

REGULAR TOWN BOARD MEETING

PALMYRA TOWN HALL DECEMBER 14, 2006

At 7:30 p.m., Supervisor David C. Lyon called to order the regular town board meeting, scheduled to be held on Thursday, December 14, 2006, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY.

CALL TO ORDER

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

PLEDGE TO THE FLAG

Upon roll call, the following board members were present:

David C. Lyon, Supervisor
James Welch, Councilman
David Nussbaumer, Councilman
Kenneth Miller, Councilman
Michael Lambrix, Councilman

ROLL CALL

Others in attendance at the Town Board meeting were Roy Wilck, Neil Gates, Dan Enright, Tim Wizeman and Derwent Jackson.

MEETING ATTENDANCE

Motion was made by Dave Nussbaumer to approve the minutes of the November 30, 2006 meeting of the Town Board.

MTN: APPROVE TOWN BOARD MEETING MINUTES OF 11/30/2006

Second: Jim Welch

Vote: 4 ayes. Carried.
Michael Lambrix abstained.

COMMUNICATIONS

Minutes of Town and County Planning Boards: Recommendations made by the Town of Palmyra Planning Board and the Wayne County Planning Board received during the first two weeks of December, concerning the Proposed Zoning Ordinance, were distributed and read. Also, a list of Changes to the October Draft, which had been made at previous meetings and prepared by Stuart I. Brown Associates, was received since the town board's November 30 meeting.

RECOMMENDATIONS FOR PROPOSED ZONING ORDINANCE BY TOWN AND COUNTY PLANNING BOARDS

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Ken Miller, Chairman

**BLDGS &
GROUNDS
REPORT**

Update on Town Hall Items: Ken Miller announced a frosted-glass window between the two offices previously leased to Power Personnel has been ordered. In the Server Room, he removed the air conditioner from the window. The room remains cool throughout the winter.

Highway Committee – Michael Lambrix, Chairman

1. Stop Signs at Galloway/Hogback Hill Rds. Intersection: In order to implement the request for stop signs in all three directions at the intersection of Galloway and Hogback Hill Roads, it is necessary for the board to approve a resolution to that effect.

RESOLUTION

**Additional Stop Signs
at Galloway Road/Hogback Hill Road Intersection**

**RESOLUTION
FOR
ADDITIONAL
STOP SIGNS AT
GALLOWAY/
HOGBACK HILL
INTERSECTION**

WHEREAS several Palmyra residents have observed or have experienced dangerous situations at the intersection of Galloway and Hogback Hill Roads, and

WHEREAS they have requested that the Palmyra Highway Superintendent further evaluate the need for stop signs in all directions at that intersection, and

WHEREAS requests for additional signage at that intersection appear in town board minutes as far back as 1982,

NOW THEREFORE BE IT RESOLVED that the Palmyra Highway Superintendent has completed his evaluation and requests Town Board approval of additional signage at this intersection,

AND BE IT FURTHER RESOLVED that the Town Board of the Town of Palmyra does hereby approve the request for stop signs in all directions of the intersection of Galloway and Hogback Hill Roads,

AND BE IT FURTHER RESOLVED that the Palmyra Highway Superintendent be authorized to contact the Wayne County Superintendent of Highways for implementation of this request.

Dated: December 14, 2006

**MTN: APPROVE
RESOLUTION TO
ADD STOP
SIGNS**

Mike Lambrix made the motion to approve the resolution to have stop signs at Galloway and Hogback Hill Roads in all directions. He added that there would need to be some warning signs, as drivers are not used to stopping in some directions.

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

2. Agreement between Town and Lincolns: William and Judy Lincoln, of Garnsey Road, live across the road from town property. Several cottonwood trees on town property create severe allergic reactions for the Lincolns, so they petitioned the town to remove the trees. The town attorney has drawn up the following "hold harmless" agreement to absolve the town of any responsibility in the removal of the trees. The Lincolns will take the trees down and remove them.

