

VILLAGE OF PALMYRA BOARD OF TRUSTEES

REGULAR BOARD MEETING

6-1-92

7:00 PM

PRESENT: Mayor James G. Elliott, Trustees Thomas N. Lynch, Kathleen C. Drews, C. D. Gilmore, and Daniel E. Wooden. Depart. Heads Chief David Dalton and Phil Retan.

CALL TO ORDER: Mayor Elliott called the meeting to order at 7:05 p.m.

PUBLIC HEARING: Opened at 7:07 p.m. Legal Notice read as follows:

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Palmyra will hold a public hearing on a proposed Local Law #3, 1992, Home Occupation (inconjunction with the regular board meeting) Monday, June 1, 1992, at 7:00 p.m. 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 Local Law #3, Home Occupation, which will describe six listed criteria for Home Occupation amending Chapter 29 of the Palmyra Building Code.

A copy of the proposed Local law #3 will be on file and available for public inspection in the Office of the Village Clerk during noraml office hours.

BY ORDER OF THE VILLAGE BOARD

VILLAGE OF PALMYRA

Bonnie J. Hays, Village Clerk

Dated: May 19, 1992

Mayor Elliott read the proposed Local Law #3 to all in attendance. Citizen, Margaret DeNeef, asked what would determine the difference between Home Occupation and a hobby? A general answer of "if selling a service" was given.

E. Hartnagel from the Planning Board noted that the Planning Board felt that the way this LL was put together would benefit all residents and protect all residents. If a situation was a hazard it would not be allowed.

Trustee Wooden noted that this LL would allow anyone to do anything in their home and noted that there was an error in Section 3 should read C-7 instead of C-8.

Mayor Elliott stated that the Town had problems with car repair and would like to avoid this prior to it happening in the Village. E. Hartnagel noted that any complaint would eliminate this from happening.

Other items discussed were the possibility of this being spot zoning or selective zoning at the whim of neighbors. Trustee Wooden explained that the same regulations and hearing procedures would be effective with this LL as with any Zoning problem.

Trustee Wooden and Mayor Elliott questioned the lack of definition of Home Occupation and the way to determine what is and what is not Home Occupation. Some thoughts were using a Sales Tax Certificate, DBA, or Income Tax records. General feeling was that Home Occupation was something that produced income. Trustee Wooden noted that this would be hard to control.

Citizen Baker noted that the Zoning Officer should have some flexibility. Citizen Bettinger stated that many people do not claim their businesses or income.

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Mayor Elliott moved to accept LL#3 amended to change C-8 as stated in Section 3 to C-7 and to change the wording in Section 2 to read " An income producing occupation or profession carried on wholly within the principal building or within a building accessory thereto where (1) occupation is carried on by a member of the family residing in the dwelling:" Seconded by Trustee Wooden, vote, 5 ayes, **CARRIED.**

CITIZEN JOE BETTINGER: Mr. Bettinger asked about the status of past C.E.O.'s report. Trustee Gilmore noted that it was in the hands of Village Attorney Nesbitt. Trustee Gilmore stated that he will get back to Mr. Bettinger when Attorney Nesbitt responds, however, Trustee Gilmore suggested that Mr. Bettinger continue to attend the Board Meetings.

HAROLD "BUD" BAKER, PRESIDENT OF THE WAYNE COUNTY FAIR ASSOC.: Mr. Baker had two (2) major complaints concerning incidents which occurred in the Fair Grounds. (1) Grafietti and busted posts. (2) three teenagers mooning workers at the Fair Grounds. Mr. Baker expressed concerns about the lack of assistance by the Sheriffs and the State Troopers and the VOP PD with 4 men due to budget cuts and slow response times from them all because of understaffing. Mr. Baker noted that with summer coming he was concerned that there would be more trouble. Mr. Baker said that since a Police Officer is in the VOP budget for this year he would like to see that position filled. Mrs. DeNeef expressed concern about unknown people and vehicles near her apartment complex.

MINUTES: A motion was made by Trustee Gilmore to table the meeting minutes of 5-18-92 seconded by Trustee Lynch, vote, 5 ayes.

DRAINAGE ON E. FOSTER STREET: Mayor Elliott reported that J.C. Smith of Wayne Cty has all easements but 4. Mr. Smith's next stop was S. Venturino.

BUTLER SHOCK: Trustee Lynch asked Mayor Elliott if a plan to get the creeks cleaned out with Butler Shock residents was still a plan. Mayor stated it was, however, the creek needed to be down more.

OLD CREAMERY: Mayor Elliott reported that W. Pulcini had been contracted to demolish this building and had applied for a permit as of today.

SUBSTITUTE CROSSING GUARD: A motion was made by Mayor Elliott to hire Kim Diefendorf as Substitute Crossing Guard to be used in the absence of Vern Rush. Trustee Lynch seconded the motion, vote, 5 ayes, **CARRIED.**

HEPATITIS B: Mayor Elliott reported that the sirum was ordered and had be picked up by Vince Craft on May 29th, 1992, and taken to Dr. Farley's office. The first scheduled shot time is June 10th at 11:00 am to noon and the Highway, PD, and Water depts. will be done at that time.

