

VILLAGE OF PALMYRA BOARD OF TRUSTEES
PUBLIC HEARING
ANNUAL ORGANIZATIONAL MEETING
REGULAR MEETING
December 4, 2006 7:00 p.m.

PRESENT: Mayor Daly, Trustees Hopkins, Piccola, Palmer and Husk, Attorney Williams, Supt. Boesel, Chief Dalton, Chief Frederick and Richard Clayton, STES.

PUBLIC HEARING

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

ANNUAL ORGANIZATIONAL MEETING: Motion by Trustee Palmer, second by Trustee Hopkins to adopt the following annual organizational assignments, except where noted, all terms shall run through December 3, 2007.

BE IT RESOLVED that the Board of Trustees reestablishes the following trustee liaisons for a period of one year from 12/4/2006 through 12/3 /2007. 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 Hopkins |
| 3. Celebrations & Special Events | Trustee Husk |
| 4. Fire Department | Trustee Palmer |
| 5. Personnel | Mayor Daly & Trustee Palmer |
| 6. Planning and Zoning | Trustee Piccola |
| 7. Revitalization | Mayor Daly |
| 8. Streets, & highway | Trustee Piccola |
| 9. Water & Sewer | Trustee Palmer |
| 10. Youth & senior citizens, PCC | Trustee Husk |

CLERK Mayor Daly moved the appointment of Alicia M. Lynch, as
TREASURER CLERK TREASURER, appointment for a period of two years from December 4, 2006 through December 1, 2008 as per Local Law #7, 1975.

TAX COLLECTOR Mayor Daly moved the appointment of Alicia M. Lynch, as TAX COLLECTOR as part of the duties of the Clerk Treasurer two year term.

ACTING JUSTICE: Mayor Daly moved the appointment of William Abbott, as acting POLICE JUSTICE for a period of one year from December 4, 2006 ending December 3, 2007 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, appointment for a period of one year from December 4, 2006 ending December 3, 2007 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, or a period of one year from December 4, 2006 ending December 3, 2007.

HEALTH OFFICER: Mayor Daly moved the appointment of Dr. Malcolm Riggs, MD, as HEALTH OFFICER as previously established and shall run through December 3, 2007.

REGISTRAR VITAL STATISTICS: Mayor Daly moved the appointment of Lynne Green, Town Clerk, REGISTRAR FOR VITAL STATISTICS appointment from December 4, 2006 through December 3, 2007.

ANIMAL CONTROL OFFICER: Mayor Daly moved the appointment of Gary Rose as ANIMAL CONTROL OFFICER appointment from December 4, 2006 ending December 3, 2007.

VILLAGE HISTORIAN Mayor Daly moved the appointment of Beth Hoad, VILLAGE HISTORIAN, appointment for a period of one year from December 4, 2006 ending December 3, 2007.

PLANNING/ ZONING BOARDS: Mayor Daly moved the appointment of Onnalee Youngman-Smith as chair of the Zoning Board of Appeals, from November 30, 2006 through November 30, 2007 term through November 30, 2008.

Note: Previously appointed:

- * Tim Kurek, term beginning November 30, 2005 through November 30, 2010.
 - * James Hemmings term beginning November 30, 2004 through November 30, 2009.
 - * Peter Wimer term beginning November 2005 through November 30, 2007.
 - * 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, 2007 term from December 2005 through November 30, 2010.

Note: Previously appointed:

- * Kathy Boesel term beginning December 16, 2002 through November 30, 2007.
 - * 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 | David Pray |
| 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 4, 2006 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, appointment from December 4, 2006 through December 3, 2007.

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. Good Friday | 6. Thanksgiving |
| 2. Memorial Day | 7. Day after Thanksgiving |
| 3. July 4 th | 8. Christmas |
| 4. Labor Day | 9. New Year's Day |
| 5. Veteran's Day | |

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 Hopkins	aye	Trustee Palmer	aye
Trustee Piccola	aye	Trustee Husk	aye
Mayor Daly	aye	Vote:	4 ayes CARRIED.

APPROVAL OF MINUTES: Motion by Trustee Hopkins, second by Trustee Piccola to approve the minutes from November 20, 2006 as submitted. Vote, 3 ayes, 2 abstain – Trustees Palmer and Husk. CARRIED.

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

- Notification from Stuart Brown Associates – re: merger with Labella
- Copy of Canal NY flier which has actually appeared in Europe
- Latest issue of Canal Times features two pictures from Palmyra
- Parks and Trails newsletter – article on Bicyclists Bring Business seminar – first one was done at Palmyra Inn
- NYCOM has agreed to have a break out session at February meeting on Canal issues
- Standard & Poors rating in – BBB

NO-PARKING/EAST JACKSON STREET: Mayor Daly changed the order of the agenda to accommodate guests and asked business owner Mike Murphy to share his concerns with the Board. Mr. Murphy asked the Board to consider a compromise to the no-parking on the north side of E. Jackson (from Canandaigua to Cuyler Sts). It takes away about a third of his parking. He suggested making the north side two-hour parking, or erecting signs that indicate funeral home parking only. Attorney Williams felt that funeral home parking only would not be advisable as it may be viewed as special treatment to one person and open a Pandora's box. However, he agreed to look into other possibilities. Chief Dalton felt that two-hour parking is hard enough to enforce on Main Street let alone on another Village side street. Attorney Williams will research a little further.

