

VILLAGE OF PALMYRA BOARD OF TRUSTEES

REGULAR MEETING

12-2-91

7:00 P.M.

PRESENT: Mayor James Elliott, Deputy Mayor/Trustee Daniel S. Pope, III, and Trustees Thomas Lynch, C. D. Gilmore, and Daniel Wooden.

CALL TO ORDER: Mayor Elliott called them meeting to order at 7:10 p.m.

KENT STREET, MRS. ENGERT: Mrs. Engert tried to get a mortgage on her house and Marine Midland refused because the location of the house was zoned Industrial. The bank recommended that Mrs. Engert get the location rezoned. Per Mrs. Engert, she cannot even borrow money on the house because of the zoning. Mayor Elliott remarked that the Industrial zoning was originally done in the 60's. Mayor Elliott also noted that he felt Mrs. Engert's was a valid request and the the Village Board needed to refer this matter to the Planning Board.

Mrs. Engert had attached a petition signed by a number of the other residents Kent Street, however, she noted that two (2) of the residents would not sign since they wanted the area kept Industrial. It was noted by Mrs. Engert that when they had bought the house originally the banks were not so fussy and that zoning Industrial was not a problem. Mayor Elliott noted that the zoning area can be split as long as more than one parcel is in question.

A motion was made by Mayor Elliott to refer the zoning request to the Planning Board for their recommendation. The second was made by Trustee Pope--all in favor - **CARRIED.**

Mayor Elliott directed the Village Clerk to contact Planning Board Chairperson, Marcia Robbins, to see if this zoning issue could be put on the agenda for Wednesday, December 4, 1991. Mrs. Engert was asked to call on Wednesday afternoon and check with the Village Clerk to see if her zoning request would be discussed.

JIM MERRICK, WATER BILLING PROBLEM: A tenant removed the flapper from the toilet in one of the apartments that Mr. Merrick owns letting the water run after the tenant moved out. The Deputy Clerk contacted Mr. Merrick as soon as she realized there was a problem and Mr. Merrick fixed the problem immediately after which he came in and informed the Village Office.

Trustee Wooden stated that the Deputy Clerk contacted him to ask what to do and Trustee Wooden told her to hold onto the bill. Trustee Wooden did not want to take care of something like this himself. Trustee Wooden noted that he knows of no one who has ever had a forgiven water bill, Trustee Pope concurred. It was noted by Trustee Gilmore and Mayor Elliott that some sewer bills have been credited, but only where the Village has made an error.

Trustee Wooden noted that the meter was read at Mr. Merrick's apts. and that the Deputy Clerk sent someone back to take another reading. She thought something was wrong. Trustee Gilmore asked if this was normal for the Deputy Clerk to do. Trustee Gilmore said that she should be commended for watching so closely. Mayor Elliott said that this was normal procedure, that Deputy Clerk watches the bills and compares them on the computer with the past bills.

Trustee Pope asked Mr. Merrick, if this leak was intentionally caused would he have recourse. No recourse, said Mr. Merrick. Trustee Gilmore said that VOP cannot reasonably forgive bill, but wish they could. Trustee Wooden noted that the only possibility might be to look at the dates. Water meter read on the 15th, read again on the 20th and notified Mr. Merrick on the 25th.

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Possibly Mr. Merrick should have been informed sooner.

Motion made by Trustee Pope to table action on this until Trustee Wooden can get clarification on the dates of the readings. Trustee Lynch seconded, 5 ayes, CARRIED.

BOARD MEETING MINUTES; A motion was made by Trustee Wooden to approve the minutes of 11-18-91 as corrected as follows:

Page 3-4th paragraph(He) Mr. Venturino mentioned that where the banks were higher, put in pipes to maintain the same level.

Trustee Gilmore seconded motion, 4 ayes, 1 abstention, CARRIED.

