

VILLAGE OF PALMYRA BOARD OF TRUSTEES

REGULAR MEETING

2-18-92

7:00 p.m.

PRESENT; Mayor James G. Elliott, Trustee/Deputy Mayor Daniel S. Pope III, Trustees and Daniel E. Wooden. Trustee C. D. Gilmore arrived shortly after the meeting opened. Also in attendance were Chief David M. Dalton and Superintendent of Highways, Phil Retan. Trustee Lynch came near the end of the meeting just in time for Executive Session.

CALL TO ORDER; The meeting was called to order by Mayor Elliott at 7:09 p.m.

MINUTES OF 1-20-92 AND MINUTES OF 2-3-92; A motion was made by Mayor Elliott to accept the minutes of the 1-20-92 meeting as written, seconded by Deputy Mayor Pope, vote, 3 ayes, CARRIED. Note: Trustee Gilmore was out of the room at time of vote.

A motion was made by Deputy Mayor Pope and seconded by Mayor Elliott to accept the minutes of 2-3-92 as written. Vote, 3 ayes, CARRIED. Note: Trustee Gilmore was out of the room.

REPORT FROM ANIMAL CONTROL OFFICER, KIM DIEFENDORF: The description of the Animal Control Officer was discussed to determine if all animals are covered or just dogs. The ordinance reads, dogs and all animals. Kim will begin to take in cats, however, she stated that the VOP will never recoupe its cost for cats. Kim charges \$10 for the first time with \$5 per day for boarding per dog and \$25 per dog if picked up a second time plus boarding fees. Kim requested that anyone wanting a stray cat picked up should pay something--an example given was \$5 per cat. Kim requested a small pet carrier for cats and it was unanimously agreed that she could make that decision and just purchase. Price would be about \$15.

Kim noted that she would appreciate going to any available schooling on animal control. She uses the Police Department to assist in making out paper work so that the cases are not thrown out of court by default. Judge Baynes has stated that he will also work with Kim concerning filling out the paperwork for court.

Kim stated that she has had a one (1) year evaluation from the State and that possibly she will be getting information on schooling and other information now that her name will be on the listing.

It was also noted by Kim that she cannot play favorites and that the dog situation is out of hand. Deputy Mayor Pope said that he has had a complaint about two (2) dogs on Canandaigua Street. It was noted that people not abiding by the law in force are not only breaking the Village Ordinance but the County Ordinance.

Trustee Gilmore stated that Kim Diefendorf, Animal Control Officer, is doing a good job. Deputy Mayor Pope seconded this.

The Village of Palmyra Dog Ordinance and Animal Control Local Law will be looked over and looked at on 3-16-92 a regular board meeting. Attorney Nesbitt will also contact Kim prior to this meeting.

Kim Diefendorf noted she has a citizen's complaint concerning the U-Hauls parked near the road at Russell's. Chief Dalton stated that his department would speak to the owner.

Kim would also like to thank the Palmyra Police Department for its deligent work and recovery of her radar detector.

HIGHWAY SUPERINTENDENT, PHIL RETAN REPORTS; Phil noted that the chipper that the Highway Department has is unsafe. He referred to an article concerning an accident in N.Y.C. where someone was killed using the same type of chipper that the VOP owns now. Phil asked if some of the ice storm money could be allocated to the chipper. It was noted by Deputy Mayor Pope that the money must come out of Capital Reserve. Trustee Gilmore asked about the condition of the contingency budget and Dpty Mayor Pope responded, adequate. Trustee Gilmore noted that the VOP should start looking at getting a new chipper and getting this old one to the auction in May.

Trustee Gilmore moved that the Board of Trustees of the Village of Palmyra, Wayne County, New York, adopt a resolution during this meeting of February 18, 1992, subject to a Permissive Referendum as follows:

BE IT RESOLVED that a sum up to and not to exceed **THIRTEEN THOUSAND DOLLARS (\$13,000)** shall be expended from the "Capital Reserve Fund for Machinery and Equipment, : (HR7) for the purchase of a chipper necessary for use in maintenance and up keep in the Village of Palmyra, Highway Department.

Following publication, the foregoing resolution shall be posted in six (6) conspicuous places and in accordance with Section 9-902 of Village Law, shall take effect in thirty (30) days. Publication will be done on 2-26-92.

Seconded by Dpty Mayor Pope, vote, 3 ayes, 1 nay, **CARRIED.**

It was also moved by Dpty Mayor Pope that if the Permissive Referendum does not go through then the money will come out of contingency. It was noted that safety was the prime concern.

