

VILLAGE OF PALMYRA BOARD OF TRUSTEES

REGULAR MTG.

JUNE 21, 1993

7:00 PM

PRESENT: Mayor James G. Elliott, Deputy Mayor Thomas N. Lynch, Trustees Daniel E. Wooden, C. D. Gilmore, and Kathleen C. Drews.

CALL TO ORDER: Mayor Elliott called the mtg. to order at 7:05 p.m. It was noted that David Dandino, representative of Youth Baseball, was not in attendance to speak to the VB as requested. Also Mayor Elliott noted that H. Baker, President of the Wayne Cty. Fair Board, would be speaking at the end of regular business.

MINUTES: Trustee Wooden moved to accept minutes of May 3, May 17, May 10, and June 7, 1993, Mayor Elliott seconded, vote, Mayor Elliott, aye, Trustee Gilmore, aye, Trustee Drews, aye, Trustee Wooden, aye, Depty Mayor Lynch, (did not read) abstain. CARRIED 4-1 abstain.

POLICE CAR: Mayor Elliott reported that the permissive referendum had met the regulated time limits with no formal objections. Chief Dalton has the purchase order.

CLOSE OFFICE FOR FRIDAY, JULY 2, 1993: Village Clerk requested that a Floating Holiday be allowed for the Office Staff to allow the Village Hall to be closed on Friday and Monday so that the Office Staff can have a 4 day holiday for the 4th of July. No objection was given.

SARA: Village Clerk, Bonnie Hays, reported that the SARA grant request for inactive records was granted and approved for at least 80 percent of the overall request. This amount is \$13,766 for the year July 1, 1993 through June 30, 1994. This project will include remodeling portions of the Village Hall.

A formal motion to commend B. Hays, Village Clerk/RMO for her fine work on this project was made by Mayor Elliott and seconded by Trustee Wooden, vote, unanimous, CARRIED.

SELLING SEWER SERVICES TO THE TOWN OF PALMYRA: Mayor Elliott reported that he had spoken to Supervisor Lyon on Friday concerning a joint meeting to discuss the possibility of the VOP selling sewer services to the TOP in the area North of the Canal. The 28th and 29th the fifth Monday and Tuesday of June are proposed with a meeting being held in the Trustees' Room of the Village Hall at 8:00 p.m. Trustee Wooden, Depty Mayor Lynch, and Mayor Elliott noted that they could attend on the 29th of June. The Clerk was instructed to notify the TOP.

BUDGET TRANSFERS: A motion was made by Mayor Elliott and seconded by Deputy Mayor Lynch to make the following resolution as follows: WHEREAS, a transfer of \$2,000 from contingency A1990.4 to storm drain line item 8540.4 to pay Art Graf for construction services is needed, AND WHEREAS, there were insufficient funds budgeted for this payment, NOW THEREFORE, BE IT RESOLVED THAT, the treasurer be authorized to transfer \$2,000 from Contingency A1990.4 to Storm Drain 8540.4 to allow payment of bill to Art Graf, vote, 5 ayes, CARRIED.

Trustee Wooden asked Depty Mayor Lynch if the Prospect Dr. culvert had been completed by Graf. Depty Mayor Lynch noted that the VOP was getting a credit for the asphalt curbing which was not being replaced. A motion was made by Mayor Elliott to make final payment to Graf with the VOP receiving a \$200 credit, seconded by Depty Mayor Lynch, vote, 5 ayes, CARRIED.

ABSTRACT #2: A motion was made by Mayor Elliott and seconded by Trustee Gilmore to allow the Village Treasurer to sign vouchers #57 through 100 totalling \$20,241.56 on which appear the initials of at least three (3) Village Board members, vote, CARRIED UNANIMOUSLY.

**STERK RESIGNATION LETTER:** Mayor Elliott reported that a memo had been received by Chief Dalton from Officer Gilbert T. Sterk dated 6-8-93, stating that he was going back to active military duty and would be resigning from the Pal. PD as of 6-23-93. The letter will become part of Officer Sterk's permanent personnel file. Mayor Elliott reported that Fed. Law requires that Officer Sterk's position be held for 3 years, a person may be hired to fill the position, however, should Officer Sterk return prior to the 3 years he will automatically be given the opportunity to take his previous position.

