

PUBLIC HEARING
PROPOSED LOCAL LAW #2 OF 1998 ENTITLED
"A LOCAL LAW RESCINDING LOCAL LAW #1 OF 1998
FOR THE CREATION OF A LIGHT INDUSTRIAL ZONE"

The public hearing scheduled to be held on Thursday, September 24, 1998 to consider the proposed Local Law #2 of 1998 at the Town office, 201 East Main Street, Palmyra, was called to order at 8:15 PM by Town Supervisor David C. Lyon.

Those in attendance at this public hearing, in addition to the board members included:

Rosemary Fredericksen, Canandaigua Road, Palmyra
Mr. & Mrs. Daniel Dart, Canandaigua Road, Palmyra
Robert Meyers, 1710 Vault Road, Palmyra
Jana Martin, Courier-Journal
Lawrence Butz, Wayne County Times
Jim Burns, Daily Messenger
Robert Grier, Code Enforcement Officer

The legal notice, as published in the Courier-Journal, was read by the Town Clerk.

Supervisor Lyon asked those present for any comments or questions regarding this proposed local law.

Angela Dart – This local law will take all the properties included in the industrial zone and put them back where they were, is that right?

Supervisor Lyon – That is correct. Rosemary Fredericksen – Does that include the Mertz property? Supervisor Lyon – Yes it does.

The following proposed local law was read into these minutes:

A Local Law Rescinding Local Law No. 1 for the Year 1998

Local law No. 2 of the Year 1998
For the Creation of a Light Industrial Zone

BE IT ENACTED by the Town Board of the Town of Palmyra as follows:

Section 1. That Local Law No. 1 of the year 1998 for the creation of a light industrial zone along Route 21 be deleted.

Section 2. If any provision of the local law is inconsistent with any other local law, act, rule or regulation, then the provisions of this local law shall be controlling.

Section 3. This local law shall take effect upon filing with the Secretary of State.

Supervisor Lyon asked for any more comments or questions regarding this proposed local law. Angela Dart – The neighbors are excited about this and they want the board to know that.

Supervisor Lyon declared this public hearing closed at 8:22 PM.

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REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, September 24, 1998, at the Town Office, 201 East Main Street, Palmyra, was called to order by Town Supervisor David C. Lyon.

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

Upon roll call, the following board members were present:

- Town Supervisor - David C. Lyon
- Town Board Members - David Nussbaumer
- Lynne Green
- James Welch
- Michael Lambrix

David Nussbaumer moved to approve the minutes of the August 27, 1998 regular Town Board Meeting and the September 10, 1998 workshop meeting with business, as submitted.

Seconded by: Michael Lambrix Carried: Unanimously

The Board received the Supervisor's Monthly Report for filing.

COMMUNICATIONS

- 1. Invitation from Palmyra Fire Dept. for the dedication of the new ambulance and new fire truck on Sunday, October 11, 1998 at 2:00 PM at the fire hall

REPORTS OF STANDING COMMITTEES

- Assessment Committee - Lynne Green, Chairman
- 1. Assessor Update

No report at this time.

2. Request for a desk for the assessor's office

Lynne Green moved to approve the purchase of a desk for the assessor's office at a cost not to exceed \$657.00 and for said expense to be paid out of the STAR monies.

Seconded by: Michael Lambrix Carried: Unanimously

Highway Committee - David Nussbaumer, Chairman

1. Budget Transfer and Adjustments

David Nussbaumer moved to approve the following budget transfer and adjustments:

<u>FROM</u>	<u>TO</u>
HA Reserves – Common Highway Facilities HA237 \$ 2,532.00	General Garage/cont Expense A5132.4 \$ 2,532.00

BUDGET ADJUSTMENT

INCREASE: HA RESERVES – COMMON HIGHWAY FACILITIES
HA9901.903 \$2,532.00
INCREASE: GENERAL GARAGE/CONT EXP
A6132.4 \$2532.00

Seconded by: Michael Lambrix Carried: Unanimously

2. Cablevision Update

David Nussbaumer reported to the board that he had just come from the public hearing regarding the cablevision contract that had been held at the Lyon Court House. Very few people were there other than the committee itself. He will keep the board advised of the outcome.

Planning Committee - James Welch, Chairman

1. CEO Update

Robert Grier, Code Enforcement Officer, reported that he has to be at a trial regarding the Christopherson property on Garnsey Road, on October 6, 1998; the Boening building has been started; a new home has been started; there are some problems with the cell tower application; he did not attend the conference this week because of jury duty and he is presently working on the proposed airport project.

Zoning Committee - Michael Lambrix, Chairman

No report at this time.

