

VILLAGE OF PALMYRA BOARD OF TRUSTEES

REGULAR MEETING

9-08-92

7:00 p.m.

PRESENT: Mayor James G. Elliott, Trustee/Deputy Mayor Thomas N. Lynch, Trustees C. D. Gilmore, Daniel E. Wooden, and Kathleen C. Drews. Special guests on adgenda are Paul Russell of J.R. Engineering, Mrs. Charlene Lawrence, Margaret DeNeef and Harold "Bud" Baker.

CALL TO ORDER: Mayor Elliott called the meeting to order at 7:03 p.m. and asked that people be brief, direct, and not interrupt those speaking since it was going to be a long meeting and there was much to cover.

MRS. CHARLENE LAWRENCE: Mrs. Lawrence began: This is about trash not being disposed of properly. I am the landlord of 245/47 E. Main Street, Corner of Market St. I have 3 apts. upstairs and I provide a dumpster at the rear of the building. The area in the back is a space not owned by any other property owners, but must remain accessible for fire protection. For 12 years others have used my dumpsters and trash has been thrown beside it. Last week I cleaned up a whole dumpster of trash, plus a microwave, highchair, entertainment center, (6 tires) exhaust system, 2 bicycles, (bricks & motors). Now, what can I do with it? This was not done by my tenants. I understand that apts on Market St. which also back up to this must now provide their own trash pick up. I know we cannot require that landlords provide trash pick up, but why should the landlords that really care about the community have to put up with trash of others. I would be in favor of everyone having \$25 a month put on their taxes and then have curb side pickup for everyone. What are people supposed to do with worn out possessions. This is certainly not a local problem. Is there any long term planning for this. Once a year clean up is not nearly enough. All communities are going to have to address this sooner or later. Let's be a leader in this area. I understand when things are left on the landlord's property it is his responsibility to remove. That area behind the store does not belong to anyone, so if it occurs again, it will become a C.E.O. and health problem. Therefore, I shall just call the Health Officer and let it be taken care of in that manner.

Macedon has service for people who don't need that much trash pickup of \$2.50 a bag. That would eliminate some of the problem. Can't this be investigated? With recycling, our trash is going down, but our cost continues to increase. I think this should be a primary concern for all citizens and elected officials. Mr. Merrick's tenants told me that they were just recently told they had to provide their own trash pick up. Now this is certainly a great expense when you rented with trash pick up being included. I know you cannot do anything about this per say, but I am wondering if any thought has been given to investigating the service residents of Macedon have at \$2.50 per bag. Also is there recycling in the business district of Palmyra? I know my trash pick up is much less now that I recycle. I am removing the dumpster out back and giving my tenants totes that will be in a locked, enclosed area and perhaps this will eliminate part of the problem. I have cleaned it up for the last time. Since this area belongs to no one, but must be kept uncluttered and open for fire and saftey portection, I will have no other choice but to use an other avenue of Code Enforcement and Health.

Speaking of Code Enforcement--Is there any Code being ignored by the Abbott property next door to my property on Main Street? This certainly doesn't present a very attractive appearance for Main St. for those of us trying to keep downtown viable.

I realize that this is not a local problem and the country as a whole must address this sooner or later.

Mayor Elliott stated he will check on the garbage bag facility with a cost of \$2.50. Trustee Gilmore noted that those with

111

garbage problems would not take it anywhere even if the bags are supplied at a lesser cost. Trustee Gilmore read the pertinent codes reflecting garbage removal and responsibility of same.

**MRS. MARGARET DENEUF:** Mrs. DeNeef explained that she had contacted the State Police regarding the missing urns in the VOP cemetery and they knew nothing of the statement made by Chief Dalton that the urns had been taken to Canada. Mrs. DeNeef expressed her concern that there was no investigation on the problem. Trustee Lynch addressed the tree planting concern that was expressed by Mrs. DeNeef by showing her pictures that the trees are in the walkways. Trustee Lynch asked that Mrs. DeNeef sit down with himself and R. Weaver and go over all the questions she had concerning the cemetery. Mrs. DeNeef questioned Chief Dalton's response on the urn investigation and the Chief noted to contact Investigator Barry Virts of the Wayne Cty Sheriff's Office. Mayor Elliott noted that an urn had been repaired and replaced by the VOP Cemetery crew.

