

**PUBLIC HEARING
SUMMER LONG GARAGE SALE AND BAIT SALES**

The Public Hearing scheduled to be held on Thursday, June 26, 2003, at the Palmyra Town Hall, Palmyra, New York to consider the special use authorization for Mahlon and Janet Lathrop Special Use Permit for Summer Long Garage Sale and bait sales, 4551 Route 31, Palmyra, was called to order at 8:00 PM by Town Supervisor David Lyon.

**PUBLIC HRG. --
-SUMMER
LONG GARAGE
SALE & BAIT
SALES---
SPECIAL USE
PERMIT**

Those present at this public hearing:

Town Board Members: David C. Lyon, Supervisor
David Nussbaumer, Councilmember
James Welch, Councilmember
Michael Lambrix, Councilmember

Also present at this public hearing:

Robert Copenhagen, North Creek Rd. resident
Francine Lennox, representing Ray's Bridge Pub
Raymond Snyder, Ray's Bridge Pub owner
Michelle Lathrop, 4551 Route 31
Mahlon R. Lathrop, 4551 Route 31
Joshua Thomas, 4551 Route 31
Robert A. Grier, Code Enforcement Officer
Nelson F. Cook, Highway Superintendent

The Town Clerk read the legal notice for the Special Use Permit for a continuous garage sale and bait shop at the residence of Mahlon and Janet Lathrop:

**LEGAL NOTICE
TOWN OF PALMYRA
MAHLON AND JANET LATHROP – SPECIAL USE PERMIT**

**LEGAL NOTICE
OF HEARING**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, June 26, 2003 at 8:00 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of Mahlon and Janet Lathrop, d.b.a. M&M Enterprises, P.O. Box 124, Port Gibson, NY 14537, for a Special Use Permit to operate a continuous garage sale and bait shop throughout the summer of 2003 from their home.

The residence is located at 4551 State Route 31, Palmyra, NY 14522, on property zoned as agricultural, with the proposed usage considered commercial.

Article III, Section 3.2(b) of the Palmyra Town Zoning Ordinance, which limits the uses of property in an Agricultural District to those permitted under Section 3.1, Paragraphs a-h states: "Use of land for other than farm purposes requires Special Authorization from the Town Board. Such Special Authorization is subject to Article VII, Section 7.1".

The property (ID #66110-07-523849) is located at 4551 Route 31, and is bounded on the North by property reputedly owned by Robert Kniest, Sr. (tax parcel #66110-07-518854), and on the West by New York State Canal Corp., and bounded on the East by New York State Canal Corp., and bounded on the South by property reputedly owned by Karl Matteson (tax parcel #66110-07-529843).

The Town Board will at said time and place hear all persons in support of the above application or any objections thereto. Persons may appear in person or by attorney or agent. The application is on file at the Town Clerk's Office, 1180 Canandaigua Road, and is available for review Monday through Friday, 8:00 AM to 5:00 PM.

BY ORDER OF THE TOWN BOARD

Dated: May 22, 2003

Lyndall Ann P. Green
Palmyra Town Clerk

HEARING OPEN

The Town Supervisor announced that the hearing was open for any comments from those in attendance. Request was made to hear the town Planning Board's recommendation regarding this request. It was noted that the Planning Board recommended denial of the application. Michelle Lathrop spoke on behalf of her parents and their request. Supervisor Lyon asked if there were any more questions or comments about the application for a special use permit by Mahlon and Janet Lathrop. Hearing none, he declared the hearing closed at 8:07 PM.

HEARING CLOSED

At this point, Robert Copenhagen was allowed to address the Town Board to read a letter he has written to the Town Board with a concern about his next door neighbor:

OPEN LETTER TO TOWN BOARD

26 June, 2003

To the Palmyra Town Board and Attorney Nesbitt,

Ten years ago, if I would have only known what kind of people my new neighbors were, I never would have closed on the place.

In fact, Attorney Nesbitt was one of the parties to the closing on the property.

I pay a mortgage, and pay taxes, and I can't enjoy living in my home.

To put it bluntly, I have the neighbors from Hell.

They have been annoying since we moved in. The latest nuisance is the constant noise, and dust from numerous dirt bikes, and ATVs that they run around at all times of the day.

Mr. Miller works for Victor Excavating and often brings home a "Bobcat" to build and repair the moguls that he has created in his back yard. Small hills, if you may.

We can't open the windows in warm weather because of the noise and dust clouds that are created.

