

Town of Palmyra - Minutes

1994



January 5, 1994

ORGANIZATIONAL MEETING

The Organizational Meeting of the Town Board of the Town of Palmyra scheduled to be held on Wednesday, January 5, 1994 at the Town Office, 201 East Main Street, Palmyra, was called to order at 12:10 P.M. by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David C. Lyon
Town Councilmen - Andy Baran
Robert Grier
David Nussbaumer
Town Councilwoman - Lynne Green

Others present at this Organizational Meeting included:

Marsha Ducey - Dailey Messenger
Howard VanDyne - Courier-Journal
Elaine Harthagel - The Times
Paul T. Rubery - Town Attorney

The following appointments were then made by Supervisor Lyon:

SUPERVISOR APPOINTMENTS

| | |
|-----------------------------|--------------------|
| Deputy Supervisor | Andy Baran |
| Clerk to the Supervisor | Renee Lau |
| Secretary to the Supervisor | W. Virginia Wilson |
| Town Historian | Robert O. Lowe |

Committee Appointments

| | |
|---|------------------|
| Highway Committee - Chairman | Andy Baran |
| Planning Committee - Chairman (to include buildings) | Robert Grier |
| Zoning Committee - Chairman (to include insurance and to be Master Plan Comm. Rep.) | Lynne Green |
| Assessment Committee - Chairman (to include animal control) | David Nussbaumer |

Town Councilman David Nussbaumer moved to appoint Paul T. Rubery, Esquire, as the attorney for the Town of Palmyra for the fiscal year 1994. Town Councilman Andy Baran seconded this motion and it carried unanimously.

TN TO APPOINT ATTORNEY

The following appointment... and wages for the fiscal

ORGANIZATIONAL MEETING CONT. January 5, 1994

MTN TO APV
APPOINTMENTS
& WAGES FOR
1994

year 1994 were moved by Town Councilman Andy Baran,
seconded by Town Councilman David Nussbaumer and carried
unanimously:

| <u>TITLE</u> | <u>NAME</u> | <u>SALARY</u> |
|--|--------------------|----------------|
| Deputy Supervisor | Andy Baran | None |
| Budget Officer | David Lyon | \$ 604 pr yr |
| Town Attorney | Paul T. Rubery | \$13750 pr yr |
| Town Historian | Robert O. Lowe | \$ 150 pr yr |
| Town Constable | Francis Toole | Fee Rembrsmnt |
| Zoning Enforcement Ofcr | Earl Vanderwall | \$ 12.80 pr hr |
| Building Inspector | Earl Vanderwall | |
| Deputy Zoning Enfrcmnt Officer & Bldg Insptr | James Youngman | \$ 10.00 pr hr |
| Animal Control Officer & Rabies Responder | Kim Diefendorf | \$ 6,528 pr yr |
| Deputy Animal Control & Rabies Responder | Don Diefendorf | None |
| Wtr Dist Superintendent | Nelson F. Cook | \$ 2100 pr yr |
| Deputy Wtr Dist Super. | Fred Lawson | None |
| Wtr District Cashier | Beverly E. Hickman | \$ 925 pr yr |
| Wtr Billing Clerk | Betty B. Stubbings | \$ 8.00 pr hr |
| | & Cathy Contant | \$ 8.50 pr hr |
| Dpty Wtr Billing Clerk | W. Virginia Wilson | \$ 8.00 pr hr |
| Deputy Town Clerk | Catherine Contant | \$ 8.50 pr hr |
| Deputy Town Clerk | W. Virginia Wilson | \$ 8.00 pr hr |
| Office Clerk | Betty B. Stubbings | \$ 8.00 pr hr |
| Computer Program Administrator | Catherine Contant | \$ 8.50 pr hr |
| Clerk to the Supervisor | Renee Lau | \$ 8.00 pr hr |
| Sec to the Supervisor | W. Virginia Wilson | \$ 8.00 pr hr |
| Registrar (4yr - 1995) | Beverly E. Hickman | Fee Rembrsmnt |
| Deputy Registrar (Same) | Catherine Contant | Fee Rembrsmnt |
| Acct Clk to Assessor | Elaine Herman | \$16,000 pr yr |
| Dpty Hiwy Suprntdnt | Fred Lawson | \$ 12.90 pr hr |
| Bingo Inspector | Robert Nellis | \$10.00 pr oca |
| Health Officer (4 yr - 1995) | Alan Lorenz MD | Per Statute |
| Court Clerk | Helga Haak | \$ 3700 pr yr |
| Court Clerk | Patricia Baynes | \$ 3700 pr yr |
| Sec. to Zoning Bd, Plng. Inspctr/Zng. Officer | Sue Regis | \$ 8.00 pr hr |
| Voting Mach Custodians | County Appointed | \$150 p occasn |
| Election Inspectors | County Appointed | \$ 5.50 pr hr |

Andy Baran moved to set the hourly rates for the
Town Highway crew as follows:

| | |
|--------------------|----------------|
| Dpty Hiwy Supt. | \$ 12.90 pr hr |
| Equipmnt Operators | \$ 12.09 pr hr |
| Part time | \$ 8.00 pr hr |
| Summer help | \$ 7.00 pr hr |

Councilwoman Lynne Green seconded this motion and it
carried unanimously.

Councilman Nussbaumer moved to set the rate for
mileage at \$.26 per mile. Councilman Baran seconded
this motion and it carried unanimously.

MTN TO SET
RATE FOR
MILEAGE

The motion to designate the Courier Journal as the
official newspaper for the town of Palmyra was moved by
Councilman Andy Baran, seconded by Councilwoman Lynne

MTN TO
DESIGNATE
OFFICIAL
NEWSPAPER

ORGANIZATIONAL MEETING CONT.

Jan. 5, 1994

Green and carried upon roll call vote of 3 ayes and 1 naye. Supervisor Lyon voted naye.

Councilman David Nussbaumer moved to designate the meeting nights for this Town Board to be the second Thursday of each month for a workshop meeting if needed and the fourth Thursday of each month for a regular meeting; with the regular meeting in April and October to be held in East Palmyra; the regular meeting in November will be held on Thursday, November 17, 1992 (due to the Thanksgiving holiday) and the December meetings to be held on Thursday, December 8th and 29th with said meetings to begin at 7:30 p.m. Eastern Standard Time and at 8:00 p.m. Eastern Daylight Savings Time. Councilman Andy Baran seconded this motion, and it carried unanimously.

MIN TO DESIGNATE
MTG NIGHTS

A motion was then offered by Councilman Baran, seconded by Councilman Nussbaumer and carried unanimously, to designate the official depositories for the Town of Palmyra as follows:

MIN TO DESIGNATE
OFFICIAL
DEPOSITORIES

- Marine Midland Bank N/A
- Chase Manhattan N/A
- M & T Trust Company
- Key Bank
- Fleet Bank

Town Councilman Andy Baran moved to pay utilities, hospitalization, dental insurance, postage, disability insurance, retirement, municipal insurance, social security and Wayne County Water & Sewer Authority prior to audit. Councilman Nussbaumer seconded this motion and it carried unanimously.

MIN TO PAY PRIOR
TO AUDIT

The motion to set the price of gravel at a cost not to exceed \$1.50 per cubic yard was moved by Councilman Nussbaumer, seconded by Councilwoman Green and carried with 3 ayes and 1 naye. Councilman Baran voted naye.

MIN TO SET
PRICE OF GRAVEL

Councilman Baran moved to make all appointments and salaries retroactive to January 1, 1994. Councilman Nussbaumer seconded this motion and it carried

MIN TO MAKE
APPOINTMENTS &
WAGES RETROACTIVE

ORGANIZATIONAL MEETING CONT.

January 5, 1994

unanimously.

MTN TO ADPT
RULES OF
PROCEDURE

Councilman Nussbaumer moved to adopt the Rules of Procedure for the fiscal year 1994. The second to this motion came from Councilman Baran and it carried unanimously.

MTN TO APV
DELEGATE TO
ASSOC OF TNS
MEETING

Councilman Baran moved to appoint the Town Attorney, Paul T. Rubery, Esquire, as our delegate to the 1992 Association of Towns Meeting in New York City. Councilman Nussbaumer seconded this motion and it carried unanimously.

MTN TO APV
AUTHORIZATION
FOR CHECK
SIGNING

Councilman Nussbaumer moved that the authorization for check signing be as follows:

David C. Lyon -or- Andy Baran
and

Beverly E. Hickman -or- Betty B. Stubbings
Councilwoman Green seconded this motion and it carried unanimously.

DATE SET TO
AUDIT BOOKS
OF JUSTICES
& TN CLERK

Town Councilman Robert Grier arrived at this time. The Board set January 27, 1994 as the date to audit the books of Justice Abbott, Justice Rodman and Town Clerk, Beverly E. Hickman, for the calendar year 1993 if arrangements can be made to have everyone's books available.

MTN TO APV
APPOINTMENT
TO TN PLNG
BOARD FOR
E. DUNDAS

Councilman Nussbaumer moved to appoint Edward Dundas, Goldsmith Road, Palmyra, to the Palmyra Planning Board for a five year term ending December 31, 1998. Robert Grier seconded this motion and it carried unanimously.

MTN TO SET
PUB HEARING
DATE FOR
L L #1 OF
1994

Councilman Baran moved to set a Public Hearing date of January 27, 1994 at 7:30 PM to consider Local Law #1 of 1994 which will amend Local Law #1 of 1993. Councilman Nussbaumer seconded this motion and it carried unanimously.

CERTIFICATES
OF RECOGNITN
D. SINCLAIR
G. TILBURG

Supervisor Lyon suggested the Board send a Certificate of Recognition to Donald Sinclair for his sixteen years of service as a Town Councilman and to

ORGANIZATIONAL MEETING CONT.

January 5, 1993

George Tilburg for his many years of service on the Palmyra Planning Board. The Board members agreed that this should be done.

Councilman Nussbaumer moved to go into executive session to discuss personnel matters. Councilwoman Green seconded this motion and it carried unanimously.

MIN TO GO INTO EXEC SESSION

Councilman Grier moved to come out of executive session, with Councilman Baran seconding. This motion carried unanimously.

MIN TO COME OUT OF EXEC SESSION

The motion to adjourn this meeting of the Town Board was offered by Councilman Nussbaumer and seconded by Councilman Baran. This motion carried unanimously.

MIN TO ADJOURN

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman

Town Clerk

January 6, 1994

PUBLIC HEARING
Establishment of Central Water District

PUB HEARING
CALLED TO
ORDER

The Public Hearing scheduled to be held on Thursday, January 6, 1994 at the Palmyra-Macedon Central High School, Hyde Parkway, Palmyra, was called to order at 7:30 PM by Town Supervisor David Lyon.

In addition to the Town Board there were approximately 300 people in attendance.

Due to the length of the legal notice, Supervisor Lyon waived the reading of same.

Anthony Malone and Jeoff Benway were present to represent MRB Group, Inc. and to give those present a over-view of the proposed waterline. Some of the comments made by Mr. Malone were:

- a) The area north of the canal will be supplied by Lake Ontario water. The area south of the canal will hopefully be supplied by contract with the Village of Palmyra. Alternate sources were investigated but were not financially feasible.
- b) Approximately 31 parcels are being actively farmed at present. The Town Board has adopted a lateral restriction policy that will impact these parcels.
- c) He went over the "Summary of Financing Factors" sheet.
- d) He said that there are three steps involved in getting this waterline under motion -
 - 1) Hold a public hearing
 - 2) Submit application and other necessary information to NYS Department of Audit & Control
 - 3) Authorization of engineer's reports, plans and bidding documents
- e) We could have approval from NYS Department of Audit & Control by early; if so, construction could begin in June or July of 1994 with completion December 1995

At this time Mr. Malone turned the meeting back to Supervisor Lyon who asked for questions or comments from those present.

Several people verified whether or not their property was included in this waterline.

Bill Malone asked about the quality and softness of Lake Ontario water. Mr. Malone told him that they use the highest level of treatment; they meet or

exceed the standards and that it is very soft compared to some well water.

Robert Rusco asked if the pavement would be torn up or if it would go under the road. Mr. Malone told him that if it is a state highway it is required we bore under. On town roads however, some will be open-cut and some will be bored.

Jerry Sherman stated that he had moved here in May from Williamson and hardness was never a problem with the Lake Ontario water.

John Wilson asked what kind of pipe. Mr. Malone told him it would be plastic. Mr. Wilson then asked where the figure of \$1250 came from. Mr. Malone told him it is a estimate right now and it may come down after taking the bids for the job.

John Prizzi asked if there would be separate charges for people on the same side of the road as the line as opposed to people living across the road. Supervisor Lyon told him that the general policy is for one charge for everyone in the district no matter which side of the road they might live on.

Roxann Katchel asked why all of Trolley Road is not included. Supervisor Lyon told her, if she lives close to Hammond Road she will be included; it is not feasible to include the other end at this time.

Evy VanderMolen asked if anyone had looked into the condition of the lines feeding the Village of Palmyra. Supervisor Lyon asked the Village Mayor, James Elliott, to answer this question. Mayor Elliott stated that the line from Palmyra to Canandaigua Lake should serve us for many years yet. He said there is one area that has severe stone damage, but only that one area. Mayor Elliott said that the Village does have excess capacity and this will help both municipalities contain cost.

Chuck Worth asked about a gas line being installed at the same time to cut down on costs. Judy Piscotti, representing NYSEG, said that the request has been made and they are working on studies for several of the roads included in this proposed water district to determine the feasibility of a gas line at the same time. Ms. Piscotti said that the gas lines are put 36 inches deep and the waterline is put 5 foot deep, thus, saving money for the Town and NYSEG if it can be done jointly. When the studies are complete they will determine the feasibility; however, at this time she could not make a commitment of any kind.

Roy Wilck asked how far away the hydrants would be and will the meters be inside or outside of the houses. Supervisor Lyon told him there will be meters both inside and outside each house. Mr. Malone said the hydrants will be 500 to 700 feet apart depending on the density of the area.

A gentleman asked if there would be sewers put in at this time. Supervisor Lyon told him that sewers were still quite a ways down the road.

Peter Angell asked where the estimated number of connected parcels came from. Supervisor Lyon explained that this figure came from the petitions that were circulated asking who wanted water. Mr. Malone told him that they figured approximately 80% might actually connect.

John Baynes asked if this was subject to a permissive referendum. Supervisor Lyon told him it is. Paul Rubery, Town Attorney, said that if a certain percentage of people sign a petition asking for a permissive referendum it would then be voted on by the residents in the Town, outside the Village.

Paul Baran asked why Vienna Road was changed. Tony Malone told him that in August the plan wasn't to go down Vienna Road but since then the petitions had

PUB. HEAR. CONT. - CENTRAL WATER DIST. Jan. 6, 1994
been carried in that area and enough people wanted it
to warrant adding it.

Dan Gardner asked how much we were going to pay
the engineers and what percentage is it. Supervisor
Lyon told him the cost will be \$148,000 for
preliminary engineering and that is a below average
figure of 5.3%. Mr. Gardner asked what percent for
legal cost. Supervisor Lyon said legal costs would be
about 1.8%.

Someone asked if there would be any special rules
about what the people can do with their existing
wells. Mr. Malone answered that these wells cannot be
inter-connected to town water, but they could continue
to use them for gardening, farming, etc., but would
have to put in backflow protectors.

Roy Wilck asked if assessments will be raised
automatically. Supervisor Lyon told him that his
assessment might creep up over a time but because
values go up, not because he puts in a water service.

Dan Wooden asked about the Town buying water from
the Village rather than Monroe County. Supervisor
Lyon told him the figures speak for themselves; Monroe
County will sell the Town water for much less than the
Village of Palmyra will.

A gentleman from Rt. 21N simply stated that he is
sick of well water

Emerich Yusko said that it costs more to process
lousy well water than it will to hook into this new
water district. He asked if they would have to wait
for the entire line to be completed before the water
is actually turned on. Mr. Malone told him that it
might be possible to have sections tested and turned
on; he said he wasn't sure at this time.

John Baynes stated that areas south of the canal
were not possible in August; what happened to change
that? Mr. Malone said that he was not sure that was

PUB. HEAR. CONT. - CENTRAL WATER DIST. Jan. 6. 1994
an accurate statement because these sections were
considered even in August.

Supervisor Lyon declared this public hearing
closed at 9:20 PM.

PUB HEARING
DECLARED
CLOSED

REGULAR BUSINESS MEETING

The regular meeting of the Town Board scheduled
to be held on Thursday, January 6, 1994 was called to
order at 9:35 PM by Town Supervisor David Lyon.

CALL TO ORDER

Upon roll call the following Town Board members
were present:

ROLL CALL

- Town Supervisor - David Lyon
- Town Councilmen - Andy Baran
- Robert Grier
- David Nussbaumer
- Councilwoman - Lynne Green

AGENDA ITEMS

1. Water resolution

The following resolution to establish a water district
was moved by David Nussbaumer:

MTN TO APV
ESTABLISHING
A WATER
DISTRICT

A meeting of the Town Board of the Town of
Palmyra was held at the Palmyra-Macedon High
School, in the Town on January 6, 1994 at 7:30 PM
on the matter of the establishment of the water
district in the Town of Palmyra, pursuant to
Article 12-A of the Town Law.

A map, plan and report relating the estab-
lishment of the proposed water district, prepared
by MRB Group, P.C., a competent engineer,
licensed by the State of New York, in the manner
and detail required by the Town Board has been
filed with the Town Clerk of the Town of Palmyra,
in accordance with the requirements of Article
12-A of the Town Law.

On December 16, 1993, an order was adopted
by the Town Board reciting the filing of the map,
plan and report, the boundaries of the proposed
district, the improvements proposed, the
estimated expense of these improvements, the
proposed method of financing, the fact that the
map, plan and report are on file in the Town
Clerk's Office for public inspection and all
other matters required by law to be stated.

The order set January 6, 1994, at 7:30 PM
at the Palmyra-Macedon High School in the Town,
to consider the map, plan and report and to hear
all persons interested in this matter and to take
action as required by law.

The order was published and posted as
required by law.

A hearing on the matter was held by the Town
Board on January 6, 1994, (beginning at 7:30 PM)
and the matter was fully discussed and all
interested persons were heard.

REG. TOWN BOARD MTG. CONT. January 6, 1994

Upon the evidence given at the hearing and upon a motion made and seconded, the following resolution was unanimously adopted:

It is hereby determined that:

(a) The notice of hearing was published and posted as required by law, and is otherwise sufficient.

(b) All the property and property owners within the proposed district are benefited thereby.

(c) All property and property owners benefited are included within the limits of the proposed district.

(d) The establishment of this district is in the public interest.

(e) That the proposed district is outside of the Village of Palmyra and any existing district.

It is further determined and resolved that the district, as set forth in the map, plan and report be approved, that the requested improvement be constructed, and that the necessary easements and lands be acquired, upon the required funds being made available and provided for.

It is further resolved that this district shall be known as the Central Water District in the Town of Palmyra and shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND

to be in the North Central Section of the Palmyra Water District

(Encompassing Macedon Center Road, Jeffery Road, Walker Road, Maple Avenue, part of NYS Route 21, North Creek Road, part of Schilling Road, Omeal Road, East Palmyra, Tellier Road, part of Port Gibson Road, part of Hog Back Road.)

Commencing at a point of beginning being the intersection of the north right-of-way line of the former Penn Central Railroad and the Palmyra-Macedon Town line; thence

1. 13.500 ft \pm northerly along the Palmyra-Macedon Town line to its intersection with the Palmyra-Marion Town line; thence
2. 600 \pm easterly along the Palmyra-Marion Town line to a point; thence
3. Southerly along the line 300' easterly from and parallel to Maple Avenue to a point of intersection with the north property line of tax account #330830; thence
4. Easterly along the north property line of said parcel and its extension to a point; thence
5. Southerly along the line 500' easterly from and parallel to the centerline of Maple Avenue to a point of intersection with the south property line of tax account #400740; thence
6. Easterly along the southern property line of tax account #400740 to its southeast corner; thence
7. Southerly along the eastern boundary line of tax account #441660 to its southeast corner; thence

8. 870' ± westerly along the southern boundary of tax account #441660 and continuing along part of the southern boundary of tax account #333325 to a point; thence
9. Southerly along the line 500' easterly from and parallel to Maple Avenue to its intersection of the northern property line of tax account #526980; thence
10. Easterly along the northern property line of said tax account to its northeast corner; thence
11. Southerly along the eastern boundary line of tax accounts #526980 through and inclusive of tax account #521845 continuing along the eastern boundary line continuing along part of the eastern boundary line of tax account #530805 to a point; thence
12. Easterly along the line 500' northerly from and parallel to the centerline of Jeffery Road to a point of intersection with the western property line of tax account #910792; thence
13. Northerly along said western property line of tax account #910792 to its northwest corner; thence
14. Easterly along the northern property line of tax accounts #910792 and #940790 and its eastern projection thereto to the east right-of-way line of Parker Road.
15. Continuing easterly along a line whose bearing is the same as Course 14 to a point being located 770' ± north of Jeffery Road; thence
16. 270' ± southerly along a line 915' ± easterly from and parallel to Parker Road to a point; thence
17. Easterly along the line 500' northerly from and parallel to Jeffrey Road to the intersection with the west property line of tax account #180790; thence
18. Northerly along said west property line to its northwest corner; thence
19. Easterly along the northerly property line of tax accounts #180790 and #240780 to the southwest corner of tax account #300784; thence
20. 300' northeasterly along the westerly property line of tax accounts #300784 - #314801 to the northwest corner of said tax account #314801; thence
21. Westerly and northerly along the property line of tax accounts #313820 and #325830 to the northwest corner of said tax account #325830; thence
22. 417' ± to the northeast corner of tax account #325830; thence
23. Southeasterly to the northwest corner of tax account #361801; thence
24. 1,000' ± easterly along the northern property line of tax account #361801 to a point; thence
25. Southerly along the line 1,000' easterly from and parallel to the centerline of Palmyra-Marion Road (NYS Route 21) to a point in the easterly projection of the north property line of tax account #190143; thence
26. Westerly 260' ± along said projected north property line of tax account #190143 to a point; thence
27. Southerly along the easterly property line of tax accounts #160109 - #160986 and continuing along east line of tax account #182877 to a point; thence

28. Easterly along the line 500' northerly from and parallel to the centerline of North Creek Road to the intersection with the west property line of tax account #541821; thence
29. Northerly, easterly; southerly along the northern portion of tax account #541821 to a point; thence
30. Continuing easterly along the line 500' northerly from and parallel to the centerline of North Creek Road to a point of intersection with the west property line of tax account #610835; thence
31. Northerly along tax account #610835 to its northwest corner; thence
32. Easterly along the northern property line of tax accounts #610835 - #695879 to the northwest corner of said tax account; thence
33. Further along the westerly property lines of tax accounts #699901 - ⁶⁸⁴~~#6994939~~ to the intersection of the southern property line of tax account #689962; thence
34. Westerly along tax account #689962 to its southwest corner; thence
35. Northerly along the westerly boundary line of tax accounts #689962 and #690910 to the northwest corner of tax account #690910; thence
36. Easterly along the northerly property line of said tax account #690910 to the centerline of Schilling Road; thence
37. Southerly along the centerline of Schilling Road to a point; thence
38. Easterly along the northerly boundary line of tax account #760010 to the northeast corner of said parcel; thence
39. Southerly along the east boundary line of tax accounts #760010, #760980 to a point; thence
40. Easterly along the line 500' northerly from and parallel to the centerline of North Creek Road to its intersection with the west property line of tax account #944101; thence
41. Northerly along the westerly property line of tax account #944101 - #952207 to the northwest corner of tax account #952207; thence
42. Easterly along the northerly property line of tax account #952207 to a point; thence
43. Continuing northeasterly along the line 500' northerly from and parallel to the centerline of North Creek Road to a point of intersection in the west property line of tax account #118375; thence
44. Continuing northerly along said westerly boundary line of tax account #118375 to said northwest corner of said parcel; thence
45. Easterly along the north property line of tax account #118375 to a point; thence
46. Continuing northerly along a line 500' northerly from and parallel with the centerline of North Creek Road to a point of intersection with the west property line of tax account #347571; thence
47. Northerly along said westerly property line of tax account #347571 to the northwest corner of said parcel; thence
48. Easterly along the northerly boundary of tax accounts #347571, #404576 and #420525 to a point of intersection with the west property line of tax account #490871; thence

49. Northerly along the westerly boundary line of tax account #490671 to a point; thence
50. Continuing easterly along the line 500' northerly from and parallel to the centerline of North Creek Road to a point of intersection with the west property line of tax account #580618; thence
51. Northerly along the west property line of tax account #580618 through and inclusive of the west property line of #550880 to the intersection with the centerline of the Newark-Marion Road; thence
52. Southeasterly along the centerline of the Newark-Marion Road to a point; thence
53. Southwesterly along the line 500' easterly from and parallel to the centerline of County Road 141 to the intersection to a point of intersection with the easterly property line of tax account #720660; thence
54. Continuing southerly along the east boundary line of tax account #720660 to the southeast corner of said parcel; thence
55. 180' westerly along the southern boundary line of tax account #720660 to the southwest corner of said parcel; thence
56. Southerly along the easterly property line of tax account #680582 and its projection to the intersection with the southerly right-of-way line of the former Penn Central Railroad; thence
57. Easterly along the southerly right-of-way line of the former Penn Central Railroad to the intersection with the Palmyra-Arcadia town line; thence
58. Southerly along said town boundary line to a point of intersection with a line 500' southerly from and parallel to the centerline of Tellier Road; thence
59. Westerly along the line 500' southerly from and parallel to the Tellier Road to the intersection with the easterly property line of tax account #712425; thence
60. Southerly along said east property line of tax accounts #712425, #701407 and #688182 to the southeast corner of said parcel; thence
61. Westerly along the southerly property line of tax account #688182 to a point; thence
62. Southerly along the line 500' easterly from and parallel to the centerline of Port Gibson Road to a point of intersection with the northerly property line of tax account #693606; thence
63. Easterly and southerly along the property line of tax account #693606 and 693555 to the intersection with the centerline of Hog Back Road; thence
64. Westerly along the centerline of Hog Back Road to a point; thence
65. Southerly along the line 500' easterly from and parallel to Port Gibson Road to the point of intersection with the northerly property line of tax account #741330; thence
66. Westerly along the northerly property line of tax account #741330 to the centerline of Port Gibson Road; thence

67. Continuing westerly along the southerly boundary line of tax account #630465 through and inclusive of tax account #437465 to the southwest corner of said parcel; thence
68. Northerly along the westerly boundary line of tax account #437465 through and inclusive of tax account #440550 to the centerline of Hog Back Road; thence
69. Easterly along the centerline of Hog Back Road to a point; thence
70. Northerly along the westerly property line of tax account #450614 to the northwest corner of said parcel; thence
71. 408'± to the northeast corner of said parcel; thence
72. Southerly along the east property line of tax account #450614 to a point; thence
73. Easterly along the line 500' northerly from and parallel to Hog Back Road to a point of the intersection of west property line of tax account #598530; thence
74. Northerly and easterly along the said property line of tax account #598530 to a point; thence
75. Northerly along the a line 500' westerly from and parallel to the centerline of Port Gibson Road to the intersection with the south property line of tax account #624706; thence
76. Westerly 290'± to the southwest corner of said tax account #624706; thence
77. Northerly along the west property line of tax account #624706 and 613759 to the northwest corner of said tax account #613759; thence
78. Easterly along the northerly property line of tax account #613759 to a point; thence
79. Continuing northerly along the line 500' westerly from and parallel with the centerline of Port Gibson Road to a point; thence
80. Westerly along the line 500' southerly from and parallel to South Creek Road to a point; thence
81. Northerly along the west property line and its southerly projection thereto of tax account #570429 and continuing northerly along said bearing to the north right-of-way line of the former Penn Central Railroad; thence
82. Generally westerly along the north right-of-way line of the former Penn Central Railroad to its point of intersection with the Palmyra-Macedon Town line said point being the point of beginning.

