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VILLAGE OF PALMYRA BOARD OF TRUSTEES

Regular Mtg.

August 7, 1995

7:30 p.m.

PRESENT: Mayor James G. Elliott, Trustees Daniel E. Wooden, Kathleen C. Drews, Ann F. Guest, and Frederick Celentano. Attorney Nesbitt arrive approx. 8:05 p.m.

Mrs. Doreen Ganoung: Drainage Project on Washington/Gates Streets.

1. Construction site created. Pictures of excavated ditch beside Ganoung house for five months. 2. We were never told that excess pipes and equipment and other construction debris would be stored in our backyard. 3. Our driveway was blocked off in early February and we were denied access to our property except through the neighboring driveway which caused altercations and harassment by the neighbor. We were threatened that our tires would be slashed or the driveway would be blocked off so we could not get out to work. We were denied proper access to our property for approximately three months. Until we could park on the street in April, we had to park in Denosky's driveway most of the time and walk and carry our groceries through the mud and snow to our homes. 4. In January, when it was discovered that they were excavating a natural underground stream, and before the permanent generator that ran night and day was installed, the sump pump was plugged into our household current running on an extension cord through our bathroom window. This temporary measure was used for almost two months. We had to leave the window open enough to put the cord through and stuff the opening with towels. During the initial digging of the ditch at the front of our house, the backhoe operator knocked our phone line down and we were without phone service for a day. 5. Our dogs had to be confined in the basement or house days at a time. We could only let them out at night or on weekends. We asked repeatedly if someone could leave us a note on the door when they were planning on being on the property so the dogs could be confined. Never once were we notified. They would leave for weeks at a time and then show up unexpectedly. Consequently, one man was bitten and then I had to be harangued by him, even though he did at one point say, "it was my fault," meaning he wasn't watching for the dog. This meant we had to confine the dog for ten days etc. emotionally upsetting.

POST CONSTRUCTION: 1. Once everyone left the property, we thought our lives would go back to normal and we could get on with our lives and enjoy our property. NOT TRUE. There is now a severe drainage problem that we never had before. a. Whenever it rains, there is a lake created at the Main Street end of our property, (north) at the ends of our driveway and the new Denosky driveway. b. Three rivers now form in the new driveways, Evankovitch's, Denosky's, and ours. They all run to the south and veer sharply to the east and all three run into our lawn. c. There are low areas in the yard where the pipe was laid and now the water has created a swamp--like condition. The yard never dries out and there is standing water two and three inches deep in some places. We cannot mow the lawn, tried Sunday and buried the mower four times in about six inches of mud. There are sections still not mowed. 2. When we signed the easement, we were never given a clue that there would be a grate in the CENTER of our backyard. Now, we have two drains (the second for the village) on our property. The one off to the side and in a corner out of the way, the new one is dead center of the yard from the picture, you can see, it serves no good purpose, or if it has a purpose, it is not serving it.

OTHER THINGS THAT NEED TO BE ADDRESSED: 1. The dogs still are confined to a small area in the yard because we cannot let them out on the new grass which is soft and muddy. The dogs are being deprived of their freedom. 2. We wanted to put in plants in side yard. Have not been able to do this because dogs must be kept there and we cannot plant where they are. 3. Have not been able to install radio fence and train dogs because we cannot get into the yard. 4. Where lawn was suppose to be seeded, we have the most beautiful crop of healthy weeds. 5. Front between sidewalk and street was never fully filled in and still has ruts

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and holes left from the construction. 6. After the straw was raked and the first mowing of the new "grass" we discovered ruts in the lawn that were covered up and never fixed. 7. We have water in the basement and we have never had water in the basement before. 8. We want to extend the turnaround for the driveway, but cannot because of the mud and soft earth that is always wet. 9. When we released the village to take down our four maple trees, we did so with the understanding that we would be compensated. Roger Weaver and I agreed on shrubbery on side of house but extending from the front to make it look uniform. Now Roger tells me that he wasn't intending to come all the way down the side of the house, but stopping just around the corner. The trees offered shade not only to the front of the house, but all the way down the side. In general, our lives were disrupted in January, 1995, and now in August 1995, we still are not able to enjoy our property. We have lakes, rivers, wet basement, unhappy dogs, a swamp where mosquitos will be breeding shortly, a weed "lawn", ruts, and moss and no healthy grass. The grass along the "pipeline" is yellow from lack of oxygen because it cannot breath from the wetness. Our whole lives have been at the mercy of the village, the construction crews, the boring crews, and the "neighbor". We are being deprived of the quiet enjoyment. Everyone around us seems from all appearances to be enjoying the business, their properties, and their summer. Fences have been replaced, lawns seeded and seem to be healthy, and driveways replaced in record time. We have always paid taxes, now to be compensated have we suddenly become someone else?

