

BOARD OF TRUSTEES

Regular Meeting

12/19/88

7:00 p.m.

Present: James G. Elliott, Mayor; Trustees Penelope Frontuto, Charles D. Gilmore and Daniel Pope III. Trustee Daniel Wooden and Atty. John Nesbitt arrived while meeting in progress.

Pub.Hrng.

LL#6, '88: The public hearing re "Sidewalks" tabled frm. 12/5/88 Bd. mtg. reserved for possible action upon arrival of Village Atty.

Minutes

11/21/88: Minutes of 11/21/88 tabled @ 12/5/88 meeting; Trustee Frontuto moved that 11/21/88 Minutes be accepted as written; Trustee Pope seconded. Voting "aye" were Trustees Frontuto, Pope and Gilmore and Mayor Elliott - carried.

Minutes

12/5/88: Minutes of 12/5/88 meeting - changes per Mayor on Pg. 3 re "Assessment Changes"....should read "Mayor spoke of assessment changes for utilities" - i.e. gas, elect. and phone assessment changes. Clerk to check records re Bd. resolution elevating P. Coleman to Sargeant position - appointment & establishment of salary one resolution or two? Mayor moved tabling of 12/5/88 Minutes until clarification of above; Trustee Gilmore seconded. Voting "aye" were Mayor Elliott & Trustees Gilmore, Frontuto & Pope. Carried.

TrusteeFrontuto:

Trustee Frontuto reported, regarding the Cemetery & Parks Dept., that five trees (pines) were cut/stolen @ the Cemetery - replacement cost wld. be \$800. plus labor. Sd. theft reprtd. to ins. co. Crew taking float. holidays prior to Christmas & New Year's. Mrs. Frontuto asked if any comments re the "Christmas" banners on Main St. Mayor sd. many comments on Park decorations and tree in front of Vill. Hall - everyone seems to enjoy them.

Trees:

Short discussion on Vill. "trees" and amt. of work needed over nxt. mo. or so. Trustee Gilmore stated that Supt. R. Weaver was to have met wth. Hwy. employee S. Smith to survey Village's "tree" situation and mentioned damage to trees on Market St. Trustee asked if wtr.leak fixed in Cemetery and informed by Mrs. Frontuto that it had been repaired.

Bicenten.Commiss.:

Mrs. Frontuto sd. that the Bicentennial Commission to conduct nxt. mtg. in New Year - Mayor Elliott asked to be notified of date of sd. mtg.

TrusteeGilmore:

Hwy. Dept. performing maintenance on equipment. Also, wth. break in weather, brush being picked up. Mr. Gilmore to be away from 12/23/88 until 1/3/89, therefore, Trustee Wooden to handle his responsibilities. Briefly mentioned was broken chain on Hwy. sander; Supt. P. Retan suggested placing Hwy. grader in auction as VOP has no more use for sme. Clerk to make contact wth. electricians re repair of north parking lot light.

TrusteePope:

Trustee Pope sd. he had nothing to report rgarding Animal Control; the VOP 1989-90 budget process shall begin after 1/1/89.

MayorElliott:

The Mayor sd. he had nothing to report re W&WW; he spke. briefly on recent accident @ Unclaimed Frt. on Throop St. - explosion/fire. Investigation being conducted re cause - disc. on 4" line and when water line put in it was incorrectly installed under gas main....line broke at valve junction - no brace but there is one now. Mayor said that NYSEG had called

W&WW:

17-41

1. The first part of the report is a general
description of the project. It includes the
purpose of the study, the objectives, and the
scope of the work. The second part is a
review of the literature. It discusses the
work of other researchers in the field and
shows how the present study fits into the
overall picture. The third part is a description
of the methods used in the study. It includes
the design of the experiment, the subjects,
the materials, and the procedures. The fourth
part is a presentation of the results. It
includes the data, the analysis, and the
conclusions. The fifth part is a discussion
of the results. It discusses the implications
of the findings and suggests directions for
future research.

2. The second part of the report is a
review of the literature. It discusses the
work of other researchers in the field and
shows how the present study fits into the
overall picture.

