

## BOARD OF TRUSTEES

Regular Meeting

1/3/89

7:00 p.m.

Present: Mayor James G. Elliott; Trustees Penelope K. Frontuto and Daniel S. Pope III; and Attorney John B. Nesbitt. Trustee Daniel E. Wooden arrived while the meeting in progress. Absent: Trustee Charles D. Gilmore.

Minutes12/5/88:

Correction, Pg. 4 re Sgt. P. Coleman - provisional appointment and accompanying salary one motion rather than two as suggested by Trustee Wooden. With prior changes (as reflected in 12/19/88 Minutes), Mayor Elliott moved acceptance of 12/5/88 Minutes; Trustee Frontuto seconded. Voting "aye" were Mayor Elliott and Trustees Frontuto and Pope. Carried.

Minutes12/19/88:

Discussion on absence of report of Exec. Sess. during 12/19/89 Bd. Mtg. The Bd. did conduct Exec. Sess. prior to adjournment at approximately 9:30 p.m. and was formally moved, seconded and unanimously carried. Adjournment immediately following Exec. Sess. at approximately 10:00 p.m. as moved and seconded in 12/19/89 Minutes. An additional correction was the correct spelling of Dar-Lind Lane resident, Mrs. Darcangelo referred to on Pg. 5. The 12/19/89 Bd. Minutes were tabled.

AgendaAdditions:

Trustee Frontuto moved the following Agenda additions - Highway lay-off; Annual Evaluations; Town of Pal./Vill. of Pal. Community Ctr. Contract; "104" Contractors and Budget Mtg. Schedule. Trustee Pope seconded passage of Agenda additions. Voting "aye" were Trustees Frontuto & Pope and Mayor Elliott. Carried.

Committee ReportsTrusteeFrontuto:

Trustee Frontuto reported that vandalism had occurred in the VOP Cemetery on 12/21/88 - twenty-one (21) headstones were damaged. Estimated cost of \$1,000. for repair/repairs accomplished per Mrs. Frontuto. P.D. Chief Dalton gave the Bd. some suggestions for vandalism control @ the Cemetery - additional lighting in area of above-ground vault and Veterans' Memorial. He spoke of specific types of lights which wld. be suitable. Trustee Frontuto to review wth. C&P Supt. and obtain estimates.

Trees:

Mayor Elliott, having talked to Mr. K. Franky, said spray available containing unpleasant aromas which might deter tree-stealing; also, spray paint is used - water-base paint which washes off wth. Spring rains - attractive for Winter/noticeable to passersby.

ChristmasDecora.:

Discussion on Christmas decorations - Mayor requested Vill. Hall tree to remain for few days.

Highway:

Mayor spoke of ltr. frm. Hwy. Supt. recommending lay-off of temporary employee, J. Swick - needs action by Bd. per Mayor, following which he moved that sd. employee be notified of lay-off effective 1/6/89; Trustee Pope seconded. Voting "aye" were Mayor Elliott & Trustees Pope & Frontuto. Carried.

Trustee Pope questioned why Hwy. plowed sts. prior eve. @ 11:30 p.m. wth. less than two (2) inches of snow on ground. Icy roads, per Mayor - needed salt-ing/sanding.

TrusteePope:

Trustee Pope moved authorization for the Vill. Treas. to pay all vouchers on which appear initials of @ least three (3) Trustees - Voucher No. 679/\$235. frm.

12/19/89 mtg. - Nos. 707-727 in the amt. of \$7,625.86 - Trustee Frontuto seconded. Voting "aye" were Trustees Pope & Frontuto & Mayor Elliott. Carried.

000173

Trustee Pope stated that he wld. like to sit down wth. individual Trustees-in-Charge of the various VOP departments, along wth. dept. hds. Bd. discussion on nights mutually agreeable - determination mde. to conduct on second and fourth Tuesday's. Mayor asked Clk. to note that sd. mtgs. be posted/C-J notified.

W&WW:

The Mayor sd. that he had nothing to report in sd. area; Supt. Kruger stated that first set of tests re solids done 12/5/88 wth. unsatisfactory results. Either samples picked up were wrong or back-washing which caused large flow of water....following through, he sd. Mr. K. explained the procedure more fully. Trust- Wooden arrived @ this time.

