

VILLAGE OF PALMYRA BOARD OF TRUSTEES

REGULAR MEETING

9/21/92

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.

CALL TO ORDER: Mayor Elliott called the meeting to order at 7:02 p.m. and stated that on behalf of the VB the Canaltown Days' Committee should be commended for a job well done for a successful Canaltown Days; they always do a superb job he said and requested that the Acting Clerk write complimentary letter to the Committee.

PUBLIC HEARING - CABLE T.V.: The Mayor stated that the Village Attorney should be present for the hearing; it was stated that it was necessary for him to be in a neighboring town and that he would be a little late. The Mayor recognized Messrs. Nicholas F. Giangualano and Louis A. McGuigan, representing Cablevision, and stated that the purpose for the public hearing was that the VOP's Cable Contract to expire soon. What is negotiable in Cable contract is percentage charged by the VOP for said services, i.e. a percentage of "net" or "gross" receipts - 3% or 5%. Presently, the VOP's contract reads 3% of "net" (basic). This is what Village must decide upon - what is best for taxpayers - under present arrangement there's an anticipated income of \$10,000. - if 3% of "gross" it would amt. to \$11,664. (based on the number of subscribers and the add-on services - 5% of gross would be \$19,449. pay-back to the VOP - spread of one to the other (going from "gross" to "net" a difference of approx. \$8,000.). If VOP goes to 5% figure, the average subscriber wld. pay about \$2.00. Mr. McGuigan said that rather it would be 2% of current bill - average now about \$24. - increase wld. be approx. \$.48....total amount would go to the VOP....Trustee Wooden asked if amt. 5% of "gross" and informed it wld. be. - Mr. Wooden inquired could Cable not do 5% of "basic" and told "No." 3% or 5% of gross?? Cld. VOP not stay with 5% of "basic"??? Mr. G. explained. Trustee Lynch asked VOP revenue for 3% of "gross" and informed "\$11,664."

Mayor Elliott stated that last yr./current budget, "about \$9,000. - which wld. make about \$2,000. difference." Trustee Wooden said that if 2% of average bill, it makes no difference what other villages/towns do, i.e. Cable does not take all municipalities Cable serves and lump into one? Mr. G. told the VB what the surrounding municipalities do...adding to property taxes discussed and Mayor sd. Newark does as an alterntive to raising prop. taxes....viewed as taxing non-property owner as well as prop. owner....add-on's discussed and Mr. McG. said "2% of customer's monthly bill" - Trustee Wooden asked cost of maximum bill and told "\$62.-\$63" (minimum bill, \$24. p.m. for "basic").

Mayor Elliott said that one VOP resident stopped in the office to state his preference (very emphatically), that of VOP remaining @ 3% of the mininum. The Mayor asked the views of taxpayers who were present, one of whom was resident Steve Vinci who asked pointed questions, i.e. re 2% or amt. the VB decides on - how tied into future rate increases by Cable and is there a cap and related revenues for the VOP. Mr. G. compared to supermarkets - ea. Cable program a separate contract...can't remove as some people want it....pay rental for every utility pole on which rates increase...

Mr. Vinci asked how cost in VOP area compare wth. Syracuse and/ or Rochester and told that it costs \$11,000. per mile to develop cable...Mrs. B. Anthony read in paper that the State going to ask for more money for cable....D. Dalton asked what guarantee re rates during next ten years...none that it wld. remain @ \$24. - D. Dalton asked if increase or decrease in subscribers and told that if sales team not out knocking on doors, Cable wld. have

lost sales this year...Mr. Vinci asked if renegotiation agreement to occur after five yrs. and told that it could occur at any time...Trustee asked if they could take away but can't add to... Mayor Elliott stated that both parties would have to be agreeable to the amendment. Some now, per Mr. G. that some have five yrs. to go - want to go for 3-5%...cld. consent to early renewal....cld. withdraw at any time...Mr. McGuigan said that notification appears on bill...that the Village, by law, has exercised its option to increase franchise fee from 3-5% in which 2% would be passed on....

