

.VILLAGE OF PALMYRA BOARD OF TRUSTEES

REGULAR MEETING

August 4, 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 public hearing to order at 7:00 p.m. and asked the Clerk to read the following notice:

**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 four proposed local laws. Local Law #1, 2008, if adopted, would amend chapter 67 entitled Control of Dogs and Other Animals of the Village Code. Local Law #1 outlines minimum requirements for farm animals within Village limits and defines regulations for the care and ownership of dogs.

Local Law #2, 2008, entitled Chapter 84 Curfew, if adopted, would establish rules and regulations of a curfew for minors in the Village of Palmyra.

Local Law #3, 2008 is entitled "Regulation of Presence, Residency and Activities of Sex Offenders". The substance of this addition to the Village code will further regulate and control residency requirements of certain sex offenders in the Village of Palmyra.

Local Law #4, 2008, if adopted would amend Chapter 183 of the Village Code entitled "Vehicles and Traffic". The substance of the amendment is to provide for the addition of a stop sign on Mill Street at the intersection of Mill, Vienna and Prospect Drive.

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 4th day of August, 2008 at the Palmyra Village Hall, 144 East Main Street, Palmyra, NY beginning at 7:00 p.m. for the purpose of hearing comments for or against the adoption of the proposed local laws.

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: July 16, 2008

By Order of the Village Board of the Village of Palmyra

Alicia M. Lynch
Village Clerk

Mayor Daly opened the floor to comments from the public on Local Law #1, Control of Dogs. As there were no comments forthcoming from the public, motion was made by Trustee Palmer, second by Trustee Nolan to close the hearing for Local Law # 1. Vote, 4 ayes. CARRIED.

Mayor Daly called the public hearing to order for Local Law #2, Curfew. Several residents and business owners spoke out in favor of the proposed law and some of them related problems they have been experiencing with youths late at night. Motion was made by Trustee Palmer, second by Trustee Piccola to close the public hearing for Local Law #2 at 7:10 pm. Vote, 4 ayes. CARRIED.

Mayor Daly called the public hearing to order for Local Law #3, Regulation of Presence, Residency and Activities of Sex Offenders". The proposal will further regulate and control residency requirements of Level 2 and 3 sex offenders in the Village of Palmyra. The residents and business owners that spoke out were in favor of the proposed law but many thought that the library and museums should be included. Attorney Williams explained that that the library and museums can not be included unless they are used

primarily by youth only. Motion was made by Trustee Nolan, second by Trustee Palmer to close the public hearing for Local Law #3 at 7:30 p.m. Vote, 4 ayes. CARRIED.

Mayor Daly called the public hearing to order for Local Law #4, Traffic, which calls for the addition of a third stop sign at the Mill/Vienna/Prospect Drive intersection. Several residents from that neighborhood spoke about the need for the stop sign to slow cars down. Others expressed concern that traffic might get backed up during CanalTown Days and perhaps we have too many stop signs already. Motion was made by Trustee Palmer, second by Trustee Piccola to close the public hearing for Local Law #4 at 7:40 p.m. Vote, 4 ayes. CARRIED.

BREEN'S 100TH ANNIVERSARY: Mayor Daly noted that later in the month the Breen family will be celebrating the 100th anniversary of the founding of the store. She commented on Breen's commitment to Palmyra, their generosity to it and their involvement in it, as demonstrated by the beautiful window mural done by Sally Breen and helpers for the upcoming Pirate Weekend. They have provided part-time jobs for generations of young people, supported efforts by local service clubs, churches and Crop Walk. Motion was made by Trustee Husk, second by Trustee Nolan, to formally congratulate the Breen Family and Breen's IGA on its centennial celebration and to wish it many, many more years as a successful business in Palmyra. We are fortunate to have Breen's IGA as a mainstay of Palmyra. Vote, 5 ayes. CARRIED.

APPROVAL OF MINUTES: Motion by Trustee Husk, second by Trustee Nolan, to approve the minutes from June 30 and July 7, 2008 as submitted. Vote, 3 ayes, 1 abstain-Trustee Palmer. CARRIED.

ABSTRACT #2: Motion was made by Trustee Palmer, second by Trustee Piccola, to approve payment of Abstract #2, vouchers #80-#157; for \$157,623.35 Vote, 4 ayes. CARRIED.

