

VILLAGE OF PALMYRA BOARD OF TRUSTEES  
PUBLIC HEARING – OPEN BURNING  
REGULAR MEETING  
April 20, 2009 7:00 p.m.

**ROLL CALL:** Present: Mayor Daly, Trustees Bradstreet, Husk, Piccola, and Nolan, Attorney Williams, and Richard Clayton.

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER:** Mayor Daly called the public hearing to order at 7:00 p.m. noting the following legal as published in the official Village newspaper on April 15th:

LEGAL NOTICE  
VILLAGE OF PALMYRA  
NOTICE OF  
PUBLIC HEARING  
ON PROPOSED LOCAL LAW

NOTICE IS HEREBY GIVEN, that there has been introduced before the Village of Palmyra a proposed local law, which, if adopted would amend Chapter 88 of the Village Code entitled "Dumping, Trespassing & Open Fires. The substance of the amendment is intended to prohibit all outdoor burning except outdoor fires for cooking.

NOTICE IS FURTHER HEREBY GIVEN that, pursuant to section 20 of the Municipal Home Rule Law, the Village Board will hold a public hearing on the 20th day April, 2009 at the Palmyra Village Hall, 144 East Main Street, Palmyra, NY beginning at 7:00 p.m. for the purpose of hearing comments for or against the adoption of the proposed local law.

Any person may appear in person or by representative. Copies of the proposed local law may be examined in the Village Clerk's office during normal business hours.

Dated: April 7, 2009

By Order of the Village Board of the Village of Palmyra

Mayor Daly opened the floor up to comments from the public regarding the proposed changes to Chapter 88 of Village Code.

The following village residents were in attendance and made the following comments: Connie Cass, 433 East Main St. is opposed to any changes, as it would eliminate the use of chimera.

Jace Hudak, 250 Fayette St. former member of the Planning Board, has never heard of a problem regarding open burning before in the Village and believes it is not needed.

He also has a chimera. He agrees that you should not burn leaves, garbage or trash.

Frank Record Jr., 450 Howell Street, believes that the new law may create a larger problem than what is attended. He feels the larger problem is what people are burning.

He feels the proposal is unfair to those that act responsibly.

Doug Ubbink, 155 Tremont St., agreed with what had already been said.

Barring no further comments from the public, Mayor Daly closed the public hearing at 7:13 pm.

**EXECUTIVE SESSION:** Motion was made by Trustee Husk, second by Trustee Piccola to enter into executive session for discussion with a new Micro Enterprise Loan applicant which may include personal financial information. Vote, 4 ayes. CARRIED.

Mayor Daly thanked the Wetzels for coming and excused them from executive session and asked that Bob Raeman, Eric Wies, and Richard Clayton be invited in.

**PUBLIC SESSION:** Motion was made by Trustee Bradstreet, second by Trustee Nolan, to re-enter public session with no action having been taken at 8: 20 pm. Vote, 4 ayes. CARRIED.

### **REGULAR MEETING**

**APPROVAL OF MINUTES:** Motion by Trustee Piccola , second by Trustee Nolan, to approve the minutes from April 6, 2009 as submitted. Vote, 3 ayes, 1 abstain (Trustee Bradstreet). CARRIED.

**APPROVAL OF ABSTRACT:** Motion was made by Trustee Nolan, second by Trustee Husk to approve payment of Abstract #11, which includes vouchers 785 and 786 of 3/27/09 and vouchers 787-874 of 4/20/09 for a total of \$227,434.45. Vote, 4 ayes. CARRIED.

**BURNING ORDINANCE:** Motion was made by Trustee Piccola, second by Trustee Husk not to amend Chapter 88, Open Fires of Village Code. Vote: 4 ayes. CARRIED.

**MICROENTERPRISE LOAN:** Motion was made by Trustee Bradstreet second by Trustee Husk to approve the MicroEnterprise Loan for \$22,000 for Don and Roseann Wetzel contingent upon satisfactory review of the tax returns and credit report by the Loan Committee. Vote, 4 ayes. CARRIED.

**PARK DRIVE HOUSE:** Dan Wooden, Deputy Code Officer, reported that because an asbestos survey report was done, the asbestos must be abated legally. He outlined the following options:

1. Abandon the property/project, sell it to a private owner.
2. Condemn the property, the building would have to be removed and the asbestos abated but restrictions would be a little less formidable; not as much air quality testing and reporting would be required. He recommended finding a contractor that can do a wet method removable.