Discussion followed by Ganoungs and the VB. Trustee Drews agreed with Mrs. Ganoung about the problems. Trustee Wooden noted that the ground settled and possibly the water standing could be clay and sand mix. Trustee Wooden will call the engineer tomorrow and show him the pictures Mrs. Ganoung took. Trustee Guest assured Mrs. Ganoung that there would be something for the next meeting.

MINUTES: Mayor Elliott moved to accept the minutes of special mtgs. July 18, 1995, July 31, 1995, and reg. mtg. August 7, 1995, as written seconded by Trustee Drews, vote, 4 ayes, 1 abstain by Trustee Wooden, CARRIED.

Trustee Wooden moved to accept the minutes of July 17th, 1995, with the following correction, under OVERLAY DISTRICT FOR THE GARLOCK OFFICE BLDG. ON CHURCH ST.: To add after Issue tabled. Further action at meeting waiting for Village Attorney to arrive, second by Trustee Guest, vote, 4 ayes, 1 abstain Trustee Celentano, CARRIED 4-1.

COURT COMPUTER EXPANSION: Mayor Elliott moved to accept Option 2 on a quotation from SEI for \$995 for a new 486 computer using the existing monitor and keyboard, seconded by Trustee Celentano, vote, 5 ayes, CARRIED.

BUDGET TRANSFERS: Mayor Elliott moved to transfer \$1,500 from H6-1990.4 - Contingency to H6-8540.4 - Miscellaneous, seconded by for the drainage project, AND transfer \$995 from A1990.4 contingency to A1110.2 justice equipment and capital outlay for computer equipment, seconded by Trustee Wooden, vote, 5 ayes, CARRIED.

VEHICLE STORAGE PAYMENT AND RELEASE: Trustee Celentano moved to charge \$5 per day storage not to exceed the value of the vehicle, making the value of said vehicle in question \$100 to be released to the previous owner, seconded by Trustee Guest, vote, 5 ayes, CARRIED.

CONCESSION STAND: Attorney Nesbitt will review the situation of the concession stand which was impounded and has been at the sewer plant for several years.

CLOSING THE STREETS FOR CANALTOWN DAYS AND THE WAYNE COUNTY FAIR:

Mayor Elliott moved to accept the Wayne County Fair and Canaltown Days parking restrictions and street closings as listed below:

FAIR PARKING RESTRICTIONS

Motion to prohibit parking during the Wayne County Fair from 8/14/95 to 8/19/95 both sides of street for the entire length of the following streets:

Sunset Drive
 W. Charlotte
 Brookside Terrace
 W. Foster Street
 Washington Street
 Gates Street
 Stafford Street
 Clairmount Pkwy
 Tremont Street
 West Jackson Street
 Hyde Parkway
 Aldrich Drive

And to prohibit parking on the following streets for detour route and Parade line up, on August 18 from 5:00 p.m. to 9:00 p.m. for their entire length unless otherwise noted

Mill Street
 Prospect Drive
 E. Jackson Street
 Canal Street
 Holmes Street
 Division St. (from Canal St. to Quaker Rd.)

Close Main Street to traffic Friday August 18 beginning at 6:45 p.m. for duration of the Firemen's Parade.

The Police Chief be authorized to make any restrictions necessary to accomodate the Veteran's Ceremony and Kiddie Parade, both scheduled for Saturday August 19.

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CANALTOWN DAYS STREET AND PARKING RESTRICTIONS

Motion that the following streets and locations have parking restrictions as listed on September 16 and 17.

PARKING PROHIBITED BOTH SIDES OF STREET

- Main Street (North Side) - Market Street to Church Street
- Main Street (South Side) - Fayette Street to Canandaigua Street
- Maple Avenue - Canal Street to Quaker Road
- Division Street - Canal Street to Quaker Road
- Walker Street - Entire length
- Liberty Street - Entire length
- Carroll Street - Entire length
- Hansen Street - Entire length
- Cuyler Street - Entire length
- Canal Street - Entire length
- Willow Street - Entire Length
- Gates Street - Entire length
- Brookside Terrace - Entire length

PARKING PROHIBITED WEST SIDE OF STREET

Canandaigua Street - Entire length

Parking prohibited both sides of street

DETOUR and PARADE LINE UP STREETS

- Mill Street - Entire length
- Prospect Drive - Entire length
- Jackson Street - Entire length
(East and West)
- Stafford Street - Entire length
- Hyde Parkway - Entire length
- West Foster Street - Entire length

HANDICAPPED PARKING ONLY

Canandaigua Street - East side from Main Street to Jackson Street

ELEMENTARY SCHOOL

Authorize Police Chief to restrict parking according to School District and Fire Chiefs request.