Seconded by Trustee Gilmore, vote, 3 ayes, 1 nay, **CARRIED.**

A motion was made by Trustee Wooden not to use the old chipper. If the VOP needs to use a chipper they should borrow the Town's or stock pile brush until new chipper comes in. Seconded by Trustee Gilmore, vote, 4 ayes, **CARRIED.**

Note: A purchase order will be cut tomorrow for this chipper.

Phil Retan reported on the progress of the drainage on Prospect Drive and Fayette Street. Phil stated that the Town would be available to help with the work in the late fall, October or November, 1992. The Board will be kept informed on the progress of this.

Trustee Wooden asked Phil if he could work with Trustee Lynch on the time frames on what streets throughout the Village need new water lines. Phil noted that Canandaigua, Jackson, Cuyler all have lines that are 4" which is too small and should have 10" or 12" lines. These lines should also be copper noted Phil. It was noted that Phil Retan and Trustee Lynch would work out time limits for these jobs for budget purposes.

Question of salting the streets at the intersections only was brought up by Trustee Wooden. Phil Retan noted that the roads are freezing differently then in the past the first roads to freeze up are not the first roads to freeze up now. Phil noted that we have a reputation of having the cleanest streets in Wayne County and he would like to keep it that way. Trustee Wooden noted that for budgeting purposes this option may have to be looked at.

Trustee Gilmore brought a proposed physical plan before the Board from the NYS OSHA regarding special checks with reference to respirators and the physical conditions of the firemen when working in extremely exhausting situations when not used to it.

Mayor Elliott noted that the Town of Palmyra and the Village of Palmyra are planning to share the clean up this year. Trustee Wooden noted that he had spoken to ALPCO and they will take anything metal at no cost. This may help cut costs.

CITIZEN JIM MERRICK: Citizen Merrick came to the Board with a complaint on the recent inspection of J. Roney, C.E.O. at 312 E. Main Street. J. Roney handed out a letter that he had written to Mr. Merrick concerning the number of violations and codes that he was not conforming to. Mr. Merrick noted that the building was built in the 1800's. That the building electrical had been upgraded when it was previously a barber shop. One which was a handicapped ramp. Mr. Merrick noted that the VOP almost lost the building of the Rite Aid and the Dr's Office and stated that no one wants to come and build in Palmyra. He said that he has built in many other Villages re Fairport and Ontario County with no problem. Trustee Gilmore mentioned that no one was there to finger point, and wondered what the VB could do to legally help Mr. Merrick? Mr. Merrick recalled the promise that the VOP had made to clean out the ditches near Rt. 31 if Mr. Merrick cleaned up the front of the Professional Building and Trustee Gilmore noted that the VOP had run into a stale mate on cleaning up the ditches.

Trustee Wooden asked why J. Roney thought the building needed an electrical inspection. Mr. Roney said that he did not want someone to get an electrical shock. According to Section 701 sub. B, changes from 1 class to another re the previous use was retail C-2 changed to C-1 activities changed. All 701 sub chapter B, Art 11, states electrical requirements.

Mr. Merrick noted that J. Roney had given his tenant, Mr. T. Deagman, 1 day to get the inspection done. After which J. Roney went back and gave Mr. Deagman 1 week. Mr. Roney does not agree with this.

Mr. Merrick noted that he would put in ground fault interrupters in if necessary. Mr. Merrick asked Mr. Roney, exactly what is the problem?

Trustee Wooden noted that if the VOP requests an electrical inspection be done it will not cost the owner anything. Trustee Gilmore asked J. Roney, if the VOP requests an electrical inspection be done, will that satisfy J. Roney.

Trustee Gilmore moved to have the Village Board request the N.Y. STATE BOARD OF UNDERWRITERS to do an inspection on 312 E. Main Street, Palmyra. Depty Mayor Pope seconded, VOTE, 4 ayes, **CARRIED.**

Trustee Wooden noted that we have to come to some agreement, that we just couldn't keep driving people away. Mr. Merrick stated that it is not realized how much authority an inspector has. Trustee Wooden noted that it is how the matter is presented. Mr. Merrick noted that there are no outlets around the sink but he would put in Ground Fault Interrupters. Trustee Wooden said that the VB could make that block of 213 E. Main Street a Historical Section which would eliminate the requirements of meeting the same codes as unless the building is remodeled with a 50% change, the restrictions are more to the exterior than to the interior.

