

Sweeney's (Jackson) shld. be @ top of list...T. Lynch spke. of dangerous situation being brt. to VB's attention - if not tended to & someone hurt, VOP liable....dangerous, also @ Heumann's hse. on Stafford - just as bad as Sweeney's....VOP's cost per block disc. by Bd. D. Gilmore sd. VOP takes out old sidewlks. - have Brad Jacobs put in new. D. Gilmore spke. of slate sidewlks. in area of Miss Cook's hse. (corner - Jackson/Canandaigua) - cld. save maybe a couple....easier to take it all out & replace. D. Gilmore mentioned the danger of child falling near Elem. Schl. & Mrs. A. Curran falling/injured jaw as she walked wth. her hands in her pckts. Another place on southeast corner - Jackson/Cuyler. Never will have to take that out....ripples in it...slate poses a danger on Canandaigua for school children...also Canaltown Days...Phil sd. curbing on both sides, re-paving 2"....wld. run \$22,500. for 1/10th mile...any street in VOP. He spke. of CHIPS money, up to \$20,000./VOP able to do four streets frm. CHIPS...

H.K. spke. of grants re W&WW - more apt. to get than for streets. Primary project a new water main...T. Lynch still felt of all money put into water fund, sme. cld. be diverted for other uses when combining wth. water line replacemnt., etc. Phil R. sd. water line has to go in within nxt. yr. or so on E. Foster. H.K. sd. that in Fall VOP will not be pumping water across Canal north...will be fed by Macedon - less stress on VOP's facilities...raw water line will be here long time - nothing wrong wth. it. Money that's there shld. be used, per H.K. When Vienna St. done, Mayor sd. VOP pd. 50% of reconstruction costs with 50% bond issue....because destruction of street (destroyed by putting in wtr. line)...cld. be re-billed to water. T. Lynch spke. of putting about \$150,000. per yr. into water line...just the interest...wld. like not to put it in and use elsewhere. Questionable whether or not cld. be used, he sd. H.K. spke. of all being connected..."transmission" - sd. auditors separate because of Garlock's visibility...T. Lynch sd. that 'someone' had to vote upon @ smetime. - done on yearly basis, per Mayor. Money has to remain within Water Fund....only method is by doing streets....VB discussion...D. Gilmore sd. D. Pope explained it as the VB being on the Bd. of three different corporations...when having to do wth. money, per Mayor. Further discussion - several talkers, sme. of which cld. not be interpreted. T. Lynch spke. of his conversation wth. R. McMasters re using water monies....

Trustee Gilmore had to leave for an appointment....prior to which he moved adjournment @ 1:15 p.m.; Mayor seconded. All voted "aye"/carried.

Ethel B. Johnson, Recorder

#### BOARD OF TRUSTEES

Regular Meeting

9/4/90

7:00 p.m.

#### Present:

James G. Elliott, Mayor; Trustees C. D. Gilmore, Daniel E. Wooden, Daniel S. Pope III & Thomas N. Lynch; and Village Atty., John B. Nesbitt, Esq. (Department Hds. - P.D. Chief D. Dalton; W&WW Supt., H. Kruger; C&P Supt., R. Weaver & Hwy. Supt. P. Retan arrived @ approx. 8:00 p.m. having been asked by the VB to attend for the purpose of a round-table discussion of "compensatory time" and "overtime".)

#### LL#1 re

#### Elec.Insp.:

Local Law #1, 1990 re "Electrical Inspection Law" having been properly placed on VB desks for five (5) days and properly advertised, Mayor Elliott opened the public hearing asking for comments frm. the VB

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and the public. Mr. Robert Lester of Fire Underwriters was present to lend his expertise if needed. Mrs. E. Hartnagel asked if exclusive company performing inspections and informed by the Mayor that it cld. be more than one. Mr. Lester sd. that Fire Underwriters performing inspections for CEO J. Roney @ no cost to the VOP - a not-for-profit for corporation. Mayor Elliott sd. whomever performs inspections - must meet criteria, i.e. carry insurance, agree to provide copies of rpt. to the VOP, provide a schedule of rates.

