

VILLAGE OF PALMYRA BOARD OF TRUSTEES
REGULAR MEETING
August 2, 2010 7:00 p.m.

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

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Mayor Daly called the public hearing to order and asked that the following legal be read as it was published as required in the official village newspaper:

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 163 of the Village Code entitled "Streets and Sidewalks". The substance of the amendment is to set forth a procedure for snow and ice removal from public sidewalks and to charge the property owner for such snow and ice removal if Village is required to remove same.

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 2nd day August, 2010 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: July 6, 2010

By Order of the Village Board of the Village of Palmyra

Alicia M. Lynch
Village Clerk

Mayor Daly asked if there were any comments from the public. Although resident Debbie Rothfuss doesn't have sidewalks, she feels the police should make pedestrians use the sidewalks. After another comment much like Ms. Rothfuss', Mayor Daly asked that all comments be limited to the topic at hand, namely snow removal. Resident Anne Guest is in favor of the proposed change. Stu Warner had questions regarding liability issues. Attorney Williams replied that part of the law is not being changed and as before, liability falls upon the homeowner. Trustee Piccola explained the policy to use the sidewalk plow on the school routes. Mr. Warner's question had more to do with who would be liable if someone fell after the Village plowed one of these snow routes. At the end of the day, Attorney Williams said the homeowner would still be liable even if the Village had plowed the sidewalk. Trustee Piccola admitted that the Village had not even thought about whether to continue doing the sidewalks. It is something they will be looking into. Mr. Warner would like it if the Village did not plow his sidewalk if it has already been done. He also would like to see the Village do something about residents that put their leaves in the street instead of in the right away. CEO Wooden commented on the fairness of the ordinance. Former mayor Jim Elliot expressed support for enforcing the ordinance. As there were no further public comments, motion was made by Mayor Daly, second by Trustee Nolan to close the public hearing at 7:22 p.m. Vote, 4 ayes. CARRIED.

REGULAR MEETING:

APPROVAL OF MINUTES: Motion was made by Trustee Piccola, second by Trustee Bradstreet to approve the minutes from July 6, 2010 as written. Vote, 4 ayes. CARRIED. Motion was made by Trustee Nolan, second by Trustee Piccola to approve the minutes from July 19, 2010 as written. Vote, 3 ayes, 1 abstain, Trustee Bradstreet. CARRIED.

APPROVAL OF ABSTRACT: Motion was made by Trustee Piccola, second by Trustee Nolan to approve payment of Abstract #2B, vouchers 133-196 for \$65,735.39. Vote, 4 ayes. CARRIED.

CORRESPONDENCE/ANNOUNCEMENTS/INFORMATION:

- First reimbursement request has been submitted for Rt. 21 project

TRUSTEE REPORTS:

Trustee Bradstreet reported that the Lois McClure will be here in the Port of Palmyra on September 2 on its way to the World Canal Conference in Rochester. Mayor Daly added that it was here four years ago and we are delighted to have them back. It will be opened for touring that day from 11:00 a.m. to 7:00 p.m.

Trustee Bradstreet gave a brief update on progress with NYS DOT to reduce the Route 21 truck traffic. Resident John Goodspeed has been attending all the meetings and keeps the Village informed.

Trustee Bradstreet met with CEO Wooden and they have decided that they will meet during the even months of the year and Mr. Wooden will attend the second board meeting during the odd months to give a summary of Code office activities.

PIRATES WEEKEND STREET CLOSING: Motion was made by Trustee Husk, second by Trustee Nolan to approve the following closures for Pirates' Weekend, August 7th and 8th: the mural parking lot on Saturday and Sunday, Market Street from the mural parking lot to Canal Street to vehicular traffic during the festival hours and Main Street from Market St. to Canandaigua Street for the parade and bed race approximately 10:00 a.m. through noon, allowing for tenant parking only in mural parking lot if Chief Dalton recommends. Vote, 4 ayes. CARRIED. Trustee Piccola questioned who would be directing traffic and marking the detours/closures. Although not certain, Mayor Daly said the Sheriff's department will be helping this year with Pirates' Weekend as well as CanalTown Days. It has been quite some time since the Sheriff's Dept. participated in CanalTown Days. Trustee Piccola asked that the Police Department and/or Bldgs. and Grounds Dept. notify residents of the closures well in advance.

