

**VILLAGE OF PALMYRA
BOARD OF TRUSTEES**
July 6, 2004 6:30 p.m.

PLEDGE OF ALLEGIANCE

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

CALL TO ORDER: Mayor Daly called the meeting to order at 6:35 p.m.

APPROVAL OF MINUTES: Motion by Trustee Piccola, second by Trustee Palmer to approve the minutes from June 7, 2004 as submitted. Vote, 3 ayes, Daly, Palmer, Piccola, 2 abstains, Salomon & Celentano. CARRIED.

Motion by Trustee Palmer, second by Trustee Piccola to approve the minutes from June 8, 2004 as submitted. Vote, 4 ayes, Daly, Palmer, Piccola and Salomon, 1 abstain, Trustee Celentano. CARRIED.

APPROVAL OF ABSTRACT: Motion by Trustee Celentano, second by Trustee Piccola to approve payment of Abstract #1, for vouchers 1-109 for \$284,224.84. Vote, 4 ayes. CARRIED.

YEAR END TRANSFERS: After a brief discussion, motion was made by Trustee Salomon, second by Trustee Celentano to approve the following 2003-04 year end transfers to balance individual line items:

GENERAL FUND

| | | |
|-------------|-----------------------------------|---------------------------------------|
| \$ 418.00 | FROM Cont. A1990.4 | TO Village Justice Salary A1110.1 |
| \$ 323.00 | FROM Cont. A1990.4 | TO Treasurer, Salary A1325.1 |
| \$ 996.00 | FROM Cont. A1990.4 | TO Treasurer, Misc. A1325.4 |
| \$ 330.00 | FROM Cont. A1990.4 | TO Village Clerk, Telephone A1410.428 |
| \$ 1.00 | FROM Cont. A1990.4 | TO Law – Salary – A1420.1 |
| \$ 4809.00 | FROM Cont. A1990.4 | TO Buildings, Gas & Elec. A1620.422 |
| \$36,125.00 | FROM Cont. A1990.4 | TO Cent. Garage – A1640.1 |
| \$ 715.00 | FROM Cont. a1990.4 | TO Police, Auto Gas – A3120.423 |
| \$ 864.00 | FROM Cont. A1990.4 | TO Police, Auto parts/rpr – A3120.424 |
| \$.04 | FROM Cont. A1990.4 | TO Fire – Salary - A3410.1 |
| \$ 2126.00 | FROM St. Mnt. A5110.1 | TO Fire – Misc. – A3410.4 |
| \$ 2425.00 | FROM St. Mnt. A5110.1 | TO Fire – Gas & Elec. – A3410.422 |
| \$ 7.00 | FROM St. Mnt. A5110.1 | TO Fire – auto gas - A3410.423 |
| \$ 79.00 | from St.Mntc. A5110.1 | to Fire – bldg.rpr. – A3410.426 |
| \$ 306.00 | from St.Mntc. A5110.1 | to Fire – equip.rpr. – A3410.427 |
| \$ 184.00 | from St. Mntc. A5110.1 | to Fire – telephone – A3410.428 |
| \$ 616.00 | from St.Mntc. A5110.1 | to Safety Inspect. – A3620.4 |
| \$ 566.00 | from St. Mntc. A5110.1 | to Public Health – A4010.4 |
| \$ 2905.00 | from St. Mntc. A5110.1 | to St. Mntc. – gas – A5110.423 |
| \$ 2336.00 | from St. Mntc. A5110.1 | to Snow Removal – salary – A5142.1 |
| \$ 4443.00 | from St. Mntc. A5110.1 | to Snow Removal – Misc. – A5142.4 |
| \$ 685.00 | from St. Mntc. A5110.1 | to Off-street Pkg. – Misc. – A5650.4 |
| \$ 30.00 | from St. Mntc. A5110.1 | to Econ.Opp & Dev- Website – A6989.42 |
| \$ 2100.00 | from St. Mntc. A5110.1 | to P&C Bldg – Gas & Elec. – A7140.422 |
| \$ 307.00 | from St. Mntc. A5110.1 | to Spec.Rec. – Marina – A7180.4 |
| \$ 1500.00 | from St. Mntc. A5110.1 | to Museum – Misc. – A7450.4 |
| \$ 56.00 | from St. Mntc. A5110.1 | to Flag Pole – A7521.4 |
| \$ 175.00 | from St. Mntc. A5110.1 | to Celebrations – A7550.4 |
| \$ 395.00 | from St. Mntc. A5110.1 | to Refuse & Garbage – Misc – A8160.4 |
| \$ 2482.00 | from St. Mntc. A5110.1 | to St.Cleaning – Salary – A8170.1 |
| \$ 1298.00 | from St. Mntc. A5110.1 | to Cemetery – Landscape – A8810.421 |
| \$ 4972.00 | from St. Mntc Asphalt (A5110.411) | to Cemetery, Salary – A8810.1 |
| \$ 3801.00 | from St. Mntc Asphalt (A5110.411) | to Hosp/Medical – A9060.8 |