Trustee Lynch asked if for new construction and told by Mayor that it was his understanding that it cld. be or on older remodeled bldg. in which major electrical work done - must be inspected before electric turned on. Mr. Lester sd. that usually the Local Law has provisions for company the municipality engages - one or more - up to VB. Trustee Lynch questioned cost involved for builder or person remodeling; Mr. Lester sd. his company has a published price sheet (required by State) - identical throughout the State...cost based upon amt. of work performed and materials...he gave examples of different size houses...\$40.-\$50.....larger hses.,. \$70.-\$80. P. Retan asked about 'conduit' & Mr. Lester spke. of several kinds of acceptable wiring services...places of public assembly requirements vary. Trustee Lynch asked if CEO Roney recommends VOP participation and informed by the Mayor that he has recommended as did Mr. D. Wooden when he was CEO.

Mayor Elliott asked for further questions/comments - and when there were none, he declared the hearing closed @ 7:14 p.m.

Minutes

8/20/90:

Trustee Pope asked for clarification regarding the "Rogers Memorial Chapel" @ the Palmyra Cemetery on which pointing being done on brick-work; it was stated that the Chapel was built by Mr. Carlton Rogers in 1886 in memory of his father & family. Trustee Gilmore moved VB acceptance of the 8/20/90 VB Minutes; Trustee Pope seconded. Voting was unanimous.

Spec. Mtg.

8/28/90:

Minutes of the Spec. Mtg. held on 8/28/90 were incomplete.

C&P Depts.:

Trustee Lynch reported that ltr. rec'd frm. the painting contractor (trim on P&C Bldg.) stating his inability to accomplish the work. He stated that the C&P employees, by renting scaffolding, had hoped to paint but wld. be unable to do same in 1990 due to other commitments. Pump jacks and planks less expensive, per P. Retan and he asked about sand-blasting. Cld. affect wood he was told; short VB discussion on members of VB and volunteers scraping and painting the trim. No decision mde. Mr. Lynch to check wth. Mr. Gil Bryant as suggested by Mrs. E. Hartnagel, however, in all probability will have to wait until Spring.

Hwy Dept.:

Trustee Gilmore sd. awaiting scheduling of milling E. Foster St. He sd. Hwy. Supt. to attend Hwy Conference frm. 10/15-10/18/90 @ Lake Placid. Mr. Gilmore sd. that chipping wld. cease following first week in Oct. - Clerk to place ad in newspaper ea.

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week so that residents wld. be properly notified prior to Hwy. beginning leaf pick-up. Re additional estimates for dumpster @ Hwy. Barns, Mr. Gilmore will obtain by nxt. mtg.

Clerk re-reminded to write WC Fair re VB's satisfaction re 1990 Fair's success.

Trustee Gilmore sd. he wld. like to see photos of VOP's water intake pipes - other Trustees as well. The Mayor sd. photographs taken before and after cleaning during past year.

**Local Law**  
**#1, 1990:**

Trustee Wooden moved that the VB, having conducted a public hearing @ the outset of mtg., adopt Local Law #1, 1990, termed "Electrical Inspection Law." Trustee Gilmore seconded. Voting was unanimous/carried. Mr. Wooden also moved appointment of the Board of Fire Underwriters to perform the electrical inspections for the VOP for the remainder of 1990 and year of 1991. Trustee Gilmore seconded. Voting was unanimous/carried.

**ZBA Appt.:**

Trustee Wooden moved that the VB appoint Mr. Robert Rabideau, 158 Stafford Street, to the Zoning Board of Appeals to fill the unexpired term of J. Frontuto, Jr. (who was trans. frm. Plann. Bd. on 6/19/89 to complete H. Gilman's unexpired term), sd. term to expire on 3/31/92). Trustee Gilmore seconded. Voting was unanimous/carried. He sd. that the appointment of an alternate member forthcoming.

CEO J. Roney to attend final training class following week for which there is no cost to the VOP - only Mr. Roney's mileage.

