

**VILLAGE OF PALMYRA BOARD OF TRUSTEES**

**REGULAR MEETING**

November 17, 2008

7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Present: Mayor Daly, Trustees Nolan, Husk, Palmer and Piccola and Attorney Williams.

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

**APPROVAL OF MINUTES:** Motion by Trustee Palmer, second by Trustee Nolan, to approve the minutes from November 3, 2008 as submitted. Vote, 4 ayes. CARRIED.

**ABSTRACT #6:** Motion was made by Trustee Nolan, second by Trustee Piccola, to approve payment of Abstract #6, vouchers #408-#482 for \$294,641.43. Vote, 4 ayes. CARRIED.

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

- Resident thank you to Jeff Williams from Severn Trent
- Court action on parking ticket
- Merchant Christmas promotion
- Letter from Keith Kubasik, County Fiscal Mgr. regarding Self Insured Workers Compensation Plan

**TRUSTEE REPORTS:**

**Trustee Husk** reviewed his written report. Fall cleanup is virtually done at all locations. The crew worked with NYSEG to clear trees along Park Drive. He commended the Wayne County Tax Forum on the content and format of their meeting. Hopefully, something useful will come out of it.

Reporting for the Fire Department, Trustee Husk moved to accept Dennis Berryman for membership into the Fire Department, and Sheryl LaDelfa for membership into the Fire Department Ambulance following completion of the appropriate training and a satisfactory physical examination. Second was made by Trustee Palmer. Vote, 4 ayes. CARRIED.

**Trustee Nolan** - no report.

**Trustee Piccola** reported that the request for bids on the sewer work for the Hyde Parkway project has been advertised; bid opening will be Dec. 10<sup>th</sup>. Trustee Piccola contacted Towpath Mgr. Caron Clair about the proposed signage on Canal Street. She will talk with the residents to find out what they had in mind. There was a water break to a service line on Cuyler Street last week that has been repaired.

**Trustee Palmer** reported that he is in receipt of STES' operational report for October. It will be on file in the office of the clerk.

**Attorney Williams** - no report.

**Mayor Daly** provided her usual written report. She shared copies of recent news articles featuring Palmyra, an article on the Phelps store in the Finger Lakes Times, an article on the new pottery shop in the Sunday Messenger. She also shared the new brochures done with grant money for Historic Palmyra.

**NEW/OLD BUSINESS**

**OPEN BURNING:** Resident Lovina Fields outlined some of problems she has been experiencing due to her neighbor's backyard burning. In some instances, construction debris, such as varnished cabinetry, has been burned. The Board reviewed the law that is currently on the books. Attorney Williams agreed that it could stand to be tightened up some. The Clerk Treasurer shared some background information from the Code Enforcement Office regarding Mrs. Fields' problem. Mr. Jeffery was issued a notice of violation after which he agreed to no longer have the bonfires and purchased a "propane fireplace". The charges were then dismissed. However, he has started in again with the open burning. The code enforcement office, the police and the fire department have been called out to that address several times. Code Enforcement told Mrs. Fields to continue

reporting it to the police so his office can start the whole procedure again. In the meantime, Attorney Williams will prepare a revision for the Village code for the Board's review.

**HYDE PARKWAY:** The bids were opened for the water work for the Hyde Parkway project. The low bidder was Villager Construction. Based on recommendation from Bob Raeman, Clark Patterson Lee, motion was made by Trustee Palmer, second by Trustee Piccola to award the contact to Villager Construction for \$126,126.00 and authorize the mayor to sign the Notice of Award. Vote, 4 ayes. CARRIED.

**221 PARK DRIVE:** Tabled until meeting with involved parties takes place.

**FIRE CONTRACT:** Motion was made by Trustee Piccola, second by Trustee Nolan to authorize the Mayor to sign the Fire contract with the Town of Palmyra indicating a 5.5% increase for two years. Vote, 4 ayes. CARRIED.

Motion was made by Trustee Piccola, second by Trustee Palmer to sign the fire district agreement with the Town of Palmyra, Port Gibson Fire Department, the East Palmyra Fire Department and the Palmyra Fire Department. The agreement outlines and describes fire district boundaries that have been in place since June 1965. Vote, 4 ayes. CARRIED.

**ACCIDENT/DAR LIND DRIVE:** The Village received notification that Erie Insurance has determined that their client (Kristine Ford) is not legally responsible for the damage done to the Village Highway truck that took place on Dar Lind Drive. According to the correspondence, their decision was based upon the following:

- a. Insufficient evidence to prove how the accident occurred.
- b. Insured stated she was completely backed out of her spot and ready to go forward when our driver struck her in the rear.
- c. There were no witnesses to the accident.

