

VILLAGE OF PALMYRA BOARD OF TRUSTEES

Regular Meeting

8/7/91

7:00 p.m.

Present: James G. Elliott, Mayor; Trustees Charles D. Gilmore, and Thomas N. Lynch; Trustee Daniel S. Pope III arrived @ 7:20 p.m.; Trustee Daniel E. Wooden arrived @ 7:35 p.m.; Village Atty., John B. Nesbitt arrived @ approx. 7:45 p.m.

Call to Order:

Mayor Elliott called the meeting to order @ 7:08 p.m., following which he requested that the Board observe a Moment of Silence in memory of Mr. John Aiken who passed away previous week. Mayor Elliott pointed out that Mr. Aiken had been Manager of the local Agway store on E. Main St.

Minutes

6/17/91:

Mayor moved approval as written of the 6/17/91 VB meeting Minutes; Trustee Lynch seconded. Voting "aye" were Mayor Elliott & Trustees Gilmore & Lynch. Carried.

Minutes

6/24/91:

Trustee Gilmore moved approval with deletion on Pg. 1 of 6/24/91 Special Meeting Minutes (re Medical facility on W. Main St.) in which it was inaccurately stated that the CEO had requested a meeting; Mayor Elliott & Trustee Lynch seconded. Voting was unanimously in favor/carried.

Minutes

7/1/91:

Mayor Elliott moved approval as written of the 7/1/91 VB Mtg. Minutes; Trustee Gilmore seconded. Voting was unanimously in favor/carried.

Minutes

7/5/91:

Mayor Elliott moved approval of Minutes of Special Mtg. (re "Legal Matters") @ 4 p.m., 7/5/91; Trustee Gilmore seconded. Voting "aye" were Mayor Elliott & Trustees Gilmore & Lynch. Carried.

Minutes

7/15/91:

Re the VB Mtg. Minutes of 7/15/91 concerning prohibited parking for the Fair (Pg. 4), they should reflect no parking on "W. Charlotte" rather than "E. Charlotte". Parking prohibited for detour route "E. Jackson to Canandaigua & Hyde Parkway - full length." With the aforementioned changes, Mayor Elliott moved Minutes approval; Trustees Lynch and Pope seconded. Voting "aye" were Mayor Elliott & Trustees Gilmore, Lynch & Pope. Carried.

Minutes

7/18/91:

Trustee Pope only VB member present to conduct a Union negotiation mtg., therefore, no mtg. held.

Committee Reports

Trustee

Lynch:

Trustee Lynch reported that C&P crew completed paint-on trim of P&C Rms. - a project which began in Spring. Presently painting entire Bandstand; to obtain estimates re pointing and sealing of P&C brick bldg. Mayor recommended using soft cement - if new mortar used will damage brick. Trustee Lynch asked VB about restitution re vandalism to Cemetery (inquiry made by WC Probation Dept.). Supt. has estimates re labor (\$465.); VB tentatively agreed to request same (please refer to section on "Cemetery" later in Minutes for VB vote). Mrs. DeNeef questioned the VB about certain graves on which two crosses were placed - crosses gone. Also, she mentioned a stone on which small lambs were loose. Trustee Lynch to look into matter. The VB acknowledged having received a letter of apology re damage done in Cemetery from one of the young men involved - Clayton Pentycote.

Trustee Gilmore recommended asking VOP Atty. re legalities of restitution/Cemetery damage, therefore, Trustee Lynch did not motion.

Re the Highway Dept., chip sealing done on Vienna St., some 'sweeping' needed; Highway Dept. working on sidewalks as time permits. Attempt to be made to complete carry-over requests - corner Walker/Fayette, corner Spring/Fayette. Slate sidewalks to be replaced (area of elem. schl. bad - estimate \$2100.). VB emphasized safety factor re area of elem. schl. Mrs. E. Hartnagel sd. some sections on Hyde Parkway totally gone. Money exists in budget, per Trustee Lynch. Mr. Lynch sd. Highway Supt. to be on vacation frm. 8/12-16/91 - Working Foreman Gerry Kachel to be in charge.