A motion was made by Mayor Elliott to accept Police Officer Sterk's resignation memo to re-enter the Armed Services, seconded by Trustee Gilmore, discussion:

Citizen, J. Merrick asked if another officer would be hired and Mayor Elliott said yes for replacement, however, replacement must leave upon return of Sterk. The newest officer would need to leave, vote, 5 ayes, **CARRIED.**

A motion was made by Mayor Elliott, seconded by Depty Mayor Lynch to authorize the Police Chief to obtain the current civil service list of Police Officers and to conduct backround checks upon contacting those who are willing to authorize backround checks and also lateral transfers. Trustee Wooden asked if the VB gets the civil ser. lists also. Mayor Elliott noted that the Chief received the lists and chooses the names does the checks and recommends to the VB as in the past. The Chief can eliminate names by doing this. Vote, 5 ayes, **CARRIED.**

**HOUSE BURNING FOR FD TRAINING:** Mayor Elliott reported that Chief Hickman of the Pal. FD requested that the last house North of RT. 21 between 2 bridges be used for training and mutual aid. Trustee Wooden asked about the VOP liability. Mayor Elliott moved to allow the Pal. FD with a written release from the STATE OF NY to relieve the VOP from any liability from burning the house. Mayor Elliott noted that the permission and waiver should come from the owner of the property, seconded by Trustee Gilmore, vote, 5 ayes, **CARRIED.** Mayor Elliott instructed the Vil. cl. to send a letter to Chief Hickman noting the requirements of the VB.

**DRUMLINS:** Reported that the Drumlins are going elsewhere this year for their weekend activity.

**CEMETERY & PARKS DEPT. ADVANCEMENT:** Depty. Mayor Lynch reported that one of the P&C employees has been an MEO2 for a period of time and not changed to an MEO 1 as all others in the VOP crews. Depty Mayor Lynch asked if this person should be considered for MEO1? Mayor Elliott said that there has never been an automatic change in position in the Union contract. Mayor Elliott noted that the Highway Dept. does more with laborer, truck driver, and heavy equipment. The MEO1 doesn't exist in the C&P DEPT. and a job description had to be written when a move from MEO2 to MEO1 took place. Trustee Wooden noted that he had seen the automatic change in a previous contract, however, it appeared to be left out of the current contract. Trustee Wooden will check with D. Lee, Negotiating Specialist.

**FLAGPOLE:** Depty. Mayor Lynch reported that Kellogg Inc. gave a price of \$1,950 to paint the Main St. Tower and \$675 to put up plastic cable with new clamps which would prevent the flag cable from getting tangled. Should we consider doing this?, asked Depty. Mayor Lynch. Trustee Wooden asked if Kellogg would consider doing both jobs for the price of \$1,950. Depty. Mayor Lynch will check on. Mayor Elliott said he did not know if enough money was in the budget for \$1,950 or \$675. Depty. Mayor Lynch noted that he has asked G. Kachel about the pole who said the pole was not real bad, but the longer it was let go, the higher the cost could be.

**ATTACHMENT FOR STREET SWEEPER:** Deputy Mayor Lynch reported on an attachment for the street sweeper that would suction out catch basins and mainholes during maintenance and installation. The estimated cost of this attachment would be \$5,895. The catch basins have not been cleaned reported Dpty Mayor Lynch. Trustee Wooden was concerned about the sanitary situation of cleaning the sewer and what would happen to the waste. Doesn't this need a permit and doesn't the VOP call Pulcini now to remove? Mayor Elliott confirmed that a permit is needed. Deputy Mayor Lynch will check into the permit. Mayor Elliott suggested that a Permissive Ref. be used with \$4,000 out of Water reserve and \$4,000 out of equipment reserve.

A motion was made by Deputy Mayor Lynch and seconded by Trustee Wooden to approve \$8,000 subject to the completion of permissive referendum taking \$4,000 out of the equipment reserve (HR-7) and the Water reserve (HR 3) for a part which attaches to the current street sweeper, vote, 5 ayes, **CARRIED.**

**PAINTING HIGHWAY BARNS:** Deputy Mayor Lynch noted that paint is being purchased at Drews Paint Spot for paint for the highway barns. The painting will not be done all at once but on a fill in basis.

A grey and green/grey will be used. The walls which show will be done first. Trustee Wooden asked if the salt could go into the large building. The response was NO would be very bad on the building and contents. Trustee Wooden asked if the salt could go to the Town Highway Dept. and tear down the old VOP salt bldg.

Deputy Mayor Lynch will check with the TOP asking if the salt can be kept there.

**DRAINAGE REPORT AND WORK:** Deputy Mayor Lynch reported that he had spoken to Gerry Kachel, Highway Dept. acting Super., concerning projects that the VOP Highway Dept. can do with regards to drainage and work the Highway should not tackle. Deputy Mayor Lynch will get in touch with Sniedze Assoc. (Eng. Firm) regarding the Tremont and Gates St. drainage and corrections including getting estimated costs for the work. It was mention to possibly use Chips money, which Mayor Elliott questioned.

