

VILLAGE OF PALMYRA BOARD OF TRUSTEES

REGULAR BOARD MEETING

JANUARY 4, 1993

7:00 PM

PRESENT: Mayor James G. Elliott, Depty Mayor Thomas N. Lynch, Trustee Kathleen C. Drews, Trustee Daniel E. Wooden, and Trustee C.D. Gilmore who left the room and bldg 8:00 p.m. and returned at approx. 8:55 p.m. Village Attorney Nesbitt arrived 8:30 p.m.

PUBLIC HEARING ON LL#1, 1993 AMENDMENT TO TRAFFIC AND VEHICLE LAW CHAPTER 25. Mayor Elliott called the public hearing to begin at 7:05 p.m. The Village Clerk read the legal notice as follows:

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Palmyra will hold a public hearing on a proposed amendment of Chapter 25 Vehicle and Traffic Laws (in conjunction with the regular board meeting) Monday, January 4, 1993, at 7:30 p.m. The hearing will be held in the Trustees' Room at 144 E. Main Street, Palmyra, Wayne County, New York.

The hearing is for the purpose of allowing the Village residents to provide the Board of Trustees with questions and discussion on the proposed amendment.

A copy of the proposed amendment will be on file and available for public inspection in the Office of the Village Clerk during normal office hours. By order of the Village Board, Village of Palmyra, Bonnie J. Hays, Village Clerk. Dated: December 23, 1992.

Mayor Elliott read the proposed changes to Chapter 25 and noted that he had spoken to Mr. M. Sheehe about the handicap parking. Mr. Sheehe stated that the parking must be within 150' of the entrance to the Village Hall. A suggestion was made that Marine Midland could be asked to install handicap parking spots. It was noted that Marine Midland Bank would have to put 4 handicap spots in and it was decided not to ask to much of them since the Village Hall uses their parking lot now. Mayor Elliott suspended the hearing until 7:30 p.m.

ADDITION TO AGENDA: Mayor Elliott moved to allow Ms. Sandra Mylacraine to be on the agenda to address the Board seconded by Trustee Wooden, vote, 5 ayes, **CARRIED.**

MINUTES OF 12-21-92 and CORRECTIONS ON 12-7-92: Trustee Wooden noted the correction of 12-7-92 minutes at **MINUTES OF 11-17-92** change to read **MINUTES OF 11-16-92** in all necessary spots, 1st page, 3rd paragraph, seconded by Mayor Elliott, vote, 5 ayes, **CARRIED.** A motion was made by Trustee Gilmore to correct wording on minutes of 12-7-92 pertaining to **MHPC** page 3, paragraph 3, states, Trustee Gilmore explained how KODAK sends people to work for other companies which is done frequently, and should read **when a company buys one of KODAK's divisions, the company usually hires those KODAK employees involved.** seconded by Trustee Drews, vote, 5 ayes, **CARRIED.** (Note: Minutes of 12-7-92 were approved as written on 12-21-92).

A motion made by Mayor Elliott to accept the minutes of 12-21-92 with the following correction on page 2, paragraph 2, **ZEBRA MUSSELS**, 8th line, change **ONE YEAR to ONE MONTH**, seconded by Deputy Mayor Lynch, vote, 5 ayes, **CARRIED.**

MHPC: Mr. William "Bill" Bright, C.E.O. of MHPC address the Village Board noting that he had met with the employees this morning for approx. 3-1/2 hrs. Mr. Bright noted his purpose for attending the VB meeting was to answer any questions. Depty Mayor Lynch asked about the 5 year contract being a long period of time, Mr. Bright noted that a 90 day clause is in the contract to allow flexibility on approval or disapproval of the Service. Trustee Wooden said that he had received copies of the employee benefit package from Mr. Ken G. Scherrieble, MHPC, Account Manager and referred to an article in the D&C concerning the MHPC

