

BOARD OF TRUSTEES

Regular Meeting

5/2/88

7:00 p.m.

000056

Present:

Mayor James G. Elliott; Trustees Penelope K. Frontuto, C. D. Gilmore, Daniel E. Wooden and Daniel S. Pope III; Village Atty., J. Nesbitt.

Call to Order:

The Mayor called the meeting to order @ 7:10 p.m. following which he requested the Board to observe a moment of silence remembering Mrs. Cathryn O'Brien during same.

Minutes  
4/18/88:

Trustee Frontuto moved acceptance wth. correction on Pg. 5, i.e. Town/VOP Court Contract contains amt. of \$150. rather than \$165. Mayor Elliott seconded. Voting "aye" were Trustees Frontuto, Gilmore & Pope and Mayor Elliott. Carried.

Agenda  
Additions:

Trustee Frontuto moved that ARC be added to Agenda along wth. M/M Joe Bettinger, Mill St. Trustee Pope seconded; voting "aye" were Trustees Frontuto - Pope, Gilmore & Mayor Elliott. Carried.

Dpt. Hd.  
P. Retan:

Hwy. Supt., P. Retan, reported that Pal-Oil side-wlk./curbing in place to be followed by Mr. G. Contant's; brush pick-up begins 5/3/88; Trustee Gilmore has cost of curbing for Fayette Street. Trustee Pope spoke of having driven around VOP and deplorable condition of sidewalks. Disc. on slate sidewalks./specific areas such as in frnt. of Dr. Sweeney's, etc. - Village of Palmyra shld. set goals re doing away wth. slate sidewalks. where serious problems exist. Trustee Frontuto disagreed with current method of sidewalk replacement, i.e. half pd. by homeowner & one-half by VOP - taxpayers shld. receive as pt. of tax benefit. Trustee Gilmore sd. slate cld. be removed/VOP cld. extend benefit. P. Retan spoke of Cortland paying - "one-time deal" after that up to homeowner. Trustee Gilmore spoke of maximum width - Mayor Elliott sd. VOP does not have sme. Proposal needed per Mayor E. & Trustee Pope. Trustee Gilmore sd. prioritizing must be done, mentioning area around elem. schl. The Mayor cld. foresee problems - VOP accepting residents' responsibilities. Disc. on chg. per block & linear ft.

Sidewalks:

Trustee Gilmore moved that the VOP begin sidewalk replacement where broken, "heaved" up, and areas of slate. Trustee Pope asked practicality of one block (as done wth. G. Contant); P. Retan sd. more practical to do two or three in row. Mayor E. sd. when VOP replaces, notify homeowner that they will now be responsible. Disc. & prices related for pre-cast concrete curbs; concrete & granite - CHIPS money remaining - also, Capital Reserve for streets, however, CHIPS won't cover sme. VOP streets - VOP does not accomplish major job every yr. Trustee Gilmore sd. he was in favor of "wheel stops" - Mayor E. sd. VOP might as well leave blacktp. curbing. Attributes of granite curbing related - long-term - cheapest in lng. rn. P. Retan to look into obtaining specs/Bd. to let out to bid. No second/no Bd. vote on above.

Police Dept.  
Chief Henry:

Chief Henry stated that new P.D. car ordered - to arrive 7/27/88 @ a cost of \$11,828. VOP to pick up car in N.J. On prior Tuesday, Chf. sd. that entire P.D. attended seminar @ Sheriff's Dept. re Jamacians/organized crime having to do wth. drugs.



Minutes, 5/2/88--2

Details re 5/7/88 Youth Baseball Parade & Crop Wlk. disc. Assistance by Fire Police disc. - as well as frm. parents (at intersections). The Mayor asked Chief Henry to put case dispositions in his written monthly rpts. to Bd. Chf. sd. difficult as some are never disposed of citing recent vandalism of letting air out of tires throughout VOP. Trustee Wooden arrived @ 7:55 p.m.

W&WW - Supt.H. Kruger:

Supt. H. Kruger, having been on two-wk. vacation, sd. that the Mayor knew of happenings in W&WW Dpt. Disc. on vacation carry-over - Mayor sd. Memo sent to employees to notify Bd. of their remaining days - Bd. must receive by 5/16/88 mtg. Trustee Pope questioned why employees' days weren't used.