Deputy Mayor Lynch mentioned attacking the drainage problem in the back yards of Tremont and Gates first speaking about catch basins and line, no grading. Trustee Wooden noted that if grading wasn't done properly the work would be a waste. Deputy Mayor Lynch noted that there was a lack of sufficient number of catch basins in the VOP. There is a problem on Fayette St. and Deputy Mayor Lynch noted that the VOP could take care of.

**PROSPECT DRIVE AND CARRIAGE STOP:** The engineer Sniedze Assoc. has a problem with the drainage under the road in the parking lot behind the old Garlock Bldg. and Carriage Stop Rest. A meeting with the owners should be arranged to discuss. Sniedze suggests open up flow by removing grates. The Village Clerk is to send letters to those property owners involved.

Area near Stafford St. would also be considered for drainage. There is a pipe on the other side of the Street stated the eng. report. Mayor Elliott noted that the report shows areas of priority and some estimates to work with. Mayor Elliott stated the report is a workable document and complimented the Eng. firm.

Deputy Mayor Lynch noted that the Erie Canal project could be done by the VOP Highway Crew. Mayor Elliott stated that a five (5) year plan for all of the projects would work out very well.

Deputy Mayor Lynch noted that the VOP doesn't have easements to get to the creeks. Attorney Nesbitt should be spoken to about the VOP getting access to the creeks. It was noted that the land owners are responsible for many of the regular maintenance of the

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creeks, however, a permanent easement would be needed from the property owners. St. Anne's Church asked Deputy Mayor Lynch if the VOP would clean out and unplug the drain near the Cemetery, yes, was the response from Deputy Mayor Lynch.

**ZBA BD APPOINTMENTS:** Trustee C.D. Gilmore moved that David Cook be appointed a regular member from alternate of the ZBA replacing R. Rabideau, who resigned. Motion seconded by Trustee Wooden, vote, 5 ayes, CARRIED.

Trustee Gilmore moved to appoint Thomas VanNess to alternate of the ZBA, seconded by Deputy Mayor Lynch, vote, 5 ayes, CARRIED.

**LL #4, 1993 PROHIBIT FIRST FL. APTS. IN C-1 DISTRICTS:** A revision had been added to the LL by the Planning Bd. Mayor Elliott said that the LL was clearer and mentioned store fronts whose original intent was to be commercial were included and that the VOP has a zoning map which designates a C-1 district and to describe the location of the C-1 district would be redundant.

Trustee Wooden said that there were other buildings in C-1 districts such as row houses on North side of East Main St. Does a variance have to be obtained for such bldgs. stating pre-existing, non-conforming use. Deputy Mayor Lynch asked about Miller's Rest. being changed to a house. Trustee Gilmore said that a change of use permit would be required. Trustee Wooden asked who would make the determination and Mayor Elliott said, CEO, PL. BD., AND ZBA. Deputy Mayor Lynch asked what happens to the bldgs. now. Trustee Gilmore replied that the bldgs. are what they are now. IE, DePoint Office Bldg. permission would need to be granted by variance procedure to change the use from office by CEO, PL. BD., AND ZBA. Mayor Elliott said that the Pl. Bd. would comply with the intent of the law. Trustee Wooden said that a change of use variance is almost impossible to get and hardship must be shown which is almost imposs. to show also asking how can original intent be shown. Trustee Gilmore offered an example of changing bldg. into Dr. Office vs. changing Western Auto into apts. Trustee Wooden asked to talk about spec. bldgs. referring to the DePoint Office saying once the VOP does once the VOP must do same to all bldgs. H. Baker referred to what the LL#4 says about no First Floor apts. in the C-1 stating that exceptions are being made now. E. Hartnagle of Pl. Bd. noted that people should know what is a commercial bldg. now and what is not and common sense should be used. J. Merrick said that the row houses must be taken out than. Mayor Elliott replied that they are already there and what is already there before LL#4 is passed will remain. J. Merrick stated that if the VOP insists, he will not convert, however, will pay his mortgage first. Trustee Wooden noted that this is changing 29-16.B in the Code to change what the Code is now or changing #1. Mayor Elliott said that this LL is adding a new section.

Trustee Gilmore moved to approve LL#4, 1993, providing the Village Attorney accepts the lettering and numbering of LL#4, 1993, seconded by Mayor Elliott, vote, 4 ayes, 1 nay by Trustee Wooden, CARRIED. 4-1. Trustee Wooden finished up by saying that this is putting an undo burden on the Pl. Bd. and the ZBA in the future, however, Trustee Wooden does agree with the intent of the LL#4, 1993.

