

**VILLAGE OF PALMYRA
BOARD OF TRUSTEES
Regular Meeting
November 5, 2007 7:00pm**

PLEDGE OF ALLEGIANCE

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

CALL TO ORDER PUBLIC HEARING/LOCAL LAW #4, 2007: Mayor Daly called the public hearing to order at 7:00 p.m. and instructed the Clerk to read the legal notice as published in the official Village newspaper:

LEGAL NOTICE
VILLAGE OF PALMYRA
NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAWS

NOTICE IS HEREBY GIVEN, that there has been introduced before the Village of Palmyra Local Law #4 2007, which, if adopted would add chapter 116 of the Village Code entitled Historic Preservation.

NOTICE IS FURTHER HEREBY GIVEN that, pursuant to section 20 of the Municipal Home Rule Law, the Village Board will hold a public hearing on the 5th day of November, 2007 at 7:00 P.M. at the Palmyra Village Hall, 144 East Main Street, Palmyra, NY for the purpose of hearing comments for or against the adoption of the proposed local law.

Any person may appear in person or by representative. Copies of the proposed local laws may be examined in the Village Clerk Treasurer's office during normal business hours.

Dated: October 19, 2007

By Order of the Village Board of the Village of Palmyra

Alicia M. Lynch
Village Clerk

Mayor Daly asked if there were any comments or questions from the public. The Code Enforcement Officer had several but his questions would be discussed and reviewed one by one during the regular meeting. As there were no other questions from the public, Mayor Daly closed the public hearing at 7:05 p.m. and proceeded with the regular meeting.

APPROVAL OF MINUTES: Motion was made by Trustee Piccola, second by Trustee Palmer to approve the minutes from the October 15, 2007 meeting as submitted.

Discussion: Trustee Husk asked for clarification of the wording for Local Law #2 regarding closure of the parks and cemetery. The hours for closing (sunset through sunrise) does include the cemetery and not just the park in the cemetery. Vote, 4 ayes. CARRIED.

APPROVAL OF VOUCHERS: Motion was made by Trustee Palmer, second by Trustee Smith to approve payment of vouchers 457-461 for \$1309.24. Vote, 4 ayes. CARRIED.

PALMYRA SKATEBOARD COMMITTEE: Mayor Daly asked Trustee Husk to report on his findings from his meeting with John VanParys last week on insuring the future Skateboard Park. Mr. VanParys gave two scenerios, assuming that certain guidelines will be followed and the village would have authority to shut down the park if actions did not meet pre-set criteria:

Option #1: Lease the area to the Skateboard Committee. The skate park would be insured by the Skateboard Park entity naming the Village as additionally insured. The cost to the Village would be nothing. Village could possibly do some clean up and negotiate a nominal fee to assist them.

Option #2: Have the village become responsible for the park. The additional premium would be approximately \$1000 per year.

Additional issues:

- Maintenance of the equipment
- Verification system that waivers are signed and on file
- Adequate supervision – teen supervision may be allowed
- Use of proper protective gear
- Park being fenced and locked at night

The Board was polled; general consensus was that Option 1 would be best. The next step will be for the Village attorney to draft a lease agreement even though it won't be able to be signed until the Committee has its 501(c)3 designation. Motion was made by Trustee Palmer, second by Trustee Piccola to instruct Attorney Williams to draft a lease agreement for a 50 X 100 foot space in the village park for use by the Palmyra Skateboard Committee for a Skate/BMX park. Vote, 4 ayes. CARRIED.

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

- Letter from County re: off-site storage facility – Clerk not interested
- Letter of congratulations for our successful Lois McClure visit, sent token of thanks in way of “Canal” pens
- Acknowledgement from State regarding letter from Village about member item funding
- Letter of support from Lake Champlain Maritime Museum
- NYS Heritage Development Forum
- NYSEG work documents on file at Village Hall.

TRUSTEE REPORTS:

Trustee Husk reviewed the written report provided by Supt. Hopkins highlighting mowing, leaf pickup and equipment repairs. The F250 state contract has still not been awarded. Superintendent Hopkins has met with the electrical inspector and the plans have been approved for the installation of a pump in the Marina. He has called for a stake out. The conduit trench will be installed and the wires pulled but the pumps will not be ordered until spring. The crew is gearing up for the holiday season.

