

Approved
8/13/87
BOARD OF TRUSTEES

Regular Meeting

8/17/87

7:00 p.m.

Present: Mayor Warner H. Strong; Trustees John Vrubel, James E. Elliott, Penelope K. Frontuto & Charles D. Gilmore; and Atty. J. Nesbitt.

The Mayor requested a moment of silence prior to conducting the business of the Board. Agenda requests rec'd after Friday deadline as follows: 1) Town Highway Items 3 & 4 - Trustee Frontuto motioned addition to Agenda; Trustee Elliott seconded. Voting "aye" were Trustees Frontuto, Elliott, Vrubel & Gilmore. Carried. 2) Trustee Elliott motioned addition of authorization for Mayor/himself to execute HUD Form TFS, 1-84/5805a, re \$75,000. 'draw-down'; Trustee Frontuto seconded - voting "aye" were Trustees Elliott, Frontuto, Gilmore & Vrubel. Carried. 3) D. Bartucca, rep. frm. Empire Tree Surgeons, approached the Bd., having called for Agenda placement; his appearance was rejected by the Bd. for lack of a motion.

UYCON's custom of presenting municipalities' employees twenty-five (25) year certificates explained by the Mayor; P.D. Chief D. Henry on hand to receive same (27 yrs./9-87); newspaper editor on hand for picture of brief presentation. Mayor sd. Vill. Bd. signed certificate, also.

Mrs. Ellen Dunn, E. Foster St. resident, approached the Bd. re the placement/removal of "Stop" sign on sd. st. Mayor thought contained in proposed Vehicle & Traffic Law. Mrs. Dunn presented two petitions signed by herself/neighbors, one of which requested replacement of aforementioned "Stop" sign - the other had to do with the problem of mosquitoes in the swampy surrounding area. She sd. no posted speed limit exists & coming down frm. Johnson St. no sign saying there's a sharp bend.....15-m.p.h. sign on Howell St. but blocked by branches. The Mayor motioned adopting change to ordinance to add "Stop" sign at the intersection - S.W. corner of Howell St./S.E. corner of Howell St. Trustee Gilmore sd. Bd. shld. see if Bd. cld. add to present law - legally & properly. Ck. with Vill. Atty. Trustee Elliott seconded foregoing motion. Trustee Frontuto sd. she didn't see need - had been to look - wld. want to study further. Trustee Gilmore sd. good idea to put up to slow people dwn., adding that he requested sign removal....Mrs. Dunn sd. shld. be some kind of sign on E. Foster.....Trustee Elliott suggested "Curve" sign, 10-15 m.p.h. to slow people dwn.....or..."slow, children @ play," per Mrs. Frontuto.

Trustee Gilmore stated that H-Way Supt. thought "Stop" sign wld. be in order....suggesting that signs be put up.....process for amended law....resolution...then through Vill. Atty. Mrs. Dunn sd. she was happy with "Stop" sign....that she had small childrentraffic wld. slow dwn....did during two (2) wks. it was there. Trustee Vrubel felt "Stop" sign good deterrent, following which Trustee Gilmore sd. to put "Stop" sign on Foster St. Mayor

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Minutes, 8/17-87--2

Strong repeated prior motion....Trustee Gilmore sd. if one (1) "Stop" sign placed, shld. be two (2), seconding the motion. Trustee Elliott asked about street extention - are DeRue's & Pembroke's on dedicated st. & P. Retan sd. they are. Voting on motion as follows: Trustees Vrubel, Gilmore & Mayor Strong "aye"; Trustees Frontuto & Elliott "nay"; carried by majority. Mayor Strong suggested putting signs indicating curve; Trustee Elliott sd. speed limit sign better way to handle.....Mayor sd. wld. be referred to Vill. Atty. to see if speed limit signs legal...Mrs. Dunn spke. of swampy area - mosquitoes 'outrageous'/road-sides nd. mowing. Part owned by Vill./pt. is not. R. Weaver sd. tht. St. Anne's owns some...did mow couple of times....been low on personnel. The Mayor sd. he had idea how to treat the area (swampy), however, expensive. Mr. Gilmore sd. he had talked wth. Mr. Clark, farmer near there.....in spring of year dug ditches deeper...dug ditch cross-ways...fills wth. watr. in spring, then mosquitos. Mrs. Eva Lape, No. 3284, sd. area had not been mowed all summer. Sd. also, she'd appreciate sign, "No dumping" & spke. of spraying ditches wth. repellent. Wouldn't get all of them, per R. Weaver. Mayor sd. wld. need easements for private prop. Mr. Clark not too supportive. He suggested making contact wth. Engineer D. Means to see if feasible to run along highway. Mr. Gilmore spke. of Mr. Clark wanting water vis. ...for some reason wtr. wasn't run out there...Vill. has something he wants; he has something Vill. wants...Mrs. Dunn & Mrs. Lape were thanked for coming to Bd. mtg.

