

Adjournment:

Trustee Pope moved adjournment @ 11:20 p.m.; Trustee Gilmore seconded. Voting "aye" were Trustees Pope, Gilmore, Frontuto & Wooden & Mayor Elliott.

Ethel B. Johnson, Clerk

BOARD OF TRUSTEES

Special Meeting

2/16/89

7:00 p.m.

The Mayor called a Special Meeting for 7:00 p.m., Thursday, February 16, 1989, in the Trustees' Room of the Village Hall for the purpose of reviewing budget requests with VOP Dept. Hds., along with any other business to come before the VB.

Present:

Mayor James Elliott, Trustees Penelope Frontuto, Daniel Pope & Daniel Wooden. Absent: Trustee Charles D. Gilmore.

The Board met with dept. hds. and discussed 1989-90 budget requests as follows:

- 7:00-7:30 p.m. - W&WW Supt., Harold Kruger
- 7:30 p.m. - Trustee Pope departed temporarily
- 7:30-8:00 p.m. - P.D. Chief David Dalton
- 8:00-8:40 p.m. - C&P Supt., Roger Weaver
- 8:15 p.m. - Trustee Pope returned
- 9:05-9:57 p.m. - Highway. Supt., Phil Retan

A general discussion regarding the budget was conducted by Bd. members present.

Adjournment:

At 10:22 p.m. Trustee Frontuto moved that the Bd. adjourn; Trustee Pope seconded. All present voted "aye" - carried.

(Brief Minutes Provided by Mayor Elliott)

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BOARD OF TRUSTEES

Regular Meeting

2/21/89

7:00 p.m.

(Grievance Day, by law, must be held on third Tues. of February, therefore, Bd. held sme. in conjunction wth. Assessor J. Roney; Established hrs. of 4-6 p.m. - Mayor Elliott & Trustee Pope; 7-9 p.m., Trustees Frontuto & Wooden)

**Present:** Mayor James G. Elliott; Trustees Penelope K. Frontuto, C. D. Gilmore, Daniel Wooden & Daniel Pope III. Vill. Atty., J. Nesbitt was "on call" in his nearby office due to a number of commitments.

**Moment of Silence:**

The Mayor requested that a moment of silence be observed, during which time the late Mr. Wayne Scheik, former Town of Macedon Supervisor, be remembered.

**Public**

**Hrng.**

**LL#3:**

Mayor Elliott requested the Clerk to read the Legal Notice to consider the adoption of **Local Law 3, 1989**, to add a "**Flood Damage Prevention**" chapter to the Village Code as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

Mayor Elliott stated that in order for residents in the area considered the "flood area" (Kent St.), to obtain a building permit they must apply to the State - DEC has to approve sme./two-to-three mo. process... if VOP adopts subject Law, then VOP may issue bldg. permits in above area. Not fair to people who live there to have to go through lengthy process...Mr. J. Roney sd. that if VOP adopts sd. Law, takes all responsibility frm. State....he asked if for sme. reason in future cld. the VOP be sued and was told by the Mayor, "not if the CEO does his job right." Very specific guidelines contained in the Law, per the Mayor, how construction wld. have to be done. Chief Dalton asked if entire VOP affected and told by the Mayor, "just Kent Street." Mayor spke. of "100-yr. flood plain".....(once every 100 yrs. cld. be flooded out....) - other VOP areas in "500-yr. flood plain."

When there were no further questions or comments, at 7:11 p.m. Mayor Elliott declared the hearing closed.

**Pub.Hrng.**

**LL#4:**

Mayor opened the public hearing to consider the adoption of Local Law #4, 1989, to amend Chapter 29 of the VOP Code, said amendments to include changes regarding electrical and swimming pool installations, utility sheds and fee changes. The Clerk read the Legal Notice - the Mayor requested the Trustee-in-Charge, D. Wooden, to elaborate on specific changes. Typo on Pg. 3-2, Sect. 29-46D...shld. be "non-habitable space..." - Trustee Pope sd. 4th line frm. bottom on 1st pg. should be "or" not "on"; Trustee Pope had a question on "G"....utility sheds...re sq. ft. and was told by Trustee Wooden placed @ 150 sq. ft. (currently @ 50 sq. ft. change wld. accommodate such sheds as those bought @ Chase-Pitkin, etc.). Trustee Pope inquired about Section 29-42D - Changing Fees - Trustee Wooden sd. changes in "Base Permit" - frm. \$5.00 to \$15.00.....sub-paragraph D to rd. as follows...delete "Changing" - only "Fees". Discussion on cost per sq. ft. - 500-1000, \$.05 per sq. ft./1001 sq. ft. or over, \$.07 per sq. ft. Definition of "habitable" and "non-habitable" space related by Trustee Wooden - for some, CEO wld. have to spend more time re inspections, etc. Trustee Pope recommended **A. Base Permit; B. Habitable Space** (less than 500 sq. ft. no additional fee),etc. add **C. Non-**

