

**VILLAGE OF PALMYRA
BOARD OF TRUSTEES
Regular Meeting
October 15, 2007 7:00pm**

PLEDGE OF ALLEGIANCE

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

CALL TO ORDER: Mayor Daly called the public hearing to order at 7:00 p.m. The following legal was published in the official village newspaper on November 9th:

PUBLIC HEARING/WATER SERVICE SPECIFICATIONS:

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 #1 2007, which, if adopted would amend chapter 189 of the Village Code entitled Water. Proposed Local Law #1, 2007 redefines the specifications for water service lines.

This hearing will be followed by a public hearing for Proposed Local Law #2, 2007 entitled Parks and Recreation Area, which, if adopted, would amend Chapter 132 of the Village Code, and sets forth hours of operation of Village parks and cemeteries.

Followed by a public hearing for Proposed Local Law #3, 2007 entitled Noise, which, if adopted, would amend chapter 127 of the Village Code by prohibiting the use of jake braking within Village limits.

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 15th day of October, 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 1, 2007

By Order of the Village Board of the Village of Palmyra

Alicia M. Lynch
Village Clerk

Local Law #1 will allow water service lines to be installed using polyethylene (before they were restricted to copper). Mayor asked for comments from the public and as no comments were forthcoming closed the public hearing for Local Law #1.

Mayor Daly called the public hearing for Local Law #2 to order. Local Law #2 sets forth hours of operation for the parks and cemetery. They shall be closed from sunset to sunrise. Mayor Daly closed the public hearing as there were no public comments.

Lastly, Mayor Daly called the public hearing to order for Local Law #3. Local Law #3 amends Chapter 127 - Noise by prohibiting the practice of engine braking or slowing a vehicle by the rapid downshifting in lieu of applying the vehicle's brakes, except in an emergency situation. Additionally, it will restrict the use and operation of all terrain vehicles, dirt bikes and off road motorcycles on private property as to cause sound which can be heard in excess of 50 feet beyond the boundary line. Resident Jackie Shaffer asked if tickets would be written without first notifying the truckers. Mayor Daly assured her that signs would be posted at the entrances to the Village. Mrs. Shaffer asked if that would prohibit her husband from working on their motorcycles in their garage. Mayor Daly thought that if a complaint came in, she's sure the officer on duty would investigate and find out that the motorcycles were being worked on and not being used to joy ride around the yard. Mayor Daly closed the public hearing following the public comment period and proceeded with the regular meeting.

APPROVAL OF MINUTES: Motion was made by Trustee Piccola, seconded by Trustee Husk to approve the minutes from the October 1, 2007 meeting as submitted.

Vote, 3 ayes, Trustees Piccola, Husk and Smith, 1 abstain, Trustee Palmer. CARRIED. Mayor Daly asked that from now on, if anyone expresses a particular opinion about the topic of discussion, the minutes should note who voiced it.

APPROVAL OF ABSTRACT # 5: Motion was made by Trustee Palmer, second by Trustee Husk to approve Abstract #5 vouchers #369 through 456 for \$149,350.81. Vote, 4 ayes. CARRIED.

CORRESPONDENCE/ANNOUNCEMENTS/INFORMATION:

- Open House at Unique Automation
- Information from Canal NY
- Information from Brookfield Energy on Hydro power – they are working with the County and recently toured the Canal
- Mayor attended NYCOM workshop on abandoned buildings and brought back handouts
- Received copy of public hearing legal for Town of Manchester extending fire contracts, a 6% increase is being proposed

TRUSTEE REPORTS:

Trustee Husk reported that Councilman Miller has no problem with reviewing the duties for the Buildings and Grounds department within the Town annually in September. Trustee Husk reviewed the pricing for the addition of a cell phone for the Buildings and Grounds superintendent. Motion was made by Trustee Husk to approve the contract for a Verizon cell phone at \$32.39 per month. Second was made by Trustee Piccola. Vote, 4 ayes. CARRIED.

Trustee Palmer had no report but commented that if Manchester passes a six percent increase for the Fire contracts for the next three years, he would think that would be fair.

Trustee Piccola reported that he is in receipt of the tentative budget for 2008 for the Code Enforcement Office. The anticipated expenditures are \$116,000 and estimated revenues are \$40,100 which would mean a net of \$76,000 split 50/50 between the Town and Village.

