

BOARD OF TRUSTEES

Regular Meeting

2/19/91

7:00 p.m.

Present: Mayor James G. Elliott; Trustees Charles D. Gilmore, Daniel E. Wooden, Daniel S. Pope III and Thomas N. Lynch; Village Attorney, John B. Nesbitt, Esq.

000164

Call to Order: Mayor Elliott called the meeting to order at 7:08 p.m. and stated that the Assessment Review Board, made up of the Village Board and Mr. Judson Roney, Village Assessor, would be hearing grievances if any citizens appeared for that purpose - Mr. Roney, Mayor Elliott and Trustee Pope heard grievances from 4:00 - 6:00 p.m. as scheduled and published.

Minutes 2/4/91: The Bd., having not had ample opportunity to review the 2/4/91 Village Board Minutes, were tabled as moved by Trustee Gilmore; Mayor Elliott seconded. Voting "aye" were Trustees Gilmore, Pope & Mayor Elliott. Carried. The 1/21/91 Minutes discussed by the Bd. and pointed out that although they were approved during 2/4/91 mtg., Trustee Wooden - who had not arrived as yet - mentioned a possible correction.

Park Hill Apts.: Communication from manager of Park Hill Apt. complex on Johnson St. addressed by Trustee Lynch; re damage to a tree on their property, allegedly caused by the Village; C&P Supt. looked into and reported that perhaps the Village should replace said tree. Also, dirt and water from approach to Prospect Hill runs across road into complex entrance causing problems. Mayor Elliott said that the Village should look at driveway - maybe driveway could be lowered. Trustee Lynch said that he had investigated the complaints and discussed with C&P Supt. Biggest 'bone of contention' seemed to be weeds, etc. around fence guardrails and their repeated re-quests in the past for the Village to cut/trim. Bd. discussed extensively and as Village crew cuts and trims across road approx. once a month during summer months, crew could accomplish (in hour's time) around guardrail posts. Trustee Wooden mentioned using weed killer around posts; he said the Village should be maintaining as it is the Village's.

Bidding: Board discussed bid ceiling - \$5000./\$7000. - Mayor said that State auditors (currently auditing the Village) informed him that gasoline had to be bid - and advertised - rather than send letters to vendors which was done previously. Village must obtain copies of State bids on salt used by Town (Village hauls needed salt from Town barns/pays town). Mayor spoke of Jones Chemicals from whom purchases made for W&WW Dept. - Village advised by auditors that if more than \$5000. spent over period of year, said chemicals must be bid.

Emergency Trk.Repair: Trustee Gilmore spoke of emergency repairs for 1975 Hwy. truck; truck needed for snow removal, etc. - and cause to circumvent bidding. Repair (extensive) estimate under \$8,000. - further repairs may be needed (clutch). Mayor Elliott seconded. Voting "aye" were Trustees Gilmore, Pope, Wooden & Lynch & Mayor Elliott. Carried.

Perm. Ref. Firehall: Trustee Gilmore moved that the Bd. authorize, by Permissive Referendum, expenditure of \$2,000. from HR5-878 "Capital Reserve Fund for Fire Hall Renovation and Equipment" for the purpose of painting the interior of the Firehall. Trustee Wooden seconded. Voting "aye" were Trustees Gilmore, Wooden, Lynch & Pope & Mayor Elliott. Carried.

F.D. Flag

Donation:

000165

Trustee Gilmore announced and commended the Fire Dept. Assoc. (organization to which firemen belong) for their generous donation of \$500. to the American Legion during a recent meeting with which to purchase Flags for Main St. Trustee Lynch announced that the Pal-Mac Rotary Club had pledged a \$200. donation for Flags; the Clerk said that Palmyra Women's Civic Club and Historic Palmyra each had donated \$20. for Flags.

Trustee Gilmore thanked Trustee Lynch for handling the illumination of the Flag atop the community flagpole.

Abandoned

Vehicle(s):

Trustee Wooden said that the seemingly abandoned vehicles referred to by CEO Roney by Memo and during prior meeting (property owned by Mr. R. Rider, Rt. #31) - one scheduled for removal, others part of Mr. S. Austin's business who is in process of remodeling at which time vehicles may be stored inside.

