

BOARD OF TRUSTEES

317

2/7/83

Regular Meeting

7:00 p.m.

Present: Mary Lou Wilson, Mayor; Trustees James I. DePoint, Richard Rolland, Stephen Hays and Mary Kay McGrath; and Atty. Laura Jane Poyzer

Moment of Silence: Mayor Wilson requested a moment of silence prior to conducting the business of the Board, requesting also that Mr. William Bradish, retired Village employee recently deceased, be especially remembered.

Minutes - 1/17/83: Mayor Wilson asked if there were any corrections/additions to the 1/17/83 Board Minutes. When there were none, Trustee Rolland moved their acceptance as submitted; Trustee Hays seconded. Roll Call Vote - all "ayes."

Committee Reports -

Physical Examin. Firemen: Trustee McGrath opened a discussion on requiring physical examinations for incoming Firemen, voicing her opinion that the Board approve two applications previously submitted - Randy Madsen of Canandaigua Rd. & Ronald Falco of 2880 Macedon Center Road. Mr. Harry White, a Fire Commissioner, stated that the Fire Dept. has no objection to the requirements - advantage for everyone concerned and answering the Mayor's question that there are approx. 64 Firemen on rolls - By-Laws allow up to 100; unsure of percentage of Village/Town makeup of Fire Dept. Following discussion, Trustee McGrath moved that, effective March 1, 1983, physical examinations will be required for all Firemen after acceptance by the Village Bd. Trustee Hays seconded - Roll Call Vote - all "ayes." Clk. to inform F.D. - perhaps notice should be posted at Firehall. Trustee McGrath moved that applications of Messrs. Randy Madsen and Ronald Falco be Board-approved; Trustee Hays seconded. Roll Call Vote - all "ayes."

Antique Car Show: Having received notification from the Fairgrounds' Assoc. of their approval of an Antique Car Show at the Fairgrounds on 7/24/83, Trustee Hays moved the Board's approval; Trustee Rolland seconded. Roll Call Vote - all "ayes."

Pigeon Control: Discussion held on retaining Mr. L. Riley for further pigeon control - his latest count of capturing 489, the Board determined to discontinue trapping until, perhaps, April, 1983, and so notify Mr. Riley.

P&C Rms: Trustee McGrath stated that an estimate of \$1,000 had been received from Bliss' in Newark for floor coverings in the P&C Rms. Following discussion, the Bd. determined that Bd. had been very cooperative with Girl Scouts in current budget - and the work being accomplished there - to postpone purchasing floor covering. Mrs. McGrath said that temporary measures would be taken, i.e. floors scraped, etc. by C. West, et.al. Floor covering to be placed in '83-'84 budget.

Vienna St: A lengthy discussion was held re Vienna St. water line replacement/street reconstruction. It was pointed out that Village has pd. \$42,000. at this point in time to Lozier Engineers - Mr. DePoint felt a "Clerk of the Works" should be hired in lieu of an engineer for Vienna St. - he, in turn, brings in architect/engineer as needed. Trustee Rolland spoke of awarding bids first; and financial background of Central New York H&E was discussed. Mrs. McGrath said that bonding company is secure with H&E; the Mayor wanted to know if statement shows previous H&E bankruptcies which Mr. DePoint felt should be considered if that is a factor. Mr. Hays said that performance bond would cover - would have to provide on-site persons.

Resol. #83-08: Trustee McGrath motioned adoption of Resolution #83-08, attached hereto, wherein bid award for Vienna St. awarded to Central New York H&E as follows: Total base bid - \$345,810.; Alt. #1, Prospect Dr. - \$44,781.35; Alt. #2, Throop St. - \$6,178.75; and Alt. #3, Kent St. - \$5,353 - the additional amt. of which to be added for "ductal pipe" - \$4200. total: \$406,324. Trustee Rolland seconded. Discussion - Trustee DePoint opposed to Alt. #1, Prospect Dr., felt problems there "not serious enough"; never intended. Mrs. McGrath said that Highway Supt. & W&W Supt. feel it should be done while equipment there - and spoke of cost to mobilize equipment. Trustee Rolland reiterated problem on Prospect Dr. re drainage - tests show serious problem with continual erosion there & cost to bring equipment back another time. Mayor Wilson said that she did not want to see project exceed \$500,000. Trustee Hays said that 35% of cost including Prospect already incurred. Mayor Wilson asked for a Roll Call Vote - Trustees Rolland, McGrath & Hays - all "ayes"; Trustee DePoint "nay". The Bd. determined to postpone decision on

Resol.
#83-08
cont:

Lozier Engineers' Contract for further study. A short discussion continued re legal fees, easements, etc.

Lauren.
Dr.:

Mr. DePoint said that decision rendered from Court re water problem on Laurentian Drive - Court found in favor of Village - "Order" in process of being finalized. Atty. Poyzer spoke of filing, certified copies served & other Atty. Mr. DePoint stated that Mr. Kruger, W&W Supt., had been directed to turn water off when "Order" is final. Mr. Kruger, who was present, asked how much time the two families would be allowed and was told "none" by Mr. DePoint; Mayor Wilson said that the families involved are aware of situation.