Minutes, 2/21/89--2

**Habitable Space** (over 500 sq. ft. \$05. sq. ft.) Mayor Elliott sd. that VOP Code does not define - should add "what is habitable space"....dollar signs to be added.

Mayor Elliott asked if any more questions/discussion - when none, he declared the hearing closed @ 7:26 p.m.

Minutes  
2/1/89:

No quorum @ mtg. attended by Mayor Elliott and Trustee Frontuto, however, newspaper notified and posted...should be shown on record. Trustee Pope moved approval; Trustee Frontuto seconded. Voting "aye" were Mayor Elliott & Trustees Frontuto, Pope, Wooden & Gilmore. Carried.

Minutes  
2/6/89:

Re 2/6/89 Minutes, Public Hearing portion - 14th line....after word "Sidewalks," add..."Police Chief answered in the affirmative"....also, Mr. Bruening sd. he had 'clearance', not 'area' of approx. 5'. Wth. above corrections noted, Trustee Pope moved Bd. acceptance; Trustee Frontuto seconded. Voting "aye" were Trustees Pope, Frontuto, Gilmore & Wooden & Mayor Elliott. Carried.

Minutes  
2/16/89:

Trustee Pope moved acceptance of 2/16/89 Minutes; Trustee Frontuto seconded. Voting "aye" were Trustees Pope, Frontuto, Wooden & Gilmore & Mayor Elliott. Carried.

Bd. of  
Assess.:

Assessor Jud Roney approached the Bd. - he sd. that he had mailed 44 notices of increases of assessments. No response/no complaints. He spke., then, of ltr. frm. Buffalo law firm - utility companies come under two sections of assessments....special franchise section which only the State assesses....some utility properties on private property in which case it does concern Assessor Roney. Case in point deals wth. NY Tel property on Canal St....other companies (such as Sprint) cld. handle long distance calls for less (they did not have to be concerned wth. "central office equipment").....State Legislature in 1987 adopted a measure that beginning in 1989 assessed value of "central office equipment" wld. be 75% of value at which assessed in 1986; 1990 - 50%; 1991 - 25%; and 1992 - 0. Amt. wld. go frm. \$277,000. to 0. Mr. Roney conferred wth. engineers in Albany in Fall; because VOP adopts Village portion of Town Tax Roll, sme. value wld. be used as yr. before....he interpreted to mean the roll-back from 100% to 75% wouldn't start until 1990....having rec'd complaint, checked again wth. Legal Dept. in Albany. Inasmuch as the VOP has its own Assessment Roll, it is subject to roll-back provision in 1989. If no Village assessing unit, go by Town, wld. be different story. Being own assessing unit, VOP obligated to roll back to \$212,093.

Trustee Pope sd. statutory matter, nothing VOP can do - Mr. Roney sd. that the VOP could deny reduction but more expense/aggravation for both parties. He recommended that VOP accept lower figure - apologized - acted at time upon advice of Engineering Dept./Albany and what he thought was best for VOP. Figure of \$276,990. on assessment roll.

Trustee Pope sd. statutory rationale used but also claiming unequal assessment - Mr. Roney sd. complaint cld. be filed....gave literal interpretation.

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Trustee Gilmore felt VOP shld. consult wth. Vill. Atty. re Pg. 2 under "C"... "Unlawful Assessment" check one or more....and read further....Mr. Roney explained that they are saying there is a statute on the books....the Assessor did not have the authority to make assessment by statute. Trustee Pope then moved that VOP accept Mr. Roney's recommendation; Trustee Frontuto seconded. Voting "aye" were Trustees Pope, Frontuto, Gilmore & Wooden & Mayor Elliott. Carried. Mr. Roney presented two copies of required form for Bd.'s signatures.

