

**VILLAGE OF PALMYRA BOARD OF TRUSTEES
REGULAR MEETING**

May 4, 1998 6:30 p.m.

PRESENT: Mayor Wilson, Trustees, Salomon, DeVogelaere and Gunkler. Trustee Celentano out sick.

CALL TO ORDER: Mayor Wilson called the meeting to order at 6:35 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING:

Legal notice read by Clerk:

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

NOTICE IS HEREBY GIVEN, that there have been introduced before the Board of Trustees of the Village of Palmyra, proposed local law, which, if adopted would amend Chapter 18 of the Village Code, entitled, "Sewer Rents" by amending the method of computation of sewer rents and prescribing a new minimum charge therefor.

NOTICE IS FURTHER HEREBY GIVEN that, pursuant to section 20 of the Municipal Home Rule Law, the Board of Trustees will hold a public hearing on the 4th day of May, 1998 at 6:30 pm in the Trustees' Room of the Village Hall, 144 East Main St., Palmyra, New York, 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 Office of the Village Clerk during regular business hours.

Dated: April 28, 1998

By Order of the Board of Trustees of the Village of Palmyra.

Alicia Lynch,
Village Clerk

Mayor Wilson welcomed Jamie Black from the Sewer Rate Review Committee. Jamie Black reviewed once again the method for calculating the sewer bills. The committee favored a method which was based on the premise that a certain percentage of the annual sewer cost is fixed and should be shared evenly across all sewer units. The remaining cost would be shared based on the level of water usage. The rates they have proposed are \$27.00 per unit minimum (no usage allowed) and .64 per hundred cubic foot. Mayor Wilson asked for comments from the public. As there were no comments from the public, Mayor Wilson closed the public hearing at 6:40 pm.

LOCAL LAW #1, 1998: Motion to approve the following Local law by Mayor Wilson, second by Trustee Gunkler:

A local law amending section 18-8 (Sewer) of chapter 18 of the Village Code of the Village of Palmyra.

Be it enacted by the Board of Trustees of the Village of Palmyra as follows:

Section 1. That section 18-8 of chapter 18 of the Village Code be, and the same hereby is amended to provide as follows:

18-8 RATES

- A. Except as provided in subordinate B below, the minimum quarterly bill for buildings, structures, and apartments connected to the sewer system and also serviced by a Village water meter shall be established by the Board of Trustees at a specified rate per quarter.

The quarterly usage charge shall be established by the Board of Trustees at a specified rate per quarter per hundred cubic feet of metered water consumed in the current quarter.

- B. Where a building or structure serviced by one (1) meter is so arranged as to contain private and separate quarters, the following rates apply:

1. Where a building or structure, other than those described in subdivision 2 below, contains one (1) or more separate apartments, the total water consumption shall be divided by the number of apartments into which the building or structure is separated. The water consumption thus attributable to each of the separate apartments shall be applied at the MINIMUM

QUARTERLY rate per quarter. The total amount to be charged for all such apartments in the building or structure shall be charged to the property owner. An "apartment" is defined as a portion of a house, building or other structure consisting of a group of rooms containing sleeping, cooking and eating facilities and arranged to be occupied by the members of a family.

- 2. Where a building or structure contains a commercial establishment on the ground floor, including but not limited to retail stores, barbershops, beauty salons, garages, banks, or other types of businesses not herein before provided for, and additional floors above the main floor are wholly or partly devoted to separate commercial uses, including offices, the said premises shall be charged the MINIMUM QUARTERLY rate per each floor so used. In the event that the said building contains an apartment or apartments above the main floor, there shall be charged the MINIMUM QUARTERLY for each apartment therein contained above the main floor. The total amount to be charged for all such apartments in the building or structure is then charged to the property owner.

Section 2. That this local law shall be effective immediately, and deemed applicable to sewer rentals computed for the quarter commencing June 1, 1998.

Voting as follows:

Trustee Salomon aye Mayor Wilson aye
Trustee DeVogelaere aye Trustee Gunkler aye

Unanimous/Carried/Defeated

LOCAL LAW #2, 1998: Motion to approve the following Local law by Mayor Wilson, second by Trustee Gunkler:

A local law establishing sewer rents in accordance with article 14-F of the General Municipal Law of the State of New York.

Be it enacted by the Board of Trustees of the Village of Palmyra as follows:

Section 1. That the charges for sewer services to be established under sections 18-7 and 18-8 of chapter 18 of the Village Code are as follows:

MINIMUM QUARTERLY BILL - \$27.00 per quarter

QUARTERLY USAGE CHARGE - \$.64 per hundred cubic feet of metered water.