proposal saying that Trustee Wooden was never contacted to verify the story. The article stated that the only savings contracting with MHPC would be the savings of salaries and benefits? Mr. Bright responded noting that MHPC is an Environmental Agency which lists other savings from such areas as: Using state of the art techniques, efficiency and better ways of management, more efficient ways of operating and better productivity which is typically at a higher level in the private sector. Mr. Bright offered the VOP employees the opportunity to call the MHPC employees asking their opinions with MHPC as their employer. Mr. Bright said that mainly there will be an increase in employee productivity which creates savings noting that most of their employees came from municipalities and were frustrated because they had no opportunity for advancement for the work that they do the usual criteria for municipal advancement was the length of time a person had been employed. Mr. Bright noted that there is no turnover problem with MHPC employees. MHPC is proud of its employees said Mr. Bright. Trustee Wooden noted that the VOP water and sewer plants were in compliance unlike many of the plants prior to MHPC contracting.

Mr. Bright said that MHPC sets up its own programs for training and has a support staff keeping up on regulations. There is one MHPC employee specifically keeping up with current regulations who would inform the VOP what they have to know or do to comply. In Mr. Bright's estimation approx. 85% of the municipalities' water or wastewater plants will be contracted within the next few years. Trustee Drews asked Mr. Bright how many facilities they operate. Mr. Bright responded 150 facilities and Trustee Wooden noted that the 150 were not all municipalities, many were private. Trustee Wooden asked if MHPC could lower costs such as electrical. Mr. Bright responded that an increase in efficiency, and gave the example of sludge hauling for possible savings. Trustee Gilmore noted that the gravity feed from Canandaigua Lake in case of a fire may require more water and that Mr. Kruger turns on an additional pump immediately at the water plant. Mr. Kruger lives at the plant and is available 24 hrs. per day. Mr. Bright noted that he spoke to the employees about that question of coverage and was not sure how this would be addressed but that problem will be addressed. Trustee Wooden noted that the water plant and house are one and that an employee could live there.

Trustee Wooden tentatively plans to set up Monday, Feb. 1, 1993, Board Meeting for MHPC to be put on the agenda and answer questions. Trustee Wooden would like to start this MHPC program at the June budget for 1993, however, union negotiations will be starting prior to that. Deputy Mayor Lynch could see something done by 7-1-93 but doesn't want to push into anything. Trustee Wooden noted his concern about budget planning saying that a decision would make it simpler. Deputy Mayor Lynch responded by saying that if an original budget was planned without MHPC that a change could be made later and money would be in the budget to cover the change.

Mr. Bright explained the path for offering a career path for the employees in question. MHPC will be in the upstate area and will have an office in this area within the next year. Employees must maintain 30 hours for certification. MHPC will make sure that the employees have proper certification. Mr. Bright noted that even in the recession the environmental field grew approx. 18% last year.

Trustee Wooden confirmed the meeting for Feb. 1, 1993, with MHPC and the VB. Mayor Elliott asked those that have questions, please get them to Village Clerk, Bonnie Hays, who will send them to Mr. Bright or MHPC. Mr. Bright recommended to the VB that the Vill. Attorney look over the proposal prior to the meeting. Trustee Gilmore noted that the V. Clerk speak to the Fire Commissioners asking if they have any questions about the water proposal. Trustee Wooden noted that he would like the VB members to visit the New Paltz facility.

RESUME PUBLIC HEARING AT 7:37 P.M.: Note that hearing notice and law were previously read. Questions were called for by Mayor Elliott. P. Retan noted that the Episcopal Church would like another handicap parking spot. The Vill. Clerk is to write a ltr. to the Episcopal Church and ask if they do want another spot.

Depty Mayor Lynch noted that Mr. S. Smith wants no parking on Spring Street at all and that 50' as specified in the law is approx. 2 parking spots. Mayor Elliott noted that the residents of Spring Street seemed to be very pleased with this proposal and the next step is sending the LL to the Secretary of State for filing after which the LL will go into effect. Mayor Elliott closed the hearing at 7:45 p.m. Vote will be taken during regular business.

