

VILLAGE OF PALMYRA BOARD OF TRUSTEES
PUBLIC HEARING
ANNUAL ORGANIZATIONAL MEETING
REGULAR MEETING
December 3, 2007 7:00 p.m.

PRESENT: Mayor Daly, Trustees Husk, Nolan, Piccola, and Palmer, Attorney Williams, Richard Clayton.

Mayor Daly opened the annual organizational meeting at 7:00.

ANNUAL ORGANIZATIONAL MEETING: Motion by Trustee Palmer, second by Trustee Nolan to adopt the following annual organizational assignments, except where noted, all terms shall run through December 1, 2008.

BE IT RESOLVED that the Board of Trustees reestablishes the following trustee liaisons for a period of one year from 12/3/2007 through 12/1 /2008. Each chairperson shall designate a board member who shall assume committee responsibility in the absence of the chairperson. Positions shall be decided by motion and majority of the Village Board. Majority shall be considered three (3) votes.

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| 1. Audit | Trustee Piccola |
| 2. Buildings & Grounds (Marina, Village Hall, Park & Club Rooms, Flagpole Trails) | Trustee Husk |
| 3. Fire Department | Trustee Husk |
| 4. Personnel | Mayor Daly & Trustee Palmer |
| 5. Planning and Zoning | Trustee Nolan |
| 6. Revitalization | Mayor Daly |
| 7. Streets, & highway | Trustee Piccola |
| 8. Water & Sewer | Trustee Palmer |
| 9. Youth & senior citizens, PCC Celebrations & Special Events | Trustee Nolan |

ACTING JUSTICE: Mayor Daly moved the appointment of William Abbott, as acting POLICE JUSTICE for a period of one year from December 3, 2007 ending December 1, 2008 as per Village Law 3-301, Section 2z and Note 5 of Revision 1992, Section 8. Appointment is made by the Board of Trustees, with Justice approval.

COURT CLERK: Mayor Daly moved the appointment of Patricia Peterson, COURT CLERK, for a period of one year from December 3, 2007 ending December 1, 2008 as per Village Law 4-400, Sub. Para. C, ii. with Justice approval.

VILLAGE ATTORNEY: Mayor Daly moved the appointment of Arthur B. Williams, as Village Attorney, for a period of one year from December 3, 2007 ending December 1, 2008.

HEALTH OFFICER: Mayor Daly moved the appointment of Dr. Malcolm Riggs, MD, as HEALTH OFFICER as previously established and shall run through December 1, 2008.

REGISTRAR VITAL STATISTICS: Mayor Daly moved the appointment of Lynne Green, Town Clerk, REGISTRAR FOR VITAL STATISTICS from December 3, 2007 through December 1, 2008.

ANIMAL CONTROL OFFICER: Mayor Daly moved the appointment of Gary Rose as ANIMAL CONTROL OFFICER from December 3, 2007 ending December 1, 2008.

VILLAGE HISTORIAN Mayor Daly moved the appointment of Beth Hoad, VILLAGE HISTORIAN, for a period of one year from December 3, 2007 ending December 1, 2008.

PLANNING/ ZONING BOARDS: No appointment of chair of the Zoning Board of Appeals, until P. Wimer is consulted about willingness to fulfill another term on the board through (11/2012) and another year as Chair through 11/08.

Note: Previously appointed:

- * Tim Kurek, term beginning November 30, 2005 through November 30, 2010.
 - * James Hemmings term beginning November 4, 2004 through November 30, 2009.
 - * John Burgess term beginning March 27, 2007 through November 30, 2008.
 - * Richard T. Perry Jr. beginning November 30, 2006 through November 30, 2011.
- Alternates: Two Vacancies.

Mayor Daly moved the appointment of David Morrell, as Chair of the Planning Board through November 30, 2008 term from December 2005 through November 30, 2010.

Note: Previously appointed:

- * Jennifer Voss term beginning February 2004 through November 30, 2009.
- * Kathleen Ioele term beginning December 2004 through November 30, 2008.
- * Becky Kurek, term beginning September 2006 through November 30, 2011.

Alternates: Two Vacancies.