Messrs. Harold Boerman & Tony LaPietra approached the Bd. rep. the Chamber of Commerce regarding their sponsorship of an alcoholic beverage during 1987 Canaltown Days which is lg. fund-raiser for sd. organization (the Bd. had communic. to the Chamber that they might not support the "tent" in view of liabilities)... Trustee Frontuto related backgrnd. which led to Chamber reps. appearance before Bd. The Mayor spke. of prior yr.'s problem of obtaining license/insurance, emphasizing that he was not against sd. sale - concern for Village - prior yr. an individual bar owner supported project then backed out....public shld. not be subjected to this exposure...Mr. LaPietra sd. CofC cld. only get \$100,000. coverage on liquor license, however, had no problems - was well controlled. Trustee Gilmore sd. several people felt there was no nd. for sale of beverage...growing awareness of problems which exist....Trustee Frontuto sd. if incidents, Vill. & CofC wld. be sued. Mr. Boerman sd. that in most instances, no one has sued....it was stated that F.D. member, C. Foreman, sd. no incidents @ Firehse. during Mummers' celebrations. Mr. Boerman sd. sale a good fund-raiser for CofC, speaking as current CofC president...not totally in favor of sale himself - but CofC nds. funds....netted \$1,668. prior yr....went on to explain the plight of the CofC and projects. The Mayor pointed out that the Bd. had not yet voted to ban sale....Mr. LaPietra (former owner of the Garlock Hse.), spke. of CofC finally "getting off the

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Minutes, 8/17/87--3

ground" - and good job done by Mr. Boerman and son, Mark (V-P). He sd. that Canaltown-go'ers wld. be carrying six-packs around... there wld. be bottles and cans strewn (CofC uses paper cups to dispense the beverages).....he sd. that cost wld. be \$2500. to obtain the ins. policy. Disc. on their "good track record".... have to look at history, per Trustee Gilmore...Vill. adopted policy of proceeding wth. events using caution. C. Foreman was asked if F.D. had ins. (re "Mt. the Mummies") and was told that insurance too high - doesn't pay to get million dollars wrth. of ins. Re insurance, \$2500. cost/\$50. for license. Reiterated re ins., going on rider wth. Vill. policy, per Mr. LaPietra/CofC will be responsible....Trustee Elliott asked about "Caterer's Lic." & wld. they act in that capacity.....Mr. LaPietra sd. 8 out of 10 won't do so.....disc. discont'd.

Trustee Frontuto motioned that Bd. deny the Chamber the opportunity to sell beer during Canaltown Days - felt badly about CofC....Bd. cld. not afford liability, she sd. Trustee Vrubel seconded motion.....further disc. Voting "aye" were Trustees Frontuto & Vrubel; voting "nay" were Trustees Gilmore, Elliott & Mayor Strong. Motion defeated by majority. Mr. LaPietra sd. he was in business 8 yrs. - if attempt to hide, will cme. to surface - have control if out in open. Trustee Gilmore motioned that Bd. allow CofC to have beer tent; Mayor Strong seconded. Voting "aye" were Trustees Gilmore, Elliott & Mayor Strong; voting "nay" were Trustees Frontuto & Vrubel. Motion carried by majority.