Section 2. That this local law shall be effective immediately and deemed applicable to sewer rentals computed for the quarter commencing June 1, 1998.

Discussion: Trustee DeVogelaere asked if the sewer rates will be changed every year. Mayor Wilson said they will be looked at every year but not necessarily changed every year. If the rates change, a new Local Law will have to be done each time but the Code will not have to be amended because of Local Law #1.

Mayor Wilson called for the vote.

Voting as follows:

Trustee Salomon aye Mayor Wilson aye
Trustee DeVogelaere aye Trustee Gunkler aye

Unanimous/Carried/Defeated

MINUTES: Motion by Trustee Gunkler, second by Trustee DeVogelaere to approve the minutes from April 20, 1998. Vote, 4 ayes. CARRIED.

TRUSTEE REPORTS: Trustee Gunkler - no report.

Motion by Trustee DeVogelaere to name David Cook as Chair of the Zoning Board of Appeals and Elaine Hartnagel as Chair of the Planning Board. Second by Mayor Wilson. Vote, 4 ayes. CARRIED. Voting as follows:

Trustee Salomon aye Mayor Wilson aye
Trustee DeVogelaere aye Trustee Gunkler aye

Unanimous/Carried/Defeated

Trustee DeVogelaere reported that they are planning to get to work soon on the cemetery equipment in preparation for the municipal auction in 1999. Also, the flag pole and cross,

part of the Veteran's Memorial in the cemetery, have had worked completed with the help of the cemetery crew. The cost of the work was paid for by the American Legion.

Trustee Salomon reported that the Finn's have satisfied many of the requirements for their sewer connection. The Village Board had previously approved their request to become an out-of-district. The Town board will probably need a letter from the Village Board stating that they have our permission to connect. Fees for out-of districts users were discussed. Additionally, the sauerkraut factory in Manchester are looking for easements on our water line as they are expanding.

Mayoral report - In recognition of National Police Week the Mayor made the following proclamation:

WHEREAS, the Congress of the United States of America has designated the week of May 15th to be dedicated as "National Police Week" and May 15th of each year to be "Police Memorial Day" and WHEREAS, The law enforcement officers are our guardian of life and property, defenders of the individual right to be free men, warriors in the war against crime and dedicated to the preservation of life, liberty and the pursuit of happiness, and

WHEREAS, The Village of Palmyra desires to honor the valor, service and dedication of its own police officers and

WHEREAS, it is known that every 57 hours an American Police Officer will be killed in the line of duty somewhere in the United States and 189 officers will be seriously assaulted in the performance of their duties, our community joins with other cities and towns to honor all peace officers everywhere, and We therefore proclaim the week of May 10th to may 16th to be police week and call upon all our citizens in this community to especially honor and show our sincere appreciation for the police officers of this city by deed, remark and attitude. I call upon all our citizens to make every effort to express their thanks to our men who make it possible for us to leave our homes and family in safety each day and to return to our homes knowing they are protected by men willing to sacrifice their lives if necessary, to guard our loved ones, property and government against all who would violate the law.

Signed this 4th day of May, at the Village of Palmyra, State of New York in the witness of thereof the seal of the Village of Palmyra and signatures of the Board of Trustees are affixed.

Seal:

Peter K. Wilson, Mayor

Trustee Robert Gunkler

Alicia, M. Lynch, Village Clerk

Trustee Richard DeVogelaere

Trustee Kurt Salomon

Second by Trustee DeVogelaere. Vote 4 ayes. CARRIED.

CORRESPONDENCE: The following correspondence has been received and is on file at the Village Clerk's office:

1. Invitation to Award Ceremony of Council on Alcoholism (May 4th, 1998)
2. Annual report - Palmyra Fire Department
3. Memo form WC Office of Tourism re. Finger Lakes Assoc. Membership
4. NYSDOT - Rt 31/Rt 21 status of ownership of Rt 21 south in Village
5. Environmental Protection Agency - notification of satellite program - June 17th, 1998.
6. American Legion - Memorial Day Parade May 25th 9:00 am. -Village Board invited to participate. Motion by Mayor Wilson to approve the parade, second by Trustee Gunkler. Vote 4 ayes. CARRIED.

NEW/OLD BUSINESS: Office of Court Administration - speaker unable to attend due to accident of family member.