Reporting for the Fire Department, **Trustee Palmer** moved to accept Kyle Klaver and David VanDerMallie for membership into the Fire Department following completion of the appropriate training and a satisfactory physical examination. Seconded by Trustee Smith. Vote, 4 ayes. CARRIED. Additionally, the Fire Company has removed Cara-Dee Baginski and Maureen Flynn from the active status rolls of the Fire Company.

The Board discussed Salzburg Village's refusal to have their backflow prevention device tested as is required by NYS Dept. of Health. STES has been corresponding with them for three years about this issue. The two water meters servicing the hill also need replacement; the village has been estimating the water bills for over a year. The Board directed Attorney Williams to write to Salzburg Village's John Martin to give them 15 days in which to schedule these upgrades and testing. If they do not respond, the Village will be putting them on notice and shutting off their water service.

Trustee Piccola reviewed Supt. Boesel's written report, highlighting the completion of the sidewalks on Stafford Street, two more water line breaks on the Schwartz property, the Shared Municipal grant, and the last round of brush pick up has been completed. He reported that the Village's share for the Burnham Heights project is \$38,600, CHPS funding for this year is \$35,900, a difference of \$2700, however, the cost of the hydrant replacement/relocation was \$2455 which can be charged to water.

Trustee Smith – no report.

Attorney Williams – no report.

Mayor Daly provided her usual written report which will also be on file in the Clerk's office. She has been busy working on the EPF grant with Trustee Piccola. If the Village is successful with the grant, it will help to fund the Terminal Wall Project and the Comfort Station. The Pirates on the Erie Canal committee met and have decided that Pirates weekend will be August 8-10th, 2008. Anyone interested in being on the planning committee, call Village Hall. Lastly, all the fourth graders from Palmyra Elementary attended at birthday party for the Canal at the Marina on October 25th; they were entertained by Bonnie Hays with Historic Palmyra.

NEW/OLD BUSINESS: In relation to the above mentioned grant, Mayor Daly moved to adopt the following resolution:

WHEREAS the Village of Palmyra has demonstrated through its past actions that it is working to bolster the local economy and enhance quality of life in the Village; and
WHEREAS the Palmyra Canalside Nature Park Plan has been developed to forward these goals; and
WHEREAS the Terminal Wall Enhancement Project is Phase II of that Plan; and
WHEREAS the NYS Department of State has, under Title 11 of the NYS Environmental Protection Fund Local Waterfront Revitalization Program, has announced its annual grant opportunity; and
WHEREAS award of grant monies from this program would facilitate the efforts of the Village of Palmyra in the areas of Economic Development and Quality of Life;
THEREFORE let it be known that the Palmyra Village Board has authorized the Mayor to affirm the veracity, as best known at the time, of the information contained in the Village of Palmyra's grant application.

Victoria W. Daly, Mayor
Village of Palmyra, Wayne County
November 5, 2007

Vote, 5 ayes. CARRIED.

POLICE COMPUTER BACKUP: Motion was made by Trustee Palmer, second by Trustee Husk to replace the Police Department's broken computer back up system for \$560.00 to be paid out of H90A Police Equipment. Vote, 4 ayes. CARRIED.

ST. ANNE'S NO PARKING REQUEST: The Board discussed St. Anne's family resource center's request for a no-parking stencil to be put on the road surface in front of their driveway so that the school bus will have room to pull up and load/unload. The driveway is actually a doublewide section of sidewalk in the Village right of way. There is a "No parking from here to corner sign" on the east side of this sidewalk. Motion was made by Trustee Piccola, second by Trustee Palmer to move the existing "No parking from here to corner sign" to the west side of the driveway/sidewalk. Vote, 4 ayes. CARRIED.

ABANDONED BUILDINGS: Mayor Daly asked that the Board review the materials on abandoned buildings that she brought back from a NYCOM workshop for discussion at the next Board meeting. The material comes from the code book of the City of Hornell and pertains to building certificates of occupancy.

FIRE PIT: The Board discussed a complaint from a Clinton Street resident, James Sanderson, regarding fire pits. Mr. Sanderson objects to fires within the Village and thinks they should be banned. The complaint would fall under the jurisdiction of the Code Enforcement Officer, especially if the smoke is bothering other properties. The complaint was handed over to him.

