

**VILLAGE OF PALMYRA
BOARD OF TRUSTEES
July 5, 2005 7:00 p.m.**

PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING: Mayor Daly called the public hearing to order noting that the following legal had been published in the official village newspaper:

**LEGAL NOTICE
VILLAGE OF PALMYRA
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held by the Village Board of the Village of Palmyra on July 5th, 2005, at 7:00 p.m. at the Village Hall located at 144 East Main Street, Palmyra, New York, regarding the adoption of a local law of the Village of Palmyra for the year 2005, which would amend the Village Zoning Law as follows:

The following properties, situate in the Village of Palmyra, which are presently defined in Chapter 200 of the Village Code, as a residence two (R-2) district, is hereby re-zoned and designated Highway Commercial (C-3) under said Chapter 200 of the Village Code, subject to all regulations created and established relative to said C-3 District:

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN: Village of Palmyra, County of Wayne and State of New York, known as 235 (Tax Map # 64111-11-524704) and 236 West Main Street (Tax Map #64111-11-526686).

And, the following property, situate in the Village of Palmyra, which is presently defined in Chapter 200 of the Village Code, as a residence one (R-1) district, is hereby re-zoned and designated Highway Commercial (C-3) under said Chapter 200 of the Village Code, subject to all regulations created and established relative to said C-3 District:

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN: Village of Palmyra, County of Wayne and State of New York, known as 511 Vienna Street (Tax Map #65111-09-111573), corner of Bucknam and Vienna Streets.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed local law will be reviewed at said public hearing.

Any resident of the Village of Palmyra shall be entitled to be heard upon said proposed local law at such public hearing. Copies of said proposed local law are available for review at Village Hall, 144 East Main Street, Palmyra, New York.

Alicia M. Lynch, Clerk Treasurer

Before Mayor Daly opened the floor for any comments from the public a discussion took place regarding the typo in the legal which states both properties being rezoned to C-3 Highway Commercial instead of C-4. After hearing the description of both classifications, Attorney Williams felt that the legal would suffice. Anyone wishing to speak against the proposed change would be more likely to appear at the hearing for a C-3 change because it is less restrictive and would actually allow more uses than a C-4 designation. Trustee Celentano moved to correct as discussed and conduct the public hearing. Second was made by Trustee Piccola. Vote, 4 ayes. CARRIED.

Mayor Daly invited comments about the 511 Vienna Street property. Mr. Wallace, 439 Vienna Street spoke against the rezoning. He voiced concerns about the safety of rezoning the parcel due to the increased frequency of problems dealing with tractor trailers, children getting onto the property and playing on the piles of posts and problems with pests such as spiders, snakes and rats. Mr. Fred Smith, owner of Innovative Fence addressed Mr. Wallace's concerns one by one. First of all the storage

facility they want to build will house all the materials that are currently being stored outdoors on the lot. The complex will be surrounded by a fence and locked outside of regular business hours. The size of the driveway will be increased greatly to make unloading for the tractor trailers safer and easier. As far as rats and the like, the wood that is stored there is pressure treated and does not draw these pests. Mr. Smith assured Mr. Wallace that any changes being made will increase the safety of the neighborhood and if Mr. Wallace has any further concerns, Mr. Smith welcomes hearing from Mr. Wallace at any time. Lester Skeels reminded the Board of previous attempts to re-zone the property, all of which were denied.

Mayor Daly asked for comments on the West Main Street properties. Mr. John Barden, 213 West Main St. urged the Board to keep the variance procedure in place as a control. He feels that additional level of scrutiny helps protect his investment.

Steve Austin, owner of 235 W. Main St. explained his reasoning behind asking for the re-zoning of his property. When a prospective "renter" comes all long for his facility and hears it may take up to 3 months to get a variance before they can occupy it, it's usually the last he hears from them.

