

Trustee Wooden sd. they cld. advertise/put up sm. sign which conforms to ord. Mrs. Glanzel spoke hypothetically & related to Mr. Belhke down the street who works wth. antiques as does she - if she gets a permit and he doesn't, she cld. turn him in. Cld. happen per Mr. Wooden. Mrs. Glanzel wanted to know how proposed new law came about - Mr. Wooden explained origin - approx. yr. ago - two businesses in R-1 area came to ZBA for zng. variance and had to be denied - wld. have been "spot zng." If approved, cld. operate & put up a sign - Mrs. Glanzel wanted to know what constitutes approval/guideline & Mr. Wooden reiterated conditions established by the Plng. Bd. - Mrs. Glanzel sd. she did not object to the \$25. fee.

Trustee Pope sd. that proposed law wld., in effect, turn all residential property in the VOP into commercial property - ultimate in spot-zng.; Mr. Wooden sd. wth. limited use. Wld. be up to ZBA, both agreed. Mr. R. Smith (who has his insurance business in barn behind residence on W. Jackson) sd. spot-zng. illegal in NYS. He cited several instances where spot-zng. cld. occur wth. proposed law - he read frm. current law - he sd. new law wld. create spot-zng. as long as permit obtained. ZBA wld. say "yes" or "no." Agreeing wth. Mr. Pope, Mr. Smith sd. wld. turn every property into potential commercial prop. If obtaining a permit and pay a "user fee," every business shld. also pay the fee. Felt he was being penalized/unfair proposal. Trustee Wooden defined "special permit" - taking prejudices frm. certain businesses and allowing others to have. He compared an antique business to a lawnmower repair business - latter cld. create problems wth. noise, traffic, etc. He reiterated taking current law making it better/more fair for everyone. Potential for commercial use in every VOP prop. - no true residential prop. exists - a label. Many home-based occupations, i.e. consultation businesses - did not exist when zng. code written....trying to update code.

Mr. R. Smith asked if his insurance operation (in bk.) a business...make phone calls...make appts. wth. clients @ their home or business, run computers...no hours. Mr. Wooden sd. it cld. be a determination by the ZBA that he is not 'a business'. Fine line, per Mr. Smith as he spoke of fairness (his ins. business - Mrs. Glanzel's antiques)...if not approached properly will be worse than now. Citing Mrs. Glanzel, he sd. she wld. have people coming to her hse. - she has inventory/product, he has none. Mrs. Hartnagel's cake-making mentioned...she is not running 'a business' - why shld. any of them be charged a fee - all paying prop. taxes. Some discussion among residents and they were requested by Trustee Gilmore to address the VB. Trustee Wooden sd. reason for going through ZBA - if a problem/complaint the CEO investigates...can cite violator - resident can go before ZBA to clarify/substantiate. Or....if operation running smoothly & acceptable to neighbors...neighbor moves & new neighbor moves in and questions operation...wth. permit frm. VOP can eliminate problem.

Mr. Belhke asked about women who babysit in their homes...separate issue, per Mr. Wooden. Plng. Bd. determined that the VOP abide by State guidelines, therefore, it was stated that sd. guidelines include babysitting (more than five children full-time). Mr.

000136

Belhke asked why fee every yr./two yrs. - renewed ea. time??? Informed by Mr. Wooden that in two years' time, VOP cld. determine compliance. Mr. Pope asked if it wld. take VOP two yrs. to determine whether or not in compliance...day after beginning not complying...cld. be revoked. Mr. Wooden sd., hopefully, fee wld. cover enforcement...CEO may need to work longer hrs. - need exists now...fee wld. cover additional wk. which wld. be generated.

Mayor sd. he wld. make an attempt to answer Mr. R. Smith's queries, having been T-I-C in chrg. of zng. @ one time....variance & spec. permits are not considered spot-zng....he spke. of creating C-4 on W. Main....initially proposed two Pal. Motors' properties, along wth. Mr. H. Contant's (in C-4) - Mr. Contant did not want to be included - cannot chng. one district classification to another parcel, two or more adjoining properties....one illegal under NYS law...considered spot-zng.

Following discussion, Trustee Wooded moved that the VB re-advertise and conduct new hearing @ 7:00 p.m., Monday, 12/17/90. Trustee Gilmore seconded (enthusiastically, he sd.). Voting on a new hearing was unanimous/carried. A citizen asked that notice be placed on newspaper frnt. page - informed by Mayor that paper has a section for "Legal Notices"; it was pointed out that wth. reporters present, notification wld., no doubt, be included in news article.

