

BOARD OF TRUSTEES

Regular Meeting

2/6/89

7:00 p.m.

Present: James G. Elliott, Mayor; Trustees P. Frontuto, C.D. Gilmore, D. Wooden & D. Pope; J. Nesbitt, Esq., Village Attorney.

Moment of Silence:

Mayor Elliott called the meeting to order and requested that the Board observe a moment of silence during which time the recent death of Mayor Kinnelly of Fairport be remembered by those who knew him.

Pub. Hrng.

Mayor Elliott opened the public hearing, Local Law #2, 1989, re an amendment to Chapter 25 of the Village Code entitled "Parking Prohibited" (No parking on Village streets between pavement edge & sidewalk or on streets without public sidewalks - 10' frm. pavement edge.....) - the Clerk read the Legal Notice, following which the Mayor asked for comments.

Mr. J. Bruening spoke of how sd. law wld. affect his parking on Vienna St. - if 10' they wld. have no place to park....he mentioned other areas such as @ the radiator shop around the corner & the "Box Factory" on Park Dr. Mr. R. Jeffery asked if law wld. affect parking partly over curb and partly on street - he was told by the Mayor that it would. Mayor reiterated..."not 10' frm. sidewalk. - frm. the edge of the roadway." Width of sidewalk discussed - varies in VOP. Mr. R. DeVoglarere asked if the law wld. affect 'established' driveways - Mayor said not 10' beyond sidewalk. Trustee Wooden asked if not a law already in existence "no parking" over sidewlk. Mr. Bruening sd. he has area of approximately 5'. Mr. S. Fitzgerald sd. there seemed to be a conflict of trying to apply it (law)....safety factor wth. vehicle parked in turn on his street (Hansen) involving driver, cars, kids for anyone...that area a major concern per Mayor Elliott. Trustee Wooden stated that Mr. Bruening cld. apply for a variance and Trustee Pope sd. they had talked of making a part of zoning. Difficult to enforce, per Mayor Elliott. Atty. Nesbitt sd. that a police officer cld. write ticket...VOP right-of-way much wider than public road...most people parking on VOP property anyway...not infringing on private property....Zng. Bd. cld. write a variance to which Trustee Frontuto asked about making it a part of V&T Law. Special Permit, per Atty. Nesbitt, peculiar to individual owner. If sold, new people wld. have to apply for sme. Mayor sd. dilemma for Bd.

Mr. Breuning reiterated that they had no other place to park...even wth. one vehicle. Mayor Elliott, then, asked for other comments - wth. new evidence (re absence of parking places such as exists for Mr. Breuning's, et.al), Bd. wld. have to consider. Trustee Gilmore stated that he cld. not vote on something he wld. be violating, i.e. his parking situation similar to Mr. Bruening's. Chief Dalton sd. that first pt. a good part...no parking between street and sidewlk. mentioning Stafford, Throop & Canal St. biggest problem....sympathetic to Mr. Breuning & Trustee Gilmore's situation. Chief Dalton, again, requested that proposed law be reworded...that first part be enacted....or if no curb, 10'...easy to plow....wld. beautify other parts of VOP.

Mayor sd. if law passed for no parking only between road and sidewalk, wld. have problem @ his hse.,

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also, explaining that parking across the street where there's no sidewalk could park in the same area and do it legally because they don't have a sidewalk....discriminating because people don't have a sidewalk. Trustee Pope asked if problem one of distance....discussion - Phil's concern for cars parked @ edge of road (re snowplowing)....Trustee Gilmore spoke of P. Retan's concern for getting cars out of road for snowplowing - Trustee Pope asked minimum safe distance frm. pavement and informed by P. Retan, "three feet." Trustee Pope stated that it sounds as if 5' wld. be acceptable alternative - Trustee Gilmore stated that widest residential sidewlk. over 5'.