Mayor said that VB had option to make decision re percentage, but Bd. wants to do what people want...P. Retan said "go for lion's share...5%"...tax increases a fact of life, per D. Dalton. The Mayor said that if 800 subscribers, less than total number of parcels in VOP...not going to majority of residents...noted that the VOP receives payments quarterly...discussion on utilizing another company (GRC mentioned)...Mr. Vinci asked if franchise expiring and Mayor said "the franchise itself." It has happened per Cable reps. - should have 110 homes per mile to break even. Mr. G. said a "non-exclusive contract." Would have to prove negligence to "throw" Cable out and cited a case in Canandaigua.

Trustee Lynch reiterated...VOP now @ 3% of the basic...could go to 3% of "gross" without a pass-through (\$.48 on basic)... Trustee Gilmore cited a case of a resident in Manchester who was unreasonable...Cable only off for matter of minutes....Mr. McG. said that he was at said hearing...Mr. Vinci asked how 2% formulated....told by Federal law....they did not "pick 2% out of a hat"!

At 7:40 p.m. Mayor Elliott declared the hearing closed - VB to reach a decision after arrival of Vill. Atty. Trustee Gilmore said he wld. not vote for anything that wld. burden taxpayers. Mayor said not spreading among everybody...of total households in VOP...about 60% of households have cable...Mr. McW. said "65/66% penetration" (please see below for VB's decision).

Mayor's Report -

Mayor Elliott stated that he had nothing to report on E. Foster St. drainage nor on the status of the Noise Ordinance.

PARKING - SPRING STREET: Mayor Elliott stated that he observed area in question in the p.m. and apparent parking problem.... had he been in fire truck or snowplow truck he could see problem exists..Mr. H. Smeatin spoke...when no parking on Spring St. there is not a problem...a problem in making an initial turn....first year this has ever come up...S. Smith has made the complaint...he admitted that he was sometimes the worst offender with his truck. The Highway Supt. spoke of width of street/width of snowplow... Trustee Gilmore asked if making it "Winter No Parking Hours" wld. help...difficult to make it "season - no parking" in area??? Talking about six residents, per D. Dalton...another resident spoke of similar parking in Fairport...Mr. Smeatin said if a car and a half length on corner of Fayette east onto Spring with no parking from here to corner...no problem...cld. put a no parking sign on telephone pole in front of his house, likewise no problem.

Trustee Gilmore said it was clear that parking needed on Spring St....taking parking away??? Mr. Smeatin said his driveway or Cattieus' driveway....could park three cars there...parallel parking...Mayor said any street edge should be as straight as possible...makes it easier for all maintenance...have to stay in VOP's right-of-way...Spring may be old street with narrow right-of-way...when he asked the High. Supt. about making the street wider in one area than in another, P. Retan said "No comment." Mr. Smeatin spoke of water running down....erosion...and explained what cld. be done to remedy...no more than three cars parked on south side of street at one time unless company, party, etc. Trustee Lynch suggested looking at right-of-way - nothing

can be done now, he said. Mayor said cld. put no parking 'so far' from corner...no parking within so far of the corner to allow returning...done anyway, per D. Gilmore. Mayor said no parking within so many feet...20-50 ft. as is done elsewhere in VOP...plow comes from one direction... Mr. Smeatin spke. of new curbing..size of plow again mentioned...Trustee Wooden suggested using smaller plow (out plowing parking lots, etc., per Mayor)...Mr. V. Craft asked his solution... no problem where he lives....wld. support Mr. Smeatin....spke. of visibility in said area....went through recently with fire truck and no problem unless car on corner of Fayette St. itself. Trustee Lynch said that something must be done with corner then...Mr. Smeatin said Williams' on corner biggest offender....unloading with small children, etc., however, situation has improved.

Discussion discontinued and Trustee Lynch moved restricting parking on Spring St. down 50' on each side to see if it solves problem....number of feet now in VOP is 20' from an intersection. Mayor said that Local Law would have to be amended. Trustee Wooden asked that changes on Fayette St. also be considered - cld. be done in conjunction with Spring St., per the Mayor. Discussion on current Fayette St. parking.

MINUTES, 9/8/92: The VB related that they had not fully reviewed the 9/8/92 Regular Meeting Minutes, therefore, the Mayor moved tabling same; Trustee Lynch seconded - Vote, 5 ayes, Carried.