**ACO SCHOOLING:** Trustee Drews reported that ACO Diefendorf had returned from her Delhi school, however, has not completed a report which will be ready for the next meeting.

**VILLAGE SIGNS:** Trustee Drews noted that two more locations will be staked out for the Village Signs by Gerry Kachel and D. VanGordan. Trustee Lynch asked if the sign on Rt. 21, South could be more Dar Lin Lane instead of near the Mormon Church? Trustee Drews responded that the NYSDOT had determined where the signs should go. Trustee Wooden also noted that another location for the sign on Rt. 21, North, may be needed and asked J. Merrick if it could go on his land which faces RT. 21, North. J. Merrick

said that had been talked about once but fell through, and the VOP was supposed to clean up the ditch but if the VOP cleans up now can put the sign in. Deputy Mayor Lynch asked who spoke to Mayor Elliott and Trustee Drews? Larry Russell of the NYSDOT which Deputy Mayor Lynch said that he would complain to.

Chief Dalton noted that there are too many signs from West to East and that the VOP should take down unneeded and put together those which can go together properly. The old yellow sign is removed said the Chief could the new sign go in that location? It was mentioned that R. Weaver did an outstanding job removing those signs. Chief also mentioned that the KIDS CROSSING sign gets lost among all the other signs. The NYSDOT does have to give permission for changing, moving or installing signs. Deputy Mayor Lynch suggested that a plan for signs be drawn up to see what is existing and what can be removed.

**TRUSTEE WOODEN REPORTS:** Trustee Wooden noted he wanted executive session for union negotiation matters.

**MRB AT MEETING 7-19-93:** Trustee Wooden set up July 19th for a mtg. with MRB. Deputy Mayor Lynch suggested that 7-19-93 be used as a workshop meeting not following the agenda items. All agreed.

**CANAL DEVELOPMENT GROUP:** Trustee Wooden reported that the group had nice maps from the Wayne Cty. PL. Bd. The Group could not meet last Monday but is planning to meet next Monday.

**MHPC:** Trustee Wooden requested that should any citizen call regarding the Union mailing, the VOP staff was to get the tele. number and name.

**YOUTH BASEBALL AND WAYNE CTY. FAIR ASSOC.:** Mayor Elliott noted that the Youth Baseball Rep. was not in attendance. H. Baker, President of the Fair Assoc. asked about a new water tank questioning why the VOP did not have since it was discussed and reported that one was needed to clean the other tank. Trustee Wooden said that MRB had recommended that no tank was needed, that there were other ways to get water while the existing tank was being cleaned and painted.

H. Baker made the following statement: It is with regret that the situation with the Village, Community Center, and Little League has come to this point tonight. There are some misunderstandings that need to be addressed.

1. The Fair has a 99 year lease with the Village for \$1 for the purpose of providing for the purpose of providing for the construction. of a comm. recreation building and outdoor facilities and for related purposes and uses. Lessee agrees to restrict the use of the lease premises to said purposes, and not to use or permit the use of the premises for any other purposes without first obtaining the consent, in writing, of lessor or lessor's authorized agent.
2. During the week of the annual fair held, upon the grounds of lessor, and at such other times as may be agreed to by lesser, lessor will be permitted to make use of the facilities erected or installed upon the premises hereby leased for office space, parking and similar uses.
3. 441.2 of TITLE 19 NYCRR, Administration and Enforcement of the Uniform Fire Prevention and Building Code of June 1990 a and b.
4. If a building permit was obtained as it was supposed be and plans submitted, the building would have had to meet electrical codes, health codes, and set back code. Subsection 10 of Chapter 29, Zoning. That buildings for uses other than housing of animals be located not less than 55 ft. from any property line.
5. Since Dan Wooden was zoning Officer from 1984 to 87 and affiliated with Little League and on the Board of Directors of the Comm. Ctr. should have insisted on these requirements as so stated. Tom Lynch is on staff at CC. Cathy Drews is on B of Directors, D. Gilmore is a Little League Coach.

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Bud Baker did not initiate the action by the Health Dept. A lady asked me a direct question, why her group during the fair has to conform to rules that she doesn't see Little League doing, especially no sink to wash hands. I told her to call Geneva with her questions. Yes, I was questioned and I agreed with the lady. That's when I saw the electrical violations, 2 wires coming from a house to the building, not even to a panel box that needs to be grounded and a riser through the roof, also it is spliced while around a tree.