Mayor felt that the Bd. needed more time for clarification - 5' very close....sd. he'd like to see some sort of exception by exercising more time re Bd. decision. Chief Dalton offered his comments re allowing 5' - recommended passing; if delayed wld. be two-three mos. before implemented. Mayor Elliott asked Atty. Nesbitt about closing hearing and tabling the Law - once public hrng. held, may be continued/amended without re-publishing sme. and adopted @ nxt. Bd. mtg. Cld. be amended, per Atty. Nesbitt if not "substantial" changes. Brought out that parking wld. still be in Village right-of-way. Mr. S. Fitzgerald sd. it wld. be better this way than it was. Discussion discontinued.

At 7:30 p.m. the Mayor declared the hearing closed following which Trustee Wooden moved adopting LL#2, 1989, changing "no parking" 10' frm. pavement edge to 5'; Trustee Pope seconded. Voting "aye" were Trustees Wooden, Pope, Frontuto & Gilmore & Mayor Elliott. Carried. Mayor commented that he wld. have liked a "Special Permit." Questions on time-frame re processing sd. Law - wld. be 3-6 wks., per Mayor.

Minutes
1/16/89:

Trustee Frontuto moved Bd. acceptance of 1/16/89 Bd. Mtg. Minutes; Trustee Gilmore asked basis for recent salary increases and told by the Mayor that the Officer in question had completed his 20-wk. probation requirement - in addition, Chief Dalton had commended him on his job performance. Chief Dalton explained reason for Officer Gumaer's raise in pay - had served five probationary periods, etc. Mr. Gilmore added that his question(s) were not intended to reflect his dissatisfaction - just clarification. Trustee Frontuto spoke of "language change" following which Trustee Gilmore seconded Minutes acceptance wth. sd. change. Trustee Frontuto accepted amendment to her motion; voting "aye" were Trustees Frontuto, Gilmore, Wooden & Mayor Elliott. Trustee Pope abstained. Carried by majority.

Minutes
1/25/89:

Trustee Frontuto moved that brief Minutes of Bd. Mtg. re Union Contract on 1/25/89 be accepted as written; Trustee Pope seconded. Voting "aye" were Trustees Frontuto, Gilmore & Pope & Mayor Elliott. Trustee Wooden abstained. Carried by majority.

Trustee
Frontuto:

Re C&P, Trustee Frontuto sd. request rec'd frm. Ms. Angie Kneist, CCFL student, to complete her 35 hr. practicum in C&P Dept. (CCFL wld. provide insurance) VOP participated previously - Mayor Elliott so moved and Trustee Pope seconded. Voting "aye" were Mayor Elliott & Trustees Pope, Frontuto, Gilmore & Wooden. Carried.

Mrs. Frontuto pointed out that Bd. budget session wth. Donegan Assoc. on 2/27/89 conflicts wth. NYCOM Winter legislative mtg. in Albany. Date change (to) be sought.

C&P Supt., R. Weaver, gave a brief report on status of ice skating rink and VOP tree-work.

Trustee
Gilmore:

Re the Highway Dept., Trustee Gilmore spke. of snow-plowing & sanding and sand usage as compared to previous years; estimate for radios for VOP vehicles and Village Hall, \$8,000. - no need for expense of license and antenna/utilize County's; Bd. discussion on sme. Trustee Gilmore distributed brochures describing the system (distributor situated in nearby Marion). He pointed out that most municipalities have some type of "radio" system. Wld. have to be in nxt. budget cycle, per the Mayor.

Trustee Gilmore stated that four (4) supervised Cub Scouts wld. be @ Highway Barn Tues. night completing project/bldg. birdhouses. Ltr. copy had not been received re fuel bids, however, misunderstanding.... Jeffery Fuels amended their bid not Pal-Oil.

Mayor Elliott spke. of his concerns regarding the care of VOP streets especially Main Street (sanding/snowplowing)....streets aren't being cleaned close to curbs. Bd. discussion.

Trustee
Wooden:

Trustee Wooden related dates for ZBA Hrngs. - D. Van Hout & Swiss Chalet - 2/14/89 - and requested that Vill. Atty. be present. The Planning Bd. approved Swiss Chalet's new proposal on 2/1/89, he said.