Description of the Proposed Central Water District Being Part of the Town of Palmyra,
Wayne County, New York

Section 3

(Southeast Section (Inclusive of NYS Route 31, Hammond, part of Vienna, Cornwall and part of Town Line Roads.)

Commencing at the intersection of the Centerline of NYS Route 31 and the easterly boundary line of the existing East Palmyra Water District; thence

1. Northerly along the east boundary line of the East Palmyra Water District and its projection to the centerline of the New York State Barge Canal property; thence
2. Meandering easterly and southerly along the centerline of said New York State Barge Canal property to its point of intersection with the Town of Palmyra, Ontario County boundary line; thence
3. Westerly along said Town-County boundary line to a point of intersection with the westerly property of tax account #335940; thence
4. Northwesterly along the westerly property line of tax account #335940 to the northwest corner of said parcel; thence
5. Easterly along the north line of tax account #335940 to a point; thence
6. Northerly and westerly along a line 500' westerly from and parallel to the centerline of NYS Route 31 to a point of intersection with the east property line of tax account #857656; thence
7. Northerly along said tax account to its northeast corner; thence
8. Westerly along the northern property line of tax account #857656 to its northwest corner; thence
9. 430' southerly along the west boundary line of tax account #857656 to its southwest corner; thence
10. 391'± along the southerly boundary of tax account #825641 to a point; thence
11. Southerly along the easterly property lines of tax accounts #795603 and #795560 to a point of intersection with the northerly property line of tax account #795503; thence
12. 125'± along the northern property line of tax account #795503 to its northeast corner; thence
13. Southerly along the eastern property line of said tax account to its southeast corner; thence
14. 80'± westerly along the southern property line of tax account #795503 to a point; thence
15. 466'± along the eastern property line of tax account #795466 to a point of intersection with the south property line of said tax account; thence
16. Westerly along said southern property line to a point; thence

- 17. Southerly along the line 500' easterly from and parallel to the centerline of Hammond Road to its point of intersection of a line 500' southerly from and parallel to the western branch of Vienna Road; thence
- 18. Westerly along said line 500' southerly from and parallel to the western branch of Vienna Road to a point; thence
- 19. Southerly along the line 500' easterly from and parallel to the centerline of Cornwall Road to its point of intersection with the Town of Palmyra-Ontario County boundary line; thence
- 20. Westerly along said Town-County boundary line to a point of intersection with the projected southerly property line of tax account #376890; thence
- 21. Northerly along the westerly property line of tax account #376890 to the northwest corner of said parcel; thence
- 22. Easterly along the northern property line of said parcel to a point; thence
- 23. Northerly along the line 500' westerly from and parallel to the centerline of Cornwall Road to its intersection with the line 580' northerly from and parallel to the centerline of the western segment of Vienna Road; thence
- 24. Easterly along said line 580' northerly from and parallel to the centerline of the western segment of Vienna Road to a point of intersection with the line 500' westerly from and parallel to the centerline of Hammond Road; thence
- 25. Northerly along said line 500' westerly from and parallel to the centerline of Hammond Road to its intersection with the southern property line of tax account #691391; thence
- 26. 400' westerly along the southern property line of said tax account to its southwest corner; thence
- 27. 250' northerly along the west boundary line of said tax account to the southerly right-of-way line of Trolley Road; thence
- 28. Continuing northerly along the western boundary line of tax accounts #694427-717616 to the northeast corner of tax account #655511; thence
- 29. Westerly along the northern boundary of tax account #655511 to a point; thence
- 30. Northerly along the westerly property line of tax account #651601 to its point of intersection with the southerly boundary of the East Palmyra Water District; thence
- 31. Easterly and northerly along said East Palmyra Water District to the point of beginning.

Southwest Section (consisting of Stafford Road)

Beginning at the intersection of the centerline of Stafford Road and the south boundary line of the Village of Palmyra; thence

1. Easterly along the southern boundary of the Village of Palmyra to a point; thence
2. Southerly along the line 500' easterly from and parallel to the centerline of Stafford Road to a point of intersection with the north right-of-way line of a future road; thence
3. Easterly along the north right-of-way line of a proposed road to the projection of the eastern property line of a subdivision inclusive of tax accounts #450995 - #450945; thence
4. 1,850' southerly along the eastern property line of tax accounts #450995 - #450945 and its projection through to the intersection with the Palmyra-Ontario County property line; thence
5. Westerly along the Town of Palmyra-Ontario County property line to the point of intersection with the Palmyra-Macedon Town line; thence
6. Northerly along the Palmyra-Macedon Town line to the point of intersection with the existing Village-Town of Palmyra boundary line; thence
7. Easterly-northerly continuing easterly and continuing northerly along the Village-Town boundary line to its intersection with the southeast corner of tax account #312435; thence
8. Easterly along the southerly property lines of tax accounts #329432 and 341429 to the southeast corner of tax account #341429; thence
9. 150'± northerly along the eastern property line of tax account #341429 to its intersection with the Village-Town boundary line; thence
10. 325' easterly along the Village-Town boundary line to the point of beginning.

It is described on a map and plan on file in the Town Clerk's Office.

It is further resolved that the proposed improvement, including construction costs, cost of acquisition of lands and easements, legal and engineering fees, and all other expenses, be financed by the issuance of serial bonds in an amount not to exceed \$2,750,000.00 of the Town to mature in a number of annual installments not exceeding 40 as may be determined by the Town Board, the cost of constructing the Water District to be assessed by the Town Board in as close a proportion to the benefit to which each lot or parcel will derive from the improvement as is possible.

It is further resolved that this resolution is subject to permissive referendum as provided in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law.

It is further resolved that the Town Clerk shall cause to be published and posted in the Town a notice of that the above resolution was adopted pursuant to a permissive referendum as provided in Article 12A of the Town Law in the manner provided in Article 7 of the Town Law, and

It is further resolved, that in the event a petition is not received as required by law requiring a referendum, the Town Clerk shall prepare a certificate "that a petition was not received" suitable for filing with the County and Town and the New York State Department of Audit and Control.

And be it further resolved that within 10 days of the expiration of the period to file a petition for a referendum, if no petition for a referendum is filed, the Town Clerk shall file with the New York State Department of Audit and Control in Albany, New York the following:

- a. Two (2) certified copies of the resolution creating the district subject to a referendum.
- b. An application in duplicate to the State Department of Audit and Control to create the district. The application will be executed and verified by the Town Supervisor.
- c. A certified copy of the notice of the public hearing with proof of publishing and posting as required by Article 12A.
- d. A certified copy of the map, plan and report filed in the Town Clerk's Office.
- e. 1. An itemized statement of the then outstanding indebtedness of the Town for all purposes evidenced by any instrument.
2. The amount of budgetary appropriation for the payment of any outstanding indebtedness.
3. The amount of the indebtedness proposed to be contracted for the improvements.
4. The amount of and date of any evidence of indebtedness the Town has been authorized to issue but which have not been issued.
- f. Statement of aggregate assessed valuation of the real property situated in the proposed district as on the last assessment roll previous to the application.
- g. 1. Statement of the average full valuation of taxable real property of the Town.
2. Statement of delinquent taxes in the Town, unpaid for each of the last 3 years.
- h. Statement of the manner or which Town proposes to finance the cost of the improvement.
The Town Clerk shall file a certified copy

REG. TOWN BOARD MTG. CONT. January 6, 1994

of the order creating the District within ten (10) days of creation of the district.

This resolution was seconded by Robert Grier and carried unanimously upon roll call vote.

2. Canal Town Park Project

Councilman Grier informed the Board that this matter has not yet been resolved. He will bring it up again at a later date.

3. Appointment of Health Officer

Councilman Baran moved that Dr. Alan Lorenz, Canal Park Family Medicine, Palmyra, be appointed as the Health Officer for the Town of Palmyra to fill an unexpired term ending December 31, 1995 and for this appointment to be retroactive to January 1, 1994. Councilwoman Green seconded this motion and it carried unanimously.

4. Local Law #1 of 1994

Councilman Nussbaumer moved to set January 27, 1994 at 7:30 PM as the date to hold a Public Hearing to consider Local Law #1 of 1994 entitled "Local Law Repealing Local Law #1 of 1993." Councilman Grier seconded this motion and it carried unanimously.

Councilman Grier moved to adjourn this meeting of the Town Board, with Councilman Nussbaumer seconding. The motion carried unanimously.

Respectfully submitted,
Beverly E. Hickman
Beverly E. Hickman
Town Clerk

G TOWN
FR SUBJECT

MIN TO ADV
HEALTH
OFFICER

MIN TO SET
PUB HEARING
DATE FOR
LL #1 of
1994

MIN TO ADJURN

January 27, 1994

PUBLIC HEARING
LOCAL LAW #1 OF 1994
(A LOCAL LAW REPEALING LOCAL LAW #1 OF 1993)

The Public Hearing scheduled to be held on Thursday, January 27, 1994, at the Town Office, 201 East Main Street, Palmyra, to consider Local Law #1 of 1994 was called to order at 7:30 PM by Town Supervisor David Lyon.

PUBLIC HEARING
CALLED TO ORDER

Those present at this public hearing, in addition to the Town Board members, included:

| | |
|--|----------------|
| Beverly Koeberle | Frank Koeberle |
| Dan Gardner | Roger Dunlap |
| Larry O'Meal | Susan O'Meal |
| Thomas McDonald, Cellular One/Genesee Tele | |
| Bill Cliverio, Cellular One/Genesee Tele | |
| Elaine Hartnagel, the Times | |
| Marcia Ducey, the Dailey Messenger | |
| Paul T. Rubery, Town Attorney | |

The legal notice was read by the Town Clerk.

Supervisor Lyon asked for any comments, either for or against this proposed local law.

Elaine Hartnagel asked how the duties and the salary would change. Supervisor Lyon told her that the salary would revert back to the budget figures and that the town had gone back to a part-time assessor.

Supervisor Lyon asked for any more comments. There being none, he closed this public hearing at 7:35 PM.

PUBLIC HEARING
CLOSED

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, Jan. 27, 1994 at the Town Office, 201 East Main Street, Palmyra, was called to order at 7:45 PM by Town Supervisor David Lyon.

REG TN BD MTG
CALLED TO ORDER

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

PLEDGE OF
ALLEGIANCE

REG. TOWN BOARD MTG. CONT. Jan. 27, 1994

ROLL CALL

Upon roll call, the following Town Board members were present:

Town Supervisor - David Lyon
 Town Councilmen - Andy Baran
 Robert Grier
 David Nussbaumer
 Town Councilwoman - Lynne Green

MTN TO APV
MINUTES OF
11/2/93
11/18/93

David Nussbaumer moved to approve the minutes of the Town Board Meetings held November 2, 1993 and November 18, 1993 as submitted. Andy Baran seconded this motion and it carried with 4 ayes - 1 abstention. (Lynne Green abstained.)

The Supervisor's Monthly Report was received by the Board and will be on file in the Town Clerk's Office.

COMMUNICATIONS

1. Letter from NYS DOT re: Receipt of our letters requesting investigation of traffic conditions on a portion of South Creek Road and East Palmyra-Pt. Gibson Road and the possibility of a lower speed limit.
2. Letter from Cablevision Industries RE: Price change notice sent to customers
3. Finger Lakes Water Works Conference RE: Notice of Annual Business Meeting

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman
 1. Local Law #1 of 1994 - Subject of public hearing

MTN TO APV
L L #1 of
1994

David Nussbaumer moved to approve Local Law #1 of 1994 repealing Local Law #1 of 1993. Robert Grier seconded this motion and it carried unanimously upon roll call vote.

2. Assessor Update

ASSESSOR
UPDATE

Due to the severe weather conditions this evening, the assessor did not attend this meeting as originally planned.

3. Resolution setting pay rate for data collectors

MTN TO SET
PAY RATE FOR
DATA
COLLECTORS

David Nussbaumer moved to approve paying Donald Deummet and Karen Schwab at a rate not to exceed \$9.00 per hour plus car allowance for data collection. Robert Grier seconded this motion and it carried with 5 ayes.

Highway Committee - Andy Baran, Chairman

1. Snow & Ice Contract with Wayne County

Andy Baran moved to authorize Nelson Cook, Town Highway Superintendent, to sign the Snow & Ice Contract with Wayne County. This motion was seconded by David Nussbaumer and carried with a roll call vote of 3 ayes - 2 nays as follows:

MTN TO APV
SIGNING OF
SNOW & ICE
CONTRACT W/
COUNTY

- Town Councilman - Andy Baran Aye
- Town Councilman - Robert Grier Naye
- Town Councilman - David Nussbaumer Aye
- Town Councilwoman - Lynne Green Naye
- Town Supervisor - David Lyon Aye

2. Approval to purchase a sander-Tenco USA

Andy Baran reported that Nelson Cook, Highway Superintendent, had obtained the following prices of

MTN TO APV
PURCHASE OF
SANDER

| | | |
|----------|-----------------------|-----------|
| sanders: | Keil Equipment | \$7577.00 |
| | Tracey Road Equipment | \$7471.00 |
| | Tenco USA | \$6487.00 |

(Mr. Cook is recommending Tenco USA.)

Mr. Baran then moved to approve the purchase of a sander from Tenco USA at a cost not to exceed \$6487. David Nussbaumer seconded this motion and it carried unanimously.

3. Approval to attend the Finger Lakes Water Works Conference and pay dues

Andy Baran moved to approve a dues payment for the Deputy Highway Superintendent and registration fees for the Finger Lakes Water Works Conference in the amount of \$39.00. This motion was seconded by Robert Grier and carried unanimously.

MTN TO APV
ATTENDING
F. L. WATER
WRKS CONF &
PAY DUES

Planning Committee - Robert Grier, Chairman

1. Canal Town Park Project

Robert Grier directed Paul Rubery, Town Attorney, to return the proposed contract and to come back with changes.

CANAL TOWN PA
PROJECT

2. Cellular One Discussion

Mr. Grier reported that he had just received the report from David Matthews, Engineer, there will be a special meeting of the Town Board on Wednesday,

CELLULAR ONE
DISCUSSION

REG TOWN BOARD MEETING CONT.

January 27, 1994

February 2, 1994 to begin at 8:00 AM at the Town Office to discuss Cellular One.

3. Bldg Inspctr/Zoning Officer Update

BLDG INSPCTR/
ZONING OFFCR
UPDATE

Earl Vanderwall, Building Inspector/Zoning Officer presented a written report that is filed in a folder entitled "Assessor Update and Building Inspector/Zoning Officer Update" and is kept in the vault along with these minutes.

Zoning Committee - Lynne Green, Chairman

1. Master Plan Committee Update

MASTER PLAN
COMM UPDATE

Lynne Green reported that the Master Plan Committee had just held a workshop meeting that, in her opinion, showed the most significant progress made so far. She said that a first draft map showing proposed area growth should be available soon.

AGENDA ITEMS

1. Temporary assignment of Judges

MTN TO APV
TEMP ASSGNMNT
OF JUDGES

David Nussbaumer moved to approve the temporary assignment of the Town of Palmyra Justices to preside in other town/village courts in the Seventh Judicial District as need arises during the year 1994 and approve the temporary assignment of judges from other town/village courts in the Seventh Judicial District to its court as need arises during the year 1994.

Andy Baran seconded this motion and, upon roll call vote, said motion carried unanimously.

2. Cablevision

MTN RE:
CABLEVISION

The following resolution was moved by David Nussbaumer:

The Town of Palmyra in Wayne County is familiar with the requirements of the Cable Act of 1992 concerning cable television rates, and, on 1/27.94, resolved to have the NY State Commission on Cable Television undertake rate regulation for said municipality in compliance with federal law as implemented by the Federal Communications Commission.

Robert Grier seconded this resolution and it carried unanimously.

REG TOWN BOARD MEETING CONT. January 27, 1994

3. Wayne County Board of Supervisors Update
Supervisor Lyon reported that the County Board is moving ahead on the 911 project. He said they have, in fact, approved the hiring of a 911 co-ordinator to set up the system.

W CTY BD OF SUPERVISORS UPDATE

4. Audit of Town Clerk's books for 1993
Andy Baran moved to approve the audit of the Town Clerk's books for the year 1993 which were found to be accurate. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO APV AUDIT OF TOWN CLERK'S BOOKS FOR 1993 YEAR

5. Possibility of a tower ordinance
Supervisor Lyon asked the Board if they were interested in asking the Planning Board to look into the possibility of a tower ordinance. The Town Board agreed to request the Planning Board's input.

TOWER ORDINANC DISCUSSION

Following a review of the expenditures and claims submitted for payment, Andy Baran moved to approve payment of the claims as shown on Abstract #1 with totals as follows:

MTN TO APV PAYMENT OF CLAIMS

| <u>Account</u> | <u>Voucher #</u> | <u>Amount</u> |
|-------------------|------------------|---------------|
| General Fund | 1 - 42 | \$10243.69 |
| Part Town Fund | 1 - 8 | 383.58 |
| Highway I | 1 - 2 | 416.80 |
| Highway II,III,IV | 1 - 15 | |
| | 1 - 5 | 24795.98 |
| North Water Dist. | 1 | 1701.77 |
| South Water Dist. | 1 | 86.27 |

Robert Grier seconded this motion and it carried unanimously.

David Nussbaumer moved to adjourn this meeting of the Town Board with the next meeting to be held on Wednesday, February 2, 1994 at 8 AM, to hold the regular February 10, 1994 meeting and to cancel the February 24, 1994 meeting with it re-scheduled for March 3rd. This motion was seconded by David Nussbaumer and carried unanimously.

MTN TO ADJRN

Respectfully submitted,
Beverly E. Hickman
Beverly E. Hickman
Town Clerk

February 2, 1994

SPECIAL TOWN BOARD MEETING

The special meeting of the Town Board, Town of Palmyra, scheduled to be held on Wednesday, Feb. 2, 1994 at the Town Office, 201 E. Main Street, Palmyra, for the sole purpose of going over the information provided by Cellular One/Genesee Telephone with David Matthews, engineer for the town, was called to order at 8:00 AM by Town Supervisor David Lyon.

CALL TO ORDER

Upon roll call the following Town Board members were present:

ROLL CALL

- Town Supervisor - David Lyon
- Town Councilmen - Andy Baran
Robert Grier
- Town Councilwoman - Lynne Green
- (Town Councilman David Nussbaumer was absent.)

Others present at this meeting included:

- David Matthews - Engineer for the Town of Palmyra
- Paul Rubery - Town Attorney
- Tom McDonald - Cellular One

The purpose of this special meeting is to go over the application from Cellular One/Genesee Telephone and to discuss the questions brought to light by the engineer and the Town Board.

David Matthews stated that he noted the following inconsistencies:

- a) Different costs shown on EAF and attachment A
- b) Site plans have not been revised since the first application and does not show consistent dates
- c) Gated access - Cellular One agreed to do this but they do not indicate same on their plan
- d) Attachment A - rewording of this statement is necessary
- e) EAF
 - Item 2-2 - Acreage does not include access road and it should be included
 - Item 2-4 - The depth of the bedrock is missing
 - Item 3-18 - Agricultural District - This parcel needs to be exempt from agricultural benefits
 - Item 3B - This has been left blank - access road is a part of this
 - Item 5-25 - Site plan approval COULD require Town Planning Board approval - Ag & Markets approval also
 - Items 5-6 & 8 - "s" should be justified
 - Item 5E - Name missing
 - Part 2 Item 6-1 - Correct answer should be "yes" - it may have a small impact -

concern of slope.
 Item 6-2 - drumlins are unique - should this answer by "yes"?
 Supervisor Lyon asked the Board members if they felt this should be considered unique. They told him "no"
 Item 7-6 - Access road needs to be addressed
 Item 9-11 - Answer to this might be "yes."
 Item 9-13 - "No" is the correct answer
 Item 10-17 - This is the Town Board's call
 Item 11-19 - The correct answer is "yes"
 Part 3 - Responsibility of the lead agency to address - could have a meeting with Cellular One
 Visual EAF - Item f - Ag data statement sent to those listed on the statement by the Town Clerk

Robert Grier stated that he thinks alternative site information should be made available to the Board. The Board agreed with this.

Mr. Grier also felt that tower removal should be addressed; who should determine when the tower is obsolete?

Supervisor Lyon said he would like to know the affect on assessments in the immediate area and also, the assessment of the project itself. He stated that he does not know of any way to actually prove if it is safe or not as far as health affects are concerned. He said he would like some kind of guarantee regarding TV reception in that area.

Paul Rubery, town attorney, told the Board that the map should show distances. He added that a survey is not necessary; it could be done without that. He also said that the actual height of the tower needs to be spelled out.

Robert Grier asked how many benefits are there? Would we be helping 10 people or 150 people? Is the Town really going to benefit?

Paul Rubery pointed out that, since there are several concerns to be addressed by Cellular One, it would be necessary for them not to hold this Board to the 62 days to make a final decision. Tom McDonald assured the Board that waiving the 62 day decision would not be a problem. Supervisor Lyon asked Mr. McDonald to send this Board a letter stating that

SPEC. TOWN BOARD MTG. CONT.

February 2, 1994

31

the 62 days would be waived.

At this time, Robert Grier moved to adjourn this special meeting of the Town Board. Andy Baran seconded this motion and it carried unanimously.

MIN TO ADJRN

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman

Town Clerk

February 10, 1994

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, Feb. 10, 1994 at the Town Office, 201 E. Main Street, Palmyra, was called to order at 7:30 PM by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
 Town Board Members - Andy Baran
 Robert Grier
 David Nussbaumer
 Lynne Green

Others present included:

Aaron S. Jacobs (Students from
 Stephen Rusco Newark High School
 Matthew Sproul attending as part of
 Chris Butler class assignment)
 Elaine Hartnagel - the Times
 Howard VanDyne - Courier Journal
 Paul T. Rubery - Town Attorney
 Ann Vingee Tabor - Assessor

David Nussbaumer moved to approve the minutes of the December 16, 1993 regular town board meeting as submitted. Andy Baran seconded this motion and it carried with a vote of 4 ayes - 1 abstaining (Lynne Green).

MIN TO APV
MINUTES OF
12/16/93

COMMUNICATIONS

1. Letter from Wayne County Traffic Safety Board RE: Request for lower speed limit on Sherwood Road
2. Letter from Cellular One RE: Waiving the 62 day decision

COMMUNICATIONS

REPORTS OF STANDING COMMITTEES

- Assessment Committee - David Nussbaumer, Chairman
1. Assessor Update

ASSESSOR
UPDATE

Ann Tabor, Assessor, reported to the Board that her department has gotten a lot of work done and things are moving forward. She told them that the senior citizen and agricultural exemptions are coming in right now and those cause many hours of preparation. David Nussbaumer told her that the Board appreciates the efforts she has been putting into her work.

Ms. Tabor thanked the Board for their really great treatment of her. She said she appreciated their kindness and consideration.

Highway Committee - Andy Baran, Chairman

1. Abandonment of highway

Approval of the following document was moved by Andy Baran, seconded by David Nussbaumer and carried unanimously upon roll call vote:

I, the undersigned Town Superintendent of Highways of the Town of Palmyra, in the County of Wayne, hereby certify, that the town highway, hereinafter designated, has not been opened or worked for more than six years last past, and that the same has been abandoned by the public, and is no longer used as a public highway; to wit, the town highway in the Town extending from Hydesville Road to Tellier Road known as the Town Line Road. Being a road approximately three rods in width, bridge across the creek has been removed.

Also, we the undersigned members of the town board, constituting the whole or a majority thereof, do hereby consent to the making and filing of this certificate, and do hereby sign the same.

Therefore, pursuant to Section 205 of the Highway Law, the highway is declared to be and hereby is discontinued.

Dated this 10th day of February, 1994.