Trustee Husk reported that along with their regular duties, the Buildings and Grounds Department has been working on infrastructure for the Marina security system, installed a new roof on the back porch of the Spring Street house, completed some dead limb removal, helped the highway department on Washington Street and have done some maintenance work as requested by the Code Enforcement Office.

Trustee Nolan acknowledged that a short environmental assessment form for the water tower paint project has been completed.

NEGATIVE DECLARATION CAPITAL PROJECT H4: Motion was made by Trustee Nolan, second by Trustee Bradstreet, to adopt the following resolution:

CLASSIFYING THE REHABILITATION OF THE VILLAGE OF PALMYRA WATER STORAGE TANK AS AN UNLISTED ACTION, DETERMINING THE SIGNIFICANCE OF SUCH ACTION, AND DIRECTING THAT THE NEGATIVE DECLARATION BE ISSUED ACCORDANCE WITH SEQR.

BE IT RESOLVED BY THE BOARD OF THE VILLAGE OF PALMYRA AS FOLLOWS:

WHEREAS, the Board of the Village of Palmyra, Palmyra, New York is considering the financing and rehabilitation of the Village of Palmyra 1,000,000 gallon water storage tank, together with improvements incidental thereto (the "project"); and

WHEREAS, to aid the Board in determining whether such Project and financing and other actions of the Board in connection therewith (the "action") might have a significant effect on the environment, the Board caused to be prepared an environmental assessment form or similar information ("EAF"), a copy of which it attached hereto; and

WHEREAS, the Board duly reviewed the EAF and related documents with respect to the above-referenced project and duly considered the impacts which may be expected to result from the proposed action with the criteria set forth in the State

Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”); and

WHEREAS, the Board determined that the project was an “Unlisted Action” pursuant to SEQRA;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF THE VILLAGE OF PALMYRA AS FOLLOWS:

1. The Board hereby declares itself and is hereby designated as Lead Agency for the proposed action and therefore responsible for determining whether an environmental impact statement is required in connection therewith and otherwise complying with the procedural and substantive requirements of SEQRA.
2. Based upon the review by the Board of the EAF and other necessary criteria, the Board hereby finds and determines that the proposed action is an “Unlisted Action” under SEQRA and will result in no significant impacts and therefore, such action is not one which “may include the potential for at least one significant adverse environmental impact,” (b) “there will be no significant adverse environmental impacts,” and (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
3. A copy of this resolution shall be placed on file in the office of the Village Clerk, where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately. Vote, 4 ayes. CARRIED.

BOND RESOLUTION CAPITAL PROJECT H4: For the same project, **Trustee Nolan** moved to adopt the following resolution:

NOTICE OF ADOPTION OF RESOLUTION

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Palmyra, Wayne County New York, at a meeting held on the 2nd day of August, 2010, duly adopted the resolution published herewith **SUBJECT TO A PERMISSIVE REFERENDUM.**

Dated: Palmyra, New York,
August 2, 2010

BOND RESOLUTION DATED AUGUST 2, 2010.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, PAINTING OF THE VILLAGE WATER TANK, IN AND FOR THE VILLAGE OF PALMYRA, WAYNE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$430,000 AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$430,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

Alicia M. Lynch, Village Clerk Treasurer

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Action will not have a significant effect on the environment; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE, BE IT

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Palmyra, Wayne County, New York, as follows:

Section 1. Painting of the village water tank, necessary for the preservation and restoration thereof, in and for the Village of Palmyra, Wayne County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$430,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$430,000 of serial bonds of the Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Palmyra, Wayne County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

The motion was seconded by Trustee Piccola. Vote,
 Mayor Daly aye Trustee Ken Bradstreet aye
 Trustee David Husk aye Trustee Christopher Piccola aye
 Trustee Patrick Nolan aye

5 ayes. CARRIED.

Trustee Piccola reported that the water main break on Johnson Road has been repaired. The Highway department has been working on Washington Street which is the Village’s 2010 CHPS project. Granite is scheduled to be installed tomorrow on the west side of the street. The east side should be done next week depending on Geneva Granite’s schedule. The Canandaigua Street project continues; the storm sewer is just about done to the south and they will start down by the grade school later this week. August 16th is the scheduled date for the start of the one way detour if work progresses as plans.