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and "pointed finger" or inferred that contractor might be responsible. Mayor called Engineer Means, & VOP's ins. carrier as well as VOP Atty. He also spoke wth. above-mentioned contractor - Over & Under.

P.D.:

Chief Dalton stated that he and Hwy. Supt. Retan wld. like to suggest to the Bd. that a new ordinance be created to prohibit parking vehicles between the sidewalk and curb and/or edge of roadway if no curb - Mayor described as "Village right-of-way." Affects snowplowing was pointed out. Mayor stated that V&T amendment wld. be necessary.

Fuel Bids:

Trustee Gilmore entertained discussion on fuel bids rec'd from Pal-Oil/J&L; the Mayor sd. that J&L cld. offer State bids which is lowest form. Mayor sd. that State auditor sd. fuel shld. be bid two times per yr. Action tabled until arrival of VOP Atty.

Trustee
Wooden:

Trustee Wooden having arrived @ 7:25 p.m. commented on fuel bids then reported that two zoning hearings - Pal-Oil & Swiss Chalet - postponed until 1/89. Met wth. HUD rep. frm. Buffalo re grants and revitalization - best approach to hire professional to prepare application.....two possibilities exist, one of which wld. not be funded until 11/89...object - refurbishing second floors of Main St. bldgs. Mr. Wooden to look into contacting Mr. Stuart Brown who did prior work for VOP. HUD did look favorably upon VOP as prior grants rec'd.

7th Judic.
District:

Per Mayor, annual communication rec'd re VOP Justice participating in temporary re-assignment of Judges. He sd. that VOP has allowed, however, Judge Baynes had not been called upon for re-assignment. He emphasized that no cost to VOP wld. be incurred. Trustee Gilmore so moved; Trustee Frontuto seconded. Voting "aye" were Trustees Gilmore, Frontuto, Wooden & Pope & Mayor Elliott. Carried.

Triou
Sub-Div.:

Mayor Elliott stated that he had discussed Dar-Lind Dr. wth. Engineer Means; sidewalk on Foster St. completed satisfactorily - pavement was not repaired (too cold); his recommendation for 104 Contractors to complete patch on Foster St. and the part in area of "old Harloff hse." He added that the Engineer recommends that the VOP request \$1,000.cash or a check for \$1,000. which VOP wld. hold....Mayor anticipated letter recommendation frm. Engineer on Wednesday - if VOP agrees he cld. pay off 104 Contractors. The street did pass final inspection.

The Mayor sd. the Bd. wld. not vote until Atty. Nesbitt's arrival, if then, for further study and discuss having a bond (normal bond procedure is approx. 10% of project which is in neighborhood of \$250,000. - \$25,000. bond wld. be required of Mr. Triou for one to two yrs. for any repairs to street). Unspecified in VOP ordinance, however, prevalent in other municipalities. Certain issues to be resolved prior to street dedication.

Snow-
plowing:

Re snowplowing, Mr. Triou plowed prior week following inquiry frm. Mrs. M. Harloff. Mayor sd. Bd. decision whether or not VOP to plow - sanding needed later in week for freezing rain.....individuals have no means for sanding icy areas. Bd. discussion and Mayor referred to prior Bd. mtg. Minutes regarding potential problems wth. snowplowing. Mayor spoke of another

000169

area in VOP which has never been dedicated and snowplowing accomplished anyway. Caution must be taken if VOP trucks travel and/or plow Dar-Lind Dr. - Bd. agreed. Bd. did agree that sequence was unusual, i.e. usual pattern to build street first, then houses. Mrs. Harloff and Mrs. Darcangelo, residents of the sub-division, asked what services they were getting for the amount of VOP taxes and took exception to no snow removal/sanding of Dar-Lind Dr. Bd. to discuss later in mtg. upon arrival of Vill. Atty.