Nelson Cook
Town Superintendent of
Highways, Town of Palmyra

Town Board of the Town of
Palmyra

David C. Lyon
Town Supervisor

Andrew Baran
Robert Grier
David Nussbaumer
Lynne Green
Town Board Members

Planning Committee - Robert Grier, Chairman

1. Central Water District Update

Supervisor Lyon reported to the Board that there were no petitions filed to request a vote on the proposed central water district. He told them that the application and all necessary paperwork has been submitted to New York Audit & Control for approval.

REG. TOWN BOARD MTG. CONT.

February 10, 1994

2. Canal Town Park Project

Robert Grier asked Paul T. Rubbery, Town Attorney, where we stood on this project. Mr. Rubbery stated that things seem to be in limbo at the moment as he is still waiting to hear from their attorney.

CANAL TOWN
PARK PROJECT

Zoning Committee - Lynne Green, Chairman

Lynne Green stated that she had no report at this time.

AGENDA ITEMS

1. Water Works Conference report

Supervisor Lyon reported that Nelson Cook, Highway Superintendent; Fred Lawson, Deputy Highway Superintendent and himself attended the Water Works Conference. He said there was considerable discussion regarding privatization of water systems and with the Village of Palmyra having just done that same thing, the meeting was entertaining as well as educational.

WTR WKS CONF
REPORT

2. Contract with Palmyra Kings Daughters Free Library - \$17,500

Andy Baran moved to approve the contract between the Town of Palmyra and the Palmyra Kings Daughters Free Library for the calendar year 1994 in the amount of \$17,500. Robert Grier seconded this motion and it carried unanimously upon roll call vote.

MTN TO APV
CONTRACT W/
LIBRARY

3. East Palmyra Fire Dept., Inc. contract - \$15,000

David Nussbaumer moved to approve the contract between the Town of Palmyra and the East Palmyra Fire Dept., Inc. for the calendar year 1994 in the amount of \$15,000. Andy Baran seconded this motion and it carried unanimously upon roll call vote.

MTN TO APV
CONTRACT W/
E PALMYRA
FIRE DEPT.

4. Pt. Gibson Fire Dept., Inc. contract - \$2,000

David Nussbaumer moved to approve the contract between the Town of Palmyra and the Pt. Gibson Fire Dept., Inc. for the calendar year 1994 in the amount of \$2000. This motion was seconded by Robert Grier and carried unanimously upon roll call vote.

MTN TO APV
CONTRACT W/
PT GIBSON
FIRE DEPT.

MIN TO APV
CONTRACT W/
PVA

5. Palmyra Volunteer Ambulance Contract - \$8,000
Robert Grier moved to approve the contract between the Town of Palmyra and the Palmyra Volunteer Ambulance for the calendar year 1994 in the amount of \$8,000. Andy Baran seconded this motion and it carried unanimously upon roll call vote.

RESOLUTION
TO ESTABLISH
CAPITAL PROJ
FUND

6. Resolution to establish Capital Projects Fund
The following resolution was moved by David Nussbaumer, seconded by Robert Grier and carried unanimously upon roll call vote:

WHEREAS, on January 6, 1994 the Town Board of the Town of Palmyra, at their regular Town Board meeting, by resolution duly moved and adopted, establish a new water district to be known as the Central Water District, and

WHEREAS, at said meeting the Town Board, by resolution duly moved and adopted, did approve that \$300,000.00 be made available from the unexpended surplus of part town funds on deposit with the Town for said water district project.

NOW THEREFORE BE IT RESOLVED that the Town Board, Town of Palmyra, do establish a savings account and a checking account to be entitled "Town of Palmyra Capital Fund, Central Water District Project" and

BE IT FURTHER RESOLVED that \$300,000.00 be transferred to the Town of Palmyra, Capital Fund Central Water District Project to be distributed with \$299,000.00 in the savings account and \$1,000.00 in the checking account.

Following a review of the expenditures and claims, Robert Grier moved to approve the expenditures as shown on Abstract #2 with totals as follows:

MIN TO APV
PAYMENT OF
CLAIMS

| <u>Account</u> | <u>Voucher #</u> | <u>Amount</u> |
|-------------------|------------------|---------------|
| General Fund | 43 - 59 | \$ 6100.28 |
| Part Town Fund | 9 - 11 | 587.21 |
| Highway I | 3 | 200.00 |
| Highway II,III,IV | 17 - 37 | |
| | 6 - 14 | 47506.93 |
| North Water Dist. | 2 | 13.00 |
| South Water Dist. | 2 | 13.00 |
| East Water Dist. | 1 - 2 | 115.24 |

Andy Baran seconded this motion and it carried unanimously.

JOINT FUEL
STATION
UPDATE

Supervisor Lyon informed the Board that he had attended a fueling station meeting on Feb. 8, 1994 and that the specs for the station are ready to go to Albany for approval. He said that April 28, 1994 is

REG. TOWN BOARD MTG. CONT. February 10, 1994

the bid date with two months completion time. He added that the Marion School District is now interested in being included also.

Andy Baran then moved to change the March 3, 1994 workshop meeting of this Town Board to March 10, 1994. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO CHG
TN BD MTG
DATE

David Nussbaumer moved to go into executive session to discuss matters of possible litigation. This motion was seconded by Andy Baran and carried unanimously.

MTN TO GO
INTO EXEC.
SESSION

Robert Grier moved to come out of executive session with David Nussbaumer seconding. Said motion carried unanimously.

MTN TO COME
OUT OF EXEC
SESSION

David Nussbaumer moved to authorize Town Supervisor David Lyon to hire a qualified appraiser to handle the situation discussed during executive session. This motion was seconded by Andy Baran and carried unanimously.

MTN TO AUTH
SUPER. TO HI
APPRAISER

Lynne Green moved to authorize Town Supervisor David Lyon and the Town Attorney, Paul Rubery, to meet with Tony Malone to work out clarification of the contract between same for the proposed water district. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO AUTH
SUPER. & TN
ATTORNEY TO
CLARIFY
CONTRACT W/
T. MALONE

The motion to adjourn this meeting of the Town Board was offered by Andy Baran, seconded by Robert Grier and carried unanimously.

MTN TO ADJRN

Respectfully submitted,
Beverly E. Hickman
Beverly E. Hickman
Town Clerk

March 10, 1994

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, March 10, 1994 at the Town Office, 201 E. Main Street, Palmyra, was called to order at 7:30 PM by Town Supervisor David 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 Town Board Members were present:

ROLL CALL

Town Supervisor - David Lyon
 Town Councilmen - Andy Baran
 Robert Grier
 David Nussbaumer
 Town Councilwoman - Lynne Green

Others present at this meeting included:

Elaine Hartnagel - the Times
 Howard VanDyne - the Courier-Journal
 Tom Morrison - Canal Town Park Project

Robert Grier moved to approve the minutes of the regular Town Board meeting held on December 30, 1993 and the January 5, 1994 Organizational Meeting as submitted. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO APV
MINUTES OF
12/30/93
& 1/5/94

The Supervisor's Monthly Report was accepted by the Town Board to be filed.

SUPER'S
MONTHLY REPORT

COMMUNICATIONS

1. Information RE: Teleconference series from NYS Office of Rural Affairs
2. Information RE: Teleconference at CCFL entitled "Preventing Waterborne Disease Outbreaks: Is Your System at Risk?" sponsored by AWWA

COMMUNICATIONS

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Rabies protocol and contract

David Nussbaumer moved to authorize the Town Supervisor to sign the rabies contract with the County of Wayne and to approve the rabies protocol as set forth by Wayne County. Robert Grier seconded this motion and it carried unanimously upon roll call vote.

MTN TO AUTH
SUPER TO SIGN
RABIES CONTRCT
W/ W COUNTY

2. Resignation of DCO

MTN TO ACCEPT
RESIGNATION OF
DOG CONTROL
OFFICER

David Nussbaumer moved to accept, with much regret, the resignation of Kimberly Diefendorf, Dog Control Officer for the Town of Palmyra, as of March 31, 1994. Andy Baran seconded this motion and it carried unanimously.

Mr. Nussbaumer reported to the Board that Kim had submitted the names of two people that are interested in this position. The Board decided that Supervisor Lyon and David Nussbaumer should interview these people and come back to the Board with their recommendation.

3. Assessor

ASSESSOR
UPDATE

Supervisor Lyon told the Board that he had talked to the assessor and she feels she is making progress and things are getting caught up.

Highway Committee - Andy Baran, Chairman

1. Approval for Highway Superintendent to sign auction contract with Roy Tietsworth

MTN TO AUTH
CONTRACT
FOR AUCTION

Andy Baran moved to authorize Nelson Cook, Highway Superintendent, to sign the contract for the auction to be held on May 21, 1994 with Roy Tietsworth. David Nussbaumer seconded this motion and it carried unanimously.

2. Cole Road

Nelson Cook, Highway Superintendent, informed the Board that there is 50 feet of excess property on the inside of the curve where he is working on Cole Road, that the Town only needs a easement for. Mr. Cook has contacted Jim Brady, Wayne County Highway Superintendent and has received his approval for abandonment per highway law section 212A McKinny's Consolidated Law (abandoning of part of town highways.) Andy Baran moved to abandon this excess property and to transfer it to the adjacent property owner, reputedly now Leonard Bukolt. Robert Grier seconded this motion and

MTN TO APV
ABANDON &
TRANSFER
EXCESS PROP

TOWN BOARD MEETING CONT.

March 10, 1994

it carried unanimously.

- 3. Approval for Highway Superintendent to attend a Safety Workshop on 4/28/94.

Andy Baran moved to approve the Highway Superintendent attend a safety Workshop on 4/28/94 at a cost not to exceed \$25.00. This motion was seconded by David Nussbaumer and carried unanimously.

MTN TO APV
HIWY SUPER
ATTEND SAFETY
WORKSHOP

- 4. Approval for Highway Superintendent to attend a Surveying Workshop on 5/5/94

Andy Baran moved to approve the Highway Superintendent attend a Surveying Workshop on 5/5/94 at a cost not to exceed \$25.00. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO APV
HIWY SUPER
ATTEND A
SURVEYING
WORKSHOP

- 5. Purchase of budgeted items

Following a review of price quotes from Keil Equipment Co., Tenco USA and Tracey Road Equipment, Andy Baran moved to approve the purchase of two (2) Tarrant Sander Hopper Bodies at \$5092.00 each, including freight, and one (1) Tarrant Power-Pak Sander Drive at \$2685.00 from Keil Equipment Co., Hudson, NY 12534. Robert Grier seconded this motion and it carried unanimously.

MTN TO APV
PURCHASE OF
BUDGETED
ITEMS FOR
HIWY DEPT

Following a review of price quotes from Jerry's Highway Supplies, Tenco USA and T-W Truck Equipppers, Andy Baran moved to approve the purchase of two (2) Viking One-Way Plows at \$4150.00 each and two (2) Viking Wing Plows at \$1900.00 each from Jerry's Highway Supplies, Avon, NY 14414. This motion was seconded by David Nussbaumer and carried unanimously.

MTN TO APV
PURCHASE OF
BUDGETED
ITEMS FOR
HIWY DEPT

Planning Committee - Robert Grier, Chairman

- 1. Canal Town Park Project

Robert Grier moved to authorize David Lyon, Town Supervisor, to sign the agreement between the Town of Palmyra and Tom Morrison for the Canal Town Park Project with Town Board approval to follow at next meeting. Andy Baran seconded this motion and it carried unanimously upon roll call vote.

MTN TO AUTH
SUPERVISOR TO
SIGN AGREEMENT
W/ CANAL TOWN
PARK PROJECT

TOWN BOARD MEETING CONT.

March 10, 1994

2. Building Inspector/Zoning Officer Update

See folder entitled "Assessor Update/Building Inspector/Zoning Enforcement Officer Update" as kept with these minutes.

Zoning Committee - Lynne Green, Chairman

1. Arrangements for Mobile Home Park Inspection

Supervisor Lyon asked Lynne Green to set up a date for a drive-thru inspection of the six mobile home parks in the Town of Palmyra as soon as possible and he advised her that he would also like a second inspection done before December 31, 1994.

ARRANGEMENTS
TO BE MADE
FOR MOBILE
HOME PK
INSPECTION

AGENDA ITEMS

1. Fire Contract with the Village of Palmyra

David Nussbaumer moved to approve the Fire Contract between the Town of Palmyra and the Village of Palmyra in the amount of \$32,000.00 and for said contract to expire December 31, 1994. This motion was seconded by Robert Grier and carried unanimously upon roll call vote.

MNT TO APV
FIRE CONTRCT
W/VILL OF
PALMYRA

2. Rescind motion of 2/10/94 setting up a Savings Account and a Checking Account for the proposed Central Water District

Supervisor Lyon moved to rescind the motion of February 10, 1994 that authorized setting up a Savings Account and a Checking Account for the proposed Central Water District. Robert Grier seconded this motion and it carried unanimously upon roll call vote.

MTN TO RESCIND
MTN OF 2/10/93
SETTING UP
SAVINGS &
CHECKING
ACCT FOR
PROPOSED
WATER DIST.

3. Motion to establish a Supplemental Account #B1010.2

Supervisor Lyon moved to establish a Supplemental Account #B1010.2 until such time as a Savings and Checking Account can be set up for the proposed Central Water District. This motion was seconded by Robert Grier and carried unanimously upon roll call vote.

MTN TO APV
ESTABLISHING
SUPPLEMENTAL
ACCOUNT

4. Information only - VFW Firemen's Breakfast at 9:30 AM on Sunday, April 24, 1994

TOWN BOARD MEETING CONT.

March 10, 1994

5. Contract with MRB Group

David Nussbaumer moved to authorize David Lyon, Town Supervisor, to sign the contract between the Town of Palmyra and MRB Group. Robert Grier seconded this motion and it carried with a vote of 4 ayes and 1 naye. Lynne Green voted naye.

MTN TO AUTH
SUPERVISOR TO
SIGN CONTRACT
W/MRB GROUP

The Board suggested that a memo be sent to MRB Group telling them that Nelson Cook, Highway Superintendent, recommends a five (5) foot covering over the waterline pipes.

6. Wayne County Water Authority Update

Supervisor Lyon explained that the Wayne County Water Authority would like to do a long-term water supply study done. The cost to the Town of Palmyra would be no more than \$1250. Robert Grier moved to approve paying to the Wayne County Water Authority a amount not to exceed \$1250 for the purpose of a long-term water supply study. Andy Baran seconded this motion and it carried unanimously. Supervisor Lyon told the Board that the next meeting will be held March 25, 1994 at the Walworth Town Hall and invited the Board members to attend to discuss retail sales and water departments.

WAYNE COUNTY
WATER AUTHORITY
UPDATE

MTN TO APV
\$1250 FOR A
LONG-TERM
WTR SUPPLY
STUDY

Supervisor Lyon reported that the Supervisor's Annual Report was completed and copies given to all Town Board members.

SUPER'S
ANNUAL RPT

Following a review of the expenditures and claims submitted, Andy Baran moved to approve payment of all claims shown on Abstract #3 with totals as follows:

MTN TO APV
VOUCHERS

| <u>Account</u> | <u>Invoice #</u> | <u>Amount</u> |
|---------------------|------------------|---------------|
| General Fund | 60 - 95 | \$11915.12 |
| Part Town Fund | 12 - 22 | 34329.74 |
| Highway I | 4 | 291.64 |
| Highway II, III, IV | 15 - 26 | |
| | 38 - 64 | 44115.40 |
| North Water Dist. | 3 - 9 | 4796.32 |
| South Water Dist. | 3 - 5 | 3134.88 |
| East Water Dist. | 3 - 5 | 2591.93 |

The motion to adjourn this meeting of the Town Board was offered by Andy Lyon, seconded by Robert Grier and carried unanimously.

MTN TO ADJRN

Respectfully Submitted,
Beverly E. Hickman
Beverly E. Hickman
Town Clerk

March 24, 1994

TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, March 24, 1994 at the Town Office, 201 E. Main Street, Palmyra, was called to order at 7:30 PM by Town Supervisor David Lyon.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The following Town Board members were present upon roll call:

ROLL CALL

Town Supervisor - David Lyon
 Town Councilmen - Andy Baran
 Robert Grier
 David Nussbaumer
 Town Councilwoman - Lynne Green

Others present at this meeting included:

Roxanne S. Kachel George Kachel
 Debbie Fraser Dan Gardner
 Tom Morrison, Canal Town Park
 Marsha Ducey, Dailey Messenger
 Elaine Hartnagel, Times
 Howard VanDyne, Courier-Journal
 Nelson F. Cook, Highway Superintendent
 Paul T. Rubery, Town Attorney

David Nussbaumer moved to approve the minutes of the January 27, 1994 Town Board meeting as submitted. Robert Grier seconded this motion and it carried unanimously.

MTN TO APV
MINUTES OF
1/27/94

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

COMMUNICATIONS

1. Letter from Elaine Mierke RE: Bingham Co.
2. Notice of Taxpayer Town Meeting Nites

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Assessor Update

Ann Vingee-Tabor, Town Assessor, presented the Board with several dates that the Board of Assessment Review could hold Grievance Day this year and asked them if there was a date they preferred. David Nussbaumer moved to hold Grievance Day on June 1, 1994. Andy

ASSESSOR
UPDATE

REGULAR TOWN BOARD MEETING CONT. March 24, 1994

Baran seconded this motion and it carried unanimously.

2. Appointment of Dog Control Officer

David Nussbaumer moved to appoint Gary Rose, Route 31, Palmyra, as Animal Control Officer for the Town of Palmyra at a annual rate of \$5,000 per year plus mileage as of April 1, 1994 and his wife, Michelle

MTN TO APT
GASRY ROSE
ACO W/
MICHELLE
ROSE AS
DEPUTY

Rose, as Deputy Animal Control Officer with no reimbursement. Robert Grier seconded this motion and it carried unanimously. David Nussbaumer then moved

to declare the pick-up truck cap as surplus equipment and to sell it to Kim Diefendorf, former Animal Control Officer, for \$75.00. Andy Baran seconded this motion and it carried unanimously.

MTN TO APV
SELLING
TRUCK CAP
TO KIM
DIEFENDORF

3. Special Rabies Clinic Information

Wayne County has scheduled three special rabies clinics to be held in April. One will be at the Palmyra Town Barns on April 13, 1994 from 7:00 PM thru 9:00 PM. The regular fall clinic will also be held.

SPECIAL
RABIES CLINIC

Highway Committee - Andy Baran, Chairman

1. Snow Removal Statistics

Nelson Cook, Highway Superintendent, presented the Board with a report he called "Materials Inventory Summary Winter 1993 - 1994." He has the following

SNOW
REMOVAL
STATISTICS

items listed:

Sand purchased
Salt purchased
Salt to Village
Salt to School
Salt to County
Sand Mix to County
Salt Town Use
Sand Mix Town Use

This report included expenditures and revenues for the period covering October 1993 thru March 1994.

Supervisor Lyon thanked Mr. Cook for the thorough report.

2. Vacation for Nelson Cook

Nelson Cook reported to the Board that he will be away on vacation from March 30 thru April 10. He informed

REGULAR TOWN BOARD MEETING CONT. March 24, 1994

them that Fred Lawson, Deputy Highway Superintendent would be in charge in his absence.

Planning Committee - Robert Grier, Chairman

1. Canal Town Park Project

Robert Grier moved to approve the contract between the Town of Palmyra and the Canal Town Park Project owners, Thomas Morrison and Sandy SanFillipo. David Nussbaumer seconded this motion and it carried unanimously upon roll call vote as follows:

| | |
|--------------------------------|-------|
| Town Board Member - Andy Baran | - Aye |
| Robert Grier | - Aye |
| David Nussbaumer | - Aye |
| Lynne Green | - Aye |
| Town Supervisor - David Lyon | - Aye |

Zoning Committee - Lynne Green, Chairman

1. Arrangements for Mobile Home Park Inspection

Lynne Green reported that Earl Vanderwall, Building Inspector/Zoning Officer, is making the arrangements for the mobile home park inspection with Dr. Lorenz, Health Officer. A date will be set by the next meeting.

2. Junkyard on Trolley Road

Earl Vanderwall, Bldg. Inspector/Zoning Officer, reported to the Board that a mobile home had been taken into the yard on Saturday, March 19, 1994 and that he had put up a Cease and Desist Order on Tuesday, March 22, 1994. Robert Grier said that he, for one, is getting tired of Mr. Carrier doing whatever he wants to do, regardless of what this Board has directed. Grier added that Mr. Carrier keeps insisting that this is private property and he feels it is time for it to be treated as such - one unlicensed vehicle per property. Supervisor Lyon asked Paul Rubery, Town Attorney, how the Board could shut him down. Mr. Rubery stated that the Board could take him to Town Court or County Court. Robert Grier moved that Kevin Carrier is in violation of the Zoning Ordinance of the Town of Palmyra and that a

MTN TO APV
CONTRACT W/
CANALTOWN PK
PROJECT

MOBILE HOME
PK INSPCTN

MTN TO BRING
CHGS AGAINST
K. CARRIER
IN TN COURT

summons for more than one unlicensed vehicle on private property be served on him and have him taken into Palmyra Town Court. Andy Baran seconded this motion and it carried unanimously upon roll call vote as follows:

- Town Board Member - Andy Baran - Aye
- Robert Grier - Aye
- David Nussbaumer - Aye
- Lynne Green - Aye
- Town Supervisor - David Lyon - Aye

AGENDA ITEMS

1. Wayne County Supervisor's Update

PER'S
UNTY RPT

Supervisor Lyon reported that the County Board is scheduling a public hearing to amend the established local law regarding the County Administrator.

2. Year-end reports from both justices and historian

-END RPTS
CEPTED
JUSTICES
TOWN
STORIAN

The Board accepted the year-end reports from Justice William Abbott, Justice Terry Rodman and Town Historian Robert Lowe for filing.

3. Approval for Clerk to the Supervisor to attend Municipal Bookkeeping Course offered by State Comptroller

N TO APV
K TO SUPER
TND A
OKKEEPING
ASS

Lynne Green moved to approve Renee Lau, Clerk to the Supervisor, attend a Municipal Bookkeeping Course offered by the State Comptroller June 14 - 16 at a cost not to exceed \$40.00 plus mileage. David Nussbaumer seconded this motion and it carried unanimously.

4. Reminder that April 28th meeting is in East Palmyra at 8:00 PM at the Fire Hall

5. Auditing of Town Justices books for 1993

N TO APV
SIT OF
TH TOWN
STICES BKS
R 1993

Following a audit of the record books for Town Justice William Abbott and Town Justice Terry Rodman for the year of 1993, Robert Grier moved to approve same. This motion was seconded by David Nussbaumer and carried unanimously.

6. Bingham Company

NGHAM CO.
FO

Supervisor Lyon reported that the manager of the Palmyra branch of the Bingham Company will attend the April 14, 1994 workshop meeting to talk to the Board

REGULAR TOWN BOARD MEETING CONT.

March 24, 1994

and anyone with questions regarding their operation.

Following a review of the expenditures and claims submitted, Robert Grier moved to approve payment of the claims submitted on Abstract #3A with totals as follows:

MTN TO APV
PAYMENT OF
VOUCHERS

| <u>Account</u> | <u>Voucher#</u> | <u>Amount</u> |
|-------------------|-----------------|---------------|
| General Fund | 96 - 108 | \$ 2878.93 |
| Part Town Fund | 23 - 29 | 1610.43 |
| Highway I | 5 | 295.85 |
| Highway II,III,IV | 65 - 75 | 14734.86 |
| | 27 | |
| North Water Dist. | 6 | 103.87 |

Andy Baran seconded this motion and it carried unanimously.

MTN TO ADJRN

The motion to adjourn this meeting of the Town Board was offered by David Nussbaumer, seconded by Andy Baran and carried unanimously.

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

April 14, 1994

WORKSHOP MEETING WITH BUSINESS

Following the workshop meeting, Town Supervisor David Lyon called this meeting to order at 9:45 PM, at the Town Office, 201 East Main Street, Palmyra, to discuss business that could not wait until the regular Town Board Meeting.

CALL TO ORDR

Upon roll call, the following Town Board members were present:

ROLL CALL

- Town Supervisor - David Lyon
- Town Board Members - Robert Grier
- David Nussbaumer
- Lynne Green
- (Andy Baran was absent)

Item #1 - Joint fuel station paperwork

Following a review of the joint fuel station agreement, David Nussbaumer moved to approve said agreement and to authorize the payment as soon as the school hears from the State Education Department. Robert Grier seconded this motion and it carried unanimously upon roll call vote.

MTN TO APV
AGREEMENT FOR
JOINT FUEL
STATION & TO
AUTH PAYMENT

David Nussbaumer then moved to authorize the signing of the deed for the property being transferred to the Palmyra-Macedon School District for the joint fuel station. Robert Grier seconded this motion and it carried unanimously by roll call vote.

MTN TO APV
SIGNING OF
DEED FOR JOIN
FUEL STATION

Item #2 - Survey letter RE: Grant money for waterline

Information only.

INFO ONLY

Item #3 - Michael Porretta - Hammond Road Earl Vanderwall, Zoning Officer, showed the Board a picture of the sign in the window of Michael Porretta's present business location on the corner of Vienna Street and Mill Street. The sign states that he is now working at 1305 Hammond Road. There has been no authorization for a business on Hammond Road, therefore, the Board told Mr. Vanderwall to serve a Cease and Desist Order at the Hammond Road

CEASE & DESIS
ORDER FOR
M. PORRETTA

WORKSHOP MTG W/BUSINESS CONT. April 14, 1994

address.

Item #4 - Proposed Local Law #2 of 1994 and proposed Local Law #3 of 1994

PROPOSED
LL #2 & #3
of 1994
PRESENTED
TO THE BOARD
FOR CONSIDRATN

Proposed Local Law #2 of 1994 to change the term of Town Supervisor from a two (2) year term to a four (4) year term and proposed Local Law #3 of 1994 to change the term of Tax Collector from a two (2) year term to a four (4) year term were presented to the Board by David Nussbaumer for the Board's consideration.