JOB BONDS ACTS: Mayor said he went to meeting @ Police Training Center re Job Bonds Act and copied the Bd. on VOP's best avenue of approach, i.e. water line projects that cld. relate to business...if cited wth. current businesses (to keep them in the area instead of moving out), or if VOP had an agreement wth. Hardee's for example- wld. give consideration...rest speculative..something may be going on in town...for downtown projects, sidewalks and curbing only, no chance for same. If complete process...parking lot, planting trees, etc. a possibility...a single project - only sidewalks, only curbs, wld. not be available....if more than one business wld. be provided water pressure and availability...this is where Job Bonds Act comes in. Talked wth. Zurich Bros., they will give prices per sq. ft. for sidewalks...JBA will not reimburse VOP for our crews to rip out and haul away and someone else put in sidewalks...not acceptable. Must hire entire project done. He related dollar figures re savings for VOP (which were negligible).

HANDICAPPED RAMP: The handicapped ramp having been completed for Canaltown Days (except for railings), discussion held by the VB re "handicapped parking" in front of the Village Hall; it was pointed out that the WATS bus stops directly in front of the Vill. Hall and Chief Dalton spoke of handicapped parking at end of driveway with the WATS bus pickup further east by MM Bank...however, necessary for police car exit/entrance. It was stated that it would be necessary to check wth. the Vill. Atty. re amending "Handicapped Parking" law (closest Village designated parking @ Johnson's Pharmacy). Bus stop not a legal stop, per Mayor...discussion on one or two space allotment re handicapped parking discussed...handicapped parking spots have to be wider. Also, contact to be made wth. MM Bank with safety of residents in mind.

Mayor to meet with Trustee Drews during coming week to review several VOP procedures as Trustee Drews to be on vacation frm. her employment.

Advanced Design and Engineering Systems: Mr. Steve Vinci (a local resident) was present to receive questions regarding a proposal submitted by Calocerinos & Spina Engineers (a firm with whom Mr. Vinci is associated) regarding the Village's water distribution system. Proposals distributed to the Bd. and the Mayor related this firm's willingness to provide figures for the VOP - no strings on services provided in the proposal.

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LEHMAN ANNEXATION: Mayor Elliott stated that Atty. Nesbitt had rec'd a new request and map from Mr. Lehman regarding a portion of his property annexation (Village/Town joint venture). Need hearing date, per Mayor (please see below re Lehman Annexation, hearing date, etc. after arrival of Atty. Nesbitt).

JUSTICE SCHOOLING: The Mayor related the Associate Justice's request for the VOP consider splitting the cost of schooling with the Town (gas, room, etc.). Bd. agreed that cost should be known before making a commitment - Mayor to find out frm. Mr. Rodman what cost wld. be to VOP.

NYSEG: A representative to attend VB mtg. @ 7:00 p.m., 10/19/92 to answer questions the Bd. may have regarding NYSEG - NYSEG attempting to open and expand communication with customers.

SLUDGE DISPOSAL CONTRACT: Amendment to contract contains one change, to extend length of agreement - cost remains same. Trustee Wooden moved authorization for Mayor to execute contract; Trustee Gilmore seconded. Vote - 5 ayes - Carried.

ABSTRACT #8: Mayor moved that the Treasurer, upon her return from the Clerks' Conf., be authorized to pay all vouchers which bear the signature of three or more VB members; Trustee Lynch seconded. Vote - 5 ayes - Carried.

WCVOA: Trustee Lynch moved that, if in budget, the VB's authorization for Village officials who sign up to attend the 9/30/92 dinner-meeting of the Wayne County Village Officials' Assoc. in Newark (Daniel's Restaurant). Mayor Elliott guest speaker re NYCOM's annual meeting in June. Trustee Wooden seconded. Voting - 5 ayes. Carried. Trustee Drews asked about this expenditure and the Mayor explained a .4 Line Item.

SIGNS - VILLAGE VEHICLES: Demonstration given by Mayor of signs (reflective and non-reflective) available through the Vernon Co. (Ms. Carolyn Leach, Rep.), which could include Bicentennial logo - and making vehicle signs uniform; the Mayor related sign prices and VB discussion. Bd. agreed a good idea, attractive but an unnecessary expense at the present time.

