

**VILLAGE OF PALMYRA BOARD OF TRUSTEES**  
ANNUAL ORGANIZATIONAL MEETING  
December 4, 2000                      6:30 p.m.

**PRESENT:** Mayor Wilson, Trustees DeVogelaere, Gunkler, and Salomon.

**CALL TO ORDER:** Mayor Wilson called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**ANNUAL ORGANIZATIONAL MEETING:** Motion by Mayor Wilson, second by Trustee Gunkler to adopt the following annual organizational assignments, all terms shall run through December 3, 2001.

**VILLAGE CLERK:** Mayor Wilson moved the appointment of Alicia M. Lynch as Village Clerk, for a period of two years from December 4, 2000 through December 2, 2002 for as per Local Law #7, 1975.

**BE IT RESOLVED** that the Board of Trustees reestablishes the following standing committees and appoints the named trustee to Chair said committee. Each chairperson shall designate a board member who shall assume committee responsibility in the absence of the chairperson. Committee chairpersons shall be decided by motion and majority of the Village Board. Majority shall be considered three (3) votes.

- |  |                              |
|--|------------------------------|
| 1. Planning and Zoning                                       | Trustee DeVogelaere          |
| 2. Water & Wastewater  | Trustee Salomon              |
| 3. Streets, walks, curbs, lighting                           | Trustee Celentano            |
| 4. Cemetery & parks  | Trustee DeVogelaere          |
| 5. Youth & senior citizens                                   | Trustee Gunkler              |
| 6. Water shed  | Trustee Salomon              |
| 7. Animal control  | Mayor Wilson                 |
| 8. Fire Department   | Trustee Gunkler              |
| 9. Flagpole, Village Hall, Park & Club Rooms                 | Trustee DeVogelaere          |
| 10. Economic development & revitalization,<br>Marina project | Trustees Salomon & Celentano |
| 11. Special events (inc. Park concerts,<br>Canal Town Days)  | Trustee Gunkler              |

**ACTING JUSTICE:** Mayor Wilson moved the appointment of William Abbott, as acting POLICE JUSTICE for a period of one year from December 4, 2000 ending December 3, 2001 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 Wilson moved the appointment of Patricia Peterson, COURT CLERK, appointment for a period of one year from December 4, 2000 ending December 3, 2001 as per Village Law 4-400, Sub. Para. C, ii. with Justice approval.

**VILLAGE ATTORNEY:** Village attorney is not a village officer, merely an employee of the Village, as per Village Law 3-301, Note 23, Section 21 "Employees" and Village Law 4-400, Note 1, Section 15 amendments.

**VILLAGE TREASURER:** Mayor Wilson moved the appointment of Darlene Matteson as VILLAGE TREASURER appointment for a period of two years from December 4, 2000 through December 2, 2002 as per Village Law #7 1975.

**CODE ENFRMNT** Mayor Wilson moved that CODE ENFORCEMENT will be done by the Town/Village of Palmyra Building Department as per the contract.

**ENGINEER:** Mayor Wilson advised that due to lack of sufficient need for an engineer on a retaining fee, that if and when needed, an engineer may be employed on a "fee basis".

**BUILDING & GROUNDS MAINTNCE.** The following appointment is made by Mayor Wilson as per Village Law 4-x Roger Weaver as BUILDINGS AND GROUNDS MAINTENANCE SUPERVISOR for a period until there is just cause, retirement, or resignation. Note: Appointment is not required unless vacancy occurs due to just cause, retirement or resignation. Per NYCOM handbook for Village Officials, Annual Meeting, Page 30, also "Employee" of the Village not Public Official and bound by the original hiring agreement.

**TAX COLLECTOR:** Mayor Wilson moved that the TAX COLLECTOR shall be Darlene Matteson as part of the duties of the TREASURER two year term.

**HEALTH OFFICER:** Mayor Wilson moved the appointment of Dr. Anil Patel, MD, as HEALTH OFFICER was previously established and shall run through December 3, 2001.

**REGISTRAR** Mayor Wilson moved the appointment of Beverly Hickman, Town Clerk,

**VITAL STATISTICS:** REGISTRAR FOR VITAL STATISTICS appointment from December 4, 2000 through December 3, 2001.

**ANIMAL CONTROL OFFICER:** Mayor Wilson moved the appointment of Gary Rose as ANIMAL CONTROL OFFICER appointment from December 4, 2000 through December 3, 2001.