Triou  
Ests.:

The Mayor recognized Mr. Frank Affronti (104 Contractors/Triou Sub-Division) accompanied by his Atty. - Mr. T. O'Connell. Mr. Affronti asked the status of Triou Estates - his Atty. asked reiteration frm. Bd. that Mr. D. Means acting in capacity of Engineer for sd. project. He quoted a Memo which stated that "except for the pavement repairs on E. Foster St., all site development work by 104 is complete"....he referred to his contract copy between 104/Triou - Mr. Affronti willing to permit VOP to hold \$1,000. as suggested by Engineer Means. He assumed that the VOP required nothing further; Mayor Elliott sd. that the \$1,000. was to cover re-paving of the one section of E. Foster St. - separate frm. anything related to sub-division, i.e. utilities & roadway. Atty. O'Connell asked if VOP taking position of Engineer Means. Rpts. rec'd following 1st. Bd. mtg., per Mayor, therefore, as a Bd., had not had opportunity to discuss. Lot of money owed 104 by D. Triou - he sees nothing to hinder payment, per Atty. O'Connell.

Atty. O'Connell found nothing in Contract, he sd. for monies to be withheld - heard that VOP wanted maintenance bond in connection wth. road frm. the developer. Customary, per Bd. Vill. Atty. J. Nesbitt sd. that the matter between 104 & D. Triou, adding that Engineer Means suggested Maintenance Bond in amount \$20,000. - Trustee Wooden added that sd. figure had just appeared in communication rec'd by Bd. - 10% of construction cost....\$18,000. actual amt.

Atty. O'Connell asked about prior disc. on road dedication by Bd.; Mayor sd. Bd. discussed at what point VOP wld. accept dedication - utilities accepted as installed....rec'd formal offer of dedication after last Bd. mtg. frm. Mr. Triou. Other items VOP yet to receive before actual dedication. Atty. O'Connell spke. of lien on sd. project, condition of acceptance - Trustee Wooden spke. of 8/88 mtg. and disc. on how road wld. hold up over Winter mos. Disc. on Vill. Bd. in difficult position/in the middle.

Mr. Affronti mentioned his dissatisfaction wth. communication between himself and Hwy. Supt. and the improprieties of his actions/statements.....104 Contractors placed an extra one hundred (100) ton of binder of road under discussion. Mr. Affronti spke. of Engineer Means inspecting job-site ea. day as well as various visits frm. Bd. members, however, day black-topping put down no one @ job-site. He sd. condition of road was good; someone frm. VOP shld. have stopped

Minutes, 1/3/89--3

wk. if not satisfactory. Atty. O'Connell stated that pressure put on 104 due to deadline - ready to take matter up wth. D. Triou pursuant to signed Contract - an ultimatum. Vill. Atty. Nesbitt concerned about length of bond, i.e. one-yr. or two...and if \$20,000. enough...also, if any other precautions to be taken..

Following the length discussion above, Mr. Frank Affronti, representing 104 Contractors, and Counsel departed thanking the Bd. for their time.

Trustee Wooden's concern was for how much more damage to the road in question when houses built all along road - no matter whose fault, has to be fixed if goes bad. VOP advised by Atty. Rubery that Contract does call for a bond.....between Contractor(s)/Triou. Trustee Wooden recalled frm. preliminary mtg. when Mr. David Matthews/MRB Grp. present, that there was no objection to two-yr. bond instead of one. Bd. agreed that the VOP's concern is for a bond frm. Mr. Triou.

Mayor Elliott reiterated that before VOP can consider street dedication, have to have sidewalk in, grading, seeding.....cash payment in lieu of parkland...5% of what he purchased that land for would be owed VOP - in sub-division law....VOP can only spend for new parkland. Atty. Nesbitt spke. of sub-division law - gives rules under which Planning Bd. must operate; accepting dedication of streets a Vill. Bd. decision - Bd.'s prerogative. Pointed out creating a sub-division not a frequent occurrence, therefore, no one sure of process.

Short discussion on ltr. rec'd frm. Mrs. M. Harloff's attorney; Vill. Atty. called him and the matter discussed. VOP services available to Dar-Lind Lane include utilities, police protection and fire protection...@ least three (3) water hydrants in existence there....

P.D.: Police car taken to Sodus for repair - lot of money spent recently; Chief Dalton recommended that, in the nxt. budget cycle, VOP get rid of that particular car. May have to bring old car back considering amt. of money being spent.

Trustee  
Wooden:

Trustee Wooden sd. that Swiss Chalet continuation hearing wld. not occur - reps. approaching Planning Bd. on 1/4/89; Pal-Oil's continuation on 1/10/89.

