

VILLAGE OF PALMYRA BOARD OF TRUSTEES

REGULAR MEETING

10-19-92

7:00 p.m.

PRESENT: Mayor James G. Elliott, Trustee/Deputy Mayor Thomas N. Lynch, Trustee Kathleen Drews. Trustee Daniel E. Wooden arrived at 7:08 and Trustee C.D. Gilmore arrived at 7:10 p.m. Guests included Pack 99 Cub Scouts, Doris Wolfe of "Our Town" D & C, Deborah Provo, Student Brockport College, and Deborah Inclima, NYSEG. Paul Russell of JR ENGINEERING arrived later.

CALL TO ORDER: At 7:05 p.m. Mayor Elliott announced that he would like the audience to raise hands and be acknowledged prior to speaking if there are questions.

DEBORAH INCLIMA, NYSEG: Ms. Inclima spoke about her experience with the NYSEG and asked if anyone had any questions or problems concerning the NYSEG. Ms. Inclima noted the gas valve problem with the NYS DOT paving Route 31 and not notifying NYSEG and paving over the valves which would have to be corrected. Mayor Elliott said how pleased he was with the rebate program and noted that the rebates made some of the VOP projects possible. NO QUESTIONS.

MINUTES: Trustee/Deputy Mayor Lynch moved to accept the regular meeting minutes from 9-21-92, and special mtg. min. from 10-8-92, and 10-12-92, seconded by Kathleen Drews, vote, 5 ayes, **CARRIED.**

MAYOR ELLIOTT REPORTS; EAST FOSTER STREET DRAINAGE: Mr. J.C. Smith is planning to begin work this week or next week. Dpty Mayor T. Lynch asked if Mr. Clark had signed the easement. Mayor Elliott said that Mr. Clark was the only obstacle, however, J.C. Smith said that they could go around that property.

SEMINAR AT GENESEE COMMUNITY COLLEGE: Cable TV seminar on various contracts, consumer protection, etc. Price is \$10 and the class will be held on November 12, 1992. No one is interested.

LEHMAN ANNEXATION: Mayor Elliott moved to have a joint public hearing with the TOWN OF PALMYRA Board on Monday, 11-16-92 at 7:00 p.m. on the annexation of Lester and Herbert Lehman's parcels to the Village of Palmyra, to be held in the Trustee's Room in the Village Hall, Trustee Wooden seconded, 5 ayes, **CARRIED.**

FLU SHOTS: An announcement was made that the flu shots will be given to the current Village employees and retired Village employees in the Village Hall at 2:00 p.m. on Tuesday, October 20, 1992.

ABSTRACT #9 AND #10: A Motion was made by Mayor Elliott to authorize the Village Treasurer to pay Vouchers #427 paid on 10-13-92 for \$137.69, and #454 paid on 10-6-92 for \$136 of Abstract #9 and Abstract #10 for Vouchers 455-499 totalling \$19,889.93 on which appears three initials of the Village Board, seconded by Deputy Mayor Lynch, vote, 5 ayes, **CARRIED.**

INSURANCE: The Village Clerk reported on the current insurance endorsement for mutual aid and its relationship to GML 209. A letter had been sent to the VOP insurance carrier asking them to itemize each item covered by this endorsement. This was done at the recommendation of NYCOM's, John Galligan. A reply was received stating that the endorsement covered autos and related auto equipment while the GML 209 states that all equipment and apparatus is required to be covered by the VOP during mutual aid. The insurance company, however, did state that if forced by legal action they would probably pay.

TRUSTEE/DEPTY MAYOR LYNCH REPORTS;

DRAINAGE: Depty Mayor Lynch reported on his plan to send out a letter on specific requirements to engineering firms so they can quote on the drainage study project. The first request to engineers was, too, general. The proposals had a wide range of prices some more expensive than others but the more expensive ones seemed to include more services.