NYS DOT REPORT FOR APPLICATION TO DEC FOR WETLANDS IN AREA OF RT. 21 BRIDGE. Mayor Elliott reported that a note had been received today noting that the NYS DOT has requested an area of land to replace the wetlands when the new Rt. 21 bridge is built. .05 acres will be destroyed new wetlands will be .08 acres. Notice has been posted and the NYS DOT has applied for this wetlands and to comply with NYS LAW. Mr. H. Kruger asked about a water main. Mayor Elliott noted that there was none across the bridge. Mr. Kruger noted that he was getting many calls inquiring about water main and hydrants and other information which H. Kruger will bring to the Board. There will be no sewer pump station there.

MS. SANDRA MYLACRAINE: Ms. Mylacraine introduced herself by saying that she is a resident of Bristol, Business owner in Bristol, and her husband is a member of the Bristol ZBA. Ms. Mylacraine owns the apt. house at 315 E. Main Street and would like help solving some problems. Ms. Mylacraine noted that she had two problems relating to the loop holes in the Village law causing her problems to occur. Ms. Mylacraine wants to bring this problem to the VB attn. to help people like her. Problem 1: There are 3 people who have been involved in dumping trash in her dumpster and none have been arrested yet. #2: Garbage: Ms. Mylacraine is one of a few people who owns apts. that has a dumpster and Waste Management, her disposal company, will not pick up individual trash but only trash for the bldg. She has collected 14 names which have been given to Chief Dalton who said that he had spoken to the DA who said it is a civil matter. Ms. Mylacraine noted that trash comes from Market St., Canal St., and the other side of Main Street. The same rules should pertain to all the landlords. Depty Mayor Lynch asked if she could return the garbage and Ms. Mylacraine said that she would be liable for the dumping. Chief Dalton noted that he cannot prosecute if the DA will not prosecute, civil matter. Ms. Mylacraine noted that D. Seconi was sent letters and has done nothing. Chief Dalton noted that if the law is on the books than landlords must supply the dumpsters the C.E.O. would inforce that. Trustee Wooden noted that the landlords have to offer a means of trash removal but do not have to supply a dumpster.

Chief Dalton noted that a person is arrested by the complaintant signing the complaint. Ms. Mylacraine stated that she had a license number. Chief Dalton also noted that each time an arrest is made the VOP is open for a law suit. Trustees Gilmore and Wooden stated that they had a problem with no arrests being made especially having the license plate. Mayor Elliott suggested that Attorney Nesbitt if there is a way that the VOP can notify each tenant to suggest paying for the trash pickup of tenants. Chief Dalton noted that without question if a license plate no. was furnished an arrest could be made but would be made probably for trespass on property. Ms. Mylacraine noted that people had been seen dumping during the day on Wednesday and Sunday. Chief Dalton noted that he would check this out. Trustee Gilmore read the garbage, storage, and refuse section in the VOP ordiance. Ms. Mylacraine referred to damage to her apts. which Chief Dalton

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said DA said civil matter. Chief Dalton noted that two meetings were set up with S. Mylacraine and J. Barrett, ADA. Ms. Mylacraine could not make either meeting. Chief Dalton stated that he is not against making arrests if there are grounds for the arrest.

Many suggestions were offered to Ms. Mylacraine about totes and locked sheds, and stopping dumpster use. Trustee Gilmore would like a letter from Ms. Mylacraine to inform the VB if she has had any satisfaction or not by the next VB mtg. on 1-18-93. Trustee Gilmore doesn't understand why no one can be arrested. Chief Dalton will also get a status report for the next VB mtg. stating why this hasn't been addressed. Trustee Wooden suggested that the VOP get a large dumpster and put it on the taxes allowing all tenants to use. E. Hartnagel noting that any time anyone tries to give someone free services gets in trouble. Trustee Gilmore noted that Chief Dalton checking and C.E.O, Ed Dundas, would be checking with landlords and codes.