AGREEMENT

AGREEMENT made this 14th day of December, 2006, by and between the TOWN OF PALMYRA, a municipal corporation, with offices located at 1180 Canandaigua Road, Palmyra, New York, 14522, hereinafter referred to as the "Town" and William and Judy Lincoln, residing at 944 Garnsey Road, Palmyra, New York, 14522, hereinafter referred to as "Lincoln".

DECLARATION:

1. Lincoln has requested permission to take down certain cottonwood trees located on Town Property opposite their residence.
2. The Town will consent to the request if Lincoln will indemnify the Town and hold the Town harmless from any and all claims arising from the taking down of the cottonwood trees.
3. The Town will consent so long as Lincoln arranged the removal of the trees cut down and proper disposition of same.

NOW, THEREFORE, in consideration of the covenants contained herein it is agreed as follows:

1. Lincoln will add the Town as an additional insured to his current liability policy while he is removing the cottonwood trees and furnish a copy of the policy or binder to the Town.
2. Lincoln will cause the trees to be cut down and removed in a manner so that no one is injured and the work will not interfere with traffic on Garnsey Road.
3. Lincoln will indemnify and hold harmless the Town from any and all claims, injuries or damages arising out of his implementation of this agreement by cutting down and removing the cottonwood trees from the Town property.
4. Lincoln, by signing this agreement also agrees that he is not an employee or agent of the Town and if he should be injured, then in that event, he will be responsible for all of the medical injuries, damages, and other costs incurred for himself or his assistants by virtue of the permission granted herein.
5. The removal of the cottonwood trees and cleanup of site shall be completed to the satisfaction of the Town Highway Superintendent.
6. The Town, upon William Lincoln and Judy Lincoln executing this agreement signifying that they understand the conditions set forth above and agree to those terms and understand that they are assuming any and all liability for the proposed undertaking, will grant a license to take down the cottonwood trees as set forth hereinabove.

**AGREEMENT
FOR REMOVAL
OF
COTTONWOOD
TREES ON TOWN
PROPERTY**

- 7. This document shall be considered authority to proceed when signed by the Town and the liability policy is delivered.

IN WITNESS WHEREOF, the parties have set forth their hands and seals in the year first above written.

MTN: APPROVE AGREEMENT BETWEEN TOWN AND LINCOLNS FOR TREE REMOVAL ON GARNSEY RD.

William Lincoln
Judy Lincoln
David C. Lyon, Supervisor for the Town of Palmyra

Mike Lambrix made the motion to approve the agreement between the town and the Lincolns.

Second: Ken Miller

Vote: 5 ayes. Carried.

Planning Committee – James Welch, Chairman

PLANNING BOARD TERM ABOUT TO EXPIRE

Jim Welch said Stephen Landgrebe's term on the Town Planning Board will expire December 31, 2006.

Zoning Committee – David Nussbaumer, Chairman

NOMINEE FOR VACANT ZONING BOARD POSITION

- 1. Zoning Board Nominee to fill Expired Term: Derwent Jackson has agreed to serve on the Zoning Board of Appeals to replace Gary Wildey, whose term expired September 30th.

- 2. Equipment Purchase for CEO/Zoning Office: Bob Grier said his office computer equipment needed updating, and had funds in this year's budget to purchase the following: a PC for Denise Sellers's work station, a laptop PC for Bob to use in the field, and a printer for the office.

MTN: PURCHASE PC FOR CEO/ ZONING OFFICE

Dave Nussbaumer made the motion to approve purchase of a PC for the Code Enforcement office not to exceed \$1200.

Second: Ken Miller

Vote: 5 ayes. Carried.

MTN: PURCHASE LAPTOP PC FOR CEO/ZONING OFFICE

Dave Nussbaumer made the motion to approve purchase of a laptop PC not to exceed \$1200.

Second: Jim Welch

Vote: 5 ayes. Carried.

MTN: PURCHASE PRINTER FOR CEO/ZONING OFFICE

Dave Nussbaumer made the motion to approve purchase of a printer not to exceed \$120.

Second: Mike Lambrix

Vote: 5 ayes. Carried.