DRAINAGE ON EAST FOSTER; Trustee Lynch reported that he had called J.C. SMITH who confirmed the letter and noted that a swale was recommended as the better way instead of a drop inlet. J.C. SMITH also noted that a 12" pipe instead of (3) 4" pipes is an option that can work with a basin, but it is a real headache. Mr. Venturino is still looking for funding. Mr. Venturino referred to a letter from the Town of Palmyra and said that he (Mr. Venturino) would allow a swale to be dug back away on his property. Mayor Elliott noted that the letter from the Town that Mr. Venturino was referring to was about support from the Town to the Village with the excavation of the ditch which is 98% in the Town. Mayor Elliott also noted that the ditch referred to in the letter was not the ditch in question with Mr. Venturino. The ditch in the letter was the far ditch. Much discussion followed with regards to drainage district, cleaning out the ditches, and Town involvement. Easements are needed to clean out the ditches and keep them clean noted Mayor Elliott, however, getting the easements from a couple of the land owners was a problem for long term.

Mr. Venturino noted that there are three (3) phases to this project. Clean up of the ditches being the first. Trustee Lynch asked Mr. Venturino wanted to wait until Spring to see what happens. Since the construction began in July it is not known what will occur.

At this point Mayor Elliott noted that he had spoken to Sergeant Kuzminski concerning workers from the Shock Camp to assist with the clean up of the ditch. It was the Sergeant's recommendation that the work be done in January in conjunction with the fairground's work.

Again the point was brought up about the easements and without the signatures and permission of the residents in the Town the Drainage District will never happen, noted Trustee Wooden. Attorney Nesbitt noted that the drainage district cannot be done over opposition of the landowners. Mayor Elliott mentioned that if we could just get permission just to cut the brush it would help. But, a one (1) time cleaning by the Shock residents would only fix the problem a little, it is not a final solution. The final answer is getting a drainage district in the Town and the County would fund it next fiscal year, this completed the Mayor's input on this point.

Mr. Ron VanHout stated his concern about a two (2) day project turning into a major problem.

Mayor Elliott said that Mr. Clark wanted to work with an engineer when cleaning his ditch and he would not accept the dirt from the ditch. Trustee Lynch asked Mr. Venturino to please clean out the pile of dirt he put in. Trustee Wooden said he covered the natural drainage way. Mr. Venturino again ask for the VOP to help with the funding. Trustee Pope said that VOP cannot do. Mr. Venturino stated that he did not block a natural drainage and did not close off. I (Mr. Venturino) put in 8" of pipe. Mr. Venturino responded to Trustee Wooden's question, was this engineered, no, he said. Mr. Venturino noted that the VOP may be asking him, in a few months to block off the ditch because it would be backing up.

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Entire discussion ended up with Trustee Pope asking if Mr. Venturino could help get the easements. Mr. Venturino noted that the if Mayor and other board members work with him to get the easements then he would help. Mr. Venturino also noted that he would give up some of his property to by pass that of Wiseman's.

Mr. Venturino noted again that three (3) phases were needed and they are (1) ditches cleaned out, (2) 8" pipe which is (2) 4" pipe changed to 12", (3) digging out ditch to Mickey's. Mayor Elliott closed by asking Mr. Venturino if without the VOP'S help will you do this work. Mr. Venturino said that he will look for other avenues. Trustee Wooden noted that the VOP would become liable. Mr. Venturino stated that he has done some work already and has done all that he can do. Mayor Elliott and Trustee Lynch noted that an engineer must be involved. Subject closed at this time.

NEWSPAPER TUBES; Deferred to Executive Session due to possible litigation.

DRAINAGE BROUGHT UP AGAIN; Mr. Venturino suggests that VOP BOARD visit homeowners, this may work. Clark's and Wiseman's are the people to talk to. Mayor Elliott will find out the status of the Drainage District and go visit homeowners. Trustee Lynch said that he would go visit the homeowners also.