Trustee Wooden asked if Trustee Gilmore would be around to speak to ADA J. Barrett to find out what the problem is. Ms. Mylacraine said she spent at least 50 hrs. in the PD about this problem. Chief Dalton stated that 111 Market St., 302-306 Canal St., and 312 E. Main Street. Names to be given to Ed Dundas which are Don Seconi, Jim Merrick, and Mr. John Sargeant from Ontario.

VEHICLE AND TRAFFIC AMENDMENT - LL #1, 1993: Mayor Elliott moved to adopt LL #1, 1993, to amend the vehicle and traffic laws Chapter 25 in the Code of the Village of Palmyra, seconded by Depty. Mayor Lynch, vote, 4 ayes, CARRIED. Trustee Gilmore left temporarily about 8:00 p.m.

POLLING PLACE FOR MARCH 16, 1993, SPECIAL ELECTION: Mayor Elliott moved to approve the Palmyra-Macedon High School Music Room as the polling place for the upcoming Village Special Election on March 16, 1993, Tuesday, 12 noon to 9:00 p.m., vote, 4 ayes, CARRIED. Trustee Gilmore still absent.

NYCOM WINTER MEETING: A motion was made by Mayor Elliott to allow the VB members and the Village Attorney be authorized to attend the meeting in February, seconded by Depty. Mayor Lynch, vote, 4 ayes, CARRIED.

Village attorney arrived at 8:30 p.m.

SIMPLEX: Fire alarm maintenance company. Mayor Elliott reported on the amount of call outs and money spent with Simplex this year 1992 estimating that having a contract was a savings. However, after checking the dates of calls and the equipment installed at those times, Chief Dalton had questions about who was calling Simplex for repairs and where signed receipts were for the work allegedly done, as well as some equipment which was billed did not appear to be changed. It was discussed that Simplex had come out three (3) separate occasions. The call outs were only to occur, per Chief Dalton, when an alarm goes off. No one has any recollection of any alarms going off signifying problems. Chief Dalton was definite that there was no record of anyone coming out for some of the times Simplex listed. Depty. Mayor Lynch noted that he was not agreeing to the contract but wanted information to see who signed for work done. Mayor Elliott noted that the PD must remember to contact Simplex once a year for an inspection. DIED FOR LACK OF MOTION.

DEPUTY REGISTRAR: Mayor Elliott reported that a letter was received from Town Clerk, B. Hickman, asking if the VOP would accept Kathy Contant as Deputy Registrar to replace Virginia Wilson who will be working very few hours. Kathy Contant is the Deputy Clerk of the TOP at this time and is a full time worker. Mayor Elliott moved to adopt Kathy Contant as the Deputy Registrar of the VOP, seconded by Trustee Drews, 3 ayes, CARRIED. Trustee Gilmore and Depty Mayor Lynch were out of the office.

ABSTRACT #15: Mayor Elliott moved that the treasurer be authorized to pay abstract #15 consisting of vouchers 706 - 730 totalling \$4,407.65 on which appear the initials of at least three (3) trustees be paid, seconded by Trustee Wooden, vote, 3 ayes, **CARRIED.** Trustee Gilmore and Depty Mayor Lynch out of the room.

WCVO: Mayor Elliott reported that Scarlett Miles with the NYS OSHA compliance division would be attending and speaking. Bloodborne pathogens, employer exposures will be discussed. Mayor Elliott recommends that all Dept. Heads attend. Mayor Elliott moved that the VB, Village Attorney, Dept. Heads, and Central Office staff be allowed to attend the WCVO, Wednesday, January 20, 1993, seconded by Deputy Mayor Lynch, vote, 4 ayes, **CARRIED.** Trustee Gilmore out of office.