**J. R. ENGINEERING, PAUL RUSSELL:** Mr. Russell reported on the proposed bid specifications for the replacement of the culvert at Spring Creek at Fayette and Prospect. Mr. Russell explained that this project would replace the existing culvert and the new culvert would be parallel to the old culvert. This way of installation would lessen the problem of safety and relieve the storm sewer improving the channel of water flow. Citizen R. Reinwald asked what the design criteria was? Mr. Russell replied that the design was for the worst storm in a 10 year and 25 year period depending on the size of the pipe. Trustee Lynch noted that Mr. N. Gerber said that the VOP could feel free to take out two trees on the banks that may be holding water back. Mr. Russell said he would look into that. Mr. Russell reported that the size of the culvert is 38" x 57" and would be 4' all the way, and the cost is estimated at \$38,000. Bidding will reflect that as a ceiling. Mayor Elliott noted that a permissive referendum for \$42,000 was done in 1991 for this project.

P. Retan noted that Mr. C. Place's cellar wall may be part of the break wall and Mr. Russell noted some concern about that intersection. P. Retan noted that until the Carriage Stop problem is rectified there will still be a problem. Trustee Lynch noted that Attorney J. Nesbitt had sent a letter to those involved with that part of the stream. Trustee Wooden asked about a manhole where there was a serious bend or opening in the channel. Mr. Russell said that the most cost effective method was not to use a manhole at about \$3,500-\$4,000 and that clean out would be possible. Trustee Wooden also noted that the 12" lines would be less than 3' deep not below frost level. Mr. Russell stated that it was hoping the water flow would be strong enough to keep the line from freezing. Going under the culvert and insulation were suggested and Mr. Russell will look into these options. Trustee Wooden asked about the time frame which was noted as 3-1/2 to 4 weeks depending on when the contractor could start. Repaving may not be done until next year since batch plants may close for season.

It was noted that Prospect Dr. will be closed for 2 months and that the bid opening is proposed for Oct. 2, 1992 to report at the Oct. 5, 1992 Vill. Bd. mtg.

Trustee Lynch moved to advertise this bid specification as proposed by J. R. ENGINEERING, INC. to be opened on October 2, 1992, at 10:00 a.m. seconded by Mayor Elliott, vote, 5 ayes. **CARRIED.**

**MINUTES:** A motion was made by Trustee Gilmore to accept the minutes of August 3, 1992, as written, seconded by Trustee Drews, vote, 5 ayes, **CARRIED.**

A motion was made by Trustee Wooden to accept the minutes of August 17, 1992, as written seconded by Trustee/Depty Mayor Lynch, vote, 5 ayes, **CARRIED.**

**NOISE ORDINANCE:** Mayor Elliott announced that he, Chief Dalton and Atty. J. Nesbitt will meet at 2:00 p.m. on Friday, Sept. 11, 1992, to discuss this.

**CITIZEN MRS. LAPE:** Mrs. Lape asked what was being done about the water in her yard? Mayor Elliott reported that no easement had been signed by Clarks or Weismans yet. J. C. Smith, Eng. Wayne Cty, would be seeing Weismans for signature on the easement. Mrs. McGuire stated that she would sign the easement if Clarks signed. However, Clarks may not sign and J. C. Smith said that they may go around Clark's property. Mrs. Lape expressed her dismay and concern because she cannot mow her lawn or have a garden and mosquitoes are breeding. She said that she had been paying taxes for 15 yrs. and has not received anything for her money. Mayor Elliott noted that Mr. S. Venturino had signed the easement.

**INDIVIDUAL DISASTER WORK:** Mayor Elliott reported that the seminar was good if there was another disaster like the ice storm or other disaster and how to apply for funds. The Village Clerk has the information.