Drainage - Fayette St.:

Trustee Lynch led a VB discussion on the drainage problem/Fayette St. Mayor said Mr. R. Reinwald informed him situation much better during last, big storm. Mr. Lynch did not recommend taking 'temporary' measures - would like to see culvert replacement. Mayor said he called Marine Midland re costs....suggestion mde. of BAN borrowing (% depends on day of borrowing)...'regular' borrowing a high percentage of interest charged....if VOP borrows (from itself), must be paid back in same fiscal yr.

Trustee Wooden having arrived asked if culvert caving in or filled with silt...perhaps dredge out for now ...put money away next yr. Water problem solved/creek problem isn't. Trustee sd. road had been caving in...Mr. Lynch, having contacted Donegan's, said they had asked why borrow....VOP has money in Highway Reserve...what money is for....VOP wld. not, then, pay any interest...discussion on amt. in Reserve Fund (Mayor read from current budget, \$77,840. for "Street Rehabilitation"/projected '91-'92 income of \$9,670. - no appropriations out...end of year said Fund should contain \$87,510. - feasible, said the Mayor to do). Mr. Lynch suggested doing nothing until after detours re upcoming events. Complications of area detours pointed out by Police Chief Dalton.

Following discussion, Trustee Lynch moved that the VOP request Engineer to draw up specs for a new culvert under Prospect Dr.; Trustee Pope seconded. Mr. Lynch spoke of some problems in area, i.e. road too high/sidewalks too low....perhaps check into cost of having street milled down....or put in new sidewalks and raise up few inches...Mr. Wooden said sidewalk should be as high as the curb...re DePews, former owner had bulldozed driveway and never finished...goes into Meehs' yard...Mr. Lynch spoke of DePews/Meehs' running private drainage system into the VOP's....Mr. Lynch to pursue. Mayor said it would be wise to look into, however, accomplish as separate entities. VB agreed. Mayor called for a vote which was unanimous. Carried.

Mrs. M. DeNeef asked about end of Sewer Bond Issue and Mayor explained. Mrs. DeNeef also said "ditching" needed in area of Lehman farm (south side).

Trustee Gilmore -

F.D. Apps.: Trustee Gilmore moved VB acceptance of the following F.D. applications, upon successful completion of physical examinations by the Village physician: Mr. Todd Goddard, 109 Church St., and Mr. Kurt Scribner, 516 W. Main St. Mayor Elliott seconded. Voting "aye" were Trustees Gilmore, Lynch & Pope & Mayor Elliott. Carried.

Trustee Pope -

Trustee Pope spoke of having attended Canaltown Days Mtg. and asked Chief Dalton if P.D. aware that reliance re traffic control, etc. to be solely by local Police for 9/13/91 (Fri. night street dance, etc.). Chief Dalton spoke of VOP/P.D. limitations re number of staff. It was stated that street closing (Main St., between Cuyler/Canandaigua Sts.) frm. 7-10:30 or 11 p.m.). Chief Dalton sd. he had been informed that assistance wld. be forthcoming from WC Sheriff's Dept. after all....State Police already committed. Trustee Pope said request mde. for 'some' traffic control @ Hyde Parkway/Route #31 following activities @ high school Sat. night....Parade begins @ 4 p.m. Short discussion held re exit road in back of Village Park. Trustee Lynch said he had hoped to get area surveyed - some work done in 1990 and will see what can be done for Canaltown Days in '91. If done, will take some 'settling'.

Trustee Wooden -

Trustee Wooden acknowledged request from Mrs. Jackie Germanow for mulch for Library; Trustee Lynch & Hwy. Supt. said some available.

Trustee Wooden spoke of status of Town/VOP Water & Community Contracts (in hands of Village Atty.). It was stated that Mr. Nesbitt had approved Comm. Ctr. Cont. - Mayor 'hand delivered' to Town.

Mr. Wooden stated that the high school had requested assistance (labor) from Town/VOP re proposed projects....question of legalities raised by Town Hwy. Supt. Referral to VOP Atty. to be made. Minor work previously done @ H.S. No opposition frm. VB.

