

000121

BOARD OF TRUSTEES

Regular Meeting

9/7/88

7:00 p.m.

(Wednesday meeting date established during "Annual Organizational Meeting" on April 4, 1988)

Present: Mayor James G. Elliott; Trustees Penelope Frontuto, C.D. Gilmore, Daniel E. Wooden & Daniel S. Pope III and Village Attorney, John B. Nesbitt, Esq.

Call to Order: The Mayor called the meeting to order @ 7:03 p.m. following which he requested that, during a moment of silence, Mr. Albert "Bus" Blum be remembered (Mr. Blum, a former Palmyra businessman, passed away on 9/4/88). (No. 1 on "Agenda Additions".)

Agenda Additions: Trustee Frontuto moved and Trustee Pope seconded Agenda addition of Nos. 2-7 (Employees' flu shots; Public Hrng. - Business Improve. Districts - in Niagara Falls, 10/7/88; Bd. authorization for Trustee Wooden to attend seminar in Syracuse on 9/13/88 re revitalization of business district; Possible declaration of surplus P.D. car as "Village vehicle"; Public Hrngs. in various NYS towns re "Pt. 500 Flood Plain...."; and addition of Mr. R.Rider's appearance before the Bd. re drainage pipe on his property.) Voting "aye" were Trustees Frontuto, Pope, Gilmore & Wooden & Mayor Elliott. Carried.

Minutes 8/15/88: Corrections/additions to 8/15/88 Minutes - Mayor Elliott's changes included "NYPIRG" rather than "NYPIG" in two places - Pgs. 1 & 7; also on Pg. 7, outright denial of dedication of Laurentian Dr. did not occur - Mayor moved to write "letter of conditions."

Trustee Gilmore sd. that his statement re "Stop" sign (Pg. 1) - State does not use "Stop" signs for speed control. Trustee Pope sd. on Pg. 2 re parking frm. 7:30 - 4:00 p.m., add "on Hyde Parkway." Trustee Pope sd. that on Pg. 6 where "Court Contract" recorded, he had departed, therefore, votes during remainder of mtg. incorrect. Clerk inadvertently showed departure of Trustee Wooden rather than Trustee Pope, therefore, all succeeding votes recorded on issues for Trustee Pope should be changed to Trustee Wooden.

Trustee Pope sd. that **Abstract #6** showed no formal Bd. vote - check of 8/15/88 Minutes reveals that Trustee Frontuto moved authorization; Trustee Gilmore seconded. Voting "aye" were Trustees Frontuto, Gilmore & Wooden & Mayor Elliott. Carried.

With the above corrections/additions noted, Trustee Gilmore moved acceptance of 8/15/88 Minutes. Trustee Pope seconded. Voting "aye" were Trustees Gilmore, Pope, Frontuto & Wooden & Mayor Elliott. Carried.

C&P Rpt. (R.Weaver): Supt. R. Weaver reported there were ten tree removals during past two wks. - stumps need to be ground; 100' of fence in Cemetery for backup; church group frm. Newark admired landscaping in Vill. Pk. and asked permission to duplicate same.

Bid Opening: Trustee Frontuto spke. of bid opening on 9/6/88 for Hustler lawnmower, bids attached hereto - R. Weaver reviewed bids wth. Atty. Nesbitt & appeared that the low bidder meeting exact specs was **Jennings Tractor**. Bid frm. J. Blazey for a "Woods" mower discussed - R. Weaver sd. that Woods mower now owned by VOP

000127

has not worked efficiently, however, machine bid by Blazey's "two series up - more of a commercial machine." Warranty (two-yr.) discussed and Blazey's lack of same....R. Weaver sd. that six mowers were demonstrated to him and Hustler worked best around markers/stones. Atty. Nesbitt spoke of lower bid with equivalent specs...can only be rejected on the grounds that it is unreliable equip. R. Weaver sd. that Blazey's came back/wld. cover warranty themselves if manufacturer wouldn't. Trustee Frontuto suggested tabling bid award until next mtg. until further review with Atty. Trustee Pope agreed. Trustee Gilmore asked said "re-spec-ing" may be the answer....R. Weaver sd. both mower sizes needed. Atty. Nesbitt cautioned Bd. to be careful not to defeat effective competition. Mayor Elliott asked about State bids....not on list, per R. Weaver.... good buy he sd. without deck - cld. buy deck later. Trustee Wooden interjected that "Woods" bidder a local businessman who wld. take care of mower for two yrs. Matter tabled.