**OFFICER CUMMINGS:** Mayor Elliott reported that a letter had been received from Wayne Cty Civil Service stating that C. Cummings had passed all the Civil Service requirements August 25, 1992. Mayor Elliott moved to change Officer Craig Cummings' status from provisional probation and is fully qualified and serve the probationary period in the Union Contract for 6 months from 8-25-92, Trustee Lynch seconded, vote, 5 ayes, **CARRIED.**

**LTR. OF RESIGNATION FROM SGT. HALL:** Mayor Elliott moved to accept the letter of resignation from Sgt. R. Hall from the Palmyra Police Dept. dated August 21, 1992, seconded by Trustee Wooden, vote, 5 ayes, **CARRIED.**

**POLICE DEPT. REPLACEMENT:** Mayor Elliott noted that the fifth police officer is in the budget. Chief Dalton said that for him to actively recruit a replacement he needed to know if the VOP is going to hire someone. Chief Dalton noted that prospects for the position wanted to know if there was a chance of hire or not. Trustee Lynch asked Chief Dalton if he had someone in mind. Chief Dalton noted he has a restricted few to look at. Chief Dalton noted that the VOP could look at a lateral transfer. Mayor Elliott asked if anyone schooled on that list would be available for the VOP to hire from another Police Dept. A lateral transfer can be hired and not off the Civil Service list. Would a lateral transfer need training? Mayor Elliott noted that lateral transfer's would need to be trained minimally, they would already have schooling but would need outfitting, but school is the most expensive. Chief Dalton said that there were no residents with schooling on the List at this time. Trustee Lynch noted that anyone who is contacted has no guarantee of being hired after an interview. Mayor Elliott suggested that Chief Dalton come up with names, attainable, on the list either new or lateral to go over at the next VB mtg.

**ANNUAL REPORT:** Mayor Elliott moved that the VB has reviewed the Treasurer's Annual Report and VB did not discern any errors in the report, seconded by Trustee Wooden, vote, 5 ayes, **CARRIED.**

**ABSTRACT #7:** Mayor Elliott moved to authorize the Village Treasurer to pay Vouchers #277 for \$25, #278 \$1.59, from 8-24-92, and #279 \$1,000 dated 8-28-92 and Abstract #7 Vouchers Nos. 277 to 346 totalling \$41,524.04, seconded by Trustee Gilmore, vote, 5 ayes, **CARRIED.**

**JOB BOND ACT:** Mayor Elliott reported that the New York State Dept. of Economic Development is seeking pre-applications for funding on bonds at the November election. Once the bond is approved the VOP can put in another request for monies. Examples of requests would be the water tank, water lines, etc. which can

113.

be justified with a good reason. Sidewalks downtown, only, are acceptable. The VOP could look at doing all of these mentioned projects. The N.Y.S. DEPT. OF ECON. DEVEL. will start taking applications on September 15 and continue until October 15. Mayor Elliott suggested that in order to apply, a consultant such as Paul Russell of J.R. Engineering be consulted. There is a possibility to spend \$2,000 to get the possible bond money. Mayor Elliott noted that he would get together with P. Retan and H. Kruger about the projects. Trustee Drews asked when the VOP would be notified? Atty. Nesbitt said mid October with final applications in by January.

Mayor Elliott moved to have Paul Russell help us with the preparation of this pre-application and application seconded by J. R. Engineering, seconded by Trustee Gilmore, vote, 5 ayes, CARRIED.

SPEDES: Mayor Elliott reported that the NYS D.E.C. sent notification stating that the VOP may be liable for a permit to discharge storm water. The VOP may be required to have a spedes permit by October 1, 1992. Mayor Elliott moved that upon Atty. J. Nesbitt's advice the VOP apply for a spedes permit, seconded by Trustee Gilmore, vote, 5 ayes, CARRIED.