7TH JUDICIAL DISTRICT: A motion was made by Mayor Elliott to allow Carol Salomon, Village Justice, to participate in the Judges lending program if she chooses to participate, seconded by Deputy Mayor Lynch, vote, 4 ayes, **CARRIED.** Trustee Gilmore out of the office.

DRAINAGE JOHNSON STREET, LAPE, VENTORINO, VAN HOUT: Deputy Mayor Lynch inquired on the status of the drainage problem on the above properties. Mayor Elliott reported that TOP Super. D. Lyon, met with J.C. Smith, Wayne Cty Engineer, to meet with Mr. Weisman about signing his easement after which all easements are signed except for Mrs. McGuire. Attorney Nesbitt stated that the VOP as the property owner has the same rights as anyone to protect against impedece. Trustee Wooden noted that the quality of life of those affected by Mr. Vektorino's pond is being affected. Mayor Elliott noted that Clark's are not the problem. Trustee Wooden said that the owners are responsible and must take care of this or have the County do it. Mr. Van Hout noted that if he had blocked off the ditch he would be charged for taking care of it. E. Hartnagel noted that Mr. Vektorino (Steve) had no permit and that she has a copy of the information. Attorney Nesbitt asked what Mrs. McGuire's problem was? Mayor Elliott stated that McGuire would not be happy unless Vektorino was made to remove all the dirt and remove the pond. Trustee Wooden, Depty Mayor Lynch, and E. Hartnagel strongly agree to make Vektorino remove the dirt and pond. Attorney Nesbitt said that if the VOP property is affected everyone involved could be sued. Trustee Wooden asked about suing the town. Attny. Nesbitt will check the TOP ordinance. Discussion then went to the creek by the Carriage Stop and how they do not clean up there part of the creek which creates a problem. Depty Mayor Lynch asked if there were easements to all the properties with regards to creeks. Attny. Nesbitt said that just because the VOP secures an easement that doesn't mean the VOP is obligated to keep the creek clean. The Village Clerk is to check the LL for the rulings of keeping creeks clean to Depty Mayor Lynch.

POLICE CLERK: Chief Dalton noted that this temporary replacement should be made ASAP. The current Clerk cannot work until her baby arrives in May after which time she will be taking a maternity leave approx. a total of 6 months. Mayor Elliott mentioned two (2) options, temporary person off the civil service list or temporary service. Mayor Elliott has checked with Kelly and Uniforce rates are \$10.27/hr. Uniforce, \$10.57/hr., Kelly which includes social security, payroll, insur., unemploy ins. Chief Dalton would like to do a backround on the person and have someone hired that meets Chief and VB approval. Present Clerk will only be working for 2 more days, need someone immediately, said Chief Dalton. Depty. Mayor Lynch stated he knew of someone that would do a good job and would not want to be on the State Retirement program. Trustee Wooden asked if we could hire someone not on the civil service list part time. Attorney Nesbitt said yes if working under 20 hours per week. Chief Dalton said the job is taking more than that now. Held off for later discussion.

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TRUSTEE GILMORE REPORTS: Noted that an inspection had been done by OSHA at the fire department and that steps were being taken to correct the problems found.

Chief Dalton asked if the VOP had a fire marshall or someone that does fire inspections. Mayor Elliott said no fire marshall but C.E.O., E. Dundas, can do. Attny. Nesbitt noted that items of this nature come under bldg. code inspection. Trustee Gilmore noted that R. Hickman, Fire Chief, could be spoken to and that E. Dundas, C.E.O., has authority to site.

