (from Woodbury); Contractor Robert Lyons; Real Estate Agent, Mr. Jim Denniston. Due to an important prior commitment, CEO J. Roney could not be present.

Mayor's

Comments:

Mayor Elliott said that the informal discussion was being held following receipt of a letter, dated June 19, 1991 from Woodbury Enterprises Inc. regarding converting 555 W. Main St. into a medical facility to be occupied by Dr. Tillman Farley, et.al. - and additional requirements by the Village CEO, Jud Roney, since the approval of the original building application.

Contractor

R. Lyons:

Mr. Lyons explained the haste with which he applied for a building permit and having signed/agreed to certain specifications. Since issuance of the building permit, he said, Mr. Roney had made requests/amendments in certain areas which would be very costly to fulfill thereby increasing renovation cost of approx. \$10,000. - thus their appeal to the VB.

The areas of appeal were the use of PVC plumbing vs. steel; placement of a drinking fountain; and additional fire prevention doors. He spoke of Code requirements and the common use of PVC piping State-wide....local authorities have discretion to allow, he said.

Mr. Mincemoyer said that toxic materials would not be placed in drains; vials wld. be returned to Clifton Hospital ("red bag" process). Dr. Farley reiterated - nothing caustic (urine mostly). The Mayor recounted....three doctors running family business out of same bldg. - Dr. Farley said same procedures he does in his present office on E. Main St. - minor procedures...stitches, mole removal, etc.

Mr. Denniston said he had asked to sit in on mtg. and gave history of bldg. and prior tenants (Breen's, VanBortel, Stanton & Barnard) - he spoke of search for the right bldg. - they chose this one and the advantages the facility would bring to the VOP... question of purchasing asked by Mayor - informed

leasing. Mr. Mincemoyer said "Woodbury Enterprises" a "separate-for-profit" operation.

Trustee Wooden asked about "sinks" and told that every office wld. have a sink. Mr. Wooden read frm. Code - contained nothing written that one can't use PVC (more for plumbing unions)...did not feel it should have to be done...never had before, per Mr. Lyons.

Trustee Wooden asked if Mr. Roney had given classification (C-1)...maximum occupancy of 28 people discussed (strictly by size)...re fire door closing, only when one speaks of "assembly space".... Width of corridors discussed...main corridor 60".. he (Jud) accepted 42" (existing)....

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Code quoted re drinking fountain...provide one drinking fountain....or equivalent fixture...Mr. Lyons said that Mr. J. King (Field Engineer) has to interpret as written...cld. accommodate with Dixie cup dispenser in rest rooms...Dr. Farley said no use of oxygen except for a portable unit on standby...Mr. Wooden asked about a bathrm. for the handicapped and informed "yes." Discussion on door...swings 'out'... don't need closure...will have 'grab-bar'....electrical work o.k....using insulated grounds (?)...interior...no drapes...using vertical blinds....attic.. R-50/12....NYSEG had been there...adding nothing that will use more 'juice'...insulation...same as for the past several years...windows on one side...brick-wrk. on back....

Atty. Nesbitt arrived @ 11:25 a.m. & brt. up-to-date. Discussion on Code (in force '84 or '85...Energy Code an amendment). Mr. Denniston asked that when Mr. Stanton occupied bldg., would he not have adhered to Code....Mr. Wooden said R-18 required presently... Mr. Lyons said not disturbing attic...Mr. Wooden asked if not removing or gutting....Mr. Wayne said re renovation that 'something' on a daily basis gets added..."can't stop the bleeding"....Mr. Wooden asked what was asked for to obtain bldg. permit and Mr. Lyons said they are putting partitions back in...in a hurry and having signed paper...Mr. Wooden unsure what VB could override...Mr. Mincemoyer said that time of the essence...Mr. Wooden did feel an unreasonable request to tear out existing plumbing....

Advised by Atty. Nesbitt to conduct VB mtg. - VB decide...Mr. Wooden said that he had problem with bldg. permit having been issued and now asking for additional requirements...Atty. Nesbitt said that CEO 'has right' to inspect...if unacceptable trade practices...Mr. Lyons spoke of a similar project (going on presently) where these requirements not stipulated ...he spoke of 'consistency'....(pointed out by a person other than Mr. Lyons that the project is bldg. to which hairdressers are moving on W. Main)...Mayor spoke of prerequisite, i.e. architectural drawings... Mr. Lyons said in a hurry (appreciated swiftness with which Mr. Roney approved bldg. permit).

Atty. Nesbitt again asked his opinion...he said that the "VB cld. decide what guidelines are going to be for that and whomever implements same...." - he also said that the VB must establish...under all circumstances...or in this instance....Trustee Wooden asked if possible on new construction...pointed out that Mr. Roney concerned about chemicals....don't see that as the case per Mr. Wooden...Atty. Nesbitt said that 'certain' changes have to go to the Council...VB can make 'certain' ones....