Waniece Porter addressed the Board regarding the Village easement on the east side of her property for storm water discharge. She is concerned as the drainage ditch has eroded quite a bit since they have owned the property in 1964. She does not want to lose any more trees or be subject to any further expense to have the downed trees removed. Supt. Boesel has looked at the problem and believes that the installation of some surge stone at the outlet of our storm pipe would absorb the velocity of the discharge water and minimize future erosion.

Mrs. Porter thought the Village had an easement but to date, the Village has not found record of one. In order to do the work, one should be put in place. Attorney Williams will prepare one with some information from Supt. Boesel. Mrs. Porter would like Supt. Boesel to stop by and go over his plans with her before any work is done.

Ruth Wilbur has requested a dead end sign to be placed on the corner of Liberty and Hansen Street. They have noticed an increase in traffic which invariably need to turn around either in front of her house, in her driveway or in Krager’s driveway. The Board decided to ask Supt. Boesel for his recommendation.

Attorney Williams reported that he has had an opportunity to review the contract and performance bond for Amstar of Western New York for the Water Tower painting project and found them to be in order. Motion was made by Trustee Nolan, second by Trustee Bradstreet to authorize the Mayor to sign said contract with Amstar. Vote, 4 ayes. CARRIED.

Mayor Daly provided her usual written report and noted there were also brochures for Pirates Weekend. Mayor Daly introduced Historic Preservation Commission Chair Jim Elliott to give an update.

Chair Elliott reported that the committee meets regularly every month on the third Thursday except they decided not to meet this summer. They have a public meeting with speakers that the public is invited to attend. Board members need training; several members went to the conference in Palmyra which qualified as training. Their main focus is to get training. They have been spotlighting different historic Village properties. He stressed the importance of having the Historic Preservation Commission working with the Planning and Zoning Boards.

NEW/OLD BUSINESS:

ANNE GUEST REQUEST FOR BURIAL OF ASHES: Comdr. Anne Guest from the J.R. Hickey American Legion Post addressed the Board about obtaining permission to have the ashes from retired American flags interred in the veteran’s plot in the Village Cemetery. They would like to see them interred in the “unusable” area there. They will replace the grass as well and the area they will need will be approximately two feet by three deep. This is done routinely in other communities. Motion was made by Trustee Husk, second by Trustee Piccola to allow the interment of the retired flags under Supt. Hopkins direction contingent upon favorable research to be completed by Attorney Williams. Vote, 4 ayes. CARRIED.

ENERGY PLUS: The Village received a request from EnergyPlus to become our energy supplier for electricity. The Board agreed that it didn’t sound too different then what is already in place with Gateway. Mayor Daly said Mr. Leno will be notified that the Village has no interest in changing suppliers at this time.

EXPANSION OF MARINA PARK: Trustee Piccola recalled plans for the expansion of the marina park on the west side of Division Street behind Towpath Apartments to Willow Street. Supt. Boesel has spoken with BME Associates in Fairport about having a concept drawing done for submission to the Canal Corporation. It would cost \$450.00. Any additional work, if any, would be billed at an hourly rate. Motion was made by Trustee Piccola, second by Trustee Bradstreet to contract with BME Associates for a concept drawing of the marina expansion plan for \$450.00. Vote, 4 ayes. CARRIED. Furthermore, motion was made by Trustee Bradstreet, second by Trustee Husk, to authorize the mayor to sign the contract for the concept plan with BME Associates. Vote, 4 ayes. CARRIED.

THROOP STREET POLE: There is a utility pole in the vicinity of the new Community Bank that needs to be moved. Mayor Daly understood the pole was out of service. CEO Wooden thought it just needed to be moved. Motion was made by Trustee Piccola, second by Trustee Nolan to authorize removal and/or relocation of the pole in question at no expense to the Village. Vote, 4 ayes. CARRIED. Trustee Piccola will inform Supt. Boesel.

