

VILLAGE OF PALMYRA BOARD OF DIRECTORS

REGULAR MEETING

SEPTEMBER 18, 1995

7:30 p.m.

PRESENT: Mayor James G. Elliott, Trustees Daniel E. Wooden, Kathleen C. Drews, Ann F. Guest, and Frederick Celentano. Village Attorney John Nesbitt.

CALL TO ORDER: Mayor Elliott called the meeting to order at 7:35 p.m.

MR. TIM PATNAUDE, CONCERNED PARENT AND BOY SCOUT LEADER: Mr. Patnaude noted that his son had purchased a leather whip from a street vendor during the parade at Canaltown Days. Mr. Patnaude said that he saw a local PD Officer and the State Police about the legalities of selling such a whip. Both agencies noted there was no law against selling such whips or knives unless someone was hit with them after which they would be considered weapons. Mr. Patnaude recommended to the VB that the sale of such items be prohibited. Mayor Elliott noted that Mr. Klemmen of the Canaltown Days Comm. wanted to ban street peddlers all together, however, realized that probably could not happen. Possibly limiting street vendors to balloons only was discussed. Chief Dalton noted the free enterprise laws of NYS and the interfering with that was not legal in this state. Chief Dalton also noted that many of the vendors were carrying such things as exploding bombs and stink bombs. Many items that were being sold in the flea market were also questionable for children. A knife had been purchased by a 15 yr. old the legality of which was also questioned.

A suggestion was made to check with the Village Attorney with regards to what restrictions would be legal. Clerk Hays noted that she had information including Local Laws and applications from the City of Auburn showing their policy on Peddling Permits. Clerk Hays noted the information and requirement were much more strick than the VOP has at this time.

This item will be addressed for further action.

CITIZEN MR. RON SMITH OF JACKSON ST.: Mr. Smith noted himself as a tax payer living on W. Jackson St. concerned about the drainage project problems due to Villager Constr.'s work procedures and lack of boring samples. Mr. Smith would like to know how much money Villager's project cost vs using another contractor. Mr. Smith suggested that the VOP may have spent more money using the low bidder. Mayor Elliott did not know the final cost off the top of his head, however, Mr. Smith could apply for a FOIL application for the records relating to the vouchers and expenses of the Gates and Washington St. drainage project during normal Vill. Hall work hours.

Mr. Smith inquired about the amount of money being paid to the C.E.O. that the Village contracts from Newark. Mr. Smith suggested that a Village C.E.O. would be less expensive than the contracted C.E.O. Mr. Smith stated a law should be in force to prevent poor upkeep of properties in the Village. Trustee Wooden stated that there is a law against the growing and overgrowth of noxious weeds.

Mr. Smith asked why the Village Clerk is appointed and not elected. Mayor Elliott said it is the law in GML where the Town Clerk is elected under Town law.

Mr. Smith asked with such a large amt of money (\$3,500,000) why can't Jackson St. be repaired? Mayor Elliott replied that the 3.5 million was to be used for water projects and nothing else unless the streets became damaged or needed to be restored due to a water problem or repair. Mayor Elliott said that the Village would have to prove that the water or sewer lines were inadequate to order redoing.

Mr. Smith suggested one way streets and Trustee Wooden noted that the street could be cut in half and give everyone a larger front yard.

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Mr. Smith asked if the Village could rent out the Village Hall and build a new building to house the Village Offices and PD. Mayor Elliott noted that the Village could not use the Village Hall as rental property without having the primary use for Village Offices.

TAX PAYER RESPONSE: David Dalton of Aldrich Dr. noted that he chose to live in the Village to receive the services offered and did not want to lose the services. Mr. Dalton said that if he didn't want the services he would move into the Town of Palmyra. The benefits noted by Mr. Dalton were Water/Sewer, Fire Dept., PD, and streets and sidewalks. Mr. B. Baker noted that the majority of taxes came from school taxes. Trustee Wooden questioned that combining services and possibly desolving the VOP may save money? Mayor Elliott noted that the savings would be questionable and taxes may be more for the Village people. Trustee Celentano was asked if money would be saved by dissolving the VOP? Trustee Celentano noted he had not checked into that yet.

CANALTOWN DAYS: Mayor Elliott moved to thank all those that worked on the Canaltown Days event including the Police Department, all police agencies, Cemetery and Parks the Canaltown Days Comm. and all others that helped, seconded by Trustee Wooden, vote, 5 ayes, CARRIED.

Chief Dalton noted the compliment given to the VOP for their enthusiasm and great crowds and what a pleasure it was for them to be in the VOP.

Mayor Elliott noted that the Canaltown Days was a big fundraiser for many of the non-profit organizations. The children benefit from the event and this provides a better quality of life.

