

# BOARD OF TRUSTEES

Regular Meeting

7/5/88

7:00 p.m.

Present: James G. Elliott, Mayor; Trustees Penelope K. Frontuto, Daniel E. Wooden, Daniel S. Pope III & Charles D. Gilmore. Absent: Village Attorney, John Nesbitt

Call to Order Mayor Elliott called the meeting to order at 7:05 p.m. requesting a moment of silence to remember the late Reginald Neale, ex-mayor who recently passed away.

Addition Agenda Mayor Elliott moved that Bud Howell's bankruptcy be added to agenda. Also the seminar re: Solid Waste Mgmt, and the 6/6 minutes. Trustee Frontuto seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

6/6/88 Min. Trustee Gilmore moved to accept 6/6/88 minutes as written. Trustee Pope seconded. Voting "aye" were Trustees Gilmore, Pope and Wooden. Trustee Frontuto and Mayor Elliott abstained. Motion carried.

6/20/88 Min. Mayor Elliott moved to accept following changes in 6/20/88 minutes: Pg. 3, re: 6/6/88 minutes - they were tabled not approved; pg. 5 re ARC - MR home should be OMH Home.; and pg. 9, re: railing estimates - G. Laberge to submit estimate for like work as M. Poretta. Trustee Frontuto seconded motion. Voting "aye" were Trustees Frontuto, Pope, Wooden and Mayor Elliott. Trustee Gilmore abstained. Motion carried.

WATER/SEWER Supt. H. Kruger spoke of overloading of sludge at sewer plant. Trying to utilize drying beds, need 7600 square feet, only have 4800. "hot spell" made problem worse. Cannot dry too much sludge, takes time. Recommends hauling approx. 5 trucks. Keep secondary pumped down and then see how many truckloads per month are required. Cost is expensive. need to get sludge down, builds up over winter. H. Kruger said Seneca Meadows will only take dry sludge, Rochester will take wet. Price expensive either way. Once initial cost over (getting sludge in secondary digester down) price will drop. D. Wooden asked why problem after putting money into sewer plant. H. Kruger said always have to transport sludge. J. Elliott said we have never systematically hauled. Recently did, but did not haul for over a year. H. Kruger stated that DEC will be on our back if we don't do something soon. D. Wooden asked how much money to haul for one year. H. Kruger said \$18,000 budgeted. J. Elliott said more like \$10,000.

H. Kruger spoke of two water leaks at Agway. Fixed one. Need to have storage bin moved to fix other one. Will do as soon as possible - possibly next week, problem with time. Backup pump at sewer plant broken down, now at Dennies.

HIGHWAY P. Retan said Highway crew doing general maintenance this time of year. Last week water repair, this week - chipping. Discussed highway crew cleaning up Hathaway Creek (by Carriage Stop). Cleaning up will help when there's heavy rain. Silk built up. Board agreed for P. Retan to do same.

CEM/PKS P. Frontuto said the gates would be placed this week on Prospect Hill. Highschool kids worked for Cemetery/parks for one week (court ordered public service) painting office & shed and other routine work.

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P. Frontuto said she has tentatively scheduled a 2nd band concert for the Village Park. Paul Stroh to play for 90 minutes (\$300.) on Sun. August 21. Would like another band to open concert.

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D. Gilmore moved that P. Retan be authorized to attend conference 9/27 - 9/30 at Kutshers, receive a \$300.00 cash advance and for him to bring back receipts totaling same. P. Frontuto seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

XMAS  
LIGHTS

P. Frontuto mentioned the adjusted "X-mas lights" electric bill. Saved more than \$2,000.

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ALDRICH

Mrs. Toombs approached board re: pknq problem on Aldrich Dr. Would like things done by September when school starts again. Board discussed V & T Laws, and length of time to get change through. Has to be filed with state. Board to get input to J. Nesbitt before next board mtg. D. Pope said he checked Aldrich Dr. the last 1-1/2 months between 7:45 and 8:00 a.m. and saw no problem. Mrs. Toombs said there will be in Sept. Discussed "No parking" signs, but they might be a hinderance. Maybe put a limit on time allowed for parking.

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J. Elliott said someone knocked down "Stop ahead" sign on Stafford ST. Mr. Leman happy with new 4-way stop at Stafford and West Foster Sts.

P. Frontuto asked why not a 4-way at Johnson and E. Foster. Johnson is a county road and must be approved by County to do so. J. Elliott moved that we make a formal request to county for their permission to do same. D. Pope seconded motion. Need reason to request - cannot use to control speed. Need because view is obstructed with a stop at top of hill. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried

V & T Laws to be on agenda for next board mtg.