MOTION to approve parking restrictions for Wayne County Fair And Canaltown Days -

by Mayor James G. Elliott second Trustee Daniel E. Wooden

VOTE: 5 ayes CARRIED unanimously.

RESOLUTION: Be it resolved that "Poppers" (throwable fireworks) sale or use during any parade in the Village of Palmyra be prohibited and further that their sale or use at or during Canal Town Days be prohibited.

Be it further resolved that Bicycles, Skateboards and Roller Blades be prohibited during Canal Town Days September 16 and 17 on Main Street between the intersections of Canandaigua/Church Streets and Fayette/Market Streets and also from Display and Vendor Areas.

Be it further resolved that animals including but not limited to dogs and snakes be prohibited during Canal Town Days September 16 and 17 on Main Street between the intersections of Canandaigua/Church Streets and Fayette/Market Streets and also from Display and Vendor Areas. This restriction shall not apply to "seeing eye" guide dogs. Trustee Guest requested an amendment to include the Palmyra Elementary School parking lot, Chief Dalton and Canaltown Days comm. will determine scheduled times for school.

Moved by Mayor James G. Elliott Seconded by Trustee Ann F. Guest

Vote: 5 ayes, CARRIED

Page 3 (addition): Canaltown Days Sept. 15, 16, and 17th, 1995 at 6:30 p.m - 11:30 p.m. on Friday (15th), 10:00 a.m. - 7:30 p.m. on Saturday (16th) at 10:00 - 7:00 p.m. on Sunday (17th).

ABSTRACT #5: Mayor Elliott moved to authorize the Village Treasurer to pay vouchers #221 through 283 less voucher #246 and 254 totalling \$41,436.47 seconded by Trustee Wooden, vote, 5 ayes, CARRIED.

WATERSHED: Mayor Elliott reviewed the watershed rules and regulations (by-laws) stating that two (2) separate issues. Mr. R. Rudio requested the results of the votes and if no an explanation why.

#1 Mayor Elliott moved to accept the proposed watershed rules and regulations and updated By-Laws as presented to the Village Board by Steve Stauffer of Water/Wastewater Plant, Village repre. to the Watershed Comm., seconded by Trustee Wooden, vote, 5 ayes, CARRIED.

#2 Mayor Elliott moved that the Village Board supports the membership of non purveyors based on a weighted vote system worked out so purveyors get more than 55% of the vote, seconded by Trustee Wooden, vote, 5 ayes, CARRIED.

CANANDAIGUA WATERSHED TASKFORCE CONTRACT: Mayor Elliott reported on the contract. Trustee Wooden questioned the membership of the Village in both the Watershed and the Taskforce, whether the Village should be in both. Mayor Elliott noted that signing the contract doesn't mean the Village is joining both. Attorney Nesbitt will look at the contract.

COOK AND TOWN CONTRACT FOR HIGHWAY DEPT. SUPERINTENDENT: Trustee Fred Celentano proposed a resolution requesting Attorney Nesbitt to draw up a contract as follows:

WHEREAS matters of economy and efficiency support an intermunicipal effort between the Town and Village of Palmyra for the provision of highway services to the residents of the Village of Palmyra,

NOW, THEREFORE, BE IT RESOLVED that the Village Attorney be directed to prepare a proposed contract between the Town Board, its Highway Superintendent, and the Village Board, providing generally as follows:

1. The Town Highway Superintendent to administer and superintend the Village Highway Department, its equipment and personnel.
2. The Town Highway Superintendent, with village forces and equipment, to provide general maintenance and construction of village streets and sidewalks, including street drainage and signing.
3. The Town Highway Superintendent to cooperate with village officials to develop a street/sidewalk improvement and maintenance plan and budget submission in time for the next village budget.
4. All Village responsibilities not expressly assumed to remain the Village's responsibilities.
5. The Highway Superintendent to submit a plan to the Village Board for sharing or combining highway facilities and sharing of personnel.

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6. The contract to be for a term of one year, at the end of which all parties will assess whether to renew the same, and if so, on what basis and with what modifications, if any.

7. The Village shall pay to the Town the sum of \$10,000 per annum as compensation for services to be rendered under this agreement.