We can't reasonably enjoy our home.

Even though North Creek Road is zoned agricultural, his use is not consistent with either agriculture or residential.

And, he and his children harass me when I am in the yard, or go to the mailbox, with

insults and weird noises.

I served my country in the U.S. Military when I was needed and I still serve my state, as I did during the terror of the World Trade Center disaster.

So this is the way I have to spend my declining years.

No respect, no consideration, no relief.

I am sure Supervisor Lyon or Attorney Nesbitt are not going to accuse me of being stupid, or ignorant. I believe I have a good working knowledge of the English language.

We have a Nuisance Law on the books. But when I inquired of Bob Grier about enforcement of this law, I was told that it was for commercial establishments. If you would be good enough to point out the word "commercial" for me, I would sit back down and keep my mouth shut.

With Mr. Miller's actions and those of his family, I was told by a realtor that my property should be assessed lower, and that if I placed my home for sale I could not sell it for the price that I pay taxes for.

I await your reply.

Maybe sections of North Creek Road can be re-zoned as residential if no farming is being done.

Sincerely,

Robert W. Copenhagen

REGULAR MEETING OF THE TOWN BOARD

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, June 26, 2003, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 8:09 PM by Town Supervisor David C. Lyon.

CALL TO ORDER

Supervisor Lyon led those present in the Pledge of Allegiance to the Flag.

PLEDGE OF ALLEGIANCE

Upon roll call, the following board members were present:

Town Board Members: David C. Lyon, Supervisor
David Nussbaumer, Councilmember
James Welch, Councilmember
Michael Lambrix, Councilmember
Kenneth Miller, Councilmember

ROLL CALL

Members of the public in attendance at the board meeting:

Francine Lennox, representing Ray's Bridge Pub
Raymond Snyder, Ray's Bridge Pub owner
Michelle Lathrop, 4551 Route 31
Mahlon R. Lathrop, 4551 Route 31
Joshua Thomas, 4551 Route 31
Robert A. Grier, Code Enforcement Officer
Nelson F. Cook, Highway Superintendent

**MTN: APPROVE
MINUTES OF
5/22/2003 MTG.**

Motion was made by David Nussbaumer to approve the minutes of the May 22, 2003 meeting of the Town Board. Seconded by Ken Miller. Voting was unanimous.

COMMUNICATIONS

**COMMUNICA-
TIONS**

1. The e-mail from Edgemere Development concerning Garlock Building Renovations and PILOT plan was referred to the next meeting of the Town Board.

**WCSWC GRANT
FOR TREES TO
REPLACE ICE
STORM DAMAGE**

2. A letter was received from the Wayne County Soil and Water Conservation District announcing that a \$2,800 grant from the Rural Community Conservation Project is available to purchase and plant trees to replace those lost or damaged in the ice storm of last April. Copies of the letter were given to Ken Miller and Nelson Cook for follow-up. A letter of intent must be submitted by August 1st.

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Ken Miller, Chairman

**UPDATE ON
WORK DONE AT
TOWN HALL**

The town was notified by the Water and Sewer Authority that our water usage was unusually high during the last period. Several people from the WCWSA came to the building and noted several locations of miscellaneous leaks, and that a spigot on the outside of the building had not been turned off during the winter. It had a hose screwed into it and, while the hose had a nozzle on it to stop the water flow, the hose had cracked over the winter and water had leaked out the cracks. Ken Miller has now covered two of the sinks in the kitchen. The parking lot will be addressed by Ken and Nelson Cook in the upcoming weeks to determine specs for parking lot paving. Lighting inside and outside of the building continues to progress—repairing and replacing bulbs, light fixtures, etc.

Highway Committee – Michael Lambrix, Chairman

**BIDS AWARDED
FOR PLOWS &
WINGS FOR
HWY. DEPT**

Chairman Lambrix asked Nelson Cook for an update on the bidding for 5 plows and 5 wings for the Palmyra Highway Department. Cook recommended the bid submitted by Tracey Road Equipment, 6803 Manlius Center Rd., East Syracuse, NY 13057, for an Everest, Model OSWK 9-H, one way, W 144 HD Leveling Wing, in the amount of \$33,685. Mike Lambrix moved that this bid be accepted by the town and David Nussbaumer seconded the motion. Voting was unanimous.

Nelson also informed the board that there is a company willing to chip all the debris piled up from the ice storm. They have equipment capable of

handling the quantity and size of the branches. They would then bill the town for their services.