Exec.Sess.:

At 8:02 p.m. Mayor Elliott moved that the Bd. exercise Exec.Sess. for matters of personnel - sd. session to include the Bd., Atty. & Clk. Trustee Gilmore seconded; voting "aye" were Mayor Elliott and Trustees Gilmore, Pope & Wooden. Voting "nay" was Trustee Frontuto. Carried by majority.

Re-Convene:

At 8:20 p.m. Trustee Frontuto moved that the Bd. emerge frm. Exec. Sess.; Trustee Gilmore seconded. Voting "aye" were Trustees Frontuto, Gilmore, Pope and Wooden, and Mayor Elliott. Carried.

M/M Bettin-  
ger:

M/M Joe Bettinger, 112 Mill St., approached the Bd. presenting a petition containing 50 names of neighborhood residents regarding their appeal to ZBA & variance granted to Pal-Oil's construction of business property @ corner of Mill/E. Main Sts. He obtained sd. signatures to encourage the Bd. to enforce the zoning specifying section of VOP Code. He reiterated original variance, setbk., etc. and no problem wld. exist if block wall erected, however, Pal-Oil installed stockade fence. Trustee Wooden sd. that Pal-Oil had been notified of the need to "iron out" @ ZBA Hrng. on 5/10/88. Atty. Nesbitt spke. of tanks - asked S. Vanderbrook of Newark about venting of tanks/proximity of lot lines.

Trustee Frontuto stated that she took exception to Mr. Bettinger's letter in which he stated that ..... "the Bd. has chosen to ignore this violation of local law for unexplained reasons..." - she had not been contacted, she said.....didn't think Mr. B. being fair to VB. Atty. Nesbitt spke. of VB's role (no authority re variance), Bldg. Inspector's position and the appeal process...appeal process ran its course...if he (Bldg. Inspec.) felt he made an error, he cld. revoke a permit....advised Mr. B. to wait for ZBA to make a decision, referring to prior appeal regarding Mrs. Donna McPike/Fayette St. prop. Pal-Oil deserves to be heard on the issue. Trustee Wooden sd. that he was new coming into middle, however, Minutes do mention stockade fence - portions of Minutes unclear.... let ZBA correct its error or what they feel their motion was. Mr. B. sd. agreement mde. - block wall, not stockade fence. Atty. Nesbitt told Mr. B. that he was arguing to wrong Bd....one that ZBA rules...up to VB to enforce...ZBA the one that counts. Re petition presented by Mr. Bettinger, Mayor Elliott moved that VB refer same to ZBA; Trustee Frontuto seconded. Voting "aye" were Mayor Elliott and Trustees Frontuto, Gilmore, Pope and Wooden. Carried.



Minutes, 5/2/88--3

ARC - Pine  
Tree Park:

Mr. Chris Karstens, ARC Director & Atty. Anthony Villani approached the Bd. regarding the pending sale of "Pine Tree Park" on Canal St. to WC ARC for mentally handicapped persons - Atty. Villani sd. that organization cld. live with entire proposal wth. minor exceptions...payment in lieu of taxes...OMH different frm. OMR where this is allowed...VOP prop. appraisal, \$15,000. - ARC's appraisal around \$12,000. - cost of proposed construction, \$125,000. The Mayor sd. figure obtained frm. local builder. Atty. Nesbitt spke. of expectations when put on market...anything wld. stand out - old neighborhood. Atty. Villani sd. that payments do not begin until building built - or started....J. Nesbitt sd. to set outside date. Mr. Villani asked what wld. happen if they can't build to which J. Nesbitt sd. 'what happens if program doesn't go'...want property back. The Mayor sd. "subject to their funding"....Mr. Villani sd. they have funding to build entire project - unsure about payment in lieu of taxes ...justify \$125,000. They may use market approach to numbers - tell them open areas so that Vill. aware. Trustee Frontuto sd. that if such is the case, not acceptable. Trustee Pope req. answers before construction and was assured of sme. by Mr. Villani. J. Nesbitt sd. idea was for VOP to sell to get on tax roll....\$12,000. 'drop in bucket'. VOP uses Town Tax Rolls/Tax status day is 3/1 for Towns.