YOUTH COMMISSION: Mayor Daly advised that, upon recommendation of the Board of Directors of the Palmyra Community Center, she re-establishes the following officer positions on the YOUTH COMMISSION, election of said officers to be conducted in March:

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| 1. President | Tom Hickey |
| 2. Vice-president | Mark Giacchetta |
| 3. Secretary | Missy Husk |
| 4. Treasurer | Jacky Nolan |

FIRE DEPT. OFFICIALS: Mayor Daly advised, on recommendation of the Palmyra Fire Company, Inc. as of December 3, 2007 that the following appointments be made:

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| 1. Fire Chief | Warren Frederick |
| 2. First Asst. Chief | Bill Colburn |
| 3. Second Asst. Chief | Derrick Baker |
| 4. Third Asst. Chief | Kevin Bruening |

FIRE DEPT. MAINTEN. MECHANIC: Mayor Daly moved the appointment of James Eckert, as MAINTENANCE MECHANIC of the FIRE DEPARTMENT EQUIPMENT, from December 3, 2007 through December 1, 2008.

DEPUTY OR ACTING MAYOR: Mayor Daly moved the appointment of Mark Palmer, a Trustee, as DEPUTY OR ACTING MAYOR, to serve during the absence of the Mayor, when required as per Village Law, Article 4, 1.h.

BANK DEPOSITORY: HSBC shall be the depository for funds of the village; the Village of Palmyra shall utilize the services of said bank regarding Village investments, however, the services of various other banks may also be utilized from time to time, at the discretion of the Village Board.

INVESTMENT COUNSELORS: Roy McMaster, Capital Market Advisors, shall be utilized by the Village Board of Trustees as Investment Counselor for the Village of Palmyra.

OFFICIAL NEWSPAPER: *The Courier Journal* shall be approved as the official newspaper for the Village and the *Daily Messenger* to serve as a secondary official newspaper to bring such legal notices, statements, notices for bids and other legal notices for the ensuing year to the attention of the citizens for the Village of Palmyra.

EMPLOYEE BONDS: Mayor Daly moved that bonds be provided by Van Parys Associates for the following bond amount for employees set by the Board:
To cover the Village part-time clerks, bond amount of \$57,500 and Clerk Treasurer/Tax Collector, bond amount of \$646,000 and \$5,000 per all other employees.

SPECIAL MEETINGS & HOLIDAYS: In the case of special meetings, the Village official newspaper will be notified and notification of such shall be posted on Village Hall as far in advance as possible. Office hours are Monday through Friday, 9:00 am through 5:00 pm. The office shall be closed on the following holidays:

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| 1. Day before Christmas 2007 | 6. July 4, 2008 |
| 2. Christmas 2007 | 7. Labor Day (Sept 3, 2008) |
| 3. New Year's Day 2008 | 8. Veteran's Day (Nov. 11, 2008) |
| 4. Good Friday (March 21, 2008) | 9. Thanksgiving (Nov. 27, 2008) |
| 5. Memorial Day (May 26, 2008) | 10. Day after Thanksgiving (Nov. 28, 2008) |

As per N.Y. Village Law, Deputy Mayor Palmer announced the following appointments:

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| 1. Budget Officer | Mayor Daly |
| 2. Police Commissioner | Mayor Daly |

RULES OF PROCEDURE: N. Y. Village Law, the Local Laws of the Village of Palmyra and the following rules of procedure are hereby adopted as guidelines to the Village Board of Trustees meeting. The Board of Trustees reserves the right to enact any and all of the stated rules of order should it be deemed necessary.

REGULAR MEETINGS: The regular meetings of the Board of Trustees of the Village of Palmyra shall be held at 7:00 pm. on the First and Third Monday, in the months of September through June, the Board will meet on the first Monday night of the month only for the months of July and August, with the exception that any holidays which may fall on the above dates will automatically move the regular meeting night to the next day evening. The Village Clerk will prepare a written agenda for each Village Board meeting following the same guidelines as resolved in previous years.

QUORUM: A quorum shall be required to conduct business. A quorum of the (5) five member Board of Trustees shall be (3) three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

EXECUTIVE SESSIONS: Executive sessions shall be held in accordance with the NYS Public Officers Law 105. All executive sessions shall be commenced in a public meeting.