Mr. Boerman gave Bd. 'sample' notice/warning for placement on cars of people who blatantly violate parking in dwntwn. Palmyra...sd. he spke. wth. Chf. Henry re patrolling sts. more often. Trustee Elliott asked whether or not Chf. Henry marking cars re 2-hr. prkng. Bd. thought notices good idea wth. Trustee Frontuto motioning Bd. approv.; Trustee Vrubel seconded. Voting "aye" were Trustees Frontuto, Vrubel, Elliott & Gilmore. Carried.

Mr. Paul Wilson, Sr. Cty. Planner, approached Bd. re bids for handicapped ramp/Vill. Hall. He stated that for 2nd time bids did not work out...thought he had gotten in range, adding error in Trapani's bid of \$10,000. placing both bids above those rec'd 1st. time. He gave following Bd. alternatives....accept low bidders on both contracts; reject all bids; go out wth. re-bid in Jan. wth. change in dates. Sd. he'd ask Vill. Bd.'s support in getting local bidders in....bid for Spring. Reject concrete bids for Vill./Vill. crews do work....."force account"....Mr. Wilson sd. no way Vill. cld. hold Trapani to his bid (error)...also sd. the job shld. not cost \$20,000. Trustee Gilmore mentioned contacting other villages...Mr. Wilson sd. he had done several ramps wth. good success. The Mayor asked about Federal fnds. & was told "No" by Mr. Wilson. Trustee-in-charge, J. Vrubel, asked Mr. Wilson his suggestions to which he sd., "reject all bids, re-bid in January." Trustee Frontuto motioned that Bd. reject all bids for handicapped ramp; Trustees Gilmore & Vrubel seconded.

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Minutes, 8/17/87--4

Voting "aye" were Trustees Frontuto, Gilmore, Vrubel & Elliott. Carried.

Trustee Gilmore sd. he met wth. F.D. Commissioners re Tn./Vill. Fire Contract - recommending 3-yr. contract wth. \$1,000. p.yr. increase for nxt. 3 yrs. Vill. Bd. agreed. Ltr. to Tn. Supv. Wheeler advising of proposed increase. Mr. Gilmore motioned that Bd. accept recommendation of Fire Commissioners for above inc. for 1988-89&90, wth. authorization for Mayor Strong to execute sd. contract; Trustee Frontuto seconded. Voting "aye" were Trustees Gilmore, Frontuto, Vrubel & Elliott. Carried.

Re Town Highway Items 3 & 4, Trustee Frontuto read/motioned resolution requesting exemption; Trustee Elliott seconded. Voting "aye" were Trustees Frontuto, Elliott, Vrubel, Gilmore & Mayor Strong. Carried.

Trustee Elliott reported on ZBA Hrng. #176 re Pal-Oil's request for special permit and variance re 502 E. Main St. (formerly Maletta's). Spec. Perm. for sale of gasoline granted; variance granted re setbk. in which they req. 10' setbk. rather than required 20'. Neighbors req. "0" lot line clearance to which Pal-Oil agreed. Re New York Planning & Zng. Institute to be held @ Hotel Nevele 10/18-20/87, Mr. Elliott sd. Plng. Bd. Chrman. C. Collie wld. like to attend. ZBA members R. Marr, Chrman., Ronald Smith & Terry Rodman wld. like to attend also - Messrs. Marr & Smith prev. attended 1-day seminar (no Bd. members rec'd formal training). Mayor Strong motioned that Vill. send two members (one frm. ea. Bd.) to above Institute; Trustee Frontuto seconded. Voting "aye" were Trustees Frontuto, Vrubel, Gilmore & Elliott. Carried. Trustee Elliott gave brief rpt. on progress/Sewer Plant Proj.

Trustee Frontuto sd. ltr. rec'd frm. Tn. Supv., E. Wheeler, re Soldiers' & Sailors' burial lots; he suggested attendanace @ Tn. Bd. mtg. Disc. on wht. Tn. expects of C&P Supt. - Mayor suggested using same procedure as everybody else. Mayor asked if Vill. had plots/R. Weaver sd. only plots are those. Mrs. Frontuto reported that C&P work force down to two people...S. Rocco out due to illness; interviewed for open position/will interview further. Tree damage on W. Main St. on 8/7/87; talked of notification system to R. Weaver re trees.