Short discussion on CEO's Memo to Trustee Gilmore of 6/21/91 (attached hereto); Woodbury representatives expressed their anxiety after which a determination made to conduct Special VB Mtg. @ 4:30 p.m., today's date; Messrs. Mincemoyer, Wayne & Lyons indicated their availability to attend - Clerk to notify VB members, notify newspapers & properly post same.

Ethel B. Johnson, Clerk

VILLAGE OF PALMYRA BOARD OF TRUSTEES

Special Meeting

June 24, 1991

4:30 p.m.

Present:

James G. Elliott, Mayor; Trustees Charles D. Gilmore, Daniel E. Wooden, Daniel S. Pope III & Thomas N. Lynch; Village CEO J. Roney; Contractor R. Lyons & representing Woodbury Enterprises, Inc., Messrs. Robert Mincemoyer & Wm. Wayne.

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Call to Order:

Mayor Elliott called the meeting to order @ 4:40 p.m. - the purpose of the meeting, he said, was for the VB to make a determination in the matter of the proposed medical facility @ 555 W. Main St. - and construction (in progress) as requested by CEO J. Roney. The Mayor said that an informal meeting held @ 10:45 a.m., today's date, among the Mayor, Trustee Wooden, Village Atty., J. Nesbitt, Messrs. R. Mincemoyer, Wm. Wayne, R. Lyons, J. Denniston & Dr. Tillman Farley. During the meeting all of the following points were covered at which time Mayor Elliott & Trustee Wooden determined that a Spec. VB Mtg. necessary and the Clerk was directed to inform the remainder of the VB of a Spec. Mtg. @ 4:30 p.m., today's date, notify the VOP's official newspaper and properly post notification.

Trustee Gilmore asked if everyone present familiar with correspondence generated by proposed project; affirmative.

Mr. Wayne said that Woodbury Enterprises a subsidiary of Clifton Springs Hospital - for past year looking to recruit primary care physicians to meet growing need in NYS. He spoke of Dr. T. Farley, presently located in Palmyra and his desire to remain here. Leasing subject property from Mr. M. Barnard; Contractor R. Lyons highly recommended by Mr. Barnard (also familiar with bldg., having remodeled previously).

Four categories presented to VB for discussion: Insulation, Fire Doors, Drinking Fountains & Use of PVC Pipe -

Contractor Lyons:

Mr. Lyons stated that Mr. Roney had requested certain changes (which are in building code) and in conjunction with Mr. J. King (Field Engineer) of Codes' Div. Mr. Roney within his rights as VOP/CEO in strictest interpretation of Code. Similar projects in area which have deviated (and are...) - requirements not as strict. Four-five major issues which would cost his clients (Woodbury) great deal of money if Code strictly adhered to - building an existing structure, he said.

Existing structure with "R" value in walls...one requires R-40 in ceiling...next one of lesser value in the walls, R-50....there is 6" of existing insulation in ceiling....NYS Bldg.Code has its own requirements. NYSEG sent power there for long period of time - bills not exorbitant...informed Mr. Roney that 'probably' walls weren't of high enough standard because of all glass in front...possibly value of the wall not enough...maybe should be R-50....back (brick) - three sides which would probably make "R" value there.... clients (Woodbury) will probably have another 4-6" of insulation put in....(12" of fiberglass, R-39...12" cellulose little higher....)

Trustee Wooden asked if medical facility operated in one large room (prior to construction, partitions, etc.) - no changes in ceiling structure or wall

000230
structure, correct that nothing would have to be done and Mr. Lyons said 'absolutely nothing.'

Mr. Lyons, speaking of fire doors, everytime a door & closure he puts in, cuts off one area to another....restricts all manner of things....(drawings viewed and areas under discussion pointed to by Mr. Lyons). He said the entire building would serve one purpose, not a 'multi' facility. If portable partitions were placed, could open facility immediately. Mr. Mincemoyer elaborated somewhat on 'single' purpose facility - no question about door requirements if 'multi' such as a mini-mall.....their (Woodbury's) interpretation, he said.

Trustee Gilmore asked what to be done in certain area (on drawing), other than electrical-type appliances.. that could be something that would involve heat/friction that could start a fire....with the exception of two 'procedure' rooms (for stitches, removing moles, biopsies, etc.) where gooseneck, high intensity lamps needed, just regular lights....Trustee Gilmore asked about sterilizing equipment....informed a small unit as now used - may find small electrical cautery for 'procedures'....no open flames... According to Mr. Lyons, electricity for said rooms incorporated into plan.