Citizen Hartnagel noted that the VOP codes need work. Trustee Wooden said that these codes are for the VOP not NYC.

MAYOR ELLIOTT REPORTS: Things are moving along on East Foster Street.

BUTLER SHOCK: Attorney Nesbitt approved the easements and they will be mailed out.

NOISE ORDINANCE: Macedon's is the same as ours. Chief Dalton and Mayor Elliott will sit down and change. They will look at car noise.

CANANDAIGUA TASK FORCE: The VB will have them come March 23, 1992, if agreeable with all parties involved. Also the public hearing and annual planning meeting will be 4-6-92.

COMPUTER UPDATE: Nothing at this time.

POLICE REPLACEMENT: Chief Dalton will bring in a candidate at the next VB meeting.

MUNICIPAL AUCTION: Materials listed by April 16, 1992 and Auction is on May 16, 1992.

SURPLUS: A motion was made by Mayor Elliott to declare (4) oak chairs, (1) Fenton, White Glass lamp, (1) oak one drawer table, two (2) caned chairs, (1) one caned arm chair surplus and advertise for sale, and sell to the highest bidder. Seconded by Dpty Mayor Pope, vote, 4 ayes, **CARRIED.**

ELECTION INSPECTORS: Mrs. Viola Walton had to resign due to a motor vehicle accident. Motion was made by Mayor Elliott to appoint Mr. Al Guerreri Alternate/Clerk for the Democratic Party. Also to authorize the Village Clerk to fill any vacancy should one occur in the inspectors. Motion seconded by Dpty Mayor Pope, vote, 4 ayes, **CARRIED.**

PARK AND CLUB ROOMS: Trustee Wooden asked if the VB should be making the decisions on who is going to have functions in the Park and Club Rooms. Mayor Elliott noted that the Village Clerk has been making the decisions. Trustee Wooden wants to know if all of the VB shouldn't be aware of the of whose using it. Mayor Elliott stated that there is a schedule than can be reviewed at anytime.

KENT STREET: No benefit to rezoning per the Planning Board who decided not to recommend rezoning. Trustee Gilmore reported that the sandwich board signs are placed on hold. Jeffery Fuel application for variance was rejected pending correction of a green strip in the back of the station.

FEE SCHEDULE: Nothing at this time.

FIRE COMPANY APPLICATIONS: Trustee Gilmore move to accept the applications of (5) applicants pending positive physical examinations by the VOP Dr. Seconded by Mayor Elliott, vote, 4 ayes, **CARRIED.**

ALTERNATE FOR PLANNING BOARD: Trustee Gilmore moved that Fred Kaempffe from 117 Liberty Street, Palmyra, be appointed as Alternate to the Planning Board, seconded by Trustee Wooden, vote, 3 ayes, 1 nay, **CARRIED.**

TRUSTEE/DEPUTY MAYOR POPE: No budget transfers at this time.

SEPARATION OF MONEY FOR SALE OF WATER OUTSIDE THE VILLAGE: Can be done but no report at this time.

ABSTRACT #19: Dpty Mayor moved to authorize the Village Treasurer to pay all invoices on which appear the initials of at least three (3) VB members. Voucher Nos. 794-848 in the amount totalling \$35,363.40.

HUMANE SOCIETY CONTRACT: No report.

MR. ELDREDGE INCREASE FOR TRAPPING A RACCOON: Trustee Pope has no objection to this increase and would Mr. Eldredge informed.

ADULT ENTERTAINMENT: Dpty Mayor Pope noted that he would like to rewrite the Macedon LL. Attorney Nesbitt noted that Macedon want

the LL to be tighter by eliminating any type of Adult Entertainment. Dpty Mayor Pope would like to change the wording from primary business to significant.

OLD CREAMERY: Trustee Gilmore noted that the Mogavero building should be removed as soon as possible. It is an eye sore. Trustee Wooden noted that there is never any money in the budget for this type of project. This type of project is expensive and we would need to budget for it. Trustee Gilmore noted his concern for someone getting hurt by being around the property. Trustee Wooden noted that there is a possibility of some other business purchasing the land. Trustee Wooden, mentioned that the plan had been made to remove the old creamery and that a stop work had been done by J. Roney. Mr. Perri was already to tear down and remove.

Mayor Elliott noted that our hands are tied for 90 days which is the length of time that the court has given Mr. Mogevero from today's date.(2-18-92).

