

**VILLAGE OF PALMYRA
BOARD OF TRUSTEES**

Monday, August 7, 2006 7:00 p.m.

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES: Motion by Trustee Celentano, second by Trustee Hopkins to approve the minutes from July 5, 2006 as submitted. Vote, 4 ayes. CARRIED.

Motion by Trustee Hopkins, second by Trustee Piccola to approve the minutes from July 17, 2006 as submitted. Vote, 4 ayes. CARRIED.

APPROVAL OF ABSTRACT: Motion by Trustee Celentano, second by Trustee Piccola to approve payment of Abstract #2, of 7/17/06, vouchers 108 through 185 for \$83,681.93. Vote, 4 ayes. CARRIED.

Motion by Trustee Celentano, second by Trustee Hopkins to approve payment of voucher 186 of 7/24/06 for \$12,426.00 . Vote, 4 ayes. CARRIED

Motion by Trustee Celentano, second by Trustee Piccola to approve payment of vouchers 187 of 8/1/06 for \$248.76. Vote, 4 ayes. CARRIED

CORRESPONDENCE/ANNOUNCEMENTS/INFORMATION:

- Article in *Daily Messenger* featuring Coffee Creek
- Article in Rochester Business Journal featuring Historic Palmyra's Phelps Store

MASTER PLAN: CANALSIDE NATURE PARK

Mayor Daly introduced Bonnie Majestic from Clough Harbour. Ms. Majestic is one of the design team of the Master Plan for the Canalside Nature Park. The Master Plan will become part of a grant application to the NYS Canal Corporation. The park will be built in stages and will include

1. On the east end of Park Drive: a refurbished boat launch, parking lot with restroom facilities, a picnic area, an expanded terminal wall with additional tie-ups for boats and eventually, sidewalks along Park Drive.
2. A new parking lot with restrooms/showers at the Port of Palmyra where a new interpretive trail loop will go around and through the wetland.
3. On the north side of the canal at Route 21 North, another boat launch, dock and a crew/rowing facility, as well as parking.

The main vision of the plan is to create more access for boaters. The park will be intended for pedestrians and will not include through-access for bicyclists. The plan could change as the project progresses. Clough Harbour has already reviewed the plan with the Army Corps of Engineers, the DEC, and Canal Corporation and NYS Parks and Recreation. All of the agencies had no objections to the park. Following a couple of questions from the public Mayor Daly thanked Ms. Majestic for her efforts. Motion was made by Trustee Celentano, second by Trustee Palmer to adopt the following resolution:

**REQUESTING GRANT FUNDING FROM THE NEW YORK STATE
CANAL CORPORATION TO IMPLEMENT THE ERIE CANAL GREENWAY
PROGRAM**

WHEREAS, the New York State Canal Corporation is soliciting projects to implement Governor George E. Pataki's vision for an Erie Canal Greenway, first proposed by the Governor in May 2005, and

WHEREAS, the December 2005 report released by the New York State Canal Corporation Interagency Task Force, entitled "*Report on the Future of New York State*

Canals", recommended a voluntary, collaborative strategy for providing assistance to communities along all four canals of the New York State Canal System through a canal-wide "greenway" program, and

WHEREAS, funding for a grant program to implement the vision of the Governor and the recommendations of the Task Force was approved in the 2006-2007 New York State Budget, and \$6 million is available under four grant categories, and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Village of Palmyra supports the creation of a voluntary Erie Canal Greenway, as proposed by the Governor and recommended in the *Report* by the Interagency Task Force, based upon six (6) principles, including: (1) waterfront public access; (2) tourism; (3) recreational development; (4) natural and cultural resource protection; (5) local and regional planning; and (6) economic revitalization, and

The Village of Palmyra supports the submission of an application for funding from the New York State Canal Corporation through the Erie Canal Greenway Grant Program in the amount of \$500,000 for the project entitled Palmyra Canalside Nature Park.

Vote, 4 ayes. CARRIED.