VB discussion on the CEO's attendance @ an "Assessment Administration Conference" @ Kutcher's in Monticello on 10/2-10/5/90 and the lack of money in the budget for amt. which wld. be needed to take the trip. Mayor sd. Mr. Roney had attended when Town Assessor for which the Town pd. his expenses. Attendance for two (2) days discussed - cld. expend up to \$350. per Budget Officer Pope - mileage wld. be in area of \$100. Trustee Pope so moved the foregoing; Mayor Elliott seconded. Voting was unanimous/carried.

**Burned**  
**House:**

Trustee Wooden moved that due to the dangerous condition of the house which burned on 8/19/90 @ 417 E. Main St. that the VOP close bldg. up by Fri., 9/7/90; Trustee Gilmore seconded. VB discussed then motion amended to authorize Mr. J. Roney to begin proceedings by Fri., 9/7/90. The Mayor sd. that Mr. Roney had sent communication to Mr. D. Shook - he sd. legal requirement of "x" no. of days frm. receipt of notice. Trustee Gilmore asked if the VOP cld. re-coup its expenses if VOP boards up. Atty. Nesbitt sd. Village Code addresses the problem - Trustee Wooden sd. that the hse. must be repaired or demolished in a 'reasonable' amt. of time. Voting on motion to safeguard the house was unanimous/carried. Trustee Wooden moved that owner be ordered to repair or demolish burned house in length of time that law allows; Mayor Elliott seconded. Voting was unanimous/carried.

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Sewer  
Overcharge:

Trustee Wooden spoke of property owner on Burnham Hts. whose claim for sewer overcharge of \$966. (frm. 1985) filed wth. VOP. W&WW Clk. Elvin checked records and found that wth. readings & consumption, overcharge amounted to \$462. - no record found re special regulations in Minutes for certain number of bathrooms. He pointed out that sd. owner was an out-of-district user. Trustee Gilmore moved rebate to owner of \$462. Mayor Elliott sd. customary for VOP to reimburse for one yr. only - sewer rate adjusted prior year automatically and lower rate set. Atty. Nesbitt pointed out that the VOP wld. not have to make any refund. Trustee Wooden, then, amended motion authorizing rebate for one year (1989) as Trustee Gilmore withdrew his motion for rebate of \$462. Mayor Elliott seconded the amended motion stating he had requested the claim to the VOP in writing - req. W&WW Clk. to figure rebate frm. 11/88 - or the date when the property owner came to the office and change mde. in computer - VOP to reimburse that amt. Trustee Pope stated his disdain for 'verbal' claims presented, however, Trustee Wooden pointed out that copies of bills had been presented to the VOP which Trustee Pope sd. wld. be acceptable. Voting was unanimous/carried.

Open Cont.Law:

Mrs. K. Kroh approached the VB re suspension of the "Open Container Law" during the Canalton Days Parade; she sd. no problems had occurred @ her establishment in prior years. A rather lengthy discussion ensued re the pro's/con's of OCL suspension during duration of Parade. Trustee Gilmore moved that the aforementioned law be suspended for the duration of the Parade in the following areas: Miller's Rest. to Main St., The Place on Market St. to Main, Am. Legion on Cuyler to Main; Trustee Wooden seconded. Enforcement was touched upon. Chief Dalton sd. VOP has authority to say alcoholic beverages may be consumed outside of an establishment - State/Liquor Bd. have their own laws...he sd. he knew of no problems since suspension of "Beer Tent" - when CTD's Committee stopped having "Beer Tent," stopped having problems....jokingly sd. biggest problem on CTD's was weather! Mrs. Kroh disagreed. Mr. Gilmore sd. request rec'd frm. Am. Legion Commander, Mr. P. Campbell, also, therefore Mr. Gilmore moved allowance for suspension of the O.C.L. in the area of the Am. Legion...."High-landers" frm. Canada wld. not be appearing in the VOP during CTD's, he sd. Mr. Wooden seconded. VB discussion on "Beer Tent" in prior yrs. sponsored by the Chamber. When asked by Mrs. Kroh why it didn't exist anymore, she was told by the Mayor that due to cost of insurance & potential liability. Businesses' catering licenses had been utilized, also, in prior yrs. Trustee Lynch had sd. that he was not opposed if the VB rec'd request(s). Voting "aye" on both motions were Trustees Lynch, Pope, Wooden & Gilmore. The Mayor did not register a vote. Carried by majority. (Add streets frm. prior mtg.)