In talking to counsel, he told me that I had to put the Village on notice, which I indirectly did 2 wks. ago. What it comes down to is that you people are putting the fair and its insurance at a high risk for a lawsuit since we are the property owners. We do not wish to be part of or be responsible for any family's grief because we were afraid to make a unpopular decision.

Mayor Elliott and Trustee Drews agreed that a mtg. with the Comm. Ctr., VB, and Fair Association to sit down and talk over the problems would work. If problems exist stated Trustee Drews, let's address them. A mtg. will be set up to come to agreeable terms. H. Baker said that it would cost \$800 for underground wiring and the ceilings and walls had to be drywalled in the stand. The stand cannot go for wks. or months but 3 to 7 days, must be treated as a restaurant with a mop sink and a linoleum floor. Trustee Drews asked if next wk. was OK for the mtg. H. Baker said that Mayor Elliott and Attorney Nesbitt had not seen the contract between the Fair and the VOP which H. Baker furnished copies of. H. Baker spoke to the Comm. Ctr. and the Comm. Ctr. knows nothing that goes on at Little League which doesn't answer to the Comm. Ctr. There is no progression of responsibility you do as you see fit over there (Comm. Ctr) stated H. Baker. Trustee Wooden noted that that is not really true and began to relate that there was a bldg. permit issued. H. Baker said he could not find one and Trustee Wooden emphasized that a permit had been issued. Some pt. in time there was a communication between the VOP and the Comm. Ctr. and the VOP said that the Comm. Ctr. has total authority over the Comm. Ctr. and property from the VOP stand point. Trustee Wooden discussed the set back problem and said that he had made an error because he did not consider that as part of the fair property but like others on the street. 8' stockade fence in back of bldg. and at least 4' of property. H. Baker related the office in the first aid bldg. and CEO Roney had check the bldg. and the VOP had been very strict with the fair. Trustee Gilmore noted it was not the VOP but the CEO. Trustee Wooden said that this bldg. was temp. and not on a permanent foundation. When I was Zoning Officer, if anyone had wanted to put up a bldg. like this, it would have been considered temp. said Trustee Wooden, saying that 8 yrs. ago the bldg. was going to be moved. The bldg. is sitting on 6 x 6 posts. H. Baker noted that when the Fair asked about the Mormon's camping that the issue was made the Fair Grounds was in an R-1 district, B. Heckman was here and said it was an R-1 district and you all agreed with him. Trustee Gilmore said that H. Baker was incorrect and Trustee Gilmore said he was not in favor of the survey that went out on Mormon Camping at the Fair Grounds and voted against it, however, he was in favor of the camping and wanted to make a decision that night, however, at this time he is questioning his earlier decision. Health Dept. says bldg. permanent stated H. Baker. H. Baker said that he realized that a neighbor donated the electric and that the neighbor should be commended for this, however, it is a safety issue. Depty Mayor Lynch asked H. Baker if the Fair could sell the land to the VOP. H. Baker noted that the contract was not specific enough. Trustee Drews said a mtg. would be at the Comm. Ctr. the date and time set later. H. Baker to contact P. Wilson, VB to be notified by Clerk and Trustee Drews to contact H. Baker.

**EXECUTIVE SESSION:** A motion by Mayor Elliott to go into executive session at 8:45 p.m. no second was made and a discussion ensued concerning a DPW saying that the structure of such a group would be done in public meeting, however discussing specific personnel could be in executive session. Trustee Drews

noted that she was speaking with the Ontario Chamber of Commerce who is helping the Marion to get a Chamber of Commerce and possibly help organize one here. Mayor Elliott spoke up stating that he and Supervisor of TOP D. Lyon had attempted to organize a group of business people and get them active with no luck. Trustee Wooden noted that the last meeting had 2 people and himself and J. VanParys. Trustee Drews asked about helping the merchants and that the canal development may help. J. Merrick said that this type of group was attempted last year and Marion showed up. A second came to Mayor Elliotts motion of executive session at 8:50 p.m. vote, 4 ayes, Depty Mayor Lynch was out of the room at the time of voting **CARRIED**.

A decision was made to hold a special Village Board Meeting on Monday, June 28, 1993, at 4:30 p.m. for CSEA discussion.

A motion to go out of executive session at 10:23 p.m. was made by Deputy Mayor Lynch and seconded by Trustee Drews, vote, 5 ayes, **CARRIED**.

**ADJOURNMENT:** A motion was made by Mayor Elliott and seconded by Trustee Gilmore to adjournment to meeting at 10:24 p.m., vote, 5 ayes, **CARRIED**.

Respectfully submitted,

Bonnie J. Hays, Village Clerk

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