Money available for merchants' facade renovations, according to Mr. Wooden who attended recent mtg. in Ithaca - "Main St. U.S.A." sponsored by NYCOM....work on same to begin as soon as applications arrive. Another project with which Mr. Wooden said he needed advice from Atty. Nesbitt is a bid re "Business Improvement District." Private organization to start - VOP must accept.

"Dog Warden" vs. "Animal Control Officer" -

Chief Dalton asked Trustee-in-Charge, Mr. Pope, why VOP's "Dog Warden" not also acting in capacity of Animal Control Officer as exists in the Town. Mr. Pope explained - Chief Dalton recommended embracing category of title "Animal Control Officer." VB to look into....Mayor felt "Dog Warden" just a carry-over (old habit).

Health Officer:

Mayor informed the VB that a letter frm. the State revealed that the VOP now need not appoint a doctor as "Health Officer," however, must be knowledgeable of State Code...cannot do anything that takes medical authority unless a doctor....still need a doctor for some things re health issues...Mayor said @ one time the Town Board acted in capacity of "Health Officer" - occurs in few other areas. (Dr. Tillman Farley recently appointed to a four-yr. term.)

Auditor's Report:

Mayor said report received from State Comptroller's Office in Albany re Audit Report for period of 6/1/87 - 5/31/90. Legal Notice published as required. Document may be reviewed in Office.

Canal Corridor -

Mayor said he had received communication frm. WC Planning Bd. re the "Canal Corridor" - they recom-

mended that every municipality form an Advisory Bd. for 'Canal Development/Preservation,' etc. Also enclosed map showing political boundaries re Town/VOP showing boundary being the TOP....WC would like one joint committee frm. TOP/VOP....suggested members of the Plng. Bd., business people. Mayor spoke with Town Supervisor, Ed. Wheeler who said he would form a committee of six people....Mr. Frank Koeberle, Chrmn. of TOP Plng. Bd. - Mayor Elliott said he asked Mrs. Marcia Robbins, VOP Plng. Bd. Chairman - she readily accepted...Mayor said he also called Mr. John VanParys, Pres. of CofC., for his recommendation (of a business person). WC looking to plan development all along the Canal.....parkland, residential & commercial...a plan which would run length of the Canal. Had been discussed for years, now doing something about it...Trustee Wooden said, in part, change frm. Dept. of Transp. to Dept. of Parks & Recreation. Once change mde., will sell/lease subject land...WC wants to have control...Mayor said to be offered to municipality first if declared surplus. VB felt a positive move.

Sr. Citizen Flu Clinic -

Mayor Elliott moved that the VB approve a Senior Citizens' Flu Clinic to be conducted by Cty. from 1-3 p.m. on 10/17/91 in the P&C Rms. Trustee Lynch seconded. Voting was unanimously (4 "aye" votes); Trustee Pope was out of room during voting. Carried.

Retirement Incentive:

Mayor Elliott spoke of Retirement Program offered by NYS...he heard of 'via the grapevine' and upon calling Albany was informed that the package had not been sent to the VOP due to no listing of a 'Personnel Director.' He explained the program as follows - three current employees eligible, J. Campbell, H. Kruger & E. Johnson...formula is that said employees could earn up to three yrs. service credit in retirement giving employees a larger pension; VOP wld. have to pay, over course of five yrs., a set amount of employees' final average salaries in order to cover cost....if all elected to retire, VOP's payment would be \$9200. per yr. for five yrs. - State said VOP cld. make up by hiring someone for less money per yr. Trustee Wooden questioned if not one yr. when there wld. be no cost and informed "no" by the Mayor.

VOP would only pay for employees who retired under said plan (if all three employees retire)...VB must adopt by Local Law (not by resolution as is usual). Trustee Pope said offered by State budget cuts (need to cut staff)...also, if VOP needs to give employees incentive to retire, makes sense to do so....pension wld. change @ 5-yr. increments of all three, per Mayor....all would benefit....VOP cld. fill jobs with different pay scale to make it up...Mayor related procedure Lyons is following...Trustee Wooden said his understanding that Pal-Mac School District to adopt plan...Trustee Pope asked about 'formula' for ea. employee...Mayor said he was told to take total salary (for the three subjects)...take 12%...if they retire in 'window period' - by 12/31/91.