However, according to the police report, there were other witnesses that were not notified. The Clerk Treasurer asked Attorney Williams if the Village could challenge the denial. Attorney Williams advised the Village to send a letter with statements from the driver and passenger of the highway truck. If that fails, we can put in the hands of the Justice Court.

**WATER METER DISCREPANCY:** The Clerk Treasurer distributed copies from Village code of Chapter 189: Water. It is her belief that the code is really quite adequate in how it deals with meter discrepancies. She also shared copies of a letter that goes out when meter discrepancies are discovered. This revised letter outlines the steps the resident needs to take if they decide to challenge the meter reading. The Board approved the letter and agreed the \$100 meter testing charge was appropriate. Brian Bieda will ship the meters out so they can be tested by an independent company. The December utility will be the beginning of a campaign to identify any other large discrepancies out there. The water postcards will include a sticker asking the homeowner to read the inside meter and phone it in. There are a total of eight water meter books. Each quarter, all the bills for two books will be targeted.

As the meter rental charge has not been increased in over twelve years, motion was made by Trustee Piccola, second by Trustee Husk to increase the meter rental to \$3.00 a quarter beginning with the March billing. Vote, 4 ayes. CARRIED.

On the Horton's request, motion was made by Trustee Piccola, second by Trustee Nolan to allow Mr. Horton up to eight quarters to pay his shortfall due to the inside/outside meter discrepancy, waiving any further late penalties. Vote, 4 ayes. CARRIED. The American Legion will be sent a copy of the revised letter with the testing fee.

The Clerk Treasurer was instructed to bring all discrepancies before the Board from now on.

**SMSI GRANT:** Wayne Finger Lakes BOCES is submitting a shared municipal services grant application for purchasing equipment. We have been invited to participate at no cost to the Village. Motion was made by Trustee Piccola, second by Trustee Nolan to participate in the grant by adopting the municipal Board resolution as required for submission. Vote, 4 ayes. CARRIED. Trustee Piccola reported on our other Shared

Municipal Services Grant – ours was the last contract to go through and will be funded, all others have been put on hold. The odds of the WFL BOCES grant of going through is probably slim to none.

**COMFORT STATION UPDATE:** Mayor Daly reported that she checked with the Canal Corp. and it appears that funds will still be available for the comfort station and the terminal wall projects. The Board agreed it would be a good idea to order the supplies for the water/sewer pieces of the comfort Station project.

**NUTRITION SITE CONTRACT:** Motion was made by Trustee Piccola, second by Trustee Palmer to authorize the Mayor to sign the agreement for use of the Nutrition Site by the Office of the Aging at \$100.00 per month. Vote, 4 ayes. CARRIED.

**ENGINEERING STUDY/WATER PLANT:** Richard Clayton felt that there must be more to the Sniedze study done in 1999 to pass on to Stearns and Wheler than the two pages he had. The Clerk Treasurer will check with Mr. Raeman and get back to Mr. Clayton as soon as possible so Stearns and Wheler can re-submit their proposal using the '99 report and including the cost analysis of staying in the water business.

**SURPLUS WOOD:** The Board discussed the legalities of letting people pick up surplus wood in the cemetery or the highway barns. Attorney Williams feels there is a liability issue. The Clerk Treasurer will check with our carrier.

Richard Clayton will be going to Albany to discuss our water line assessment.

**CRAFT MEMORIAL:** Trustee Husk reported that the Fire Company is moving forward with purchasing a tree which they will have a plaque made for dedication to the memory of Vince Craft. Trustee Husk would like the Board to consider naming perhaps the banquet/meeting room at the Fire Hall in honor of both Jean and Vince. Motion was made by Trustee Piccola, second by Trustee Nolan to dedicate the meeting room/reception room to the Crafts, name to be determined so a plaque can be ordered. Vote, 4 ayes. CARRIED.

As this was Trustee Palmer's last meeting, Mayor Daly thanked him for his seven years of service to the Village.

**EXECUTIVE SESSION:** Motion was made by Trustee Nolan, second by Trustee Piccola to enter executive session at 8:35 p.m. for discussion of litigation. Vote, 4 ayes. CARRIED.

**PUBLIC SESSION:** Motion was made by Trustee Piccola, second by Trustee Nolan to re-enter public session with no action having taken place in executive session at 8:37 p.m. Vote, 4 ayes. CARRIED.

**ADJOURNMENT:** Motion by Trustee Husk, second by Trustee Nolan to adjourn at 8:40 p.m. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch  
Clerk Treasurer