Mr. Wooden stated that "Fun Days" being celebrated following weekend @ Community Ctr. as a part of the Bicentennial celebration.

NYSEG contacted by Trustee Wooden re utility poles on Main St. - they have agreed to paint the poles - will be shade of dark green; notification to VOP approx. one wk. before work to begin. Concern expressed for removal/replacement of traffic signs posted on poles during painting process. Clerk re-reminded to send NYSEG (Nancy Collins) ltr. re Christmas lights. Brief discussion on Christmas banners, where obtained, bracket removal, etc.

Trustee
Pope:

Re Animal Control, Trustee Pope stated that he had talked wth. Mr. H. Fisher recently and his desire to leave post of Animal Control Officer; he had been contacted by Town Councilman, A. Baran, around first of year, however, had heard nothing since. Mayor Elliott sd. that VOP cld. opt. to turn over to Town. Town function, Mayor said, but VOP willingly did for many years. Trustee Pope sd. VOP wld. not budget monies for Animal Control - had there been a meeting the VOP might have been able to make a contribution or assist the TOP in some manner. Determination mde. that Trustee Pope will write to TOP Supervisor stating VOP's position.

The Mayor spke. of ltr. rec'd by Bd. frm. VOP resident whose dog, while tied, was attacked by an unleashed dog. He communicated wth. Mr. Fisher.

Budget
Transfers:

Trustee Pope moved that, through the construction of the budget, in order to pick Highway Dept. budgeted

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into W&WW, the VOP transfer amt. of \$9725. frm. Item No. 8330.1 to 8340.151; amt. of \$7,069. frm. Item 8340.1 to 8340.151; and the amt. of \$2,872. frm. 8120.1 to 8120.151. Trustee Gilmore seconded the transfer of aforesaid fnds. Basically, per Trustee Pope, moving funds from "1" to "151" when charging salaries in, account for Highway Dept. money/employees expended on W&WW projects. Further explained by Mr. Pope. Voting "aye" were Trustees Pope, Gilmore, Wooden & Mayor Elliott. Carried. (Trustee Frontuto was out of the rm. during this budget transaction)

Mayor Elliott:

Mayor Elliott sd. that "Mayor Gabe" of Lyons had extended invitation to attend a meeting @ 7:00 p.m., 2/28/89, in Lyons with Mr. Larry Monroe re Cable T.V. Bd. to please let Clerk know if going.

Proclamation:

The Mayor spke. of a communication from the Daughters of the American Revolution requesting that the VOP proclaim February, 1989, as American History Month. Mayor signed sd. Proclamation and requested Clerk to submit to the Courier-Journal. Proclamation attached hereto.

State DOT:

State agreed to VOP's request re Maple Ave. Bridge, i.e. the State wld. barricade and maintain Towpath during bridge construction.

Right-to-Know Law:

Mayor sd. he had rec'd Memo frm. Highway Supt., Phil Retan....having attended waterwks. meeting prior wk. and didn't feel he cld. represent the VOP in the "Right-to-Know" area. He talked wth. Roger Weaver, C&P Supt., who wld. be willing to function in this capacity, therefore, he stated that he wld. accept Phil's resignation and appoint R. Weaver. Periodic inspections/VOP's cld. be at anytime. Trustee Wooden sd. his understanding that person in charge may be recipient of any fines levied for infractions. Trustee Frontuto related her understanding of "Right-to-Know" Law - supervisor wld. advise of the dangers and take precautions/VOP wld. have the responsibility. Trustee Pope sd. that the employee wld. be indemnified - not the program officer's responsibility, per the Mayor....he executes papwrk., inventory, etc. R. Weaver sd. he currently maintains records on chemicals, etc. used by the C&P Dept. Records must be kept for forty (40) yrs., per Mayor Elliott. If two or 200 qts. of oil, e.g., record must be maintained - Custodian Mel Murray to be contacted in above regard.