Special Events - 8/9/87 concert held in Firehall due to rain, per Mrs. Frontuto; tentatively hired same band for 7/23/88. Firemen cordial. Canaltwn. Days Committee req. Vill. to pick up and deliver 35 drums (refuse barrels), req. Vill. assistance this yr. Mayor asked about dumpsters/dumping them; have their own, per Mrs. Frontuto. Stated that Vill. puts out lot of services.

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Minutes, 8/17/87--5

Per Mayor, Atty. Nesbitt sd. Bd. shld. take action on Agreement wth. **Family Stations** re antenna placement on Flagpole; tabled until ret. of Vill. Atty.

Trustee Vrubel sd. additional computer furniture rec'd; spke. of nd. for hook-up for printer, cable, etc. Mayor & H-Wy. Supt. will put in place. Mr. Vrubel thanked Supt. for fixing/priming around columns @ P&C Bldg. prior to Boy Scouts' painting. He sd. rec'd estimate of \$2600. frm. Rush & Co. for installation of hot wtr./basebd. heat & addition of one zne., dismantling old furnace, etc. in P&C apt. - cld. sell old @ auction. Mayor sd. to ck. budget figures, following which Trustee Vrubel motioned acceptance of estimate and notification to proceed; Trustee Gilmore seconded. Voting "aye" were Trustee Vrubel, Gilmore, Frontuto & Elliott. Carried. Re deteriorating bk. porch, P. Batterby req. to give estimate for same & handicapped entrance for Sr. Citizens' Nutrition Site. Trustee Frontuto sd. that where voting occurs, must be accessible to handicapped.

Trustee Gilmore spke. of query frm. F.D. re restrictions & reserves where money placed frm. Tn. Fire Contract....significant amt. of interest he sd. & being used for other Vill. business - F.D. feels it shld. go into F.D. The Mayor sd. that this yr.'s amt. of \$26,000. put into reserve - certain dollar amt. used to support the general, day-to-day operation of Vill., adding that Vill. taxpayers pay 'double' taxes, i.e. Vill. & Tn.

H-wy. Supt. Retan asked purpose of req. fuel bids/estimates frm. out-of-town oil companies re emergencies, bad weather, etc. Shrt. disc. on whether Vill. bound by low bid & Vill. tries to buy locally whenever possible, however, 1st. sent to others - but P. Retan's points well taken.

Mayor sd. signs put up re parking @ the Fair; amended Bd.'s prior resolution to include W. Foster St./Canandaigua to Stafford St. - both sides. Trustee Frontuto seconded; voting "aye" were Trustees Frontuto, Elliott, Vrubel & Gilmore. Carried. Trustee Gilmore sd. ample parking @ Fairgrnds.

Mayor Strong motioned that the Vill. Bd. publish Code section on abandoned cars - P.D. begin enforcing in couple of wks. thereafter; Trustee Frontuto req. amendmnt. to include unlic. cars and parking in frnt. yds. - and that Police enforce. Amendment accepted by Bd. Trustee Gilmore seconded. Voting "aye" were Trustees Frontuto, Gilmore, Elliott & Vrubel. Carried. Mayor Strong sd. Patrolman P. Coleman to go to Radar School 10/87 in Monroe Cty. Patrolman R. Hall will attend schooling. Costs more money for Monroe Cty. but he will be trained. The Mayor spke. of creating a temporary Patrolman's position to overlap Patrolman W. Gumaer who has to leave. He motioned transferring money from contingency fnd. to cover sme. Trustee Gilmore talked of keeping

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page

185

Minutes, 8/17/87--6

Patrolman Gumaer on for 20 hrs. per wk. or 40 hrs. every two wks. Mayor sd. Macedon did sme. - 50% Constable/49% Patrolman. Cld. create "Village Constable" position. Trustee Gilmore sd. he spke. wth. Pres. of Union. It was stated that person cld. become Policeman again @ age 40. Trustee Frontuto seconded above motion. Voting "aye" were Trustees Frontuto, Gilmore, Elliott & Vrubel. Carried.