For the highway department, he reviewed the written report submitted by Superintendent Boesel, which will remain on file in Village Hall. Highlights included:

- Completed paving of Burnham Heights and the fire department parking areas
- Last scheduled pick up for brush is next week
- Stafford Street sidewalks started today
- Repaired several water line breaks

Trustee Piccola would like to see a discussion on water issues at a future meeting. He said costs are mounting with all the water line breaks, we need to put together a long term plan. Mayor Daly commented that the Crafts couldn't have been more cooperative in dealing with the water break on their property.

Superintendent Boesel has received a request from Claremont Park resident Jody Daeffler to have his sidewalk removed along the front of his house. There is approximately 50 feet; it is the only sidewalk on that side of Claremont. Motion was made by Trustee Piccola, second by Trustee Smith to remove the sidewalk at 300 Claremont Park pending receipt of a written request from the property owner. Vote, 4 ayes. CARRIED.

Trustee Smith reported that he is waiting to hear from the Celebrations Committee on what they are planning for Halloween in lieu of the Trick or Treat on Main Street. Mayor Daly asked Trustee Smith to schedule a meeting with the Celebrations Committee for sometime early in November; she would like to meet with them.

Attorney Williams submitted the Consent Order for the Mayor to sign (425 East Main Street). The property owner of the building in question agrees to bring the property into compliance with the NYS Fire Prevention and Building Codes.

Mayor Daly provided her usual written report which will also be on file in the Clerk's office. She asked for letters of support for the EPF grant application. She also shared a thank you from Tarah Guest for allowing them use of the park for their recent wedding.

NEW/OLD BUSINESS:

LOCAL LAW #1 – WATER SPECIFICATIONS: Motion was made by Trustee Palmer, second by Trustee Piccola to adopt Local Law #1 amending Village Code Chapter 189-Water. Vote, 4 ayes. CARRIED.

LOCAL LAW #2 – PARKS AND RECREATION AREAS: Motion was made by Trustee Piccola, second by Trustee Palmer to adopt Local Law #2 amending Village Code Chapter 132- Parks and Recreation Areas. Vote, 3 ayes, 1 nay, Trustee Husk. CARRIED.

LOCAL LAW #3 – NOISE: Motion was made by Trustee Piccola, second by Trustee Husk to adopt a non-material change to Local Law #3 as suggested by counsel as follows: replace ... “sound from such repairing, rebuilding or modifying or testing to be heard”... with ... “sound from such vehicle or motorcycle to be heard” . Vote, 4 ayes. CARRIED. Motion was made by Trustee Husk, second by Trustee Piccola to adopt Local Law #3 amending Village Code Chapter 127- Noise Vote, 3 ayes, 2 nays, Trustees Palmer and Smith. CARRIED.

PALMYRA SKATEBOARD COMMITTEE: Jackie Shaffer distributed a handout which updated the Board on the progress being made by the Palmyra Skateboard Committee. The committee now has a website at www.PalmyraSkatePark.com which was donated by the Alsups. They have obtained legal counsel through a donation for filing of 501(c)3 status (non-profit). They have had three fundraisers over the past month, raising over \$1600.00 On-going fundraisers include: sale of window decals, t-shirts, and mini-skate boards, web-site advertising available on their website for \$50.00, as well as seeking donations and pursuing grant opportunities. They are working on a different fundraiser almost every month.

Mayor Daly explained that she put together the pink handout to outline some questions she had and where she perceived the Village stood. For example, Mayor Daly asked when did BMX riders get added and can skateboarders and BMX riders use the facility at the same time. Mrs. Shaffer assured the Board that the park will be big enough for both, as well as in-line skaters and they fully intended for it to be for all of these from the very beginning. Attorney Williams feels that the Village can legally insure the park if it's PSPC's, as long as it's on Village property. Mayor Daly asked if there will be a maximum number of skaters/riders that will be able to use the park at the same time and if there will be time limits. Mrs. Shaffer says she will check with the police, fire and code for occupancy limits and vaguely outlined the hours of operation. She suggested that the park follow stricter hours when school is in session and be open longer in the summer months. The Board agreed that the park should be open to all and not distinguish between residents and non-residents. The question of maintenance was discussed; Mrs. Shaffer said she was told that the company supplying the equipment would come out once a year to inspect the equipment. Mayor Daly questioned what would happen if the skateboard park was abandoned or fell in to disrepair. Trustee Piccola and Smith stated they thought that should be addressed in the written agreement between the PSPC and the Village. In closing, Mrs. Shaffer expressed her thanks for the ongoing support from residents and businesses. Mayor Daly commented that she thinks the committee is doing a marvelous job in garnering that support.