Mayor said VB must adopt enabling legislation by Fri., 8/16/91....VOP must have a 'window' for said subjects to retire....no less than 30 days...no more than 90 days...must be retired by 12/31/91. Trustee Gilmore asked Atty. Nesbitt about other municipalities and informed that not many...Town of Williamson looked into & declined...as did Macedon...Atty. Nesbitt spke. of 'cost savings' not effective...potential savings in school system. VB

determined to discuss in Exec. Sess. for possible VB action.

Town Hwy.

3 & 4:

VB discussion/explanation of Town Hwy. Items 3 & 4 and whether or not the VOP would request exemption. Mayor Elliott then moved that the VOP request same frm. TOP; Trustee Pope seconded. Trustee Lynch said it was not clear to him the exemptions and Mayor asked Mr. Roney go explain.

Mr. J. Roney gave example, i.e. function of Assessor; Assessor functions inside/outside of VOP...charge all expenses of assessment to both TOP/VOP - combined portion of budget...second portion charged to outside - expenses related to planning & zoning...TOP takes option to charge certain highway expenses to the combined budget on theory that VOP people use Town highways...therefore, should pay for snow removal...VOP cannot get reimbursed for Town residents using Village highways....

The Mayor, then, called for a vote - Voting "aye" were Mayor Elliott & Trustees Pope, Wooden & Lynch. Trustee Gilmore voted "nay," stating that it was his feeling that the VOP should strive to work together with the TOP...look ahead, he said. He spoke of combined efforts re rubbish pickup. Carried by majority.

Court Office/Courtroom Contract With Town:

VB discussion on Court Office/Courtroom space rented to the TOP (currently \$165. p.m.); VB agreed that increase shld. be requested and the Town Bd. so notified to anticipate a 'significant' increase that more approximates cost to VOP (to more accurately reflect true court costs, per Mayor)...regularity of office & Ctrm. use discussed. Contract to be prepared and presented to the TOP.

Abstract #5:

Trustee Pope moved that the Treas. be authorized to pay Voucher Nos. 155 & 156 in amt. of \$949.99; Voucher No. 157 in amt. of \$245.; and Voucher Nos. 158 - 215 in amt. of \$38,510.24 on which appear the initials of at least three VB members; Trustee Gilmore seconded. Voting was unanimous by the VB/ carried.

E. Foster St. re Drainage -

Mayor said that Mr. S. Venturino dredging pond deeper ...putting in more fill which makes more of an obstruction...talked to residents who want to 'walk' the area with VB...behooves VB he said to get an engineer...Mayor reflected when he and Trustee Gilmore walked in the area, found one drainage ditch a ways down where there's a hedgerow (east)...one about which residents speak is much closer and of which he (Mayor) was unaware...used to carry water... contains overflow frm. pond (P. Retan said it was the one which VOP was going to drain out)...Mayor & Trustee Lynch said it was not....Mr. Venturino says his overflow frm. pond slopes down - then pipe which comes up in air and flows out of pipe (just a 'trickle' of water comes out)...Mayor said he told him that it was no way to drain a pond...could be part of problem...water can't run into pond to drain land around it...Trustees Gilmore & Lynch said that the pond 'appears' to be above the surrounding property....if drain in right, pond would drain into surrounding property, per Mayor...if drainpipe installed properly (just sloping downward), it wld. drain...the Mayor went on to explain that everytime

it hits the pipe it will drain out....need head pressure to force water out of standpipe...elbow will fill up....further discussion and VB agreed on calling in an engineer.