Mr. Villani spke. of completion date - this season essentially lost...schedule for '89 construction...hse. to contain 3500 - 4000 sq.ft. J. Nesbitt req. that date be set when VOP start getting money....12/89, per Mr. Villani. Disc. on approx. date VOP wld. levy taxes on prop. 10/89 established by Mr. Villani for completion ...payment wld. be completed...Mr. C. Karsten sd. OMRD person appraised prop. @ \$11,500. Mr. Villani felt an OMR project as opposed to OMH. Trustee Frontuto reiterated...agency that rendered services to the mentally retarded to those wth. psychiatric difficulties. Mr. Villani sd. giving notification that within yr. another community residence proposed...wld. Bd. rather have and was told "No." Trustee Wooden asked for clarification re clients - told by Mr. Karsten tendency to be more violent...past history.....referring to Article 21....life safety codes...population more elderly...presently run one in Sodus...totally different population, per Mr. Villani. Mr. Wooden asked about two-stories...under Article 21, one-story/10 people. Trustee Wooden asked about staffing...about the same, per Mr. Karsten spke. of staff ratios...3.2 during times when all clients in residence except for nights - one person; one person during day...Mayor Elliott sd. 'leery' of only one on night shift...re handling of emergencies, usually medical of nature - sometimes behavioral....

Reiterated that if residence to be OMRD, no payment in lieu of taxes...J. Nesbitt asked 'why' and was told by Mr. Karsten that OMRDD developed community residence...OMH needs something to offer that OMRDD hasn't...disc. on in lieu of taxes and cld. take away frm. program...reducing food budget, etc. although extreme example.... "duly diagnosed residence" touched upon by



Minutes, 5/2/88--4

Trustee Frontuto - Mr. Karsten said "No." The Mayor asked about young/chronic - blend...told by Mr. Karsten they had 'no set presentations.' Trustee Frontuto asked about "No. 5".....Mr. Villani spoke. of parroting the regulations. Mayor Elliott asked about "No. 6" - someone other than parent. Mr. Villani, again, referred to ARC's problem wth. payment in lieu of taxes & procedure(s) when buying from municipalities - provisions not mde. for same. Before departing, Mr. Villani thanked the Bd. for allowing he and Mr. Karstens to approach the Bd. on such short notice.

Trustee  
Frontuto:

C&P Dept.:

Trustee Frontuto sd. that R. Weaver, C&P Supt., unable to attend Bd. mtg. due to his independent study class at CCFL. Tree planting in Vill. Pk. - Canaltown Days' Chrman., J. Kelly informed. The Mayor spoke. of more space re Canaltown Days by virtue of moving booths back/widening aisles - by eliminating parking, more space provided. Trustee Frontuto sd. that food booths to be set up in area of skating rink (blacktop).

Student Darrin Moore's practicum finished during which time he assisted R. Weaver in C&P. She reported that Norway Spruce trees planted @ Swr. Plnt; weeding and herbicide spraying in sections of Cemetery; \$500. moved - 'debt in budget' for 1st. yr. Re funding for Pk. Bandstand, Ms. Sharon Lilla, Director WCPlng. Dept. to attend 6/20/88 VB Mtg. @ which time she will talk about program available, 50-50 basis....not necessarily money... cld. be labor, materials or other...filing deadline 8/31/88. Cannot permit Cemetery truck to be included in 5/21/88 auction - replacement wld. not be here.....also, Judge Abbott requested permission to assign six or seven Senior high schl. age students to perform community service work in Cemeter. (in-kind work). They will have to be supervised - a task R. Weaver is willing to perform wth. authorization frm. VB. Trustee Pope so moved - determination that vote unnecessary as Board agreed. Trustee Gilmore asked if VOP provides anything such as safety shoes, etc. Atty. Nesbitt felt sme. wld. be covered under Workmen's Comp. - penal law amended in WC - persons cannot sue in these areas.

Trustee  
Gilmore:

Trustee Gilmore sd. that Hwy. Supt. and himself toured Vill. Hall frm. roof to basement...roof has bad spots on west side...south end of roof in pretty good shape...have to look @ estimates. Water damaged on second floor. Clk. to check for warranty on roof when bldg. renovated. Disc. on cleaning drapes (firm called "Kay-Kay" has method by which they may be steam cleaned while hanging) per Trustee Wooden. Clk. requested to obtain est. for window washing (outside) - Vill. Hall & P&C Rms. (Mr. Moriarity).

Trustee Gilmore spoke. of repair of Scot Air Packs - two people trained....tools are at F.D. Clk. requested to check on liability ins. @ Firehall.