P&C Bldg.:

R. Weaver sd. he wld. be scheduling painting handicapped ramp, porch, etc. @ P&C Bldg. in Spring. Trustee Wooden queried Bd. about a rumor he had heard regarding painting wall(s) of P&C Bldg. Determination mde. that no basis exists re sd. rumor.

Publication:

Mayor Elliott, referring to publication "Guide to Economic Development Resource" - available for review at any time by Bd.

BMX'ers:

Trustee Frontuto stated that a bicycle "bump" for Park planned post-Canaltown Days.....to be situated east of skating rink. Determination to be mde. on ownership of an area which abuts Cty. Park (Aqueduct) coming east....another possibility for bikers. Disc. on possibility of blocking access to Towpath Park. Trustee Gilmore sd. he had talked with couple of gentlemen re the Fairgrnds. Clerk to find out when WC Fair Committee meets.

Tree Clinic:

R. Weaver indicated his desire to attend a "Tree Evaluation Clinic" sponsored by the NYS Arborists, the dates of which are 10/2-4/88 in Syracuse - at a cost of \$250. If allowed to attend he wld. commute, he said. Trustee Frontuto moved Bd. authorization for R. Weaver to attend the above schooling @ a cost of \$250. + travel expenses. Trustee Gilmore seconded. Voting "aye" were Trustees Frontuto, Pope, Gilmore & Wooden & Mayor Elliott. Carried.

Special Events:

Trustee Frontuto stated that the summer band concerts were well attended; she spoke of rep. frm. ASCAP stopping in VOP and leaving literature, etc. regarding licensing for band concerts....she requested Atty. Nesbitt to review....wld. seem, she sd., that performers wld. obtain license. Atty. Nesbitt sd. responsibility of the property owner - Village-sponsored, technically correct.

Canaltwn. Days:

Village Pk. in readiness for CTwn. Days....spraying for bees....Pk. benches will be out. She spoke of large bees' nest in back of Pal. Florist which poses threat to passersby/CTwn. Days. Must get owner's permission, per Mayor. R. Weaver said "7" a good product - time too short to request owner to do it as suggested by Trustee Wooden. Mrs. Frontuto spoke of banners on P&C rms., not paint! CTwn. Comm. to supply bathrm. supplies @ P&C - C&P to perform some

Minutes, 9/7/88--3

maintenance.....Towpath cleared of stones and sticks re walking tour. Graded, per P. Retan - needs sme. raking. The Parade steps out @ 4:30 p.m. wth. line-up @ 3:45 p.m. Mrs. Frontuto sd. VOP allotted 20 reviewing stand tickets. VOP previously budgeted money for electrical wk. in Park - to be 50-50 in conjunction wth. CTwn. Days Comm. Estimate of between \$1500. - \$2000. Chairman J. Kelly hope to accomplish prior to CTwn. Days.

Parking -
CTwn. Days:

Discussion on designated parking for handicapped during CTwn. Days. Determination to be identical to 1987 - east side of Canandaigua St. frm. Jackson to north driveway of elem. schl. Incorporated into general restricted and/or "No Parking" areas for CTwn. Days (covered later in mtg.).

Christmas
Decora.:

Trustee Frontuto sd. that mtg. to be set up wth CofC re Christmas decorations; VOP has money budgeted - considering several-year plan.

Peddlers'
Permit:

Bd. discussion on waiving the VOP Peddlers' Permit re CTwn. Days vendors who have authorized booths (under auspices of the CTwn. Days Committee). Mayor Elliott moved that the VOP waive the Peddlers' Permit for authorized dealers renting space through the CTwn. Days Comm. or its affiliate. Trustee Frontuto seconded. Trustee Frontuto sd. she wld. like to address this matter at a later time, referring to vendors representing church grp. during summer. Re Peddlers', Atty. Nesbitt sd. form of in-kind services - VOP put in law. Voting "aye" were Mayor Elliott & Trustees Frontuto, Gilmore, Wooden & Pope. Carried.