Annual Clerks' Conference scheduled for 10/6-9/87 @ Kutcher's, Monticello, N.Y. Disc. on one or two to attend - Trustee Frontuto motioned that Bd. authorize two attend frm. VOP; Trustee Vrubel seconded. Voting "aye" were Trustees Frontuto, Vrubel, Elliott & Gilmore. Carried. Re Public Wks./Park Maintenance Schl. to be held @ Niagara Falls, 10/26-29/87, the Mayor motioned that up to two attend - one frm. ea. dept. - Trustee Vrubel seconded. Voting "aye" were Trustees Vrubel, Elliott, Frontuto & Gilmore. Carried.

Assemblyman Frank Talomie's communic./req. to conduct "Listen-In" series frm. 2-3 p.m., 8/27/87 in Vill. Hall related. Communic. w/enc. frm. Patrolman P. Coleman to transfer service time frm. Lyons to Palmyra disc. by Bd. Mayor Strong motioned that Bd. adjust P. Coleman's police service time of 20 mos. to VOP; Trustee Frontuto seconded wth. amendmnt. that Vill. Atty. review same; Mayor agreed to amendmnt. Voting "aye" on all counts were Trustees Frontuto, Elliott, Gilmore & Vrubel. Carried.

Bd. agreed to bank resolution re additional sae deposit box to contain microfilm reels & computer diskettes (\$25. annually). Bd. touched upon possibility of ext. of sewer hook-ups @ three Canandaigua St. residences; Bd. passed on anyone's attendance at **Upstate Community Development Conf.** in Adirondacks. Mayor spke. of communic. frm. State Comptroller's Office re \$88,000. St. Aid. Trustee Frontuto motioned that Bd. authorize Mayor to sign Abstract #6; approval/payment of vouchers on which appear initials of @ least three Trustees. Trustee Gilmore seconded. Voting "aye" were Trustee Frontuto, Gilmore, Vrubel & Elliott. Carried.

Bd. discussed Union Contract - specifically mileage reimbursmnt. of change frm. \$.24 to \$.20 per mile. S. Smith, Union V-P, present & sd. Union had no problem wth. sd. change, following which Mayor Strong motioned acceptance of Union Contract as written wth. above mileage reimbursement change. Trustee Gilmore seconded. Voting "aye" were Trustees Gilmore, Frontuto, Elliott & Vrubel. Carried.

Request frm. Mrs. E. Magde rep. Sr. Citizens' Nutrition Site Ctr. for permission to install telephone in P&C Rm. (have to have re emergency) - for which they will pay & install lock box. Trustee Gilmore so moved; Trustee Frontuto seconded. Voting "aye" were Trustee Gilmore, Frontuto, Vrubel & Elliott. Carried. Mayor re-

186

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page

Minutes, 8/17/87--7

announced time & date of Fair Parade - all Bd. members to participate.

At 8:45 p.m. Trustee Elliott motioned that Bd. exercise exec. sess. for matters of personnel - to include Bd., Vill. Atty., Clk., and Vill. employees the Bd. calls upon. Trustee Gilmore seconded. Voting "aye" were Trustees Elliott, Gilmore, Vrubel & Frontuto. Mayor Strong voted "nay". Carried by majority.

At 10:55 p.m. Trustee Frontuto motioned that Bd. emerge frm. exec. sess. - Trustee Elliott seconded. Present were Bd. members, Vill. Atty., & Clk. Voting "aye" were Trustees Frontuto, Elliott, Vrubel & Gilmore. Carried.