TRUSTEE REPORTS: Trustee Piccola – no report.

Trustee Hopkins – no report.

Trustee Celentano – no report.

Trustee Palmer moved to accept Kenneth Moore III for membership into the Fire Department following completion of the appropriate training and a satisfactory physical examination. Trustee Hopkins seconded the motion. Vote, 4 ayes. CARRIED.

Mr. Weaver will be getting an estimate in for replacing the missing shingles on the main roof as evidenced during the recent rainstorm and resultant leak in the hall adjacent to the Village hall restrooms. We will also be getting a quote for gutters on the new garage roof and a hand rail on the basement stairs.

The Board discussed increasing the rate for the Buildings and Grounds seasonal laborer. Trustee Celentano requested that discussion be suspended until after executive session.

Trustee Palmer reported that the Buildings and Grounds Maintenance crews were able to free the rope on the steel flagpole and get the flag replaced. It has been twisted for a few weeks and they have been unable to lower it.

After further research, Attorney Williams has okayed entering into an agreement with Finger Lakes Ambulance for the provision of Paramedic Intercepts. It will allow Finger Lakes to bill Medicare for their services which in turn will mean a cost savings to the residents. The patient will only be liable for their 20% co-pay. Motion was made by Trustee Palmer, second by Trustee Hopkins to authorize the Mayor to sign the contract with Finger Lake Ambulance, renewable in 2007. Vote, 4 ayes. CARRIED.

Trustee Palmer reported that there are areas along the Towpath that need special attention. We will be contacting DEC to find out what our restrictions are.

And lastly, Trustee Palmer suggested that the Board make a decision about the restriction against front yard parking that is currently in Village Code. The Board agreed that although it sometimes presents a hardship for a few residents, parking in the front lawn is unsightly. There have been complaints about it being done from neighbors of offending residents. After several minutes of debate, the Board directed Code Enforcement Grier to enforce the Code as it stands.

Attorney Williams reported that the VerDow to Village transfer/deed has been filed in the County Clerk's office. He also urged the Board not to initiate any restrictions against the use of Jake brakes in the Village. He feels unless the Village is able to get a decibel reading, the law would be too hard to enforce.

Motion was made by Trustee Piccola, second by Trustee Celetano to approve the drainage easement with KASA Enterprises as requested by Bob Raeman, Sniedze Associates for the Canal Street reconstruction project. Vote 4 ayes. CARRIED.

As the village sidewalk encroached on the property formerly owned by the estate of Elizabeth Pomponio, Attorney Jim Sapienza has prepared a deed giving us title to the property that we have been encroaching on. The estate has incurred an expense of

\$150.00 for a survey on the encroachment parcel that Attorney Sapienza is requesting that the Village pay as the problem occurred through no fault of the Pomponios. The recording expenses will be \$117.00. Motion by Trustee Celetano, second by Trustee Hopkins to accept title of the property with the related expensesw. Vote, 4 ayes. CARRIED.

Mayor Daly provided her customary written report and reported that the kayak launch has been installed and it came in under budget.

NEW/OLD BUSINESS:

FUNERAL HOME PARKING: Robert Yost, owner/operator of Yost Funeral Home requested that the Board consider making the area in front of his funeral home no parking except for funerals due to lack of consideration and cooperation from the neighboring properties. The Board discussed and agreed not to change the status of the current parking restrictions.

SEOR/LEAD AGENT FOR 2006 BUILDINGS AND GROUND PROJECT: Motion was made by Trustee Palmer, second by Trustee Celentano to adopt the following resolution:

BE IT RESOLVED by the Board of Trustees of the Village of Palmyra, Wayne, County, New York as follows:

Section 1. It is hereby determined that the Board adopting this resolution declares itself to be the lead agency under the State Environmental Quality Review Act and the regulations promulgated thereunder for purposes of determining the environmental impact of the project described in Section 3 hereof.