W CTY HISTORY
JAMBOREE
INFO ONLY

Item #5 - Wayne County History Jamboree
Supervisor Lyon informed the Board that the Wayne County History Jamboree would be held at the Palmyra Middle School from 9:30 AM thru 1:00 PM on April 23, 1994.

FIREFIGHTER'S
BREAKFAST
REMINDER

Item #6 - Firefighter's Breakfast
Supervisor Lyon reminded the Board that the annual Firefighter's Breakfast would be held on Sunday, April 24, 1994 at 9:30 AM at the Palmyra VFW.

CELLULAR ONE

Item #7 - Cellular One
The Board is presently waiting for Cellular One to respond to them in regard to the last questions brought up by David Matthews, Town Engineer. The Board requested that the Clerk follow up with the Ontario County Planning Board and ask for their opinion in writing.

MTN TO ADJRN

David Nussbaumer moved to adjourn this workshop meeting. Lynne Green seconded this motion and it carried unanimously.

Respectfully Submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

May 26, 1994

PUBLIC HEARING
MICHAEL PORRETTA
Special Authorization to operate a
construction and welding shop

The Public Hearing scheduled to be held on
Thursday, May 26, 1994, at the Palmyra Fire Hall, East
Main Street, Palmyra, to consider the application of
Michael Porretta, 103 Vienna Street, Palmyra, for
property located at 1305 Hammond Road, Palmyra, for a
variance to the Zoning Ordinance of the Town of
Palmyra to have a construction and welding shop was
called to order at 8:00 PM by Town Supervisor David
Lyon.

PUBLIC HEARING
M. PORRETTA

Those present, in addition to the Town Board
members, included:

- | | |
|--------------------------------------|-------------------------|
| Debbie Fraser | Roxanne Kachel |
| George Kachel | Marv Garland |
| Richard Lord | Karen Garland |
| Carol Drews | Jim Drews |
| Mike Porretta | Cindy Porretta |
| Jim Porretta | John Koeberle |
| Mr. & Mrs. Carlton Dennie | |
| Frank & Beverly Koeberle | |
| John S. Bement | David A. Husk |
| Tom Gagliano | Evie Smith |
| Larry Smith | Kathy Smith |
| Thelma Pulcini | Helen Van Maldeghem |
| Jeff and Debra Synyard | Mary Lou & John Carrier |
| Kim Chapple | Pete McIntosh |
| Mary Blake | Bob Rider |
| Ron Sapp | 4 unreadable names |
| Carol Miner | |
| Elaine Hartnagel - the Times | |
| Howard Vandyne - the Courier-Journal | |

The legal notice was then read by the Town Clerk.

Supervisor Lyon asked for comments from those
present, either for or against this variance.

BOB RIDER, local businessman - he feels that the
neighbors are concerned about what Mike might do out
there - they should look at what he has already done
to clean up the property - Mike is a good guy and
would contribute to the good of the area out there.
He should be given a chance to prove himself.

JOHN KOEBERLE, neighbor and local businessman -
he knows how Mike's establishment in the village
looks and he feels sure he will have just as nice a
place on Hammond Road.

JEFF SYNYARD, Vienna Street neighbor - he has had
no problems with the business Mike has in the village
- he agrees with Bob Rider.

CAROL MINER, lives next door to Mike on Vienna
street - Mike's business is clean and safe - it has

never disrupted her family at all - sure it would be OK on Hammond Road too.

RON SAPP - Mike improved the property in the Village, why do the neighbors think Hammond Road would be any different?

DAVID HUSK - neighbor on Hammond Road - he is not against a business growing but the back yards of our houses can see the back of this business - the neighborhood children could be hurt by climbing around his equipment - the increased traffic will be a problem - what kind of business hours is he going to have?

KAREN GARLAND - this is not a issue of character but a issue of zoning - there are a lot of kids out there and she personally observed a speeder going in and out of there yesterday.

MIKE PORRETTA - his business hours will be 8 - 5 - he has cleaned up a lot and there is still a lot more to do - he is going to be putting up a fence - on a busy day he would expect he might have 3 to 4 customers and that would not create much more traffic.

RICHARD LORD - lives across from the Hammond Road property - what type of work is going to be done there? sandblasting? painting? is the Town Board going to look into this?

MIKE PORRETTA - the only sandblasting he has done was on his personal car, he hires his other work done - he also does very little painting out there.

RICHARD LORD - if this is approved, who will enforce the restrictions?

DAVID LYON, Town Supervisor - the Zoning Officer for the Town of Palmyra.

MIKE LEONE - no matter how this property is zoned Porretta is paying commercial tax rates right now, how can you (the board) go back on that? this property is no good to him if he cannot use it - he would make the place look better than it has for years.

TOM GAGLIANO, neighbor on Hammond Road - he has no problem with a welding shop but what about the construction business?

MARK PORRETTA, brother of Mike and owner of the construction equipment - his equipment probably won't even be located there when Mike starts up his welding business - he will be hauling out his equipment.

? - parts have been sandblasted for Mike at his place of employment for the last year, so he knows for a fact that Mike is not sandblasting at the shop.

ELAINE HARTNAGEL, member of the Village Planning Board - the Village of Palmyra Planning Board could not help Mike expand his business because of his location in the village - his property there is landlocked.

JIM DREWS, neighbor on Hammond Road - he is doing things he has said he is not going to do - there is dust so bad from him and his stomers, that you cannot open your windows in the summer.

ANN DENNIE, neighbor on Hammond Rd. - there is nothing wrong with Mike, she is sure he is a good person, but there are all nice properties on Hammond Road and our values will go down - 7 days a week and lots of evenings there is a lot of traffic and dust.

BOB RIDER - he sympathizes with the neighbors, but there are ways to eliminate the dust problem.

CINDY PORRETTA, Mike's wife - she will not let him work 7 days a week - he may be there but he is cleaning up, not running his business.

ANN DENNIE - there are customers all the time.

JIM DREWS - there never should have been a zoning change in the first place - the question is, should this business be in this area?

MIKE RIDER - there is not a problem with the present business, so why do the neighbors expect all of these problems? Another man agreed with this.

MIKE PORRETTA - he has been told no welding business up to this point, storage only - he will rent this building to a construction company - he will not let it set empty and continue to pay taxes on it.

HELEN VANMALDEHEM, lives right across from this property - she owns two properties on Hammond Road and her only complaints are the dust problem and how this business will affect her property values.

DAVID HUSK - his main concern is the safety of the neighborhood children (his own included).

MIKE PORRETTA - he has done a lot of cleaning up already and there is a lot more to do to make the place look the way he would like it to - he does not want to interfere with anybody out there.

CARLTON DENNIE - the property was sold to build a house originally but it was never built - the neighbors were never notified of the original change of zoning on this property.

JIM DREWS - we are all on well water - it has been rumored that there are underground gas tanks on the property.

MIKE PORRETTA - he had the underground gas tanks checked eight years ago and they are empty.

JIM PORRETTA, Mike's brother - there is already a excavating business and a dog kennel out there, what difference will a welding shop make?

DEBBIE SYNYARD - she has taken her children to Porretta's house for years and their concern has always been for the safety of the children - there will be no problem for the neighborhood children.

CARLTON DENNIE - do all of the neighbors have to suffer because of the way this is zoned?

DAVID LYON, Town Supervisor - no, you should not have to suffer at all - it's a matter of a person being able to use their property verses the good of the neighborhood.

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PUB HEARING CONT. M. PORRETTA

May 26, 1994

MIKE PORRETTA - there have been two retail businesses out there already - his business won't be any different, but maybe cleaner - what do people want there anyway?

JIM DREWS - a house.

JOHN KOEBERLE - a inspection by the Town Zoning Officer could take care of any problems that might arise.

MIKE PORRETTA - he is willing to work with the Town Board and with everybody out there - he does not want any hard feelings with the neighbors.

DAVID LYON, Town Supervisor - what exactly are we dealing with here, your welding business only, or a construction business also?

MIKE PORRETTA - my welding business only - my brother's construction equipment is there for storage and because I do the repair work on his equipment.

LYNNE GREEN, Town Board Member - what would a 18-wheeler have to do with your business?

MIKE PORRETTA - that was a customer dropping off a part for me to work on - he just happens to be a truck driver and was on his way to work.

FRANK KOEBERLE - Bill Dunk operated out of there since 1953 and then built the building in 1960, prior to zoning - this has been "grandfathered" in.

MIKE PORRETTA - I feel I am a asset to the Town of Palmyra and if this doesn't pass, I will have to rent out this property. It has become impossible for me to run my shop in the village and live next door to it too - I can never get away from my work this way.

The Supervisor asked if there had been any written comments regarding this public hearing. There was only one. He asked the Town Clerk to read it at this time.

Town Board of Palmyra
201 E. Main Street
Palmyra, NY 14522

Dear Sir or Madame:

I am very displeased with the Mike Porretta situation. The reason for this is because you have failed to shut him down in his building on Hammond Road where I live. Everyday he brings up more and more junk and equipment.

What I would like to see is an official over there to shut him down.

Thank you for your time and cooperation.

Sincerely,
Chad Lord
1814 Hammond Road
Palmyra, NY 14522

The recommendation from the Town of Palmyra Planning Board was then read into the minutes:

PUB HEARING CONT. M. PORRETTA

May 26, 1994

MEMO TO : Palmyra Town Board
FROM: Palmyra Planning Board
RE: Mike Porretta Special Use Application
Hammond Road

At the May 16 meeting of the Town Planning Board, the members reviewed an application received from Michael J. Porretta, 103 Vienna Street, Palmyra. Mr. Porretta is seeking permission to move his business, which is currently known as Iron Art Welding and is located on Vienna Street, to his property on Hammond Road. The property on Hammond Road has been used for businesses in the past, and Mr. Porretta would rather conduct his business in that area as opposed to in the village. It would allow him more room to work, and would add more storage space.

The Planning Board has received three (3) letters from area residents, all registering complaints against the proposed business. Their major concerns is increased traffic flow from prospective patrons and the possibility of the area becoming an eyesore. Mr. Porretta stated that he wished to comply with whatever stipulations the town may set forth, and is willing to work with the neighbors and their concerns. The proposed application would be in violation of Section 7.6 of the Town Zoning Law, which stated that a shop used for the repair of automobiles involving "hammering or other work causing loud or unusual noise or fumes or odors" shall not be within 200' of a residential district.

The board discussed the application at great lengths with Mr. Porretta, and agreed to recommend approval of this application to the Town Board, with the following stipulations:

1. That the hours of operation be limited from 7 A.M. to 7 P.M. Monday through Friday, and half days on Saturdays.
2. That all storage be in the rear of the building and/or in the building itself.
3. That there be no more than one unlicensed vehicle stored outside on the property at one time.
4. That all parking shall be in the rear of the property.
5. That there be a visual barrier constructed to keep storage from the view of the neighbors.

Sue Regis
Secretary to Planning Board

MIKE PORRETTA - he forgot to tell everyone that he is going to put a door on the back of the shop.

DAVID HUSK - our Town Zoning Board (of which he is a member) is a joke - the Zoning Board was not even notified of this application and it goes against the Zoning Laws.

SUPERVISOR LYON - at the time the Town of Palmyra Zoning Regulations were drawn up, the "Town Fathers" set aside certain things that were to be the

PUB HEARING CONT. M. PORRETTA

May 26, 1994

responsibility of the Town Board and this is one of them - he is hoping that a lot of this will change in the next two or three years.

HELEN VANMALDEHEM - she agrees with David Husk 100%.

Supervisor Lyon asked if there were any more comments concerning this application. There being none, he declared this public hearing closed at 8:55 PM.

PUBLIC HEARING
PROPOSED LOCAL LAW #2 OF 1994
entitled "A Local Law to make the term of office
of the Town Supervisor four (4) years."

The Public Hearing scheduled to be held on
Thursday, May 26, 1994, at the Town Office,
201 East Main Street, Palmyra, was called to order at
9:00 PM by Town Supervisor David Lyon.

PUB HEARING
CALLED TO ORD

The legal notice was read by the Town Clerk.

Those present at this public hearing were the
same as the first public hearing.

Supervisor Lyon asked those present for any
comments, for or against, this proposed local law.

David Nussbaumer explained that, if this local
law is passed, it will not extend the term of the
present Town Supervisor; it will begin with the term
of office for the supervisor that is elected in
November of 1995.

Supervisor Lyon again asked if there were any
comments regarding this proposed local law. There
being none, he declared this public hearing closed at
9:03 PM.

PUB HEARING
CLOSED

PUBLIC HEARING
PROPOSED LOCAL LAW #3 OF 1994
entitled "A Local Law to make the term of office
of the Tax Collector four (4) years."

The Public Hearing scheduled to be held on
Thursday, May 26, 1994 at the Town Office,
201 East Main Street, Palmyra, to consider the
proposed Local Law #3 of 1994 was called to order at
9:03 PM by Town Supervisor David Lyon.

PUB HEARING
CALLED TO ORD

The legal notice was read by the Town Clerk.

Supervisor Lyon asked those present for comments
regarding proposed Local Law #3 of 1994.

David Nussbaumer again explained that, if this
local law is passed, it will not extend the term of
office of the present Tax Collector; it will begin

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with the term of the Tax Collector elected in November 1995.

Supervisor Lyon again asked for any comments from those present, either for or against this proposed local law. There being none, this public hearing was declared closed at 9:05 PM by Town Supervisor David Lyon.

PUB HEARIN

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, May 26, 1994 at the Town Office, 201 East Main Street, Palmyra, was called to order at 9:18 PM by Town Supervisor David Lyon.

CALL TO ORDR

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

PLEDGE OF ALLEGIANCE

Upon roll call, the following Town Board Members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
David Nussbaumer
Lynne Green
(Robert Grier was absent)

David Nussbaumer moved to approve the minutes of the Town Board meetings held on March 10, 1994, March 24, 1994, April 14, 1994 and May 2, 1994 as submitted. Andy Baran seconded this motion and it carried unanimously.

MTN TO APV MINUTES OF
3/10/94
3/24/94
4/14/94
5/2/94

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

COMMUNICATIONS

1. Memorial Day Parade information from the VFW
2. Thank you from the walk for the Hungry Committee
3. Reply from NYS DOT re: request for speed change in the hamlet of East Palmyra

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Assessor's Office

David Nussbaumer reported that the Assessor's

ASSESSOR'S UPDATE

Office will be closed in the afternoon on June 6, 1994 because the Assessor and her clerk will be attending a training seminar.

Highway Committee - Andy Baran, Chairman

1. 1994 Water District Inspection results

WATER DIST.
INSPECTION
RESULTS

Andy Baran reported that the Department of Health had completed the 1994 Water District Inspection. They commented on unaccounted for water, system extension, cross-connection control and system maintenance. Supervisor Lyon said that there were no serious problems; just general maintenance.

2. Municipal Auction Report

MUNICIPAL
AUCTION RPT

Nelson Cook, Highway Superintendent, reported that total sales at the municipal auction were \$839,000.00; that 819 people were shuttled from the parking lot; there were 76 consignors and the Lyons Club and the Community Center both sold out of food and made larger profits than ever before. He said that the Town of Palmyra made \$8,299.00 in commission and \$16,172.00 in sales, which netted us \$24,471.79 in all.

3. Results of joint fuel station bids

JOINT FUEL
STATION BIDS

Nelson Cook reported that six bids came in for the joint fuel station. They now have to be compared with the specs and put in order. Another meeting will be held when the results are ready.

4. Request from Doris House, 2062 Pt. Gibson Road for handicapped crossing signs

MTN TO APV
HANDICAPPED
CROSSING
SIGNS

Andy Baran moved to approve placing handicapped crossing signs near the property of Doris House, 2062 Pt. Gibson Road at a cost not to exceed \$143.00. David Nussbaumer seconded this motion. Supervisor Lyon reminded the Board that there is a church parking lot across from this property and that the DOT did not change the speed on this road. This motion carried unanimously.

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5. Reminder of Highway Superintendent attending school

Andy Baran reminded the Board that Nelson Cook, Highway Superintendent, will be attending school at Cornell from June 6 thru June 8.

REMINDER OF HIWY. SCHOOL

Planning Committee - Robert Crier, Chairman

1. Building Inspector/Zoning Officer Update

The report filed by Earl Vanderwall, Building Inspector/Zoning Officer can be found in the file folder entitled "Assessor Update and Building Inspector Update" as kept with these minutes.

BLDG. INSPCTR/
ZONING OFFCR
UPDATE

2. Computer for Planning & Zoning Office and the Highway Department

Supervisor Lyon explained that there has been a proposal to upgrade the computer system at the Town Highway Department and for them to sell their present equipment to the Town Building Inspector/Zoning Officer for his office. Supervisor Lyon then went over the figures compiled by Catherine Contant, Computer Program Administrator. David Nussbaumer moved to approve having the Highway Department sell their present computer equipment to the Town Building and Zoning Office at a cost not to exceed \$950.00 and for the Highway Department to purchase a new computer system from Palmyra Computer at a cost not to exceed \$2,185.00 as put together by Catherine Contant. Andy Baran seconded this motion and it carried unanimously.

MTN TO APV
HIWY DEPT. SEL
COMPUTER SYST
TO BLDG & PLM
OFFICE AND TO
PURCHASE A NEW
SYSTEM

Zoning Committee - Lynne Green, Chairman

1. Mobile Home Park inspection & possible approval of permits

Earl Vanderwall reported that the mobile home park inspection has been done. He said there were no major problems in any of the parks but there were a few minor things that needed to be done. He will check these things out and hopefully, will be ready to recommend approval of the parks at the next meeting.

MOBILE HOME
PARK INSPCTN

2. Kevin Carrier - property on Trolley Road

Ronald Valentine, Attorney, was present to speak to the Board for Kevin Carrier. He said that Kevin has a limited time to take advantage of a opportunity to get rid of the tires and wheels on the Trolley Road property. Supervisor Lyon asked if this would be legal and proper. Mr. Valentine stated that it absolutely would be and it would be at no cost to the Town of Palmyra. What Mr. Valentine would like, was for the Town Board to give Kevin a decision in order for him to decide whether or not it would be worth the expense and time to actually get rid of the tires. Supervisor Lyon reminded Mr. Valentine that there are numerous violations against Kevin at this time. Mr. Valentine stated that there are "some" violations. He said that Kevin is looking for some assurance that the Town Board will move forward on his permit; perhaps propose a process that will ultimately lead to Kevin getting his permit, such as a committee of Kevin, a neighbor, a Town Board Member, etc. to set down recommendations for the running of the junkyard. Supervisor Lyon told them that the Board's policy, since 1987 or so, has been that if someone would clean up the tires, the Board will seriously consider a permit for the junkyard. In order for Kevin to take advantage of the opportunity to get rid of the tires,

Lynne Green moved the following resolution:

WHEREAS, the Town Board directed the Town Zoning Officer to post a "cease and desist" order on property owned by William Hood and located at 3785 Trolley Road, Palmyra, New York, and

WHEREAS, said order prohibits the operation of a junk yard by the owner or tenant to said property, and

WHEREAS, the tenant to the property, Kevin Carrier, is currently making arrangements to remove discharged tires that are located on the property, and would need a relief from the cease and desist order to allow this to happen, and

WHEREAS, it is in the good of the community of the Town of Palmyra to have said tires removed

NOW BE IT RESOLVED, that the cease and desist order is modified to allow the tenant of the property, Kevin Carrier, access to the property for the specific purpose of

1. gathering and relocating discharged tires CURRENTLY located on the property to one area on the property, and
2. allowing removal equipment, including but not limited to, fork lifts, trucks and flat beds, access to the property for the specific and only purpose of removing said discarded tires, and
3. allowing personnel access to the property for specific and only purpose of removing said discarded tires, and
4. said access is limited to
 - a. weekdays, Monday thru Friday, 8 AM to 5 PM, Saturdays, 8 AM to 12 PM
 - b. and until the June 23, 1994 Town Board meeting, at which time if substantial progress has been made by the deadline date, can be extended by the Town Board, Town of Palmyra, and

IT IS FURTHER RESOLVED, that any other activity is specifically prohibited on said property pending further permission and licensing from the Town Board, and

IT IS FURTHER RESOLVED, that a copy of this resolution and the original cease and desist order shall be posted in accordance with New York State Law by the Town Zoning Officer.

TOWN OF PALMYRA
BY: DAVID C. LYON
Town Supervisor

Passed as presented this 26th day of May, 1994.

TOWN OF PALMYRA
BY: THERINE C. CONTANT
Deputy Town Clerk

REGULAR TOWN BOARD MEETING CONT. May 26, 1994

David Nussbaumer seconded this resolution. Upon roll call vote, the resolution carried with a vote of 3 ayes and 1 naye -

| | |
|------------------|--------|
| Andy Baran | - naye |
| David Nussbaumer | - aye |
| Lynne Green | - aye |
| David Lyon | - aye |

Mr. Valentine then requested that the Town Board withdraw or put on hold, the legal action the Town of Palmyra has pending against Kevin. Supervisor Lyon felt that the Board should discuss this with the Town Attorney before taking such action. Lynne Green moved to put the legal action on hold until the Board had the opportunity for the Town Attorney to advise them. This motion was seconded by David Nussbaumer and carried unanimously.

AGENDA ITEMS

1. Computer maintenance agreements

Supervisor Lyon explained to the Board that we have the opportunity to contract for our computer maintenance (on all of the Town's equipment) on our own but at Wayne County rates at a cost of \$708 per year with R G Data. He said we are presently paying \$2,000 to cover our equipment. Lynne Green moved to contract with R G Data for computer maintenance on all of the Town of Palmyra computer equipment at a rate not to exceed \$708. Andy Baran seconded this motion and it carried unanimously.

MTN TO APV
COMPUTER
MAINTENANCE
CONTRACT W/
R G DATE

2. Approval to hire Cathy Contant for Master Plan Committee survey work

Lynne Green moved to approve hiring Cathy Contant to do the Master Plan Committee survey work at a total cost of \$450 which will be split with the Village of Palmyra making the Town's share \$225. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO APV
HIRING
C. CONTANT TO
DO MASTER PLAN
COMM SURVEY
WORK

3. Supervisor's Wayne County Report

Supervisor Lyon told the Board that the major news from the County was that they had hired Dan Kane as Wayne County Administrator.

SUPER'S WAYNE
COUNTY REPORT

4. Workshop Meeting to be held June 9, 1994

Supervisor Lyon said that the tentative agenda for the June 9, 1994 workshop meeting would include:

WORKSHOP MTG
6/9/94

- a) assessment reduction or property improvements
- b) data collection
- c) Porretta hearing
- d) personnel benefits

5. Wayne County Water Authority Update

Supervisor Lyon reported that the results of the Walworth, Macedon, Marion and Palmyra survey totals are being put together at this time. The advantages and the disadvantages of combining services are also being figured.

WAYNE COUNTY
WATER AUTH
UPDATE

6. Bingham Company Update

In case the Board members should be asked, Supervisor Lyon thought they should be aware that the preliminary air tests done at the Bingham Company came back OK.

BINGHAM CO.
UPDATE

They will be doing more are sampling however, just to be on the safe side. He said the Palmyra Fire Department has inspected the plant, the insurance people have checked on the chemicals stored out there and the engineers have drawn up changes to monitor noise, discharge, etc.

Following a review of the expenditures and claims submitted, David Nussbaumer moved to approve payment of the claims shown on Abstract #5 with totals as follows:

MTN TO APV
PAYING CLAIMS

| <u>Account</u> | <u>Voucher#</u> | <u>Amount</u> |
|----------------------|-----------------|---------------|
| General Fund | 138 - 161 | \$ 8770.90 |
| Part Town Fund | 43 - 52 | 22799.27 |
| Highway II, III, IV | 33 | |
| | 107 - 129 | 5151.30 |
| Highway I | 16 - 25 | 7103.59 |
| North Water District | 14 - 18 | 2960.42 |
| South Water District | 9 - 11 | 178.15 |
| East Water District | 9 - 11 | 1269.73 |

Andy Baran seconded this motion and it carried unanimously.

David Nussbaumer moved to adjourn this meeting of the Town Board, Lynne Green seconded and it carried unanimously.

MTN TO ADJRN

Respectfully submitted,
Beverly E. Hickman
Beverly E. Hickman

June 9, 1994

WORKSHOP MEETING WITH BUSINESS

The Workshop Meeting with Business scheduled to be held on Thursday, June 9, 1994 at the Town Office, 201 East Main Street, Palmyra, was called to order at 8:00 PM by Town Supervisor David Lyon.

CALL TO ORDER

The following Town Board members were present upon roll call:

ROLL CALL

Town Supervisor - David Lyon
 Town Councilmen - Andy Baran
 Robert Grier
 David Nussbaumer
 Town Councilwoman - Lynne Green

BUSINESS

1. Resolution to set public hearing date for the purpose of a 1994 Community Development Block Grant Application

The following resolution was moved by Andy Baran and seconded by Lynne Green:

MTN TO APV
PUB HEARING
DATE

WHEREAS, a public hearing to fulfill the citizen participation requirements is necessary prior to the submission of a Community Development Block Grant Small Cities application, and

WHEREAS, the purpose of the public hearing will be to receive citizen suggestions concerning community development priorities and to assist the Town Board in identifying possible projects for inclusion in an application for funding under the 1994 Community Development Small Cities Program,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Palmyra will hold a public hearing on Thursday, June 23, 1994 at 8:00 PM at the Palmyra Fire Hall, Main Street, Palmyra.

This resolution carried upon roll call vote as follows:

| | |
|---------------------------------|-------|
| Town Supervisor, David Lyon | - Aye |
| Town Councilmen, Andy Baran | - Aye |
| Robert Grier | - Aye |
| David Nussbaumer | - Aye |
| Town Councilwoman - Lynne Green | - Aye |

2. Motion to advertise public hearing

Andy Baran moved to advertise the above public hearing in the Courier-Journal. Lynne Green seconded this motion and it carried unanimously.

