

Approved  
c Corrections  
11/2/87

Date: 10/28/87

Ch.

227

BOARD OF TRUSTEES  
10/19/87

7:00 p.m.

~~UNOFFICIAL~~  
~~SUBJECT TO BOARD APPROVAL~~

Regular Mtg.

Present: Mayor Warner H. Strong; Trustees J. Elliott, P. Frontuto & C. D. Gilmore. Atty. J. Nesbitt.  
Absent: Trustee J. Vrabel.

Moment of Silence: The Mayor requested a moment of silence prior to conducting the business of the Board.

Loc. Law V&T: The continuation, frm. 10/5/87, of public hrng. re revision of Village's **Vehicle & Traffic Law** tabled until later in mtg.

Minutes: Minutes, 10/5/87 tabled until nxt. mtg. upon motion by Trustee Elliott & seconded by Trustee Frontuto - but mde. available to public. Voting "aye" were Trustees Elliott, Frontuto & Gilmore. Carried. The Minutes of "Water Study Mtg." held on 10/14/87 accepted upon motion by Trustee Frontuto; seconded by Trustee Gilmore. Voting "aye" were Trustees Frontuto, Gilmore & Elliott. Carried.

Committee Reports -

Trustee Elliott: Trustee Elliott sd., regarding zoning, that Mr. Provoost's req. referred bk. to Appeals Bd.; he spke. of grnd.brkng. @ sub-division on Cananad. St. The 30-day extension re demolition of "old Agway" Bd. having elapsed - Bd. to req. Atty. Nesbitt to begin action. Mr. Elliott sd. that approval rec'd frm. State re **Freund** water line. Vill. Bd. met wth. **Wtr. Supply Agency** - Chairman G. DeBarr and Kathy Foerster - on prior Wed. Very informative.

Sewer Plant: Second filter turned bk. on; mixing some media - enough to get back on line helping plant to run more efficiently. He spke. of conduit installation; bldg. grnd. up to grade; to give Bd. copies of Engineer's recent update. Re sewer line, Triou Estates, while putting line under Rt. 21 & while boring machine on premises, place "Y" on line in event four hses. on west side want sewer in yrs. to come. Hi-wy. Supt. P. Retan explained the process he wld. recommend using one boring vs. four - expensive. The Mayor asked if Engineer Means cld. monitor without any problem. Trustee Elliott then moved that Mayor Strong and himself be authorized to sign draw-dwn. for approx. \$100,000. re payment, Swr. Plnt. Proj. Trustee Frontuto seconded; voting "aye" were the following Trustees: J. Elliott, P. Frontuto & C.D. Gilmore. Carried.

Trustee Frontuto: Trustee Frontuto sd. she had heard nothing frm. Tn. Bd. re veterans' plot. Re "Time payment plan" for plot purchases in Vill. Cem., Mrs. Frontuto related info. obtained frm. **White Haven**, i.e. pre-need basis, etc.....Bd. disc.....if time payment plan utilized for more than one (1) lot and a death occurs, the one (1) burial plot must be pd. for. Can Vill. do as a municipality? Atty. Nesbitt to re-search.

Flagpole Flag replaced, accord. to Mrs. Frontuto;  
**Special Events** - completed applic. for grant requests, **Council on the Arts** - \$1600. wld. cover cost of three (3) band concerts. "Krazy Firemen" tentatively sched. for summer '88; others cld. include a local band & a country western - wld. represent full-range of musical tastes. The Rep. event in Pk. was good concert, Mrs. Frontuto sd. she rep. Vill. Bd.

Trees: Disc. on trees for **Triou Estates**; to be turned over to Vill. "after the fact." Trustee Elliott sd. nos. of trees to be included contained in **Planning Bd.**

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Minutes (Clk. to research); Bd. disc. on types of trees to plant, i.e. mixture....Trustee Gilmore voiced his opinion of planting different trees on every st. Bd. determination to refer to Vill. Arborist, R. Weaver. Mrs. Frontuto sd. she wld. like to make sure trees are in keeping wth. proj. proper.

Trustee  
Gilmore:

Trustee Gilmore sd. roof finished on Firehse. & note of thanks sent. Re **VOP/Twn. Fire Contract** currently being reviewed by Twn.; **"Stop Sign"** placement in Twn. Committee - Supervisor indicated support; radar in areas of Johnson St./Stafford & patrolling by WC Sheriff's Dept.

Fuel Bids:

Disc. on fuel bids rec'd - language not easy to understand - Bd. agreed shld. be translated into one (1) language. Trustee Gilmore to review wth. Atty.

Policy  
Manual:

Mayor asked Bd. input re **Village Policy Manual** - Clk. to distribute cpies. - Mayor sd. revisions mde. incorporated input frm. Trustee Frontuto; sections on Workman's Comp., Military Lv., etc. in hands of Atty. for his recommendations.