Zng. - Fee

Hikes:

Trustee Wooden spoke of rate increases re zoning matters - CEO Roney prepared chart with suggested rates - had checked fees of surrounding towns and villages; Mr. Wooden spoke of prior Local Law that had not been filed with the State - or they had no record of same. Village has to begin anew - set fees in new law to cover additional areas not covered presently. Mayor asked if need to refer to Planning Bd. and Atty. Nesbitt stated that it did not. Charge fees for C'sofO when bank requests, etc. - J. Roney had several good ideas to be incorporated into new law. Mayor Elliott moved that the Village conduct a public hearing - Local Law #1, 1991 - @ 7:00 p.m. on 3/18/91. Trustee Wooden seconded. Voting "aye" were Mayor Elliott & Trustees Wooden, Lynch, Pope and Gilmore. Carried.

1/60th

Retirement:

Trustee Wooden said that he had requested Clerk's Office to inquire of State the ramifications of Village of Palmyra changing to 1/50th retirement plan for Tiers I and II. Mayor asked placement on next Agenda.

Rally

Request:

Mayor related that Mr. Aaron Jones, W. Main St., had come to office requesting that the Village conduct a Rally in support of our military in Persian Gulf. Bd. discussed but agreed more information needed re date, time, place, etc. Clerk to obtain more information from citizen.

Environ./Crime Awareness Seminar:

Trustee Wooden said that CEO J. Roney would like to attend an "Environmental Crime Awareness Seminar" - nearest presentation to be conducted in Geneva on 3/19/91 for which there is no registration fee; Mayor Elliott moved the CEO's attendance and that of the Police Chief and a F.D. member attend, also, if desired. Trustee Gilmore seconded. Voting "aye" were Mayor Elliott and Trustees Gilmore, Wooden, Lynch & Pope. Carried.

Right-to

Know:

Mayor Elliott, who had copied and distributed copies of the WC Evacuation Emergency Plan (provided by Mrs. Thelma Wideman, Director of WC Office of Disaster Preparedness), asked the Bd. to please review as Village needs to vote upon/adopt as each village and town in WC has to have its own plan. Mayor elaborated briefly upon method, chain-of-command, etc. - Mrs. Wideman would be notified of an emergency and if deemed necessary, Haz-Mat of Rochester would come to scene. Mayor said that the

schools have their own plans - have to provide to WC. Fire Chief R. Ruebens informed the Mayor that they are 90% finished with plan, would furnish the Village a copy.

P.D. - Addition to Chief's Office:

000166

Mayor said that \$500. put in budget for repairs/changes in P.D. Chief asked about door and a wall that would create a storage room in small area in Chief's Office - insulate/drywall in stairway to retain sound in P.D. Estimate received for \$360. with the door he requested, estimate of \$1200.

(Trustee Pope said that it would basically create a closet out of small hallway). Discussion. Trustee Wooden said if insulated, should have drywall. Bd. agreed to insulation/drywall but did not agreed to placing a door as requested.

Grievances:

Assessor J. Roney said that two (2) grievances filed during 4-6 p.m. session - Mrs. Margaret DeNeef, Clairmont Parkway and Mr. Douglas Fix, Dar-Lind Lane, and grievance filed by Mr. Mark Crane (in absentia), 240 E. Main St., re 246 E. Main St. (old Palmyra Hotel). Mr. Crane presently assessed for \$73,000. - asking for assessment of \$35,300. - changed year ago. Mr. Roney said that year ago he had not completed renovation...added on a restaurant and garage on back.