MARAFIOTI: P. Retan itemized the proposal which totals approx. \$1,000 in materials. Depty Mayor Lynch spoke with Blair supply and came up with the possibility of using a 55 gal. drum vs a catch basin surrounding the drum with a concrete run of pipe to the other catch basin. 60' of pipe was approx. \$620 from Blair. Trustee Wooden said to offer this to Marafioti's and see if they are willing to pay. Trustee Gilmore stated that there is not a problem with water flowing down in front of Marafioti's, this is a small problem. Depty Mayor Lynch said that the price for labor is about \$1,000 and he would check with P. Retan to see what the most feasible way to accomplish the project. It was noted that Blair supply was the most expensive and possibly Water Products on Buffalo Rd. could be approached. Blair suggested corrugated pipe. Depty Mayor Lynch suggested forming and pouring approx. 1 yard of concrete. It was noted that there is a 3 yard minimum per concrete pour. Depty Mayor Lynch said that grating and framing maybe the way to go and he will check with P. Retan to see if a less expensive method can be used. Trustee Wooden suggested going to Marafioti's with the \$1,000 price and see if they still want the work done. The VOP will try to get a cheaper price if possible and pass on the savings to Marafioti's.

PUBLIC HEARING ON DOG IMPOUNDMENT FEE: Public Hearing opened at 7:29 p.m. by Mayor Elliott who instructed the Clerk to read the Legal Notice: **NOTICE IS HEREBY GIVEN** that the Board of Trustees of the Village of Palmyra will hold a public hearing on a proposed Dog Impoundment Fees Local Law #4 (inconjunction with the regular board meeting) Monday, October 19, 1992, at 7:30 pm. the hearing will be held in the Trustees' Room at the Village Hall, 144 E. Main Street, Palmyra, Wayne County, New York. The hearing is for the purpose of allowing the Village residents to provide the Board of Trustees with questions and discussion on the proposed LL#4.

A copy of the proposed Local Law #4 will be on file and available for public inspection in the Office of the Village Clerk during normal office hours. BY ORDER OF THE VILLAGE BOARD, Village of Palmyra, Bonnie J. Hays, Village Clerk, Dated: October 12, 1992.

Mayor Elliott explained in brief the proposed LL#4 saying that the proposed fees were \$25 first time, \$50 second time, and \$75 same animal third time with animal boarding fees \$5/day. Trustee Wooden asked why was there a consideration to lower the fees? Trustee Drews said that the Animal Control Officer felt the current fees were unfair and that no dog officer had charged the \$75 fee. Trustee Drews noted that there doesn't appear to be a dog problem now but may have been in 1982 when the law was amended to \$75. Trustee Drews noted that the Animal Control Officer had been charging \$25 which is what the TOP had been charging. Animal control Officer stated that she had been new and no one told here about the \$75 charge and that the \$75 had never been charged. Trustee Drews asked ACO how many dogs she had been picked up. ACO said 9 picked up 5 claimed and charged. If a dog is licensed and the owner reports it, no fee charged per State and give dog back to owner with the proper papers. Mayor Elliott gave an example of this procedure stating that the ACO would be using good judgement. ACO noted that if a person reports a dog missing there will be no charge but if they do not report missing there will be a charge. ACO says that no one will claim their dog if the charge is \$75 and the VOP is worried about revenue which expenses will cost more with boarding and euthinasing. Trustee Wooden noted that ACO has not attempted to charge and collect the \$75. Mayor Elliott noted that someone had paid the \$75 when required. ACO said 90% of people do not put tags on their dogs so you cannot tell who is licensed. Trustee Lynch agreed that \$75 is tough and \$25 more reasonable.

Trustee Gilmore compared the charge to a speeding ticket asking Chief Dalton what the least speeding ticket is and Chief Dalton replied \$35. Chief Dalton asked if a dog slips a collar should the owners be penalized as much as someone who does not care. Response was that habitual people will pay more. Mayor Elliott asked the ACO if a dog is picked up and not licensed, is there a fine. ACO replied there was according to the AG and Market Law and the ticket is at least \$25 fine. Chief Dalton said that he believes the dog problem has been cured because of ACO.