Section 2. It is hereby determined that the project described in Section 3 hereof is an Unlisted Action which will not have a significant impact upon the environment, as provided in the Short Environmental Assessment Form attached hereto and make a part hereof,

Section 3. The project which is the subject of this resolution is described as follows:

The reconstruction of various village buildings, including incidental improvements and expenses, in and for the Village of Palmyra, Wayne County, New York.

Section 4. This resolution shall take effect immediately.

Vote: Trustee Piccola	aye	Trustee Palmer	aye	
Trustee Celentano	aye	Trustee Hopkins	aye	CARRIED.

ESTABLISH CAPTIAL PROJECTS: Motion was made by Trustee Celentano, second by Trustee Palmer to establish Capital Project H23 Reconstruction of Hathaway and Canal Streets effective June 2006. Vote, 4 ayes. CARRIED.

Motion was made by Trustee Celentano, , second by Trustee Palmer to also establish Capital Project H24 2006 Buildings and Grounds Projects. Vote, 4 ayes. CARRIED.

SALZBURG/BACKFLOW PREVENTION AND WATER METERS: Richard Clayton, STES, reported that the backflow prevention device has been installed at Salzburg Village but there has been no notification yet of the inspection/testing of it. Also, they have been unresponsive to notification that they need to replace their water meters which are not owned by the Village. The Village has tested them and they are not working properly. Motion by Trustee Celentano, second by Trustee Hopkins to notify Salzburg Village that their water bills will be estimated until the meters have been replaced at 10 hcf per unit /quarter. Vote, 4 ayes. CARRIED.

RICK SEGAL: The Wayne County mayors would like to bring in Mr. Rick Segal, a speaker on Retail Marketing, to hold a workshop for county businesses. There would be two sessions available at a cost of \$10.00 per registrant. Mr. Segal's fee is \$4000-\$5000. Wayne County Economic Development has been approached for \$500.00 and the Western Erie Canal Alliance has pledged \$500.00. Mayor Daly would like to see the Village participate for 20% of his fee, not to exceed \$800.00. She suggested expending it from the H10 account. Motion was made by Trustee Celentano, second by Trustee

Hopkins to support this program but to expend the monies from H41. Vote, 4 ayes.
CARRIED.

BOND RESOLUTION 2006 BUILDINGS AND GROUNDS PROJECTS:

The following resolution was offered by Trustee Gary Hopkins, seconded by Trustee Mark Palmer, to-wit:

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

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE RECONSTRUCTION OF VARIOUS VILLAGE BUILDINGS, IN AND FOR THE VILLAGE OF PALMYRA, WAYNE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$90,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; 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 various Village buildings in and for the Village of Palmyra, Wayne County, New York, including incidental improvements and expenses is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimate cost of 90,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$90,000 of serial bonds of the Village, hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, 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 class of objects or purpose is twenty five years, pursuant to subdivision a2(a)(1) of 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.

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF PALMYRA
ALICIA M. LYNCH, CLERK TREASURER

Vote:

Mayor Daly	aye	Trustee Palmer	aye
Trustee Hopkins	aye	Trustee Celentano	aye
Trustee Piccola			aye

GAS PRICES: The Board discussed the effect of rising fuel costs will have on this year's budget as well as the condition of the Code Enforcement car. Richard Clayton also reported that some companies the Water and Sewer departments order from seem to be arbitrarily adding on random fuel surcharges. One company told him they do it because everybody does it. The Board suggested he get each company to commit to a set charge before he orders anything.

Motion by Trustee Celetano, second by Trustee Piccola to enter executive session for discussion of contractual and personnel matters. Vote, 4 ayes. CARRIED.

EXECUTIVE SESSION

Motion by Trustee Celentano second by Trustee Hopkins, to re-enter public session. Vote, 4 ayes. CARRIED.

ADJOURNMENT: Motion to adjourn at 9:20 p.m. by Trustee Piccola, second by Trustee Hopkins, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Village Clerk Treasurer