FlagCeremony:

Trustee Gilmore relayed request frm. Am. Legion for permission to conduct a ceremony following the Parade in front of the Post on Cuyler St. - and to close off Cuyler St. frm. Jackson to parking lot by bowling alley for the duration of ceremony, approx. one-half hr. Mr. Gilmore so moved; Mayor Elliott seconded. Voting was unanimous/carried.

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Curb Cuts: Discussion on curb-cuts to make certain areas handicapped accessible; no estimate frm. Mr. M. Zurich, however, some of the cuts will proceed as planned.

E. Foster Drainage: Mayor reported that easements had been sent to residents re drainage on E. Foster St. - to date VOP rec'd one (1), four (4) remaining.

Census: Mayor Elliott spke. of having rec'd Census figures for the VOP, the count of which was 3551; he felt the count not a true one - reply/appeal must be sent to Census Bureau in fifteen (15) days. Map a complicated one and areas blocked off difficult to understand. Wld. be quite a project to undertake, however, re-canvass shld. be mde. as 'head count' affects money VOP receives frm. State - State Aid, etc. The Mayor sd. he was contemplating calling managers of apt. complexes for a more accurate count; he invited VB's assistance in trying to determine a way to cover areas in which population heavier (growth) than shown in Census...."0 percent" population increase shown in paper.....

WCVOA: Trustee Pope moved that the VB/VAtty. & Vill. Justice be authorized to attend the WCVOA dnr.-mtg. hosted by the Village of Wolcott on 9/13/90 @ the Pier I Restaurant; Mayor Elliott seconded. Voting was unanimous/carried.

Abstract #7: Trustee Pope moved that the VB authorize the Treas. to pay **Voucher Nos. 288-339** in the amt. of **\$26,078.69** on which appear the initials of @ least three (3) VB members; Trustee Wooden seconded. Voting "aye" were Trustees Pope, Wooden, Gilmore & Lynch. Mayor Elliott did not register a vote. Carried by majority.

Misc.: Village elections - Clk. to contact other villages re turning the handling of elections over to the County (Clk.'s conception was, frm. prior VB mtg., to drop frm. Agenda); nothing new to rpt. on Cable T.V., per Mayor Elliott - likewise wth. Vill. Hall handicapped ramp; no action re annexation of Bear Hill/Rolfe St.; proposal to the VOP re dedication of portion of Laurentian Dr. Bill frm. engineer rec'd and forwarded to Atty. P. Rubery; Atty. Nesbitt sd. Engineer P. Russell suggested that the VOP, apart frm. Salzburg, upgrade specs in certain areas re streets, etc. - VOP cld. 'buy' some of his time in sd. regard. P. Retan sd. the VOP does not have a policy re 'blacktopping'....Mayor sd. a fabric exists to put under blacktop - wld. have been good move when paving Dar-Lind...the late Engineer D. Means had mentioned....written into many local laws now, he sd. P. Retan sd. process is "petro-mat" which covers "alligators" (cracks in concrete)....

Atty. Nesbitt sd. Mr. Gerber still interested in expansion @ Swiss Chalet/Fayette St. and zoning change - different ways to change zng. - ask Plng. Bd. to review.

Hwy. Truck: Trustee Gilmore questioned the Hwy. Supt. about the new Hwy. truck which had been on order for some time; Mr. Retan sd. that delivery date for the 1991 model scheduled for 'end' of September. Price had increased six per cent (6%) he sd., however, VOP to pay price as stated in State bid.

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Clairmount  
Prop.:

Mayor Elliott sd. that Purchase Offer rec'd via Atty. P. Rubery for small Village-owned parcel on Clairmount Pk. in amt. of \$1000. (identified in offer as "Verona St.") - prior appraisals rec'd frm. Nothnagle, McKane & M. Laws in amts. of \$1500., \$1750., & \$2000. respectively. Trustee Lynch sd. that nothing comparable in the VOP - VB agreed that P.O. of \$1000. a 'fair' offer - advised by Atty. Nesbitt that the VOP wld. not want to give a 'warranty deed' as it wld. cost \$400. or \$500. to pay for sme. & VOP shld. clear whatever purchase price is - shld. be a 'bargaining sale deed'. Mayor sd. one-half ea. to be deeded to Jeffreys & Drews (re Mrs. M. Fuller's estate). On the advice of Atty. Nesbitt re the foregoing, Trustee Gilmore so moved that the VOP wld. sell by 'bargaining sale' a strip of land approx. 40' x 136' for the price of \$1000. clear - buyers to provide any survey, Federal & Cty. searches, abstract of title, etc.; Trustee Pope seconded. Atty. Nesbitt sd. precedent established in the VOP, citing Prospect Dr. property (owned by P. T. Rubery) as an example. Voting was unanimous/carried.

Zng.Changes:

More work needed by Plng. Bd. re zoning changes, therefore, "Sewer Rate Increase" Law moved to LL#2, 1990 rather than LL#3, 1990 - zng. placed on 'hold.' Atty. Nesbitt so recommended.

Mrkt. St.Prop.:

Mayor Elliott read the following Resolution re the small Village-owned parcel on Market St.:

**"WHEREAS**, the Village of Palmyra is the owner of certain premises conveyed to it by deed as Francis Rose dated June 7, 1971 and recorded August 5, 1971 in the Wayne County Clerk's Office at Liber 640 of Deeds at Page 220, and

**WHEREAS**, said property is no longer needed for public purposes except for a 12 foot wide easement on the north boundary, and

**WHEREAS**, Ronald H. Reinwald, the adjacent property owner, has offered to purchase this property for the sum of \$1500., and

**WHEREAS**, upon investigation, the Village Board now determines that said sum is a fair and reasonable sales price for the parcel;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Palmyra, hereby accepts the offer of Ronald H. Reinwald, and agrees to convey the above-described parcel with reservation of the recited easement by bargain and sale deed for the sum of \$1500., and the Mayor of the Village of Palmyra is hereby authorized and directed to execute such instruments necessary to effect such transfer."

Trustee Pope so moved VB passage of the foregoing Resolution and authorization for the Mayor & Village Clerk to sign; Trustee Gilmore seconded. Voting was unanimous/carried.

At 8:40 p.m. a 10-minute intermission was held and re-convening occurred @ 8:50 p.m.

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**Comp Time:** VOP Department Hds., having been invited by the VB to attend the 9/4/90 mtg., gathered in the Trustees' Rm. for a candid discussion on "compensatory time and overtime." Partial dialogue to be transcribed and attached.

**Exec. Sess.:** At 9:45 p.m. Trustee Pope moved that the VB exercise Exec. Sess. for "Personnel" reasons wth. the VB & VAtty. present. Trustee Gilmore seconded. Voting was unanimous/carried.

**Reconvene:** At 11:30 p.m. Trustee Pope moved that the VB emerge frm. Exec. Sess.; Trustee Lynch seconded. Voting was unanimous/carried.

**Adjournment:** Trustee Pope moved adjournment @ 11:33 p.m.; Mayor Elliott seconded. Voting was unanimous/carried.

Ethel B. Johnson, Clerk

## BOARD OF TRUSTEES

Regular Meeting

9/17/90

7:00 p.m.

**Present:** James G. Elliott, Mayor; Trustees C. D. Gilmore & Thomas N. Lynch & Daniel E. Wooden (Mr. Wooden arrived @ 8:35 p.m.); Absent: Trustee Daniel S. Pope III (Mr. Pope called after the meeting called to order stating that he had been unavoidably detained, therefore, unable to attend); Vill. Atty. John Nesbitt arrived during Exec. Sess. (@ approx. 8:20 p.m.).

**Public Hearing:** The public hearing - Local Law #2, 1990 - re sewer rate increase postponed until the arrival of Atty. Nesbitt (please see excerpts below frm. discussion and questions-and-answers re public hearing on LL#2 '90 - sewer rate increase).

Several citizens were present who opposed the VB's decision to mark tires/enforce 2-hr.

**Minutes 9/4/90:** Review of 9/4/90 Minutes had not been made by all VB members present, therefore, Mayor Elliott moved tabling sme.; Trustee Gilmore seconded. Voting "aye" were Mayor Elliott & Trustees Gilmore & Lynch. Carried.