MTN TO APV
ADVERTISING
PUB HEARING

Robert Grier moved to adjourn this workshop meeting of the Town Board. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO ADJRN

Respectfully submitted,

Beverly E. Hickman
 By Beverly E. Hickman
 Town Clerk

June 23, 1994

PUBLIC HEARING
Small Cities Grant Program

The Public Hearing scheduled to be held on Thursday, June 23, 1994 at the Palmyra Fire Hall, East Main Street, Palmyra, to receive citizen suggestions concerning community development priorities and to assist the Town Board in identifying possible projects for the inclusion in an application for funding under the 1994 Small Cities Program was called to order at 8:00 PM by Town Supervisor David Lyon.

PUBLIC HEARING
CALLED TO ORDER

Those present at this public hearing included the following:

| | |
|---------------|------------------|
| Emeric Yusko | Michael Porretta |
| Kevin Carrier | Evy Smith |
| John Carrier | |
| Roxann Kachel | George Kachel |
| Debbie Frazer | Tom Frazer |

The legal notice was read by the Town Clerk.

Supervisor Lyon asked those present if there were any comments regarding this 1994 Small Cities Grant Program Application.

Emeric Yusko - Shilling Road - asked if this grant was taken into account at the informational meeting at the High School.

Supervisor Lyon told Mr. Yusko that he did not dare consider this grant at that time.

Mr. Yusko asked if this grant would delay the project. Supervisor Lyon told him it would not; that the project could be started anytime we get the final approvals.

Supervisor Lyon again asked if there were any comments regarding this grant application. There were none. He declared this public hearing closed at 8:08 PM.

PUBLIC HEARING
CLOSED

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board of the Town of Palmyra, scheduled to be held on Thursday, June 23, 1994 at the Palmyra Fire Hall, East Main Street, Palmyra, was called to order at 8:00 PM by Town Supervisor David Lyon. Supervisor Lyon asked John Koeberle to lead those present in the Pledge of Allegiance to the Flag.

Upon roll call, the following Town Board members were present:

| | |
|--------------------|--------------------|
| Town Supervisor | - David Lyon |
| Town Board Members | - Andy Baran |
| | - Robert Grier |
| | - David Nussbaumer |
| | - Lynne Green |

Andy Baran moved to approve the minutes of the regular Town Board meeting held on May 26, 1994 as submitted. David Nussbaumer seconded this motion and it carried unanimously.

COMMUNICATIONS

1. Letter from NYS Dept. of Agriculture & Markets RE: Advising of receipt of Town of Palmyra's Preliminary Notice of Intent concerning the proposed Central Water District and waterman extension within Agricultural District #8
2. Letter from Palmyra Canal Town Days Committee RE: Parade
3. Letter from the NYS Commission on Cable Television RE: Rate regulations for the cable television system operating in our municipality

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Assessor Update

Among other things, Ann Vingee Taber, reported to the Board that she had challenged our equalization rate and it will be adjusted to a lower rate.

2. Data Collection

Mrs. Taber informed the Board that she had received some information, but would like to go over some preliminary findings with Councilman Nussbaumer and would have more information ready at the July 14th workshop meeting.

MEETING CALLED
TO ORDER

PLEDGE ALLEGIANCE

ROLL CALL

MINUTES 5/26,
APPROVED

COMMUNICATIONS

ASSESSOR UPDATE

DATA COLLECTION

3. Property Improvement Exemption

PROP IMP EXEMP

Mrs. Taber reported that Robert Diener, Director of Wayne County Real Property Tax Service, has found a problem with this exemption and is attempting to work it out. She said she will get back to the Board when she knows more about it.

4. Appointment of Deputy Animal Control Officer

APPT OF DEPTY ANIMAL CONTROL OFF.

David Nussbaumer moved to appoint Robert Copenhagen as Deputy Animal Control Officer for the Town of Palmyra and for him to be paid \$10.00 per call. This motion was seconded by Lynne Green and carried unanimously.

5. Identification patches for ACOs

IDENT. PATCHES

David Nussbaumer moved to approve the purchase of identification patches (to be sewn on shirts or jackets) for the Animal Control Officer and Deputy at a cost not to exceed \$50.00. Robert Grier seconded this motion and it carried unanimously.

6. Proposed Local Law #2 of 1994 - Changing the term of Supervisor to 4 years - Subject of Public Hearing held 5/26/94

PROP. LOCAL LAW # 1994 - TERM OF SUPT.

The following resolution was offered by Councilman David Nussbaumer and seconded by Councilman Robert Grier:

BE IT RESOLVED by the Town Board of the Town of Palmyra, County of Wayne, State of New York, as follows: That Proposed Local Law #2 of 1994 changing the term of the elective office of the Town Supervisor from two (2) to four (4) years as adopted on June 23, 1994 shall not become operative or effective unless and until it shall have been submitted at a Special Election to be held on November 8, 1994 and approved by the electors of the Town of Palmyra voting a proposition thereon, which proposition shall state:

"Shall the Local Law adopted by the Town Board of the Town of Palmyra on the 23rd day of June 1994 which changes the term of the elective office of the Town Supervisor from a two (2) year term to a four (4) year term be approved."

This motion carried upon roll call vote as follows:

MOTION CARRIED

Town Supervisor -David Lyon - Abstained
 Town Councilmen -Andy Baran - Aye
 -Robert Grier - Aye
 -David Nussbaumer - Aye
 Town Councilwoman -Lynne Green - Aye

PROPOSED LOCAL

LAW #3 - 1994

TERM OF TAX

COLLECTOR

7. Proposed Local Law #3 of 1994 --Changing the term of Tax Collector to 4 years - Subject of Public Hearing held May 26, 1994

The following resolution was offered by Councilman David Nussbaumer and seconded by Councilman Andy Baran:

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

That Proposed Local Law #3 of 1994 changing the term of the elective office of the Town Tax Collector from two (2) to four (4) years as adopted on June 23, 1994 shall not become operative or effective unless and until it shall have been submitted at a Special Election to be held on November 8, 1994 and approved by the electors of the Town of Palmyra voting a proposition thereon, which proposition shall state:

"Shall the Local Law adopted by the Town Board of the Town of Palmyra on the 23rd day of June 1994 which changes the term of the elective office of the Town Tax Collector from a two (2) year term to a four (4) year term be approved?"

This motion carried upon roll call vote as follows:

MOTION CARRIED

| | | |
|-------------------|--------------------|-------|
| Town Supervisor | - David Lyon | - Aye |
| Town Councilmen | - Andy Baran | - Aye |
| | - Robert Grier | - Aye |
| | - David Nussbaumer | - Aye |
| Town Councilwoman | - Lynne Green | - Aye |

Highway Committee - Andy Baran, Chairman

1. Joint fueling station update

JOINT FUELING STATION UPDATE

Nelson Cook, Highway Superintendent, reported that all of the bids for the joint fueling station came in too high. It is his understanding that the specs will be modified and the bids will be let out again.

2. Transfer of funds

TRANSFER OF FDS

Andy Baran moved to approve the following transfer of funds:

| | |
|--------------------|--------------------|
| From DB5110.4 | To DB5110.2 |
| Gen. Repairs Cont. | Gen. Repairs Equip |
| \$400.00 | \$400.00 |

David Nussbaumer seconded this motion and it carried unanimously.

Planning Committee -Robert Grier, Chairman

REG TOWN BOARD MEETING CONT.

June 23, 1994

1. Building Inspector/Zoning Officer Update

BLDG INSP/ZON

The Building Inspector/Zoning Officer report can be

OFF UPDATE

found in a file folder labeled "Assessor Update - Building Inspector/Zoning Officer Update" as kept with these minutes. During the discussion with Mr. Vanderwall, Robert Grier asked how many tires had been removed. Mr. Vanderwall stated that he had personally seen two (2) truckloads of tires removed from the Trolley Road property. Kevin Carrier then told the Board that he has removed approximately 8,000 tires and has about 2800-3000 still on the property. Mr. Vanderwall said that he didn't necessarily agree with the amount of tires still there because there are a lot still out in the weeds.

2. Cellular One

CELLULAR ONE

The following resolution was moved by Robert

RESOLUTION

Grier:

WHEREAS, the Town of Palmyra had designated itself as the lead agency, and

WHEREAS, the Town has determined this is an unlisted action, and

WHEREAS, after a review of the application and the short form EAF, the Town Board prepared Sections II and III of the EAF. That as a result of the preparation of Sections II and III of the EAF, the Town Board has determined that a positive declaration must be declared and that a draft EIS must be prepared.

That a review of the application and supporting documents reveals the following reasons for the determination:

1. Project is located in an Agricultural District on agricultural land (loss of use to agriculture forever.)

2. Visual impact of the tower which will rise 186' above the level of the ground. The impact will be not only in the neighborhood but also impact on public recreational sites, transportation corridors (Route 31, Barge Canal, Railroad), and one or more historic sites, namely Hill Cumorah.

3. The possible short and long term impact on health of the Town residents from possible emission from the tower.

4. The plans do not address erosion control, storm water disposal and site access.

5. There is public controversy over the location which cannot be resolved.

6. That there appears to be an impact on a drumlin, and the precedent created could have an impact on geological sensitive formations including drumlins, kames and eskers.

REG TOWN BOARD MTG CONT.

June 23, 1994

BE IT FURTHER RESOLVED, that an Environmental Impact Statement must be prepared and that notice of this positive declaration be mailed as required by law. David Nussbaumer seconded this resolution.

During the discussion that followed, Paul Rubery, Town Attorney, informed the Board that if they vote for this resolution, Cellular One will be forced to make better information available to this Board prior to a final vote on this project. This resolution carried unanimously upon roll call vote.

DISCUSSIONRESOLUTIONCARRIEDMICHAEL PORRETTASPEC. AUTHORIZATION

3. Michael Porretta - Special Authorization - Subject of Public Hearing held on May 26, 1994

Robert Grier explained to those present that the recommendation from the Wayne County Planning Board had not been received because they had not yet held a meeting. He said that this Board would be ready to make a decision on this matter at their workshop meeting to be held on July 14, 1994.

Zoning Committee - Lynne Green, Chairman

APPROV.MOBILE HOMEPARK PERMITS

1. Approval of mobile home park permits

Lynne Green moved to approve the mobile home park permits for all six (6) of the mobile home parks in the Town of Palmyra for the 1994 calendar year. Robert Grier seconded this motion and it carried unanimously.

KEVIN CARRIER

2. Kevin Carrier - property on Trolley Rd.

Lynne Green reported to the Board that she felt substantial progress had been made with the tire removal even though all of the tires had not been removed as yet. She asked Kevin Carrier if he would have time enough to finish up this job if the Board gave him until the July 14, 1994 meeting and with his hours limited to 8:00 am thru 5:00 pm. Mr. Carrier agreed to this. The neighbors argued that he had already had a month and had not done much of anything until the last two days. Robert Grier asked the neighbors if they felt an honest effort had been made.

REG TOWN BOARD MEETING CONT.

June 23, 1994

They agreed on a "last minute effort." Kevin Carrier said that it had already cost him \$3200.00 and it was necessary for him to work another job in order for him to earn a living at the same time. Mr. Carrier asked if the Board would consider deciding about his permit at this time. Supervisor Lyon reminded him that all of the information requested at his public hearing had not been submitted as yet. Mr. Rubery stated that he had talked to Mr. Valentine and that information regarding the foreclosure on this property would be available at the July 14, 1994 meeting. Supervisor Lyon told Mr. Carrier that he wanted him to be aware of all the legalities and for him not to expect his permit at that time. Lynne Green then moved to lift the Cease and Desist Order until July 14, 1994 for the sole purpose of tire removal, which means all tires everywhere on this property and the neighboring properties; with work hours to be 8:00 am - 5:00 pm Monday thru Friday and 8:00 am thru 12:00 noon on Saturday; and for there to be no working at all on the July 4th holiday. David Nussbaumer seconded this motion and it carried unanimously upon roll call vote.

3. Eugene East - Approval of Septic Sludge Permit

E. EAST-
SEPTIC SLUDGE
PERMIT

Lynne Green moved to approve a Septic Sludge Removal Permit for Eugene East for the calendar year 1994 subject to DEC approval. This motion was seconded by Robert Grier and carried unanimously.

4. Canaltown Park - Change of Zoning

CANALTOWN PARK
RESOLUTION

Upon motion moved by Lynne Green and seconded by David Nussbaumer, the following resolution was unanimously adopted:

At the request of the owner of premises at the corner of Maple Avenue and Division Street, the Town Board of the Town of Palmyra, after consideration of the area which is bounded on the south by a Residential District and by a Light Industrial

District and the east and north by the highway and Penn Central Railroad and west by the highway and a Residential District and the owners have presented a plan to screen and buffer the area from adjacent residential properties; decided it was in the public interest to call a hearing pursuant to the provisions of the Zoning Ordinance of the Town of Palmyra for the rezoning of this area from a Residential District to a Light Industrial District and amend the official zoning map of the Town of Palmyra and/or as provided for by state laws and the Zoning Ordinance.

On October 14, 1993, the hearing was held pursuant to notice, given, at a meeting of the Town Board in the Fire Hall in Palmyra, New York, at which all persons desiring to be heard in favor of the rezoning and also those desiring to be heard in opposition to the rezoning were given an opportunity and were heard.

After due deliberation and discussion, after consideration of the health, safety and general welfare of the community which is faced with an eroding tax basis and loss of jobs, the Town Board, upon motion duly made and seconded, enacted the following resolution:

IT IS HEREBY RESOLVED that the following property located at the intersection of Division Street and Maple Avenue in the unincorporated area of the Town of Palmyra and described as follows is rezoned as Light Industrial:

ALL THAT TRACT OR PARCEL OF LAND, being part of Town Lot Nos. 76, 77, 88 and 91, situated in the Town of Palmyra, County of Wayne, State of New York, and being more particularly described as follows: Beginning at a point on the centerline of Division Street at its intersection with the centerline of Maple Avenue; thence (1) southerly, on a curve to the right, along the centerline of Division Street, having a radius of 2799.00 feet, a distance of 931.58 feet to a point; thence (2) southerly, on a curve to the right, continuing along the centerline of Division Street, having a radius of 6810.00 feet, a distance of 208.96 feet to a point; thence (3) S 24° 06' 00" E, continuing along the centerline of Division Street, a distance of 312.57 feet to a point; thence (4) S 16° 41' 30" E, continuing along the centerline of Division Street, a distance of 127.24 feet to a point; thence (5) N 80° 55' 50" W, a distance of 352.06 feet to a point; thence (6) N 80° 39' 30" W, a distance of 341.86 feet to a point; thence (7) N 29° 07' 34" W, a distance of 177.14 feet to a point; thence (8) N 9° 34' 10" E, a distance of 315.00 feet to a point; thence (9) N 28° 08' 20" W, a distance of 368.22 feet to a point on the centerline of Maple Avenue; thence (10) northeasterly, on a curve to the right, continuing along the centerline of Maple Avenue, having a radius of 954.93 feet, a distance of 147.94 feet to the point of beginning, containing 13.251 acres of land, more or less, excluding lands appropriated for highway purposes.

IT IS FURTHER RESOLVED that the necessary changes be made upon the Zoning Maps of the Town of Palmyra to indicate the location of the above properties that are now located in the Residential Zone as defined and regulated pursuant to the provisions of the Zoning Ordinance and will now be in a Light Industrial Zone and regulated pursuant to the applicable regulations all as shown on the Zoning Map of the Town of Palmyra,

as amended.

IT IS FURTHER RESOLVED that the Town Clerk is authorized and directed to give the necessary notice of this change in zoning to the departments and agencies having jurisdiction in the matter and to publish a notice of this change of Zone in the Town's newspaper.

IT IS FURTHER RESOLVED that this modification of the Zoning Ordinance and Map shall become effective ten (10) days after publication.

This resolution carried unanimously upon roll call vote as follows:

- Town Supervisor - David Lyon - Aye
- Town Councilmen - Andy Baran - Aye
- Robert Grier - Aye
- David Nussbaumer - Aye
- Town Councilwoman - Lynne Green - Aye

5. Transfer of funds

TRANSFER OF FUNDS

The following transfer of funds was moved by Lynne Green, seconded by Andy Baran and carried unanimously:

| <u>From</u> | <u>To</u> |
|----------------------|-----------------------|
| B8010.4 Zoning Cont. | B8010.2 Zoning Equip. |
| \$850.00 | \$850.00 |

- Agenda Items

1. Small Cities Grant Program - subject of public hearing

SMALL CITIES GRANT PROGRAM RESOLUTION

At the regular meeting of the Town Board, Town of Palmyra, held on Thursday, June 23, 1994 at the Palmyra Fire Hall, the following resolution to authorize funding to supplement the Community Development Block Grant Application for the Central seconded by Councilman David Nussbaumer:

WHEREAS, for a number of years there has been interest expressed to expand the public water supply into populated areas of the Town of Palmyra that heretofore had been unable to individually support the costs related thereto, and

WHEREAS, the Town has commissioned an engineering study to assess the cost of installing waterlines in these areas, and

WHEREAS, the Engineering study evaluated the feasibility of two alternative supplies and found both to be cost prohibitive, and

WHEREAS, the quality and quantity of water in the areas proposed to be served by the Central Water District is currently unacceptable to the residents, and

WHEREAS, the installation of a public water supply in the areas defined as the Central Water District will satisfy the request of residents of the Town of Palmyra for safe and adequate water supply, and

WHEREAS, the total cost of the project is \$2,750,000 and the grant application will subsidize \$400,000 of that cost if funded, now

THEREFORE BE IT RESOLVED, that the Town of Palmyra commits that consistent with the Town Law and the Local Finance Law of the State of New York, it will provide funding equal to \$2,350,000 to build the water supply facilities described in the engineering report for the proposed Central Water District.

Upon roll call vote of the Board members present, the voting was as follows:

- Town Supervisor - David Lyon - Aye
- Town Councilmen - Andy Baran - Aye
- Robert Grier - Aye
- David Nussbaumer - Aye
- Town Councilwoman - Lynne Green - Aye

- 2. Authorize Town Supervisor to execute and submit a Community Development Block Grant Small Cities Application to the Department of Housing and Urban Development

The following resolution was moved by David Nussbaumer and seconded by Lynne Green:

WHEREAS, the Town Board has agreed to apply for a Community Development Block Grant for water system improvements to be known as the "Central Water District" in the Town of Palmyra, and

RESOLUTION
CENTRAL WATER
DISTRICT GRANT

NOW THEREFORE BE IT RESOLVED that David Lyon, Supervisor of the Town of Palmyra is authorized to execute and submit a Community Development Block Grant Small Cities Application to the Department of Housing and Urban Development, with all understandings and assurances contained therein, and is hereby authorized and directed to act in connection with the submission of the application and to provide such information as may be necessary.

Upon roll call of the Board members present, the voting was as follows:

- Town Supervisor - David Lyon - Aye
- Town Councilmen - Andy Baran - Aye
- Robert Grier - Aye
- David Nussbaumer - Aye
- Town Councilwoman - Lynne Green - Aye

NORTH WATER DIST
EXTENSION #4

- 3. North Water District Extension

David Nussbaumer moved to approve the concept of a extension to the North Water District to be known as Extension No. 4 to the North Water District, with a public hearing date to be set at the next regular Town Board meeting. Robert Grier seconded this motion and it carried unanimously

SUPERVISOR
WAYNE CTY UPDATE

- 4. Supervisor's Wayne County Update
- Supervisor Lyon told the Board that he had voted "no"

REG. TOWN BOARD MEETING CONT.

June 23, 1994

on the raises that were put in for department heads at the County. He said that it is possible that this may end up as a public referendum. Mr. Lyon also told the Board that there are plans for a County Offices and County Fire Training Building at the County Complex behind the Sheriff's Department. He said that this building could be used as a temporary courtroom while the court house is being revamped.

5. Workshop Meeting - July 14

Supervisor Lyon stated that the agenda for the July 14 workshop meeting will include:

1. Discussion with representative from MRB
RE: Proposed water line
2. Kevin Carrier - Trolley Rd. property
3. M. Porretta - Special Use

6. Bingham Company

Supervisor Lyon informed the Board that the noise and fume absorber is ready to be installed and hopefully completed by July 17th. Robert Grier asked if the representative from the Bingham Company could come to the next meeting. Mr. Lyon thought that was a good idea and will attempt to make arrangements.

Following a review of the expenditures submitted, Robert Grier moved to approve payment of the vouchers as shown on Abstract #6 with totals as follows:

APPROVAL OF
PAYMENT OF
VOUCHERS

| <u>Account</u> | <u>Voucher #</u> | <u>Amount</u> |
|---------------------|------------------|---------------|
| General Fund | 162 - 203 | \$ 10854.96 |
| Part Town Fund | 53 - 71 | 12472.79 |
| Highway II, III, IV | 130 - 151 | 4436.19 |
| Highway I | 26 - 38 | 11900.70 |
| North Water Dist. | 19 - 21 | 2309.38 |
| South Water | 12 - 13 | 245.45 |
| East Water Dist. | 12 - 14 | 245.95 |

RESOLUTION
TO ADJOURN

Robert Grier moved to adjourn this meeting of the Town Board. Andy Baran seconded this motion and it carried unanimously.

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

July 28, 1994

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, July 28, 1994 at the Palmyra Town Office, 201 East Main Street, Palmyra, was called to order at 8:00 PM by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
 Town Board Members - Andy Baran
 David Nussbaumer
 Lynne Green
 (Robert Grier was absent)

Others present at this meeting of the Town Board included:

Debbie Fraser Roxann Kachel
 George Kachel Bernie Pulcini
 Mrs. Bernie Pulcini John Carrier
 Evy Smith Kathy Smith
 Kevin Carrier Ron Valentine, Attorney
 Elaine Hartnagel - the Times
 Howard VanDyne - Courier-Journal
 Marsha Ducey - Daily Messenger
 Nelson F. Cook, Highway Superintendent
 Paul T. Rubery, Town Attorney

The Supervisor's Monthly Report was accepted by the Town Board.

SUPERVISOR'S MONTHLY REPORT

COMMUNICATIONS

1. NYS Thruway Authority - Notice of Meeting (Andy Baran will try to attend)
2. Letter requesting "Children at Play" signs
3. Letter from Ron Valentine RE: Carrier

COMMUNICATIONS

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman
 1. Transfer of funds

The following transfer of funds was moved by David Nussbaumer, seconded by Lynne Green and carried unanimously:

MTN TO APV TRANSFER OF FUNDS

| <u>FROM</u> | <u>TO</u> |
|--|--|
| A1355.4 Assessor's Contractual \$2277.00 | A1355.2 Assessor's Equipment \$2277.00 |

2. Assessor Update

Ann Tabor, Sole Assessor, Town of Palmyra, submitted a

ASSESSOR UPDATE

REG TOWN BOARD MEETING CONT. July 28, 1994

typed report because she was unable to be present. A copy of this report can be found in the folder entitled "Assessor Update - Building Inspector/Zoning Enforcement Officer Update" as kept with these minutes.

3. Approval for Assessor's Clerk to attend a meeting on Aug. 17 in the Assessor's place

David Nussbaumer moved to approve Elaine Herman attend a meeting on August 17, 1994, in place of the Assessor herself who is unable to attend. This motion was seconded by Andy Baran and carried unanimously.

Highway Committee - Andy Baran, Chairman

1. Approval for Highway Superintendent to attend fall conference Sept. 27-30 at a cost of \$550

Andy Baran moved to approve the Highway Superintendent attend the fall conference September 27-30 at a cost not to exceed \$550. David Nussbaumer seconded this motion and it carried unanimously.

2. Jagger Road snow problem

Nelson Cook, Highway Superintendent, reported to the Board that there is a constant snow drifting problem in one area of Jagger Road due to a clearing that was made by Empire State Pipelines when they were working out there. Mr. Cook wanted to know if Paul Rubery, Town Attorney, could write a letter to the Empire State Pipeline people reminding them of the agreement he (Mr. Cook) had made with them prior to their work being done. Paul Rubery stated that he would be glad to draft a letter but that it should be signed by the Town Supervisor or Mr. Cook as a elected official.

3. Water Meter Pits

Mr. Cook reported that the North Water District meter pit is being upgraded as suggested by the Health Department. He expects that the work will be complete in another week.

MTN TO APV
ASSESSOR'S
CLERK ATTND
MEETING

MTN TO APV
HIWY SUPER
ATTEND FALL
CONFERENCE

JAGGER ROAD
SNOW PROB

WATER METER
PITS

4. Possible registering of the contractors working in the Town of Palmyra

Mr. Cook said that he felt it might be a good idea for the contractors working in the Town of Palmyra to register at the Town Clerk's Office. He stated that many contractors may be working here for the proposed waterline work and they will be hooking into a municipal service. Mr. Cook feels that a list of these contractors with some pertinent information may prove to be valuable down the road. The Board agreed with his suggestion.

POSSIBLE
REGISTRATION
OF CONTRACTORS
WORKING IN THE
TN OF PALMYRA

5. Sand & salt report

Nelson Cook, Highway Superintendent, reported that the Town Barns are full of salt and sand and ready for the winter season. He said he has 2700 tons of sand/salt mix and 500 tons of salt.

SAND & SALT
REPORT

6. Joint Fueling Station Update

Mr. Cook reported that his crew had to dig new leach lines because they were going to be in the way of the new facility. He said that construction on the facility will begin the third or fourth week in August.

JOINT FUELING
STATION UPDATE

7. Trolley Road Project

The Town Highway Crew will be replacing the box culvert on Trolley Road next week.

TROLLEY ROAD
PROJECT

Reference to Communications #2

Mr. Cook told the Board, as he before, that he is not in favor of putting up the "Children at Play" signs. He again stated that it gives the children a false sense of security and that they are not recognized by the NYS DOT. He stated that there are good shoulders on Schilling Road for walking or riding bikes, etc. Supervisor Lyon said that the parents that are making this request are talking about speed control which is a law enforcement problem & he felt perhaps we should make a request to have the Wayne County

REF TO REQUEST
CHILDREN AT
PLAY SIGNS

REG TOWN BOARD MEETING CONT. July 28, 1994
 Sheriff's Dept. check out the speed situation.
 Supervisor Lyon asked the Board for their opinions.
 Lynne Green stated that a sign would not deter
 speeders anyway and she liked the Supervisor's idea of
 having the speed checked. Andy Baran agreed with this
 line of thinking.