Re Economic Development & Revitalization & Christmas lights on Main St. - why not the Trustee-in-Charge of E.D. & R. handle Christmas decorations in business area - might avoid some of problems incurred current year. Current lights discussed/cost of placing prior year and remaining in trees for yr. Couldn't get anyone to string connecting wires this yr., VOP eventually did it. Trustee Wooden sd. exclusive of Park decorations and Vill. Hall. Trustee Frontuto stated that she had been coordinating Special Events of which Christmas decorations had been a part; the Mayor did not see object of splitting it up. Trustee Wooden did not feel up to Chamber; Trustee Frontuto agreed....Mayor said that VOP had "funded" Chamber in prior yrs. Trustee Wooden expressed his disappointment. in 1988 decorations....time to begin for nxt. yr., he said.

FBI  
Seminar:

Mayor Elliott sd. that Chief Dalton wld. like to attend a Crime Investigation Seminar, sponsored by the

000175

FBI, in Canandaigua on 1/5 & 6 & 9-13/89 - at no cost to VOP. Mayor so moved; Trustee Pope seconded. Voting "aye" were Mayor Elliott & Trustees Pope, Frontuto & Wooden. Carried.

Grievance

Day:

VOP Grievance Day established by law as third Tuesday of February annually; it was pointed out that this wld. be same night as Bd. mtg. (due to closing office on Presidents' Day, 2/20/89). Established that Mayor and Trustee Pope attend Assessor J. Roney frm. 4-6 p.m.; Trustees Wooden and Frontuto frm. 7-9 p.m. Clk. to notify Assessor Roney and so advertise.

Congress.

Horton:

Mayor announced that Congressman F. Horton wld. like to meet wth. his area constitutents in Vill. Hall on on Sat., 2/18/89 frm. 9 a.m. to 12 Noon. Bd. agreed to same.

Employee

Eval.:

Annual employee evaluations discussed and need for new forms. Clk. to suppy copies of "old" to Trustee Pope.

Misc.:

Under "Old Business," no action taken on VOP Policy Manual; Handicapped Ramp; Model Flood Ord. (Clk. to re-distribute). Re contract negotiations, Bd. to conduct preliminary mtg. Date established - Wed., 1/11/89 @ 7:00 p.m. Clk. to Post/notify C-J. The Mayor stated that communication on Agenda re Salzburg Village's desire not to proceed at this time re street dedication prev. reviewed by Bd.; the communication frm. DOT re Maple Ave. Bridge, DOT does not want pedestrian traffic in area of Towpath. DOT will barricade sme. Bd. agreed. Communication frm. Mr. Frederick Micha, Tree & Landscape Consultant re VOP tree inspection - Bd. discussion. Trustee Frontuto sd. might be a good idea to have a cost estimate of his suggestions. The Mayor mentioned a Seminar in NY City re Solid Waste, etc. No one indicated desire or ability to attend.

Bd. disc. on WC Weatherization Program - separate one for municipalities, per Mayor. Discussion on energy audit for each VOP bldg....State Energy Office. May be available through NYSEG, per Mayor. Energy audit & technical assistance study - seminar in Syracuse on 2/7/89. Mayor moved that Trustees Pope & Wooden be authorized to attend; Trustee Frontuto seconded. Voting "aye" were Mayor Elliott & Trustees Frontuto, Pope & Wooden. Carried. (Clk. to call for additional information). Energy Conservation Grant Program for Local Government and Local Care Facilities, per Trustee Frontuto. If the Village Hall, Trustee Wooden sd. Trustee Gilmore might, also, want to go. Trustee Gilmore to be informed.

Fuel

Bids:

Atty. Nesbitt sd. that Mr. T. Jeffery amending his bid - didn't include premium unleaded; Pal-Oil says their prices good for one yr....gross receipt tax touched upon...municipalities exempt frm. gross receipts tax. Discussion on vehicles filling up and necessity of availability for fire trucks on 24-hr. basis. If over \$5,000. per yr., VOP must advertise per Atty. Nesbitt. Pal-Oil just bid what State price is, meeting State bid price, not that they "have" State bid. Chief Dalton spoke of new system used by P.D. to determine fuel used....running total.

Sidewlks.

LL#1 '89:

Trustee Pope moved that the Bd. adopt LL#1 1989

- formerly "Proposed LL #6, 1988" -  
Trustee Wooden seconded. Trustee Wooden inquired about Section 16-2-(d), rather 16-4 per Trustee Pope...."Construction of a New Sidewalk"...part of Village Law....in no instance where a private individual installs a sidewalk....shall the Village pay more than one-half of the cost....Chief Dalton asked if, on his street, he places a sidewalk in front of his house, he may bill the VOP for sme. If you choose to have a sidewalk there, per Trustee Pope, the VOP may not pay more than half...if VOP puts sidewalk in entire area - all the sidewlks. - then VOP may pay all costs.

