

**VILLAGE OF PALMYRA
BOARD OF TRUSTEES**
April 4, 2005 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Mayor Daly, Trustees Piccola, Celentano, Hopkins, and Palmer, Attorney Williams.

CALL TO ORDER: Mayor Daly called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES: Motion by Trustee Piccola, second by Trustee Palmer to approve the minutes from March 21, 2005. Vote, 3 ayes, 2 abstain, Trustee Celentano and Mayor Daly. CARRIED.

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

- Invitation to participate in the Memorial Day parade, Mon. May 30 @ 9:00 a.m.

Mayor Daly asked Neil Washburn if he wanted to address the Board about his son's upcoming cross country bike ride. Mr. Washburn provided handouts for the Board to review and promised to come by the next Board meeting to answer any questions.

Motion by Trustee Hopkins, second by Trustee Celentano to enter executive session for discussion of personnel. Vote, 4 ayes. CARRIED.

EXECUTIVE SESSION

Motion by Trustee Celentano, second by Trustee Piccola to re-enter public session with no action having been taken. Vote, 4 ayes. CARRIED.

POLICE OFFICER: Trustee Palmer, second by Trustee Celentano to accept Ron Hall as a lateral transfer from the Greece Police Force, effective April 6, 2005. Vote, 5 ayes, unanimous. CARRIED.

SIGN ORDINANCE: Mayor Daly invited Code Enforcement Officer Grier to the table to discuss the proposed sign ordinance. The most radical change with the new ordinance will be the elimination of signs in residential districts. The only signs that will be allowed will be house identification, political and real estate signs. Portable signs shall be permitted in commercial districts only with limitations; ie: can only be displayed for 20 days in a calendar year. Overhanging signs in all non-residential districts will once again be allowed. Owners with non conforming signs will be given notice and will have one year in which to comply. Motion was made by Trustee Celentano, second by Trustee Piccola to set a public hearing for the proposed sign ordinance for May 16, 2005. Vote, 4 ayes. CARRIED. This will allow enough time to submit the proposal to the County Planning Board for their recommendation and completion of a short form SEQR by Mr. Grier.

RE-ZONING: The Board reviewed the hearing on rezoning of the former Allendale Columbia property. The building illustration provided by Mr. Finewood at the hearing would in fact not be allowed if the Board were to re-zone the property to R-2. There is a maximum allowance of eight units per building. Beyond that, Mr. Finewood would have to apply for a variance. The application for the variance would be considered by the Village Planning and Zoning Boards. Motion was made by Trustee Piccola, second by Trustee Palmer to approve the re-zoning of the former Allendale Columbia property on East Foster Street from R-1 to R-2. Vote, 3 ayes, Trustee Celentano-nay, Trustee Hopkins-abstain.

According to Attorney Williams, as the County did not approve it, a super majority is required for the parcel to be re-zoned. It becomes a dead issue and any further development of the property for multi-family housing would have to start all over.

The Board discussed further options. The Mayor expressed her disappointment as the housing that was proposed by Mr. Finewood is sorely needed in the Village, not to mention a potential substantial increase in the Village tax base. Trustee Hopkins indicated that he would be willing to re-vote. Motion was made by Trustee Piccola, second by Trustee Palmer to rezone the East Foster Street property from R-1 to R-2. Vote, 4 ayes, Trustee Celentano-nay. CARRIED.

TRUSTEE REPORTS: Trustee Piccola deferred to Superintendent Boesel in lieu of a report. Superintendent Boesel reported that the sewer flushing machine has been delivered and the crews have been trained. It will be used this week.

Mr. Boesel reported on the weekend storm flooding. Two street closings were necessary; one on Fayette Street and one on West Foster. A blockage was found in the storm sewer on West Foster. They will be trying to free that up with the sewer flusher this week. The storm grate and culver that goes under Prospect Drive were plugged. Once they were able to clear that, the flooding subsided in an hour or so. That storm grate is cleaned on a regular basis and was cleaned just two weeks ago by the Village crew. Leaves and brush left in the streets are still a big part of the problem.

The stake out has been done for the No Parking to Corner sign on E. Charlotte Street. Other areas where signs might be needed were discussed.

Superintendents Weaver and Boesel met regarding the cemetery roads. There is actually about 800 feet of roadway that only appears on paper. Superintendent Boesel is pursuing some grant and funding opportunities for repaving the cemetery roads.

There will be a Wayne County bid opening on Wednesday that will set prices for the year on slurry sealing, asphalt, aggregate, etc. Ruth Kirchhoff's sidewalk is in the process of being fixed.

Super. Boesel has obtained a couple of estimates for the dump truck replacement. Both estimates are about \$125,000 but the specs for the truck through Genesee Truck Sales sound better. We need to get a replacement ordered as soon as possible in order to have it in time for leaf pickup. The old truck should clear about \$6,000, but it would probably be advisable not to sell it until the 2006 auction in case the new one doesn't arrive in time.

The request to install sidewalks on Park Drive was considered. Super. Boesel feels that the front yards along Park Drive are just too small to accommodate sidewalks.

The request to install trash cans on Hyde Parkway was also discussed. The Board felt that installing trash cans might create a bigger problem than the occasional litter found there now, ie: students dumping the trash cans over.

Trustee Celentano reported that the water quality report has been delivered to all Village water users with last week's Timesaver. Salzburg Village has submitted plans to DOH for installation of a back flow preventer.