AGENDA ITEMS

1. Transfer of funds

The following budget adjustment was moved by Michael Lambrix:

FROM		TO	
GENERAL ASSESSOR/ CONT. EXPENSE		GENERAL TEMP CLERK/ PERSNL SERVICES	
A1355.4	\$ 116.00	A1356.101	\$ 116.00

Seconded by: David Nussbaumer Carried: Unanimously

2. Request from the registrar to raise the cost of birth & death certificates from \$5.00 to \$10.00 and genealogy requests from \$2.00 to \$5.00

Town Clerk, Beverly Hickman, reported to the board that at the Wayne County Town Clerk's & Deputies Association meeting held this month, it was moved to increase the cost of birth and death certificates and of genealogy requests to be more in-line with the surrounding counties.

David Nussbaumer moved to approve the increase in fees charged for birth and death certificates from \$5.00 to \$10.00 and the genealogy requests from \$2.00 to \$5.00 as of January 1, 1999.

Seconded by: Michael Lambrix Carried: Unanimously

3. Tentative budget for 1999 presented to the board

Beverly E. Hickman, Town Clerk, presented the tentative budget for the calendar year 1999 to the board for their consideration.

4. Proposed Local Law #2 of 1998 – Subject of public hearing

David Nussbaumer moved to approve the proposed Local Law #2 of 1998 entitled "A Local Law Rescinding Local law #1 of 1998 for the Creation of a Light Industrial Zone" as printed in the minutes of the public hearing held this same date.

Seconded by: Michael Lambrix Carried: Unanimously

5. Stafford Road Sewer Project

Michael Lambrix moved to approve proceeding with the Stafford Road Sewer project and if a "final order to proceed" is required it will be done as soon as our attorney returns from vacation. James Welch asked if this would only be for the church. Supervisor Lyon said it would be for anyone that wants to hook in immediately.

Seconded by: David Nussbaumer Carried: Unanimously

ORDER

At a meeting of the Town Board of the Town of Palmyra, Wayne County, New York, held at the Town Hall, 201 East Main Street, Palmyra, New York, on the 24th day of September, 1998 at 7:30 PM, Daylight Savings Time, a meeting was called to order by Supervisor, David Lyon, and upon roll being called, there were the following present:

DAVID LYON, SUPERVISOR
DAVID NUSSBAUMER, COUNCILPERSON
LYNNE GREEN, COUNCILPERSON
MICHAEL LAMBRIX, COUNCILPERSON
JAMES T. WELCH, COUNCILPERSON

The following Resolution was offered by Michael Lambrix, who moved its adoption, seconded by David Nussbaumer, to wit:

A RESOLUTION AUTHORIZING THE CREATION OF THE STAFFORD ROAD SEWER DISTRICT NO. 1 IN THE TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK STATE

WHEREAS, by proceedings heretofore duly had and taken, the Town Board of the Town of Palmyra, Wayne County, New York, has duly established the creation of the Stafford Road Sewer District No. 1, and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Palmyra, Wayne County, New York, as follows:

1. That the boundaries of the Stafford Road Sewer District No. 1 within the Town of Palmyra are as shown on Schedule "A" attached hereto.
2. That there are no sums to be paid for capital improvement and no bonds are to be issued.
3. That the estimated total cost of the Stafford Road Sewer District No. 1 in the construction of the sewer system and/or the acquisition of the land or improvement is zero dollars (\$0) as the improvements will be constructed by the Owner of the real property within the District and thereafter to be dedicated to the Town.
4. Pursuant to Section 202 of the Town Law the cost of construction of said Stafford Road Sewer District No. 1 shall be assessed by the Town Board to all the properties located within the District on a Benefit basis.

This Resolution, which takes effect immediately, shall be published in full in the *Courier Journal*, the official newspaper, together with a notice of the Town Clerk.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Supervisor David Lyon	Voting Aye
Councilperson, James Welch	Voting Aye
Councilperson, Lynne Green	Voting Aye
Councilperson, Michael Lambrix	Voting Aye
Councilperson, David Nussbaumer	Voting Aye

The Resolution was thereupon declared duly adopted.

I hereby certify that the above is a true and exact copy of a Resolution pertaining to the authorization of the creation of the Stafford Road Sewer District No. 1 on file in the office of the Town Clerk of the Town of Palmyra.

Dated at Palmyra, NY this
19th day of October, 1998

Beverly E. Hickman, Town Clerk

(Seal)

This Resolution published herewith has been adopted on the 24th day of September, 1998 and the validity of the obligations authorized by such Resolution may be hereafter contested only if such obligations were authorized or an object or purpose for which the Town of Palmyra is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

Beverly E. Hickman, Town Clerk

SCHEDULE A

Description of Proposed Stafford Road Sanitary Sewer District.