Further discussion on CTwn. Days - barricades..... 'thinned' out in Park due to congestion - Bd.'s concern is "wear-and-tear" on the Park. R. Weaver sd. that he has to "snow-fence" shrubbery off. The Bd. talked of alternate sites for CTwn. Days/Fairgrnds. - and utilizing Main St./help out local merchants. Trustee Wooden sd. the idea met wth. some opposition in the past.

Retiremnt.
Program:

Mr. Richard Morabito, representing Prudential, approached the Bd. proposing a supplementary retirement program to the VOP via payroll deduction. Employee need not enroll/cld. enroll spouse and children.....two people in VOP must enroll to take advantage of sd. plan...."whole life policy" - 20% discount on premium if VOP elects to enroll..... employees contribute as much as desired/adjustmnts. may be mde. at any time...Prudential sends bill once a month to VOP - Mr. Morabito willing to work with VOP during working hrs. or after....Mr. Morabito questioned if program wld. infringe on current program...Trustee Pope sd. it cld. be an addition. Atty. Nesbitt asked if other municipalities participated and was told by Mr. Morabito that Newark, Manchester and several others are participants. The Mayor asked about premiums @ different levels...Mr. Morabito sd. "face value" - Atty. Nesbitt sd. "conduit for funds" - VOP moral obligation...Mr. M. sd. grp. rate but not grp. insurance. The Bd. did not arrive @ a decision - Mr. Morabito to submit materials for review.

Citizen R.
Rider:

Mr. Robert Rider approached the Bd. regarding the drainage pipe on his property. Appeared before Bd. before, he sd., however, details need to be worked

000125

out on drainage pipe/corner of his lot - he reiterated prior determination by Bd. - VOP to request

pipe frm. State; he wld. give easement for the pipe and installation of the pipe under the supervision of the VOP and burying it. Details on legal work; Mayor Elliott sd. a 10' easement/pipe will be down quite a distance....concerned about the width because to open a trench if it ever had to be opened up an opening that itself would be wider than 10' in order to dig down.....if standing there, road is higher. Trustee Wooden asked about OSHA recommendations and informed of same by P. Retan - after five ft. it's one ft. back for two ft. down. Atty. Nesbitt sd. that wld. be precluding construction where the pipe is within so many ft. of that pipe...precludes maintance.

R. Rider not so concerned about the width of the easement - where do they measure these things? Pipe should be in the middle of that easement, per Mayor. Referring to map, R. Rider - takes off sm. piece of corner; so many easements there - VOP has two sewer easements & a water easement...land he can't use. Wants to keep easements down to make as much use of his land as possible.....wants to protect himself when sold some day....Trustee Wooden sd. 45' frm. edge of road to his property....shld. have 10' on ea. side/VOP standard easement....10' to west wld. leave 22' on corner....State installed pipe on St. land per Mayor...when State sold, never retained easement. Trustee Pope asked how close he cld. come to the property line & told by Trustee Wooden cld. be right on it. Trustee Wooden spke. of VOP's requirement - can't violate State's requirement. The Mayor spke. of the uniform State requirement frm. highway...difference on sidelot & frontlot line in VOP. Two different requirements, per Trustee Wooden....100' frm. center line of road - side-yds. on corners, 20' side & rear.

Trustee Wooden sd. that first he had to decide what's to be front, side & back of bldg. - Mr. Rider sd. Rt. #31 the front...bldg. to be at the rear of the lot, way back - to approach the Planning Bd. soon....property line is 95' wide, per D. Wooden. Have to move bk. 5' if placed on side (pointing to map).....cld. pave, per Trustee Pope. Mr. Rider sd. they had entered into an agreement on the corner - bldgs. to be to the back....further discussion. 20' easement on your prop. measuring frm. ctr. of pipe west wld. not affect Mr. Rider's prop. Mr. Rider agreed. Atty. Nesbitt asked Bd.'s pleasure - 20' measured frm. ctr. R. Rider sd. if not enough prop. to accommodate, wld. have to approach the St. R. Rider reiterated that the VOP wld. assume responsibility for the drainage pipe - VOP's responsibility normally, per the Mayor. Mr. Rider asked if anything needed in writing....discussion on origination of pipe - when pipes connected, Trustee Wooden wanted to know where water goes and was told by Mr. Rider. Pipe furnished by State same size as is there....thought to be 20" pipe. Mr. Rider sd. he has a contractor to do work....Atty. Nesbitt sd. 10' easement instead of 5'....sd. that Mr. Rider & himself to meet and work out details. Mr. Rider asked again shld. not he have documentation re the pipe and the Mayor sd. he felt it is VOP responsibility. State wld. inspect then backed out - they