**CHIPPER
AVAIL FOR
DEBRIS
CLEANUP**

Planning Committee – James Welch, Chairman

Last month, the newly-appointed head of the town Planning Board, James E. Hodock, approached the town board to consider the issue of parcels of land larger than 5 acres:

Subdivision creating parcels of 5 acres or more:

As defined and described by the "Land Use Regulations" a subdivision of land resulting in property 5 acres or more is exempt from review by the Planning Board, although the site plan is still subject to review by the same. As I'm told, the original intent is that this was meant for land transfer to a family member, such as with farm families.

PROBLEM: In a couple of cases, subdivisions were formed, creating multiple lots, each containing 5 acres or more for marketing purposes. Because of the perceived intent, the Board members have expressed concern about not having the ability to review and/or comment on the proposals.

REQUEST: One of two options should be explored:

1. To identify the intent in the Code, which would give the Planning Board the ability to review certain plans. (However, if the original intent is true, this could cause someone to [cite] preferential treatment.)
2. Change the code to require all subdivision proposals to be reviewed.

**MTN: REMOVE
EXEMPTION
FROM
PLANNING
BOARD OF
PARCELS
OVER 5 ACRES**

The Planning Board recommends removing the exemption from Planning Board approval for 5-or-more-acre parcels. Ken Miller thought it was an excellent recommendation and made the motion to approve deleting the regulation. Jim Welch seconded the motion. Voting was unanimous.

Zoning Committee – David Nussbaumer, Chairman

1. CEO Report for June: Code Enforcement Officer Bob Grier submitted a report detailing permits issued from 5/21/03 to 6/25/03. The new software his department uses can provide the status of every in-process request and allows for prompt action on open complaints.
2. Ray's Bridge Pub—Special Use Permit: The permit has been drawn up and agreed to by the town and by the establishment for the Special Event. The Board was to consider the new date which had been scheduled: August 16. David Nussbaumer made the motion and Michael Lambrix seconded it. Voting was unanimous.

**CEO REPORT
FOR JUNE**

**RAY'S BRIDGE
PUB—FINAL
DATE FOR
SPECIAL
EVENT**

AGENDA ITEMS

**MTN: TO DENY
REQUEST BY
LATHROPS FOR
GARAGE SALE
AND BAIT SHOP**

1. Mahlon and Janet Lathrop for summer-long garage sale and bait shop: In accordance with the determinations of the town Planning Board and the county Planning Board, the town board felt it best to deny the request for the special permit. David Nussbaumer made the motion and Michael Lambrix seconded. Voting was unanimous.

**MTN: APPROVE
JOAN GATES'S
NOTARY PUBLIC
EXPENSES**

2. Joan Gates—approval for becoming Notary Public: Joan, who works half time in the Town Clerk's office and half time in the Assessor's office, recently attended a conference for tax collectors/receivers. Part of the conference included a class and testing for becoming a Notary Public. She took the test and passed it. Now, she must be reimbursed for the testing fee (\$15) and approve paying the state fee (\$60) and to purchase the stamping equipment (unknown at this time). Motion was made by Michael Lambrix and seconded by David Nussbaumer to see that these costs are paid for. Voting was unanimous.

**MTN: APPRV
ANNUAL
JEFFREY EAST
SEPTIC
CLEANING
SERVICE PERMIT**

3. East's A-1 Septic Tank Service and Excavating Inc. annual renew: Jeffrey T. East, d/b/a East's A-1 Septic Tank Service and Excavating Inc. requests a renewal for his permit to collect, transport and dispose of human (sewage and septic sludge) waste materials. His NY State DEC Permit was included with his request. Michael Lambrix made the motion to approve the renewal and David Nussbaumer seconded. Voting was unanimous.

**MTN: APPROVE
VACUUM
CLEANER
PURCHASE FOR
TOWN HALL**

4. New vacuum cleaner purchase: Ron Hickman has requested purchase of a new vacuum cleaner for the Town Hall. He had checked out three different cleaners and had selected his preference. Nelson Cook said he has a catalog of items approved for state contracts and would be willing to look at cleaners. The Town Board decided to let him select the one he feels is best not to exceed \$600. David Nussbaumer made the motion and Michael Lambrix seconded. Voting was unanimous.