Trustee Gilmore spke. of his concerns in prior week's newspaper that were erroneous and embarrassing to the VOP, i.e. statements mde. by VOP employee re gas concentration, etc. which statement was challenged by NYSEG. Mr. Gilmore then referred to a water leak prior week and events which took place.

Exec. Sess.:

At 9:15 p.m. Mayor Elliott moved Exec. Sess. for personnel reasons with the full Bd., Atty. Nesbitt & W&WW H. Kruger present; Trustee Pope seconded. Voting "aye" were Mayor Elliott & Trustees Pope, Gilmore, Wooden & Frontuto. Carried.

Reconvene:

At 9:45 p.m. Trustee Gilmore moved that the Bd. emerge frm. Exec. Sess. Trustee Frontuto seconded. Voting "aye" were Trustees Gilmore, Frontuto, Wooden & Pope & Mayor Elliott. Carried.

ProposedP.D. Comp.:

Mayor Elliott spoke of two vendors' demonstrations re computerization of the VOP Police Department - of which he was a part. Revenue Sharing had been earmarked for same, per the Mayor. A lengthy presentation/discussion held in conjunction with Chief Dalton's recommendation supported by a proposal submitted by Tandy Business Police Systems (Tandy Hardware & X-Caliber Software). An asset to the P.D./work-saver/less expensive - meets all P.D.'s requirements, per Chief Dalton. More versatile with several options not available in other model(s). Cost for total items contained in proposal, \$14,153.; add \$500. for 80 Meg. Dr. (instead of 40 Meg.); Training & support, add \$600. On-site/Carry-in re repair/maintenance with Government discount, wld. be \$519.40. The Mayor sd. that approx. \$6,000. remaining in Revenue Sharing which had been earmarked for sd. use. - if not used, VOP wld. lose it. \$3870. frm. fund set aside used in Central Office. Installment payments may be mde. Chief Dalton respectfully requested permission frm. the Bd. to purchase the system. Atty. Nesbitt asked if a State bid item and discussion held. Chief Dalton sd. he wld. call nxt. day for clarification re State bid. The Mayor sd. it wld. be necessary to place on hold until the nxt. Bd. mtg. for determination to be mde.

Abstract#17:

Trustee Pope moved authorization for the Vill. Treas. to pay all Vouchers on which appear the initials of at least three (3) Trustees - Voucher Nos. 783-837 in the amt. of \$65,246.32. Trustee Frontuto seconded. Voting "aye" were Trustees Pope, Frontuto, Wooden & Gilmore & Mayor Elliott. Carried.

AssessorRoney:

Mayor Elliott brought to the Bd. Assessor J. Roney's request to remain, after his upcoming retirement frm. the Town, as Assessor for the VOP. Bd. discussion on VOP becoming a non-assessing unit - presently VOP adopts Town Tax Rolls....cld. pass the assessment process to the Town or County. Atty. Nesbitt advised the Bd. that the VOP now has some control in case TOP acts in a manner unacceptable to VOP. Mr. Roney was placed on the 3/6/89 Agenda to allow him to present his case to the Bd. (the 2/21/89 Agenda being a busy one). Trustee Wooden sd. that one problem is that the TOP set VOP apt. complex assessments and agreement mde. not to raise for five (5) yrs....time almost up. Short discussion. Mayor sd. benefits and drawbacks either way VOP goes. State Bd. still continues to do equalization rate. With information provided, the Bd. will have time to ponder prior to Mr. Roney's appearance before Bd.

VolunteerAward:

The Mayor spoke of a communication rec'd re National Volunteer Week, April 9-15, 1989, giving the VOP an opportunity to make a nomination. The name of a local resident, Ms. Ann Guest, immediately came to the forefront and the Bd. was unanimous in placing her name in nomination. Trustee Wooden so moved; Trustee Pope seconded. Voting was unanimous and carried.