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

- Public Comment Periods: Verizon Network Plan and Electric Safety Standards
- Memo about missionary stolen license plates
- Palmyra Historic Preservation Commission Terms:

Mitch Smith	2009	(Chair)	Mike Haskins	2011
Christine Daly	2010	(Sec.)	Jim Elliott	2011 (Vice Chair)
Judy Zanin	2010			
- EMS Mutual Aid Report
- Safe Routes to School – successful grant by Palmyra Elementary
- Invitation CanalTown Days parade
- Palmyra Garden Club – article in Times
- Eleven murals were painted on Main Street as part of the Pirate Weekend festivities

TRUSTEE REPORTS:

Trustee Husk reported that Buildings and Grounds worked hard to clear the storm damage in the cemetery on July 22nd. Trustee Husk shared photos of the damage.

The damaged Canal Street light pole will be replaced with a matching one from Franklin Street, the Franklin Street light will be replaced with one that the Village has in stock that is similar.

Trustee Nolan congratulated the Pirate Committee for the successful kickoff to Pirate's Weekend at Lorri's Secret Garden.

Trustee Piccola reported that the drainage project on West Foster at Birdsall Parkway has been completed.

Trustee Palmer reported that the operational reports have been submitted by STES for June and July and will be on file in Village Hall. He met with Brian Bieda and Richard Clayton to discuss the water line assessment. They talked about several issues and what would be involved if the Village were to abandon the line. The water tower would still need to be painted and Garlock's raw water would no longer be available as well.

Attorney Williams – no report.

Mayor Daly provided her usual written report, highlighting the Erie Canalway Bike Tour, Media Day at Cumorah Hill and the Canal New York meeting on July 28th.

NEW/OLD BUSINESS

TOWN CONTRACTS: Mayor Daly distributed a list of soon-to-expire contracts with the Town that will need re-negotiating, such as the Fire Contract which runs through December 31st. She asked that the Trustees in charge of each area to provide her with dates that they would be available for discussions with the Town.

LOCAL LAWS:

LOCAL LAW #1: Motion was made by Trustee Palmer, second by Trustee Nolan to adopt Local Law #1, Control of Dogs as submitted. – Withdrawn.

Trustee Palmer moved to make the following non-material changes to Local Law #1 as follows:

Under 67-3 Definitions:

Habitual – A dog howling, barking, whining or crying for repeated intervals of at least 10 minutes with less than two minutes of interruption, which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the owner's or caretaker's premises. (not dog control officer)

Under 67-10 Seizure of dogs at large.

Any police officer, peace officer or the Animal Control Officer of the Village may seize any dog which is not licensed...(replaces shall seize)

Under 67-11 Care and redemption of impounded dogs.

E. Impoundment and boarding fees, which shall be paid to the Village Clerk, or Animal Control Officer shall be.... (added A.C.O.)

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

Motion was made by Trustee Palmer, second by Trustee Piccola to adopt Local Law #1, Control of Dogs as amended. Vote, 4 ayes. CARRIED.

LOCAL LAW #2: Motion was made by Trustee Husk, second by Trustee Palmer to adopt Local Law #2, Curfew. Vote, 4 ayes. CARRIED.

LOCAL LAW #3: Motion was made by Trustee Piccola to approve Local Law #3, Regulation of Sex Offenders. The motion died as there was no second. Attorney Williams will research, once again, the issue regarding museums and libraries.

LOCAL LAW #3: Motion was made by Trustee Husk, second by Trustee Nolan to adopt Local Law #3, Traffic which provides for a stop sign at the corner of Mill at Vienna/Prospect Dr. Vote, 3 ayes, 1 nay – Trustee Piccola. CARRIED. (Previous Local Law #3 – failed, Local Law #4 becomes Local Law #3)

PICTOMETRY CONTRACT: Supt. Hopkins has looked into acquiring Pictometry through the Wayne County Emergency Management office. Pictometry is a digital aerial photography software. The only cost involved is a one time cost for an external hard drive. Motion was made by Trustee Palmer, second by Trustee Piccola to approve the acquisition of an external hard drive for the Cemetery office at a price not to exceed \$200.00. Vote, 3 ayes, 1 abstain – Trustee Husk. CARRIED.

Motion was made by Trustee Piccola, second by Trustee Nolan to authorize the Mayor to sign the contract with Wayne County Emergency Management for Pictometry. Vote, 4 ayes. CARRIED.