Mr. Baker, President of the WCF, noted that the fair allows the more non-profit organizations to bring in more money than Canaltown Days does because there are more organizations. Mr. Baker asked how much sales tax is collected during Canaltown Days from the vendors since the WCF is required to inform the NYS Sales Tax Dept. he felt the Canaltown Days Comm. must also be required to send in this information. Mr. Baker also asked if the Canaltown Days Comm. applied and received a gathering permit from the State as the Fair does? Trustee Wooden thanked the Highway Dept. and R. Bowman for clean up after Canaltown Days.

MINUTES FROM SEPT. 5, 1995: Trustee Wooden moved to accept the Sept. 5, 1995, minutes as written with Trustee Guest seconding, vote 3 ayes, Trustee Drews and Celentano abstained.: carried 3-2.

TRANSFERS: Mayor Elliott moved to transfer \$1,000 from F1990.4 contingency to F1430.4 Personnel and Sewer fund - \$1000 from G1990.4 contingency to G1430.4 - Personnel for labor issue, seconded by Trustee Guest, vote, 5 ayes, CARRIED.

ABSTRACT #8: Mayor Elliott moved to authorize the Treasurer to pay vouchers #407-461 adding 1 chicken dinner making the total \$60,833, seconded by Trustee Wooden, vote, 5 AYES, CARRIED.

JUDGE SALOMON MAGISTRATES CONFERENCE: Mayor Elliott moved to authorize Judge Salomon to attend the magistrates conference in Lake Placid on Oct. 15th through Oct. 18th, 1995, seconded by Trustee Guest, vote, 5 ayes, CARRIED.

Trustee Guest moved to reimburse Judge Salomon for the registration fee she paid to the Magistrates Conference, seconded by Mayor Elliott, vote, 5 ayes, CARRIED.

PARKING DOWNTOWN: Trustee Celentano moved to oppose any change in the Main Street Business district parking and make the opposition known to our elected state officials, seconded by Trustee Wooden, vote 5 ayes, CARRIED:

CONCRETE CURBING: Mayor Elliott reported that if the Village adopts a standard for granite curbing the standard should be followed by the State.

SIDEWALKS ON SOUTH SIDE OF W. JACKSON ST.: Chief Dalton noted that the sidewalks on the Southside of W. Jackson should be replaced before winter because they are dangerous. Trustee Celentano noted he would see the Acting Highway Super. for action.

MOLESTER: Trustee Celentano would like the VB to go on record as opposing the fact that the convicted child molester lives on Main Street in Palmyra. It was noted that public pressure may have an effect on where that molester could live.

PHOTOGRAPHERS FOR FD: Trustee Drews and Mayor Elliott noted that they had received calls concerning the selling of photographs from residents for \$20 and if not wanting photos giving donations of other amounts for the FD. It was discussed that the FD was having a meeting to determine what they wanted to do with the Peddlers. Clerk Hays, noted that the peddlers were in violation of the Peddlers law by misrepresenting the purpose for the permit. Clerk Hays noted that according to the Villages' Peddlers' Law if the VB or the PD had knowledge of such misrepresentation they should immediately revoke the license for a period of 5 days waiting for a hearing to determine the continuation of peddling or not. Trustee Drews had stated she had received a number of complaint calls, Mayor Elliott's mother had called the PD and the FD had received a number of complaints. Chief Dalton stated that he could do nothing without a complaintant. Clerk Hays noted she was reading LL on Peddler's and since the Village issued the permit it was the Village's responsible to revoke it.

RADIOS FOR FD: Trustee Drews stated that the FD is getting quotes for radios (pagers) One quote has been received and two more will be sought.

FIRE DEPT. CONTRACT WITH THE TOP: Meeting held with Mayor Elliott and Trustee Drews met with the FD and the contract is being reviewed.

SANTA IN THE PARK: This event will take place on December 3, 1995 at the P&C Rooms.

PLANNING BOARD AND ZBA APPTS.: Trustee Guest suggested that names of Robert Joslyn for Alt. Planning BD., Wayne Henning, Reg. member of Planning BD, and Linda Joslyn alt. on ZBA. Letters have been received from these three for these positions by Trustee Guest. Trustee Drews noted that she felt others had been interested in the position but may not have realized the positions were still open. Trustee Wooden requested that each member of the VB receive a copy of the letters of application prior to the mtgs. to review and possibly speak to the applicants. Trustee Guest noted that copies of these letters had been distributed prior to the last VB mtg. two wks ago.

604 E. MAIN STREET: Trustee Wooden noted a broken window and a number of over grown weeds at the 600-604 E. Main ST. location. Trustee Wooden suggested that the VB put the window back and charged the land owner. Trustee Wooden moved to repair the window at 604 E. Main Street and make sure that bldg. is secure and send the bldg. owner the bills for work, seconded by Trustee Drews, vote, 5 ayes, CARRIED.

Trustee Guest moved to proceed with legal or court action to insure the bldg. at 600-604 E. Main St. is repaired and made safe, seconded bny Trustee Celentano, vote, 5 ayes, CARRIED.