INFORMATIONAL ITEMS

1. Request for Laser Measuring Tool: Palmyra Assessor Elaine Herman has found a new laser measuring tool which makes measuring buildings easier. She has arranged a trade-in for the tool she uses now, to upgrade to this newer model, with a net cost of \$453.95 plus shipping and handling. She has enough money in her STAR funds to purchase it. A written description was provided each board member.

**REQUEST FOR
LASER
MEASURING
TOOL FOR
ASSESSOR'S
OFFICE**

2. Proposed Route 21 Sewer Project: The sewer line has been dug from the village line at Dar-Lind Lane to the Palmyra Animal Hospital. The proposed extension south on Route 21 has been received from the engineers. Board members looked over the map at the meeting, provided by MRB Engineering Group. It defined the properties where the owners would like to have sewer service and those where owners do not wish to have it. In addition, it offered three different lengths of sewer pipe installation, depending on what the board would like to do. The board selected the middle length of sewer line as the alternative including the most "positive" properties and least "negative" properties. Supervisor Lyon indicated the next step would be a public informational meeting. Mike Lambrix made the motion to schedule a public informational meeting on January 25, at 7:30 p.m. in the Town Hall.

**MTN: SCHEDULE
PUBLIC INFO
MEETING FOR
PROPOSED RT.
21 SEWER
PROJECT ON
1/25/2007**

Second: Dave Nussbaumer

Vote: 5 ayes. Carried

Lynne Green was asked to contact the Route 21 (Canandaigua Road) residents, as well as Dave Doyle of MRB Engineering Group, and notify them of the informational meeting.

3. Proposed Zoning Ordinance: Zoning Officer, Bob Grier, highlighted some changes that were recently made by Stu Brown Associates, dated December 14. Bob added that he removed the junk yard from an Agricultural designation to Light Industrial, changed Conditional Use Permit to Special Use Permit, and reworded Planned Development District to Overlay District--allowing for the original zoning plus an overlay for new development. Examples of this Overlay District include the intersection of Division Street with Maple Avenue, Cleason's Gravel Pit, and Palmyra Inn. In addition, he suggested that enforcement provisions, such as for open trash burning in rural areas, be proposed as a local law in the future.

**PROPOSED
ZONING
ORDINANCE
RECOMMENDA-
TIONS AND
DISCUSSION**

In addition, the Town Planning Board had made recommendations at their December 11th meeting:

**TOWN
PLANNING
BOARD
RECOMMENDA-
TIONS
CONCERNING
THE PROPOSED
ZONING
ORDINANCE**

"Vice Chairman Neil Gates asked the board if they had any comments or concerns regarding the letter submitted by Lane Young. Steve Landgrebe suggests the windmill tower be a maximum of 100 feet tall to the hub of the generator, to have a fall zone in all directions, no less than one and a half times the height of the tower, and must have a minimum five-acre lot. Dave Pinckney suggests if the windmill is commercially owned, a good faith bond should be applied, but a privately owned wind generator for personal use would be covered by the homeowner's insurance policy and the purchase of a wind energy rider to be added to the policy should be considered. Vice Chairman Neil Gates feels for a privately-owned wind generator, the property should be owned by the applicant, not to be erected on a leased parcel of land, because this could cause problems in the future. Vice Chairman Neil Gates asked if the board had any comments or concerns on the letter submitted by Roy Wilck. The Board feels the first item concerning open burning should be considered by the Town Board to be developed and adopted as a local law. The Board feels the remaining items on Mr. Wilck's letter are already covered by other regulations and/or locally adopted policies.

"Motion: Steve Landgrebe made a motion to recommend adopting the new zoning ordinance for the Town of Palmyra with the changes submitted by the Planning Board Members [see changes attached from November 13, 2006] and changes made to the letter submitted by Lane Young stating a wind generator tower shall be a maximum of 100 feet tall to the hub of the generator, to have a fall zone in all directions no less than one and one half times the height of the tower and must have a minimum five acre lot. Commercially owned wind generators should have a good faith bond applied, but a privately owned for personal use would be covered by the homeowner's insurance with the purchase of a wind energy rider to be added to the policy. A privately owned wind generator should only be allowed on land owned by the applicant and not on a leased parcel of land. In regards to the open burning on Roy Wilck's letter, the Board recommends the Town Board consider developing and adopting as a local law. The board feels the remaining item address in Mr. Wilck's letter is covered by other regulations and/or locally adopted policies."