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D. Wooden disc. application from Mike Smith for Zoning Officer. M. Smith is an electrician with background in bldg trades. Would like to give him a try and set up some hours. Disc. B. Hyman getting things caught up. She could start typing Chap. 29 with amendments. Would need new typewriter, Disc getting another computer terminal. J. Elliott to get price. D. Wooden moved to hire Mike Smith with same salary as J. MacGuidwin was getting. J. Elliott seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

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D. Wooden said summer programs at Comm. Ctr. are underway. New indoor soccer program this year.

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favorable response. Will try to attend next Chamber mtg to see if they'll help. Would like to discuss this with S. Lilla on 14th.

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Hasn't heard anything re: proposal to Town for Dog Warden.

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J. Elliott said that the Chief and himself had interviewed all three eligible candidates for patrolman. Further discussion to be held in Executive Session. D. Henry to do background checks. Another hearing re: D. Dalton to be 7/27 in Geneva.

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J. Elliott said he would like to have a couple cars towed that are on Village property. Read part of V & T Law that (Sec 1224, 1, 1a & 2) states a motor vehicle shall be deemed to be abandoned if no number plates are affixed thereto for more than six hours in a public place. It also states that an abandoned vehicle with no number plates affixed to, title shall immediately vest in the local authority. J. Elliott moved that car behind Post Office and car in north parking lot to be towed by Morrisons, Macedon. Also to be towed are 2 cars behind the Highway barns. P. Frontuto seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

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J. Elliott mentioned that the Village is liable for people assigned to work through court. J. Elliott said they are not covered unless we do so formally. J. Elliott moved to pass the following:

WHEREAS, pursuant to the provisions of Sections 170.55 and 170.56 of the Criminal Procedure Law, a court may, as a condition of an adjournment in contemplation of dismissal order, require the defendant to perform services for a public corporation or agency; and

WHEREAS, pursuant to Section 3 of the Workers' Compensation Law, a public corporation or agency shall be deemed to be an employer of persons who are performing services for it pursuant to paragraph (h) of subdivision 2 of Section 65.10 of the Penal Law or pursuant to the provisions of sections 170.55 or 170.56 of the Criminal Procedure Law; such persons for the purposes of the Workers' Compensation Law be deemed to be employees for the public corporation or agency; and the public corporation or agency may elect to bring such persons within the coverage of the Workers' Compensation Law be securing compensation in accordance with the terms of Section 50 of the Workers' Compensation Law; and

WHEREAS, Village of Palmyra desires to assist in making such alternative sentencing programs available to the courts in Wayne County; now, therefore, be it

RESOLVED, by the Village of Palmyra as follows:

1. The Village shall establish a public service work program to be administered by the Wayne County Probation Department, for persons sentenced to perform services for the Town pursuant to the

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provisions of paragraph (h) of subdivision 2 of Section 65.10 of the Penal Law or the provisions of Sections 170.55 or 170.56 of the Criminal Procedure Law.

2. Pursuant to the provisions of Section 3 and 50 of the Workers' Compensation Law, the Village Board hereby elects to provide workers' compensation coverage for persons performing services for the Village pursuant to the provisions of paragraph (h) of subdivision 2 of Section 65.10 of the Penal Law or the provisions of Sections 170.55 or 170.56 of the Criminal Procedure Law by securing compensation for such persons under the Wayne County Self-Insurance plan.

3. The Clerk of the Village Hall is hereby directed to file certified copies of this resolution with Fred S. James & Co. of New York inc. the claims administrator for the Wayne County Self-Insurance.

Motion seconded by P. Frontuto. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

OPEN  
CONTAINER  
LAW

P. Frontuto motioned to suspend the "Open Container Law" for 7/23 from 7:00 - 11:00 p.m. during the concert in the park. Alcohol to be confined to Village Park, not to be sold. J. Elliott seconded the motion. Should not be problem, band should bring in older crowd. D. Wooden concerned re: people taking alcohol outside park and walking down street. P.D. will be told about the concert. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

P. Frontuto will not be able to make it to concert. D. Gilmore said he'd try to be there to represent board.

PIG-  
OUT PAL.

Mormons to use P & C Rooms 7/22 - 7/30 for Pig-Out Palace. Board approved last year.

AB #3

P. Frontuto moved to authorize paying AB#3, #85-118 totaling \$12,736.36 for all vouchers containing 3 or more signatures. D. Pope seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried

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POLICY

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Brad Jacobs to look at specs. Clerk to send same to B. Jacobs.

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J. Elliott moved to accept April & May police reports. P. Frontuto seconded for discussion. She said that P.D. is not responding to complaints as they should. Should have had an extra car for the 4th of July. Voting "Nay" were Trustees Frontuto and Wooden. Voting "Aye" were Trustees Gilmore, Pope and Mayor Elliott. Motion carried.