Betsy Lewis commented that she agrees with Mr. Barden in that her building does not really fit in with the neighborhood. She will be seeking input from her brother, the architect, for suggestions to improve the façade. She has the property rented now but the re-zoning would make it easier to rent out next time.

As there were no more comments, Mayor Daly closed the public hearing.

APPROVAL OF MINUTES: Trustee Celentano moved to adopt the minutes from June 6, 2005 as submitted. Second by Trustee Hopkins. Vote, 4ayes. CARRIED.

APPROVAL OF ABSTRACT: Motion was made by Trustee Celentano, second by Trustee Piccola to approve Abstract #1 for payment which includes vouchers 1-98 for \$201,730.68. Vote, 4 ayes. CARRIED.

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

- Marylou Conrow: re: pending bill in assembly and senate that would prevent a municipal entity from terminating an employee under section 75 of the Civil Service Law
- Assemblyman Oaks – Notice that above has passed
- Verizon – cessation of payphone commissions (very little impact on Village)

TRUSTEE REPORTS: Trustee Piccola deferred to Mike Boesel, Highway Superintendent. Mr Boesel reported on a sink hole that has appeared in the middle of the street at Brookside and Canandaigua. It appears after they inspected the hole from below that is not the stone arch that has been undermined. He will contact Mr. Raeman to have him inspect it and make recommendations.

The contractor is surveying Howell Street this week, construction should begin next week with milling of the street. The millings will be used to do the cemetery repaving probably in August.

The Zephyr presentation went well on the access road to the sewer plant. Eventually he would like to stone and oil it.

Mr. Boesel also reported that the highway crews have completed the driveway patching following the repaving on Johnson. Lastly, he suggested the Village install a donation box at the sewer pump out station next to the Fire Hall.

Trustee Celentano reported that the Village must deposit \$10,600 into the joint Village/ST bank account. Additionally he moved the approval of the following invoices to be paid by Severn Trent out of the joint account along with any other invoices that would incur late charges if not paid by the next scheduled Board meeting:

PAYMENT DATE	COMPANY	INVOICE/ACCT.	CHECK AMT.
04/19/05	RGE	1738	\$39.86
04/20/05	VERIZON	640948	\$6.60
04/20/05	FRONTIER	394645905	\$21.02
04/25/05	R. CLAYTON	LOWES	\$104.65
04/25/05	NYSEG	1042401008300-06	\$960.41
04/25/05	NYSEG	1042401008100-08	\$941.21