TRUSTEE DREWS REPORTS: KENNEL FOR TOWN OF PALMYRA: Trustee Drews reported that the TOP had applied for a epmit to build a kennel at the TOP Highway barns, however, a special permit is needed. Mayor Elliott stated that the TOP intention is to board dogs instead of taking them to WCHS or Lollipop farm. Trustee Wooden asked why we have to have this? Trustee Drews response was, exactly. Mayor Elliott then noted that the VB has to give a special permit to authorize a kennel, saying that the VOP had bought cages for overnight storage. Mayor Elliott reported that he had spoken to TOP Super. Lyon asking why they want kennels? Super. Lyon noted to save money, after which Mayor Elliott reported that he asked Super. Lyon what the laws were for a kennel. Mayor Elliott ordered a copy of Art. 7 of the State Ag. Laws containing kennel requirements etc. Mayor Elliott stated that by State Law, the VOP is obligated to provide with means of housing, cage or kennel, and the VOP has done this to satisfaction using Lollipop which is available 24 hour per day, 7 days per week, as well as WCHS which charge \$5 per day. Trustee Wooden asked why use the TOP BARNS and not Dr. Krause explaining no one there after 3:30 p.m. in afternoon many days. Trustee Drews noted that a public hearing would be needed for the kennels and reiterated that the ACO has a cage to use for overnight. Trustee Wooden stated ACO was being paid to do so. Trustee Drews noted that she was meeting at 10:00 am Monday, Jan. 11, 1993, with A.C.O., Mayor Elliott, and Village Clerk.

SIGN FOR VILLAGE ENTRANCES: Trustee Drews reported that letter needed to go to Dave VanGorden at the Pal-Mac School informing them about the monies for the materials and noted that the VOP would pay for them. The SIGN COMMITTEE will present a proposal on Feb. 1, 1993, Monday, regular VB mtg. and asked that they be put on the agenda. Mr. VanGorden will check with the Lions Club and the VOP will contact the Moose, American Legion, VFW and Masons asking for donations for the signs.

TRUSTEE WOODEN REPORTS: CONTRACT FOR HYDRAULIC GRADIENT STUDY: Trustee Wooden noted that a contract had been sent from MRB and was at Attny. Nesbitt's Office after review will be sent over to the Vill. Hall for the Mayor's signature.

VOP CANAL ECONOMIC DEVELOPMENT COMMITTEE: Trustee Wooden moved to approve a committee to include, Trustee D. Wooden, Dean Williamson of the TOP/VOP CANAL ECONOMIC DEVELOPMENT COMMITTEE, J. Hudak, VOP Planning Board, Patricia Pope, Pres. Pal. Historic Society which would meet the 2nd and 4th Monday at 8:00 p.m. on the second Floor of the of the Park and Club Rooms, seconded by Mayor Elliott. Discussion: Trustee Wooden noted that the committee was looking into developments of the land between Church Street and Throop Street and securing the land from NYS, however, nothing formal had been decided. Also Trustee Wooden noted that the committee would not be sping money for a long time if any, vote, 5 ayes, CARRIED. Trustee Wooden also noted that he would like to report directly to the Master Plan committee.

EXECUTIVE SESSION: A motion was made by Depty Mayor Lynch to enter executive session at 9:48 p.m. for matters of personnel, seconded by Mayor Elliott, with the VB, Vill. Attny. and Chief Dalton, vote, 5 ayes, CARRIED.

Motion by Mayor Elliott to come out of executive session at 10:35 p.m., seconded by Trustee Wooden, vote, 5 ayes, CARRIED.

HIRE POLICE CLERK: A motion was made by Depty. Mayor Lynch that the VB hire Lynn Barnes not to exceed 6 months at \$6/hr. to replace S. Clemons as needed effective January 5, 1993, at 8:30 a.m., seconded by Mayor Elliott, vote, Trustee Drews, abstain, Mayor Elliott, aye, Depty. Mayor Lynch, aye, Trustee Wooden, aye, Trustee Gilmore, aye, CARRIED.

ADJOURNMENT: A motion was may be Mayor Elliott to adjourn the meeting at 10:54 p.m. seconded by Trustee Gilmore, vote 5 ayes, CARRIED.

Respectfully submitted,

Bonnie J. Hays, Village Clerk

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