Mr. Lyons agreed that Code states drinking fountain to be provided for 75 employees....(whether one employee or 75)...Dixie cup dispenser generally accepted (or one's own coffee mug)....in his client's best interest, Mr. Lyons said, if the VB could be less restrictive. Trustee Gilmore asked if placing bottled water dispenser (wth. small cups) acceptable and Mr. Lyons said one of the choices. Talk of placing in each examining room/rest rooms.....

Mr. Lyons spoke of PVC pipe in lieu of cast iron or other metal-type....granted, he said, that Code specifies....."only with the approval of the local jurisdiction and the Code Council" (referring to NYS Bldg. Code)...can PVC pipe be used...CEO Roney said he could approve if o.k.'ed by Code Council - would take at least one yr. and in all probability, would not be granted...for various reasons...people in NY City lobbying against PVC. Trustee Gilmore asked if he were asking the VB to make the decision and Mr. Lyons spoke of a 'loop-hole'...if municipality adopts Code, supposed to follow, however, VB has power to make certain decisions/policies by which contractors must abide...this situation first time for him, he said. Trustee Gilmore spoke of plumbing unions' jurisdiction...if problems incurred, VOP would know immediately (re sewer plant)...laws restrict...can't be done...Mr. Mincemoyer spoke of minimal amount of laboratory work done within the office....most of which are discarded vials...go into "red bag trash" - handled by hospital who has agreement with BFI - packaged in 40 lb. cardboard boxes - shipped to another state.

Mr. Lyons reiterated...CEO Roney did not ask for anything that was not called for in accordance with the Code (strictly enforced)...clients would like sme. leniency in view of other communities which are less restrictive....Trustee Gilmore recounted.... insulation too strict (smaller item, per Mr. Lyons - wld. get money back over period of time); considering usage of bldg. and the layout, the interpretation of fire doors too strict (Mr. Lyons felt 'ridiculous'); drinking fountain questionable....cup dispensers, per

Mr. Mincemoyer, six bathrms./ten exam. rooms - cld. conceivably put dispensers in every area vs. one water fountain...wherever there's a sink, per Mr. Lyons, there will be a cup dispenser...would permit patients and employees access to drinking water; pipe regulations too strict, asked Trustee Gilmore. Mr. Mincemoyer said basically their understanding that a local authority has the right to give permission to use PVC pipe, therefore, asking for same.

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Mr. Wayne spoke of Clifton's proposal to build a medical office bldg. - went to Myers Community in Sodus....basement contains all PVC which brought them to request of VOP to use PVC...also all over Monroe Cty., per Mr. Mincemoyer....Mr. Lyons said he hastily obtained VOP bldg. permit - J. Roney accommodating - he signed statements that certain 'things' wld. be done...wld. like to be released from certain of those statements...could be dismissed from job...looking out on behalf of his clients, he said. Meeting to get together, not combat, per Trustee Gilmore. He then asked CEO Roney if he had anything to add.

Mr. Roney thanked the VB for the opportunity to speak and then said the Code sets up a Regional Review Bd. which sits in Buffalo; he felt this is where appeal shld. be heard....no provision in Code for VB, Planning Bd. or ZBA to override Enforcement Officer. He said if the VB feels vitally important to obtain this facility, he agreed it is, should find \$10,000. with which to comply with the Code if that's what will speed things up....re insulation, their agreeing to put in an additional 6" insulation, CEO asking for 9" - only 3" additional - which wld. bring insulation up to R-53 (in ceiling)...presently 18 to R-20 - R-53 as opposed to R-40 asked by Trustee Gilmore...Mr. Lyons did not feel R-50 necessary....

Trustee Wooden said the question exists - does the VB have the authority....if bldg. left "as is," nothing wld. have to be done...Mr. Roney said Pt. 444 of Uniform Code...under 44.3..."bldg. permits shall be required for any work....and can get waivers or disallow the Code under items where necessary repairs do not materially affect structure...alterations to exist in bldg....provided that the alterations cost less than \$10,000." Mr. Roney said he thought all would agree, repairs/alteration to cost considerably more, therefore, subject to the NYS Energy Code and the NYS Fire Code. Trustee Wooden said that the Code also says that these alterations do not materially effect the structural features of the bldg....don't think these are, he said. Mr. Roney said "only one

element...if they're making repairs that do not affect the structure, i.e. new door...moving a wall frm. one place to another, does not affect the structure...No. 2....alterations to exist in bldgs. - cost is less than \$10,000. - this does, therefore, Code kicks in"...on that point only VOP to 'hang' up on proposed project asked by Trustee Wooden....Mr. Roney mentioned 'facts' - Mr. Wooden, too. Mr. Roney said he would state for the record that the VOP sent him to school/Town sent him also - said he had total of six (6) weeks training...said he had become quite familiar/believes his interpretation in keeping in spirit of Code. Trustee Wooden reiterated his belief that if bldg. remained unaltered, it would conform....not effecting structure of the bldg....not causing a fire hazard....not even touching ceiling structure now where insulation is...Mr. Roney spoke of 'a commercial use" - commercial use a commercial use, per Trustee Wooden...not public assembly...did not feel lawyer or doctor's office a real conversion of use...questions resolved when Code drawn up, per Mr. Roney...wouldn't 'second guess' them.