Mayor thought clarification shld. be mde. how it wld. have to be constructed....Atty. Nesbitt said it states no more than 4" frm. curb. Concrete vs.cement discussed by Bd. Mayor asked if Law shld. read.... "shall be made of concrete?" Mayor sd. that under 16-6..."shall be the responsibility of the property owner whose property adjoins any sidewalk to keep such sidewalk clear and free of obstructions, including, but not limited to, brush and debris of any kind" - Mayor felt "snow and ice" shld. be included. He felt, also, that under 16-5 there shld. be a bill-back.....if VOP appropriates \$1,000. and bills back half - \$500. to put back in and spend....if you bill back \$250.....for every \$1,000. put in, can get back \$900. to do more construction wth. - cld. about double what put in budget - wld. help wth. VOP budget constraints....important, said the Mayor.

Trustee Frontuto felt \$50. fine for twenty-four hr. period excessive. Whether too high or low, will be difficult to enforce, per Trustee Wooden. The Judge makes the decision, per Mayor. As the "maker of the motion," Trustee Pope stated that he wld. accept to strike word "cement" frm. 16-4C...Atty. Nesbitt questioned, what wld. happen if a liability issue...if somebody doesn't obey law....does not obviate VOP's responsibility....cld. add paragraph..."in the event property owner fails to abide by the law, he shall be liable for damages re third parties (partially inaudible on tape)...need more sophisticated language, per Trustee Pope. Cld. amend, however, Mayor felt shld. be attended to before adopting. Further discussion on adopting vs. amending. Nothing in place now per Trustee Pope - nothing in law that says sidewalk may not be obstructed.

The Mayor called for a vote - Trustee Wooden, "aye"; Trustee Pope, "aye"; Trustee Frontuto, with reservations, "aye"; Mayor Elliott voted "nay." Carried by majority. Mayor Elliott sd. that wth. the money involved, he felt it was not a fiscally responsible decision by the Bd.

Chief Dalton asked the status of request for no parking between sidewlk./curb in VOP. Mayor asked if other changes to V&T Law....he added that the VOP's Noise Ordinance also needs changing....what VOP had is not enforceable - VOP has no decibel meter. Copies to be dist. to Bd. for review - new and old....also V&T Law copies to Bd.

Mayor Elliott moved that the Bd. authorize Atty. Nesbitt to draw up change in V&T to prohibit parking between curb and sidewalks. and/or on VOP right-of-way. Trustee Frontuto seconded. Voting "aye" were Mayor Elliott & Trustees Frontuto, Pope & Wooden. Carried.

000177

Disc. on establishing hearing date - determination to set @ nxt. Bd. mtg. Mayor Elliott added to his above

motion, "instead of VOP right-of-way, 10' frm. the edge of the road"; change accepted by Trustee Frontuto - four "ayes" on change, therefore, carried.

Exec. Sess.:

At 9:00 p.m. Mayor Elliott moved that the Bd. exercise Exec. Sess. for personnel matters and to include the Bd., Atty. Nesbitt & P.D. Chief D. Dalton. Trustee Frontuto seconded. Voting "aye" were Mayor Elliott & Trustees Frontuto, Wooden & Pope. Carried.

Reconvene:

At 10:00 p.m. the Bd. emerged frm. Exec. Sess. as moved by Trustee Frontuto; seconded by Trustee Pope. Voting "aye" were Trustees Frontuto, Pope, Wooden & Mayor Elliott. Carried.

Adjourn.:

At 10:03 p.m. Trustee Frontuto moved adjournment; Trustee Pope seconded. Voting "aye" were Trustees Frontuto, Pope, Wooden & Mayor Elliott. Carried.

Ethel B. Johnson, Clerk

**BOARD OF TRUSTEES**

Special Meeting

1/11/89

7:00 p.m.

Present:

Mayor James G. Elliott, Trustee Daniel S. Pope & Trustee Daniel E. Wooden, who arrived @ 8:00 p.m.  
Absent: Trustees Charles D. Gilmore & Penelope K. Frontuto.

Purpose of Meeting:

Preliminary meeting by Village Board regarding VOP Labor Union Contract and the Village position on proposed changes.

Mayor Elliott called away from meeting @ 9:10 p.m., following which meeting was adjourned.

(Minutes of Meeting Recorded by Mayor J. Elliott)