If the building had been condemned first, the Village wouldn't have had to do an asbestos survey and it could have just been taken down. Now that the asbestos survey has been done, the Village will need to proceed accordingly.

After the asbestos is removed, the building could perhaps be burned down. There is an asbestos removal permit fee required from the state; with a minimum fee of \$1000.00.

The Village will need a condemnation permit and we will have to notify the Buffalo office of how you're going to remove the house. We may have to contact an engineer to lay out the process for the house removal.

**ANNOUNCEMENTS/CORRESPONDENCE:** The following correspondence has been received and is on file in the office of the Clerk Treasurer:

- Skatepark letter
- Historic Palmyra designation as a Cultural Heritage Site Destination, one of 16 sites in the state
- 511 NY overview and facts
- COPS program- We're on the list for that grant program
- Park & Club Rooms compliment
- Flag gift from the Shreiners
- Gift from Ann Guest: photo of Lyman Snyder and his dog with original Veteran plaques in the Village park
- Cultural Resource will be reviewed June 17

### **TRUSTEE REPORTS**

**Trustee Bradstreet** reported that on March 30, Chris Tome, Joe St. Thomas and David Morrell attended training for Planning Board in Lyons and received credit for two hours of training. Lastly, he reminded all to come to the Bird Fest this coming Saturday.

**Trustee Husk** – reported that the SkateBoard Committee is upset that the Village will not bend on the location for the proposed skate park. He also reported that the County Mutual Aid report will be on file in Village Hall.

**Trustee Nolan** – no report.

**Trustee Piccola** reported that most of the sidewalks have been installed on Hyde Parkway. Driveway aprons and lawn restoration will be done in about two weeks. The road will be resurfaced in-house sometime this summer. The water and sewer lines have been installed for the new Comfort station down by the Marina by the highway crew. Trustee Husk asked who should be responsible for damage done by NYSEG to lawns recently on Hathaway. Trustee Piccola suggested that homeowners should call NYSEG to make sure it gets done. Although it is Village property it is the homeowner's responsibility to maintain but if NYSEG damaged – they should repair.

**Attorney Williams** – no report.

**Mayor Daly** provided her written report and highlighted that she is in receipt of a letter from Officer Ron Hall indicating that he will be retiring as of May 31<sup>st</sup> 2009. Motion was made by Trustee Husk, second by Trustee Bradstreet to accept Officer Hall's letter with regrets. Vote 4 ayes. CARRIED. Mayor Daly will contact Officer Hall about his exit interview.

The new police car has arrived. Chief Dalton and Sargeant Showman went to get it thereby saving over \$200 in delivery fees.

### **NEW/OLD BUSINESS:**

**NATIONAL PRESERVATION MONTH:** Trustee Bradstreet moved to adopt the following proclamation:

WHEREAS the Village of Palmyra has a long and honorable history; and  
WHEREAS the history of Palmyra can be read in its many Erie Canal  
Era residential and commercial buildings; and  
WHEREAS the economic value of the village's 19<sup>th</sup> century architecture  
has been recognized on the local, regional, state, and national levels; and  
WHEREAS the National Trust for Historic Preservation has named May  
2009 as National Preservation Month with the theme  
'This Place Matters'; and  
WHEREAS we believe that in Palmyra

This Place Matters

THEREFORE let it be known that in The Village of Palmyra, Wayne County, New York, that the month of May 2009 will be known as

### PRESERVATION MONTH

So proclaimed by the Palmyra Village Board  
April 20, 2009

Vicky Daly, Mayor

The motion was seconded by Trustee Nolan. Vote, 4 ayes. CARRIED.

**TERMINAL WALL PROJECT:** According to Bob Raeman, the state is requiring a Phase 2 to the Archeological study for the Terminal Wall project for an additional \$4880. Trustee Piccola suggested that the Village should wait till we can determine how much it will cost to remove the asbestos in the Park Drive house. The Board concurred.

**ONTARIO CO. SOIL AND WATER CONSERVATION DISTRICT:** TJ Emmerick submitted a new contract from the Ontario County Soil and Water Conservation District for management of the water inspection program. Attorney Williams will review for the next meeting. Richard Clayton will also inquire about it.