ALL THAT TRACT OR PARCEL OF LAND, situate in Lot 43, Town of Palmyra, County of Wayne, State of New York, bounded and described as follows:

BEGINNING at a point in the centerline of Stafford Road in the County Line between the County of Ontario on the south and the County of Wayne on the north; running thence

- (1) Westerly 1700+LF, along the county Line, to a point on the westerly line of Tax Map Parcel No.. (TMP) 2.00-1-1-1, thence
- (2) Northerly 400+LF, along the westerly line of said TMP 2.00-1-1-1, to the northwest point thereof; thence
- (3) Easterly 800+LF, along the northerly line of said TMP, to a point marking the southwest corner of TMP 32111-00-367921; thence
- (4) Northerly 750+LF, along the westerly line of TMP 32110-00-367921, to a point marking the northwest corner thereof; thence
- (5) Easterly 650+LF, along the northerly line of said TMP, to a point in the centerline of Stafford Road; thence
- (6) Southerly 450+LF, along the centerline of Stafford Road, to a point marking the northwest corner of TMP 32110-00-429870; thence
- (7) Easterly 550+LF, along the north line of said TMP, to a point in the Lot Line between Lot No. 43 on the west and Lot No. 44 on the east; thence
- (8) Southerly 700+LF, along said Lot Line, to a point in the County Line between the County of Wayne on the north and the County of Ontario on the south; thence
- (9) Westerly 350+LF, along said County Line, to the point and place of beginning.

Dated: October 16, 1998
Beverly E. Hickman, Town Clerk

By Order of the Town Board

6. Budget workshop meeting

The board set Thursday, October 8, 1998 as the date for the next budget workshop meeting to be held at the Town Office at 7:30 PM

7. Reminder of the October 22, 1998 meeting to be held at the East Palmyra Fire Hall at 8:00 PM.

8. ACO Problem

David Nussbaumer reported to the board that Gary Rose, ACO, had talked to him about the \$8.00 fee for the serving of unlicensed dog tickets. Mr. Rose wants to be sure the board still wants to charge this fee. The board decided to talk to Mr. Rose again and will make a decision for the beginning of the new year.

Following a review of the claims and expenditures, David Nussbaumer moved to approve payment of the expenditures as shown on Abstract #9 with totals as follows:

<u>Account</u>	<u>Invoice #</u>	<u>Amount</u>
General	305-348	\$ 16,258.46
Part Town	153-173	\$13,896.76
DA Highway	163-172	\$68,257.07
DB Highway	69-83	\$43,563.87

Seconded by: Michael Lambrix Carried: Unanimously
(David Lyon abstained on invoice #75 in DB Highway)

Michael Lambrix moved to go into executive session to discuss personnel matters.

Seconded by: David Nussbaumer Carried: Unanimously

Supervisor Lyon declared this board out of executive session.

The following resolution honoring the retirement of Nelson J.

DeMay, Highway Department , was moved by David Nussbaumer:

WHEREAS, the Town of Palmyra has received, with regret, the resignation of Nelson J. DeMay from the Town of Palmyra Highway Department, and

WHEREAS, Nelson J. DeMay has been a valued employee during the past 35 years, and

WHEREAS, during that time, Nelson J. DeMay has willingly and professionally performed the duties assigned to him, and

WHEREAS, the Superintendents of Highway of the Town of Palmyra have realized that during those 35 plus years they could assign a task to Nelson and rely on him to perform the task in a good workmanlike manner, and

WHEREAS, the Town Board pauses in its deliberation to acknowledge Nelson J. DeMay for his devotion to the Palmyra Highway Department, to the Town of Palmyra and to the people of the Town of Palmyra and to express the gratitude of all of the residents of Palmyra for the services he has rendered, and

WHEREAS, the Town Board wishes to take this opportunity to wish Nelson good health and a long and enjoyable retirement, and

NOW THEREFORE BE IT RESOLVED, that the Town Board directs that this resolution be spread upon the minutes of the September 24, 1998 Town Board meeting and that the Town Clerk furnish a certified copy of this resolution to Nelson J. DeMay.

Seconded by: Michael Lambrix Carried: Unanimously

Michael Lambrix then moved to rescind the proposed Sewer District #1 of the Town of Palmyra that included three (3) parcels of property located on Rt. 21S, now or formerly of one Mertz; of one Kommer and of one LaBerge. A petition for a permissive referendum has not been received.

Seconded by: David Nussbaumer Carried: Unanimously

Lynne Green moved to adjourn this meeting of the Town Board.

Seconded by: Michael Lambrix Carried: Unanimously

Respectfully submitted,

Beverly E. Hickman
Town Clerk