TELEPHONE - RCI vs. AT&T: Village Clerk has quote from AT&T for comparison rates; she will report @ next meeting.

Trustee Lynch Reports: Mr. Lynch spoke of drainage - looking @ engineering firms to take an 'overall' look @ VBOP drainage problems. Specifically, have had communications frm. Mr. Henry (Wash. St.) and unable to determine what course to take. He asked Hwy. Supt. if possible to determine drainage into Mr. Henry's by the 'smoke method'...to his knowledge, VOP had done previously. P. Retan said akin to an 'Artesian Well' in his garden...W&WW Emp. Huff tested water...not chlorinated... not detergent...different colors ea. time. Mr. Lynch will contact Mr. Henry - will help matters when water dries up.

Trustee Lynch said he had not rec'd any easements bk. re Prospect Dr. - shld. be a bid opening just before nxt. VB mtg. (10 a.m. Fri. prior to Bd. mtg.).

First Tues. in Oct. last day for chipping - ad must appear before. Re Marafioti's, Brian Pulcini to contact Mr. Lynch for a quote (sd. property, Cuyler St.).

P. Retan said he attended mtg. prior week re CHIPS money; told Town (whose annual budget in process currently) to place money anticipated in budget...if not, budget wld. have to be amended).

Request frm. C&P Supt., R. Weaver, to hire for 6-wks./20 hrs., p.w. Tom Cooper for leaves, etc. - approx. \$600. - he has in budget (and 6 wks. in Spring before Mem. Day) - total of \$1200. Mr. Cooper, having worked for VOP, has the experience. Trustee Lynch so moved that VOP hire him @ \$5.00 p.h. (he wld. not work

on 'rain' days); Trustee Drews seconded. Vote - 5 ayes - Carried.

Trustee Gilmore - No word about 'signs' - supposed to be in process; P. Retan said contact shld. be made with Ron Humbert - signs in question will reflect Pal-Mac's last yr.'s championship basketball team.

Re Local Law #1 (proposed fee schedule), Trustee Gilmore said he has CEO's proposed fee schedule containing additions/corrections - to be reviewed and in place by next meeting.

Short discussion on removal of trailer @ 143 William St. (John Converse's property). Understanding that Judge had ordered removal of subject trailer.

CHAMPION'S GYM - Trustee Gilmore reported on proposal from Champion's Gym re offering membership for all VOP employees (originally offered exclusively for F.D.). \$200. for everyone but must be on yearly basis (wld. total \$2400.) - wld. be substantial savings (individual memberships are \$30. p.m.). Bd. agreed it wld. be helpful for employees, some of which have some health maladies. Discussion on pros and cons...Trustee Gilmore moved that survey sheet (questionnaire) be sent to ea. employee to determine their interest - VOP cld. provide as a non-precedence-setting gesture. Mrs. E. Hartnagel questioned supporting 'one' business in VOP...more serious problems such as drainage, etc. - she also spoke of "drop-outs". D. Dalton said a good idea for employees to stay healthy...cld. go on disability if not 'in shape'. May not be able to do legally, per Trustee Lynch...Trustee Drews' comments had to do with "Quit Smoking Clinics," etc. Mayor spke. of cutbacks in various areas - great benefit but questioned participation. Trustee Lynch seconded Mr. Gilmore's motion to send questionnaire to employees. Vote - 5 ayes. Carried.

Trustee Gilmore recognized the presence of three Pal-Mac students - Amanda Brown, Carrie Bradstreet & Ken Blair - who were attending VB mtg. as a class assignment.

GOVERNOR'S BLUE RIBBON COMMISSION; Conference to be conducted on Wednesday, 10/14/92, @ Quality Inn in Albany at a cost of \$55. - second person may register for \$35. fee (from same municipality), however, no VB member indicated their ability to attend.

Trustee Drews' Report -

ANIMAL CONTROL OFFICER; Trustee Drews talked with Kim Diefendorf, Animal Control Officer, and a meeting to occur between she and Kim on Wednesday next; the two will meet wth. Atty. Nesbitt on Thurs., 10/1/92, in Vill. office @ 2:00 p.m.