04/27/05	B. JAMES EQUIP	20036	\$215.00
04/27/05	MIDSTATE LABS	14410	\$25.00
04/27/05	MIDSTATE LABS	14448	\$46.00
04/27/05	MIDSTATE LABS	14349	\$50.00
05/04/05	SANTELLI LUMBER	632672	\$21.13
05/04/05	MAGNUM AUTO	6536	\$99.98
05/04/05	VERIZON	3155975498	\$26.80
05/04/05	VERIZON	3155975050	\$26.19
05/04/05	MIDSTATE LABS	14496	\$25.00
05/04/05	MIDSTATE LABS	14517	\$46.00
05/04/05	MIDSTATE LABS	14537	\$25.00
05/10/05	AFTEK	503152	\$507.60
05/10/05	AFTEK	506210	\$43.20
05/10/05	NYSEG	4142415002000-01	\$42.72
05/10/05	NYSEG	7142415019200-00	\$52.77
05/10/05	WASTE MGMT	28799821-2225-0	\$549.84
05/17/05	NYSEG	0242419000900-04	\$1,903.14
05/17/05	NYSEG	7342419015800-04	\$413.36
05/17/05	MIDSTATE LABS	14603	\$50.00
05/17/05	MIDSTATE LABS	14626	\$46.00
05/17/05	B. JAMES EQUIP	687174	\$63.52
05/17/05	VERIZON	656739	\$2.49
05/13/05	ENV TOX & CHEM	12211018	\$500.00
05/16/05	MIDSTATE LABS	14681	\$25.00
05/19/05	MIDSTATE LABS	14685	\$46.00
05/19/05	FRONTIER	3946459-05	\$21.12
05/31/05	NYSEG	1042401008100-08	\$926.55
06/01/05	ST WATER PURIFICATION	1588073	\$489.40
05/31/05	JWC ENV	S002926	\$18.19
05/31/05	NYSEG	1042401008300-06	\$60.31
05/31/05	NYWEA	6/1-5/31	\$40.00
05/31/05	ST WATER PURIFICATION	CHASE PITKIN	\$200.00
05/31/05	ST WATER PURIFICATION	CHASE PITKIN	\$48.04
05/31/05	NYSEG	4142415001000-03	\$471.34
06/15/05	NYSEG	4142415002000-01	\$56.47
06/15/05	NYSEG	71-424-15-019200-00	\$62.78
06/12/05	VERIZON	3515975050	\$29.12
06/12/05	VERIZON	3155975498	\$26.45
06/12/05	MAGNUM AUTO	6536	\$13.38
06/12/05	SANTELLI LUMBER	20574	\$42.87
06/12/05	ST WATER PURIFICATION	1588073	\$6.06
06/12/05	MIDSTATE LABS	14752	\$25.00
06/12/05	MIDSTATE LABS	14763	\$1,005.00
06/12/05	MIDSTATE LABS	14811	\$25.00
06/12/05	MIDSTATE LABS	14836	\$15.00
06/20/05	SIEWERT	119013	\$1,242.74
06/28/05	JONES CHEMICAL	202528	\$1,349.97
06/28/05	NYSEG	024241900900-04	\$2,020.92
06/28/05	NYSEG	1042401008100-08	\$1,136.41
06/28/05	TOTAL CONTROL		
06/28/05	SYSTEMS	1334	\$259.54
06/28/05	FRONTIER	3946459-05	\$21.11
06/28/05	RGE	1738	\$39.86
06/28/05	VERIZON	27915	\$3.81
06/28/05	JS BLAZEY	51506	\$225.00
06/28/05	MIDSTATE LABS	14946	\$75.00
06/28/05	MIDSTATE LABS	14972	\$46.00
06/28/05	MIDSTATE LABS	15012	\$50.00
06/28/05	B. JAMES EQUIP	687571	\$7.08
06/28/05	FARMINGTON		
06/28/05	CONTRYMAX	200014	\$30.47
06/28/05	HACH CO	993202	\$32.75
06/28/05	USA BLUE BK		\$120.40
	TOTAL		\$17,168.63

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

Trustee Celentano informed the Board that the operating report has been submitted by ST and will be on file in the Village office and the next round of funding is underway for the NYS Dept. of Health Safe Drinking Water Revolving fund. Perhaps there is an opportunity there for some funding towards upgrading our water plant.

Trustee Hopkins reported that the Economic Support Group will be heading up the Canal celebration next year. The Chamber of Commerce will be doing an expo on the east end of the Village to promote the businesses on that end in October. The ESG is planning another garage sale for some time in September.

Trustee Palmer – no report.

Attorney Williams - no report but requested an executive session for discussion of litigation.

Mayor Daly provided her customary written report. She shared a copy of the new Palmyra Reference Guide Answers to Questions and Emergency Information. It was a collaborative effort between the Village and Town offices. It will be available in the stores downtown and in the information booth starting Friday July 8th in the Park and Club Rooms. The Village is happily in receipt of another generous donation towards rehab of the flagpole from another anonymous donor for \$8,000.00. This means the rehab of the flagpole will not have cost the village taxpayers a single cent.

NEW/OLD BUSINESS:

E. BURN GRANT: The State is strongly recommending that the Village spend the whole \$10,000 grant. It is federal money being distributed by the State for communities to use for surveillance purposes. We may be able to count overtime as part of our “matching” share. The Chief may be coming back with more on that in the future.