FIRE HOUSE: Chief Frederick reported that the heating unit at the Fire Hall has died. He has two written quotes; Rochester Automatic Heating and Air Conditioning for \$8500.00 and Isaac Heating and Cooling for \$8200.00. In order to get the crane in to remove the old unit and install the new, there is a tree that will have to be removed. Trustee Palmer said that Supt. Weaver would be able to take care of that. Motion was made by Trustee Palmer to approve the expenditure of not more that \$8200.00 from contingency for a new heating/cooling unit for the fire hall. Second was made by Trustee Piccola. Vote, 5 ayes. CARRIED

Chief Frederick also informed that the siren has died as well. At a replacement cost of over \$20,000, it would be unwise to purchase a new one. On top of that, fire personnel are called out by way of pagers.

TRUSTEE REPORTS: Trustee Palmer reported there are several areas in the Village with blown street lights; ie. Willow Ave and Prospect Drive. Chief Dalton thought that Officer Yates had already submitted a list. Clerk Treas. Lynch will follow up with the front desk.

Trustee Palmer completed an audit of the court office on November 13th. The state is still expressing concerns over security. Court clerk Patty Peterson is actively looking for any grants that may be out there. Storage is becoming an issue for the court. Mayor Daly agreed that storage is an issue for all the offices. We will need to start looking for a solution soon.

Trustee Piccola reported that the third round of leaf pickup has been completed. Sidewalks and driveway aprons are being finished on Hathaway and the sidewalks have been framed on Canal Street.

Trustee Hopkins reported there was a pretty good turnout for Canaltown Candlelight Christmas and reminded everyone about the Dec. 17th open houses at all the Village Churches.

Trustee Husk – no report.

Attorney Williams asked if the Village had a hostile workplace environment policy (sexual harassment) in place. He has just completed drafting one for another municipality that he would be happy to pass along. He offered to alter it for Palmyra if we don't already have one.

Mayor Daly provided her usual written report but passed along several reminders. On December 10th, 10:00 a.m. there will be a tour of water and wastewater plants for Board members/staff. On January 7, 2007, Cynthia Howk, Landmark Society of Western NY will speak at the Fire Hall about the National Trust for Historic Preservation. And on January 11th, there will be a joint meeting of the Town and Village Boards at the Fire Hall on economic revitalization.

NEW/OLD BUSINESS

NUISANCE ABATEMENT ORDINANCE: The Board discussed the draft for the nuisance abatement ordinance. The ordinance will allow the Village to impose sanctions and penalties for public nuisances. Public nuisances will be declared to exist whenever violations of several provisions in Penal, Vehicle and traffic law, Village law and the NYS Uniform Fire Prevention and Building Code occur. Each violation will be assigned a point value and no more than 12 points shall be accumulated within a six month period and no more than 18 points in a 12 month period. If a violation continues week after week, each week will be deemed a separate violation. A conviction for a violation shall not be required. The violation shall be established by a preponderance of the evidence by the Village Board. The Village Board will be authorized to order the closing of the building or to suspend the Certificate of Occupancy. Motion was made by Trustee Palmer, second by Trustee Hopkins to advertise a public hearing for December 18th for discussion on the nuisance abatement law. Vote, 5 ayes. CARRIED.

CLAMPS: Due to the recent rash of raw water line breaks, Richard Clayton, STES, recommended getting an inventory of clamps for repairs. The water main break in Shortsville recently revealed that the water line isn't always the size we think it's going to be. The inventory should include every diameter available in a 15" and 30" length. The inventory would cost \$8500.00. Motion was made by Trustee Palmer, second by Trustee Husk to transfer \$8500.00 from Contingency F1990.4 to F8340.4 Water Distribution for purchase of miscellaneous clamps. Vote, 5 ayes. CARRIED.

Richard will be reporting back with pricing for a 6 inch wet tap which he recommended installing on the line on Armington Road. It would relieve pressure on the line during repairs. Supt. Boesel urged the Board to think about replacing another section of the water line, ie.: Johnson Rd. The highway department has had to spend a lot of time with water main repairs in this area. Bob Raeman reminded the Board that his office has already done that study and he would just need to update the estimates.

AMENDMENT TO THE FLEXIBLE SPENDING ACCOUNT CONTRACT:

Motion was made by Trustee Hopkins, second by Trustee Piccola to adopt the amendment to the Flexible Spending Account Contract which changes the definition of "Dependent" and allows for a 2 ½ month "grace period" following the end of a plan year for reimbursements to the participant. Vote, 5 ayes. CARRIED.

SEXTON BUILDING/WINDOWS: Bob Raeman reported that he has been reviewing the inventory of windows on the Sexton Building and will be preparing specifications for the replacement/rebuild of these. He should have them ready in a couple of weeks.

HATHAWAY CREEK: Bob Raeman reviewed the Mill Street culvert replacement project that took place in 2000-01. If the Village decides to get involved providing a solution for the creek eroding the back yards east of Mill Street, he would recommend putting another section of culvert pipe in and connecting to the one that runs under the street. Then the pipe could be covered over. It would probably cost about \$55,000. However, when asked if he believed there was any reason that the Village is obligated to provide a solution, he replied no.

EXECUTIVE SESSION: Motion by Trustee Palmer, second by Trustee Piccola to enter into executive session at 9:30 p.m. for the discussion of personnel and contractual. Vote, 5 ayes. CARRIED.

PUBLIC SESSION: Motion by Trustee Hopkins, second by Trustee Piccola to reenter public session with no action having been taken. Vote, 5 ayes. CARRIED.

AJOURNMENT: Motion by Trustee Hopkins, second by Trustee Piccola to adjourn at 10:10 p.m. Vote, 5 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Clerk Treasurer