Burnham Hts.:

Approaching the Bd. were Messrs. Robert Nolan & Scott Brooks, with Mr. Nolan as spokesman; they propose constructing some houses on the West side of Burnham Hts. and requested of the Bd. permission to connect to VOP sanitary sewer system at their expense - VOP does have the capacity according to Mayor Elliott who is also Water Commissioner. The Mayor stated that it wld. be necessary for the VOP to enter into an agreement with the Town of Macedon and spke. of forming a district. It was stated that during a meeting, attended by TOM/W&WW Supt., E. Bastian, he sd. the TOM wld. be willing to extend water service and connect same.....at the expense of the builders. The VOP wld. bill the TOM - sme. as done @ present per Mayor Elliott.

Trustee Wooden asked about annexing to the VOP. VB reviewed map showing where hooked into Macedon - VOP utilized when VOP had crisis no waterlast Fall, per Mayor; Mayor stated that the TOM may want the VOP to serve wth. water too. Mr. Wooden asked about controls - who wld. control how installed. Mayor sd. it wld. be Macedon's district....VOP/W&WW Supt. Kruger wld. inspect. Mr. Wooden asked if elevation problems....Mayor sd. pump stations expensive to construct and maintain.

When there was no further info. brt. before the Bd., Mayor Elliott moved that the VOP indicate to the TOM that the VOP would entertain a proposal to hook in a district that would encompass the land owned by Robert Nolan for a Sewer District and/or Water District to be served by the Palmyra mains. Trustee Gilmore seconded. Voting "aye" were Mayor Elliott & Trustees Gilmore, Wooden, Frontuto & Pope. Carried.

Trustee Frontuto:

C&P Supt., R. Weaver stated that his crew finishing up tree trimming - sap to begin running soon.

Trustee Frontuto reported on a recent Bicentennial Commission meeting and organizations' plans re publishing a book, beard-growing contest, fireworks, antique car show, time capsule, tea held by Library, another book on "Tall Tales", a skirmish, house tour during "Canaltown Days," among other planned activities.

Mrs. Frontuto stated that Ms. Ann Guest presented certificates to Messrs. R. Weaver & C. Deys for their efforts during recycling project few wks. ago.

Trustee Gilmore:

Trustee Gilmore spoke on status of salt which had not been made clear in last Bd. Mtg. Minutes and his concern in relation to budget; warm/cold weather causes VOP to use more salt - an occurrence all Winter...approaching VOP's limits re budget. Trustee Frontuto sd. that Hwy. Supt. reported cost of salt is

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up; Trustee Gilmore sd. VOP fortunate as salt purchased with TOP, getting better rate - they do hauling.

Trustee  
Wooden:

Trustee Wooden moved that the Bd. table the proposed changes to the Zng. Law; Trustee Pope seconded. Voting "aye" were Trustees Wooden, Pope, Frontuto, Gilmore & Mayor Elliott. Carried.

ZBA to arrive @ a decision on 3/14/89 re proposed construction on Fayette St. (Swiss Chalet).

Trustee  
Pope:

Re Animal Control, Trustee Pope stated that the VOP wld. be retaining dog control due to VOP's Leash Law; the TOP wld. not enforce same. He added that money to be placed in 1989-90 budget for Animal Control.

Assessing  
Unit:

Discussion on VOP's opting out as an Assessing Unit and VOP retaining some control...Trustee Pope cited the prior complaint of NY Tel as an example. Can go both ways, per the Mayor. Assessor Roney explained somewhat and sd. status day for TOP, 3/1 of a given yr. - 1/1 for VOP. If not a separate unit, VOP wld. have less in assessment on certain properties. The Mayor sd. if not, VOP doesn't get additions for new construction - material rec'd frm. State makes it sound as if VOP wld. not get deductions for demolitions and fire loss...if hse. burns down, wld. pay sme. J. Roney mentioned 4/10/89, and VOP not a separate assessing unit, hse. wld. be subject to taxes in 6/90 even though hse. gone/burned. Trustee Pope felt VOP better off staying as assessing unit...Trustee Wooden asked if hse. did burn, cld. not the VB on Grievance Day adjust....Mayor sd. VOP wld. not have G.D. anymore if not an assessing unit. J. Roney sd. complaint cld. be made about the assessed value Assessor makes on 1/1.