Chief'sSeminar:

Mayor Elliott stated Chief D. Dalton's desire to attend a Seminar sponsored by the Finger Lakes Law Enforcement Academy 5/2-4/89. Trustee Frontuto moved that the Bd. permit his attendance; Trustee Pope seconded. Voting "aye" were Trustees Frontuto, Pope, Gilmore & Wooden & Mayor Elliott. Carried.

Union

Contract: CSEA rep., Ms. Karen Spies, will not be representing the VOP's local #859 as previously planned - in fact, they mentioned beginning negotiations in May, 1989 (present Contract expires 5/31/89). Sgt. Coleman, President of #859, attempting to resolve the problem.

Dar-Lind Lane:

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Mayor Elliott asked of the Bd. that decision be mde. re amt. of bond and length of same re Dar-Lind Lane. Engineer D. Means had recommended 10-20%. Trustee Wooden sd. that if problems surfaced, \$18,000. wld. not cover, suggesting \$50,000. - 20% of original est. wld. be \$48,000. - agreement in 8/87 was for two-yr. period/Mayor felt \$20,000. wld. suffice. Trustee Gilmore compared to Stafford St. & Aldrich Dr. Atty. Nesbitt sd. VOP cld. have Letter of Credit - more expensive. Bond or Letter of Credit was asked by the Mayor....cash wld. be better, per Atty. Nesbitt. Bd. resolution that specifies maintenance bond, per Mr. Wooden. Mayor sd. cld. ask for either/or. Re street dedication, Trustee Pope spke. of truck travel in Spring - more discussion on two-yr. bond/Letter of Credit in amt. of \$50,000. for two-yrs. Trustee Wooden, then, so moved the latter; Trustee Pope seconded. Voting "aye" were Trustees Wooden, Pope, Gilmore & Frontuto - Mayor Elliott voted "nay" - shld. be either/or, he sd. Hearing date for street dedication discussed - Mayor Elliott moved that hrng. be conducted @ 7:00 p.m. on 3/6/89; Trustee Pope seconded. Voting "aye" were Mayor Elliott & Trustees Pope, Gilmore, Frontuto & Wooden. Carried.

Evaluations:

Bd. discussion on Employee Evaluations - no decision, however, Trustee Frontuto reiterated this year that she wld. like to see individuals doing evaluations to develop "Tasks and Standards" for VOP employees. Form may be developed anytime.

Bridge Resol.:

Mayor Elliott stated that the State DOT's recent communication re the Maple Ave. Bridge requested passage by Bd. of resolution to accompany Maintenance Agreement previously executed by the VOP; DOT inadvertently overlooked. Trustee Frontuto moved passage of sd. Resolution, attached hereto; Trustee Gilmore seconded. Voting "aye" were Trustees Frontuto, Gilmore, Wooden & Pope & Mayor Elliott. Carried.

Exec. Sess.:

At 10:10 p.m., Trustee Pope moved that the Bd. exercise Exec. Sess. for personnel purposes(re Court) and to discuss salaries; Trustees Gilmore & Frontuto seconded. Voting "aye" were Trustees Pope, Gilmore, Frontuto & Wooden & Mayor Elliott. Carried.

Reconvene:

At 11:18 p.m. Trustee Frontuto moved that the Bd. emerge frm. Exec. Sess. wth. the above Bd. members present. Trustee Pope seconded. Voting "aye" were Trustees Frontuto, Pope, Gilmore & Wooden. Carried.

Court Clerk:

The hospitalization of the VOP Ct. Clerk, Mrs. Jeanne Drake, had presented backlog of work, therefore, Mrs. Patricia Baynes appointed by the Bd. to function in the Clerk's capacity - @ the same rate of pay (\$198.01 bi-weekly) on a temporary basis. Trustee Frontuto moved the above Bd. action - Trustee Gilmore seconded. Voting "aye" were Trustees Frontuto, Gilmore, Wooden & Pope & Mayor Elliott. Carried.

Adjourn-
ment:

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.

Adjourn-
ment:

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-**