Town Tax
Rolls:

The resolution annually voted upon by the VB (adopting the Town Tax Rolls) came before the Bd. Trustee Pope moved that the VB adopt same as presented to the VB. Mayor Elliott seconded. Trustee Pope asked what VOP Assessor doing since VOP adopts Town Tax Rolls. Mayor sd. if not adopted - wth. additions/deletions, Assessor Roney wld. be required to create a whole new tax roll for VOP (assess every property). Mr. Roney's duty is to be present when the VOP holds Grievance Day (when discontented residents come to VOP to complain re their assessments - if a change in their assessments occur). If complaints are registered re assessments, Mr. Roney refers them to the TOP Assessor. Trustee Pope spke. of differentiation of time for TOP/VOP - 1/1/91 & 3/1/91. Trustee Wooden sd. it had been his impression that he was adjusting tax rolls. Discussion.

Trustee Pope spke. of assessments of sub-division (Dar-Lind Lane) & differentiation between TOP/VOP. Mr. J. Roney did orig. assessments (was TOP/VOP Assessor @ the time). Town Assessor raised assessments. VOP year ahead of TOP's new roll - VOP's were lower, where discrepancy lies, per Mayor. Trustee Wooden sd. he thought reason for VOP to retain an Assessor - VOP wld. have sme. control. Mayor sd. his understanding that the only means for VOP to have control wld. be for Assessor to perform total assessment - wk. involved...drawings, complete description, etc. for ea. property. Records (copies) were brt. to VOP for J. Roney's use. Time-frame asked by Trustee Pope - unknown but check to be mde. wth. Atty. upon his arrival. Trustee Pope withdrew his motion re adoption of Town Tax Rolls until clarification by Vill. Atty.

Creeks: The CEO having recommended to the VB that the matter of the clogged creeks which run through the VOP needed attention, the Bd. discussed - although the property owner's responsibility, the Bd. acknowledged that some wld./some wldn't attend to. Trustee Gilmore spke. of former Vill. Atty.'s ruling, i.e. creeks are responsibility of property owners. Trustee Pope posed the question of the VOP's 'legal right' to infringe on properties of residents. Trustee Wooden asked about creating a drainage district, Village-wide. Trustee Lynch asked why cld. not the VOP utilize the Shock Incarc. Camp @ Butler for sd. wk. The Mayor spke. of 'natural waterway' - had researched wth. former Mayor why cld. not VOP write prop. owners whose land(s) border creek. Atty. Nesbitt sd. that 'nice' letters cld. be written and request action. Trustee Wooden spke. of existing problem @ Carriage Stop Rest. & how it backs up wth. debris. Trustee Gilmore stated that the culvert had been "ovaled" when heavy equip. ran over it, therefore, water flow slows down, especially wth. debris in it. Shld. be dug up and left open, per Trustee Wooden, who wondered whose permission they had to cover up. Upon Vill. Atty.'s arrival, VB to ask how to proceed.

Abstract**#12:**

Trustee Gilmore moved that the Treas. be authorized to pay **Voucher Nos. 573-612** in the amt. of **\$33,066.99** on which appear the initials of @ least three (3) VB members; Trustee Pope seconded. Voting was unanimous. Carried.

Misc.:

Mayor sd. there was nothing new to rpt. re Cable T.V. - in addition, nothing to report on handicapped ramp; annexation - Mayor sd. in hands of Vill. Atty.; no word frm. Mr. N. Gerber re Swiss Chalet; no VB ruling re employees' "comp" time; E. Foster drainage - Mayor sd. he wld. get easements frm. Vill. Atty. & contact M/M Wm. Clark. The legal instrument cld. be intimidating - perhaps easement cld. be modified. Mr. R. VanHout had comments re the drainage ditch, none of which had not been related to the VB during prior mtgs. Mr. R. Lape, who is directly affected by the drainage problem, was not present.

Donegan's Contract:

Having been tabled during 11/5/90 VB Mtg., Trustee Pope moved that the Mayor be authorized to execute Donegan Assoc. Contract in the amt. of **\$4700.**, plus out-of-pocket expenses, for budget preparation, fiscal yr. 1991-92; Trustee Wooden seconded. Voting "aye" were Trustees Pope, Wooden, Gilmore & Lynch & Mayor Elliott. Carried.

Telephone Log:

The VB discussed a "telephone log" for distribution to all dpts./employees on which to record long distance calls, drafts having been prepared by Trustee Wooden & Mayor Elliott. This measure being taken so that the VOP can have a better 'handle' on calls mde. frm./by VOP.

Congrats. P. Chief:

Trustee Gilmore suggested/Mayor moved that the VB officially congratulate Chief Dalton and the recent birth of a son; Trustee Gilmore seconded. Voting was unanimously in favor/carried.