Mr. R. VanHout asked how Mr. Venturino could obtain permit to build house until drainage problem solved? Ditch in back of Mrs. Lape - 10-15 loads of fill in there and filling rest of ditch in. Mayor said in township....pond sits in the Town...VB to rely on engineer's report...first step...Atty. Nesbitt said that if injunction procedure begun, engineer's report vital. Trustee Pope said VB shld. authorize Vill. Atty. to obtain injunction if, in fact, engineer's report reveals construction is causing the drainage problem on VOP property. Trustee Pope so moved; Mayor seconded. Voting was unanimously in favor/ carried. Atty. Nesbitt said that the Town should be requested to provide any records regarding the Venturino property. Trustee Wooden asked several questions re bldg. applic. approval and informed by CEO Roney that he had a statement from the architect that it was "o.k." - that property has proper foundation on it...fill was in when he mde. inspection.

Mayor said VOP ordinance should be changed...that no lot can be divided from its present form without approval...cannot sub-divide a lot without Plng. Bd. approval. Mr. Roney said same as lot where Mr. Lehman owned (W. Foster)...no problem as it meets lot size requirements...discussion on changing drainage patterns...natural law. Atty. Nesbitt said a matter of whether construction of the pond has halted the natural flow of drainage in the area. Mr. VanHout said a ditch ran from Shaffer's down along the property...went back in and around the pond....it was completely filled in...(instead of tiling or whatever)...ditch which drained Mrs. Lape's property and the western end of his (Mr. VH's) property....violations there...forcing water back on other people... Trustee Wooden spoke of 'natural drainage'....VOP issued permit....why can't he be stopped from bldg. there...Mr. Roney reiterated that upon inspection, no sign of a drainage ditch....Mr. VH went on to explain a small ditch to the west of Mrs. Lape...went off toward Clarks - no longer exists. Complaint of Mrs. McGuire of her basement flooding which did not flood before....Trustee Lynch asked if ditch could be dug around where he is and told by Mr. VH that it could be opened back up @ property line....he said Mr. V. did not want to lose his beach. Atty. Nesbitt said everyone speculating....wait for engineer before taking any action...progress on house Mr. V. building for his parents mentioned...

Discussion on VOP pumping station on Mr. VH's property...tax maps do not show an easement. Atty. Nesbitt will research in Lyons...should have been an easement when property annexed, etc. in 1975.

P.D. Rules and Regulations -

Mayor Elliott moved that the P.D. Rules & Regs, as written by Chief Dalton and submitted to the VB for review, be approved as written; Trustee Pope seconded-discussion. Trustee Wooden requested several changes; he asked about first page which contained "Law Enforcement," "Code of Ethics," etc. Chief Dalton sd. he had patterned it after portions of Village of Newark's; Mr. Wooden questioned "Definitions & Glossary" on Pg. 5....re dismissal (act of dispensing with or terminating service of member or employee... wld. it be appropriate to add..."by the VB"....)... Chief Dalton said 'your' Rules & Regs....defines the

term....Trustee Lynch asked if would not the Rules & Regs. become a part of "Village Policy." The Chief said that the VB could make changes @ any time. Trustee Wooden did say that his suggestions were 'minor', i.e. definition of 'promotion'....'as assignments' more clear to say 'assignments by'....Chief said promotion made by VB not himself. Mayor said a typo....should be 'an' - Trustee Pope sd. should be 'an' and word 'promotion' should be singular, not plural. Chief Dalton explained.... 'promotions are as assigned'....Bd. agreed should be 'an' to be gramatically correct....Trustee Wooden said he felt '1-4' - Issuance of Orders, should be before anything else....with foregoing changes/suggestions incorporated into the Rules & Regs. Re distribution of R&R's, Chief Dalton said copy to be filed in Clerk's Office. Mayor Elliott called for a vote re adoption of P.D. Rules & Regs. - voting was unanimously in favor/carried.

Misc.:

Mayor said no word had been received from the Butler Shock Incarceration Camp re clients cleaning VOP creek-beds; he pledged VOP support - a Proclamation - to the area service organizations re "50th Anniversary of Pearl Harbor" and their plan to send Pearl Harbor survivor, Mr. Thurlow Robbins, and his wife to Hawaii; status of Mr. Magavero's old bldg. - former Pal. Creamery - will be held up, per the Mayor, due to the Judge's preoccupation with a murder trial; the fee schedule re increases in VOP fees had not been finalized - believed to be in hands of Vill. Atty.