The Wayne County Planning Board met on December 13th and "recommended approval of the amendment to the text and map with the following comments/conditions: 1) the Town Attorney approves the final draft and 2) the regulations are not found to be in conflict with NYS laws including the NYS Department of Agriculture and Markets Law and NYSDEC Mining and Reclamation Law.

**WAYNE COUNTY
PLANNING
BOARD
RECOMMENDA-
TIONS
CONCERNING
THE PROPOSED
ZONING
ORDINANCE**

"Other general recommendations/comments include: 1) zoning boundaries should follow tax parcel boundaries, not necessarily natural features such as creeks, 2) use of wording and definitions should be consistent through the document (e.g. "bed and breakfast"), 3) all schedules should include summary notations (e.g.: sign schedule), 4) "area bulk regulation" and "land use" schedules should be provided at the end of the document for quick reference, and 5) the maximum height of WECS of non-commercial Wind Energy Conversion Systems should be re-examined to determine if the maximum allowed (proposed) height will be functional given the Town's geography and wind capacity."

At this point Councilman Mike Lambrix introduced 30 changes in the Proposed Zoning Ordinance that he had noted upon thorough reading of the ordinance. Clerk Lynne Green listed them to give to Bob Grier for the final draft of the ordinance. Final changes should be available at the Town Board meeting December 28th. Dave Lyon said if the proposed zoning ordinance is ready, the board would plan on adopting it at that meeting.

**MORE CHANGES
TO THE
PROPOSED
ZONING
ORDINANCE**

AGENDA ITEMS

1. Resolution: Town/Village Sewer Services Agreement: In order for the town to avail itself of village sewage disposal services for the town's sewer districts, it is necessary to update the agreement dated August 26, 1999. The updated agreement will reflect a term of ten years from September 1, 2006. Dave Nussbaumer made the motion to approve the Agreement Between the Village of Palmyra and the Town of Palmyra Regarding Sewer Services.

**RESOLUTION:
APPROVE
UPDATED
TOWN/VILLAGE
SEWER
SERVICES
AGREEMENT**

Second: Mike Lambrix

Vote: 5 ayes. Carried.

A copy of the agreement is included with these minutes as Attachment A.

2. Reappointment to Town Planning Board: Mike Lambrix made the motion to reappoint Steve Landgrebe to the Town Planning Board for another five-year term.

**MTN:
REAPPOINT
STEVE
LANDGREBE TO
PLANNING
BOARD**

Second: Jim Welch

Vote: 5 ayes. Carried.

3. Appointment to Town Zoning Board: Dave Nussbaumer made the motion to appoint Derwent Jackson to the vacant Town Zoning Board of Appeals seat, for a five-year term to expire September 30, 2011.

**MTN: APPOINT
DERWENT
JACKSON TO
ZONING BOARD
OF APPEALS**

Second: Mike Lambrix

Vote: 5 ayes. Carried.

4. Approve Assessor's Request for Special Measuring Tool: Mike Lambrix made the motion to approve Assessor Elaine Herman's request for special laser measuring tools: DISTO A6, Laser Shades & Mite-R-Gage, not to exceed \$453 plus shipping and handling costs.

**MTN: APPROVE
PURCHASE OF
SPECIAL
MEASURING
TOOLS BY
ASSESSOR**

Second: Jim Welch

Vote: 5 ayes. Carried.

**MTN: ADJOURN
MEETING**

5. Motion to Adjourn: At 9:02 p.m., Mike Lambrix made the motion to adjourn the meeting.

Second: Ken Miller

Vote: 5 ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

Attachment A: Agreement Between the Village of Palmyra and the Town of Palmyra
Regarding Sewer Services

Next town board meeting: Thursday, December 28, 2006, at 7:30 p.m.
Palmyra Town Hall