Planning Committee - Robert Grier, Chairman

1. Marion-Lyon Gravel Pit

Supervisor Lyon read a letter received from the DEC
 regarding the Marion-Lyon Gravel Pit. David
 Nussbaumer moved that the Town of Palmyra had no
 objections to the desired changes and that the Town
 Clerk reply to the DEC stating same. Lynne Green
 seconded this motion and it carried by roll call vote
 as follows:

Andy Baran - Aye
 David Nussbaumer - Aye
 Lynne Green - Aye
 David Lyon - Naye
 (Robert Grier was absent)

2. Conditional Negative Declaration - Canal
 Town Park

Supervisor Lyon declared a Conditional Negative
 Declaration for the Canal Town Park Project and that
 this information be forwarded to the DEC and any other
 involved agencies. David Nussbaumer seconded this
 motion and it carried unanimously.

3. Building Inspector/Zoning Officer update

This written report can be found in the file folder
 entitled "Assessor Update and Building Inspector/
 Zoning Officer Update" as kept with this minutes.

Zoning Committee - Lynne Green, Chairman

1. Master Plan Update

Lynne Green reported that there were two Master Plan
 Committee meetings coming up and she would report on
 them at the next board meeting.

2. Set Public Hearing date for a Hobby Dog
 Breeding Kennel

Mrs. Green moved to schedule a public hearing, to

MTN TO DECLR
NO OBJECTIONS
TO CHGS TO
MARION-LYON
GRAVEL PIT

MTN TO DECLAR
NEG DEC RE:
CANAL TOWN PK

BLDG INSPCTR/
ZONING OFFICER
UPDATE

MASTER PLAN
UPDATE

REG TOWN BOARD MEETING CONT. July 28, 1994

consider a hobby dog breeding kennel on Schilling Road, to be held on Thursday, August 25, 1994 at 8:15 PM at the Town Office. Andy Baran seconded this motion and it carried unanimously.

MTN TO SET PUB HEARING TO CNS: DOG BREEDING KENNEL

3. Kevin Carrier - Property on Trolley Road
Lynne Green asked if the engineer had completed his survey of the property. Kevin Carrier told her that there was a 30 foot difference in the figures and he was going to come back next week to try to get the figures straightened out.

K. CARRIER PROPERTY ON TROLLEY ROAD

Ron Valentine, Attorney for Mr. Carrier, provided the Board with a copy of a fax from the NYS DEC, dated July 28, 1994, taking Mr. Carrier out of violation. He then asked if this Board would consider granting a 120 day temporary permit to Mr. Carrier so that he could use the Trolley Road property as a transfer station to enable him to pick up cars from the area demolition derbies. This would allow Mr. Carrier to earn some money so that he could afford to dispose of more tires from the site. Supervisor Lyon asked about permission to go onto Walt Pulcini's property to remove the tires from there. Mr. Carrier said that there was no problem with this but he had nothing in writing. The Supervisor then asked what kind of guarantee the Board would have that there wouldn't be a bigger mess down there than we already have, 120 days from now. Mr. Valentine stated that Kevin had shown good faith by removing as many tires as he has. Following much discussion, Lynne Green moved to authorize a temporary limited use 120 day permit to Kevin Carrier for a transfer station, with absolutely no dismantling; with working hours from 8 AM - 5 PM Monday thru Friday, 8 AM - noon on Saturday; he must be in conformance with all DEC requirements (specifically tires); that on November 30, 1994 the property will be returned to the same condition it is

MTN TO APV 120 DAY TEMP PERMIT

REG TOWN BOARD MEETING CONT.

July 28, 1994

today (July 28, 1994); if a violation of conditions is found, the property will be shut down and Mr. Carrier will be given two weeks to clean it up and no future permit of any kind will be considered by this Board; and that Paul T. Rubery, Town Attorney, will draw up a document stating all of the above conditions and he is authorized to add any conditions he feels necessary; and this document will become effective upon being signed by both Mr. Carrier and Mr. Valentine and with both signatures being notarized. The motion was seconded by David Nussbaumer and carried unanimously upon roll call vote as follows:

Andy Baran - Aye
 David Nussbaumer - Aye
 Lynne Green - Aye
 David Lyon - Aye
 (Robert Grier was absent)

Agenda Items

1. Supervisor's Wayne County Report

SUPER'S
WAYNE CTY RPT

Supervisor Lyon reported that at the moment there was not much going on at the County outside the routine business. The County is however, going to give all the towns in the County \$1,000 towards replacing or upgrading the computers in the Assessor's Offices to enable them to run the new County program.

2. Wayne County Water & Sewer Authority Update

W CTY W & S
AUTH UPDATE

Supervisor Lyon told the Board that there will be a monthly meeting tomorrow, July 29, 1994 at 9 AM at the Walworth Town Hall if anyone would like to attend. The Supervisor stated that the four towns (Macedon, Walworth, Marion and Palmyra) have met to discuss the idea of combining service for the water departments and they will meet again to consider more ideas.

3. Set Public Hearing date for Extension #4 to the North Water District

MTN TO SET
DATE FOR PUB
HEARING RE:
EXT #4 OF
N WTR DIST.

David Nussbaumer moved to schedule a Public Hearing for Thursday, August 25, 1994 at 8 PM at the Town Office to consider Extension #4 of the North Water

REG TOWN BOARD MEETING CONT. July 28, 1994

District. Andy Baran seconded this motion and it carried unanimously.

- 4. Set Public Hearing date to consider a change in water rates

Andy Baran moved to schedule a public hearing for Thursday, August 25, 1994 at 8:30 PM at the Town Office to consider a water rate increase for the North Water District from \$1.50 per 100 cubic feet to \$1.65 per 100 cubic feet. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO SET
PUB HEARING
DATE TO CNSDR
CHG OF WTR RAT

- 5. Declare Negative Declaration - Central Water District

David Nussbaumer moved to declare a Type 1 Negative Declaration for the proposed Central Water District and for a copy of same to be sent to both the Albany and the Avon Offices of the DEC. This motion was seconded by Andy Baran and carried unanimously. Supervisor Lyon reminded everyone that a Public Hearing had already been scheduled for this matter for Thursday, August 11, 1994 at the Palmyra Fire Hall.

MTN TO DECLARE
NEG DECLARATIO
CENTRAL WATER
DISTRICT

- 6. Transfer of funds

Supervisor Lyon moved to approve the following transfer of funds:

MTN TO APV
TRANSFER OF
FUNDS

| FROM | TO | |
|------------------------------------|------------------------------|----------|
| SW5-8320.4 Pumping Sta Contractual | SW5-8340.2 Dist. Equipment | \$1.94 |
| | SW5-8340.4 Dist. Contractual | \$258.36 |
| \$260.30 | | |

David Nussbaumer seconded this motion and it carried unanimously.

- 7. Set up a committee for re-districting of election districts

Supervisor Lyon appointed Michael Jankowski, Joan Wiedrick, Sylvia Harding, Bernice Young and himself as a committee for re-districting of the election districts. He said he would invite James Elliott, Village Mayor, to attend the meeting also.

COMM FOR
RE-DISTRICTING
OF ELECTION
DIST'S SET UP

- 8. Declare Archives Wee

Andy Baran moved to declare October 10 - 15, 1994 as

96

REG TOWN BOARD MEETING CONT.

July 28, 1994

MTN TO DECLR
ARCHIVES WK

Archives Week in the Town of Palmyra. This motion was seconded by David Nussbaumer and carried unanimously.

Following a review of the expenditures and claims submitted, David Nussbaumer moved to approve payment of same as shown on Abstract #7 with totals as follows:

MTN TO APV
PAYMENT OF
CLAIMS

| <u>Account</u> | <u>Invoice #</u> | <u>Amount</u> |
|----------------------|------------------|---------------|
| General Fund | 204 - 242 | \$ 10631.52 |
| Part Town Fund | 72 - 86 | 27273.80 |
| Highway II, III, IV | 34 - 37 | |
| | 152 - 170 | 34153.14 |
| Highway I | 39 - 52 | 59604.14 |
| North Water District | 22 - 36 | 5364.96 |
| South Water District | 14 - 19 | 580.79 |
| East Water District | 15 - 19 | 512.18 |

Lynne Green seconded this motion and it carried unanimously.

The motion to adjourn this meeting of the Town Board was offered by Andy Baran, seconded by David Nussbaumer and carried unanimously.

MTN TO ADJRN

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

August 11, 1994

PUBLIC HEARING
 NOTICE OF COMPLETION OF PROPOSED ENVIRONMENTAL
 IMPACT STATEMENT
 and
 NOTICE OF SEQR HEARING

The public hearing scheduled to be held on Thursday, August 11, 1994, at the Palmyra Fire Hall, East Main Street, Palmyra, to consider the Draft EIS, with mitigating measures, for the proposed Central Water District, was called to order at 8:00 PM by Town Supervisor David Lyon.

PUBLIC HEARING
 CALLED TO ORDER

Those present at this meeting included:

Town Supervisor - David Lyon
 Town Board Members - Andy Baran
 Robert Grier
 David Nussbaumer
 (Town Councilwoman Lynne Green was absent)

Jim Markham Jackie Markham
 A representative from MRB Group
 Elaine Hartnagel - the Times
 Howard VanDyne - Courier-Journal

Supervisor Lyon directed the Town Clerk to read the legal notice. The potential environmental impacts as listed in the legal notice are as follows:

1. Disturbing (possible) 2.5 acres of land in an Agricultural District but all construction is in the highway right of way.
2. Creating growth in an Agricultural District.
3. Construction within the right of way of a road which crosses a fresh water wetland.
4. Constructing 125,000 +/- linear feet of trench.
5. The population may grow by 5% but over a period of 4 or more years.
6. Development may create a demand for more community services.
7. Construction could compact soil within the limits of the construction area.
8. Action will require a discharge permit.
9. Action would require more than 20,000 gallons per day (not 20,000 more than is currently used.)
10. Action will allow residential uses in areas without water.

Supervisor Lyon asked for any comments from those present. There were no comments. He again asked for comments. There were none.

This public hearing was declared closed at 8:04 PM by Supervisor Lyon.

PUBLIC HEARING
 DECLARED CLOSED

At this time the Town Board held a workshop meeting at which there were no minutes kept.

Respectfully submitted,

Beverly E. Hickman
 Beverly E. Hickman

PUBLIC HEARING
Extension #4 of the North Water District

The Public Hearing scheduled to be held on Thursday, August 25, 1994 at the Palmyra Fire Hall, to consider Extension #4 of the North Water District in the Town of Palmyra, was called to order at 8:00 PM by Town Supervisor David Lyon.

PUBLIC HRG.
CALLED TO ORDER

Those present at this public hearing, in addition to the Town Board members included:

- Max Albertson
- Tom Overmier
- David Squier
- Patty Squier
- Tim Frederick
- Barbara and Ron Pieters
- Howard VanDyne, Courier-Journal
- Nelson F. Cook, Highway Superintendent
- Dan Pedtke
- Dave Matthews
- Dan Gardner
- Kathleen Slater

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

Supervisor Lyon asked if there were any comments regarding this extension. There were none.

Supervisor Lyon explained that the extension of the North Water District would take the line out Quaker Road to the Macedon townline (Daansen Road).

He again asked if there were any comments. Again there were none. Supervisor Lyon declared this public hearing closed at 8:03 PM.

PUBLIC HRG.
CLOSED

PUBLIC HEARING

Slater - Special Authorization to construct a residence and have a hobby dog breeding kennel

The Public Hearing scheduled to be held on Thursday, August 25, 1994 at the Palmyra Fire Hall, to consider the application of Douglas and Kathleen Slater, presently of 2682 Chestnut Ridge Road, Apalachin, NY, for a variance to the Zoning Ordinance of the Town of Palmyra to construct a residence and hobby dog breeding kennel was called to order at 8:15 PM by Town Supervisor David Lyon.

PUBLIC HRG.
CALLED TO ORDER

Those present at this public hearing included the

same people as the first public hearing.

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

Supervisor Lyon asked for any comments regarding this residence and hobby dog breeding kennel.

Max Albertson, neighbor, stated that he believes people should be able to build and do what they want as long as it does not interfere with the neighbors. He said a powerline had already gone through the area and lowered his property value and a dog kennel would add to the discomfort of the neighbors and would lower his property value even more.

Kathleen Slater said that the house would be 400 feet from the road and the kennel would be back another 100 feet. She felt that Mr. Albertson would be back another 250 to 300 feet from the closest property line and she felt the dogs would not bother him at that distance.

David Nussbaumer asked what kind of dogs she wanted to breed. Mrs. Slater told him they are show collies and they do not bark a lot. Mr. Nussbaumer asked her how many dogs she would like to have and she told him 15 to 20 dogs. Mr. Nussbaumer asked if that included puppies. Mrs. Slater said 15 to 20 adult dogs.

Lynne Green asked if they were planning to put up any kind of barrier. Mrs. Slater stated that there are trees all around the property and that nobody would be able to see the kennels.

The number of dogs caused some discussion at this time. Mrs. Slater stated that they have only had eight litters in the past fifteen years. She said that they raise show dogs; they do not run a puppy factory.

Robert Grier asked how many dogs she wanted including the puppies. She told him the 15 to 20 adult dogs plus probably two litters a year and there

was no way of telling how many puppies might be in a litter. Mr. Grier asked Max Albertson if noise was his main concern. Mr. Albertson stated that he is on a hill and feels sure he would get the noise and probably the odor too.

Paul Rubery asked if she had employees. Mrs. Slater said she has someone for a little while each day but that was all.

Robert Grier asked if she planned to expand in time. Mrs. Slater told him it would probable get smaller than what she was asking for. He then asked her if this would generate much traffic and she told him there would be none.

Supervisor Lyon had the Town Clerk read the following recommendation from the Palmyra Planning Board:

MEMO TO: Palmyra Town Board
FROM: Palmyra Planning Board
DATE: August 16, 1994
RE: Slater Application - Schilling Rd.

At the August 15 meeting of the Planning Board, the board reviewed the above application for a Dog Breeding Kennel on Schilling Rd. The property is in an Agricultural District which does not allow for such a business.

A phone call was received in this office on August 18 from Isabelle Bolinger, who owns the parcel of land on the corner of Goldsmith Rd. and Schilling Rd. She wished to state that she had no objections to the dog kennel operation, as long as the town made sure that it adheres to any stipulations set forth.

After some brief discussion by the board, Mr. Dundas made a motion to recommend this application to the Town Board, with the stipulation that it be a Hobby Kennel, and that it will be developed as residential property. Mr. Kaller seconded the nomination, and it was agreed by all to recommend the approval. There was one restriction that the board wished to make however. They wanted the board to limit the number of adult dogs to six (6).

If you have any further questions, please call us.

Sincerely,
Sue Regis, Secretary
Planning Board

Supervisor Lyon asked if there were any more comments regarding this application.

Mrs. Slater said that she could not adhere to a limit of 6 dogs; it is much to limited.

Supervisor Lyon asked for any additional comments and there being none, he declared this public hearing closed at 8:32 PM.

PUBLIC HRG.
CLOSED

.....

PUBLIC HEARING
Increase in water rates in the
North Water District only

PUBLIC HRG.
CALLED TO ORDER
WATER RATES
INCREASE
NORTH DISTRICT

The Public Hearing scheduled to be held on Thursday, August 25, 1994 at the Palmyra Fire Hall, Palmyra, to consider a water rate increase in the North Water District only, was called to order at 8:34 PM by Town Supervisor David Lyon.

Those present at this public hearing, in addition to the Town Board members, were the same as the first public hearing held this evening.

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

Supervisor Lyon asked for any comments regarding this water rate increase.

Robert Grier asked what the average increase would be per year, per household. Supervisor Lyon told him the increase would be approximately \$10 to \$20 per year.

Tim Frederick, Maple Avenue resident, said that the quality of the water in the North District is very poor and certainly not worth a increase in cost. Supervisor Lyon explained that the water is perfectly safe, but the lake is turning and this causes the odor problem.

Tim Frederick, Maple Avenue, said that the water tastes like a chemical plant; like the water in the Niagara Falls area.

Supervisor Lyon asked Dave Matthews, a North Dist. resident, if he had any comments. Mr. Matthews said that it is not chemicals in the water out there,

it is caused by the algae in the lake.

Supervisor Lyon asked if there were any more comments regarding this water rate increase. There were none and he declared this public hearing closed at 8:42 PM.

PUB HEARING
CLOSED

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, Aug. 25, 1994 at the Palmyra Fire Hall, was called to order at 9:05 PM by Town Supervisor David 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 Town Board members were present:

ROLL
CALL

- Town Supervisor - David Lyon
- Town Board Members - Andy Baran
- Robert Grier
- David Nussbaumer
- Lynne Green

David Nussbaumer moved to approve the minutes of the June 9, 1994 and the June 23, 1994 Town Board Meetings as presented. Andy Baran seconded this motion and it carried unanimously.

MTN TO APV
MINUTES OF
6/9/94 &
6/23/94

The Board accepted the Supervisor's Monthly Report and it will be available to any interested party at the Town Office during regular business hours.

SUPERVISOR'S
MONTHLY RPT

COMMUNICATIONS

1. Letter from the Village of Palmyra RE: Court fines
2. Cellular One information received 8/25/94

Robert Grier moved to recess for 10 minutes. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO
RECESS

This meeting of the Town Board, Town of Palmyra, was called back to order at 8:43 PM by Town Supervisor Lyon.

MTG CALLED
BACK TO ORDER

REG TOWN BOARD MTG W/PUBLIC HRGS AUGUST 25, 1994

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Assessor Update

ASSESSOR
UPDATE

Ann Taber, Assessor, informed the Board that the data collection was underway. She said she had received a few phone calls asking questions about it, but as the collectors go out all seems to be going well. There was some discussion regarding the ID badges the collectors are wearing.

2. Set pay rate for data collectors

MIN TO SET
PAY RATE FOR
DATA COLLECTRS

David Nussbaumer moved to pay the data collectors at a rate of \$6.00 per completed parcel in wages and \$.75 mileage per completed parcel; and for them to be paid on a biweekly basis prior to audit. Lynne Green seconded this motion and it carried unanimously.

3. Transfer of funds

MIN TO APV
TRANSFER OF
FUNDS

David Nussbaumer moved the following transfer, with Andy Baran seconding:

| FROM | TO |
|-----------------------------|------------------------|
| Cap. Funds-Revaluation Resv | Data Collector Wages |
| \$20,500 | A1355.101 \$13,300 |
| | Don Johnson & Mlge Exp |
| | A1355.400 \$ 7,200 |

This motion carried unanimously.

Highway Committee - Andy Baran, Chairman

1. Approval for Highway Superintendent and Deputy to attend the Finger Lakes Water Works Conference in Lakeville on 9/8/94 at a cost of \$11.00 each

MIN TO APV
HIWAY SUPER &
DEPUTY TO GO TO
WATER CONF

Andy Baran moved to approve the Highway Superintendent and his Deputy to attend the Finger Lakes Water Works Conference in Lakeville on 9/9/94 at a total cost of \$22.00. This motion was seconded by Lynne Green and carried unanimously.

Planning Committee - Lynne Green, Chairman

1. Building Inspector/Zoning Officer Update

This report can be found in a file folder labeled "Assessor Update/Building Inspector/Zoning Officer Update" as kept with these minutes.

2. Division Street Partners

DIVISION ST.
PARTNERS

Tom Overmier, spokesman for the neighbors, asked why

REG TOWN BOARD MTG W/PUBLIC HRGS AUGUST 25, 1994

the Town has not had a second meeting with the neighbors like they had been told would happen. Supervisor Lyon told Tom that the Board has said there would be a second meeting as soon as problems are resolved out there and they are not resolved at this time.

Mr. Overmier asked what the third building is for. Earl Vanderwall said it is a warehouse but he does not know for whom. Bob Grier asked what was going to be stored there. Mr. Vanderwall did not know. Mr. Grier directed Mr. Vanderwall to get in touch with Peter and find out from him, in writing, what the purpose of this third building is. Mr. Grier said gravel has been moved around again to fill in the footers. He said there is to be no C of O issued on this new building until the bank has been taken care of (graded and seeded). Mr. Overmier stated that the neighbors are getting concerned. Dave Matthews said that Peter doesn't seem to be living up to what he had said he would do. Also, there are nine (9) tractor trailers on open land and Bingham has 3 or 4 unlicensed vehicles by their building. Mr. Grier said that any vehicles not used on a daily basis must be removed from the property and also tractor trailers must be removed. Mr. Vanderwall will write a letter addressing both Peter and the Gingham Co.

3. Cellular One document

Robert Grier moved to authorize Dave Matthews and Paul T. Rubery, Town Attorney, to review the Cellular One document just received. Lynne Green seconded this motion and it carried unanimously.

MIN TO AUTH
REVIEW OF
CELLULAR ONE
DOCUMENT

Zoning Committee - Lynne Green, Chairman

1. Master Plan Update

Steve Cleason, Chairman of the Master Plan Committee was present to give the Board a update for the Master Plan Committee. Steve reported that they have been meeting as a entire committee and also as a "downtown

MASTER PLAN
UPDATE

REG TOWN BOARD MTG W/PUBLIC HRGS AUGUST 25, 1994

committee." They (the committee) had wanted to have a public hearing in the fall, so they were trying to get background information together. The donation they are asking for, from both the Village of Palmyra and the Town of Palmyra, would pay for aerial photos and a professional planner to do a survey. Steve explained that he could not do this because he is an engineer, not a planner. He explained that "downtown" needs a theme; retail is not the answer because the malls are the place people shop today. He said that the committee has got a good framework now, but they need some cash to continue on. Steve feels that the committee will have a plan that they can move forward with, to apply for grants and other funding that may be available. Supervisor Lyon told Steve that he had enlightened the Board as to what the \$5500 from both the Village and the Town was needed for. He told him that the Board was under the impression that the money was strictly for photos and they felt that was too extravagant. At this time, Robert Grier moved to authorize paying \$5500 as the Town's share to the Master Plan Committee to cover the expense of photos and a planner. David Nussbaumer seconded this motion and it carried unanimously.

MIN TO AUTH
\$5500 FOR
MASTR PLAN
COMMITTEE

Supervisor Lyon thanked Steve for his presentation.

2. Slater dog breeding kennel - Subject of Public Hearing

SLATER DOG
BREEDING KENNEL

Lynne Green stated that her committee will have to look into this matter before she can make a recommendation. She will be ready to do so at the September 8, 1994 Town Board Meeting.

3. Fueling Station Update

JOINT FUEL STATION
UPDATE

Nelson Cook, Highway Superintendent, reported that the excavation and pouring of the slab should be done next week and the ten thousand gallon diesel tank will be delivered also. The project is planned to be

REG TOWN BOARD MTG W/PUBLIC HRGS . . . AUGUST 25, 1994

substantially complete by October 1, 1994. Lynne Green added that this is a pilot project for the entire northeastern area and several large companies will be here to check out our system when it is finished.

4. Carrier - Special Permit

CARRIER -
SPEC PERMIT

Lynne Green reported to the Board that demo cars have been moved onto the Trolley Road property. She added that she has personally noticed that there has been no gate put up as yet and she asked Kevin to pull something across each night. Bud Baker asked if the permit had been signed before August 18, 1994 like it was supposed to have been. Beverly E. Hickman, Town Clerk, said that "no" it had not been signed by the 16th. Lynne Green stated that she saw cars in the yard on the 16th and she asked Kevin about the permit. Kevin said that the permit was signed on August 18th. Lynne added that she went by the yard at 4:45 PM and Kevin was working on vehicles. Bud Baker said this is another violation of Kevin's permit. Supervisor Lyon said that we do not know if he was working on his own vehicles or someone else's. Paul Rubery said that someone had dropped off a paper stating that Kevin has taken a vehicle that was not his, but this is a DMV violation, not a Town violation. Andy Baran stated that these violations are being taken into consideration. Marge Baker said that she believed that his violations are being ignored. Robert Grier said no way are these violations being ignored. Lynne Green stated that she was not prepared to take action at this time. Paul Rubery asked if the Board felt this permit was valid at this time. Robert Grier said that he has been against this whole thing since day one, but since the Board (in his absence) gave Kevin a temporary permit maybe we should honor it; but he added, the signed permit has to be notarized at the Town Office. Andy Baran reluctantly agreed with this.

BD AGRMT
THAT SPEC
PERMIT FOR
CARRIER WAS
VALID

Supervisor Lyon mentioned that Kevin had cleaned up a lot of tires down there so maybe the Board should give him the benefit of the doubt.

AGENDA ITEMS

MIN TO CONFIRM
NEGATIVE DEC
FOR PROPOSED
WATER DIST.

1. Confirm Negative Declaration RE: Central Water District

David Nussbaumer moved to confirm the Negative Declaration for the proposed Central Water District, Town of Palmyra. Andy Baran seconded this motion and it carried unanimously.

2. Canal Town Days Parade

Supervisor Lyon asked how many Board members were going to participate in the Canal Town Days Parade. Robert Grier, Lynne Green, Supervisor Lyon and Town Clerk, Bev Hickman said they would be there.

CANAL TOWN
DAYS PARADE

3. Workshop Meeting - Sept. 8 to discuss the tentative budget

Information only.

WORKSHOP MTG
DATE

4. Wayne County Supervisor's Update

Supervisor Lyon reported that this month they have hired a 911 coordinator to begin this project.

SUPER'S WAYNE
CTY UPDATE

5. Wayne County Water & Sewer Auth. Update

Supervisor Lyon informed the Board that there is a meeting of the six towns tomorrow AM at the Walworth Town Hall if anyone is available. Updating the consolidation of water systems, they are still going through various Boards and more information should be available next month.