Minutes, 9/7/88--5

do not do drainage. Mr. Rider thanked the Bd. - his plans wld. benefit the community. He sd. that car lot a temporary measure due to amt. of dumping in that area. Hopes to be building by spring.

Highway
Dept.:

P. Retan, carrying pictures and samples of road @ Sub-Division/Canandaigua Rd. showing defects and inconsistencies of thicknesses, explained to Bd., having met earlier in day wth. Engineer Means, Mr. Triou & contractor. Sample did not show two inches of binder as explained by P. Retan - didn't feel VOP shld. have to do anything to road other than snowplowing for minimum of ten years. Once houses built traffic wld. be normal. Trustee Wooden sd. he believed Highway wld. necessarily tear out pt. of road during snowplowing this yr. P. Retan agreed. Mayor Elliott sd. that the road still belongs to D. Triou/if Engineer Means rejects same he will recommend that VOP not accept....wait for word frm. D. Means. Trustee Wooden sd. one need not test - just walk dwn. rd. to see that road is not right. Strength of road is in base, he said. Mayor insisted that VOP wait until receiving word frm. D. Means - he's the expert, he said. Trustee Pope suggested contact be made following day wth. Mr. Triou informing him that the road is not acceptable....face the problems now or VOP will be "throwing good money after bad."

Chipping:

Discussion on last date for chipping - first wk. in Oct. last date for chipping & leaf pick-up will begin until ??? (December, perhaps). Mayor recommended placing in ad size for chipping - determination mde. for 4" diameter/5' in length. P. Retan related other work to be performed by Hwy. Dpt. - sidewalks, etc. Trustee Wooden spoke of improving downtown - asked that program be established..... must get barrels back on Main St. wth. lids. Brochure ordered showing various trash can designs. More foot patrolling on Main St. by P.D. First impression people get of Palmyra is Main St. - not getting good impression now. Community service discussed - a carpenter available through same in near future. D. Wooden spoke of two dumpsters sitting on VOP prop. P. Retan sd. ld. of blacktop on E. Foster making lot of people happy - an improvement, easier to plow this winter. N. Cook mowed on both sides of road (Town). Trustee Gilmore mentioned possibility of gutter installation alongside east side of Vill. Hall while B. Jacobs' lift truck in area for sealing, etc. "No Parking" signs discussed and P. Retan told of ones he has on hand....more definitive ones needed, per Mayor.

Highway
Misc.:

Planning &
Zoning:

Trustee Wooden sd. that newly elected President of Comm. Ctr. is Mr. Gary Haigh - asked him to change mtg. date to second Monday instead of first Monday of mo.

Changes,
Zng.Law:

Trustee Wooden stated that he had several suggestions for changes to Chapter 29 of the VOP's Zng. Law and asked the Vill. Atty. how to go about sme. Atty. Nesbitt sd. by way of a Local Law, public hearing, etc. Confusion in the past re variances and bldg. permits - first suggested change wld. be **Section 29-24 (Swimming Pools)....wld. add Section 29-24F** - "any swimming pool must comply with all setbk. requirements for the district in which it is located." Nothing in Zng. Law which says it has to be - unclear whether it is a structure or not.

cc: M. Smith

000123

29-27/Yard Requirements - ".....private garage detached from a hse. can be placed on the property line three ft. frm. the hse. contrary to most of the residential districts which are 10 ft. Wld. like to add that utility sheds, fabricated or stick-blt. type used for storage of garden tools, toys, etc. can also be located three ft. frm. the prop. line provided it is not on a permanent foundation. The ht. of the structure cannot be more than 10 feet and the maximum sq. footage can be 150 sq. ft. - present requirement states that storage shed can only be 50 sq. ft. - lots of pre-fab ones 10x12 - 150 sq. ft. is 10x15, good sized. Said structure shall never violate the bldg. area requirement for the district in which it is located - maximum amount of building which can be put on a lot...percentage of the lot...."