FLOOD DAMAGE PREVENTION RESOLUTION AND LOCAL LAW: A motion made by Trustee Pope to hold a Public Hearing at the next Board meeting on 12-16-91 at 7:00 pm on this issue. Seconded by Mayor Elliott 5 ayes, **CARRIED.** Village Clerk to arrange for Legal Notice in Newspaper.

ROUTE 21 BRIDGE; Mayor Elliott noted that a informational meeting will be held at the Palmyra Fire Hall at 7:00 p.m. on Wednesday, December 11, 1991. The meeting will be put on by the New York State Department of Transportation. (DOT). This meeting will inform the residents of the location and dates of the bids, construction, etc. for the Route 21 bridge over the conrail tracks.

PROCUREMENT POLICY; Mayor Elliott noted that the VOP needs to adopt a procurement policy. The policy needs to be in place by January 1, 1992. The Village Attorney will look over and a policy will be prepared for the next board meeting. 12-16-91.

TRUSTEE LYNCH REPORTS; The Park and Club Building has been pointed and the building will be sealed in the Spring. Mr. Zurick did the work.

Mrs. West would like to see a light on the corner of the Main Street Park in the back corner behind the church. There is a pole back there but no light and it cannot be seen from the street. The kids gather up there and Mrs. West thinks that a light may stop them from doing that, as well as making it possible for the police to keep an eye on that area. Trustee Lynch will look into this.

STAFFORD STREET SIDEWALK: Trustee Lynch noted that it is definately bad. G. Kachel of the Highway Dept. proposed putting gravel into sidewalk area. Trustee Lynch said that he was not happy with that solution but that it was recommended to him by Cleason's that no sidewalks be poured until Spring because of the need for curring time before freezing. If the cement freezes before curring properly, the top layer of the sidewalk will crumble. Trustee Wooden suggested cold patch. Trustee Lynch said maybe.

PARKING ON MAIN STREET; Trustee Lynch noted nothing at this time.

DEPARTMENT HEADS AT VILLAGE BOARD MEETINGS; Trustee Lynch requested that once every three (3) months a dept. head come to a

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VB meeting and have time to discuss and inform on their department.

Would be (1) dept. head every third meeting and the meeting would be the 2nd meeting in the month. This will start with the meeting 12-16-91. Village Clerk is to contact them and arrange for one at the meeting.

CEMETERY DRAINAGE: Mr. Ron VanHout asked if Trustee Lynch had contacted Robin Petix concerning the cemetery and Trustee Lynch said that he had left messages with no response. Mr. VanHout noted that the Cemetery was liable. Trustee Pope suggested that Trustee Lynch get a hold of Father Lewis Vasile.

TRUSTEE GILMORE REPORTS; TOOMBS BOAT, Trustee Gilmore spoke to the Toombs' and this matter will be discussed at the Planning Board.

FIRE CONTRACT WITH THE TOWN OF PALMYRA; Not signed yet but in the works.

PEDDLER'S PERMIT; Sent to Planning Board.

FEE SCHEDULE TO COMPLIMENT LL#1, 1991: Trustee Gilmore will have something at the next meeting.

TRUSTEE POPE REPORTS; Santa Run is going very well. It will be held on Sunday, December 8th, 1991, at 2:00 p.m. Drink is being furnished by the Village and McDonalds, the Jaycees are helping. The Village Clerk and Deputy Clerk are making the arrangements and decorating. The event will be held at the Park and Club Rooms and hopefully Santa will arrive by Fire Engine or second choice Police Car.

UNION CONTRACT RADIFICATION; Trustee Pope moved to radify the Union Contract as written, Trustee Wooden seconded, 5 ayes, CARRIED.

SEPARATION OF WATER BILL FUNDS: Nothing done at this time.

ABSTRACT #14 - Trustee Pope moved to authorize the Village Treasurer to pay all invoices on which appear initials of at least three VB members. Voucher Nos. 441 and 555-588. Seconded by Trustee Wooden, 5 ayes, CARRIED.