WCWA UPDATE

6. Ext. #4 of the North Water Dist. - Subject of Public Hearing

Upon motion made and seconded, the following

Resolution was unanimously adopted:

A Petition dated July 1, 1994, for the creation of an Extension No. 4 to the North Water District in the Town of Palmyra, County of Wayne, New York was presented to this Town with the necessary map and plan attached to it.

The map and plan was submitted to the State Department of Health and was approved by it and filed in the Office of the State Department of Health and of the Town Clerk.

On July 28, 1994, the Town Board adopted an Order which recited the filing of the Petition, the proposed

MIN TO APV
ESTBLSHMT OF
EXT#4 OF THE
NORTH WATER
DISTRICT

improvements, the boundaries and a description of the District, and the estimated costs of these proposals.

The Order set Thursday, August 25, 1994 at 8:00 PM, at the Palmyra Fire Hall, in the Town of Palmyra, as the time and place for a public hearing before all interested persons on the Petition.

The Order was posted and published as required by law. The Hearing on the Petition was held on August 25, 1994, and all interested parties both for and against the Petition were heard.

NOW, upon the evidence given upon such hearing and upon motion of Robert Grier, Councilman, seconded by David Nussbaumer, Councilman, and unanimously passed, it is

RESOLVED AND DETERMINED, that (a) Petition aforesaid is signed and acknowledged or proved as required by law, and it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers and it is otherwise sufficient; (b) all the property and property owners within the proposed District are benefited thereby; (c) all the property and property owners benefited are included within the limits of the proposed District; and (d) it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the establishment of a Water District as proposed in said Petition be approved; that the improvement therein mentioned be constructed and services therein mentioned be provided for upon the required funds being made available or provided for; and that such District shall be designated and known as the "Extension No. 4 of the North Water District" and shall be bounded and described as follows:

COMMENCING at a point in the center line of Quaker Road which point is 291.20' easterly of the intersection of the centerline of Daansen Road with the REG TOWN BOARD MTG CONT. Aug. 25, 1994

centerline of Quaker Road as measured along the centerline of Quaker Road; thence 1) N 00° 30' 00" W a distance of 24.75 feet to a point in the northerly right of way line of Quaker Road; thence 2) N 65° 20' 34" E along the north right of way line of Quaker Road 366 feet to a point which is opposite the northeast corner of Lot 3 of the Walton Subdivision as reflected on a plan of the Walton Subdivision prepared by C. Newton Gowdy L.S. dated January 5, 1993 and filed in the Wayne County Clerk's Office as Map No. 20709; thence 3) S 11° 18' 19" E 24.75 feet to the northeast corner of Lot No. 3, S 11° 18' 19" E 580.96' to a point in the north line of the New York State Barge Canal lands; thence 4) S 88° 47' 00" W 75.97' to an angle in the said lands; thence 5) S 80° 48' 50" W 371.16' to the southwest corner of Lot 1 of the Walton Subdivision; thence 6) N 00° 30' 00" W along the east line of lands now or formerly of one Reedy 477.88' to the point and place of beginning.

The above described parcel contains 4.75± acres more or less.

AND IT IS FURTHER,

RESOLVED, that the proposed improvement, including costs of rights-of-way, construction costs, legal fees

and all other expenses is without cost, and it is further

RESOLVED, that the properties shall pay the assessments hereinafter assessed against the other property in the North Water District and its extension.

The motion carried unanimously upon roll call vote as follows:

ROLL CALL VOTE

Town Supervisor - David Lyon - Aye
 Town Board Members - Andy Baran - Aye
 Robert Grier - Aye
 David Nussbaumer - Aye
 Lynne Green - Aye

7. Increase in water rates in North Water District - Subject of Public Hearing

The following resolution was moved by David Nussbaumer and seconded by Andy Baran:

MIN TO APRV
INCREASE IN
WATER RATES
NORTH DISTRICT
ONLY

WHEREAS, the Town Board on the 1st day of March, 1987 adopted rates that apply to water consumption in the Town water districts; and

WHEREAS, the Town Board, on reviewing the cost of water and the cost of day to day maintenance of the districts, it appears that the current charge for water (water rate) is not sufficient to cover the costs of water and the maintenance in the North Water District.

NOW, THEREFORE BE IT RESOLVED, that the Town Board on behalf of the Water Districts of the Town of Palmyra approves raising the water rate in the North Water District only, as follows: The increase shall be \$.15 per 100 cubic feet of water used which will take the rate from \$1.50 per 100 cubic feet to \$1.65 per 100 cubic feet.

BE IT FURTHER RESOLVED, that this new rate will be effective with the December 1994 billing.

This resolution carried unanimously upon roll call
 REG TOWN BOARD MTG CONT. Aug. 25, 1994

vote as follows:

ROLL CALL VOTE

Town Supervisor - David Lyon - Aye
 Town Board Members - Andy Baran - Aye
 Robert Grier - Aye
 David Nussbaumer - Aye
 Lynne Green - Aye

Following a review of the expenditures submitted, David Nussbaumer moved to approve payment of said expenditures submitted on Abstract #8 with totals as follows:

| <u>Account</u> | <u>Voucher #</u> | <u>Amount</u> |
|-----------------------|------------------|---------------|
| General Fund | 243 - 278 | \$ 10,345.00 |
| Part Town Fund | 87 - 97 | 15,570.21 |
| Highway II, III, & IV | 39 - 40 & 56 | |
| | 171 - 178 | 5,720.13 |
| Highway I | 53 - 63 | 13,318.77 |
| North Water District | 37 - 41 | 3,697.51 |
| East Water District | 20 | 18.89 |

Andy Baran seconded this motion and it carried unanimously.

The motion to adjourn this meeting of the Town

MIN TO ADJRN

Board was offered by David Nussbaumer, seconded by
- Andy Baran and carried unanimously.

Respectfully submitted,

Beverly E. Hickman

Beverly E. Hickman
Town Clerk

September 22, 1994

PUBLIC HEARING
DIVISION STREET PARTNERS - SPECIAL AUTHORIZATION

The public hearing scheduled to be held on Thursday, September 22, 1994 at the Palmyra Fire Hall, E. Main Street, Palmyra, to consider the application of Division Street Partners for Special Authorization to build another storage building and to build a 90' x 50' addition on the building presently occupied by the Bingham Co., was called to order at 8:00 PM by Town Supervisor David Lyon.

PUBLIC HEAR
CALLED TO ORDER

Present at this public hearing, in addition to the Town Board members, were the following:

| | |
|---|----------------|
| Elaine Mierke | Tom Overmier |
| David Johnson | George LeMoyne |
| Judy & Bob Pulver | Elaine Hassler |
| Bill Hassler | Lois LeMoyne |
| Tim MacDuff | Jim MacDuff |
| Pat Goodness | Dave Matthews |
| Bob & Sue Leonard | Jerry Hefly |
| Dave & Jackie Allyn | Dan ? |
| Rick Ocque | Mike Worth |
| Carol Plesa | Thomas DeRue |
| David Saracino, Attorney for neighbors | |
| Ted Muzyczko, Bingham Co. representative | |
| Brian LaDue, Bingham Co. Plant Manager | |
| Kelly Nagel, Attorney for Peter Freund | |
| Peter Freund, Division Street Partners | |
| Elaine Hartnagel, the Times | |
| Howard VanDyne, Courier-Journal | |
| Nelson F. Cook, Town Highway Superintendent | |

The legal notice was read by the Town Clerk.

Supervisor Lyon had the Town Clerk read the following recommendation from the Palmyra Planning Board:

MEMO TO: Palmyra Town Board
FROM: Palmyra Planning Board
DATE: September 21, 1994
RE: Division Street Partners - Addition to Bingham building

At the September 20, 1994 meeting of the Town of Palmyra Planning Board, Mr. Peter Freund was present for the purpose of receiving a recommendation to the Town Board for an addition onto the already-existing Bingham building in the Industrial Complex on Division Street. The addition would require a variance, as the building would be in non-compliance with the Ordinance concerning Light Industrial zoning and the setback requirements as stated.

After a lengthy review of the current situation, the Planning Board agreed to

PUB HEAR CONT - DIVISION STREET PARTNERS 9/22/94

recommend approval of the addition to the Bingham building, which would house pollution control equipment and would also serve as a storage area. The board stated that the recommendation should be contingent upon Mr. Freund obtaining a variance from the Zoning Board of Appeals for the Bingham building, which currently does not meet the setback requirements according to the Zoning Ordinance of the Town of Palmyra.

It is the consensus of the Planning Board that Mr. Freund does not need Final Approval from them for this addition, since it is an already existing building; it has been the policy of this office in the past to simply issue a permit for the construction after reviewed by the Zoning Officer. This application, however, does require a variance. A Zoning Board of Appeals meeting is scheduled for Tuesday, October 11, 1994 at 7:30 PM tentatively.

Respectfully submitted,
Sue Anne Regis, Secretary
Planning Board

Kelly Nagel, attorney for Peter Freund, stated that they were not really sure why they were here. She said that this is a light industrial zone and yet they were here for a special authorization; she also figured there are concerns about the uses for the building. She stated that the Planning Board has approved the setbacks and wanted to make mention that Peter was not aware of the 1981 amendment to the Zoning Ordinance. Ms. Nagel said that there were representatives from the Bingham Co. here and they will discuss their problems themselves. She said that Peter feels he has done everything he was supposed to do.

Robert Grier mentioned the list of concerns he had given to Peter last month. Kelly Nagel asked what Mr. Grier meant, on that list, by reclamation. Mr. Grier stated that the slopes have been changed. Mr. Freund said that the Palmyra Planning Board had approved this on October 11, 1993. Mr. Grier stated that this Town Board is trying to resolve this problem to satisfy the most people. Kelly Nagel said that the

PUB HEAR CONT - DIVISION ST PARTNERS 9/22/1994

Planning Board approval should be all that is necessary. Mr. Grier said that the Planning Board has approved a plan that does not meet with the Town Board's approval and that this building is not in compliance. David Saracino, attorney for the neighbors, stated that the ordinance requires a Special Use Permit approved by the Town Board as spelled out by the 1981 amendment to the Zoning Ordinance.

Supervisor Lyon asked the Bingham Co. representatives to give a overview of what they want to do. Ted Muzyczko, Vice President of the Bingham Co., informed those present that they have installed a snubber that has taken the noise level down, put in a filter to control smoke, re-routed some of the exhaust and the Palmyra Fire Department has inspected their facility. He added that Mike Wheeler, DEC, has met with Brian LaDue, plant manager, and that they do in fact have a DEC permit that was to be signed today. He said they have also ordered snubbers (4 week delivery date) and a air filter device in addition to the filters. In reference to the addition to their building, Ted said they want to store raw materials and they would like to place the new air filter device in there too. They feel they have been doing what the neighbors have asked of them.

Supervisor Lyon suggested that those present ask their questions of the Town Board and answers will be addressed afterwards.

Sue Leonard - Will scrubbers improve air quality and reduce chemicals in the air?

Chris Piccola - Did they run the air tests and what are the results?

Tom Overmier - After the '81 amendment was found the Planning Board has gone ahead and

PUB HEAR CONT. - DIVISION ST PARTNERS 9/22/1994

scheduled a meeting with the Zoning Board - also they have gone ahead this week and continued to work on this building - why didn't the Town Board put a Cease & Desist Order out?

Bob Leonard - Are these strictly storage buildings?

Dave Saracino - Stated that Bingham does not have DEC permits as of this AM - perhaps the hearing scheduled by this Town Board prompted cooperation by the Bingham Co. - upon checking with the DEC, he found out that as of 9/8/1994 the DEC had not even received an application from Bingham.

Jerry Hefley - At the first hearing he was sure the original building was going to be storage - What are we processing now?

Tim MacDuff - Please differentiate light industrial verses heavy industrial.

Elaine Hassler - Is there a plan for future buildings?

Barb Ray - Are there any regulations regarding what is allowable storage?

Dave Matthews - Is there a map of plan showing the buildings going up? Will it be in violation of the 1981 amendment?

Elaine Mierke - What woke us up from the Bingham Co. at 4:30 - 5:00 this AM?

Chris Piccola - When was the site plan approved? Robert Grier told him it was after the 1981 amendment.

Bob Leonard - the kids are going over the bank with their bikes, 3 & 4 wheelers, snow mobiles etc. What can be done to stop that before somebody gets hurt?

At this time, Supervisor Lyon said the Town Board and the representatives from the respective companies will try to answer the questions asked by

PUB HEAR CONT - DIVISION ST PARTNERS 9/22/1994

the neighbors. Robert Grier referred to the question about why the construction had continued this week. He explained that the Town Board did issue a Stop Work Order and had Earl Vanderwall serve it at the site. The next day they held a meeting to discuss this with Mr. Freund. (Both of the local newspapers were notified of this meeting and a notice was placed on the Town Clerk's bulletin board.) At said meeting they decided to lift the Stop Work Order but Peter was told to do no work the next week and he did not do any. The following week he did begin working on the building again, however. Mr. Grier said that the agreement did not go far enough apparently.

Ted Muzyczko, Bingham Co. - Referring to the question regarding what will be stored in his addition - They do not anticipate storing chemicals there. They plan to store extra molds, pallets, etc.

Referring to the question regarding the air pollution tests - Yes, they have been done and the reading was "0". As far as the odors, that is kerosene, rubber, etc. and the reading was 5.1 pts per million at the wall; 20 yards from the wall the reading was less than 1.0 pts. Regarding the DEC permits, Mr. Muzyczko said that they were dropped off at the Town Office today. The Town Clerk stated that she received nothing today, however.

As far as what the noise was that woke the neighbors at 4:30 - 5:00 AM, he knew nothing about this, as the plant shuts down completely at 2:30 AM. Peter Freund said that it might have been a load of concrete blocks that were delivered at his job site that AM but he wasn't aware of the time.

Tom Overmier said he would like to remind the board that the 1981 amendment stated nothing between the hours of 10 PM and 6 AM. He said he

PUE HEAR CONT - DIVISION ST PARTNERS 9/22/1994

had not heard any firm answers; why don't we just stop work again? Robert Grier said that the board is trying to be as fair as possible to everyone. He said the board is trying to bend a little all the way around so as to work this out. Andy Baran said that everyone has to cooperate. Supervisor Lyon said that the point regarding the work hours was noted.

Supervisor Lyon asked Peter Freund and his attorney, Kelly Nagel, if they had anything to add. Peter stated that the first building was an extension of the box factory but was only used for storage of condensed corrugated board and food stuffs. He said he has burglar alarms and sprinkler systems and he is not trying to hide anything out there.

Regarding the question referring to the neighborhood kids getting hurt out there, Peter said that he has been waiting for the conclusion of the Hershey-Hill problem. Now DEC says that they are in compliance. Peter said that he was hoping for some of the bond money to help with the reclamation but is not going to get any now. Supervisor Lyon told them that the DEC collected fines which took care of themselves only. Peter said that everyone is kind of in shock that the DEC walked out on this but now we need to find a reasonable solution.

Bob Leonard told the board that there was a tractor trailer truck that was running for 1 1/2 days straight.

Tom Overmier stated that he remembered that a letter was supposed to be sent to the Bingham Co. regarding the removal of pallets, unlicensed vehicles, etc. Brian LaDue said that this is partly why they need the addition to their building. Supervisor Lyon said that this will be addressed.

David Saracino, attorney for the neighbors, said that there seemed to be an impending spirit of

cooperation, if we can believe what we are hearing here. He pointed out that the Town Board is not bound by the building permit that has been issued; it could be pulled and forced to comply with the Town Zoning Ordinance. He noted that construction on the building proceeded with full knowledge that this is a possibility. He said that the neighbors do not want to put Peter out of business but they do want the buildings to be in compliance with the 1981 amendment and they would like the conditions in writing. He feels the Town Board needs to address several issues and he urged them to reserve decision on this matter until they have had time to review these issues. He said the Planning Board cannot declare a negative declaration; this needs to be done by the Town Board. He wondered if a SEQR should be required and has the lead agency been resolved? He suggested that the Town Board could issue a use permit specifically to Peter and not to the property. He added that to say the neighbors are willing to cooperate does not mean that they are giving in or are satisfied. He stated that the property owner wants to use the property for his advantage so the responsibility of cooperation may be his. He urged the Board to reserve decision until the next Board meeting and to have a resolution ready at that meeting or somebody is going to be in court.

Supervisor Lyon asked if there were any more comments. Kelly Nagel, attorney for Division Street Partners, said that she did not mean to suggest that they will not comply with the 1981 amendment, but that they do feel they were in compliance at the time. She stated that \$27,000 has been spent by Peter to bring the property up to par. She said she has not heard what exactly they have to do but they are here to cooperate.

Jeff ? stated that he has no problem with the

PUB HEAR CONT - DIVISION STREET PARTNERS 9/22/94

Bingham Co. and that they have been very helpful to him in fact. He said that Peter's attorney should know the law; let's just cut to the chase. Ted Muzyczko said he appreciated the good comment.

Mrs. Breen asked what happens if a unforeseen violation occurs? She said she has reported one violation but received no cooperation. Robert Grier told Mrs. Breen if she had a complaint she should file it with the Town Clerk. She will notify the zoning officer and it will be looked into.

Tom Overmier asked about the construction continuing. Supervisor Lyon said that this board does not want to overlook the 1981 amendment. Saracino said that the setback variance may be approved by the Zoning Board prior to working out the details and asked what about Peter withdrawing the application. Supervisor Lyon stated that he felt the Zoning Board could hold the public hearing as scheduled but possibly reserve their decision.

David Matthews suggested that the builder/owner should come up with a plan to let the neighbors know what they want to do. Robert Grier said that he would be happy to meet with the neighbors to work things out.

Supervisor Lyon declared this public hearing closed at 9:45 PM.

PUB HEARING
CLOSED

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, Sept. 22, 1994 at the Palmyra Fire Hall, East Main Street, Palmyra, was called to order at 10:00 PM by Town Supervisor David Lyon.

CALL TO
ORDER

PLEDGE OF
ALLEGIANCE

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

REG TOWN BOARD MTG CONT. September 22, 1994

Upon roll call, the following Town Board members were present:

ROLL CALL

- Town Supervisor - David Lyon
- Town Board Members - Andy Baran
- Robert Grier
- David Nussbaumer
- Lynne Green

David Nussbaumer moved to approve the minutes of the July 14, 1994 workshop meeting with business as submitted. Robert Grier seconded this motion and it carried unanimously.

MTN TO APV
MINUTES OF
7/14/94

The Supervisor's Monthly Report was accepted by the Board and will be filed in the Town Clerk's Office.

SUPER'S
MONTHLY RPT

COMMUNICATIONS

1. NYS Office of Rural Affairs Fall '94 Teleconference

Andy Baran moved to authorize \$20.00 for registration fees to allow Robert Grier and Lynne Green to attend the NYS Office of Rural Affairs Fall '94 Teleconference to be held at Finger Lakes Community College on Sept. 28, 1994 with the subject being discussed "Zoning Law for Town Boards." This motion was seconded by David Nussbaumer and carried unanimously.

MTN TO AUTH
2 PERSONS TO
ATTND MTG

2. NYS Commission on Cable Television -Regional Seminar concerning the many facets of cable TV regulation

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Assessor Update

The written update submitted by Ann Tabor, Sole Assessor, can be found in the file folder entitled "Assessor Update and Building Inspector/Zoning Officer Update" as kept with these minutes.

ASSESSOR
UPDATE

2. Set date for Public Hearing to consider 1995 contract with the Village of Palmyra for fire protection in the Town of Palmyra

David Nussbaumer moved to set a Public Hearing date of October 13, 1994 at 8:00 PM at the Palmyra Fire Hall

MTN TO SET
PUB HEARING
DATE FOR
PAL FIRE DEPT
CONTRACT

REG TOWN BOARD MTG CONT. September 22, 1994

to consider the 1995 contract with the Village of Palmyra for fire protection in the Town of Palmyra. This motion was seconded by Andy Baran and carried unanimously.

3. Set date for Public Hearing to consider the 1995 contract with the East Palmyra Fire Department

David Nussbaumer moved to set a Public Hearing date of October 27, 1994 at 8:00 PM at the East Palmyra Fire Hall, East Palmyra, to consider the 1995 contract with the East Palmyra Fire Department. Lynne Green seconded this motion and it carried unanimously.

Highway Committee - Andy Baran, Chairman

Mr. Baran had no report at this time.

Planning Committee - Robert Grier, Chairman

1. Building Inspector/Zoning Officer Update

The written update submitted by Earl Vanderwall, Bldg. Inspector/Zoning Officer can be found in a file folder entitled "Assessor Update and Bldg. Inspector/Zoning Officer Update" as kept with these minutes.

2. Cellular One - Request of 30 day extension by the Town of Palmyra

Robert Grier moved to send a letter to Cellular One requesting a 30 day extension on a decision to enable the Board, the Attorney and the Engineer time to go over the massive amount of information received and to authorize the Town Supervisor to sign this letter. Lynne Green seconded this motion and it carried unanimously.

3. Division Street Partners - Subject of Public Hearing

Robert Grier recommended forming a committee consisting of Earl Vanderwall (Zoning Officer), Peter Freund (Division St. Partners), a representative from the Bingham Co., a couple of people to represent the neighbors and himself. A meeting to be held at the Town Office will be set up immediately. The Board agreed this was a good idea. Andy Baran stated that

MTN TO SET
PUB HEARING
DATE FOR
E. PALMYRA
FIRE CONTRCT

BLDG INSPCTR/
ZONING OFFICER
UPDATE

MTN TO ASK
CELLULAR
ONE FOR A
30 DAY EXT

DIV STREET
PARTNERS
SUBJECT OF
PUB HEAR

he would like to be a part of this committee also.
The Board was appreciative of his offer.

Zoning Committee - Lynne Green, Chairman

- 1. Slater Dog Breeding Kennel - Subject of Public Hearing

The following resolution was moved by Lynne Green,
seconded by Robert Grier and carried upon roll call
vote as follows:

- Town Supervisor - David Lyon - Aye
- Town Board Members - Andy Baran - Aye
- Robert Grier - Aye
- David Nussbaumer - Naye
- Lynne Green - Aye

MTN TO APV
SPEC USE FOR
SLATER DOG
BREEDING
KENNEL

BE IT RESOLVED, that the application of Douglas and Kathleen Slater to operate a breeding kennel for show dogs as a hobby with a capacity not to exceed 15 adult dogs at Shilling Road, in the Town of Palmyra, New York, be granted upon the following terms and conditions:

- 1. That the occupancy of the kennel will not exceed fifteen (15) dogs (dogs over six months) and two (2) litters of puppies (dogs under six months) per year.
- 2. That the applicant will obtain a state license to operate a kennel and comply with all the applicable Federal, state and local laws, rules, orders, ordinances, codes and regulations including, but not limited to this resolution.
- 3. That the applicant will not employ more than one casual part time employee at the facility at any one time.
- 4. That there will be no more than two (2) customers at any one time.
- 5. That the facility will be located as shown on the plat plan as approved by the Town Board. The front of the facility shall not be less than 500 feet from the highway. The facility will not be closer than 350 feet to any side lot line.
- 6. The dogs shall at all times be kept on the applicants Property.
- 7. All material and all waste generated from the operation of the kennel will be stored inside the facility or otherwise properly disposed of.
- 8. The applicant shall monitor the noise from the facility. In the event the noise shall generate complaints from the neighbors, the applicant will agree to build walls to deaden the sound from the facility. (Isolated complaints shall not generate the need for sound barriers.)
- 9. The applicant will present a waste disposal procedure system for animal waste to be approved by the Town's Consulting Engineer. The applicant will dispose of the waste in accord with the procedures and/or plans approved by the Town Engineer and maintain said system.
- 10. The applicant understands that this special use authorization is granted to the applicant and is not transferable and does not run with the land. This special use permit is granted because:
 - a. the applicant's plan for their hobby is accepted.

September 22, 1994

- b. The applicant represents that the applicant will reside on the premises.
- c. The applicant will conduct the applicant's hobby in keeping with the conditions in the neighborhood.

11. The applicant has read the above conditions, understands the conditions, and agrees to comply with the conditions set forth above. The applicant understands that if the conditions are not complied with, this special use authorization could be revoked.

the applicant agrees to sign a copy of the resolution, to acknowledge receipt of the above conditions, to signify their agreement to comply with the conditions contained herein and to show that they understand the above conditions.

AGENDA ITEMS (Out of sequence)

2. Water Authority Update

WATER AUTH
UPDATE

Supervisor Lyon reported that the Authority is continuing to meet with the six western town and are getting the long-term water study put together. He said that the next meeting will be September 30, 1994 at the Walworth Town Hall, in case any of the Board members are able to attend. Following that meeting, the Towns of Marion, Macedon, Walworth and Palmyra will meet to discuss joint water operations and will be putting together together budgets. He stated that it costs money to put agreements together, however. There is a new grant program called the CASH Program that has become available. Mr. Lyon feels that the combined four towns should be eligible with the Water Authority as the lead applicant.

1. Resolution to apply for a CASH Grant.

Supervisor Lyon moved to authorize the lead applicant for a cash grant on consolidation and cooperation be designated as Wayne County Sewer & Water Authority and that Supervisor Lyon, as Chief Executive Officer, be authorized to sign the application. This motion was seconded by Lynne Green and unanimously carried upon roll call vote as follows:

MEN TO AUTH
CASH GRANT
PROGRAM

| | | |
|--------------------|------------------|-------|
| Town Supervisor | David Lyon | - Aye |
| Town Board Members | Andy Baran | - Aye |
| | Robert Grier | - Aye |
| | David Nussbaumer | - Aye |
| | Lynne Green | - Aye |

REG TOWN BOARD MTG CONT.

September 22, 1994

3. Wayne County Board of Supervisor's Update
Supervisor Lyon reported that the main accomplishment at the moment, was the approval and ground breaking of the new Public Health Building.