CERTIFICATE OF OCCUPANCY: CEO, Bob Grier addressed the Board regarding the requirement of getting a C of O for single family homes sales. Mr. Grier feels it is an avenue for the Board to somewhat maintain property levels. Most of the attorneys he has spoken with protest the inconvenience. Mr. Grier also feels that the decision to set aside

Building Codes should not be determined by anyone's inconvenience. He also reported that if a homeowner requests an inspection anytime during the selling process, his office will complete and if the property does not sell the homeowner can disregard the inspection findings. The fee for the inspection does not need to be paid until closing. Mayor Wilson asked if Mr. Grier knew if the Village of Palmyra was unique in requiring this. Mr. Grier reported that the City of Rochester is now requiring a C of O for a single family home when being purchased by an investor. He also reported that it amounts to approximately an inspection per week. Contrary to what was previously reported, this requirement has not held up any closing, the inspection can be done with an hour's notice. Any code violations can be corrected after closing. Trustee Salomon asked if there was some redundancy with the bank inspector. Mr. Grier said that bank does more of a structural analysis. Mayor Wilson thought that more investigation should be completed before the law is changed. Trustee Salomon motioned to investigate the issue further, getting input from the Village Attorney. Second by Mayor Wilson. Vote, 4 ayes. CARRIED.

Mr. Grier asked if the Abbott building was scheduled for the agenda this evening. Mr. Nesbitt is working on it still, perhaps something will be ready by the next Board meeting. Trustee DeVogelaere asked if the building is still relatively safe with the barricade that is there. Mr. Grier said that we were lucky in that the winter was quite mild. There was not too much freezing and thawing, however, the building is deteriorating.

BIKE PATROL: Chief Dalton requested permission to initiate a bike patrol. The Village has a qualified candidate. The cost of the bike will be \$700 and equipment required will be another \$220.00 There is enough left in this year's budget to cover these costs. It will be especially useful during CanalTown Days and the May festival as well as for surveillance purposes. Motion by Mayor Wilson, second by Trustee Gunkler to proceed with the Bike Patrol as outlined above. *Discussion:* Trustee DeVogelaere asked if there were any plans to train other officers for this duty. Chief Dalton says it is being planned. Mayor Wilson asked when the bike patrol will be used. The Chief reported that it will probably be used between 7:00 pm and 2:00 am.

DISCLOSURE STATEMENT: At the suggestion of the state auditor, Mayor Wilson submitted the following statement of disclosure: I am an Officer of Staples, Inc. My current position is Traffic Manager. The responsibilities of this position are directly related to the shipping and distribution of office products for Staples, Inc.

Signed: _____

CCI - SEQR REQUIREMENTS/EAF:

In order, to proceed with the HUD projects, Trustee Gunkler moved the adoption of the following resolution; Trustee DeVogelaere seconded the motion;

RESOLVED, that in accordance with the New York State Environmental Quality Review procedures (SEQR), the Village Board of the Village of Palmyra hereby expresses its intent to serve as lead agency to comply with SEQR. In accord with the likelihood that the Village Board will serve as lead agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the activities comprising the HUD approved Canal Corridor Initiative (CCI), including,

- Aldridge Change Bridge
- Canal Trail Linkage
- Revitalization of Canal Street Area
- Economic Development Loan Pool

The Village Board has determined that, given the location in the Village National Historic District, the project is a "Type I Action" as defined under SEQR.

RESOLVED, the Village Board will notify the Involved Agencies of its intention to act as lead Agent for this project and will provide them a copy of the full environmental Assessment Form;

RESOLVED, that the Village Board hereby accepts the Environmental Assessment of this project, prepared by Stuart I. Brown Associates, Inc. and the Village board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Village Board does not anticipate the preparation of an Environmental Impact

Statement for this project. Further, the Village board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by involved agencies.

Discussion: Questions from town resident, Angela Dart - what are the Village's liabilities to being lead agent and how many other projects has the Village been lead agent for? Mayor Wilson informed her the biggest Village responsibility is the environmental responsibility. The Village is required to file all necessary permits. This Village Board has only been lead agent on one other project - the UDS16. Angela asked how much that project was "worth". Mayor Wilson informed her hard to calculate, mostly man hours.