Hearing was closed at 7:43 p.m. Trustee Drews moved to amend LL#4 Dog Impoundment Fees which are currently \$75 and \$100 to \$25, \$50, \$75 subsequent pick ups, seconded by Trustee Lynch, vote, Mayor Elliott, nay, Trustee Wooden, nay, Trustee Drews, aye, Deputy Mayor Lynch, aye, and Trustee Gilmore, aye. CARRIED 2-3.

TRUSTEE GILMORE REPORTS: PILLARS IN THE PALMYRA HOTEL: A meeting was called by Historic Palmyra's President, P. Pope and held with local concerned citizens, the Pal. Historic Society, the owner of the Palmyra Hotel, members of the Village Board and the VILLAGE CEO at the Palmyra Hotel. The Pillars on the front of the building are in disrepair and there is concern for the citizen's safety. The VB composed and sent a ltr. to the Griffith-McLouth Foundation supporting a M. Crane, owner of Pal. Hotel, request for a grant to keep the building refurbished to its historical state.

Trustee Wooden noted that he was questioned by Attorney, Paul Rubery, as to the mention in the CEO letter to Mr. Crane about a deadline of a week and exactly what was the deadline for? Mayor Elliott explained that the letter noted what course of action was to be taken should be decided and presented within one (1) week. Trustee Lynch asked if a permit for demolition had to come through the CEO, who responded that M. Crane has a permit application to do work on the PAL. HOTEL. Trustee Wooden suggested that Mr. Rubery be contacted and the CEO's letter expecting a plan be clarified to Mr. Rubery. Trustee Gilmore noted that the CEO wanted the sidewalks covered right away.

FEE SCHEDULE: Trustee Gilmore requested that the Clerk give each VB member a copy of the proposed fee schedule of CEO Dundas.

ALTERNATE PLANNING AND ZONING BOARD MEMBERS: Trustee Gilmore moved to appoint Kenneth Masker of Canandaigua St., Alternate Planning Board member and David Cook of Stafford St., Alternate Zoning Board member, seconded by Trustee Wooden, 5 ayes, CARRIED.

PETITION FOR LAW TO PRESERVE HISTORICAL STRUCTURES IN VILL. OF PAL.: Trustee Gilmore read the petition as follows: WE, the undersigned residents and other concerned persons of the Village of Palmyra do hereby petition the Village Board of the Village of Palmyra to: 1. enact a law insuring the preservatoin of the historical structure in the Village of Palmyra. 2. declare a moratorium on the destructure of any structure for at least six months. Approximately 32 names are on the said petition.

Trustee Gilmore voiced his agreement with the requests of the petitioners by saying on one hand the practicality of safety to the VOP residents may be at stack and the VB supports saving buildings by exploring all good efforts. Mayor Elliott requested the Clerk to supply each VB member with a copy of the Model Historic Preservation Ordinance/LL which explains and covers the regulations on landmarks after which put i the hands of the Planning Board. Trustee Wooden suggests that the Planning Board work directly with Historic Palmyra. Trustee Wooden also noted that unless granting money is involved the owner can do what he/she wants. Mayor Elliott noted that with the ordinance in place the steps to getting a grant etc. will be easier.

Trustee Gilmore moved to refer the petition and Model Historic Preservation LL be sent to the Planning Board and the Planning

135
Board make every effort to work with the Palmyra Historic Society, seconded by Mayor Elliott, vote, 5 ayes, CARRIED.

STREET FLOOR BUSINESS: The Planning Board gave a request for change in the law to restrict first floor businesses in the community from becoming dwellings(apartments). This request needs to be pushed forward as it was noted there are already some instances of this in the VOP, said E. Hartnagel. It was mentioned that Attorney Nesbitt has the information on this proposal and is requested to resurrect it and get going.

TRUSTEE DREWS REPORTS: WCHS CONTRACT: Trustee Drews reported that Attorney Nesbitt is still working on this.