Mr. Roney distributed sheets showing the basis for change in Mr. Crane's assessment to \$73,000. Trustee Wooden asked how could three separate areas of the building be assessed when can't be sold separately. Mr. Roney spoke of breaking into separate components - land, \$11,400. - building, \$61,600. - he also spoke of businesses 'underneath'. Said he took six other properties on South side of Main St. to show acreage, frontage, etc. Mr. Roney elaborated upon space taken up by businesses and acreages they occupy....\$18,000. put on Paint Shop and \$17,000. on Lunch-In. No value attributed to 2nd and 3rd floors of the Hotel - he spoke of assessment of Kroh-bar, \$39,600. Miller's Restaurant, \$33,900. and The Place on Market St. @ \$32,600. Assessments based on percentage of market value, asked Trustee Wooden - Mr. Roney said "yes." Current market value of all property sold in Palmyra during March thru October, 1990, was 45.9% - commercial assessed @ lower percentage, 40-42%. Mr. Wooden asked about 'market value' and told by Mr. Roney, '\$173-\$174,000.' new rest rooms....private billiards area, private restaurant area....Mr. Roney went on to say that he felt his assessment very fair. Mr. Wooden said his opinion, Mr. Crane's bldg. worth less than when he bought it due to area upstairs (2nd/3rd floor gutted) - no bank, he said would mortgage for \$170,000. - real estate person told Mr. Crane he couldn't get more than \$92,000. Wouldn't give 100% anyway, per J. Roney.

Mr. Wooden said assessment should not change dramatically until building finished, perpaps put a time limit on it (2-3 yrs.). Mr. Roney went on to explain comparison acreages alone - Mr. Crane has twice more than others/five times more land than The Place. Land value on Main Street - \$11,000. - fair assessment. Anson Johnson's bldg. worth \$16,400. of two store fronts; J. LaLonde's has two store fronts @ \$16,500. ea. S. Nussbaumer's in poor shape; David Scheer, \$16,000. for storefront. Other tavern operators accepted assessment, he said....20-ft. frontage on Kroh-Bar....Miller's more open

space...Place has 30-ft. frontage...were six (6) apartments in old hotel...others are marketable buildings, hotel is not. Trustees Pope & Gilmore asked pointed questions... Mr. Wooden said no income on apts. in hotel (for which he formerly rec'd approx. \$1500.). Mr. Wooden said he was not representing Mr. Crane - from standpoint as Chairman of Economic Development and as a Village Trustee - when property begins to show improvement, Village should encourage...presently Village 'punishes' people. Realtor's appraisals low compared to actuality, per J. Roney. Discussion on what Mr. Crane had put into renovation; Mayor spoke of market value - what is it? And what would be equitable in comparison, per J. Roney. D. Wooden said when trying to refinance, bank wouldn't go above \$80,000. (he bought in April, 1989). Trustee Pope said big question whether market value of property had changed. As with most properties, market value gone down, per Trustee Gilmore - wanted to be fair....property looks much better than before. Assessing in terms of 1980's conditions, per J. Roney - no update since then. Further discussion - owner plans to begin working upstairs re apartments.

Trustee Wooden made a proposal of giving an assessment of a maximum of \$100,000. - give him time-frame when rest of work to be done. Assessed \$35,300. before. Mayor said commercial properties can get a tax break if they qualify (tax abatement)....J. Roney said that the Town Assessor would be making his assessment between 3/1 & 5/1/91. Adjusted this year because he completed extensive improvements since the prior assessment. Mr. Ron VanHout said that's why so many vacant buildings on Main St. Jud Roney (as a member of the Board of Assessment Review) moved that assessment for 1991 be established @ \$41,000. Trustee Wooden seconded. Voting "aye" were Trustees Gilmore, Pope, Lynch, Wooden & Mayor Elliott & J. Roney. Carried.

Mrs. Margaret DeNeef, 409 Clairmount Park, presented her grievance relating to property which she owns @ 421 Stafford St. - total assessment, \$30,400. Mrs. DeNeef asked for reduction in assessment to \$28,500. Property comparisons made to others in neighborhood - over-valued in relation to the other properties. Discussion. Market value of house, \$63,000.-\$68,000. per Jud Roney. Mrs. DeNeef compared to newer house built in 1987 (Jean Graham's) which is assessed at \$1100. more than Mrs. DeNeef's. J. Roney said no change reflected in more than ten (10) years.

Following discussion, Trustee Pope moved reducing said property assessment to \$28,500. Trustee Gilmore seconded. J. Roney said that entire Town needs assessment - since no change in assessment for ten (10) years - not the place of the committee to take action to change since Village has policy of adopting Town tax rolls. Worth every cent for which it is assessed, therefore, assessment should remain 'as is.' Trustee Pope said that the Village did, in fact, adopt Town Tax Rolls - Town will not change, however, Town may consider next time. Trustee Wooden agreed if unchanged in ten (10) years - newer houses are modules. Voting "aye" were Trustee Pope & Mayor Elliott; Trustees Gilmore, Wooden & Lynch & Assessor J. Roney voted "nay." Motion defeated by majority.