MUNICIPAL AUCTION: A motion was made by Mayor Elliott to put the \$5,239.80 earned at the auction into the reserve funds for the appropriate accounts, seconded by Trustee Wooden, vote, 5 ayes, **CARRIED.**

ABSTRACT #1 and ABSTRACT #25: A motion was made by Mayor Elliott to authorize the Village Treasurer to pay all invoices on which appear the initials of at least three VB members, on Abstract #1, Vouchers Nos. 1 - 36 less #14 totalling \$9,986.18 and to add to Abstract #25 vouncher #1117 for \$50 for WCVOA, seconded by Trustee Wooden, vote, 5 ayes, **CARRIED.**

GIFT FROM SCHOOL: Mayor Elliott reported on the Gift of \$208.49 received from the Palmyra students who earned the money reading books. Approximately \$1300 was raised and the money was divided

up between the State DEC Wildlife Preserve Program, Rain Forest, and School Library at the Elementary School. The \$208 will purchase approx. 5 trees, (1) red maple for the Main Street Park, (2) Market Street, (2) Cemetery.

REBATE FROM NYSEG: A rebate check for \$16,500 was received for the installation and purchase of the new pumps and motors at the Water Plant. A motion was made by Trustee Wooden to put the \$16,500 back into the HR3 Captial Reserve Water Fund, seconded by Mayor Elliott, vote, 5 ayes.

Mayor Elliott commended the fine job that Harold Kruger, Superintendent of Water/Sewer had done in getting this job done and rebate received and also commended Trustee Wooden for a fine job done.

APPOINTMENT OF NEW JUSTICE: Mayor Elliott appointed Carol Ann Salomon to the position of Village of Palmyra Justice filling the vacancy left vacant by John Baynes, May 30, 1992, until election is held in March of 1993. This position will be effective immediately. Mayor Elliott noted that Carol has worked for the DA in Cayuga Cty, the Geneva City Court, and has much knowledge and experience of the Court Room. Also the Mayor noted that Ms. Salomon had many unique qualifications and in his opinion would make a very good judge.

Trustee Lynch offered his congratulations to Carol Salomon.

LOCAL LAW #1 ADULT ENTERTAINMENT: Mayor Elliott noted that he is concerned with the 50% regulation in the LL and that a smaller percentage may be wise. Mayor Elliott suggested 40% income and 30% floor space. Trustee Lynch asked how the income would be checked. Mayor Elliott stated that the VOP would review the financial books. A citizen complained about a local business which now has adult videos and has a book at the service counter with the titles and video covers which makes her uncomfortable when patrons are looking through the book.

TRUSTEE LYNCH REPORTS: The Spring Creek project is continuing with the engineer visit on Wednesday, June 3, at 1:00 p.m. Stakes will be left up so that those citizens that do not get there at that time will be able to see markers and layout.

CEMETERY: Trustee Lynch noted how nice the cemetery looked for Memorial Day and that the crew had come in on Sunday to work.

There has been theft of urns in the cemetery and the Palmyra PD will ask the Canandaigua PD to check out a location which is selling a number of urns to see if any belong to Palmyra.

Trustee Lynch will also check with R. Weaver concerning some missing stones.

TREMONT AND GATES STREETS: Water standing in the back yards of a Guierri, Bradstreet, and Drews. P. Retan suggested a catch basin may be needed. Trustee Lynch and Trustee Wooden noted that problem needed to be determined prior to any solution. It would also need to be determined whose responsibility this problem is. Trustee Wooden noted that there are three options (1) do nothing, (2) catch basin, (3) property owners fill in yards.

Trustee Lynch asked that the cost of installation of a catch basin be checked into and that the low spot be found. Phil Retan will do this.

TRUSTEE GILMORE REPORTS: Fee schedule was not discussed, however, the Village Clerk was instructed to give E. Dundas, C.E.O., a copy of the new schedule.

PAL-MAC SELECT CHOIR: Trustee Gilmore stated that the Palmyra-Macedon School had one of the finest choirs in the country and have received very little recognition from the Village of Palmyra

and the Village Board. Trustee Gilmore noted that Mrs. Beaucage has done an absolutely fabulous job. Trustee Gilmore announced that the Select Choir was one of two choirs that had won the GOLD award in a nationwide competition in Toronto on Memorial Day weekend.

A motion was made by Trustee Gilmore and seconded by Trustee Wooden, vote, 5 ayes, CARRIED to proclaim the following:

PROCLAMATION: TO PROCLAIM JUNE AS PAL-MAC SELECT CHOIR MONTH FOR THEIR CONTINUOUS AND SUPERLATIVE EFFORT WITH SPECIAL RECOGNITION TO MRS. ANN BEAUCAGE.