**PLANNING/ ZONING BOARDS:** Mayor moved the appointment of David Cook as a member of the Zoning Board of Appeals, term to expire 11/30/04 to coincide with the new dates for the Annual Organizational meetings, additionally Mayor Wilson moved to extend his appointment as chair of the Zoning Board through 11/30/00. Extensions of all other terms of Zoning Board members are as follows:

- Steve Hays term beginning April 3<sup>rd</sup> through November 30, 2001
- Steve Landgrebe term beginning April 3<sup>rd</sup> through November 30, 2001
- David McDowell term beginning April 3<sup>rd</sup> through November 30, 2003
- Vacancy term beginning April 3<sup>rd</sup> through November 30, 2002

Mayor moved to extend the appointment of Tim Kurek as a Chair of the Planning Board term to expire 11/30/00 and to extend his term from April 3<sup>rd</sup> to November 30, 2001, to coincide with the new dates for the Annual Organizational meetings. Extensions of all other terms of Planning Board members are as follows:

- Eleanor Drake term beginning April 3<sup>rd</sup> through November 30, 2002
- Kathy Wooden term beginning April 3<sup>rd</sup> through November 30, 2001
- Terry Slowe term beginning April 3<sup>rd</sup> through November 30, 2002
- Bill Unterborn term beginning April 3<sup>rd</sup> through November 30, 2004

or until such time that the Village and Town Boards agree to a different organizational structure.

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

- 1. President Tom Hickey
- 2. Vice-president Fred Borrelli
- 3. Secretary David Pray
- 4. Treasurers Chris Murphy and Missy Husk

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

- 1. Fire Chief John Bruening
- 2. First Asst. Chief Warren Frederick
- 3. Second Asst. Chief Tom DeWitt
- 4. Third Asst. Chief Kevin Bruening

**FIRE DEPT. CUSTODIAN:** Mayor Wilson moved the appointment of Tom Fraser, as CUSTODIAN of the FIRE DEPARTMENT EQUIPMENT, appointment from December 4, 2000 through December 3, 2001.

**DEPUTY OR ACTING MAYOR:** Mayor Wilson moved the appointment of Fred Celentano, 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 COUNSELRS:** Roy McMaster, Fiscal Advisors, Cicero, NY, 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, to and 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 Wilson moved that bonds be provided by Van Parys Associates for the following bond amount for employees set by the Board:  
To cover the Village Clerk, bond amount of \$57,500 and 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:

- 1. Good Friday
- 2. Memorial Day
- 3. July 4<sup>th</sup>
- 4. Labor Day
- 5. Thanksgiving
- 6. Thanksgiving
- 7. Day after Thanksgiving
- 8. Christmas
- 9. New Year's Day

5. Election Day, if any                      3 floating holidays, (if no Election Day - 4 floaters)

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

- |                        |                        |
|------------------------|------------------------|
| 1. Budget Officer      | <u>Peter K. Wilson</u> |
| 2. Police Commissioner | <u>Peter K. Wilson</u> |

**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 6:30 p.m. on the First and Third Monday, in the months beginning 12/4/00 through 12/3/01, 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 at least 24 hours before the meeting, 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 Salomon	aye	Trustee Gunkler	aye
Trustee DeVogelaere	aye	Trustee Celentano	absent
Mayor Wilson	aye		

**Unanimous/Carried/Defeated**

Motion to close the Organizational Meeting at 6:40 p.m. by Trustee Gunkler. Second by Trustee DeVogelaere. Vote, 4 ayes. CARRIED.

**APPROVAL OF MINUTES:** Motion by Trustee DeVogelaere, second by Trustee Gunkler to approve the minutes from November 20, 2000. Vote, 4 ayes. CARRIED.

Motion by Trustee DeVogelaere, second by Trustee Gunkler to approve the minutes from November 21, 2000. Vote, 3 ayes, Trustee DeVogelaere abstain. CARRIED

Motion by Trustee Gunkler, second by Trustee DeVogelaere to approve the minutes from November 27, 2000. Vote, 4 ayes. CARRIED

**ANNOUNCEMENTS:** Mayor Wilson shared some interesting information provided by the assessor's office. There are only two villages in Wayne County with a lower tax rate than ours; Sodus Point and Macedon. He gave an update on the status of 241 East Main St. MRB Group is waiting for the insurance and bond paperwork to come in from the contractor. These will submitted to counsel for his review.

**TRUSTEE REPORTS:** Trustee DeVogelaere reported that the Village Christmas decorating is completed. Leaf pick up is not done. The crew has been trimming trees and have completed stockpiling soil for next year.

Trustee Celentano - absent/no report but Mayor Wilson reported that the Highway Department has been busy preparing for winter. Trustee Salomon asked for a progress report on the Mill Street culvert. Mayor Wilson reported that there will be a change order coming due to a problem with a sink hole further up the creek. Mayor Wilson moved to execute the change order when available assuming it is a reasonable cost. Second by Trustee Salomon. Vote, 4 ayes. CARRIED. Trustee Salomon asked if the sidewalks are supposed to be completed on Canal Street this year. Due to the extra cost associated with blankets to keep the concrete warm enough to set, the sidewalks will not be done until next spring. Joyce Dutton reported that Villager did a nice job filling the driveways in until they can be "finished" next year. Only problem is the electrician came back and dug it all up again. Mayor Wilson said he would report that to LaBella.