SIGNS FOR VILLAGE ENTRY POINTS: Trustee Drews reported that the Pal-Mac School Art Dept. headed by D. VanGordon would be pleased to work on the project. Mr. VanGordon has gone out with a video camera and has all the information he needs. E. Hartnagel gave the Art Dept. pictures of Newark sign. Mr. VanGordon noted that he is very interested in this project and the kids are very eager and excited. The Art Dept. would come to the VB mtg. and give a report on the cost of the sign and would make the labor a school project and the VOP would pay for the material. Trustee Drews is willing to call Mr. D. Ganoung and work with him or the county. Trustee Wooden noted that the Lions and Rotary are going to do something on this. Mayor Elliott and Depty Mayor Lynch agreed that if the VB was satisfied with the Art Depts. proposal that this would a good idea. Mayor Elliott mentioned that George Larrison also does signs. Trustee Drews pointed out that the involvement of the kids would promote them appreciating the signs.

Mayor Elliott noted that several years ago the Mormons gave the VOP \$500 for signs which was never expended. The money was to assist with entrance signs and a business directory.

Trustee Drews noted that nothing would be done on the sign unless the VB approved the idea. Trustee Drews moved to approve the Art Dept. students prepare a sign presentation, seconded by Mayor Elliott, vote 5 ayes, CARRIED.

RABIES COURSE: Trustee Drews reported that ACO had attended a County sponsored Rabies Course which she reported on. The report is at the Village Hall for review.

Trustee Gilmore had the signs for the basketball team completed.

TIP OFF CLUB: Trustee Drews reported that the PAL-MAC Tip Off Club was requesting a donation from each VB member in the amount of \$6 totalling \$30 which will put an ad in their bulletin. VB members agreed to do this.

HOMECOMING PARADE: A letter was received from the Student Council thanking the VB for help on the Homecoming Parade. Trustee Gilmore noted that every year the Homecoming Parade gets improves.

MOWING COMM. CENTER LAWN: Trustee Drews needs to speak to R. Weaver of PC DEPT. concerning mowing the lawn at the Community Center. J. Campbell asked if R. Weaver could be on a more set schedule. Depty Mayor Lynch noted that he would check into this.

RABID ANIMALS: Chief Dalton noted that anyone calling about a rabid animal, unless the ACO is not available, must call the WCPH Dept. who will call the ACO. The ACO has the power to shoot and pick up the animal for transport to Public Health. ACO uses a 22 and Mayor Elliott asked if the ACO had a problem with shooting these animals, her response was no, not at all. The WCPH will dispatch all calls to the ACO on rabid animals. ACO also explained that the animal is caged and shot at close range.

Mayor Elliott suggested that ACO go to firing range. Chief Dalton will check the feasibility of that.

Chief Dalton asked if now that cats have to have rabies shots if the VOP law covers cats. Trustee Wooden stated that the law should cover cats. Mayor Elliott responded that the VOP law does not cover cats. ACO said that cats are considered wild animals and the VB would have to cover the liability. ACO stated that people would not put tags on their cats. Chief Dalton asked, if the VB gave the ACO the power can she trap cats and take them to a humane society. ACO's response was the additional cost to the VOP would be between \$40 and \$50 per cat. The law will be looked at. Trustee Drews and Wooden noted that the existing law states that any animal that is a nuisance can be picked up which means other animals are already stated in the law.

TRUSTEE WOODEN REPORTS: VALVES ON WATER PIPES FOR FAYETTE/PROSPECT PROJECT: Trustee Wooden stated that the needed valves for the water pipes in the Fayette/Prospect Culver project could come out of contingency as suggested by P. Retan. Mayor Elliott said he asked Treasurer who said there is money in that fund and would be enough for this extra. Trustee Wooden said that he would have no problem using the contingency if there is money in there. Mayor Elliott noted that the contingency in that fund is approx. \$23,000.

ENGINEERING PROPOSALS ON WATER PROJECTS INCLUDING TANK AND HYDRAULIC GRADIENT STUDY: Trustee Wooden said he had received a number of engineering proposals. Prices for tank and water study varied extremely. The prices for the water distribution study ranged from approx. \$2,800 to \$13,500. Trustee Wooden noted that at this point the first thing to do is the water system study to determine where the new tank should go. Trustee Lynch said that H. Kruger, Superintendent of W/WW suggested the hill behind the Salsburg Village apts. Trustee Wooden asked what the procurement policy stated on the approach and guidelines for this engineering proposal award. Mayor Elliott noted that this is not pertaining to procurement policy but what the VB wants.