The last grievance Mr. Douglas Fix, Dar-Lind Lane - assessed at \$49,000. Mr. Roney said one of his last duties as Town Assessor was that of assessing five (5) houses on Dar-Lind....compared them with houses on Cuyler St. (two times more land and more architectural finesse - took conservative view of assessment on property in question - \$49,000.). New Town Assessor assessed @ 48.4% of the market price. As Village adopts Village portion of Town Tax Rolls, assessment set for \$61,000. Mr. Roney said he made no change in the assessment; prior year (1990) every property went to Town Griev. Bd. to complain about their assessment - got no satisfaction. They then went to Small Claims Court for Real Property Taxes - Small Claims adjudicator made no change - assessment from \$55,000. - \$70,000. (this one @ \$61,000.) - rather than 'second guess' the Town, abide by what the Town does. Mr. Fix paid \$125,000. for his house, according to Mr. Roney. On the basis of Assessor Roney's explanation, Trustee Pope moved denial of the grievance filed by Mr. Fix of Dar-Lind Lane; Mayor Elliott seconded. Short discussion - assessment to remain at \$47,900. Voting "aye" were Mayor Elliott & Trustees Pope, Gilmore, Wooden & Lynch. Carried.

000168

The required form was executed by the Board of Assessment Review on the basis of the foregoing decisions.

Animal Cont.

Officer:

Trustee Pope said he had met with Town Councilman Baran, again, re status of Animal Control Officer. Agreed on a proposal within Village's budget - Town of Palmyra may accept or decline.

1991-92

Budget:

Trustee Pope said that budget requests had been submitted to Donegan Assoc. He would be scheduling meetings with dept. heads - first budget meeting on 3/5/91.

Mr. Pope said that Union negotiation meeting (3/7/91) evolved from conversation with Ms. Debbie Lee/CSEA.

V. Hall

Roof:

In relation to the deterioration/leakage in the Village Hall roof, Trustee Lynch said that he had investigated a straight aluminum roof on Village Hall, however, the pigeons an ongoing problem. Bd. said that an aluminum - white or otherwise - would detract from historic Village Hall; Bd. agreed that the slate roof should never have been removed. No action taken.

Bike Sale:

Mayor acknowledged bid of \$20. for unowned bicycle; Trustee Gilmore moved that the bike be declared surplus - Trustee Wooden seconded. All in favor - voting was unanimous and carried. Trustee Pope then moved that the Bd. accept bid of Mr. Harold Brown in amount of \$20.; Trustee Gilmore seconded. Voting was unanimously in favor/carried.

Banking

Resol.:

Trustee Pope moved that the Bd. designate a depository, "Certificate to Corporate Banking Resolutions and Bank Account and Security Agreement" as recommended by Donegan Assoc.; Mayor Elliott seconded. Mention made to add an addendum re Donegan's insurance (Treas. having checked, Donegan's do not handle money - just transactions, therefore, no bonding needed re insurance).

Abstract

#18:

000169

Trustee Pope moved that the Treasurer be authorized to pay Voucher Nos. 873 & 880-916 in the amount of \$22,772.87 on which appear the initials of at least three (3) Bd. members; additionally, Trustee Pope moved the following corrections to Abstracts #16 & #17 - #16, 1/21/91, Voucher Nos. 785, 819 & 820 in the amount of \$656.20 were removed from the Abstract the new total for which is \$23,067.38; the corrections to #17, 2/4/91, are removal of Voucher Nos. 846, 861 & 873 in the amount of \$2765.50, the new total for which is \$28,253.72. Trustee Gilmore seconded the foregoing motion made by Trustee Pope - all voted "aye" carried.

Flood Ins.