W. Foster
St.:

Mr. DePoint said that three families involved, some of whom were present, regarding sewer installation on W. Foster St. Atty. Poyzer said that the Board has to determine how they want to handle it - in 1979 Bd. voted not to do anything unless there was annexation of their properties. Discussion on pursuing annexation or creating sewer district. Re annexation, Mr. DePoint said they object to Vill. taxes - special sewer district would be maintained by the Town and Vill. would bill. Atty. Poyzer spoke of contracting with Town - billing could be handled different ways - Town would be responsible for payment; could add to their taxes. Mr. Kruger interjected that if installed, should be to property line; curb box to house is homeowner's responsibility; homeowners should pay for installation from the house to the main; Vill. would have to physically dig to see if there is a sewer stub. Mrs. Ruth Bauer said that they did not want to be annexed; perhaps sewer district. Mr. DePoint said considerable expense involved here; homeowners' responsibility to find out cost. Mr. Kruger said he or Mr. Smith would be present to inspect; gravity flow of sewer must be proper. Mayor Wilson asked about DEC or State approval; Mr. Kruger said he would contact DEC on paperwork which has to be done and the families involved were requested by Mr. DePoint to check with contractors; return to next Bd. Mtg. on 2/21/83 to rpt. to Bd. Milson asked Mr. DePoint to talk with Town representative; may be joint effort.

Town/Vill.
Water Cont.:

Mr. DePoint reported that negotiations re Town/Village Water Contract are going forward - attempting to determine if increase to Town for Water use. Expiration date: 2/28/83.

Court/Ct.
Rm.:

Discussion held on remedies to prevent destruction of hallway on "D.A. Night," and Judge Baynes' communication. Protecting Village's investment; on-duty officer has to transport prisoners/remain with them; Bd. generally in favor of having someone. Trustee Hays suggested opening petition between Ct. rm. & Trustees' Rm. which would allow no loitering in hallway; station Mr. E. Kniest in hallway. Mr. Rolland spoke of rescheduling of officers without overtime. Mayor Wilson spoke of larger "No Smoking" signs; cost discussed - \$200. p.m./\$1200. p.y. Mr. DePoint will pursue remedy.

Water
Req.:

It was brought to the attention of the Bd. by Mr. DePoint that a request had been received from Mrs. Ann Rider, Curran Rd., to hook up to Village's raw water line which is in the area of Mormon Hill. Discussion - Mr. Kruger emphasized that some type of purification comparable to Village's would be necessary; should contact N.Y. State Health Dept. for procedure to follow. Mrs. Rider's request was for 300 gal. p.m. for the operation of a proprietary home/well does not produce enough for needed sprinkler system. The complications and precedence-setting were discussed when Mr. DePoint moved that the Bd. turn down request to supply raw water to Mrs. Ann Rider of Curran Rd.; Trustee Hays seconded. Roll Call Vote - all "ayes."

P.D. Rpt.:

Trustee DePoint moved acceptance of the Police Department Report for January, 1983; Trustee McGrath seconded. Roll Call Vote - all "ayes." Trustee McGrath said that the P.D. should be commended for enforcements shown in rpt.

Trustee
Rolland:

Mr. Rolland said that work has commenced on Cemetery Budget. He spoke of having met with Village Atty. & Bldg./Zng. Officer recently. Re re-zoning meetings, notices did not go out - have to reschedule meeting. Sample ordinances have been received from General Code re abandoned vehicles and he touched upon "Noise Ordinance" briefly. Zoning Bd. of Appeals member, Mr. Richard Nichols, is moving to Newark; Trustee Rolland motioned acceptance of his resignation; Trustee McGrath seconded. Roll Call Vote - all "ayes." The Clerk was instructed to write a letter of thanks to Mr. Nichols for having served the Village.

Trustee
Hays:

Mr. Hays said that budget work is being done on "Animal Control." "Revitalization Committee" held second meeting and article published in C-J. Mr. since Vezza, new PEDC President, has been invited to attend

- Trustee Hays cont.: "Revital. Comm." Mtgs. Mr. Hays said that Cemet. Foreman R. Weaver, has completed "Cardex" file re purchasing and compiling letters to suppliers re pricing - also utilizing State Bid vendors on diesel and regular fuel in process. Trustee Hays acknowledged receipt of Community Ctr.'s budget request from J. Campbell; writing to Pres. Gary LaBerge asking Center's priorities. Mayor Wilson asked if PEDC requesting money from Village this year and was told by Mr. Hays they are not.

- Evaluat.: Mayor Wilson asked if employees evaluations were complete and was told they are.

- Highway Barn: Mayor Wilson asked the status of proposed Highway Barn and was told by Trustee McGrath that contact has to be made with Ms. Sharon Lilla of the County.