Trustee Wooden recommended that the VOP use MRB Engineering Group who is not the lowest bidder at \$5,200 which covers everything with the water study. Trustee Wooden stated that most of the other prices could have an additional but Trustee Wooden understands from MRB that there price is the total price. This price covers a concept analysis.

Trustee Wooden moved to have the water disposition study, only, done using MRB GROUP out of Newark seconded by Trustee Gilmore. Deputy Mayor Lynch asked if H. Kruger had been consulted on this choice. Trustee Wooden said no. Trustee Wooden stated some of his reasons for hiring MRB GROUP were because they are a Newark, NY, firm and because D. MATTHEWS lives in Palmyra and works for them. Trustee Wooden said that although MRB is not the lowest price they are within reason. VOTE, 4 AYES, Mayor Elliott, nay, CARRIED, 4-1.

Attorney Nesbitt arrived at 8:28 p.m.

J. R. ENGINEERING REPORT; PAUL RUSSELL, ENG.: Mr. Russell has met with the contractors regarding the tapping sleeve and valves as recommended by P. Retan. Mr. Russell referred the letter sent to all VB members. Blair supply would do this work for \$7,682. This part of the project is out of the contractors expertise.

Trustee Lynch noted that the money for this change would have to come out of the water fund and it is better for the contractor to handle this and put the bill into the contractors bill. Mr. Russell noted that having a change order would be necessary and there is a benefit to letting the contractor take care of the work. It was also noted per the letter from J. R. Eng. that Art Graf, Inc. (Contractor) would charge the Village of Palmyra exactly what Blair Supply charges him to install the tapping sleeve and valves, or the VOP can hire the work done directly.

137

Mr. Russell per his letter recommends that the VOP proceed with the additional work if it can fit into the VOP budget.

Deputy Mayor Lynch moved a change order be given that Art Graf, Inc. contact Blair to make the changes of (2) 12" tapping sleeves and valves at \$5,576, and (2) 6" tapping sleeves and valves for \$2,106 totalling \$7,682 per J. R. Eng. letter. Seconded by Mayor Elliott, vote, 5 ayes, CARRIED.

INLETS: Mr. Russell noted that the only issue remains unresolved are the inlets. There is a question as to whether include inlets at that location of the culvert on street side. Mr. Russell reported street side \$2,000 for a 30" culvert and a larger culvert would be \$6,400. Trustee Lynch said that he had spoken to P. Retan about this and he doesn't recall what they spoke about but could do a lot cheaper if did not put that on top of the pipe and just ran it to the creek. P. Retan may have some ideas on this and may want to do the work himself. Deputy Mayor Lynch agreed. May work just as effective with P. Retan doing the work and less costly. Mr. Russell said this is still unresolved and will want to resolve it but not right now.

Deputy Mayor Lynch noted that the issue of no easement for the 12" line as stated in the bid needed to be clarified in the contract. Deputy Mayor Lynch noted that we were going to, at the time, talk to the property owners and the contractor take a second look at it and see if the VOP wanted to do at this time. Mr. Russell to speak to the contractor and that 12" line would not be put in without prior authorization from the VB.

Deputy Mayor Lynch asked Atty. Nesbitt if he received his message this afternoon concerning the easement for Miss McGuire. The easement is with Atty. Sapienza who says there appears to be a problem and that M. McGuire does not want to give an easement on the West side of her property. Mr. Russell and Deputy Mayor Lynch agreed that there must be a misunderstanding in the description. The only side of her property involved is the East side which the culvert will go down. Trustee Gilmore asked if there was anything running through the West side at this time. Deputy Mayor responded by saying a pipe runs on the West side between her house and the house on the corner. The pipe is the drain for the catch basin. Atty. Nesbitt agreed to contact Atty. Sapienza to see what the misunderstanding is. Deputy Mayor Lynch said he thought it would be better if the attorneys straightened this out. Deputy Mayor Lynch thought everything was ok last week but it was not. M. McGuire has no problem with the new culvert.