**GEOTILITIES:** The Board reviewed the revised contract from Geotilities which outline their scope of services and cost for same. Richard Clayton asked why the Village was considering this. If ST needs to physically locate every shut off valve, what's the advantage? Additionally, ST will need internet access in order to access the information

once the computerized format is done. Computer access would be available twenty – four seven at Village Hall. Motion was made by Trustee Husk, second by Trustee Bradstreet to authorize the Mayor to sign the contract with Geotilities. Vote, 4 ayes. CARRIED.

**FAIR PARADE:** The Board agreed to once again not participate in the Fair Parade.

**PUBLIC HEARINGS NOTIFICATION:** Trustee Husk wondered if there was any way to inform the public of things like changes in local law. He thought that it might be easier to do a mass mailing to inform the public, especially the ones that don't read the paper. Trustee Nolan felt mass mailings would be too expensive. The Board decided to ponder; perhaps a digital banner sign should be considered.

**RELEVY UNPAID WATER/SEWER BILLS:** Motion was made by Trustee Piccola, Trustee Husk to approve the relevy of any unpaid water and sewer bills to the Village taxes as of April 30, 2009. Vote, 4 ayes. CARRIED.

**NEGATIVE DECLARATION/SAFE ROUTES TO SCHOOL PROJECT:** The following resolution was offered by Trustee Piccola:

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Section 8-0101 et seq., and regulations promulgated there under contained in 8 NYCRR Part 617, the Village boards has caused to be prepared an Environmental Assessment Form, and

WHEREAS, the Board of Trustees has duly reviewed the Short Environmental Assessment Review with the above mentioned project for the purpose of classifying the proposed action and for determining whether the proposed action may have a significant effect upon the environment.

NOW THEREFORE, BE IT RESOLVED by this village board of trustees as follows:

1. That the proposed action is an "unlisted action" as defined in part 671.2(K.K.) of the regulations promulgated under the State Environmental Review Act.
2. As resolved at the Village Board meeting on April 6, 2009, the Village of Palmyra is the lead agency pursuant to Par 617.6(2).
3. That pursuant to section 617.7(b), the Village Board of Trustees has considered the action as defined in section 617.2(b0 and 617(g), has reviewed the Environmental Assessment Form, the criteria set forth in section 617.7(c) and all supporting information to identify the relevant areas of environmental concern, thoroughly analyzed the identified relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment.
4. The proposed action as submitted will not have a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, or create problems in terms of solid waste treatment or in the areas of erosion, flooding, leaching or draining problems.
5. The Village Board determines that the proposed action will not have a significant environmental impact.
6. The Board of Trustees hereby authorizes the preparation of a negative declaration and signed by the Mayor.
7. This resolution shall take effect immediately.

A copy of this resolution, together with the notice of negative declaration, shall be on file in the office of the Clerk of the Village where the same shall be available for public inspection during business hours.

The motion was seconded by Trustee Husk. Vote, 4 ayes. CARRIED

**PERMISSIVE REFERENDUM:** Motion was made by Trustee Piccola, second by Trustee Nolan to adopt the following resolution:

#### **PERMISSIVE REFERENDUM**

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of the Village of Palmyra, Wayne County, New York, adopted a resolution during a meeting on April 20, 2009, subject to Permissive Referendum as follows;

BE IT RESOLVED that a sum up to and not to exceed SIX THOUSAND DOLLARS (\$6,000) shall be expended from the Capital Reserve Sewer (HR4) and THIRTY THOUSAND (\$30,000) shall be expended from Capital Reserve Water (HR3) for the design fees for the Canandaigua Street Economic Stimulus Project (Capital Project H5).

Following publication, the foregoing resolution shall be posted in six (6) conspicuous places and in accordance with Section 9-902 of Village law, shall take effect in thirty (30) days.

BY ORDER OF THE VILLAGE BOARD

Palmyra, New York  
Alicia M. Lynch  
Village Clerk

Dated: April 20, 2009  
Completion: May 21, 2009

Vote, 4 ayes. CARRIED.

**EXECUTIVE SESSION:** Motion was made by Trustee Piccola, second by Trustee Nolan to enter into executive session for discussion of a contractual matter. Vote, 4 ayes. CARRIED.

**PUBLIC SESSION:** Motion was made by Trustee Husk, second by Trustee Nolan, to re-enter public session with no action having been taken at 9:55 pm. Vote, 4 ayes. CARRIED.

**ADJOURNMENT:** Motion by Trustee Bradstreet second by Trustee Husk to adjourn at 9:55 p.m. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch  
Clerk Treasurer