Trustee  
Wooden:

Trustee Wooden reported that VOP/CEO, John Mac-Guidwin, had to resign for health reasons; he moved to accept his written resignation with regrets; Trustee Frontuto seconded. Voting "aye" were Trustees Wooden, Frontuto, Pope & Gilmore

Minutes, 5/2/88--5

and Mayor Elliott. Carried. Trustee Frontuto asked about advertising for new CEO; Trustee Wooden emphasized seriousness of situation, i.e. VOP cld. use F-T CEO or P-T wth. P-T Clk. J. Youngman of Macedon interested. Clk. to check wth. other villages amts. pd. to their respective CEO's. Trustee Gilmore suggested hiring F-T and P-T Dpty. when F-T not available. Dpty. cld. be doing paperwork....wld. require working wth. the Town. Mayor Elliott suggested approaching someone who is P-T Inspec./P-T person wld. be their secretary....hire @ ten or so hrs. p.wk. Further disc.....Trustee Gilmore spke. of 'open dialogue'....Trustee Wooden sd. not worthwhile ....salary \$3885. Mr. Wooden spke. of temporary measure...hire Zng. Officer and have Bldg. Inspec. do code enforcement...Mayor Elliott asked Trustee Wooden to review applications on file frm. year ago....increase salary to make attractive, moving salary increase to \$4,000. Motion was not seconded. Clk. to ask in survey who does 'Clerk' work for other villages.....

Trustee Wooden sd. that Gary LaBerge had contacted him re parking at Community Ctr. Trustee Frontuto wld. like to review "Pager" contract.

Trustee Pope:

Trustee Pope met wth. Tn. Councilman Andrew Baran re Animal Control Officer; was told that Attys. P. Rubery & J. Nesbitt were to have worked upon contract and administering sme. Mayor Elliott asked if VOP required to have one/cld. not Town take over. Trustee Pope sd. he'd wait to see what law says.

Mayor Elliott:

The Mayor talked of three bills Town rec'd frm. VOP in amts. of \$68.52; \$154.59; and \$265.02. He stated that the Town never bills the VOP - trade-off practiced. The Mayor, then, moved that the VB be authorized to send a letter to the Town that both municipalities exchange Memo info. on hrs. for which V. Wilson/D. Matteson to retain on record, however, no money changing hands. Trustee Frontuto seconded. Voting "aye" were Mayor Elliott and Trustees Frontuto, Pope, Wooden and Gilmore. Carried.

Relevied W&S:

Mayor Elliott moved that, as of 4/30/88, amt. of \$8,948.41 represents unpaid water & sewer bills sd. amt. to be relevied on VOP taxes. Trustees Gilmore and Pope seconded. Voting "aye" were Mayor Elliott and Trustees Gilmore, Pope, Wooden and Frontuto. Carried.

Trustee Wooden asked when homeowners' W&S reviewed by W&WW Supt. The Mayor sd. once a yr. W&WW employees inform Kerry - Bd. indicated a more thorough review cld. be done.

Hopewell Assess.:

Except for City of Canandaigua, water line assessments increased re Hopewell & Gorham - Mayor E. moved that the Vill. Atty. protest sd. assessmnt. increases; Trustee Frontuto seconded. Voting "aye" were Mayor Elliott and Trustees Frontuto, Gilmore, Pope and Wooden. Carried.

New P.D. Car:

Disc. on purchase of new Police car following which the Mayor moved that the Board, by Perm. Ref., expend up to \$7,000. frm. Capital Equip.

Minutes, 5/2/88--6

& Reserve Fnd. to use toward car payment; Trustee Wooden seconded. Voting "aye" were Mayor Elliott and Trustees Wooden, Pope, Gilmore & Frontuto. Carried.

Mayor Elliott stated that he had not received response frm. WC Soil & Wtr. Conservation District re providing funds on cost share basis. No action by Bd. re rep. to attend mtgs. on sewer plant financing as specified by MM.  
No response frm. Tn., per Mayor, on his communic. to TOP re attendance @ Waste Seminar, 5/19/88 in Albany.

**Waste  
Managemnt.:**

Mayor Elliott & Atty. Nesbitt attended sd. seminar on 4/25/88 in Waterloo; the Mayor said he was encouraged with direction in which grp. headed..... looking for counties to push recycling efforts. Trustee Gilmore cited NY village (Cobleskill) which picks up all refuse/everything separated. Atty. Nesbitt sd. that he was discouraged re developments of above seminar...needs State work to open up the markets...

**Triou  
Estates:**

Trustee Frontuto moved that Bd. action on Triou Estate matters be tabled as Bd. had not had opportunity to review. Mayor Elliott sd. that Engineer D. Means had passed all utilities. Disc. on office req. to turn on wtr. main. Trustee Pope seconded tabling Triou Estates matters. The Mayor called for vote which was as follows: "Ayes" Trustees Frontuto, Gilmore, Wooden and Pope. Carried.