Trustee Gilmore stated that he would like an empty lot in 90 days. Chief Dalton asked if we could force the property owner to put up a hazard fence. It was thought that this would be a fruitless effort.

TRUSTEE WOODEN: Handicap Ramp: Trustee Wooden received a quotation on the railings of \$4,000 the supplier noted that with a few alterations to design the supplier could save about \$1,000 for the VOP.

WATER CONTRACT WITH GARLOCK: Trustee Wooden spoke to Lloyd Green concerning the payments which would be reflected on the new contract. At present they are paying \$1.18 per c cu. ft. treated which would increase to \$1.25/ c cu. ft. or \$1.23 per M gallons. Contract would be on a five (5) year basis for renewal. The raw water portion of the contract would stay at \$22,000.

WATER CONTRACT ON HILL CUMORAH: Water prices would gradually go up for the three (3) years of the contract. .08 per thousand gallons. \$1.08 to \$1.16 to \$1.32.

COURT ROOM FOR THE TOWN: Trustee Wooden was informed that the contract had been approved with the stipulation of a handicap ramp being completed.

BUSINESS IMPROVEMENT DISTRICT: This will be forthcoming with a meeting at the Park and Clubs Rooms, Attorney Nesbitt suggests getting J. Hartsen from Williamson for some ideas.

TELECONFERENCE: A motion was made by Dpty Mayor Pope and Seconded by Trustee Gilmore to change the Village Board meeting from the 2nd of March 1992 to the 3rd of March 1992 to allow the Village Board to attend the Teleconference meeting on Cooperation and Consolidation of Local Governments. VOTE, 5 AYES, CARRIED.

A motion was made by Dpty Mayor Pope and seconded by Mayor Elliott that the Village Board attend the Teleconference meeting being held in areas throughout the state. Trustee Wooden, Gilmore, and Lynch showed an interest in going to Cornell and Dpty Mayor Pope and Mayor Elliott showed an interest in going to Cayuga Comm. College in Auburn. Vote, 4 ayes, CARRIED.

TRAFFIC LIGHT AT THE CORNER OF HYDE PARKWAY AND ROUTE 31: Petitions have been signed and sent to Representative, Paul Kehoe and Frank Talomie, as well as personally given to Congressman, Frank Horton. Mayor Elliott sent out a letter to the NYS DOT and the Newspapers. Also Mayor Elliott noted that Congressman Horton would contact Paul Kehoe, also.

GAS BILLING FROM JEFFERY FUEL: Chief Dalton noted that the billing is corrected. Dpty Mayor Pope noted that he has not seen a credit yet but he is expecting it.

MARINE MIDLAND PARKING LOT: Chief Dalton asked if anything had been done concerning the cars that cross the sidewalk in front of the telephone booth. Trustee Lynch noted that the trash receptacles are complete and one will go near that location on the sidewalk to discourage cars from crossing from one driveway to the other on the sidewalk. Trustee Lynch noted that if this is not successful, a curb will be the next step.

EXECUTIVE SESSION: A motion was made by Trustee Gilmore to go into executive session at 9:45 p.m. for matters of personnel seconded by Mayor Elliott, vote, 4 ayes, **CARRIED.**

A motion to come out of executive session was made by Trustee Gilmore and seconded by Dpty Mayor Pope at 9:55 p.m. vote, 4 ayes, **CARRIED.**

RESIGNATION OF MR. J. RONEY, CEO: A motion was made by Trustee Gilmore to accept the resignation of J. Roney as Village CEO with regrets and deep thanks. Further move the VB of VOP send a thank you to Mr. Roney for his dedication and years of service and hard work. Attorney Nesbitt added that it was a pleasure working with Mr. Roney and that he was precise and accurate. Trustee Gilmore noted that Mr. Roney was an extreme gentlemen. The motion was seconded by Depty Mayor Pope, vote, 5 ayes, **CARRIED.**

ADVERTISING FOR CEO: Mayor Elliott moved that the VOP advertise in the local paper for the position of Code Enforcement Officer seconded by Trustee Gilmore, vote, 5 ayes, **CARRIED.**

ADJOURNMENT: Trustee Gilmore moved to adjourn the meeting at 9:58 p.m. with Depty Mayor Pope seconding, vote, 5 ayes, **CARRIED.**

NEXT MEETING WILL BE MARCH 3, 1992, TUESDAY.

2-28-92 mtg. minutes

Respectfully submitted,



Bonnie J. Hays, Village Clerk