PHONE RECEIVER SURPLUS: A motion was made by Trustee Gilmore to declare the phone receiver amplifier surplus and accept \$1.00 as payment to be sold to J. Roney, seconded by Trustee Wooden, vote, 5 ayes, CARRIED.

KATHLEEN C. DREWS REPORTS: Trustee Drews noted that Roger Wilson of the Wayne CTY Humane Society will be attending the June 15th meeting at 7:00 p.m.

BAGS FOR CLIPPINGS: Trustee Drews expressed concern by a citizen on Gates Street that using garbage bags are not good for recycling and some Villagers would like eliminate the use of bags.

TRUSTEE WOODEN'S REPORT: Trustee Wooden moved to authorize Mayor Elliott to sign the water contract with Coltec, Industries (Garlock). Mayor Elliott noted that the original contract date needed to be changed from 1976 to 1986 in two locations and that Garlock is to maintain the line. Also the name needs to be changed from Garlock Inc. to Colt Industries.

Trustee Wooden reported that the water contract for Hill Cumorah was in Utah.

CONTRACT WITH MACEDON: Trustee Wooden stated that he had met with Art Ainsworth and Mr. Bastian of the Town of Macedon and that they suggest a payment of 85% of what they are charging when buying from Palmyra and charging 75% of selling price when selling to Palmyra. Both of these amounts are based on the retail rate. Trustee Lynch noted that Harold Kruger should be contacted for his input on this contract.

CANALTOWN ON NETWORK NEWS WITH DR. FARLEY'S OFFICE: Mayor Elliott announced that Dr. Farley's Office was on network morning show on Channel 8:00 this am and that the Canaltown Nursery school was also on the news program. A comment was made from one of the network visitors that Palmyra seemed like a nice place to live.

POLICE OFFICER: Mr. Baker of the Fair Assoc. asked the VB again if something was going to be done about police coverage and if someone is covered in the budget and they are not hired what is the VB going to do with the money. Trustee Lynch said that the budget is cut and there may not be that much to spare. Chief Dalton stated that the money was put in the budget and the tax levy set. Mr. Baker noted that he had been to the Sheriff's Dept. and the Troopers looking for their assistance and that they also had lower budgets and less manpower. Mr. Baker noted his concern about the children out of school for the summer with idle time on their hands. Mr. Baker said he was going to the Public Safety meeting in Lyons. Trustee Lynch asked if there was to be a meeting with Jerry Kelly of the Canaltown Comm. in June as usual. Trustee Drews asked if there could be a rotating PD schedule and Chief Dalton noted that the Union workers wanted to have straight shifts and the VB wanted the PD on 4-2 shifts. Chief Dalton noted a possible problem on Memorial Day, however, Vern Rush and some officers assisted.

Mayor Elliott said that he felt another PD officer was in the budget and the VB should look at hiring. Trustee Lynch said that the VB would have to discuss that and several other things. Mr. Baker finished up by saying that insurance rates will and are going up because of incidents.

EXECUTIVE SESSION: A motion was made by Mayor Elliott to move into executive session at 9:45 p.m. for matters of personnel seconded by Trustee Wooden, vote, 5 ayes.

A motion was may by Mayor Elliott to go out of executive session at 11:00 p.m. seconded by Trustee Lynch, vote, 5 ayes, **CARRIED.**

SALARIES: A motion was made by Mayor Elliott that the following employees receive 2% raise effective 6-1-92:

- Linda Ingram - Court Clerk
- Mark Henning - Fire Company
- Sue Clemons - PD Clerk
- Kim Diefendorf - Animal Control Officer

the following Officers and Dept. Heads will receive a 3-1/2% increase effective immediately:

- Darlene Matteson - Treasurer
- Bonnie Hays - Village Clerk
- Kerry Elvin - Deputy Clerk
- D. Dalton - Police Chief
- Phil Retan - Highway Superintendent
- Roger Weaver - Cemetery & Parks Superintendent
- Harold Kruger - Water / Wastewater Superintendent

Motion seconded by Trustee Gilmore, vote, 4 ayes, Trustee Lynch voted nay.

A motion was made by Trustee Wooden that any new non-union full time employees will contribute 50% of their BC/BS benefit, seconded by Trustee Gilmore, vote, Trustee Lynch nay, Trustee Wooden aye, Trustee Drews, nay, Trustee Gilmore, aye, Mayor Elliott, nay. **DEFEATED.**

Trustee Lynch would like to have a workshop meeting at one meeting per month. Trustee Drews agreed that this was a good idea.

ADJOURNMENT: A motion was made by Mayor Elliott to adjourn the meeting at 11:15 p.m. seconded by Trustee Drews, vote, 5 ayes, **CARRIED.**

Next meeting June 15, 1992.

Respectfully submitted

Bonnie J. Hays
Village Clerk

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