- Fed. Rev. Shrng. Hrng.: Trustee DePoint motioned that the Board conduct a public hearing on proposed users of Federal Revenue Sharing Funds at 7 p.m. on 2/21/83; Trustee Rolland seconded. Roll Call Vote - all "ayes." The Clk. was req. to publish same, and asked by the Mayor to specify that Senior Citizens are welcome. Resol. #83-05 attached hereto.

- Resol. #83-06: The need for an office "Petty Cash Fund", suggested by the Auditors and discussed by the Bd. Trustee DePoint moved that same be established in the amt. of \$50.; Trustee McGrath seconded. Roll Call Vote - all "ayes." Resol. att. hereto.

- Resol. #83-07: Trustee DePoint moved that the Clerk and/or Deputy Clerk be authorized to certify the Village payroll; Trustee Rolland seconded. Roll Call Vote - all "ayes." Resol. att. hereto.

- Albany Workshop: Trustee Rolland moved that the Mayor or an alternate be authorized to attend a Workshop in Albany on Feb. 19-21, 1983; Trustee McGrath seconded. Roll Call Vote - all "ayes."

- Budget Workshop: The Mayor reminded the Board that a budget workshop would be held in conjunction with Donegan Assoc. on 2/28/83.

- Voucher Payments: Trustee DePoint moved that voucher amounts of \$18,846.45 be approved for payment for vouchers containing three or more signatures; Trustee Hays seconded. Roll Call Vote - all "ayes." Abstract No. 15.

- Treas. Dickinson: Treasurer P. Dickinson reported that a check for \$20,000. had been received for "Municipal Aid." She spoke of Resol. #83-09 for budget adjustment for Fire Department; money appropriated; transfer \$10,000. to A3410.4 Acct. from A3410.2. Trustee McGrath motioned passage of above resolution; Trustee DePoint seconded. Roll Call Vote - all "ayes." Treas. to send quarterly reminders to all departments re budgets. Resol. #83-09 attached hereto.

- Atty. Poyzer: Atty. Poyzer informed the Bd. of the necessity of publishing "Legal Notice of Estoppel," re Vienna St. Re N.Y. Tel. assessments - filed grievances every year since 1977 in protest; assessments established by N.Y. State Div. of Equalization and Assessment. In process of negotiating a settlement/discussed with Village Assessor. She spoke of excess taxes; settlement for refund for four yrs.; proposed that Village repay 25% of excess taxes pd. - if goes to court, N.Y. Tel. would be entitled to interest. Discussing \$2352. with Atty. now; Vill. Assessor comes up with approx. \$1935.; proposes this to be a good settlement. Trustee Hays spoke of reducing assessment for next yr. - might affect tax base in future. Trustee DePoint moved that the Board authorize settlement not to exceed \$2352.; Trustee Hays seconded. Roll Call Vote - all "ayes."

- Sm. Citie's Applica. Denied: Mayor Wilson read a communication from HUD, dated 2/2/83, in which the Village was informed that application filed by Village had been denied.

- Exec. Sess.: At 9:05 p.m., Trustee DePoint moved that the Bd. exercise Exec. Sess. for the purpose of discussing pending litigation and personnel matters; Trustee Rolland seconded. Roll Call Vote - all "ayes."

- The Board discussed Trustee DePoint's directive to Mr. Harold Kruger, Water Supt., that the Village had been advised by the auditors for the three W&W employees to alternate water meter reading. Following discussion, Trustee Hays motioned that the Board authorize the Mayor to inform Mr. Kruger that the assignments of personnel to alternately read water meters be left to the discretion of the W&W Supt. Trustee Rolland seconded. Roll Call Vote - Trustees Hays, Rolland and McGrath - and Mayor Wilson - "ayes"; Trustee DePoint - "nay." Carried by a majority.

2/7/83

Re-Convene: At 10:40 p.m. Trustee Hays motioned that the Bd. emerge frm. Exec. Sess.; Trustee DePoint seconded. All "ayes," carried.

Present: Mayor Wilson; Trustees Hays, Rolland, McGrath & DePoint; and Atty. Poyzer. Trustee DePoint spoke of a letter from Mrs. Lyn Quagliata of Brookside Terrace, dated January 25, 1983, in which she stated that she did not receive a water bill for the fourth quarter - and requested a return of the penalty amt. of \$4.76. The Board turned down said request as same is clearly prohibited in the "Water Ordinance." The Clerk was requested to inform Mrs. Q. of the Bd.'s determination, including a copy of the "Water Ordinance."

DOT re Vienna St.: A short discussion was held on DOT notification re effects of Vienna St. Project on St. Highway. At 10:45 p.m., Mr. DePoint moved adjournment; Trustee Rolland seconded. All "ayes." carried.

Adjourn: Ethel B. Jhonson, Clerk

Resolution #83-09:

Whereas the equipment code A3410.2 (Fire Department) in the amount of \$1125.00 will not be used at the present time, and

Whereas, it is the recommendation of the Fire Chief to transfer \$10,000. to the A3410.4 code to cover expenses in that category, so be it resolved,

The Treasurer be instructed to transfer \$10,000. from A3410.2 to the A3410.4 per a budget adjustment.