AGENDAS: The agenda shall be prepared by the Clerk at the direction of the Mayor. The Mayor or any Trustee may have an item placed on the agenda. When possible, items for the agenda shall be given to the Clerk by the Friday preceding the meeting by 12 Noon, however, items may be placed on the agenda at anytime, including during the meeting.

VOTING: Pursuant to Village Law each member of the Board shall have one vote. The Mayor may vote on any matter but must vote in case of a tie.

A majority of the totally authorized voting power is necessary to pass a matter unless otherwise specified by State law.

An abstention, silence or absence shall be considered a negative vote for the purposes of determining the final vote on a matter.

MINUTES: Minutes shall be taken by the Clerk. Minutes shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the NYS Freedom of Information Law.

Minutes shall also include the following:

- Name of the Board
- Date and time of meeting
- Notation of presence or absence of Board members and time of arrival or departure if different from time of call to order and adjournment
- Name and title of other village officials and employees present
- Record of communications presented to the Board
- Record of reports made by Board or other village personnel
- Time of adjournment
- Signature of Clerk or person who took the minutes if not the Clerk.

Minutes shall not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board shall resolve to have the Clerk do so. Minutes shall be approved at the next board meeting whenever possible. Amendments to the minutes shall require Board approval.

ORDER OF BUSINESS:

- Call to Order
- Roll call
- Approval of minutes of previous meeting
- Approval of abstract (second meeting of the month)
- Correspondence/Announcements
- Trustee Reports
- Old/New Business
- Public Session
- Adjournment

GENERAL RULES OF PROCEDURE:

The Mayor shall preside at meeting. In the Mayor's absence the Deputy Mayor shall preside. The presiding officer may debate, move and take other action that may be taken by other members of the Board. Motions to close or limit debate may be entertained but shall require a two-thirds vote.

GUIDELINES FOR PUBLIC COMMENT: The public shall be allowed to speak during the Public Comment period of the meeting or at such other time as a majority of the Board shall allow.

All remarks shall be addressed to the Board as a body and not to any member thereof. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Interested parties or their representatives may address the Board by written communications.

GUIDELINES FOR USE OF RECORDING EQUIPMENT: All members of the public and all public officials are allowed to tape or video record public meetings. Recording is not allowed during executive sessions. The recording shall be done in a manner which does not interfere with the meeting. The mayor may make the determination that the recording is being done in an intrusive manner taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Village Board, size of the equipment and the ability of the public to still participate in the meeting. If the mayor make the determination that the recording is intrusive and has the effect of interfering with the meeting, the mayor may request an accommodation to avoid the interference and if not complied with ask the individual to leave the meeting room.

ADJOURNMENT: Meetings shall be adjourned by motion.

AMENDMENTS TO THE RULES OF PROCEDURE: The foregoing procedures may be amended from time to time by a majority of the Board.

Voting as follows:

Trustee Husk
Trustee Nolan
Vote: 4 ayes

Trustee Palmer
Trustee Piccola
CARRIED.

APPROVAL OF MINUTES: Motion by Trustee Piccola, second by Trustee Husk to approve the minutes from November 19, 2007 as submitted. Vote, 4 ayes. CARRIED.

ANNOUNCEMENTS/CORRESPONDENCE: The following correspondence has been received and is on file in the office of the Clerk Treasurer:

- Correspondence fm Atty Cavall re: Hub-Langie suit
- Correspondence fm Salzburg re: Backflow Prevention/Water meters
- Police car accident information
- Recognition of the Guest's gift to the Village – in memory of our deceased comrades, and in honor of Veterans, our troops and the people of Palmyra
- NYMIR bulleting regarding 207-c benefits
- Info on bicycle tours

TRUSTEE REPORTS:

Trustee Husk reported that Buildings and Grounds have been repairing the amber lights on all the sidewalk machines. They have not been working in two years. The crew has also completed putting up the Christmas decorations and the installation of the electric for the Marina.

Trustee Nolan – no report. The Mayor reported on the Christmas in the Village celebration that occurred over the weekend. It was very nice but the weather could have been a little more cooperative.

Trustee Palmer - no report.