PROCLAMATION FOR CONSTITUTION DAY: Mayor Elliott declared the following proclamation:

WHEREAS, We the People did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and,

WHEREAS, It is important that all citizens fully understand the provisions, principles and meaning of the Constitution so they can support, preserve and defend it against encroachment; and

WHEREAS, The 205th anniversary of the drafting and signing of the Constitution provides an historic opportunity for all Americans to learn about and to reflect upon the rights and privileges of citizenship and its responsibilities; and,

WHEREAS, The President, George Bush, and the Congress of the United States have designated September 17 as CITIZENSHIP DAY and the week of September 17-23 as CONSTITUTION WEEK; and,

WHEREAS, Public Law No. 915 guarantees the issuing of a proclamation each year by the President of the United States of America so designating September 17 through September 23 as Constitution Week; and,

WHEREAS, The people of the Village and Town of Palmyra, State of New York do enjoy the blessing of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it;

NOW, THEREFORE, I, JAMES ELLIOTT by virtue of the authority vested in me as Mayor of the Village of Palmyra, State of New York, do hereby proclaim the week of September 17 through 23 as Constitution Week, and urge all citizens to pay special attention during that week to our Federal Constitution and the advantage of American Citizenship by flying our American United States flag proudly, and with dignity.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Village of Palmyra to be affixed, Palmyra, New York, the 8th day of September of the year of our Lord, on thousand nine hundred and ninety-two and the Independence of the United States of America, the two hundredth and sixteenth year.

Mayor Elliott proclaimed and signed the above.

CABLE TV: A public hearing was set for renewal of the contract of Cable TV and to determine what the Village will accept in franchise payment whether 3% of basic or 5% of gross. A motion was made by Mayor Elliott and seconded by Trustee Wooden that the public hearing on the Cable TV Contract will be set for the next board meeting Sept. 21, 1992, at 7:00 p.m., vote, 5 ayes, CARRIED.

Trustee Lynch said that he would only be in favor of the increased amount if the money were designated for a specific



project. Atty. Nesbitt said that an argument would be that it would mean less money that would go on the real property tax levy.

Mayor Elliott reported that payments and budget were 90-91 \$7,843, 91-92 \$7,842, and 92-93 \$8,500 which is approx. 3% of basic. Trustee Wooden noted that 5% of gross would be quite an increase. Mayor Elliott also reported that the VOP was allowed (1) free hook up which is at the Fire Dept.

RCI: Clerk will check on telephone rates from AT&T to see if a savings can be given.

TRUSTEE LYNCH REPORTS: DRAINAGE: Per Mr. Russell's report the project for Spring Creek is underway.

P. Retan submitted some prices for piping on the drainage at Gates, Tremont, and Washington. Piping from Gates Street to Stafford approx. \$4,100. P. Retan asked about acid burning roots to unplug some of the storm drains which he had gotten prices on a while ago and nothing resulted. Trustee Lynch noted that possibly the job bond act could be used and that prices were being acquired for the storm drain study from engineers for the entire VOP.

Mr. Henry's problem on Washington Street was discussed noting that there is still a problem with water bubbling up out of a pipe in Mr. Henry's garden. A question was brought up as to whose pipe it was and Mr. Henry says that the VOP dug it up at one time. Trustee Gilmore asked if this pipe was on the VOP map. P. Retan said this pipe is not on the map, which was made from the original maps. P. Retan noted that the Water Dept. checked the water for chlorine and found the water clear. Because the pipe is not on the map, said Trustee Wooden, does not mean it is not the VOP responsibility. Trustee Lynch noted that Mr. Behlke said there are four lines of tile going toward Jackson Street. Mayor Elliott emphasized the point that one resident cannot fix a problem of this nature and that the VOP is the only entity with the power to do this job. The responsibility falls to the VOP to correct this, stated the Mayor. P. Retan noted that Mr. Henry never called about this problem prior to this year and that this year there are problems everywhere because of the weather. Trustee Gilmore noted that this shows the VOP where the weaknesses are in the drainage system, but should the VOP repair if the line was done by an individual? Mayor Elliott noted that it is difficult to determine where the problem began because the tiles are through the yards. Vill. Atty. Nesbitt said that if this repair can be done by the VOP then the question of financing would come up whether to bond or assess the property owners benefitted. It was discussed that the upcoming study will be helpful.

ANNUAL PUBLIC WORKS CONFERENCE: Trustee Lynch moved to give P. Retan permission to go to the Annual Public Works Conference on October 19-22, 1992, seconded by Trustee Gilmore, vote, 5 ayes, CARRIED.