The following additional Village business occurred - 8/3/87 Bd. Minutes tabled until nxt. reg. mtg. as motioned by Trustee Frontuto; seconded by Trustee Elliott. Voting "aye" were Trustees Frontuto, Elliott, Gilmore & Vrubel. Carried. Trustee Elliott moved acceptance of the report of the Vill. Bd. on a grievance filed by Employee C. Timerson dated 6/26 & 7/3/87. Trustee Frontuto seconded. Voting "aye" were Trustees Elliott, Frontuto, Vrubel & Gilmore. Carried. Trustee Elliott moved that firm of MacNeil be engaged by the Vill. @ a cost of \$3500. to perform survey @ Sewer Plnt. Trustee Frontuto seconded. Voting "aye" were Trustees Elliott, Frontuto, Gilmore & Vrubel. Carried. Re two water loads by local hauler, who was not notified of rate increase, Trustee Elliott motioned that he be charged @ prev. rate of \$3.00 (new rate/\$130. - old rate/\$78.); Trustee Frontuto seconded. Voting "aye" were Trustees Elliott, Frontuto, Vrubel & Gilmore. Carried. New bill to be rendered. Re antenna placemnt. on Flagpole, Trustee Frontuto motioned that Village accept Contract wth. change indicated by Vill. Attorney, i.e. Mayor to execute Contract rather than Vill. Atty. as prepared by Family Stations; Trustee Elliott seconded. Voting "aye" were Trustees Elliott, Frontuto & Mayor Strong (Trustee Gilmore having left); Trustee Vrubel voted "nay." Carried by majority.

At 11:10 p.m. Trustee Vrubel motioned adjournmnt.; Trustee Frontuto seconded. Voting "aye" were Trustees Vrubel, Frontuto & Elliott. Carried.

Ethel B. Johnson, Clk.

(The nxt. regular Bd. mtg. scheduled for 9/9/87 - Wednesday)

Minutes.8/17/87.(trusteewp)

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page

RESOLUTION RE: TOWN ITEMS 3 & 4
REGULAR VILLAGE BOARD MEETING
AUGUST 17, 1987

Minutes

189

Trustee Frontuto motioned passage of the following Resolution:

"WHEREAS, the Village of Palmyra is within the Town of Palmyra, and

WHEREAS, the Town of Palmyra annually levies and collects taxes against real property within the Village of Palmyra to pay for items provided for by Sub-Divisions 3 & 4 of Section 141 of the Highway Law, and

WHEREAS, taxes levied and collected against real property within the Village of Palmyra for Sub-Division 3 of Section 141 of the Highway Law are used for the purchase, repair and custody of highway machinery, tools and implements used on Town highways, which highways are located outside the Village limits, and

WHEREAS, the Village Law provides that the Village of Palmyra shall be responsible for the maintenance of Village streets, for the purchase of machinery and equipment to be used on Village streets and for the removal of snow and the cutting of brush and other miscellaneous items relating to Village streets, and

WHEREAS, the Legislature of the State of New York has provided by law a procedure whereby a Town Board may exempt real property owners in villages from taxes levied by towns for Items 3 & 4 of the Town Highway Budget, and

WHEREAS, such authority to exempt real property owners in villages from such Town highway taxes was granted to town Boards by the State Legislature in recognition of the unjust double burden of taxation paid by Village real property owners for the maintenance of highways, and

WHEREAS, that on information and belief, none of the money levied for the removal of snow from town highways by the town government has been used for the removal of snow from Village streets, and

WHEREAS, that on information and belief, none of the highway machinery and equipment purchased and maintained by the Town from taxes levied pursuant to the provisions of the Highway Law have been used for work on Village streets but such machinery and equipment is used exclusively on Town streets outside of the Village, and

WHEREAS, by reasons of the premises herein set forth and alleged, taxes are twice levied and collected against property in the Village of Palmyra for highway machinery and equipment, for snow removal and for brush removal and the Village real property owners receive only benefits for those taxes levied and collected by the Village of Palmyra and receive no benefits from taxes levied and collected by the Town of Palmyra.

190
Village Board Resolution--2

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Palmyra, in view of the foregoing statements, respectfully request exemption for items 3 & 4 of the Town Highway Budget as authorized by Section 277 of the Highway Law beginning with the Fiscal Year of the Town of Palmyra, commencing January 1, 1988."

Trustee Elliott seconded passage of the foregoing Resolution; upon Role Call Vote, -

Mayor Warner H. Strong	"Aye"
Trustee John Vrabel	"Aye"
Trustee James G. Elliott	"Aye"
Trustee Penelope Frontuto	"Aye"
Trustee C. D. Gilmore	"Aye"

Voting: Five "Aye" votes/carried unanimously.

Mayor Strong announced passage of the foregoing resolution, requesting the clerk to present same to the Town Board, Town of Palmyra, respectfully requesting affirmative action on same.