Palmyra
Library:

Acknowledgment by Mayor of communication frm. King's Daughters re snowplowing sidewalk and side area of Library. Bd. discussion. Mrs. Harloff asked why Bd. wld. consider plowing Library property and not Dar-Lind Dr. Trustee Wooden felt stipend VOP affords Library cld. include amt. for snow removal. What if accident occurred, per Trustee Wooden to which Mayor stated that agreement wld. be needed wth. Library. Trustee Frontuto spke. of funding in general and the Library specifically, along wth. proposed work @ the Library in the Spring. Snow pushed onto Library property, per Trustee Gilmore. Trustee Pope sd. he had no objection to removing snow @ sm. parking lot & ramp if VOP, in fact, pushes snow there it shld. be removed by VOP.

Further discussion by Bd. and determination that no action be taken in above regard, however, Mayor Elliott stated that a reply shld. be mde. to Library.

WCVOA
Dnr.Mtg.:

The VOP to host the Wayne County Village Officials' Association on 1/18/89 and arrangements mde. to hold @ The Garlock House. Bd. discussion on inviting VOP dept. hds. & members of ZBA/Plng. Bds. The Mayor sd. that invitation extended last yr. on behalf of the VOP and several availed themselves of the opportunity - impact on budget, etc. discussed, following which Trustee Gilmore moved that the VOP extend sd. invitation(s); Mayor Elliott seconded adding that Sheriff R. Piscioti will be guest speaker. Voting "aye" were Mayor Elliott & Trustees Gilmore and Wooden; voting "nay" were Trustees Frontuto & Pope. Carried by majority.

Abstract
#14:

Trustee Pope moved authorization for the Treas. to pay all vouchers on which appear initials of @ least three (3) Trustees - Voucher No. 652/\$2,137.44; No. 653/\$344.27; and Voucher Nos. 654 through 706 with the exception of Voucher No. 679 (\$235.00) - totaling \$26,442.11. Trustee Frontuto seconded. Voting "aye" were Trustees Pope, Frontuto, Gilmore & Wooden & Mayor Elliott. Carried.

Misc.
(Tabled):

Tabled by the Bd. were the following: VOP Policy Manual; Handicapped Ramp; & Model Flood Ordinance.

Union
Contract:

Bd. discussion on contract negotiations - Mayor sd. that the only time CSEA rep. had available was first week in January, therefore, determination to begin negotiations in February, 1989. Disc. on VOP reps. Mayor Elliott recommended Trustee Frontuto who has expertise in field of negotiations. Trustee Pope, also, has experience. The Mayor sd. in prior years three (3) frm. Bd. represented VOP emphasizing that one (1) of three (3) must act as spokesperson. Bd. determination that Mayor Elliott & Trustees Frontuto & Pope wld. accept the challenge with Trustee Frontuto as VOP spokesperson. Talk of changing expiration date to better coincide wth. VOP budget cycle.

F.Truck

Bid Open.: The Mayor reiterated bid opening time and date for new fire truck - 4:00 p.m., Thurs., 1/12/89.

Spec.

Elect.: Mayor Elliott announced the results of the Special VOP Election re "Games of Chance" - 69 for/3 against for a total of 72 votes, therefore, "Games of Chance" shall be permitted in VOP wth. proper licensing.

Ice Rink:

Trustee Gilmore inquired status of skating rink in bk. of Park - established that C&P fills and maintains when weather favorable. Bd. discussion on use of same and need for blacktopping/sealing.

Exec.Sess.:

At 8:30 p.m. the Mayor moved that the Bd. exercise Exec. Sess. for personnel matters with the following persons present: The Village Board & Hwy. Supt. Phil Retan. Trustee Frontuto seconded with amendment that if Vill. Atty. arrives Bd. to discuss matters of Dar-Lind Dr. prior to Exec. Sess. as interested parties present. Trustee Frontuto, then, moved to close Exec. Sess.; Trustee Pope seconded. Voting "aye" were Trustees Frontuto, Pope, Gilmore & Wooden & Mayor Elliott. Carried.