| | | |
|---|-----------|-----|
| Transfer \$2486.00 from NYS P&F Retirement System – | A9015.8 | to: |
| \$ 991.00 Cemetery – Truck Parts/Repairs | A8810.424 | |
| \$ 655.00 Cemetery – Bldg. Repair/Maintenance | A8810.426 | |
| \$ 477.00 Cemetery – Equipment Repair/Maintenance | A8810.427 | |
| \$ 191.00 Social Security (Employers Share) | A9030.8 | |
| \$ 172.00 Disability Insurance | A9055.8 | |

WATER FUND

| | | |
|---|-----------|-----------|
| Transfer \$13,400. from Taxes & Assessments – F1950.4 | | |
| Clerk – Misc/Contractual | F1410.4 | \$ 110.00 |
| Engineer – Misc/Contractual | F1440.4 | \$1495.00 |
| MHPC Contract | F8330.430 | \$4648.00 |
| ST Env – Other | F8330.431 | \$ 914.00 |
| T&D -Salary | F8340.1 | \$ 236.00 |
| Hwy T&D | F8340.151 | \$4988.00 |
| T&D Rt. 21 Water Line | F8340.427 | \$ 897.00 |
| Social Security | F9030.8 | \$ 52.00 |
| Disability Insurance | F9055.8 | \$ 60.00 |

SEWER FUND

| | | |
|--|--|-----------|
| Transfer \$9,343.00 from Contingency – G1990.4 to: | | |
| G1490.4 – Public Works Admin – Misc/Contractual | | \$ 275.00 |
| G8130.430 – MHPC Contract | | \$8860.00 |
| G9010.8 – State Retirement Fund | | \$ 42.00 |
| G9055.8 – Disability Insurance | | \$ 175.00 |
| G9950.96 – Transfer to Debt Service Fund | | \$ 1.00 |

MONTHLY BUDGET REPORTS: The monthly budget reports were distributed to the trustees for their review.

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

- Thank you from Historic Palmyra
- 9/9 Tentative Comprehensive plan hearing
- Canal Work Permit on file for Route 21 water main replacement
- Banner – best 100 miles
- Thank you in regards to flag at half mast
- 207C conference
- Pal-Mac Rotary – clock project – on hold
- PCC Thanks for support for recent fundraiser
- NYS DEC – wetlands/Towpath mowing

In light of the lengthy agenda and the many guests, Mayor Daly moved the trustee reports to the end of the agenda.

NEW/OLD BUSINESS:

VANDERWALL WATER/SEWER RELEVY: Tracy Vanderwall asked the Board to waive payment of the water/sewer re-levy for the property she purchased at 537 Vienna Street. The charges were accrued before she owned the property and were re-levied to her tax bill. The tax search that the Village Clerk did contained an error and the water/sewer arrears were not paid at closing. Attorney Williams said that generally Villages do not have the authority to waive any back water/sewer bills but could waive any penalties. Motion was made by Trustee Celentano, second by Trustee Salomon, to reimburse the water/sewer re-levy amount to Ms. Vanderwall, due to the omission on the tax search of the past due amount, disbursement to come from the water fund. Vote, 4 ayes. CARRIED.