Dental  
Plan:

The Mayor sd. that a dental plan for Vill. employees included in **Union Contract**, opening Bd. disc. on people to be covered....in past Bds. allowed pst. Bd. members and their wives/employees to be part of Village's hospitalization program. Disc. on participation by non-active employees - Trustee Elliott motioned that sd. persons be included under same conditions as those covered by **Union Contract**. Trustee Frontuto seconded; voting "aye" were the following Bd. members: Trustees Elliott, Frontuto, Gilmore & Mayor Strong. Carried. Mayor asked if Bd. shld. allow them to participate in plan if they pay, following which Trustee Frontuto motioned that persons already part of other health plans to also have dental plan wth. understanding that they pay full cost of sme. Trustee Elliott seconded. Voting "aye" were Trustees Frontuto, Elliott, Gilmore & Mayor Strong. Carried. Trustee Frontuto asked if elected officials allowed to join plan/pay prem. themselves - Bd. agreed & Trustee Frontuto so moved. Trustee Gilmore seconded. Voting "aye" were the following: Trustees Frontuto, Gilmore, Elliott & Mayor Strong. Carried.

Drain.Pipe  
Rider:

Mr. Robert Rider & his counsel, Lawrence Mooney, approached the Bd. re the drainage pipe on his prop. which he had written the Bd. about and appeared before the Bd. previously. Atty. Mooney sd. Agenda appearance set up in advance of receipt of recent ltr. frm. Mayor. Sd. issue deserves being addressed.....storm drain emptying onto Mr. R's private property on Throop St., Routes 21 & 31. Situation nds. to be corrected....unwilling to grant an easement to continue use...two choices... fill in..or get Ct. Order and tell Vill. to remove the whole thing. Atty. Mooney sd. in any event that attorneys make out.....doesn't make sense. He sd. that in July court ruled on a similar case....can do anything one wants wth. drainage wtr. until put in pipe. Mayor emphasized that it is pre-existing condition prior to Mr. R's purchase of prop. which is Vill. Bd.'s stance - drainage system installed by the State of New York on St. land.

St. Law Sects. 41 & 46 cited....St. builds and once inside Vill., State's responsibility - paved right-



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of-way only.....anything off paved right-of-way loc. responsibility. Pipe drainage significant pt. of Vill.....according. to Atty. Nesb., no easement on record per research....."easement by prescription".. quest. of fact....he agreed it shld. be resolved. Stated that Mr. J. Edinger, DOT, donate materials to Vill., can't donate to private individual...by definition they're admitting responsibility. Atty. Mooney sd. that whole proj. is Vill. responsibility - benefit to St. H-way system and pt. of accord. to map of Route Nos. 21 & 31. Atty. Mooney asked that Vill. correct problem....and if not a Vill. problem cld. his client block same? Mayor sd. "yes" - but pick up problem wth. State to which Trustee Gilmore added....no person on lower end of the flow of wtr., other than natural stream, can go about improvements to land or prevent problems upstream & cited an example. Atty. Nesbitt spke. of liability ....reclaiming land.....State cld. dedicate (give) the pipe to Vill.....cld. install pipe & Mr. R. cld. grade it, agreeing again that question shld. be resolved.

Three options cited....1) Leave as is; 2) Accept pipe frm. State and Vill. install, and 3) Accept pipe frm. State - 'give' to Mr. Rider and he install - Trustee Elliott sd. if State willing to give pipe, Vill. accept - let Mr. Rider install. Atty. Nesb. sd. Vill. wld. be letting him install, nothing wrong in this procedure.....Vill. wld. want to make sure he does it right.....Vill. do itself or have P. Retan check it out. Trustees Frontuto & Gilmore sd. to leave it....Trustee Elliott sd. to let him get pipe frm. State and install himself, give him easement. Atty. Mooney sd. Vill. has to do something for it... St. gives pipe....Vill. does work.....forgive easement. Re public use, that portion unused by public for many years.....can't block up....serving purposes of Vill. as well as State...not purely serving Mr. Rider's private needs.....also serving public. Trustees Frontuto & Gilmore agreed that "dwn. rd." opens up increased responsibilities..Trustee Elliott sd. he cld. support it then. The Mayor sd. Vill. stance same as it was...State donate pipe; Vill. accept; Mr. Rider install satisfactorily/H-Wy. Supt. to check....Trustee Frontuto agreed wth. Mr. Elliott re "making pipe available to Mr. R." Mayor insisted not a Vill. problem. Prop. owner has right to do what he wants to do as long as he doesn't infringe upon it. Atty. Nesb. sd. "State hasn't washed its hands"....not abandoned...does it serve Vill. or St. needs....Mayor sd. basically Bd.'s position the same as before. Atty. Mooney sd. then that "we'll see you in court"... "not totally clarified until now." Partially State & Vill. drain-pipe true, per Mayor. Disc. discontinued/Mr. R & Atty. Mooney departed.

**Snow**  
**Ord.:**

Trustee Elliott motioned that **Snow Ordinance** in effect, 11/1/87-4/1/88 & Clk. so publish. Trustee Frontuto seconded. Voting "aye" were Trustees Frontuto, Elliott & Gilmore. Carried.