Trustee Husk questioned what the big deal is in regards to insuring the park, why is it any different than insuring the playground equipment at the park and why couldn't they have representation at tonight's meeting from Selective Insurance as he requested. The additional liability/exposure was discussed as causing the additional premiums. Mayor Daly said VanParys would be invited to attend the meeting if that is what everyone wanted. The topic will be on the next agenda so everyone can make an informed decision especially as it relates to insurance and to give the PSPC its recommendations/requirements for the Park. Mayor Daly asked that Mrs. Shaffer provide a list of the requirements that the Committee needs to have addressed.

TOWN/SOUTHWEST SEWER DISTRICT: Mayor Daly has been asked by Supervisor Lyon to provide a letter of support for the Town's proposed sewer district. According to Richard Clayton, STES, it encompasses about 40 homes and the Village should have no problem accepting the waste. Motion was made by Trustee Piccola, second by Trustee Palmer to authorize the Mayor to write and sign a letter of support for the new sewer district. Vote, 4 ayes. CARRIED. The Town will be pursuing grants for construction of the district.

Trustee Palmer reported that the Town is looking at running sewer lines out Maple Avenue and Meadow Drive. He feels the Town should know that the Village may not be able to accept flows from this large of additional area before they make any plans.

The Village accepts waste from the Vanderwalls at the out-of-district user rate as the Vanderwalls service drains directly into the Village sewer line. On the other hand, the Village also receives flows from Palmyra Veterinary Hospital but we have not been able to bill the Town as yet. The Town needs to have a sewer district in place in order for the Village to invoice. Motion was made by Trustee Piccola, second by Trustee Smith to approve creation of a mini-sewer district to accommodate the Palmyra Veterinary Hospital and Vanderwall properties. Several questions arose and the motion died. Mayor Daly will question Supervisor Lyon further to see what it is they're looking for.

FIREHALL REQUEST/NYSEG: Chief Frederick contacted NYSEG to request the addition of another light on the pole located at the driveway entrance to their west side parking area. Motion was made by Trustee Palmer, second by Trustee Husk to approve the addition of another light to the existing pole on the corner of the driveway. Vote, 4 ayes. CARRIED. The additional light will cost approximately \$150 a year. A written letter needs to be sent to Don Russo at NYSEG.

BUSINESS CREDIT: Mayor Daly reviewed Murray Gould's information on the state's proposed tax credit increase. Currently the state offers a 6% tax credit, while the 20% is offered at the federal level. Motion was made by Trustee Palmer, second by Trustee Smith to authorize the Mayor to write and sign a letter urging our state representatives to support the effort to increase the Business Tax credit for historic restoration/rehabilitation from 6% to 30% to entice developers to work in communities where these buildings are located. Vote, 4 ayes. CARRIED.

RE-LEVY: Motion was made by Trustee Piccola, second by Trustee Palmer to re-levy any unpaid 2007-08 Village taxes to the County for collection in November and addition to the Town/County tax bills. Vote, 4 ayes. CARRIED.

BEAUTIFICATION DISTRICT: The Board discussed correspondence from Dr. Riggs attorney informing the Village that Dr. Riggs plans to erect a "No Overnight Parking" sign behind his building at 201 East Main St. Clerk Lynch reported that it was explained to her that sometime in the late eighties the Village created a beautification district in order to pave the parking lots behind the buildings in the business district on the north side of the street. The Village maintains these parking lots and leases them for \$1.00 per year. Dr. Riggs wants to eliminate the overnight parking. Clerk Lynch is researching Village records to see if there is any documentation about the beautification district. The Board asked the Clerk to call Dr. Riggs and ask him to hold off on installation of the signs until the matter can be properly researched.

HISTORIC PRESERVATION: Motion was made by Trustee Palmer, second by Trustee Smith to schedule a public hearing for Local Law #4 Historic Preservation for November 5, 2007 at 7:00 pm. Vote, 4 ayes. CARRIED.

SEOR/CANALSIDE NATURE PARK: Motion was made by Trustee Palmer, second by Trustee Piccola to authorize the Mayor to sign the Short Environmental Assessment Review for the Canalside Nature Park which will include the Comfort Station and Terminal Wall project. Vote, 4 ayes. CARRIED.

Mayor Daly asked if the public had any comments/questions. Girl Scout leader Elaine Hartnagel read a letter objecting to the Board's decision to require application fees and deposits for keys to the Park and Club Rooms.

ADJOURNMENT: Motion to adjourn at 8:45 p.m. made by Trustee Piccola, seconded by Trustee Husk. Vote, 4 ayes. CARRIED.

Respectfully Submitted,

Alicia M. Lynch
Clerk Treasurer