NEGATIVE DECLARATION: Motion was made by Trustee Piccola, second by Trustee Palmer that as required by SEQR, the Village of Palmyra, as lead agent for the Canalside Nature Park, declares that the construction of the Comfort Station part of Phase I of the Canalside Nature Park, will have no significant impact on the environment. Vote, 4 ayes. CARRIED.

HANSEN ST. RESIDENT REQUEST: The new owner of 207 Hansen Street has asked Supt. Boesel for an extension to his front walk (in the Village right-of-way). His son is in a wheelchair and gets on a bus in the morning. The Board discussed his request in anticipation of receiving a written request. The Clerk consulted the Village Code and as it is worded found that sidewalks in the Village right of way are not allowed within four feet of the curb or other recognized road edge. In order for the Board to give permission, an amendment would have to be made to Village code by local law. The Board agreed that the cost of the sidewalk should be borne by the property owner.

Motion was made by Trustee Piccola, second by Trustee to schedule a public hearing for Local Law #5, 163 Streets and Sidewalks for November 15 if the property owner wants to pay for the installation of the sidewalk. The Board instructed the Clerk to contact Mr. Scanlon.

HISTORIC PRESERVATION ORDINANCE: Mayor Daly asked Bob Grier to present his questions about the proposed Historical Ordinance. Mayor Daly said the preservation committee worked from a model from the U.S. Department of the Interior. Julian Adams, Specialist in Historic Preservation, NYS Office of Parks, Recreation and Historic Preservation evaluated the ordinance and gave his seal of approval. Before reviewing with Mr. Grier, Mayor Daly reminded the Board that the ordinance relates to policy not procedure. Mr. Grier started with questions that would directly involve his department. He questioned the makeup of the commission. The process would include resumes, interviews and meeting with the Preservation Committee. They discussed timeframes for approvals/denials (25 days). The 25-day time frame begins from the time of the public hearing and acceptance of the application. Other areas of discussion included the wording of Section 4: Certificate of Appropriateness, Section 5: Criteria for Approval of a Certificate of Appropriateness, and Section 7 and 8: Hardship Criteria for Demolition. Once designated historical, a property owner can not opt out of the designation and would be bound by all the stipulations in the ordinance.

Motion was made by Trustee Palmer, second by Trustee Smith to adopt Local Law #4, 2008- Historical Preservation with the changes as noted in discussion. On advice from counsel regarding procedure, Trustee Palmer withdrew his motion.

Motion was made by Trustee Palmer, second by Trustee Smith to approve the following two non-material changes to Local Law #4; the first to Section 4:

“No person shall carry out any exterior alteration, restoration, reconstruction, demolition new construction, (adding) *as defined under NYS Fire Prevention and Building code* “or moving of a Landmark or property within a Historic District,…”

the second to Section 10:

“It shall be the duty of the Building Code Enforcement Officer, (adding) *or a member of the commission designated for that purpose when the alteration does not require a building permit...* “to inspect periodically any such work to assure compliance.”

Vote, 5 ayes. CARRIED.

Motion was made by Trustee Palmer, second by Trustee Smith to adopt Local Law #4 Chapter 116 Historic Preservation. *Discussion:* All trustees voiced their view on the ordinance before the Mayor called for the vote and several preservation committee members spoke up. Vote:

Trustee Husk	Nay	Trustee Palmer	Aye
Trustee Piccola	Nay	Trustee Smith	Aye
Mayor Daly	Aye	3 ayes, 2 nays.	CARRIED.

EXECUTIVE SESSION: Motion was made by Trustee Husk, second was made by Trustee Piccola to enter executive session at 9:35 p.m. for discussion of personnel. Vote, 4 ayes. CARRIED.

Motion by Trustee Palmer, second by Trustee Piccola to re-enter public session with no action having taken place at 10:00 p.m. Vote, 4 ayes. CARRIED.

SEASONAL HELP: Motion was made by Trustee Husk, second by Trustee Palmer to re-hire H. Brown to the position of seasonal laborer for the Buildings and Grounds Dept. at \$9.00 per hour. Vote, 4 ayes. CARRIED.

ADJOURNMENT: Motion to adjourn at 10:05 p.m. made by Trustee Husk, seconded by Trustee Smith. Vote, 4 ayes. CARRIED.

Respectfully Submitted,

Alicia M. Lynch
Clerk Treasurer