Mayor Wilson called the vote. Voting as follows:

Trustee Salomon	aye	Mayor Wilson	aye
Trustee DeVogelaere	aye	Trustee Gunkler	aye

Unanimous/Carried/Defeated

FIRE TRUCK BOND RESOLUTION:

The following resolution was offered by Trustee Salomon, who moved its adoption, seconded by Trustee Gunkler, to-wit:

BOND RESOLUTION - FIRE FIGHTING VEHICLE
(SUBJECT TO PERMISSIVE REFERENDUM)

A RESOLUTION AUTHORIZING, SUJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF A FIRE FIGHTING VEHICLE, INCLUDING APPARATUS, FOR THE VILLAGE OF PALMYRA, WAYNE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$550,000, AND THE ISSUANCE OF \$550,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the Board of Trustees of the Village of Palmyra, Wayne County, New York, as follows:

Section 1. The purchase of a fire fighting vehicle, including apparatus, for the Village of Palmyra, Wayne County, New York, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$550,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$550,000 bonds of said Village hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, 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 twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of said bonds 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 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 bonds herein and the manner of execution of the 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 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 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 full in the Courier Journal, which is hereby designated as 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. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

Voting as follows:

Trustee Salomon	aye	Mayor Wilson	aye
Trustee DeVogelaere	aye	Trustee Gunkler	aye

Unanimous/Carried/Defeated

HUD GUIDELINES: Mayor Wilson reported that the HUD loan guidelines have been finalized and approved. The loan committee would like to send out postcards, followed by a letter notifying Palmyra and Wayne County businesses. He shared the copy of the proposed postcard. The Village Clerk will be getting price quotes for block ads as well. Mayor Wilson moved to approve the postcard and follow up with a letter, second by Trustee Gunkler. Vote, 4 ayes. CARRIED.

WAYNE COUNTY WORK PROGRAM: Mayor Wilson reported that Attorney Nesbitt has reviewed the Agreement with Worksite Sponsor Agency and has made recommendation of additional clause. Mayor Wilson offered the following resolution:

WHEREAS, there is proposed an agreement between the Wayne County Department of Social Services whereby the Village would accept assignment of employable recipients of Home Relief or Aid to Dependent Children to perform work, and

WHEREAS, service to be provided under said agreement would be beneficial to the Village and its residents.

NOW, THEREFORE, BE IT RESOLVED, that such proposed contract is approved, provided, however, that the same be, and it hereby is, amended to add the following sentence to section 1: "Notwithstanding any other provision of this agreement, the Sponsor reserves the right to refuse to accept the assignment of any such recipient for any or no reason, with or without cause, and reserves the same right to terminate the assignment of any such recipient on the same basis".

Second by Trustee Gunkler. Vote, 4 ayes. CARRIED.

PENNIES FOR POSTERS: Mayor Wilson shared a letter from Chuck Canfield, Site Director at Hill Cumorah Historic Sites. Mr. Canfield requested our support for the Ride for Missing Children on May 15, 1998 by declaring this day as Missing Children's Day in the Village of Palmyra. Additionally, to write to Attorney General Vacco supporting the Center for Missing & Exploited Children and the goals for The Ride for Missing Children as well as supporting the issuance of a US Postage Stamp commemorating all America's missing children. Motion by Mayor Wilson to support this cause as requested by Mr. Canfield. Second by Trustee Gunkler. Vote, 4 ayes. CARRIED.

PETITION: Mayor Wilson reported that the Village has received a petition requesting an inspection by the Code Enforcement Officer of a building on Fayette Street with possible code violations. We will wait for the CEO to report on this issue.

BROCHURE: Elaine Hartnagel told the Board that she has confirmed from Senator Nozzolio's office that the Village will be receiving \$5,000 in state funds to create a brochure highlighting the Village. We will be receiving a contract and will need to

submit a proposal for the brochure with that. The committee will be meeting to plan the brochure soon.

Motion to move into executive session by Mayor Wilson for the personnel issues at 8:25 pm. Second by Trustee Gunkler. Vote 4 ayes. CARRIED.

Motion to reconvene public session at 8: 35 by Mayor Wilson. Second by Trustee Gunkler. Vote, 4 ayes. CARRIED.

Trustee DeVogelaere asked if there was any limit on the amount of money spent on work boots by Village union employees. As per the contract, no such limit exists.

Trustee Salomon moved to adjourn at 8:38 pm, second by Trustee Gunkler. Vote, 4 ayes. CARRIED.

ADJOURNMENT: Motion to adjourn by Trustee DeVogelaere at 9:30 pm. Second by Trustee Gunkler. Vote, 4 ayes. CARRIED.