Sub-Div.Triou Est.:

Atty. Nesbitt arrived and the Bd. briefed him on prior discussion re status of Dar-Lind Dr. and snowplowing requesting his advice. Engineer Means recommended that the VOP have a \$1,000. Letter of Credit - if VOP accepts then D. Triou cld. pay off Mr. Affronti (\$1,000. wld. cover cost of remaining wk.) - verification frm. Engineer to arrive following Wed. He has stated that "paving is fine"....manhole to be raised 4" and install sidewalk along Canandag. St. Lighting missing in front of two of the four houses. Pt. of proposal was that a post light wld. be placed in front of every hse. - Bd. accepted in lieu of street lighting.

Before street dedication, builder to remit to the VOP a percentage of cost of land as "park-land." Disc. on VOP trucks traveling street for sanding/salting - Atty. asked VOP's legal exposure if performing prior to street dedication. Atty. Nesbitt's opinion was that the VOP has no authority until street dedication re upkeep/maintenance. Mr. D. Matthews previously sd. builder wld. provide a maintenance bond. It was pointed out that "preliminary acceptance" mde. wth. conditions of certain work to be finished. If VOP plows, sands & salts the road then VOP has to accept dedication of street, per Atty. Nesbitt. Assurances must be mde. that wk. to be done....cash best method frm. builder. Atty. Nesbitt sd. that VOP could regulate what kind of trucks travel the subject road.

Trustee Wooden recalled that the Bd. wld. wait until Spring for street dedication - see how street holds up after travel by school buses, waste disposal trucks, etc. Bd. agreed that the situation reversed - ordinarily road put in then houses built. Mrs. Harloff compared snowplowing their street to plowing @ Library, Community Ctr., etc. and was told by the Atty. of "in-kind" services. Salzburg Village cited and Mrs. Harloff sd. they rent/don't own their own houses. Atty. Nesbitt sd. theirs a "private driveway" - VOP cannot plow private roads, they must be maintained by owners. Mayor sd. that if VOP not going to maintain, directive ltr. shld. be sent to D. Triou for the safety of residents and school buses. If a two-yr. bond and road surface fails,

000171

the bond wld. pay for repair of road surface. After ltr. rec'd frm. Engineer (Wed.), if VOP receives a formal proposal of dedication frm. Atty. P. Rubery, then up to Bd. to accept or not accept, per Mayor.

Trustee Gilmore concerned about safety there - VOP "on the spot" & bad situation for homeowners. Trustee Wooden spoke. of road being put in when weather was cold - reason for having to re-do portions of road by contractor. He felt that if certain areas were bad others sections cld. be bad. Trustee Pope spoke. of heavily loaded trucks going in on rt. side where repair needed/empty trucks came out on other roadside which appeared to be unharmed.

Mayor re-stated his opinion that Bd. shld. inform builder of what transpired @ Bd. mtg. and the obligations he has to meet. Mrs. Harloff and Mrs. Dararchenglo insistent that the road be maintained for their safety and their children's safety - and Mrs. Harloff went so far as to ask for a rebate on her VOP taxes. Bd. expressed sincere concern and empathy for their plight and the discussion ended wth. the Bd.'s pledge to do what they cld. to resolve the problem. Trustee Wooden pointed out that first sub-division in several years - Mayor added that wth. public utilities mortgages granted; VOP formally accepted utilities - a prerequisite. Normal course of events wth. paperwk., will be almost Spring when resolved the Mayor felt. Trustee Frontuto stated that it is an unfortunate situation for which VOP cannot be blamed.

LL#6, '88
Sdwlks.:

The Local Law on "Sidewalks" not in place per Atty. Nesbitt, therefore, tabled for action until 1/3/89.

Fuel Bids:

The fuel bids from Pal-Oil & J&L Fuels acknowledged by the Bd. and discussion on contents of each. New law discussed whereby VOP pays tax and files for reimbursement - Pal-Oil seems to be doing themselves. Bids referred to Vill. Atty. to determine if bids are comparable. Possible action @ 1/3/89 Bd. Mtg.

Adjourn-
ment:

There being no further business to come before the Bd., @ 9:30 p.m. Trustee Frontuto moved Bd. adjournment; Trustee Pope seconded. Voting "aye" were Trustees Frontuto, Pope, Wooden & Gilmore & Mayor Elliott. Carried.

Ethel B. Johnson, Clerk