D. JEFFLYN PRIEST: The meter at Ms. Priest's home was replaced and when it was replaced there was a discrepancy between the outside and the inside meter readings. The work order to replace the meter was initiated by the Village Clerk because the reading last quarter showed no water usage, which is what happens when a meter fails. The extra water usage was divided by three, to be billed over the next three quarters. Ms. Priest

asked the Board to waive payment of the extra water usage as she has only occupied the home for one year and the extra water usage probably occurred before she owned the home. The Village Clerk agreed that there is no way to know when the extra water usage occurred, it could have been gradually happening over the last several years. Motion was made by Trustee Piccola to defer payment of the extra water usage until Ms. Priest's average water usage can be determined over the next three quarters, a refund of any amount over the minimum amount will be paid to Ms. Priest now. Vote, 4 ayes. CARRIED. Ms. Priest urged the Board to notify the homeowner in advance of any such bills. Trustee Salomon agreed and said that a form letter would help to forewarn the homeowner.

PARK & CLUB ROOMS: Representatives from the local Girl Scout Chapter were in attendance to discuss the procedure for use of the Park and Club Rooms. Over the last several months, it has been necessary to lock the rooms after the nutrition site closes for the day. EthelMae Johnson then unlocks it in the evening when there is a reservation in place for room usage. Mayor Daly shared a draft policy for usage of the rooms. A deposit of \$50.00 would be needed to obtain a key. Keys would be signed out from the Village Hall the day prior to the reservation and returned in person the following day, Monday for a Friday or weekend use. Organizations that use the building repeatedly throughout the year would also have one key issued to them. Duplication of the key would not be allowed and loss of the key would require another \$50.00 deposit. The room would be inspected after each use. Furniture should be left as it was found, trash should be picked up and removed from the building, and floors should be swept if needed. Debbie Proctor asked the Board to waive the key deposit fee but Attorney Williams advised that the Village should either charge everyone or no one at all. Ms. Proctor also asked that the Board consider reserving the "Scout Rooms" for use by the Scouts only as there have been items of theirs that have been stolen. Mayor Daly said that would be impossible as the building was left to the Village for use by all its citizens. Trustee Palmer suggested that the procedure for booking the rooms and hours of operation should be included in the policy. Further discussion on the policy was tabled until the August meeting.

PARKING IN THE VILLAGE: Tabled until the August meeting.

SIDEWALK MAINTENANCE: The way the Village Code is worded, if one obstructs the sidewalk, they have twenty-four hours to remove the obstruction. The following day, they can put the obstruction back up and then would have another twenty-four hours to remove. Attorney Williams and Trustee Salomon thought it would be best to leave it be and address it if it does become a problem. Mayor Daly suggested that the subject be tabled until discussion could take place in executive session under possible litigation.

PAL-MAC ROTARY: Rotary will be celebrating their 100th anniversary and would like to donate a tree to the Village to commemorate the event. Motion was made by Trustee Palmer to accept the tree, selection and planting to be overseen by Superintendent Weaver. Second by Trustee Piccola. Vote, 4 ayes. CARRIED.

LIEN ON STP UPGRADE PROJECT: Empire Metal Fabricators, a subcontractor for Hub Langie Paving has filed a lien against the Village for unpaid services they rendered as part of the sewer treatment plant upgrade. Attorney Williams advised to get it into the hands of the bonding company as soon as possible.

COUNTY MITIGATION PLAN: Tabled until the Flood plan maps are available.

HYDRANT: The request from PT Freund was tabled until Trustee Celentano could check with Nelson, Trustee Palmer could check with Chief Bruening and Trustee Salomon could check with Bob Raeman. Trustee Salomon asked if anyone had any indication from PT Freund if they would be contributing towards the cost of the hydrant.

207C PROCEDURE: MaryLou Conrow has offered to put together a procedure for 207C cases, her fee would be \$1000. Mayor Daly will be attending a 207C conference hosted by NYCOM. The Board decided to wait until the Mayor reported back on the conference to see if perhaps a sample procedure would be given at the conference.

PARK AND CLUB DONATIONS: A local resident would like to have an electrician inspect the park and club rooms to assess the adequacy of the electrical system. She is purposing the donation of several pieces of equipment but would like to make sure the building's electrical system can support these items. The cost for the electrician will also be paid by this donor. The Mayor suggested that the Village wait to contact our electrician until after the Aldrich Change Bridge dedication.