LOCAL LODGE 588 REQUEST: The International Association of Machinists and Aerospace Workers at Garlock Sealing Technologies would like to install an IAM placard on the Village's welcome sign. It would not exceed 12 inches. The Board felt more information was needed; ie. which sign did they want to attach to, what does the placard look like and what is it made out of. Further discussion was tabled until September when more information is available.

LOADER BIDS: Trustee Piccola reported on the bid opening on the loader. Two bids were received. Tabulations as follows:

	Option #1 Outright Purchase	#2 Trade In	#Net
Five Star Equip J. Deere 2009 624K	\$145,000	\$55,000	\$90,000
MiltonCAT 2009 Cat 930H	\$129,824	\$32,500	\$97,324

Both carry a one-year warranty. Trustee Piccola asked Attorney Williams if a company seal was necessary on the bid as the MiltonCAT bid did not have one, in fact the company does not own one. Attorney Williams said it would not disqualify them as long as the bid was signed and sealed when received. Trustee Piccola recommended that we award the bid to MiltonCAT for \$129,824 but sell the used Village J. Deere loader at the municipal auction coming up in Monroe County. Delivery should be in 90 days which is about the same time as the auction. In the event that our loader sells before we take delivery of the new one, MiltonCAT will give us a loader on loan. Motion was made Trustee Nolan, second by Trustee Piccola to award the contract to low-bidder, MiltonCat for \$129,824.00. Vote, 4 ayes. CARRIED.

LIBERTY STREET: Trustee Piccola reported that Kragers met with him, the mayor and Attorney Williams at Village Hall to discuss the sale of the "end of Liberty Street" that abuts their property. One realtor has verbally quoted a fair market value of the proposed parcel at \$100.00. However, at this time the Kragers are unable to move forward. At such time that they are ready, it can be done with a quit claim deed, reserving two easements for the catch basin and the manhole. Neighbor Ruth Wilbur urged the board to make sure the new boundary line allows her enough room to back out of her driveway without going onto Krager's property.

BALLESTY BIKE REQUEST: Motion was made by Trustee Piccola, second by Trustee Nolan to declare the Break Point and Mongoose A40 bicycles as surplus. Vote, 4 ayes. CARRIED. These two bicycles were supposed to have gone to auction but were missed. Motion was made by Trustee Piccola, second by Trustee Nolan to accept Jon Ballesty's offer of \$40.00 for both bicycles. Vote, 4 ayes. CARRIED.

CAPITAL PROJECT: Motion was made by Trustee Palmer, second by Trustee Husk to establish Capital Project H8 Loader/Cemetery Truck. Vote, 4 ayes. CARRIED.

COURT GRANT APPLICATION: Motion was made by Trustee Palmer, second by Trustee Husk adopt the following resolution:

WHEREAS, the State of New York has enacted a law establishing the Justice Court Assistance Program, L. 1999, C. 280 that will enable communities to apply to the Chief Administrative Judge for a grant of State funds to assist in the operation of justice courts; and

WHEREAS, the availability of grant funding would enhance the ability of the village Justice court to provide suitable and sufficient service to the community.

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby authorizes the Mayor to file an application for a Justice Court Assistance Program grant for the New York State fiscal year ending March 31, 2009 for the maximum amount allowable. Vote, 4 ayes. UNANIMOUS, CARRIED.

PIRATE WEEKEND OVERTIME: After a brief discussion, motion was made by Trustee Nolan, second by Trustee Palmer to approve overtime for Pirate's weekend, approximately \$500.00, as needed. Vote, 4 ayes. CARRIED. There should be enough Pirate funds raised to cover the overtime which could be done through a budget transfer from H89-7550.4 to the salary line items.

EXECUTIVE SESSION: Motion was made by Trustee Piccola, second by Trustee Palmer to enter executive session for discussion of a contractual matter. Vote, 4 ayes. CARRIED.

PUBLIC SESSION: Motion was made by Trustee Palmer, second by Trustee Nolan to re-enter public session with no action having taken place in executive session. Vote, 4 ayes. CARRIED.

MICRO-ENTERPRISE LOAN: Motion was made by Trustee Palmer, second by Trustee Nolan to approve the transfer of collateral from 368 West Main Street to 245 Fayette Street for the Muddy Water Micro-Enterprise Loan, subject to confirmation of sufficient equity to cover the Village's interest. Vote, 4 ayes. CARRIED.

ADJOURNMENT: Motion by Trustee Palmer, second by Trustee Husk to adjourn at 9:15 p.m. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Clerk Treasurer