Trustee Piccola reviewed Supt. Boesel's written report, highlighting the completion of the Shared Municipal grant and leaf pick up which has been suspended due to snow fall. Motion was made by Trustee Piccola to accept the resignation of Jamie Hemmings from the Zoning Board with regrets and thanks. Second by Trustee Palmer. Vote, 4 ayes. CARRIED.

Attorney Williams reported that Local Laws 2,3, and 4 have been filed with the State and are now enforceable.

Mayor Daly provided her usual written report and highlighted Mr. Walsh's town meeting, held Nov. 28th on Illegal Immigration.

NEW/OLD BUSINESS

DAVID COREA/REQUEST FOR ZONING CHANGE: Property owner David Corea reviewed the sequence of events surrounding his applications with regards to his property located on Throop Street that he purchased from the Village. He outlined his concerns regarding procedures with particular emphasis on what he sees as a major problem; ie. interpretations and the resultant discrepancies of the Zoning law. One applicant may be granted a variance while another with a seemingly-like application may be denied. It seems some of the decisions being made result from what the Board members would like to see doing business in the village and are not based solely on the application as it relates to the Zoning laws. His request was to have the Board change the zoning for his property from C3 to C1 having a less restrictive set back requirement, which seems backwards but is how the zoning law is written. The Board discussed his request at length and was advised by Attorney Williams that unless Mr. Coreas's property is contiguous with the C-1 district any zoning change could be construed as "spot zoning".

Mayor Daly reminded Mr. Corea that the Village Board has no authority over either the Planning or Zoning Boards. Attorney Williams suggested that Mr. Corea tweak his application a bit and return it, hopefully to be heard by a full Board.

BUDGET CALENDAR: The Board reviewed the tentative budget planning calendar that was distributed by the mayor. They scheduled the meetings for the department heads as follows:

Tues. January 15th: 6:30 Fire Dept., 7:00 Police Dept., 8:00 Hwy. Dept.

Tues. January 22nd: 6:30 Court, 7:00 Water/Sewer, 8:00 Bldgs./Grounds

Motion was made by Trustee Palmer, second by Trustee Piccola to approve the Budget Calendar as submitted, noting that all the meetings from January 15th and on will start at

6:30 and the tentative budget hearing will be March 17th also at 6:30. Vote, 4 ayes.
CARRIED.

WATER PLANT: The Board discussed the need for a proposal on water plant options; rehab, rebuild or going out of the water treatment business. After a brief discussion it was agreed that the Board needs someone qualified to write the RFQ. The Clerk Treasurer was instructed to call Sniedze Associates to get an estimate so a permissive referendum can be done. Trustee Piccola asked that Richard Clayton work with Sniedze Associates on what should be included in the RFQ.

ADDITIONS TO AGENDA:

WAYNE COUNTY NUTRITION SITE CONTRACT: Motion was made by Trustee Palmer, second by Trustee Piccola, to authorize Mayor Daly to sign the contract with Wayne County Office of Aging for use of the Sexton Building for the Nutrition Site at \$100.00 per month. Vote, 4 ayes. CARRIED.

GRANT OPPORTUNITY: Mayor Daly shared information on a grant opportunity from NYS DOT called Safe Routes to School Program. There is \$31.6 million available to support school-based transportation infrastructure improvements and public education campaigns across the state. The Safe Routes to School program is a reimbursement program, with 100 percent reimbursement for successful applicants. The Board agreed the program would be an excellent opportunity. Supt. Boesel has already lined some projects up for consideration.

EXECUTIVE SESSION: Motion by Trustee Piccola, second by Trustee Husk to enter into executive session for the discussion of personnel and contractual. Vote, 4 ayes.
CARRIED.

PUBLIC SESSION: Motion by Trustee Piccola, second by Trustee Nolan to reenter public session with no action having been taken. Vote, 4 ayes. CARRIED.

PERMANENT APPOINTMENT: Trustee Husk moved to approve the probationary review of Supt. Hopkins as submitted by Trustee Husk and based upon Trustee Husk's recommendation, appoint Mr. Hopkins to a permanent position as Superintendent of Buildings and Grounds Maintenance. Vote, 4 ayes. CARRIED.

AJOURNMENT: Motion by Trustee Piccola, second by Trustee Nolan to adjourn at 9:10 p.m. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Clerk Treasurer