Town Tax Rolls:

Atty. John Nesbitt having arrived, he was asked by the Mayor the impact/deadline re the VOP adopting the Town Tax Rolls (done annually); if VOP opts out as an assessing unit, passing entire responsibility to the

000138

TOP - and the duties of the Village Assessor except for conducting Grievance Day. Atty. did not know of difference/advantage and spoke of the cost....VOP wld. be accepting - taking someone else's word. Mayor pointed out the duty of the VB during Grievance Day. Trustee Pope sd. that there cld. be different assessments on properties in the VOP/TOP. Discussion on various phases - no action by the VOP. Atty. Nesbitt will review prior to nxt. mtg.

Creeks:

Atty. Nesbitt was asked about the creeks - and did not the VOP have the authority, if necessary, to clean out creek areas. Atty. Nesbitt sd. VOP has no inherent rights to enter private property whether a creek or not - VOP may secure right by condemning the property outright or an easement - or property owner may voluntarily convey an easement (because a creek exists on property does not mean VOP can proceed wth. work). VOP can form type of "benefit assessment area" where VOP says adjacent property owners must clean up creeks (same as fixing up sidewalks). Mayor sd. he offered to write ltr. signed by Mayor or CEO - notify them of blockage or partial blockage & request them to clean so that creek will have proper flow. Cannot disrupt natural flow, per Atty. Nesbitt. Trustee Wooden sd. possible that bigger problem cld. occur if not done properly (Atty. Nesbitt spoke of 'swiss cheese' effect), adding possibility of requiring easements throughout the VOP...didn't feel that anyone wld. object -- financial issue if VOP does it. Cld. declare the VOP a drainage district - called an 'improvement area,' according to Atty. Nesbitt. Determination mde. for Mayor to write ltr. - nxt. summer get Butler Shock Treatment persons to do work. Trustee Wooden sd. 'water down' now, wld. be a good time. May obtain workers frm. Butler during winter.

Dog

Problem:

Mrs. B. Anthony & Mrs. E. Hartnagel, both of whom live on Stafford St., spoke of problem of barking dog. Neighbors now have third dog in short period of time (also, seems to be animal abuse). Chief Dalton mde. suggestions & Dog Warden R. East's phone no. given by Clk. (Mr. East was not listed in current phone bk.).

Waiver:

Short discussion re waiver for Times Rptr., Mrs. Elaine Hartnagel, to ride wth. P.D. re covering VOP for Times. Mrs. H. sd. it may not be she but someone else. Atty. Nesbitt to review waiver.

Exec.

Sess.:

At 9:30 p.m. Mayor Elliott moved that the VB exercise Exec. Sess. for personnel & legal matters - those to be present, the VB, Vill. Atty., Police Chf. Dalton & Mr. S. Smith, Union Rep. Trustee Pope seconded. Voting "aye" was unanimous by the VB/carried.

Reconvene:

At 10:49 Trustee Pope moved that the VB emerge frm. Exec. Sess.; Trustee Wooden seconded. The VB unanimously voted "aye"/carried.

Sergeant's

Wages:

Mayor Elliott moved that the VOP send a counter-proposal for P.D. Sergeant's wages to CSEA (Union) as follows: **Provisional, \$12.92; Probationary, \$13.12; and Job Rate, \$13.30.** Trustee Pope seconded. The VB unanimously voted "aye"/carried.

Creation/

HEO:

Trustee Pope moved that the VOP send a request to the WC Civil Service Bureau to create one (1) new Heavy Equipment Operator position in the VOP (Hwy. Dept.).

Trustee Lynch seconded. The VB unanimously voted "aye"/carried. 881000

Adjournment:

At 10:52 p.m. Trustee Pope moved adjournment; Trustee Lynch seconded. The VB unanimously voted "aye"/carried.

Ethel B. Johnson, Clerk

BOARD OF TRUSTEES
12/3/90

Regular

7:00 p.m.

Present:

James G. Elliott, Mayor; Trustees Charles D. Gilmore, Daniel E. Wooden & Thomas N. Lynch. Absent: Trustee Daniel S. Pope III & Village Atty., John B. Nesbitt.

Call to

Order:

The Mayor called the meeting to order @ 7:05 p.m.

Minutes

11/19/90:

Due to late distribution of the 11/19/90 VB Mtg. Minutes, the VB had not had the opportunity to review and a motion was made by Mayor Elliott to table sme.; Trustee Wooden seconded. Voting "aye" were Mayor Elliott & Trustees Wooden & Lynch. Carried. (Trustee Gilmore had not arrived as yet).

Committee Reports

Trustee

Lynch:

Trustee Lynch spke. of assistance by a resident in obtaining white Christmas lts. for Main St. trees (her ability to obtain for the VOP at a discount frm. the store where she works - for which the VOP paid). The resident being present, Mr. Lynch was able to thank her personally. In this manner, the VOP was able to purchase more lts. for less cost.