"Parking & Storage of Abandoned Vehicles - 29-32 - "Any abandoned, junked, discarded or unregistered vehicle located on Village-owned for more than 10 days shall be removed by the Village or its agent."

"That portion of Village on a Village right-of-way located between the curbline and the sidewalk shall not be used for parking on any Village street..... (add fine)...or towed away at owner's expense." Discussion. Problem occurs when there is no curb. Chapter 29, done in 8 1/2x11 form on word processor and printed out (supply copy to Trustee Wooden after print-out). Trustee Wooden spoke of abandoned cars in VOP about which a "Letter to the Editor" written recently. Mayor Elliott sd. he wld. call "Smitty's" in Manchester/Trustee Wooden sd. he spoke to "Buddy" Bell who will tow them away and dispose of them for \$25. ea. VOP must provide Form MV9801A authorizing him to do so. Four cars in toto to be towed away. Zng. Law also says, per D. Wooden, either Zng. Officer or Police Dept. authorized car towing - CEO M. Smith authorized by Bd. D. Wooden suggested setting up program wth. Mr. Bell for future towing, etc. - he requested copy of law re towing cars to be furnished Mr. M. Smith.

Trustee Pope:

Trustee Pope sd. he had print-out re budget and having reviewed same the VOP has made sizeable transfers in areas which were not budgeted. He wld. like to meet wth. Bd. members to make transfers now..... starting next yr.'s budget process this Fall - requested copy of Audit Report and informed that it had not been rec'd. Mayor Elliott said that, in nxt. year's budget Bd. should take into consideration Courts and fine collecting....place money under "Court" to charge pt. of office salaries - time consuming for VOP Office - Court Clrks. in respective offices for short period of time. VOP not responsible - should not collect Court money (Bd. determination to write Judges that Office personnel will no longer collect fines/fees).

Courts:

Office Assist.:

Mayor Elliott sd. that the Treas. wld. be alone during the Clerks' Conference 9/27-30/88 as Vill. Clerk, Dpty. Clerk & himself wld. be attending. Mrs. Theresa Otte wld. be available (@ \$6.00 p.h.); he then moved that the VOP use the services of Mrs. Otte on an "as-needed" basis on above dates. Trustee Frontuto seconded. Voting "aye" were Mayor Elliott, Trustees Frontuto, Gilmore, Wooden & Pope. Carried. If Mrs. Otte shld. not be available, Mayor

to contact Ms. P. Dickinson and go back to Board.

Patrolman
Coleman:

Request frm. Patrolman P. Coleman to attend a seminar on the "Occult" for 9/12-14/88 @ a cost of \$150. (Owego, N.Y.). Bd. agreed - Voucher to be prepared.

CTwn.Days
Traffic:

Mayor Elliott sd. that Jon Edinger, DOT's R.E., Chf. Henry & Sheriff's Dept. rep. met earlier in day re traffic control for CTwn. Days. and their men scheduled. Restricted/"No Parking" area resolution reviewed by Bd. - handicapped parking area established - resolution attached hereto. Mayor Elliott moved passage of sd. resolution; Trustee Frontuto seconded. Voting "aye" were Mayor Elliott & Trustees Frontuto, Gilmore, Wooden & Pope. Carried.

W&WW:

Mayor Elliott sd. grinder pump installed, although automatic timing device not installed as yet. Re "Cross-Connection" School Employee C. Timerson wld. like to attend/req. denied by Supervisor - the Mayor sd. that he wld. call - if the course is available within first five mos. of next yr. "Corky" might be able to go - if not, Bd. may have to override H. Kruger's denial. Matter tabled. Mayor mentioned street pot-holes and one dwn. ctr. of William St. in particular.

Burning in
VOP:

Bd. discussion on no-burning in VOP and determination mde. to place ad in Timesaver in that regard. Bd. also discussed need for destroying weeds in & alongside streets; determination mde. by Bd. for R. Weaver to spray/work together wth. Hwy. Dept.