Cemetery
Damage:

Upon the advice of the Vill. Atty., Trustee Lynch moved that the VB seek restitution from young men who vandalized Cemetery; Trustee Gilmore seconded. Atty. Nesbitt asked if WC Probation Dept. aware of St. Anne's damage and if they rec'd Probation's communication - St. Anne's a separate entity. Mayor to check into matter. Short discussion on "payment schedule" and if not adhered to, parties wld. be in violation of their probation. Atty. Nesbitt said restitution did not have to be in the form of cash, could work it off. Mayor to contact St. Anne's Cemetery caretakers (E&R Petix). The authorized estimate re Cemetery damage - approx. \$465. - as prepared by Supt. R. Weaver, to become a part of Trustee Lynch's motion and amendment accepted by Trustee Gilmore - voting was unanimously in favor/carried.

Sludge Disposal Contract -

Trustee Gilmore moved that the VB authorize Mayor Elliott to sign Sludge Disposal Contract with Monroe County Dept. of Public Wks. @ a cost of \$307. per dry ton (\$303. prior yr.); Trustee Pope seconded. Trustee Wooden explained that the VOP may, if merited & desired, transport wet sludge to Monroe Cty. Voting was unanimously in favor/carried.

VOP Smoking Policy -

Mayor said that the VOP must provide a written "Smoking Policy" to Dept. of Health in Geneva - following an inspection visit, representative had said that storeroom may be used if adapted (door closure - keep door closed, exhaust fan, etc.). VB discussion - some members of the Bd. felt they had previously determined that "no smoking" could occur.. and it was pointed out that very few employees are "smokers"....and it was stated the time it takes away from work a factor...Mayor said that the VOP had never said there would be "no smoking" in the bldg., just that "no smoking" would be allowed in public areas....Trustee Wooden to investigate possibilities of adapting storage room to "smoking" room.

Alcohol Policy re Canaltown Days -

VB's stance re permitting sale and consumption of alcoholic beverages during Canaltown Days discussed briefly. Trustee Lynch's belief that the Canaltown Days' Committee to sponsor a "beer booth." Wld. be on corner @ 1st Fed. bank if allowed, per Mr. Wooden. Two merchants' plans for a festival tent of sorts had not been in touch wth. VB of late. Wld. need catering license, per the Mayor. Trustee Pope said no mention made @ recent Canaltown Days' Committee mtg.

Historians' Conference -

VB acknowledged notification of State Historians' Conference @ The Concord, 9/23 & 24/91 - VB agreed to pay one-half Town Historian's expenses (Mr. Robert Lowe), i.e. splitting cost wth. Town. Mr. Lowe to be so notified.

Town Cemetery (Situating on Church St.) -

Mr. J. Roney inquired as to responsible municipality for maintaining the old, historic Cemetery on Church St. and informed the Town's responsibility (as for all cemeteries in which veterans are buried - law exists for all townships). Short discussion on unkept condition of cemetery. Rotary & Lions Clubs had done @ one time, per Trustee Pope. Trustee Wooden suggested R. Bulman who presently works for the VOP under a WC agency. Suggestion mde. to contact Congressman F. Horton.

Exec.Session:

At 9:40 p.m. Mayor Elliott moved that the VB exercise Exec. Sess. for "Personnel" purposes; Trustee Pope seconded. Voting was unanimously in favor/carried.

Reconvene:

At 10:47 Mayor Elliott moved that the VB emerge from Exec. Sess.; Trustee Pope seconded. Voting was unanimously in favor/carried.

LL#3, 1991 re Employees' Retirement -

Mayor Elliott moved that a Special VB be held @ 7:30 p.m., 8/14/91, and so advertised & posted for the VB to consider the adoption of LL#3, '91 which would provide an employees' Retirement Incentive Program as set forth in Chapter 178, Laws of 1991. (VB action must occur by 8/16/91 which is State deadline); Trustee Gilmore seconded. Voting was unanimously in favor/carried.

Adjourn-
ment:

At 10:50 p.m. Trustee Gilmore moved meeting adjournment; Mayor Elliott seconded. Voting was unanimously in favor/carried.

Ethel B. Johnson, Clerk