Resol.:

Passage of a resolution supplied by the NYS-DEC, Elmira, discussed by the Bd. and Atty. Nesbitt said that he had spoken with Mr. Robert Ryczek - agreed that the Village in compliance, therefore, the following resolution was moved for passage by Mayor Elliott:

"WHEREAS, certain areas of Palmyra are subject to periodic flooding and/or mudslides from streams and may cause serious damage to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this Board to require the recognition and evaluation of flood and/or mudslide hazards in all official actions relating to land use in the flood plan and/or mudslide areas having special flood and/or mudslide hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Sections 5.1 through 5.3 of the the Flood Damage Prevention Ordinance, adopted by the Village of Palmyra on February 21, 1989 and filed with the Secretary of State, State Records and Law Bureau, Albany, New York.

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby -

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 1910 of the National Flood Insurance Program Regulations; and

2. Vests the Village of Palmyra with the responsibility, authority, and means to:

a. Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood and/or mudslide hazards on available local maps of sufficient scale to identify the location of building sites.

b. Provide such information as the Administrator may request concerning present used and occupancy of the flood plain and/or mudslide area.

c. Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining flood plan

and/or mudslide areas in order to prevent aggravation of existing hazards.

d. Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain and/or mudslide area management measures.

000170

3. Appoints the Code Enforcement Officer of the Village of Palmyra to maintain for public inspection and to furnish upon request a record of elevations in relation to mean sea level of the lowest floor including basement of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Trustee Pope seconded passage of the foregoing resolution; voting "aye" were Mayor Elliott and Trustees Pope, Wooden, Gilmore & Lynch. Carried.

Atty. Nesbitt added that the Village must furnish DEC a record of elevations of the lowest floor of new construction.

Home-Based
Occupa.:

Trustee Wooden announced the status of the proposed Local Law re "Home-Based Occupations," i.e. the Village Planning Board will start from the beginning he added, that the Plng. Bd. had requested his and Atty. Nesbitt's presence at the next meeting (3/6/91).

Handicapped
Ramp:

Trustee Lynch had an inquiry, he said, about the handicapped ramp - person who had inquired previously; would work with Village crew. Estimates for over \$7,000. discussed by the Bd. and the necessity to bid. Meeting to be held in near future. Construction slow it was pointed out - Village may have more interest shown by contractors.

Drainage
Ditch:

Mayor said that contact made with Mr. J. Smith of Soil & Water Conservation Dept. - they agreed to meet with residents and Bd. members who could attend. Topographical maps to be provided the Village.

"Shook"
House:

Mr. Wooden said authorization given to CEO Roney to issue Summons to the bank regarding the "Shook" property on E. Main St. (house that partially burned in 8/90). Nothing further to report re the 'old dry cleaners' on E. Main (Roy Sullivan????)

Exec.
Sess.:

At 9:25 p.m. Trustee Pope moved that the Bd. exercise Exec. Sess. for "Personnel" reasons with Bd. members and Atty. Nesbitt in attendance; Trustee Gilmore seconded. Voting was unanimously in favor/carried.

Reconvene:

At 10:58 p.m. Trustee Pope moved that the Bd. emerge from Exec. Sess.; Trustee Wooden seconded. The Bd. voted unanimously in favor/carried.

Citizen
Larkin:

Mayor acknowledged presence of Mr. Ashley Larkin, 405 Canal St., who came about his assessment, he said. The grievance process having ended, Mr. Larkin was advised to attend Town Grievance Day before 3/1/91 - Town Grievance Day held third Tues. in May.

Cap on Ex-
penditures:

Trustee Wooden moved that from now until the first of the fiscal year, no expenditures be made by dept. hds. unless on an emergency basis; that dept. hds. must get approval from the Trustee-in-Charge for expenditures under \$500. - or if over \$500. the Trustee-in-Charge and two (2) Trustees have to approve it. Dept. hds. authorized to purchase anything under \$50. if needed. Atty. Nesbitt suggested adding to the resolution "excepting existing contractual obligations." Trustee Pope seconded. Voting "aye" were Trustees Wooden, Pope, Gilmore & Lynch & Mayor Elliott. Carried.

Adjourn-
ment:

At 10:05 p.m. Mayor Elliott moved adjournment; Trustee Gilmore seconded. The Bd. voted unanimously in favor/carried.

Ethel B. Johnson, Clerk