Trustee Pope spke. of increases in budgets; revised budget schedule distributed by Treas.

Budget  
Trans.:

Trustee Pope moved that the following budget transfer be made by Treas. regarding the Highway Dept. budget: Transfer \$8434. frm. A8810.1 to A5110.1. Transfer requested due to one-half of Hwy. Employee, C. West's salary budgeted to Cemetery whereas all shld. have been budgeted frm. Hwy. Trustee Pope emphasized that this was a Line Item in improper place - recommended Bd. approval. Trustee Gilmore seconded. Discussion on C&P budget...and over-time not having been placed in budget. Voting "aye" were Trustees Pope, Gilmore, Wooden & Frontuto & Mayor Elliott. Carried.

Abstract  
#18:

Trustee Pope moved authorization for the Treasurer to pay all Vouchers on which appear the initials of at least three (3) Trustees - Voucher Nos. 838-874 in the amt. of \$13,177.92. An exception, Voucher No. 875, in the amt. of \$135.81, to be retained for clarification re P.O. Trustees Frontuto and Gilmore seconded; voting "aye" were Trustees Pope, Frontuto, Gilmore & Wooden & Mayor Elliott. Carried.

W&WW:

W&WW Supt. H. Kruger stated that two-three weeks ago Mr. R. Walker, 620 E. Main St. had a lateral back-up/mains flushed two-three times with no results. VOP policy has been if lateral back-up, suggestion mde. to homeowner to have done and VOP pay bill as a VOP problem...bill frm. local plumber for \$192.57 - Mr. Kruger spke. of "saddle" and explained old one. Hwy. Dept. dug/repaired up but problem recurring.

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000106

Was not Mr. Walker's problem - Hwy. to dig again following day - DOT to be contacted for permission to dig. Discussion on sending bill to VanParys' - Trustee Pope asked why and the Mayor compared to Mrs. Kipp's - financial damage to owner; Trustee Pope sd. Mrs. Kipp's was damage to her house - this case is different. Mayor sd. VOP shld. honor bill one way or another - rather see ins. company pay. Trustee Pope sd. bill small - ins. premium must be high. Trustee Pope wld. like to review VOP insurances; Mayor to contact Mrs. L. Nation @ V-P - Trustee Pope sd. perhaps she shld. come to Bd. mtg.

Cross Con.

Schl.:

Discussion on W&WW Employee, C. Timerson attending "Cross Connection" Schl. in Roch. Trustee Pope asked if C. Timerson a certified backflow prevention device tester which is what courses designed for. Supt. to look into to make sure course is a continuation or extension - not sme. one he took prev. VOP has hired done in past....State law must be done ea. yr. Mr. Terry Wilson/Williamson accomplishes for VOP @ a cost of approx. \$118. per test. H. Kruger asked if Mr. Timerson to be pd. or a part of his job. Bd. agreed part of his job...however, he cld. do for neighboring villages, if desired. No action taken, therefore, tabled for nxt. mtg.

P.D.:

Chief Dalton asked status of parking ord. - nothing rec'd per Mayor. Chief asked about placing in paper - Mayor sd. he wld. write Letter to the Editor. Wld. be good P.R. per Chief Dalton.

Chief Dalton asked about his prior request re a plan for Main St. between Canandaigua & Clinton St. He asked Bd.'s direction. Sd. State says VOP highway.. State cld. eliminate diagonal parking - sd. VOP to come up wth. a plan, having talked to Mr. J. Edinger. Island in center of road discussed - State removing in some areas, per Mayor. Chief Dalton spke. of accident rate in above-mentioned area. Trustee Pope moved that the Police Chief draw up a plan and submit to the VB. Trustee Frontuto seconded. Voting "aye" were Trustees Pope, Frontuto, Gilmore & Wooden & Mayor Elliott. Carried.

Chief Dalton asked about progress re his request for personal liability; Atty. Nesbitt was to research. Similar to Bd.'s liability, according to Mayor. Chief Dalton spke. of his liability re Patrolmen/Police Dept. Supt. Kruger asked about himself and other dept. hds. Trustee Frontuto suggested contact be mde. wth. Mrs. Nation @ V-P.