Trustee Gunkler reported that the Holiday Open House appeared to be successful. The horse-drawn wagon rides were very popular and the Select Choir performed as well.

Trustee Salomon reported that the Village is in receipt of correspondence from NYS DEC about the annual inspection of the wastewater treatment plant that took place on 11/14/00. All was in compliance. The Village is also in receipt of correspondence from NYS DOH recapping this year's water testing results and outlining the 2001 testing requirements. All water tests were within acceptable limits as well. WCWSA has notified the Village in writing that they have ordered the shut down of the Eastside Booster Station until January 1, 2001. To date, the Village has supplied them with 23 million gallons, their contract calls for a minimum of 18 million/year. Canandaigua Lake Watershed Council has sent us a copy of the draft budget for 2001. All correspondence is on file and available for public inspection.

**NEW/OLD BUSINESS:** As discussed at the November 6 Board meeting, Mr. McMaster has confirmed in writing that it is indeed absolutely legal for the Village to borrow money from itself. Trustee Gunkler moved to borrow the money needed to "pay the bills on 241 E. Main St." from Capital Reserve Water HR3 and transfer said funds into H73 until such time as the County reimburses us. Second by Trustee DeVogelaere. Vote, 4 ayes. CARRIED.

**THIRD PARTY CUSTODIAL AGREEMENT:** Attorney Nesbitt has reviewed the custodial agreement with Charter One Bank and given his approval. Motion by Mayor Wilson to sign the agreement with Charter One Bank. Second by Trustee Gunkler. Vote, 4 ayes. CARRIED.

**BOND RESOLUTION:** Mayor Wilson moved that adoption of the following bond resolution:

A RESOLUTION AUTHORIZING THE RECONSTRUCTION OF THE ROOF ON THE FIRE HALL IN AND FOR THE Village of Palmyra, WAYNE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$40,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$40,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

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 the roof on the Fire Hall in and for the Village of Palmyra, Wayne County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimate cost of \$40,000.

Section 2. SEQR DETERMINATION: It is hereby determined that the aforesaid purposes constitute Type II Action under the regulations of the State of New York promulgated pursuant to the State Environmental Quality Review Act which, as such, will not have any significant adverse impact upon the environment.

Section 3. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$40,000 bonds of the Village hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 12(a)(3) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of said bonds will exceed five years.

Section 5. 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 6. 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 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 7. All other matters except as provided herein relating to the 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 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 8. 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 9. 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 10. Upon this resolution taking effect, the same shall be published in full 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 in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

Second by Trustee DeVogelaere

Mayor Wilson	aye	Trustee Celentano	absent
Trustee Gunkler	aye	Trustee DeVogelaere	aye
Trustee Salomon	aye	<b><u>Unanimous/Carried</u></b> /Defeated	

**VILLAGE ATTORNEY:** Mayor Wilson moved to retain the services of Attorney Arthur Williams to replace Attorney Nesbitt who will be taking a position as a judge, effective January 1, 2001. Second by Trustee Gunkler. Vote, 4 ayes. CARRIED.

**GATES STREET EASEMENT:** Attorney Nesbitt has been approached by another attorney involved in the sale of 126 Gates Street. In order for the property to close, the encroachment of the deck upon the sewer easement needs to be addressed. As suggested and prepared by Attorney Nesbitt, Mayor Wilson offered the following resolution:

WHEREAS, the owner of 126 Gates Street has presented to the Board of Trustees a survey map of the aforesaid property dated November 15, 2000, by Donald B. Schwartz, denominated job No. 83-1094-003, which depicts the property boundaries and improvements thereon, including the location of a ten foot wide sanitary sewer easement running east and west from Gates Street to the property rear boundary line, and

WHEREAS, the aforesaid survey map shows a wooden deck encroaching upon the sanitary sewer easement, and

WHEREAS, the owner of 126 Gates Street requests that the Village enter into an agreement with said owner granting the owner a license to continue the encroachment;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby authorize the Mayor to enter into a license agreement with the owner of 126 Gates Street to allow continuation of the encroachment, subject to the full right of the Village to use the easement premises for its intended purpose, and further that the Village shall have no responsibility to repair, replace, or compensate the owner for removal of or damage to the encroachment in the event the Village exercises its rights under the sanitary sewer easement.

Second by Trustee DeVogelaere. Vote, 4 ayes. CARRIED.

**ADJOURNMENT:** Motion to adjourn at 7:15 pm by Mayor Wilson, second by Trustee Gunkler. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch  
Village Clerk