**Bond.Ant.**  
**Notes:**

Disc. on bond anticipation notes; Atty. Nesb. sd. Bd. shld. take arbitrage/go wth. bond issue...can't go above \$500,000. - wth. \$300,000. Vill. in good shape.

**Chamber:**

Re req. frm. Mr. J. Russon, rep. CofC, Bd. agreed that flower crate boxes may be stored @ H-wy. Barns; per P. Retan, a storage place cld. be found.

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Abst.#10:

Trustee Elliott moved that the Mayor be authorized to sign **Abstract #10** and that all vouchers containing initials of @ least three (3) Trustees be pd.; Trustee Frontuto seconded. Voting "aye" were Trustees Elliott, Frontuto & Gilmore. Carried.

Misc.:

Status of **ARC & Acting Vill. Justice** unchanged. Re **NYSE&G** & Tariff on St. Lts., Clk. req. to arrange for Mr. J. Pierie to come to Bd. mtg. (or otherwise) for explanation; **Personnel Files'** contents to be included in Policy Manual and who has access to sme. - Trustee Frontuto to draft proposal to be attached to **P-M. Simplex Fire Alarm System** for Vill. Hall..... rep. did not come yet for estimate. Re **Environment'l Wkshp.**, Bd. authorized Mayor Strong & Trustee Elliott to attend - Trustee Frontuto seconded. Voting "aye" were Trustees Elliott, Frontuto & Gilmore. Carried. (Clk. to ck. on Dept. frm. which Ct. Attendant pd. - P.D. or Court(s).)

Loc.Law  
V&T:

Retain as **Loc.Law #1, 1987**, due to revisions-Atty. Nesb. sd. three (3) entries re "Stop" signs, intersection of Foster/Howell Sts.- entrance frm. both north & south; Foster St. & Johnson Rd., both north & south; and Foster & Stafford Sts...control traffic as one goes into Vill. Atty. Nesbitt recommended Bd. adoption, following which Trustee Elliott moved its adoption, minus "Stop" signs @ Howell & Foster (Howell St. Ext.) but to include others aforementioned; Trustee Frontuto seconded. Voting "aye" were Trustees Elliott, Frontuto & Gilmore. Mayor Strong voted "Nay"; carried by majority. Bd. disc. on Howell St. Ext. & whether or not to dedicate sme. Ck. wth. Assessor re ownership; Atty. Nesbitt sd. homeowner must notify/ask Vill. for st. dedication - still can be in district and have W&S. Homeowner might want to leave it private, per Mr. Nesbitt. Suggestion by Trustee Elliott that "Stop" sign be placed @ Howell St. Ext. Hi-wy. Supt. Retan sd. it cld. be done. Mayor Strong repeated area - going north frm. Ext. onto Howell St.

Further disc. held on time-payment plan for purchasing Cemet. lots, i.e. pre-need, 36-mo. plan, going beyond in sme. cases...cancellation for 90 days late payment depending upon reason (\$20.00 per mo.) - preclude ownership, per J. Nesbitt. R. Weaver to obtain contract cpy. frm. White Haven.

Retirmnt.  
Resol.:

Communic. tabled @ 1st. Bd. mtg. frm. State Retirement. re resolution prior to 12/31/88 - eligible members being barred frm. participation in System. (Chap. 679/Sect. 384....) Clk. to dist. cpies. to Atty. Nesb. & P.D.

Bldg.  
Demol.:

Trustee Elliott sd. 30-day ext. expired re demolition of "old Agway Bldg." Atty. Nesbitt to write Atty. P. Alois, copying Williamson's. Authorization to take action motioned by Trustee Elliott; Trustee Gilmore seconded. Voting "aye" were Trustees Elliott, Gilmore & Frontuto. Carried.

Palmyra  
Hotel:

Mayor Strong sd. an attempt being mde. to re-open this establishment - Mayor wanted to go on record opposing sme. Understanding is that major renovation inside - sending ltr. to Liquor Authority re licensing. Atty. Nesbitt sd. case shld. be in Ct. in nxt. mo. or two. He enumerated several violations on 2nd/3rd flrs. Law requires architect - they have none.

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Fair  
Assoc.:

Mayor sd. that bill reviewed - pt. of problem caused caused by Vill. maps improperly marked. Mayor recommended reduction of bill to \$2489.75 making a reduction of \$1306.33 frm. original bill of \$3796.08. The reduction included exclusion of all overtime as well. Trustee Gilmore thought a good offer - imp. to get resolved/shld. support Fair Assoc. Disc. Trustee Elliott sd. sme. fault lies within Vill. - if Vill. can justify, "yes." Trustee Frontuto sd. "yes" reluctantly/take appropriate action wth. Vill. Mgr., Vill. taxpayers put out monies, however, will support the offer. Mayor to confirm by ltr. to Fair Assoc.

Adjourn.:

As there was no further business to come before the Bd., @ 8:35 p.m. Trustee Gilmore motioned adjournment; Trustee Frontuto seconded. Voting "aye" were Trustees Gilmore, Frontuto & Elliott. Carried.

Ethel B. Johnson, Clk.

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