Trustee Lynch thanked those involved who assisted wth. the successful VOP/Jaycee Christmas Party Sun. afternoon and Santa Claus' arrival via fire truck.

Toy

Library:

Trustee Lynch informed the VB that Jaycee member, Mr. Gary Jones and his daughter had requested use of the P&C Rms./G. Scout side (possibly Saturday mornings) for use as a weekly 4-hr. "Toy Library" - toy donations wld. come frm. area residents (supporting literature provided Mr. Lynch re origin, purpose/goals, etc.).

Time

Capsule:

Trustee Lynch spke. of the VOP's "Time Capsule" buried in 1976 and that no marker had been placed; the C&P Supt., R. Weaver, checking marker prices - @ one time money was available (somewhere) for same (capsule buried 12' north, 7' east of fence).

Holiday

Decora.:

Trustee Lynch reported that the C&P & Hwy. Depts. worked together very well re placement of Holiday decorations and that he wld. be writing thank-you's to the employees involved.

Watershed:

Trustee Wooden spke. of his attendance, along wth. W&WW Supt., H. Kruger, @ a Watershed meeting in Canandaigua and the villages - Rushville, Newark & Palmyra & City of Canandaigua - who have total responsibility for what occurs 'around' Canandaigua Lake. He submitted, for VB review, a draft resolution authorizing WC Water Authority to participate in future planning for water supply and transmission - and an "Agreement for Services" between the Ontario Cty. Soil & Wtr. Conservation District and members os the Canandaigua Lake Watershed Commission.

000140

Other municipalities verbally agreed 'a good idea' Trustee Wooden sd. The foregoing documents to be submitted to the Vill. Atty. (who was absent) for his review and recommendation to the VB.

CEO J.
Roney:

Trustee Wooden stated that the VOP's CEO had wanted to address the VB, however, he had previous commitment; Mr. Roney hoped to attend latter pt. of VB mtg.

Plng. &
Zng.:

Trustee Lynch asked for the consideration, if vacancy or when one occurs on Zng./Plng. Bds., of Mr. Richard DeVogalere of Hansen St. He has shown an interest and in the past submitted a letter.

Proposed
Landfill:

Mayor Elliott sd. that ltr. rec'd frm. Ms. Nancy Crowley, Sec'y - Macedon Solid Waste Advisory Committee - informing the VOP of scheduled mtgs. (Mayor & TOP Supervisor, Mr. Ed. Wheeler to attend mtg. on 12/4/90 @ Macedon Elem. Schl.). In addition, he sd., ltr. rec'd frm. TOM Supervisor, Mr. Stuart Carlson, regarding the subject matter.

VB Audit:

Mayor had distributed reports frm. VOP Treas., asking that the VB review prior to nxt. VB mtg. He added that budget transfers wld. be forthcoming.

State Aid:

Mayor Elliott spke. of a ltr. update frm. the State regarding State Aid - and his communications to State Legislators, WC village mayors (encouraging them to write to Legislators). Wth. State Aid cuts, he sd., the VOP wld. be 'dipping' into contingency. Trustee Gilmore sd. nowhere to cut in budget, VOP may be forced to cut services and VB's reluctance to do so. Mayor sd. that State has refused to give villages, etc. revenue resource(s) - and he touched upon CHIPS money.

VOP Sts.:

Trustee Gilmore reiterated (frm. past VB mtgs.) street conditions in the VOP and attempt to be mde. to repair 'worst' ones first; present plans are to pave one (1) street per yr.

Drainage
Ditch:

Discussion on the drainage ditch, E. Foster St. Mayor Elliott sd. he wld. be visiting M/M Wm. Clark (re their concerns and prior reluctance to sign an easement as prepared by the Vill. Atty.) on following Wed. Their concerns included a permanent easement and 'silting in' occurring. Mr. R. VanHout asked why cld. the ditch not run in back of Wizeman's along hedge row. Trustee Lynch asked about storm sewer on Johnson.

Christmas
Party:

Mayor Elliott commended Trustee Lynch for the successful Christmas Party on prior Sun., 12/2/90, in P&C Rms./Vill. Pk. Trustee Gilmore felt it called for a VB resolution and so moved that Trustee Lynch, the Vill. Clk., Dpty. Clk., Vince Craft, Paul Kukuvka, the Fire Dept., Pal-Mac Jaycees - and other individuals directly involved - be thanked for their efforts in preparing for the Christmas happening. Mayor Elliott seconded. Voting "aye" was unanimous/carried.

Snow-
plowing:

Trustee Gilmore apologized publicly for inability of Hwy. to snowplow efficiently during bad snowstorm during day (many calls rec'd); roads were 'bad' everywhere - two (2) Hwy. trucks were out of commission, he sd., but one repaired before day's end.