Trustee Wooden asked where the money is coming from for the catch basin. Deputy Mayor Lynch said the catch basin is not being included now. We are not going to drop the catch basins on the big culvert, it would have been relatively cheap to do on the small one but not the large one. Eliminate that for the time being and perhaps run a catch basin from that point to the creek.

PALMYRA HOTEL BARRACADES: Trustee Gilmore asked about the parking barricades in front of the Pal. Hotel. Chief Dalton explained that it was an emergency situation not a parking empowerment and that because of this the VOP can enforce a parking restriction until further notice. Trustee Wooden asked, isn't there a problem with people's safety. CEO said that Crane was going to put up scaffold this week to protect the people. Mayor Elliott noted that the pillars are the most concern now and will not fall out. Atty. Nesbitt noted that he believes the CEO has the authority to take action on barricades.

Trustee Gilmore moved that until the situation is resolved (4) parking spots in front of the Pal. Hotel be no parking. Also, CEO, Dundas be authorized to put any necessary barricades on the sidewalk to protect pedestrians' safety, seconded by Mayor Elliott, vote, 5 ayes, CARRIED.

FENCE AT EVY'S: Atty. Nesbitt is being transferred reported on the fence between Evy's and the VOP Fire Dept. building. Agway put up the fence but agreement say it is the VOP's chain link fence and allows the VOP to keep fence there but also to remove fence if it ever falls down. Owner of Evy's does not want the VOP to claim by adverse possession the land between where the fence is actually located and the true boundary line. Atty. Nesbitt explained that adverse possession is possible. A motion is recommended by Atty. Nesbitt to sign the agreement proposed by the Owner's of Evy's to avoid any problems in this area. Trustee Gilmore moved that the Mayor be empowered to authorize and sign the encroachment agreement, seconded by Trustee Drews, vote, 5 ayes, CARRIED.

ZONING LAW, RESIDENTS ON FIRST FLOOR (STOREFRONTS): Trustee Wooden and Depty Mayor Lynch asked that Atty. Nesbitt resurrect and old planning board request for the change in the Zoning Law not to allow residents to live on the first floor in a commercial building. This was submitted with the Home Occupation Law. There have already been three store fronts with this situation. Atty. Nesbitt asked where the VB would like this regulation to include and within what designated area and said that this would be easy enough to do. Would said within a certain district will not allow first floor occupancy.

Depty Mayor Lynch asked Atty. Nesbitt if he would speak to Atty. Sapienza about the fence and driveway on Canal Street. Atty. Sapienza went out of town right after Depty Mayor Lynch spoke to him about this issue. Atty. Nesbitt will speak to Atty. Sapienza on this.

NO QUESTIONS FROM THE AUDIENCE.

VOTING AND TALLY PROCEDURES: Village Clerk read a letter from Town Clerk, Beverly Hickman, concerning the new procedures for getting the tallys after the upcoming general election at the school. The letter stated that the doors to the election (music) room would be locked at 9:00 p.m. to all except those who were in the room and had not voted. All those wanting the results directly from the voting machines would wait in the auditorium of the High School and as the machine results became available they would be read to those waiting in the auditorium. E. Hartnagel noted that she was not in favor of this procedure and would speak to the Town Board.

EXECUTIVE SESSION: Trustee Lynch moved at 8:50 p.m. to call executive session for matters of personnel, seconded by Mayor Elliott, 5 ayes, CARRIED.

A motion was made by Trustee Drews to go out of executive session at 9:10 p.m., seconded by Mayor Elliott, vote, 5 ayes, CARRIED.

ADJOURNMENT: Mayor Elliott moved to adjourn the meeting at 9:11 p.m. seconded by Trustee Wooden, vote, 5 ayes, CARRIED.

Respectfully submitted,

Bonnie J. Hays

Blank
page