SPRING STREET PARKING: Trustee Gilmore suggested that there be no parking from Cattieu's driveway East and no parking on the North side of the street. A letter will be sent out to the residents of Spring St. and Williams and Lovelaces' on Fayette that the parking proposal will be discussed at the next VB meeting.

Trustee Wooden noted that cutting out an area for parking could be creating a zoning problem later.

MARAFIOTI's: Trustee Lynch reported that a price was being sought for the labor of a catch basin, B. Pulcini had looked at the project also Todd Hartman Enter.; and P. Retan was asked to get the costs of materials including a pre-made catch basin or formed catch basin. P. Retan noted his concern about the catch basins used at Dar Lin Lane with a pipe at the bottom.

115  
**TRUSTEE GILMORE REPORTS:** Nothing on the signs yet.

Fee schedule is being looked at by E. Dundas, C.E.O., and he will make recommendations.

**FIRE DEPT. MEMBERSHIP:** Trustee Gilmore moved to accept the membership of Jason R. Dickinson pending the completion of a successful physical by the VOP physician, Dr. Farley, seconded by Trustee Wooden, vote, 5 ayes, **CARRIED.**

**LETTER OF COMPLAINT:** A letter had been received from a concerned citizen on the debris etc. at the corner of E. Main St. and Fayette St. this letter has been turned over to the Code Enforcement Officer who responded with a letter to the property owner.

**CHAMPS:** Trustee Gilmore reported that a letter from Champions Gym had been received offering membership to all the VOP Firemen for the fee of \$100 per month with the guarantee of a 1 year committment. Trustee Gilmore would like to see if all VOP employees could be included, however, since the Firemen's job requires physical training, the Firemen should be allowed to go. Trustee Gilmore will be checking on this for the next VB meeting.

**TRUSTEE DREWS REPORTS:** Contract with WCHS will be worked out with K. Diefendorf, Animal Control Officer, and J. Nesbitt, VOP Atty. J. Nesbitt will contact ACO.

**CAT AND DOG ORDINANCE:** ACO has some recommendations. There is no charge for cats and one was picked up. Also ACO thinks that the \$75 seizure fee is outrageous.

Trustee Drews reported that the ACO said that since she was not bonded she would not collect money anymore. The bonding is something to look into said Trustee Drews. There is a Rabies Clinic on Sept. 30 at the TOP highway barns. There is a Rabies response meeting Saturday, October 3, 1992, at 9:00 a.m. until 12:00 noon at the Fairville Fire Hall.

**PARADES AND STREET CLOSINGS/PARKING RESTRICTIONS:** Trustee Drews moved to close the streets per the list supplied by the Village Clerk as follows: Friday, Sept. 18, Rt. 21 S to Cuyler 7-9 p.m., Saturday, Sept. 19, 9 am to 7 p.m., Sunday, Sept. 20, 9 a.m. to 5 p.m. With the following parking restrictions for Sept. 19 and Sept. 20: **Both sides of streets:**

Main Street - Washington St. To Cuyler St.  
Walker St. - E. Charlotte to Fayette St. (Entire length)  
Liberty St. - Entire length  
Carroll Street - Entire length  
Hansen St. - Entire length  
Cuyler St. - Main to Jackson  
Canal St. - Entire length  
Gates St. - Entire length  
Brookside Terrace - Entire length

**Detour streets:**

Mill St. - Entire length  
Prospect Dr. - Entire length  
Jackson St. - Entire length  
Stafford St. - Entire length  
Hyde Parkway - Jackson to Main  
Handicap parking West side of Canandaigua St. Main to Canandaigua.

seconded by Trustee Gilmore, vote, 5 ayes, **CARRIED.**

**PICK UP TRUCK:** Trustee Lynch moved to allow himself to use the pick up truck for Canaltown Days to move materials and police barracades etc., as had been done last year, seconded by Mayor Elliott, vote, 5 ayes, **CARRIED.**

**WAIVER OF OPEN CONTAINER:** A motion was made by Mayor Elliott to suspend the open container law during the Canalton Days Parade from the intersection of Rt. 21 S on Route 31 to Market St. on Main St. South to the Place and down William St. to Miller's and North on Cuyler to the American Legion. Which includes everyone that has a liquor license in the business district between the hours of 3:30 p.m. and 6:30 p.m. Saturday, September 20, 1992, seconded by Trustee/Dpty Mayor Lynch, vote, 5 ayes, **CARRIED.**