ZBA AND PL. BD APPTS.: Trustee Guest moved to accept the appts. of Robert Joslyn for alt. Pl. BD, Wayne Henning reg. member Pl. Bd. and Linda Joslyn Alt. ZBA, seconded for discussion by Trustee

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Drews. Trustee Drews asked if the positions are offered to everyone? Trustee Guest noted that she has requested those interested contact her. Trustee Guest said she has given out a number of Chapter 29's to those voicing some interest, however, these letters of appl. from the three listed were the only letters received with the exception of one who would not be chosen. Trustee Drews noted that she knew a couple of people that voiced an interest but probably think the positions are filled. Trustee Drews mentioned that possibly homeowners be given first opportunities for membership. Discussion noted that being home-owner was not a qualification. Trustee Drews said she was not uncomfortable with the people that applied, but what about other people wishing to apply. Ad to be put in the paper and decision made at the next VB meeting was suggested.

Question called, vote, 3 nays Trustee Celentano, Trustee Drews, and Trustee Wooden, 2 ayes, Mayor Elliott and Trustee Guest, DEFEATED - 3-2.

A motion was made by Trustee Wooden to revisit this issue of Pl. and ZEA Bd. appointments at the next VB mtg. seconded by Trustee Drews, vote, 5 ayes, CARRIED.

DRAINAGE: Steve Stauffer will write a report since he cannot attend the meetings due to a conflict. The eng. and R. Weaver took soil samples for analysis.

PASSARO ASSOC.: Trustee Wooden will speak to S. Stauffer and Passaro about piping over the VOP raw water line. Mayor Elliott stated that if the DOH said ok than no problem.

WATER CONTRACTS WITH THE TOP: Must add that the water rate will not go below what it is now. Mayor Elliott noted that the VOP will install master meters and TOP install vaults. Trustee Wooden said the contractor did install the meters and vaults at the same time. S. Stauffer will be sent down to check out installations. Mayor Elliott stated that the rate never less than \$1.35 was noted later on in contract. Mayor Elliott noted that the TOP be responsible for potability tests. Both taking test and getting results. Trustee Wooden will question if the VOP could charge for taking the tests. Trustee Guest noted that no cost to TOP on getting testing samples be taken out and an amount of \$25/hr. for getting the samples be charged. Mayor Elliott asked why the VOP should pay for this?

Trustee Guest moved to charge the TOP \$25 per hour for the getting the test with a minimum of \$25, seconded by Mayor Elliott, vote, 5 ayes, CARRIED.

Trustee Celentano moved to authorize the Mayor to sign the water contract with the TOP with one (1) change as noted about samples, seconded by Trustee Guest, vote, 5 ayes, CARRIED.

TANK: Trustee Wooden moved to authorize the Mayor to sign the approval of plans for cleaning the water tank next spring, to be cleaned inside and outside, seconded by Trustee Celentano, vote, 5 ayes, CARRIED.

MRB WATER ON EAST FOSTER: MRB requests payment of remainder of money to Villager for the waterline installation. Also sign a release from MRB to Villager which should be gone over with MR. Abbott of MRB asking who is responsible for the street repair. The VOP lawyer needs to check on the additional \$1,300 Villager is requesting. Trustee Wooden noted taht he would review the original contract. Attorney Nesbitt will check and meet with Mr. Abbott to iron out.

CANAL PROJECT: Sear-Brown's S. Cleason did the design on the marina which was \$200 less than the grant proposal. Trustee Wooden will meet with the committee and S. Cleason will get with Mayor Elliott and Trustee Wooden before the next meeting. B. Baker asked Trustee Wooden and the VB where the VOP was getting the marina money? Trustee Wooden noted that the project

would be in different phases. Highway can do some land cleaning and the Cty. can also clean land. Trustee Wooden noted that G. Contant's old place could be used for restrooms after renovation. Trustee Wooden noted that the plans needed to be sent back to the State for them to accept.

EXECUTIVE SESSION: Mayor Elliott moved into exec. session at 10:00 p.m. for matters of personnel, union contract, pay issue on a particular person, with the VB, Vill. attorney, and Chief Dalton, seconded by Trustee Wooden, vote, 5 ayes, CARRIED. Motion out of exec. session at 11:27 p.m. by Trustee Celentano, seconded by Trustee Guest, 5 ayes, CARRIED.

PAY INCREASES SALARIED EMPLOYEES: Motion that non union members (not elected) be given a 2.5% raise retro to 6/1/95. Chief Dalton to receive the raise regulated by Sec. 27 CSLaw by Mayor Elliott, seconded by Trustee Guest, vote, 5 ayes, CARRIED.

TAX BILLS ON RAW WATER LINE FROM CANANDAIGUA: Motion that tax bills be paid under protest by Mayor Elliott, seconded by Trustee Drews, vote, 5 ayes, CARRIED.

ADJOURNMENT: Trustee Wooden moved to adjourn at 11:34 p.m. seconded by Trustee Drews , vote, 5 ayes, CARRIED.

Respectfully submitted, Bonnie J. Hays, Village Clerk

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