BROCHURE RACKS: Mayor Daly showed a new brochure rack designed by local supplier, Gary LaBerge, after he read an article about the vandalism done to the brochure racks at the Marina. His design is much heavier than the other model and if someone did manage to break it, most of the parts can easily be replaced. If the racks we have now get broke the whole rack has to be replaced. Mayor Daly would like to order 12 of them at a special Village rate of \$50 each. They could be charged to H46, the trail project.

REPRINTING OF BOOK OF MORMON: Mayor Daly reported that Michael Chrisman, project coordinator for the historic reprinting of the First Edition of the Book of Mormon will be announcing plans for the reprinting in the Village park on July 19th. There will be 5000 copies printed. They hope to "print sheets" on the Peter Smith Hand Press in the Grandin Building that same day.

TRUSTEE REPORTS:

Trustee Salomon moved to declare the scrap iron at the water and sewer plants as surplus. Motion was seconded by Trustee Celentano. Vote, 4 ayes. CARRIED. The proceeds will go to offset the costs of a dumpster to have a spring clean up at both plants.

Trustee Piccola reported that according to his estimation 300-400 people attended the last movie in the park, the next movie is scheduled for July 23rd. It will be the stage production of Peter Pan. He also shared copies of the new tri-fold brochures and thanked the committee for all their hard work, especially to Bill Unterborn for his design work. Costs for the brochures were shared by the Town and the Village.

Trustee Celentano reported that the highway crews have been replacing some sidewalks on Hyde Park and have been doing some pothole patching. Brush pickup continues every other week.

Trustee Palmer reported that the cemetery crew has begun tearing the wall down in Section D of the cemetery. The new fire truck will be ready to be picked up by July 19th. He has also been in contact with Senator Nozzolio's office urging him to initiate an emergency appropriation to get the funds released. He has been in contact with HSBC about interim financing as the state has not adopted a budget yet and therefore our promised low interest loan funds will not be available. We need about \$180,000 and the representative from HSBC thinks we could get a BAN at 2.5% for a term of one year, no penalty for early payback. Motion by Trustee Piccola, second by Trustee Palmer offered the following resolution and authorized the mayor to sign any paperwork with HSBC relating to the short-term financing for the fire department pumper due to the failure of the state to adopt the budget and thereby releasing the funds for our low interest loan.

BOND ANTICIPATION NOTE RESOLUTION

WHEREAS, the Village Board of the Village of Palmyra, New York wishes to obtain financing for the purchase of a fire truck; and

WHEREAS, the Village Board of the Village of Palmyra, New York did resolve and approve a Bond Anticipation Note for the purpose of purchasing a fire truck (Pierce Manufacturing, Contender DX Pumper) in the amount of One Hundred Seven Thousand and no/100 Dollars(\$107,000.00);and

NOW THEREFORE,

IT IS HEREBY resolved this 6th day of July, 2004, by the Village Board of the Village of Palmyra, Wayne County, New York, as follows:

1. A bond anticipation note in the amount of \$107,000.00 shall be issued by the Village of Palmyra for the purpose of interim financing of said project in anticipation of the sale of serial bonds of this Village in the amount of \$107,000.00 is hereby authorized for said purpose.
2. This resolution authorizes renewal notes of said original note as may be required.