7/5/88 Minutes

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RAILING  
EST.

D. Wooden tabled the railing estimates for the north parking lot. Needs to contact G. LaBerge to get another estimate for same work as M. Poretta's.

PHONE  
EST.

Received 3 quotes for new phone system.

Comalert - \$3,213.88

Telecom. - 3,264.00

TelPlus - 4,278.00

J. Elliott moved to accept low bid from Comalert for \$3,213.88. P. Frontuto seconded motion. Town has system and are very happy with same. J. Elliott dealt with company before, and was quite pleased with them. Money already budgeted. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

RECYCL.  
SEM.

Discussed seminar re: recycling. Communities need to separate garbage (bottles, cans, paper). Village of Hamburg does well with recycling plant. Has ARC people working there. Can be done with some profit.

CONF. RE:  
SOLID WASTE

J. Elliott moved to authorize 3 people to attend conference in Albany re: Solid Waste Management on 7/21/88. D. Pope seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

B. HOWELL  
BNKRUPCY

J. Elliott said Village notified of B. Howells' bankruptcy proceedings. At present owes Village tax of \$501.88 plus relev. wa/se \$179.08. Present water bill is \$38.61. Village must file claim to protect ourselves from financial loss. J. Elliott moved that J. Nesbitt prepare same. D. Pope seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

RIGHT TO  
KNOW LAW

Discussion held re: RIGHT-TO-KNOW Law. J. Elliott though 1 person should be trained from Village and then he would train the rest. P. Frontuto said very complex training. P. Retan said he has Poster and 500 tags.

WY CNTY  
SOIL DIST.

Didn't receive grant monies from Wayne County Soil District. Will work with us re: Spring Brook.

CHIPS

Village to get CHIPS money again this year.

AM. WATER  
WORKS ASSOC

J. Elliott to respond to correspondence re: bills pending legislation.

WYN CNTY  
WA AUTH.

Discussion held re Wayne County Water Authority. Not one representative from a Village. J. Elliott to write letter expressing displeasure.-

BACKHOE

J. Elliott called suppliers on state bid re: backhoe. Only one supplier with one backhoe left. Backhoe worth \$60,000, price is \$30,100. J. Elliott moved to tell Vendor we want same, but we'll have to wait the 20 days. D. Pope seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

P. Frontuto moved to go into Exec. Sess at 9:50 p.m. J. Elliott seconded. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

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At 9:55 p.m. P. Frontuto moved to emerge from exec. session. D. Gilmore seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

At 9:56 p.m. P. Frontuto moved to adjourn board meeting. D. Gilmore seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

Kerry K. Elvin, Dpty Clk.

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MEMO

Agenda 7/5

Date: June 22, 1988

To: John Nesbitt/ Village Board

From: Jim Elliott

Attached is information that Kim Vogan from the Macedon Town office sent to me. When we use someone through the Court we need to do a resolution to protect them and ourselves on liability. The county gave information to the towns and they are passing these resolutions. Roger Weaver has people scheduled to work thru Judge Abbott. I recommend that we pass a similar resolution.

Supervisor  
Town of Macedon  
WAYNE COUNTY BOARD OF SUPERVISORS  
30 Main Street, Macedon, N.Y. 14502

Stuart A. Carlson  
Macedon, New York 14502

Business: 986-4551  
Home: 697-6856

June 20, 1988

Village of Palmyra  
Mayor Jim Elliott  
144 East Main Street  
Palmyra, New York 14522

Dear Jim;

Enclosed is the resolution we discussed concerning the establishment of a work program to be administered by the Wayne County Probation Department. This was adopted by the Wayne County Board of Supervisors earlier this month and by the Macedon Town Board on June 9, 1988.

If you would like any further information about this program, please contact Supervisor Carlson at 986-4551 (office) or at 986-6856 (home).

Thank you.

Sincerely,

*Kim M. Vogan*  
Kim M. Vogan  
Bookkeeper/Secretary

RESOLUTION NO. ~~124~~ (88) ESTABLISHING WORK PROGRAM

WHEREAS, paragraph (h) of subdivision 2 of Section 65.10 of the Penal Law provides that when imposing a sentence of probation or of conditional discharge, the court may, as a condition of the sentence, require that the defendant perform services for a public corporation or agency; and

WHEREAS, pursuant to the provisions of Sections 170.55 and 170.56 of the Criminal Procedure Law, a court may, as a condition of an adjournment in contemplation of dismissal order, require the defendant to perform services for a public corporation or agency; and