**WCVOA:**

WC Village Officials' Assoc. dnr.-mtg. to be held @ Marvin's on 5/18/88 hosted by Village of Macedon - Trustee Frontuto moved Bd. authorization to all from the VOP who sign up by 5/11/88 to attend. Trustee Gilmore seconded. Voting "aye" were Trustees Frontuto, Gilmore, Pope and Wooden. Carried.

**Manpower:**

Re Manpower's written req. for use of P&C Rms. on regular basis for job interviews disc. by Bd. Trustee Wooden moved that req. be denied; Trustee Frontuto seconded. Voting "aye" for its use was Mayor Elliott; voting for denial were Trustees Frontuto, Gilmore, Pope and Wooden. Motion carried for denial.

**Use of  
Lights:**

Req. frm. H.Schl. for use of miniature Christmas lts. & park benches disc. by Bd. It was pointed out that miniature lts. remain in trees; Mayor Elliott moved that req. for lts. be denied; req. for use of three park benches be granted. Trustee Frontuto seconded and added that H.Schl. cld. reciprocate when asked for 'loans'. Voting "aye" were Mayor Elliott and Trustees Frontuto, Gilmore, Wooden and Pope. Carried.

**Job Service  
Seminar:**

Clk. to poll dept. hds. re attendance @ seminar Farm Rest./Macedon the morning of 5/11/88 - buffet provided.

**Abstract  
#23:**

Trustee Pope moved that the Mayor be authorized to sign Abstract #23 - and that all vouchers be approved for payment on which appear @ least three Trustees' initials by end of mtg. Trustee Frontuto seconded. Voting "aye" were Trustees Pope, Gilmore and Frontuto and Mayor Elliott. Carried.



Minutes, 5/2/88--7

Vacation

Carry-Over:

Trustee Gilmore moved that Dpty. Clk. Elvin be permitted to carry over two vacation days/Treas. Matteson six days. Trustee Wooden seconded. Voting "aye" were Trustees Gilmore, Wooden, Pope and Frontuto and Mayor Elliott. Carried.

Spec. Bd.

Mtg.:

Mayor Elliott stated that he wld. be calling a Special Mtg. within nxt. week for Bd. to act upon dedication of utilities, etc. re Triou Estates.

6/6/88 Bd.

Meeting:

The first June meeting of VB falls on date of Annual Mayors' Conference - Bd. disc. on whether or not to cancel; the Mayor moved that if there is no quorum to cancel sme. - if a quorum, person to act as Mayor to be elected frm. among the three Trustees present (Mayor Elliott and Trustee Frontuto and Atty. Nesbitt to attend Mayors' Conf. as of this writing). Trustee Frontuto seconded. Voting "aye" were Mayor Elliott and Trustees Pope, Frontuto, Gilmore & Wooden. Carried.

PT Freund:

The matter of sale of VOP property to Freund to be handled separately frm. small parcels/Maple Ave. Bridge.

State Prop.

Purchase:

The Bd. having reviewed materials submitted by the State DOT and their purchase offer re two small parcels in area of Maple Ave. Bridge, Trustee Pope moved that the VOP declare sd. property surplus; Trustee Gilmore seconded. Voting "aye" were Trustees Pope, Gilmore, Wooden and Mayor Elliott. Carried. Trustee Pope then moved accepting purchase offer frm. State DOT in amt. of \$200.; Trustee Gilmore seconded. Disc. Trustee Pope withdrew his motion and table until nxt. VB mtg.

Interdepart.

Loans:

Trustee Gilmore reiterated his prior position re interdepartmental loaning of equipment. Mayor sd. shld. be on 50-50 basis. Determination mde., suggested by Trustee Gilmore, that VB wait until Trustee Frontuto present to receive her recorded vote (Mrs. Frontuto departed @ 11:00 p.m.).

Short disc. on Community Ctr. Contract and fuel bids. Suggestion mde. to receive current prices re informal awarding of fuel bids.

Adjournmnt.:

There being no further business to come before the Bd., @ 11:25 p.m. Trustee Pope moved that the Bd. adjourn; Trustee Gilmore seconded. Voting "aye" were Trustees Pope, Gilmore, Wooden & Mayor E.

Ethel B. Johnson, Clk.