TOWN MOWING: CEO Wooden talked to the Board about the Town's Property Nuisance Abatement Ordinance. Like the Village's ordinance, it allows the Town to assess fees to the property taxes. If mowing is the property cleanup that is required, the Town highway department does not have the equipment to do the work. If possible and/or legal, CEO Wooden suggested that the Village Buildings and Grounds Maintenance crew do the work, bill the Town for the service and then the Town recover the fee from the property owner.

Secondly, he will be proposing to the Town that they adopt an ordinance more like the Village's. Presently, their ordinance requires any action taken against a property owner has to go through the court system which in lawn mowing situations it just not practical.

If Mayor Daly said the next step would be an Intermunicipal Agreement. Attorney Williams thought this could all be addressed with an alteration or an addendum to the Highway Agreement which already has a clause regarding the exchange of manpower.

SOLAR PANELS, WIND TURBINES: CEO Wooden spoke about addressing solar panels and wind turbines in Village Code. It could easily be added to our Zoning Chapter 200 under the section which now addresses communication towers. The Town has a good wind energy ordinance that could be modified to fit Village needs. The code should address the size and location of any towers/structures and those restrictions would be based on lot size. There are only a couple of properties in the village that have solar panels but they should still be addressed as well. As an afterthought, CEO Wooden thinks the Village should also address the new wood burning furnaces. They can be a problem, especially in Villages as the chimneys on them on not very high. Attorney Williams advised that if the Village is thinking of making any amendments to the zoning law, best to do them all at the same time because it's such a lengthy process. The Board asked CEO Wooden to bring any other suggestions forward after he has had some time to look into it.

Mr. Wooden submitted a roster of planning and zoning board members and their training. Mayor Daly asked him to include the Preservation Committee. There was a brief discussion about training.

TONES WATER METER DISCREPANCY: Motion was made by Trustee Piccola, second by Trustee Bradstreet to approve the Clerk Treasurer's recommendation for billing the meter discrepancy for C. Tones at 152 W. Main St. Vote, 4 ayes. CARRIED.

URBAN RENEWAL: Attorney Paul Rubery sent correspondence indicating that he had received a call from a state representative about the Palmyra Urban Renewal Agency. They would like to eliminate the legislation that created the agency. Attorney Williams said most Urban Renewal Agency were active in the early 70's and expired under their own terms. He suggested that the Village write a letter to Mr. Rubery. Motion was made by Trustee Piccola, second by Trustee Nolan to authorize Mayor Daly to notify Atty.

Rubery that the Village does not have any objections to the elimination of the Urban Renewal legislation. Vote, 4 ayes. CARRIED.

LOCAL LAW #4: SNOW REMOVAL: After a brief discussion, motion was made by Trustee Bradstreet, second by Trustee Piccola to amend Local Law #4 by substituting Village Clerk Treasurer for “Director of Public Works”. Vote, 4 ayes. CARRIED. The Board directed the Clerks’ office to start preparing a list of contractors that do snow removal for the homeowners as well as for use by the Village. Secondly, motion was made by Trustee Bradstreet, second by Trustee Husk to adopt Local Law #4. Vote, 4 ayes. CARRIED.

Trustee Piccola asked that the Badger Meter issue be added to the agenda in September. For informational purposes, Mr. Wooden added that there has been an application for co-location on the cell tower.

EXECUTIVE SESSION: Motion was made by Trustee Bradstreet, second by Trustee Nolan to move into executive session at 8:50 p.m. for a contractual matter. Vote 4 ayes. CARRIED.

PUBLIC SESSION: Motion by Trustee Piccola, second by Trustee Nolan, to move back into public session with no action having taken place. Vote, 4 ayes. CARRIED.

AMBULANCE SERVICE: Motion was made by Trustee Piccola, second by Trustee Nolan to appoint Trustee Bradstreet and Trustee Husk as village representatives for pre-contract talks with Finger Lakes Ambulance. Vote, 4 ayes. CARRIED. Trustee Bradstreet will contact FLA to set up a meeting and notify Supr. Miller of it. Mayor Daly will contact Chief Colburn, Todd Blanchard and Jim Miller to let them know that the meeting is going to take place. Sue Higgins is also to be notified.

Note: Attorney Williams was excused before the executive session.

ADJOURNMENT: Motion by Trustee Piccola, second by Trustee Husk, to adjourn at 10:10 p.m. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Clerk Treasurer