WHEREAS, pursuant to Section 3 of the Workers' Compensation Law, a public corporation or agency shall be deemed to be an employer of persons who are performing services for it pursuant to paragraph (h) of subdivision 2 of Section 65.10 of the Penal Law or pursuant to the provisions of sections 170.55 or 170.56 of the Criminal Procedure Law; such persons for the purposes of the Workers' Compensation Law be deemed to be employees for the public corporation or agency; and the public corporation or agency may elect to bring such persons within the coverage of the Workers' Compensation Law by securing compensation in accordance with the terms of Section 50 of the Workers' Compensation Law; and

WHEREAS, *Village of Pal.* ~~Town of Macedon~~ desires to assist in making such alternative sentencing programs available to the courts in Wayne County; now, therefore, be it

RESOLVED, by the *Village of Pal.* ~~Town of Macedon~~, as follows:

1. The *Village of Pal.* ~~Town~~ shall establish a public service work program to be administered by the Wayne County Probation Department, for persons sentenced to perform services for the Town pursuant to the provisions of paragraph (h) of subdivision 2 of Section 65.10 of the Penal Law or the provisions of Sections 170.55 or 170.56 of the Criminal Procedure Law.

2. Pursuant to the provisions of Section 3 and 50 of the Workers' Compensation Law, the *Village of Pal.* ~~Town~~ Board hereby elects to provide workers' compensation coverage for persons performing services for the *Village of Pal.* ~~Town~~ pursuant to the provisions of paragraph (h) of subdivision 2 of Section 65.10 of the Penal Law or the provisions of Sections 170.55 or 170.56 of the Criminal Procedure Law by securing compensation for such persons under the Wayne County Self-Insurance Plan.

3. The Clerk of the *Village of Pal.* ~~Macedon Town Board~~ is hereby directed to file certified copies of this resolution with Fred S. James & Co. of New York, inc. the claims administrator for the Wayne County Self-Insurance.

MOTION BY EDDY, SECONDED BY AINSWORTH

ROLL CALL VOTE: AINSWORTH AYE, BUMPUS ABSENT, EDDY AYE,  
NUNAN AYE, CARLSON AYE MOTION CARRIED

RESOLUTION NO. ~~125~~ (88) ~~WATER DEPARTMENT HOURS APPROVED~~

RESOLVED that the Board authorize the following hours for the Water Department effective immediately:



Present: James G. Elliott, Mayor; Trustees Penelope K. Frontuto, Daniel E. Wooden, Daniel S. Pope III & Charles D. Gilmore. Absent: Village Attorney, John Nesbitt

Call to Order Mayor Elliott called the meeting to order at 7:05 p.m. requesting a moment of silence to remember the late Reginald Neale, ex-mayor who recently passed away.

Addition Agenda Mayor Elliott moved that Bud Howell's bankruptcy be added to agenda. Also the seminar re: Solid Waste Mgmt, and the 6/6 minutes. Trustee Frontuto seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

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CONF. RE:  
SOLID WASTE

J. Elliott moved to authorize 3 people to attend conference in Albany re: Solid Waste Management on 7/21/88. D. Pope seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

B. HOWELL  
BNKRUPCY

J. Elliott said Village notified of B. Howells' bankruptcy proceedings. At present owes Village tax of \$501.88 plus relev. wa/se \$179.08. Present water bill is \$38.61. Village must file claim to protect ourselves from financial loss. J. Elliott moved that J. Nesbitt prepare same. D. Pope seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

RIGHT TO  
KNOW LAW

Discussion held re: RIGHT-TO-KNOW Law. J. Elliott though 1 person should be trained from Village and then he would train the rest. P. Frontuto said very complex training. P. Retan said he has Poster and 500 tags.

WY CNTY  
SOIL DIST.

Didn't receive grant monies from Wayne County Soil District. Will work with us re: Spring Brook.

CHIPS

Village to get CHIPS money again this year.

AM. WATER  
WORKS ASSOC

J. Elliott to respond to correspondence re: bills pending legislation.

WYN CNTY  
WA AUTH.

Discussion held re Wayne County Water Authority. Not one representative from a Village. J. Elliott to write letter expressing displeasure.-

BACKHOE

J. Elliott called suppliers on state bid re: backhoe. Only one supplier with one backhoe left. Backhoe worth \$60,000, price is \$30,100. J. Elliott moved to tell Vendor we want same, but we'll have to wait the 20 days. D. Pope seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

P. Frontuto moved to go into Exec. Sess at 9:50 p.m. J. Elliott seconded. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

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At 9:55 p.m. P. Frontuto moved to emerge from exec. session. D. Gilmore seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

At 9:56 p.m. P. Frontuto moved to adjourn board meeting. D. Gilmore seconded motion. Voting "aye" were Trustees Frontuto, Gilmore, Pope, Wooden and Mayor Elliott. Motion carried.

Kerry K. Elvin, Dpty Clk.