Trustee Drews reported that during the CT Days Parade a spectator fell in a grass-covered hole @ corner of Gates/Main Sts. Hwy. Supt. to inspect. Mayor reported another invisible 'hole' near antique store/Rider's apt. near edge of sidewalk - on VOP property - Hwy. Supt. to inspect and remedy.

Trustee Drews spoke of old signs approaching VOP - need new ones, especially in light of new bridge and signs more visible. It was stated that this project had begun in past and pictures submitted for approval. VB to concentrate in this area. It was stated that Lions' Clb. member, Mr. Ray Marr, had been working on same. Ms. Drews said that school, perhaps, could accomplish this and Mayor said VOP could reimburse school. Newark's and Fairport's signs were cited as 'nice' signs. Ms. Drews stated her willingness to work on signs and make contact with Dave VanGorden.

Trustee Wooden Reports -

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HANDICAPPED RAMP: Handicapped ramp progressing - well received (applause!). D. Dalton said he heard many positive comments; Trustee Lynch was told by a resident that the Village shld. have waited until after CT Days! Acceptance and appreciation was expressed by everyone present. Trustee Gilmore said all of the Bd. must accept blame for length of time to complete ramp - except for Trustee Drews, a new Bd. member; in the works since Village Hall renovation - Trustee Wooden 'made it happen,' he said.

Trustee Wooden said last of engineering proposals rec'd (Water Distribution, Water Tower - everything!) VB has copies. He asked that the Bd. review before nxt. mtg. - Mayor said that the Vill. Atty. should have them, also. Trustee Wooden said that the Atty. has the Macedon Water Contract drafted.

ROOF REPAIR - Village Hall: Trustee Wooden said that VOP hired a contractor to repair roof @ last Bd. mtg. who chose not to do the work; hired a replacement, he said. Others who submitted proposals either didn't have enough insurance - wouldn't obtain it, etc. VB reviewed briefly the names of firms submitting proposals. No action taken.

CANAL REVITALIZATION: Trustee Wooden said he attended a seminar on "Canal Revitalization" in Albany prior week. Seminar consisted of what municipalities should be doing who border Canal waters. Study undertaken by Genesee Valley-Fingerlakes Corridor to determine what development should be planned for - he wld. like, he said, to start a "Village Waterfront Commission" to study specifically what the VOP needs. Seminar emphasized attempting to tie-in Canal Revitalization with Downtown Revitalization - easy for VOP as so close. Money more readily obtainable if tied in together. Length of time asked by the Mayor; Trustee Wooden said a mtg. on 29th in Newark - his belief that most preliminary work done....some misinformation re Palmyra, he said, as DEC Maps show wetlands (but not really "wetlands"). Said info. passed onto the Commission. P. Retan asked did not a DEC person say it must be a minimum of five acres? Mr. Wooden spke. of gentleman from Elmira who came - says it shows on map wth. no physical description, but not wetlands. Two areas, said Mr. Retan - one owned by Pulcini, other by Blazey's (for sale). Nearest marina to fuel up in Lyons, he said....don't know about to the west....unknown by those present. Big concern is to develop areas, leaving large amt. of 'green areas'. Basic message @ seminar was for everyone to work together - easier for State. Mayor said that the VOP owns some nice parcels within VOP limits. With a nice plan, more apt to obtain money, per Mr. Wooden.

Re easements (Prospect Dr.), Trustee Lynch asked Atty. Nesbitt if he had received and informed "none, except for Atty. P. Rubery."

Trustee Wooden said that Main St. closed from Mill to Stafford during CT Days - done in prior yrs.? Mayor said closed to 'through' traffic - this yr.'s copied from last yr.'s. Chief Dalton related the "Detour" route wth. resident access frm. Fayette, Canal, Clinton, etc. The Chief commended VOP employees for a good job - parking, etc. worked best ever....P.D. towed no cars, did write tickets, however. P. Retan said Willow St. not posted... therefore, lots of parking there.

Chief recommended banning people bringing their dogs to CT Days in 1993.