**Minutes 8/28/90:** Minutes for 8/28/90 incomplete, therefore, Mayor Elliott moved tabling sme.; Trustee Gilmore seconded. Voting "aye" were Mayor Elliott & Trustees Gilmore & Lynch. Carried.

**Hwy. Rpt.:** Trustee Gilmore sd. that Western Bituminous rep. wld. have liked to have milled W. Foster St. on prior Friday, however, due to Canaltown Days' events - and part of detour route not a good time. The milling machine in great demand, he sd. and unknown when re-scheduling cld. occur. Done in the VOP (near Hwy. Dept.) @ one time when weather too cold & presented problems. Mr. Gilmore sd. if milled @ this time, might not 'keep' over winter. If too cold, Mayor suggested VOP obtaining some fine 'crusher-run' to place along street edge where dug up to pack for winter.

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Min., 9/17/90--2

Trustee Gilmore sd. that Trustee Wooden had been delayed, perhaps due to Hwy. currently engaged wth. plugged sewer line which extends frm. Stafford to W. Foster St.

C&P Rpt.:

Trustee Lynch sd. Mr. J. LeFever look @ placing a gutter on back roof of P&C Rm. - money in budget to cover (\$350.) Bk. roof needed fixing due to 'rot' around edge, the cost of which wld. be approx. \$900. (Transfer frm. A1990.4 to A7140.4). He stated that money remains in "Special Events" budget; Mayor sd. roof shld. be done - wld. cost more as time went on & recommended removing frm. Contingency following which Trustee Lynch so moved both above expenditures - Mayor Elliott seconded. Voting was unanimous/carried. Trustee Gilmore, then, sd. check shld. be mde. wth. Budget Officer Pope.

Canaltown Days:

Trustee Lynch sd. that "critique mtg." re Canaltown Days to be held following Wed., however, he wld. like to address problem which surfaced during week-end festivities, that of VB's decision to mark tires & ticket cars in downtown section to enforce 2-hr. parking...idea, he sd., was to help merchants... ticket-holders present were Mesdames Donna Wirth, Mary Alice Deys & June Scofield, all of whom objected for various reasons....wld. the law be enforced after Canaltown Days....shld. be! Suggestion mde. to enforce all year & lift on Canaltown Days! If to be done, begin couple of wks. before Canaltown Days....D. Wirth sd. she lost customers....car in "No Parking" zone all day until Parade...did not rec. ticket..."hit-and-miss" she sd....wld. affect Canaltown Days in future she sd. Trustee Lynch sd. rumored that the Canaltown Days Committee unhappy about ticketing... Mrs. Scofield sd. she lives in upstairs apt. in the area and has to park on Main St. Trustee Gilmore sd. VB may have gone about in wrong way/mde. mistake. Known fact, ladies sd., that sme. people wiped marks off....car parked in frnt. of Johnson's Pharm. all night - two marks on tires...rec'd no ticket. Another complaint was that, to their knowledge, only one (maybe two) had requested enforcement of the existing 2-hr. parking law. D. Wirth sd. in bad taste to do during Canaltown Days. Ms. Scofield sd. short notice, flyers shld. have been put on cars, etc. - if advertised previously, advertise wk. of Canaltown...go up and down street announcing. Mayor sd. announced on loudspeaker several times.

Chief D. Dalton explained motive....to prevent out-of-towners coming into VOP & parking in one spot all day & interruption of business for Main St. merchants. Does not have manpower to always mark cars - especially Canaltown Days...busy...Officers get tied up wth. other things...it was reiterated that marking shld. occur all during year...if not enough Policemen, hire someone to mark tires as was done wth. Mrs. N. Breuning on Sat. Ladies present did not feel businesses hurt. Further discussion - honest effort to respond to requests, per Mayor & Trustee Gilmore - parking existed on school playgrnd., Mayor sd. Mayor sd. when cars illegally parked, call the P.D. VB mde. mistake sd. Mr. Gilmore - discussion discont'd/citizens left, having had "their say."

Mayor Elliott commended VOP employees, Messrs. Harold Brown & Mel Murray, for their cleaning &