Trustee Pope said that Code not being enforced in this manner in other areas....new office bldg. he occupies in Penfield does not have any of the features outlined as necessary by Mr. Roney...larger...uses PVC piping...no fire closures...no drinking fountains....in-and-out of many office bldgs. (new & old) - don't see these requirements...why the VOP??? Mr. Roney said VB hired him as CEO to enforce Code...Trustee Wooden asked rough figure of renovation and given amt. of approx. \$50,000. said that as a former Bldg. Inspector, many interpretations possible of Code - must have consistent pattern...believe a regulation in Code which states that up to Bldg. Inspec. if over "X" number of "\$\$\$'s," he cld. require architectural drawings (over \$20,000.)...they weren't required here....Mr. Roney cited Article 147 of Education Law...Contractor came in - in a hurry, Mr. Roney said he was trying to cooperate...cld. put a "Stop Work Order" now and have him come back with architectural drawings (wth. seal)...said he could be severely criticized for not having required A.D.'s - could for any decision, per Mr. Wooden....conjecture, per Mr. Gilmore...said he had problems with arbitrary figure....means nothing....following which Trustee Gilmore said he would motion...

VB Action: Trustee Gilmore then moved that the value of R-40 re insulation be established for the ceiling; the fire door regulations too strict - modify; bottled water facility for those in waiting room included in the motion and the PVC piping regulation too strict - should be modified. Trustee Lynch seconded. Discussion on drinking fountain - Mayor Elliott did not agree that same should be provided in waiting room...potable water....see no need. Trustee Gilmore then asked for amendment to his motion, drinking fountain deleted (for now). Trustee Lynch seconded amendment.

As Village Atty. unable to be present, Trustee Pope asked VOP's liability and informed by the Mayor that when asked Village Atty.'s opinion during 'morning session,' Atty. Nesbitt said that the VB could say what standards acceptable to VOP. Mr. Wooden (as a former VOP Bldg. Inspec.) agreed - VB could establish guidelines...Mr. Lyons said that partitions are fire-rated drywall. Trustee Wooden....plumbing can be installed according to the effect up to local jurisdiction (reading from Code - 903.9B) Sewer

system been there for years...several prior occupants....Mr. Wooden said his belief that Mr. Roney felt something in offices toxic to PVC his reason for his stipulation...Trustee Pope stated his vote would be based upon Atty. Nesbitt's comments....if VOP waives something in the State Fire Code and someone would get hurt, VOP liable for lawsuit....Mayor Elliott called for a vote - voting "aye" were Trustees Gilmore, Lynch, Wooden & Pope & Mayor Elliott. Carried. Trustee Pope pointed out that CEO Roney did what was required....VOP, then, willing to take the responsibility. Mr. Mincemoyer said if VB interpretation that they could waive regulation that's what wld. be built...if VB came back in few months....saying VB erred - that's what wld. be done. Although three doctors, only one occupancy per Mayor. Mr. Roney said each paragraph under 771.4A deals with separate subject....referred to paragraph 6....not more than one occupancy shall be permitted under...(inaudible - 10-5 construction???) Mr. Lyons asked interpretation and informed by Mr. Roney "wood frame"...555 W. Main a block bldg., Mr. Lyons said. Mr. Pope said he goes in and out of many commercial bldgs. - has yet to see one which has fire door between lobby and anything else - never saw one. Different entrances into lobby perhaps. Mr. Gilmore agreed re his experience in time spent @ hospitals in Roch. during past year - great deal of 'open-ness' in lobbies....in various parts, doors which separated various areas....good law he said when needed. He said VB had to make decision; Mr. Roney did his job....Mr. Pope agreed...VB overriding his decision is not to say that Mr. Roney did not do what Code requires...or proper thing done...VB willing to take responsibility re waivers....matter of interpretation, per Mr. Wooden.

Exec. Sess.:

At 5:25 p.m. Trustee Pope moved that the VB exercise Exec. Sess. for purposes of "Personnel" and "Union negotiation" discussion (Union neg. @ 7:00 p.m., Thurs., 6/27/91). Trustee Lynch seconded. Voting was unanimously in favor/carried.

Adjournment:

At 5:45 p.m. Trustee Lynch moved adjournment; Trustee Gilmore seconded. Voting was unanimously in favor/carried.

Ethel B. Johnson, Clerk

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