RESIGNATIONS: Motion by Trustee Celentano to accept the following resignations with regrets and appreciation for their past work from the following people as reported by Mayor Daly:

David McDowell – Zoning Board of Appeals

Kevin Bell – Planning Board

Beth Hoad – Village Historian

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

APPOINTMENTS: Mayor Daly reported that the position of historian is a joint appointment with the Town. After the pageant, she will be getting together with Supervisor Lyon to interview possible candidates. She has had several letters expressing interest in filling the vacancies. She announced the following appointments:

Kevin Bell appointed to the Zoning Board, term to expire 11/30/2008

Onnalee Young Smith, alternate to the Zoning Board, term to expire 11/30/2008

Peter Wimer, alternate to the Zoning Board, term to expire 11/30/2010

Frank Record Jr. Chair of the Zoning Board, through 12/5/2005.

LAND DONATION: The Village is in receipt of a letter from Mary Ver Dow from 149 Cuyler Street expressing her wish to donate a piece of property on E. Main Street to the Village. The property is just to the east of the last house on the north side of Rt. 31 as you leave the Village heading east. It is located in between two other pieces of property already owned by the Village. After a short discussion, Trustee Celentano moved to accept the property, subject to confirmation that the property is not part of a federal wetlands or has any hazardous waste problems. Second by Trustee Piccola. Vote, 4 ayes. CARRIED.

MARINE REGULATIONS: The Board discussed the possibility if putting some regulations in place at the marina. There have been complaints of locals docking there for long periods of time. Attorney Williams thought the Village can't impose its own regulations and must comply with those set by the Canal Corp. Mayor Daly will contact the Canal Corp. and report back.

HOMECOMING PARADE: Motion by Trustee Palmer, second by Trustee Piccola to approve the homecoming parade request for September 30th at 6:30 p.m., route to remain as in the past. Vote, 4 ayes. CARRIED.

REZONING LOCAL LAW: The Village is in receipt of the Short Environmental Assessment Forms for the proposed zoning changes for 511 Vienna St., 235 and 236 West Main Street. Motion by Trustee Celentano, second by Trustee Piccola to adopt the Short Environmental Assessment Forms and declare no negative impact will result from rezoning the above referenced properties. Vote, 4 ayes. CARRIED.

Motion was made by Trustee Piccola to rezone 511 Vienna Street as C- 3 Highway Commercial. Second was made by Trustee Piccola. Vote, 3 ayes, 1 abstain, Trustee Palmer. CARRIED.

Motion was made by Trustee Celentano second by Trustee Palmer to rezone 235 West Main as C – 4 Neighborhood Commercial. Vote, 4 ayes. CARRIED.

Motion was made by Trustee Palmer second by Trustee Hopkins to rezone 236 West Main as C – 4 Neighborhood Commercial. Vote, 4 ayes. CARRIED.

The local law was passed, signed by the Clerk and will be filed with the State.

OLD BUSINESS: Richard Clayton reported that the plans submitted by Engineer Paul Russell for Salzburg Village for the back flow preventer were rejected by DOH. The Board discussed setting a new deadline for them to get into compliance. Attorney Williams will advise them by letter that they will have until September 1 to get their plan approved.

Motion by Trustee Piccola, second by Trustee Hopkins to enter executive session for discussion of litigation. 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.

CLERK FOR POLICE DEPARTMENT: Motion was made by Trustee Celentano, second by Trustee Palmer to re-classify the position formerly held by S. Clemons to that of Clerk. Vote, 4 ayes. CARRIED.

Motion was made by Trustee Palmer, second by Trustee Piccola to appoint Patty Burditt to that position with a starting salary of \$9.50 per hour with two weeks vacation on her anniversary date of July 6, 2005 pending her acceptance of these terms. Vote, 4 ayes. CARRIED.

ADJOURNMENT: Motion to adjourn at 9:30 p.m. by Trustee Celentano, second by Trustee Palmer. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Village Clerk