**PAL-MAC HIGH SCHOOL HOMECOMING PARADE:** A motion was made by Trustee Drews to allow the Pal-Mac High School to have a homecoming day parade on October 10th, 1992, at 11:00 a.m. to begin at Pal-Mart and Jeffery Fuels on Rt. 31 up Main Street to Stafford St. to Foster to Hyde Parkway to the High School, seconded by Mayor Elliott, vote, 5 ayes, **CARRIED.**

**TRUSTEE WOODEN REPORTS:** Macedon water contract is in the hands of Atty. Nesbitt who will take care.

**ROOF REPAIR:** Trustee Wooden made a motion to hire Liberty Roofing Company with a bid of approximately \$5,500 to do the Eastside of the Village Hall Roof, to include them having the proper insurance, seconded by Mayor Elliott, amended to give a labor and material warranty and to chose another company in case Liberty cannot meet the requirements of insurance and warranty then chosing the bidder who meets the requirements, vote, 5 ayes, **CARRIED.**

**WATER TANK:** Many bids have been received which are being reviewed. More bids are expected this week.

**HANDICAP RAMP:** A motion was made by Trustee Wooden to hire Zurich Masonry, Inc. to complete the ramp for a price of \$7,200 getting the project done by Canalton Days, seconded by Trustee Gilmore, **DISCUSSION:** Trustee Wooden noted that no other prices were received since no company wanted to complete anothers work. Trustee Drews said she would be in favor of this with the condition the project was completed satisfactorily by Canalton Days. Vote, 4 ayes and 1 abstain, Mayor Elliott, **CARRIED.**

**WAYNE CTY FAIR ASSOC. PRESIDENT, HAROLD 'BUD' BAKER:** Mr. Baker reported another successful year for the Wyn. Cty. Fair and thanked the VB for approving the Fair Assoc. having events at the Fairgrounds. Next year, stated Mr. Baker, the Fair Assoc. has the opportunity to make some money by hosting an Air Stream Trailer convention for about 5 days at Labor Day. There will be approx. 90 units. The Fairgrounds would serve as the base for this. A dumping station would be installed. At this time Mr. Baker noted he was going to the Planning Board to see about changing the requirements for the VB to give permission for Fairground events amending LL#4 Chapter 29, Zoning, of the Code of Village of Palmyra to provide for an agricultural fairgrounds as permitted use in an R-1 District.

Trustee Gilmore moved the VB grant the request for the Air Stream Conv. at the Fairgrounds, seconded by Mayor Elliott, discussion by Mr. Baker continued by noted that possible at Mormon pageant time Fairgrounds could also be used for a similar situation mentioning that the Fair Assoc. needs flexibility in the use of the Fairgrounds to sustain a debt free Fairgrounds. Money can be channeled to repairs and the Fairgrounds is supportive of the community as well as the County. Many merchants benefitted with this Fairground, explained Mr. Baker. Trustee Wooden noted concern with camping, is the residents of the area and possible complaints. Trustee Wooden suggested that maybe the attitude of the residents would change since the Fairgrounds was not put there as a campground. Mr. Baker noted that residents knew the Fairgrounds was there when they moved in. Trustee Drews noted that the concern would be to limit the useage to certain groups. Trustee Gilmore said that the Fair Assoc. can continue to be as responsible as in the past. Vote, 5 ayes, **CARRIED.**

CORRESPONDENCE: Letter from N.Y.S. Dot to Dr. Tobin declining a traffic light at Rt. 31 and Hyde Parkway. Also a letter from T. Goddard supporting a fifth man on the VOP police force.

ADJOURNMENT: A motion was made by Trustee Gilmore to adjournment at 9:57 p.m. seconded by Mayor Elliott.

NEXT MEETING: MONDAY, SEPTEMBER 21, 1992, with Public Hearing at 7:00 p.m. on Cable TV.

Respectfully submitted,

Bonnie J. Hays