**ARCHIVES
REPORT TO THE
BOARD**

5. Deputy Town Clerk report—Update on office projects and grants: Deputy Town Clerk Betsy Lewis submitted her report which officially notified the board that our Local Government Records Management Improvement Fund grant for \$21,779 was approved. It is for storage units to manage active files in the Highway and Building/Zoning offices. The report showed that over the last five years, the town has received \$58,382 from NY State Archives in grant money. In addition, the report details the work accomplished in archives work throughout the month. She attended a workshop on managing maps and plans. It fits perfectly into the new grant we received. She also updated the board on web site information.

- 6. Garnsey-Shilling Area Water District: A resolution approving the bond anticipation note for construction of water mains in the Garnsey-Shilling Area Water District:

FINANCE:

Bond Anticipation Note

No. 1

UNITED STATES OF AMERICA

THREE HUNDRED SEVENTY NINE THOUSAND FIVE HUNDRED DOLLARS

**STATE OF NEW YORK
COUNTY OF WAYNE
TOWN OF PALMYRA**

**MTN: APPRV
RESOLUTION
FOR BOND
ANTICIPATN
NOTE FOR
GARNSEY-
SHILLING
WATER DIST.**

**BOND ANTICIPATION NOTE FOR CONSTRUCTION OF WATER MAINS
IN THE GARNSEY-SHILLING AREA WATER DISTRICT**

The Town of Palmyra, in the County of Wayne, (the "Town"), a municipal corporation of the State of New York, hereby acknowledges itself indebted and for value received promises to pay to the bearer of this Bond Anticipation Note (the "Note"), or if it be registered, to the registered holder, the sum of Three Hundred Seventy-Nine Thousand Five Hundred Dollars on the (date of release of funds), together with interest thereon from the date hereof at the rate of one and fifty five hundredths percent (1.55%) per annum, payable to maturity. Both principal of and interest on this Note will be paid in lawful money of the United States of America, at HSBC, Syracuse, New York.

At the request of the holder, the Town Clerk shall convert this Note into a registered Note by registering it in the name of the holder in the books of the Town kept in the office of such Town Clerk and endorsing a certificate of such registration hereon, after which both principal of and interest on this Note shall be payable only to the registered holder, his/her legal representatives, successors or transferees. This Note shall then be transferable only upon presentation to such Town Clerk with a written transfer of title and such Town Clerk shall thereupon register this Note in the name of the transferee in his books and shall endorse a certificate of such registration hereon. Such transfer shall be dated and signed by the registered holder, or his/her legal representatives, and it shall be duly acknowledged or proved, or in the alternative the signature thereto shall be certified as to its genuineness by an officer of a bank or trust company located and authorized to do business in this State.

This Note is the only note of an authorized issue, the principal amount of which is Three Hundred Seventy-Nine Thousand Five Hundred Dollars.

This Note is issued pursuant to the provisions of the Local Finance Law, constituting chapter 33-a of the Consolidated Laws of the State of New York, and the bond resolution adopted by the Town Board of the Town on January 30, 2003, authorizing the issuance of Serial Bonds for the construction of the Garnsey-Shilling Area Water District within the Town and the Certificate of Determination executed by the Town Supervisor on (date of release of funds). This Note has been designated by the Town as a qualified tax-exempt obligation pursuant to the provisions of section 265 of the Internal Revenue Code of 1986, as

amended.

The faith and credit of such Town are hereby irrevocably pledged for the punctual payment of the principal of and interest on this Note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this Note, exist, have happened and have been performed, and that this Note, together with all other indebtedness of such Town of Palmyra is within every debt and other limit prescribed by the Constitution and laws of such State.

IN WITNESS WHEREOF, the Town has caused this Note to be signed by its Supervisor and its corporate seal to be hereunto affixed and attested by its Clerk and this Note to be dated as of the (date of release of funds).

Town of Palmyra

By: _____
Supervisor

Attest:

By: _____
Town Clerk of the Town of Palmyra

- 7. Motion was made by David Nussbaumer and seconded by Michael Lambrix to approve claims and expenditures as shown on Abstract #53:

**MTN: APPROVE
ABSTRACT #53**

Voucher Numbers	Total
4141-4230	\$159,393.75

Voting was unanimous.

- 8. Motion to adjourn: Motion to adjourn was made at 8:43 p.m. by Michael Lambrix and seconded by James Welch. Voting was unanimous.

**MTN: TO
ADJOURN MTG.**

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

Next town board meeting is scheduled for Thursday, July 24, 2003 at 8 p.m. at the Town Hall.