Seconded by Trustee Wooden for discussion. Mayor Elliott emphasised that he understood from the State Comptroller's Office an opinion had been given that the position of Town Highway Super and Village Highway Super. were not compatible and it was not legal to do this. Trustee Celentano noted that a contract should be made up by Attorney Nesbitt. Attorney Nesbitt noted that he could make up the contract and send it to the State Comp. Office and get an opinion on it.

Trustee Guest asked if the Village Board had the right to discuss this issue during union contract negotiations. Trustee Celentano stated that this was not a union position and had nothing to do with union negotiations. Trustee Guest noted this should not be discussed until after the VB gets the interviews complete. Trustee Drews said that it would be good to look at both options. Mayor Elliott noted that there were members of the Village Highway Dept. that were interested in applying for the position, which Mayor Elliott had planned to discuss later.

Trustee Guest stated that since the Town Highway Super. was an elected position vs. the Village Highway Super being an appointed position that Albany gave an opinion that the Town Highway Super. cannot be head of the VOP Highway Dept. Mayor Elliott noted this situation creates a legal question.

Trustee Celentano called the question, vote, Mayor Elliott, nay, Trustess Guest, nay, Trustee Wooden, aye, Trustee Drews, aye, and Trustee Celentano, aye. CARRIED - 3-2.

JAWS FOR FIRE DEPT.: Trustee Drews noted that three (3) bids had been received for the jaws. Trustee Drews moved to accept the bid from Churchville Fire Equipment for \$14,294, the lowest bid, upon completion of the proper time allotted for a permissive referendum authorized July 31, 1995, seconded by Trustee Celentano, vote, 5 ayes, CARRIED.

MANCHESTER FIRE CONTRACT: Trustee Drews will check into this with Fire Chief Hickman.

CANALTOWN CHORALE CONCERT: Trustee Drews announced a concert in the Main Street Park on Thursday, August 24, 1995, at 6:30 p.m. to 8:00 p.m. for the collection of food for the Pal-Mac Food Pantry. All are asked to bring a can of food.

FLAG POLE: No climbers, at this time. All appears to be ok. Reported Trustee Guest as she requested the VB to think of putting some type of anti-climb on the Flag Pole (tower).

LOCAL LAWS 3,4,5 OVERLAY DISTRICT: Trustee Guest reported that there will be three (3) public hearings concerning overlay district and location at the August 21, VB meeting. Trustee Wooden asked if local law #3 creating an overlay district is allowing an overlay district to be created anywhere in the Village? The answer is yes.

PARKING ON EAST JACKSON ST.: Trustee Guest noted that there is not any reason that properly parked cars cannot on the North and/or South side of East Jackson St. Unless cars are obstructing driveways there is nothing the PD can do. Chief Dalton noted his dept. is not taking anymore complaints concerning the legally parked vehicles on East Jackson St.

Cars parking between the sidewalk and street are not being ticketed unless on of over the sidewalk. Chief Dalton emphasised

that the enforcement of the law regarding parking between sidewalk and street is in limbo per the VB.

GARLOCK RAW WATER LINE BREAK: Trustee Wooden noted the professionalism which Steve Stauffer exhibited during his dealings with Garlock regarding their broken water line. The problem was taken care of.

CONTRACT WITH THE TOWN OF PALMYRA FOR WATER: Trustee Wooden noted that the only change was on page 3 in the 4th paragraph. "Town shall purchase any meters (house meters) should read instead of Village meters. In the 7th section, rate of water should never be less than that (\$1.41) for the duration of the contract.

Trustee Wooden moved to adopt the contract for water sales between the Village of Palmyra and the Town of Palmyra with the minor changes noted above, seconded by Trustee Guest, vote 5 ayes, CARRIED.

CONTRACT WITH WCHS: Trustee Guest moved to accept the WCHS contract and authorize Mayor Elliott to sign said contract, seconded by Trustee Drews, vote, 5 ayes CARRIED.

EXECUTIVE SESSION: Mayor Elliott moved to go into executive session at 9:27 p.m. for matters of personnel including Scott Smith, Village Attorney, and entire Village Board, seconded by Trustee Guest, vote, 5 ayes, CARRIED.

Trustee Guest moved out of exec. session at 10:06 p.m. seconded by Trustee Drews, vote, 5 ayes, CARRIED.

ADJOURNMENT: Trustee Wooden moved to adjourn the meeting at 10:07 p.m. seconded by Trustee Guest, vote, 5 ayes, CARRIED.

Respectfully submitted,

Bonnie J. Hays, Village Clerk
8-7-95

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