The request to allow two additional sewer users to tie into Terry Vanderwall's sewer lateral was discussed. Trustee Celentano moved to approve the concept of allowing the Palmyra Animal Hospital and Schades to tie into Terry Vanderwall's sewer lateral as out-of-district sewer users, to be billed one and a half times the Village rate based on their water consumption and with the understanding that any costs and/or repairs to the lateral in the future will be Mr. Vanderwall's responsibility. Trustee Palmer seconded the motion. Vote, 4 ayes. CARRIED.

Trustee Hopkins – no report.

Trustee Palmer reported that we have been given a net price of \$20,000 for the 1989 Ford 8000 Pumper truck from the consignment company in California. The pumper must have a current pump test and DOT inspection upon sale. This will be adequate to cover the costs of a new truck given the \$129,000 grant from the state. The Board felt we should have the grant in hand before we order a truck.

According to Atty. Williams, a fire district has no authority to enter into a contract with a private ambulance company so there will be no agreement between Finger Lakes Ambulance and the Fire Department for paramedic intercepts.

Attorney William reported that the temporary easements have been drawn up for work during the Howell Street reconstruction. Motion was made by Trustee Celentano, second by Trustee Palmer to enter into the easement agreements and authorize the Mayor to sign same. Vote, 4 ayes. CARRIED.

Mayor Daly provided her customary written report. She also reported that David Mead is ready to close on his micro-enterprise loan but the Village has not

received the drawdown funds from the state yet. She asked the Village attorney if it would be legal to advance the \$16,000 which would be repaid to the Village upon receipt of the draw from GOSC. Attorney Williams reported that it would definitely not be legal.

The Park and Club rooms are in dire need of drapes and drapery rods for the west side. Wooden's Custom Upholstery Services have submitted an estimate for \$853.00 which would include the drapes, the hardware and installation. Mayor Daly reminded the Board that the Village agreed to some good faith work of our own in order to qualify for the \$25,000 endowment. Motion was made by Trustee Celentano, second by Trustee Hopkins to expend \$853.00 from the Sexton expendable fund for the drapery work. Vote, 4 ayes. CARRIED.

NEW/OLD BUSINESS:

BOND RESOLUTION / HOWELL STREET: The following resolution was offered by Trustee Celentano, who moved the adoption, seconded by Trustee Piccola, to-wit:

**BOND RESOLUTION
(SUBJECT TO PERMISSIVE REFERENDUM)**

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE RECONSTRUCTION OF THE HOWELL STREET, IN AND FOR THE VILLAGE OF PALMYRA, WAYNE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$380,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed;

WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Board of Trustees has determined will not result in any significant environmental effect; and

WHEREAS, it is now desired to authorize such capital project and its financing;
NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Palmyra, Wayne County, New York, as follows:

Section 1. The reconstruction of Howell Street in and for the Village of Palmyra, Wayne County, New York, including resurfacing, storm sewers, gutters and curbing, as well as incidental improvements and expenses in connection therewith, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimate cost of \$380,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$380,000 of serial bonds of the Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein will exceed five years.

Section 4. The faith and credit of said Village of Palmyra, Wayne County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the

issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- a. Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- b. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- c. Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or in summary thereof in the *Palmyra Courier Journal*, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk Treasurer in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

Vote: Mayor Daly	aye	Trustee Palmer	aye
Trustee Celentano	aye	Trustee Piccola	aye
Trustee Hopkins	aye	5 ayes. CARRIED.	

PITNEY BOWES: Motion by Trustee Celentano, second by Trustee Palmer to enter into a new lease with Pitney Bowes at this time for a new digital mailing machine. Vote, 4 ayes. CARRIED.

SURVEILLANCE EQUIPMENT: Motion by Trustee Celentano, second by Trustee Piccola to accept the grant from the Edwin Burm fund and to expend upto \$10,000 for surveillance equipment for the Marina. Vote, 4 ayes, Trustee Palmer-aye. The grant is a one third (Village)/two thirds (grant) match. The quote is under \$8,000 and the Village's portion will come from the trail fund.

JONES DAYCARE PROPOSAL: Deputy Mayor Palmer met with resident Jacqueline Jones to discuss a grant application she is submitting to the Office of Children and Family Services. She would like a letter of support to submit with her application. She is proposing a day care center that will serve families with infants, toddlers, preschoolers and school age children. Trustee Celentano moved to authorize the Mayor to sign the letter of support for Mrs. Jones. Second was made by Trustee Palmer. Vote, 4 ayes. CARRIED.

BACKFLOW PREVENTION: Attorney Williams has the proposal ready for the backflow prevention ordinance. Motion was made by Trustee Celentano, second by

Trustee Hopkins to schedule a public hearing on April 18, 2005. Vote, 4 ayes. CARRIED.

Motion by Trustee Palmer, second by Trustee Celentano to enter executive session at 9:20 p.m. for discussion of a contractual matter. Vote, 4 ayes. CARRIED.

EXECUTIVE SESSION

Motion by Trustee Piccola, second by Trustee Celantano to re-enter public session at 9:30 p.m. with no action having been taken. Vote, 4 ayes. CARRIED.

ADJOURNMENT: Motion to adjourn at 9:33 p.m. by Trustee Piccola, second by Trustee Celentano. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Village Clerk