P.D.

Comp.:

Chief Dalton brt. Bd. up-to-date re computer for P.D. and, again, spke. of the Tandy model complete for \$14,000. as opposed to \$30,000. but unobtainable unless under State Bid. Mayor sd. software wld. not have to go to bid as under \$5,000. - VOP will have to bid hardware. Discussion in buying piece-meal....although cld. not be utilized until 6/89. Leasing touched upon. Mayor elaborated upon budgeting and payment plan. Following discussion, Mayor Elliott moved that the VOP advertise for bids for hardware/P.D. - bid opening to be held @ 2:00 p.m., Thurs., 3/16/89. Trustee Frontuto seconded. Voting "aye" were Mayor Elliott & Trustees Frontuto, Pope, Wooden & Gilmore. Carried.

Pol.Chf.  
Perman.:

Police Chief Dalton, having served his 12-wk. probationary period since his return to the force, was appointed to a permanent position as moved by Mayor Elliott; Trustee Pope seconded. Voting "aye" were Mayor Elliott & Trustees Pope, Frontuto, Wooden & Gilmore. Carried.

Trustee Wooden requested that the Police Chief begin enforcing violation of the handicapped parking areas and the two-hour parking limit on Main St. Police Chief to oblige when possible.

LL#3, '89:

Trustee Pope moved that the Bd. adopt Local Law #3, 1989, "Flood Ordinance," for which a public hearing was held @ 7:00 p.m. Trustee Frontuto seconded. Voting "aye" were Trustees Pope, Frontuto, Wooden & Gilmore & Mayor Elliott. Carried.

Records'Retention:

Re Records Retention & Disposition Schedule MU-1 received frm. the State which needed Bd. action prior to 4/30/89, following which consent to use all previous schedules to be withdrawn by the Commissioner of Education. Bd. felt to the VOP'S advantage to adopt sd. schedule; Trustee Pope moved passage - Trustee Frontuto seconded. Voting "aye" were Trustees Pope, Frontuto & Wooden & Mayor Elliott. Carried. (Trustee Gilmore was out of the room when the foregoing resolution adopted)

Misc.:

The Bd. discussed the handicapped ramp/Vill. Hall - no word rec'd frm. Mr. B. Jacobs. Trustee Frontuto suggested that he come to Bd. mtg. - must have to comply wth. State law; Ms. K. Spies of CSEA will not be negotiating re Union Contract - VOP to be informed in March; Fuel bids to be re-referred to Atty. Nesbitt and make recommendation to Bd.; Clerk to distribute 'old' Evaluation forms.

YouthBureau:

Mayor Elliott spke. of communication frm. Ms. Billie Rae Walker, WC Youth Bureau Director, and her concern re cuts in State funding - and an invitation to attend a breakfast in Albany for a briefing....wld. affect VOP Community Ctr. as well as Cty. Bd. agreed that ltr. shld. be written to State Legislators in support of the program...sample ltr. to be condensed by the Clerk.

Exec.Sess.:

At 9:15 p.m. Mayor Elliott moved that the Bd. exercise Exec. Sess. for personnel purposes with the full Bd. present. Trustee Frontuto seconded. Voting "aye" were Mayor Elliott & Trustees Frontuto, Pope, Gilmore and Wooden. Carried.

Reconvene:

At 10:28 p.m. Trustee Pope moved that the Bd. emerge frm. Exec. Sess.; Trustee Frontuto seconded - voting "aye" were Trustees Pope, Frontuto, Gilmore & Wooden & Mayor Elliott. Carried.

Raise for  
Chief:

Trustee Pope moved that Police Chief Dalton receive a salary increase to \$26,100. effective 3/1/89. Trustee Frontuto seconded. Voting "aye" were Trustees Pope, Frontuto, Wooden & Gilmore & Mayor Elliott. Carried.

Adjourn-  
ment:

Adjournment occurred @ 10:32 p.m. moved by Trustee Pope; seconded by Trustee Frontuto. Voting "aye" were Trustees Pope, Frontuto, Gilmore & Wooden & Mayor Elliott. Carried.

Ethel B. Johnson, Clk.