CABLE T.V. DECISION: Atty. Nesbitt reviewed Cable Contract - presently VOP has 3% basic. Cable will go to 3% gross without a pass-through so no 'downside'. As Atty. sees it, does VOP choose to go to 3% gross or 5% gross? 3% - \$11,664. on an annual basis, not including pay previews; if 5% gross wld. be \$19,449. not including 5% of pay per-views. Trustee Lynch stated that Cable reps. said, although 10-yr. contract no trouble changing it at any time if VOP asked for more or for less - in future, may not

like what we did....Mayor said if yr. to go on unexpired contract, when re-negotiated and given new, 10-yr. contract, new contract covers 11 yrs....if decision to change, wld. be 15 yrs. - fine point, he said.

Trustee Lynch agreed wth. Trustee Gilmore...3% gross shouldn't increase cost to taxpayers....clarification - 3% gross raises no one's cable (they absorb that, per Atty. Nesbitt). Atty. Nesbitt stated that other raises may occur, but not because the VOP did it. He also recommended that contract contain "most favored nation clause" and explained its meaning. It was stated that plans afoot for 60-channel capacity in 1995. Trustee Lynch, then, so moved the following: **BE IT RESOLVED** that the Village Board of the Village of Palmyra hereby approves the proposed franchise renewal agreement with the Cablevision Industries, Inc., and hereby authorizes and directs the Mayor to execute the same on behalf of the Village; and

BE IT FURTHER RESOLVED, that the Village of Palmyra waives its contractual right set forth in Paragraph 17 Part 1 to waive the agreed quarterly payment to the extent of two (2) percent of gross receipts that otherwise would be a pass-through to cable subscribers as a separate line item on consumers' bills, and

BE IT FURTHER RESOLVED, that the Village of Palmyra reserves its right to reassert its contractual right to the total of five (5) percent of all gross receipts upon reasonable notice to the company. Trustee Gilmore seconded. Vote - 5 ayes. Carried.

Re Lehman's property - Atty. Nesbitt to file annexation papers on 9/22/92 and officially rec'd by the VOP. Discussion on number of days for hearing and Atty. researched in Municipal Law. Atty. Nesbitt cited Section 704, Pg. 170, General Municipal Law (minimun of 20 days between publication and hearing, i.e. publish 10/14/92...10/20/92...then another 20 days...up to 6th of Dec. - has to be a joint mtg. of Village/Town...Thurs. 12th VOP mtg. night...12th of Nov. or 16th....prior to A mtg. night)

MASTER PLAN STUDY - Village/Town Appointments: School Board - Lynn Green; School Administration - Dr. J. Tobin; Library - Diane Wheeler; Lions' Club - Dan Pope; East Palmyra F.D. - John Lester; Village Board - Trustee Gilmore; Village Planning Bd. - Marcia Robbins & Elaine Hartnagel; Town Planning Bd. - George Tilberg & Bill Baker; Village Zng. Bd. - Dick DeVogelaere; Individual residents - Steve Cleason, Amy McHale, Debbie Wheeler, David Husk, Harry Schraffenberger, Dan Pedke, Margie Leticheske; Town Board -; Rotary - others need to name their representatives; ex officio members - Town Supervisor D. Lyons; Mayor J. Elliott; Town COE - Jim Youngman; Village CEO - Ed Dundas; Town Highway. Supt. - Nelson Cook; VOP Hwy. Supt.- Phil Retan and VOP Water Supt. - Harold Kruger.....(October 20) Mayor Elliott moved that the VB appoint the foregoing persons as a joint committee for writing a proposed Master Plan for the Village and Town of Palmyra. Trustee Wooden seconded. Vote - 5 ayes. Carried.

EXECUTIVE SESSION: At 9:30 p.m. Mayor Elliott moved that the VB exercise Exec. Sess. for "Personnel" matters with the following present: The VB, Village Attorney and Pol. Chief D. Dalton. Trustee Drows seconded. Vote - 5 ayes. Carried.

At 9:55 p.m. the VB emerged from Exec. Sess. as moved by Mayor Elliott; seconded by Trustee Lynch - Vote, 4 ayes. Carried. (Four votes recorded due to Trustee Gilmore having been out of Board room.)

ADJOURNMENT: Mayor Elliott moved adjournment @ 9:56; Trustee Lynch seconded. Vote - 4 ayes. Carried. (Trustee Gilmore out of room during voting.)

Ethel B. Johnson, Acting Clerk

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