Trustee Pope moved to transfer \$6,300 from the State Retirement - A9010.8 to Police and Fire Retirement - A9015.8. Second by Trustee Wooden, 5 ayes, CARRIED.

TRUSTEE WOODEN'S REPORT; Noted that the newspapers upstairs were gone to the recycling.

HANDICAP RAMP: Trustee Wooden said that at the next VB meeting he would have pictures of ramps. He also reported that due to community service the concrete work would be done as part of that and labor would not cost anything. Some discussion about pipe vs pressure treated lumber.

VENT FOR SMOKING ROOM; Trustee Wooden stated that smoking is illegal in the Village Hall and there is no requirement for a vent.

RUG FOR PD: Trustee Wooden is getting prices.

JUSTICE LENDING PROGRAM: Mayor Elliott moved that the VB authorize Judge Baynes to be able to participate in the Justice Lending Program, seconded by Trustee Gilmore, 5 ayes, CARRIED.

Trustee Wooden noted that the Purchase Order was sent for the new pumps and that the VOP would get a sizable rebate from NYSEG, possibly more than 1/2 the cost of the motors.

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Trustee Wooden asked the Village Clerk to locate the Contract for the Court Room with the Town of Palmyra. The Community Center contract dates need to be changed and Trustee Wooden would check on the contribution amount otherwise the contract is ok and Trustee Wooden instructed the Village clerk to make the proper changes. It was also noted that the water contract with the Church of Jesus Christ of Latter-Day Saint was coming due in March, 1992, and the Garlock water contract would be coming due in January, 1992. Trustee Wooden also noted that the water contract with the Town of Macedon was automatic.

Trustee Wooden noted the voucher for the automatic scaffolding equipment rented from Rochester Scaffolding and asked why the VOP did not borrow the lift truck from Lyons or Newark. Trustee Pope noted that there was a used truck for sale on Route 31 near Marvins.

Trustee Lynch inquired as to why the door to the Police Department was locked from the Village Office side when the Police Clerk was in the office. It was agreed that the door to the PD should be kept unlocked as long as the PD clerk was there. Mayor Elliott noted that the door is unlocked a good part of the time, however, when a officer goes on patrol it is difficult to make sure that the door to the Village Hall is locked as well as the other door. Mayor Elliott is to inform the Police Chief, Dave Dalton, about the door.

A motion was made by Mayor Elliott to go into Executive Session at 9:18 p.m. for matters of personnel and possible litigation with the Village Board and the Village Attorney. Motion was seconded by Trustee Pope, 5 ayes, CARRIED.

A motion was made by Trustee Gilmore and seconded by Trustee Pope to go out of Executive Session, 5 ayes, CARRIED.

A motion was made by Trustee Wooden that all Village Employees listed below receive a two percent (2%) pay raise effective retroactive to June 1, 1991, and that J. Campbell's be \$32,000, the figure in the Community Center Budget request. Motion seconded by Trustee Pope, 4 ayes, Trustee Gilmore nay, CARRIED.

<u>NAME</u>	<u>CURRENT</u>	<u>NEW</u>
T. RODMAN	\$ 1,200.	\$ 1,224
D. MATTESON	\$19,205	\$19,589
K. ELVIN	\$17,279	\$17,625
E. JOHNSON	\$18,241	\$18,606
J. NESBITT	\$11,000	\$11,220
J. RONEY	\$ 4,320	\$ 4,406
D. DALTON	\$32,400	\$33,048
S. CLEMONS	\$ 6.48/HR.	\$ 6.61/HR.
P. RETAN	\$29,131	
H. KRUGER	\$26,873	\$27,410
R. WEAVER	\$25,542	\$26,053
J. CAMPBELL	\$30,000	\$32,000
K. DIEFENDORF	\$ 2,200	\$ 2,244

Motion to adjourn the meeting at 10:35 P.M. was made by Trustee Pope and Seconded by Trustee Lynch, 5 ayes, CARRIED.

Respectfully submitted,

Bonnie J. Hays, Village Clerk

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