3. Said note shall be dated the 19th day of July, 2004, or such later date as the officers, by their execution thereof shall determine, and will mature on the 19th day of July, 2005, and will bear interest at a rate of 2.25 per cent per annum payable on maturity, and will be payable both as to principal and interest in lawful money of the United States of America at the HSBC Bank USA, in the Village of Palmyra, New York by the Mayor of the Village of Palmyra, New York, and will be sealed with the seal of said Village of Palmyra and be renewed as deemed necessary for up to one (1) year upon filing of a bond anticipation note certificate by the Mayor of the Village of Palmyra.
4. The Mayor of the Village of Palmyra shall be and she is hereby empowered and directed to execute a note and renewal thereof in the above amount payable as aforesaid and containing such terms and provisions as in his sole discretion is deemed by him to be necessary and advisable. The original note and renewal thereof are authorized by resolution date the 6th day of July, 2004.
5. This note is not issued in anticipation as bonds for assessable improvements.
6. The full faith and credit of the Village of Palmyra is hereby pledged for the payment of the principal and of interest on said bond anticipation note. Such bond anticipation note shall be paid from the proceeds from the sale of said bonds, or may be redeemed as provided by the Local Finance Law of the State of New York.
7. The Mayor of the Village of Palmyra is hereby authorized to sell such bond anticipation note at private sale for not less than par and accrued interest at a rate not exceeding the rate above specified and the Mayor of the Village of Palmyra is authorized to deliver such bond anticipation note to the purchaser upon payment of the purchase price and accrued interest, as above specified. The receipt of the Mayor of the Village of Palmyra shall be a full acquittance to the purchaser who shall not be obligated to see the obligation of the purchaser who shall not be obligated to see the obligation of the purchase money.
8. This resolution shall take place immediately.
9. The bond resolution authorized said bond in anticipation of the sale of which said note is to be issued.
10. The amount borrowed for said fire truck shall not exceed One Hundred Seven Thousand and no/100 Dollars (\$107,000.00).
11. (a) The note is hereby designated "a qualified tax-exempt obligation" pursuant to Section 902 of the Tax Reform Act of 1986, as provided in the Conference Report on H.R. 3838 on September 18, 1986.
12. (a) I hereby certify that
 - (i) The Village of Palmyra is and was, as of July 6, 2004, a political subdivision of the State of New York.
 - (ii) It is reasonably assumed that:
 - (a) The amount of "qualified tax exempt obligations," within the meaning of Section 902(b)(3)(B) of H.R. 3838, which will be issued by the Village of Palmyra during 2004 does not exceed Ten Million Dollars (10,000,000.00).
 - (b) The sum of the principal amount of the note and the principal of any other obligation heretofore designated by the Village of Palmyra during 2004 for the purposes of such Section 902(b)(3)(B) DOES NOT EXCEED Ten Million Dollars (10,000,000.00).
- (b) The note designated herein is not a private activity bond (as defined in Section 141).

Vote:

| | | | |
|---------------------|-----|-----------------|-----|
| Christopher Piccola | aye | Mark Palmer | aye |
| Kurt Salomon | aye | Fred Celentano. | aye |

4 ayes. CARRIED.

ATTORNEY WILLIAMS: The deeds for the village property located at Park Drive and Throop Street are ready for the Mayor's signature. The easements are ready for her signature as well. Motion was made by Trustee Celentano, second by Trustee Piccola, to authorize the Mayor to sign the easements with CDS and Union Agriculture so the work can proceed on the ditch bordering of the Community Center. Vote, 4 ayes. CARRIED.

Mayor Daly submitted a written report but reminded everyone about the upcoming Aldrich Change Bridge dedication this Saturday, July 10th at 10am.

ST ENVIRONMENTAL INVOICES: Motion was made by Trustee Salomon, second by Trustee Celentano to approve the invoices as submitted by ST Environmental to be paid by ST out of the joint account as well as any other invoices that would incur late charges if not paid by the next scheduled Board meeting:

| <u>DATE</u> | <u>VENDOR</u> | <u>ACCT/INVOICE#</u> | <u>AMOUNT</u> |
|-------------------------------------|------------------|--------------------------------------|----------------|
| 7/6/04 | NYSEG | 10424001008300-06 | \$53.26 |
| 7/6/04 | Iron Art Welding | 6221 | \$30.00 |
| 7/6/04 | Mistate Labs | 11429,11466,11503,11573 and 11592 | \$822.00 |
| 7/6/04 | Severn Trent | Credit card purchase | <u>\$27.35</u> |
| Total Paid as agent for the Village | | | \$932.61 |

Vote, 4 ayes. CARRIED.

Motion by Trustee Salomon, second by Trustee Piccola to enter executive session at 8:15 p.m. for personnel, possible litigation and contractual. 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 at 8:45 p.m.. Vote, 4 ayes. CARRIED.

ADJOURNMENT: Motion to adjourn at 8:45 p.m. by Trustee Piccola, second by Trustee Celentano. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Village Clerk