Antique
Car Show:

Bd. acknowledged request frm. Antique Auto. Clb. of America to present show on Sun., 8/13/89 in conjunction wth. Palmyra's Bicentennial Celebration. Trustee Gilmore moved allowance; Trustee Frontuto seconded. Voting "aye" were Mayor Elliott, Trustees Frontuto, Gilmore, Pope & Wooden. Carried.

Abstract
#7:

Mayor Elliott moved that the Treasurer be authorized to pay all invoices on which appear initials of at least three (3) Trustees on Abstract #7 as follows: VBoucher Nos. 264-312 in the amount of \$67,877.87. Trustee Frontuto seconded. Voting "aye" were Mayor Elliott, Trustees Frontuto, Pope, Gilmore & Wooden. Carried.

Clerk requested to removed Agenda Items "C" & "D" from "Old Business."

Flu Shots:

Bd. discussion on providing flu shots for VOP employees as has been past procedure. Signed Consent form to be signed - Mayor Elliott moved same stating that it may helps avoid time loss; Trustee Gilmore seconded. Voting "aye" were Mayor Elliott & Trustees Gilmore, Frontuto, and Wooden. Trustee Pope voted "nay." Carried by majority.

Public Hrng.
Niag.Falls:

Mayor Elliott moved that Bd. authorize one or more persons attend public hrng. on 10/7/88 in Niagara Falls/Business Improvemnt. Districts; Trustee Wooden seconded. Voting "aye" were Mayor Elliott, Trustees Wooden, Frontuto, Pope & Gilmore. Carried, however, no one indicated they wld. be able to attend.

Trustee
Wooden:

Trustee Frontuto moved that Bd. authorize Trustee

Wooden to travel on 9/13/88 to Syracuse re grants, etc./revitalization of business districts. Trustee Pope seconded. Voting "aye" were Trustees Frontuto, Pope, Wooden & Gilmore & Mayor Elliott. Carried.

Village Vehicle:

Discussion by Bd. re third/spare Police car which is not in use; Mayor sd. that the car could be stripped and used as a "Village vehicle" - for business trips, etc. Trustee Frontuto felt it wld. be too costly...shld. be sold....Bd. determined it wld. be sold in Spring - Trustee Pope so moved; Trustee Gilmore seconded. Voting "aye" were Trustees Pope, Gilmore, Wooden & Frontuto & Mayor Elliott. Carried.

Perm. Ref.:

Discussion held on leak in Village Hall roof; other bldg. needs - Mayor Elliott moved Permissive Referendum for up to \$10,000. frm. Village Hall Cap. Res. Fnd. for roof repair, gutter installation & handicapped ramp. Trustee Pope seconded. Clk. to place Legal Notice; voting "aye" were Mayor Elliott, Trustees Pope, Gilmore, Wooden & Frontuto. Carried.

Trustee Gilmore & P. Retan to write up specs for roof and gutter repair/Village Hall. Trustee Gilmore pointed out "west side only."

Exec.Sess.:

At 10:50 p.m. Mayor Elliott moved that the Bd. exercise Exec. Sess. for personnel matters with the Bd. and Vill. Atty. present; Trustee Gilmore seconded - voting "aye" were Mayor Elliott & Trustees Gilmore, Frontuto, Pope & Wooden. Carried.

Re-Convene:

Trustee Frontuto moved, @ 11:26 p.m., that the Bd. emerge frm. Exec. Sess. - Trustee Wooden seconded; Voting "aye" were Trustees Frontuto, Wooden, Pope, & Gilmore & Mayor Elliott. Carried.

Dpty.Chf. to Return:

Mayor Elliott moved that Deputy Police Chief, David Dalton, be returned to active duty in the P.D., effective 9/14/88 - in the capacity of Deputy Police Chief. Trustee Pope seconded. Voting "aye" were Mayor Elliott & Trustees Pope, Frontuto & Wooden. Trustee Gilmore voted "nay." Carried by majority.

Adjourn.:

Trustee Frontuto moved Bd. adjournment @ 11:30 p.m. Trustee Pope seconded. Voting "aye" were Trustees Frontuto, Pope, Wooden & Gilmore & Mayor Elliott. Carried.

Ethel B. Johnson, Clerk