WAYNE CTY BD
OF SUPERS
UPDATE

4. Workshop Meeting
A workshop meeting is scheduled for Monday, Oct. 3, 1994 at 7 PM at the Town Office, to discuss the Preliminary Budget for 1995.

WORKSHOP MTG

5. Regular Town Board Meeting scheduled for the 27th day of October at the E Palmyra Fire Hall
Information only.

REG TN BD MTG

6. Problem with a bad check
Beverly E. Hickman, Town clerk, reported that the bad check being held in her office had been covered this afternoon, therefore, there is no longer a problem.

BAD CHECK PROB

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

MTN TO APV
EXPENDITURES

| <u>Account</u> | <u>Voucher #</u> | <u>Amount</u> |
|-------------------|------------------|---------------|
| General Fund | 279 - 333 | \$10545.10 |
| Part Town Fund | 98 - 116 | 18438.65 |
| Highway II,III,IV | 179 - 183 | 177.13 |
| Highway I | 64 - 72 | 16751.90 |
| North Water Dist. | 42 - 47 | 1854.77 |
| South Water Dist. | 20 - 21 | 49.34 |
| East Water Dist. | 21 - 22 | 12.13 |

Robert Grier seconded this motion and it carried unanimously.

MTN TO ADJRN

The motion to adjourn this meeting of the Town Board was offered by Andy Baran, seconded by David Nussbaumer and carried unanimously.

Respectfully submitted,
Beverly E. Hickman
Beverly E. Hickman
Town Clerk

October 13, 1994

PUBLIC HEARING
CONTRACT FOR FIRE PROTECTION WITH
VILLAGE OF PALMYRA

The Public Hearing scheduled to be held on Pub. Hrg. called
Thursday, October 13, 1994 at the Palmyra Fire Hall, to order
East Main Street, Palmyra, to consider the contract
for fire protection for the Town of Palmyra with the
Village of Palmyra was called to order at 8:00 PM by
Town Supervisor David Lyon.

Those present at this public hearing, in addition
to the Town Board Members, included:

- Larry & Sue O'Meal
- Vicki & Jim Hart
- William & Judy Lincoln
- Dave Matthews
- Elaine Hartnagel, the TIMES
- Howard VanDyne, Courier-Journal
- Nelson F. Cook, Highway Superintendent
- Paul T. Rubery, Town Attorney
- Shelly Smith
- Tom McDonald
- Don Swokoff

The legal notice was read by the Town Clerk.

Supervisor Lyon asked for comments or questions
regarding this contract for fire protection. There
were none. Supervisor Lyon explained that the cost of
this contract would be \$33,600.00 for the fiscal year
of 1995.

Supervisor Lyon again asked for any comments or Pub. Hrg. closed
questions and again there were none. He declared this
public hearing closed at 8:05 PM.

PUBLIC HEARING CANCELLATION
EAST PALMYRA FIRE CONTRACT

The public hearing scheduled to be held on Pub. Hrg.
Thursday, October 13, 1994 at 8:30 PM to consider the cancelling E.
contract between the Town of Palmyra and the East Palmyra Fire
Palmyra Fire Department for fire protection has been Contract
cancelled because the amount of the contract has not
increased and therefore a public hearing is not
necessary.

WORKSHOP MTG W/BUSINESS

October 13, 1994

WORKSHOP MEETING
W/BUSINESSWrkshp. Mtg. w/
Business

The Workshop Meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, October 13, 1994, was called to order by Town Supervisor David Lyon at 8:06 PM.

Roll Call

Upon roll call, the following Town Board members were present:

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

COMMUNICATIONS

Notice from DEC:
RE: Centr. Wtr.
District

1. Notice from NYS DEC RE: "Notice of Complete Application" for the Palmyra Central Water District

BUSINESS (Out of sequence)

Cell. One
Resolution

4. Cellular One

The following resolution was duly moved by Robert Grier and seconded by David Nussbaumer:

WHEREAS, the applicant, Cellular One, has presented a proposed draft Environmental Impact Statement, and

WHEREAS, the Town Board of the Town of Palmyra has reviewed the proposed DEIS, and found that it is incomplete;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Palmyra does hereby notify the applicant that the DEIS is inadequate for the following reasons:

1. The DEIS fails to identify the conditions to enable the Town or other independent parties to determine when the proposed tower is no longer useful.
2. There are inconsistencies between the site plan and the engineering report which should be corrected to create a clearer understanding of the project.
3. The DEIS lists specific site development measures to be implemented. The measures should be added to the report and plans.
4. The DEIS does not detail what will happen to the drainage or the methods used to dispose of surface water draining from the access road.
5. The DEIS parking lot of 27,000 sq. ft. is inconsistent with the proposed use of the area by 3 vehicles, as outlined in the plan. A parking lot of the size set forth in the DEIS would require a new traffic study.
6. The approval from the FAA has expired. Safety considerations mandate that a current approval be in force.
7. The plans submitted do not appear to conform with the land use regulations of the Town and

WORKSHOP MTG W/BUSINESS CONT.

October 13, 1994

- no exemption has been obtained.
8. Neither the plan nor the DEIS reflects the secure entrance at Garnsey Road as requested by the Town.
 9. Neither the plan nor the DEIS reflects the necessary security to ensure that the premises will be returned to the natural condition of the property as it existed in the spring of 1994.
 10. The date submitted concerning visual impact was not verified by any independent source.
 11. The data submitted did not reveal the conditions at the time of the test; i.e., wind, pressure, brightness, etc.
 12. The test was taken when the dense foliage was at its highest or peak. There was no reflection of the results when there is no foliage as in the winter.
 13. The test used a balloon which does not have the consistence or the supporting members of a steel pole.
 14. The DEIS did not deal with the possible other uses of the tower and the possible visual impacts of those uses.
 15. The DEIS did not support the gap coverage map with data to back up the map.
 16. There was no verification of the gap areas.
 17. The alternatives were not discussed as to the location and the coverage available from the alternative site and the visual impact if the alternative site was used.
 18. The property values were not pertinent to the area in question but rather dealt with a dissimilar area.
 19. The scientific data was general in nature and did not deal with the specific concerns raised by the Town and its citizens.

The above resolution carried upon roll call vote as follows:

ROLL CALL VOTE

| | |
|---------------------------------|-------|
| Town Supervisor - David Lyon | - Aye |
| Town Board Members - Andy Baran | - Aye |
| Robert Grier | - Aye |
| David Nussbaumer | - Aye |
| Lynne Green | - Aye |

The above resolution was made, seconded and duly carried. The Town Clerk was authorized to forward a copy to the applicant.

2. Re-appointment of Bill Clark to the Zoning Board of Appeals

RE-APPT. TO
ZONING BOARD

Lynne Green moved to re-appoint Bill Clark to the Zoning Board of Appeals for a five year term to end September 30, 1999. Robert Grier seconded this motion and it carried unanimously.

3. Re-appointment of Roger Hoad to the Board of Assessment Review

RE-APPT. TO
BRD. ASSESS. REV.

Lynne Green moved to re-appoint Roger Hoad to the Board of Assessment Review for a five year term to end

WORKSHOP MTG W/BUSINESS CONT. October 13, 1994

September 30, 1999. This motion was seconded by Robert Grier and carried unanimously.

5. Set date for Public Hearing RE: Preliminary Budget for 1995

SET DATE FOR
PRELIM. 1995
BUDGET

Andy Baran moved to set a date of November 10, 1994 at 7:30 PM at the Town Office to hold a public hearing to consider the Preliminary Budget for the fiscal year 1995. David Nussbaumer seconded this motion and it carried unanimously.

6. Fire Contract with the Village of Palmyra.
Subject of public hearing.

V/PAL. FIRE
CONTRACT

David Nussbaumer moved to approve the contract between the Town of Palmyra and the Village of Palmyra for fire protection for the fiscal year of 1995 at a cost of \$33,600.00. This motion was seconded by Robert Grier and carried unanimously.

At this time Supervisor Lyon called for a ten minute recess.

RECESS

This workshop meeting was called back to order by Supervisor Lyon at 8:45 PM.

MTG. RESUMED

1. Review of final water plan

FINAL WTR. PLAN
REVIEW

Tony Malone and Geoff Benway, of MRB Group, discussed regulatory approvals with the Board. Mr. Malone explained that the way in which the work has been scheduled the is a completion date of August '95 for the first contract; a completion date of October '95 for the second contract and a final completion date of December '95.

Paul Rubery, Town Attorney, told the Board that there may be a problem with the way the Town planned to pay for this new waterline. He talked to Audit & Control today, and suggests going forward as planned but to schedule a public hearing to advertise for Article 12C if it is indeed necessary. In the meantime he will speak to someone else at Audit & Control to be sure everything is in proper order.

Robert Grier moved to allow Paul Rubery, Town

WORKSHOP MTG W/BUSINESS CONT.

October 13, 1994

Attorney, to proceed as he deems proper. David Nussbaumer seconded this motion and it carried unanimously.

Robert Grier moved to set a public hearing date of November 10, 1994 at 8:00 PM at the Town Office for the Central Water District. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO SET
PUB. HRG. DATE
CENTR. WTR. DIST.

Jeoff Benway showed the Board a map with contracts 1, 2 and 3 outlined and showed the properties where easements will be needed.

Tony Malone stated that we are ready to advertise for bids to be accepted on Wednesday, November 9, 1995 and hopefully to be awarded on November 10th.

David Nussbaumer moved to authorize advertising in the Courier-Journal for bids on the Central Water District be received at 10:00 AM on Wednesday, November 9, 1995 at the Palmyra Fire Hall. Robert Grier seconded this motion and it carried unanimously.

MTN TO AUTH
C-J to advtse
FOR BIDS FOR CWD

David Nussbaumer moved to go into executive session to discuss litigation in progress. Robert Grier seconded this motion and it carried unanimously.

MTN FOR EXEC.
SESSION


The motion to come out of executive session was offered by Robert Grier, seconded by David Nussbaumer and carried unanimously.

MTN TO COME OUT
OF EXEC. SESSION

David Nussbaumer moved to adjourn this workshop meeting of the Town Board. Andy Baran seconded this motion and it carried unanimously.

MTN TO ADJ

Respectfully submitted,


Beverly E. Hickman
Town Clerk

TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, Oct. 27, 1994 at the East Palmyra Fire Hall, East Palmyra, was called to order at 8:00 PM by Town Supervisor David Lyon.

MTG CALLED
TO ORDER

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

PLEDGE OF
ALLEGIANCE

Upon roll call, the following Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

Others present at this meeting included:

Harry Wilkins Jim Milliman
Elizabeth DeWitt Lucille Leenhouts
Harlin Tyler Pete Burm
Frank Gorall Nora Jane Gorall
Florence Pickering Dick Bump
Bill Hassler Tom DeRue
Dave Matthews Dan Pettke
Elaine Hartnagel, the TIMES
Nelson F. Cook, Highway Superintendent
Paul T. Rubery, Town Attorney

David Nussbaumer moved to approve the minutes of the Town Board meetings held on July 28, 1994 and on August 4, 1994 as submitted by the Town Clerk. Lynne Green seconded this motion and it carried unanimously.

MTN TO APV
MIN OF 7/28/94

MIN CARRIED

The Board acknowledged receipt of the Supervisor's Monthly Report and it will be kept on file at the Town Office for review for any interested person.

SUPER'S MO.
REPORT

COMMUNICATIONS

1. Letter from NYS Thruway Authority RE: Proposed Central Water District
2. Letter of approval for the Central Water District from NYS Audit and Control.

LTR FROM NYS
THRU. AUTH. RE:
CWD.

LTR FROM NYS
AUD./CTRL RE:
CWD

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

ASS. UPDATE

1. Assessor Update

Ann Vingee-Taber, Sole Assessor, told the Board that the date collectors are not done in the Town Outside yet.

Ms. Taber is doing the industrial properties herself. She explained that she is down to four data collectors

at this point and things are moving slowly. Robert Grier asked about a projected finish date. Ms. Taber said she could not even guess; it depends on the weather and how many properties the collectors do each week. There is no way for her to outguess these things.

Ms. Taber informed the Board that the State has proposed new Senior Citizen rates. She said that the increments cannot change but the 50% level can be changed. To the best of her knowledge, Wayne County will be using the new figures. Supervisor Lyon stated that the only choice will be to change the lower limits. He suggested that the Board go over the new figures at the November meeting.

2. Approval for DCO to attend seminar Nov. 14th at a cost of \$25.00

David Nussbaumer moved to approve the Dog Control Officer attend the seminar to be held on November 14, 1994 at a cost not to exceed \$25.00. This motion was seconded by Lynne Green and carried unanimously.

MTN FOR DCO
TO ATTEND SEM.

MTN CARRIED

Highway Committee - Andy Baran, Chairman

1. Reminder only - NO PARKING ON ALL TOWN ROADS beginning November 1, 1994. Vehicles will be towed away.
2. Transfer of funds

HWY. COM. REPORT
NO. PARKG RMNDR.

Andy Baran moved to approve the following transfer of funds:

| | <u>FROM</u> | | <u>TO</u> | |
|-------------------------|-------------|--|-------------------------|----------|
| DB5112.2 | \$672.42 | | DB5112.1 | \$672.42 |
| Improvements - Cap.Out. | | | Improvements-Pers.Serv. | |

David Nussbaumer seconded this motion and it carried unanimously.

MTN TO APRV
TRNSFR OF FUNDS

MTN CARRIED

Planning Committee - Robert Grier, Chairman

1. Division Street Problem

Robert Grier reported that he and Andy Baran are very happy with the way things are working out with the problems on Division Street. He said that \$50,000 will be invested in the reclamation of the bank in back of the buildings on Peter Freund's property. This work will begin in November of 1994. He added that Mr. Freund is showing that he does want to be a

PL. COM. REPORT

DIV. ST. UPDATE

good neighbor and it appears to be a win/win situation. Dave Matthews, representative of the neighborhood group, stated that the neighbors are happy with the landscape plan and they agree that it is a win/win situation.

Mr. Grier said that there does seem to be one more problem out there. Apparently some blacktop has infringed onto the Morrison property, but Mr. Freund has said that he will remove it if Mr. Morrison would like.

Mr. Grier stated that he is going to send a progress report to the Palmyra Zoning Board in time for their November 14th meeting and, if everything works out, a conditional C of O will be issued on November 17.

Supervisor Lyon thanked Mr. Grier and Mr. Baran for a job well done. Mr. Baran thanked the neighbors for their cooperation.

Zoning Committee - Lynne Green, Chairman

ZON. COMM.
UPDATE

1. Building Inspector/Zoning Officer Update

Earl Vanderwall, Building Inspector/Zoning Officer submitted a written report that can be found in the file folder as kept with these minutes and is labeled "Assessor Update and Building Inspector/Zoning Officer Update."

2. Master Plan Committee Update

MASTR PLAN COMM.
UPDATE

Lynne Green stated that she has heard nothing about a Master Plan Committee meeting and therefore she has not report at this time.

3. Joint Fuel Station

JNT. FUEL STAT.

Ms. Green said that the computer equipment has been installed at the Town Barns but the equipment still needs to be put into the individual vehicles. She said that by next week we should be in good shape.

AGENDA ITEMS

1. Resolution RE: Approval of Boundary Changes for the Election Districts

RES. - APRVL
OF BDRY CHNGS.
FOR ELECTION
DSTRCTS

Supervisor Lyon explained to the Board that since the

Village of Palmyra turned their election work over to Wayne County there is a need to place all of the registered village voters in their own districts and the registered town voters in their own districts. He said the object was to minimize the boundary changes and attempt to equalize the number of registered voters in each district. The main change was to add Hanley Road and Marlene and John Rush to the East Palmyra district where they should be anyway.

MTN TO AFRV
BDRY CHANGES
FOR EL. DST.

Lynne Green moved to approve the boundary changes for the election districts for the Town of Palmyra as outlined on the map to be sent to Wayne County Board of Elections showing Districts #1, #2 and #3 being completely inside the Village of Palmyra and Districts #4, #5 and #6 being completely outside the Village of Palmyra within the Town of Palmyra. David Nussbaumer seconded this motion and it carried unanimously upon roll call vote as follows:

MTN CARRIED
ROLL CALL VOTE

| | | |
|--------------------|------------------|-------|
| Town Supervisor | - David Lyon | - Aye |
| Town Board Members | - Andy Baran | - Aye |
| | Robert Grier | - Aye |
| | David Nussbaumer | - Aye |
| | Lynne Green | - Aye |

CWD UPDATE

2. Central Water District Update
Supervisor Lyon reported that mailers had been sent out to all properties in the Central Water District. He stated that the Town had received approval NYS Audit and Control on October 20, 1994; the Town will be accepting bids on this waterline on November 9, 1994; hopefully, the bid will be awarded on Nov. 10, 1994; the final public hearing will be held on Nov. 10, 1994; we hope to begin the work on Dec. 1, 1994.

3. Held until later in the meeting.

SUPER'S CO.
UPDATE

4. Supervisor's Wayne County Update
Supervisor Lyon reported that the new courthouse building seems to be a "or ping" thing at this point. He said that the Village of Lyons is unhappy at the prospect of the courthouse moving out of the village. He added that the Board has started working on the

county budget also.

5. Information only - Courtroom Contract Meeting is scheduled for November 3rd at the Village Hall
6. Reminder - There is a public hearing scheduled for November 10, 1994 at the Town Office RE: Preliminary Budget 1995
7. Transfer of funds

CRTRM. CTRCT
DATE

P HRG. DATE
RE: PRELIM.
BGDGT

FUNDS XPER
MTN.

Supervisor Lyon moved the following transfer of funds:

| <u>FROM</u> | <u>TO</u> |
|---|--|
| Acct. 1990.4 General Contingency \$285.77 | 1010.4 Town Board Contractual \$285.77 |

Lynne Green seconded this motion and it carried unanimously.

MTN CARRIED

8. Reminder of up-coming meetings

MTG. RMNDR.

10/28/94 at 9:00 AM - Monthly WCW&S meeting at Walworth Town Hall

11/1/1994 at 10:00 AM - Pre-bid meeting at the Palmyra Fire Hall

11/9/1994 meeting of the joint boards of Palmyra, Macadon, Marion & Walworth RE: Joint water departments

At this time Robert Grier moved to schedule a public hearing on November 17, 1994 at 7:30 PM at the Palmyra Fire Hall to consider the use of all three of Freund's buildings on Division Street. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO SCHED.
PUB. HRG. FOR
FREUND BLDGS.

Following a review of the expenditures and claims submitted, David Nussbaumer moved to approve payments of said expenditures, with totals as follows:

MTN TO APV
PMT OF EXPEND.

| <u>Account</u> | <u>Voucher #</u> | <u>Amount</u> |
|------------------|------------------|---------------|
| General Fund | 334 - 385 | \$14,236.03 |
| Part Town Fund | 117 - 131 | 1,030.43 |
| Highway III & IV | 183 - 199 | 5,590.38 |
| | 41 | |
| Highway I | 73 - 90 | 40,910.52 |
| North Wtr Dist. | 48 - 51 | 1,640.31 |
| South Wtr Dist. | 23 - 24 | 37.16 |
| East Water Dist. | 23 - 24 | 25.72 |
| Capital Funds | 7 | 20,500.00 |

Andy Baran seconded this motion and it carried unanimously, except Voucher #85, on which Supervisor Lyon voted naye.

MTN CARRIED

SUPERV. - NAYE

3. Resolution RE: Establishment of the Central Water District

RES. - EST.
OF CWD

The following resolution was duly moved by David Nussbaumer and seconded by Lynne Green:

ORDER

BOND RESOLUTION DATED December 16, 1993. A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A WATER DISTRIBUTION SYSTEM TO SERVE PALMYRA CENTRAL WATER DISTRICT IN THE TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK, AND AUTHORIZING THE ISSUANCE OF \$2,450,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, by proceeding heretofore duly had and taken pursuant to Article 12 of the Town Law, the Town Board of the Town of Palmyra, Wayne County, New York, has duly established the Central Water District in said Town; and

WHEREAS, it is now desired to authorize the construction of the improvements proposed for said Water District and provide for the financing thereof in accordance with said proceedings;

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

Section 1. The construction of the improvements proposed for the Central Water District in the Town of Palmyra, Wayne County, New York, consisting of a water distribution system, including water main, storage facilities, distributing pipes and hydrants, with appurtenant facilities, substantially in accordance with the map and plan accompanying the petition for said District, is hereby authorized at a maximum estimated cost of \$2,750,000.00 (Exhibit 1.)

Section 2. The plan for the financing of such maximum estimated cost consists of the issuance of \$2,450,000.00 serial bonds of said Town hereby authorized to be issued therefore pursuant to 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 (40) 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 Town of Palmyra, Wayne County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same become due and payable. There shall annually be assessed upon all the taxable real property in said Central Water District at the same time and in the same manner as other Town charges an amount sufficient to pay said principal and interest as the same became due and payable, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds.

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 Supervisor, 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 Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The validity of such bonds may be contested only if:

1. Such bonds are authorized for an object for purpose for which said town 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 bonds are authorized in violation of the provisions of the Constitution.

Section 7. 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 in substantially the form provided in Section 81.00 of the Local Finance Law.

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

ROLL CALL
VOTE

| | |
|---------------------------------|-------|
| Town Supervisor - David Lyon | - Aye |
| Town Board Members - Andy Baran | - Aye |
| Robert Grier | - Aye |
| David Nussbaumer | - Aye |
| Lynne Green | - Aye |

RES. ADOPTED
UNAN.

Supervisor Lyon thanked everyone for attending this meeting and also thanked the East Palmyra Fire Dept. for allowing us the use of their fire hall.

Robert Grier moved to adjourn this meeting of the Town Board. This motion was seconded by David Nussbaumer and carried unanimously.

MIN TO ADJN.

Respectfully submitted,


Beverly E. Hickman
Town Clerk

November 10, 1994

PUBLIC HEARING
Preliminary Budget 1995

The Public Hearing scheduled to be held on Thursday, November 10, 1994, at the Palmyra Town Office, 201 East Main Street, Palmyra, to consider the Preliminary Budget for the Town of Palmyra for the fiscal year 1995, was called to order at 7:00 PM by Town Supervisor David Lyon.

PUB HRG - 1995
PRELIM. BDGT.
CALLED TO ORDER

The only people present at this meeting were:

- Town Supervisor - David Lyon
- Town Board Members - Andy Baran
- Robert Grier

The Preliminary Budget for 1995 was discussed briefly. At this time Supervisor Lyon was told that the other two Board members, the Town Attorney, the Town Clerk and a few interested persons were at the Palmyra Fire Hall by mistake. Supervisor Lyon adjourned the Public Hearing to the Palmyra Fire Hall at 7:10 PM.

ADJ'D TO FIRE
HALL

.....
The Public Hearing concerning the Preliminary Budget for 1995 was called back to order by Town Supervisor Lyon at 7:15 PM.

PUB. HRG.
CALLED BACK TO
ORDER

The legal notice was read by the Town Clerk, who then apologized for telling anyone that inquired of her, that this meeting was going to be held at the Fire Hall.

Supervisor Lyon asked if there were any questions from those present. There were none.

Supervisor Lyon explained that the tax rate had not been increased for the 1995 budget. He said the North Water District had gone down a little but the water usage rate had gone up slightly.

Dan Gardner, East Palmyra, told the Board that they had done a good job with this budget. He asked how the new waterline would affect taxes. Supervisor Lyon referred this question to the Town Attorney.

Mr. Rubery stated that the waterline could affect taxes three years down the road. He added that the Marion School District will be affected the most, however.

PUB. HRG.
CLOSED.

Supervisor Lyon asked if there were any more questions or comments. There being none, he declared this public hearing closed at 7:22 PM.

.....

TOWN BOARD WORKSHOP MEETING
WITH BUSINESS

ROLL CALL

Upon roll call, the following Town Board members were present:

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

MIN TO APV
CRTM CTRCT

Item #1 - Approval of Courtroom Contract with the Village of Palmyra

David Nussbaumer moved to approve the contract for rental of the courtroom and a office for the Town Justices at the Village Hall for the amount of \$304.50 per month for the fiscal year 1995; \$319.73 per month for the fiscal year 1996 and \$335.71 per month for the fiscal year 1997. This motion was seconded by Lynne

ROLL CALL
VOTE

Green and carried upon roll call vote as follows:

| | |
|------------------------------|-------|
| Town Supervisor - David Lyon | - Aye |
| Andy Baran | - Aye |
| Robert Grier | - Aye |
| David Nussbaumer | - Aye |
| Lynne Green | - Aye |

Item #2 - Set Public Hearing date for Frederick Meusburger - Special Use - Glass Shop

MIN TO SET DATE
FOR PUB HRG
MEUSBERGER
SPEC USE

Andy Baran moved to set a public hearing date of Thursday, December 8, 1994 at 7:30 PM at the Town Office to consider the application of Frederick Meusburger to have a glass and screen repair shop and sales shop. David Nussbaumer seconded this motion and it carried unanimously.

MIN CARRIED

TN BD WORKSHOP MTG W/BUS CONT.

Nov. 10, 1994

At this time, Frank Brunner, Marketing Representative from NYSEG had arrived. Mr. Brunner told the Board he would be glad to answer any questions or discuss any problems the Board might have regarding NYSEG.

NYSEG REPR.
F. BRUNNER TO
ANS. QUESTIONS
ABOUT NYSEG

Supervisor Lyon asked about the lighting arrangements for the new Rt 21 Bridge area; especially on the corner of North Creek Road and Rt. 21. Mr. Brunner had no knowledge of this, but stated that he would have someone look into it and get back to Supervisor Lyon. Andy Baran asked if they ever change to sulfur light for better lighting. Mr. Brunner said that there are some revamping projects going forward; he did not know if Palmyra is included or not. Supervisor Lyon asked Nelson Cook, Highway Superintendent, if there were any lights out at this time. Mr. Cook said there weren't, as far as he knew.

RT. 21 LIGHTG.

At this time the Workshop Meeting of the Town Board was adjourned to hold a Public Hearing scheduled for 7:30 PM.

WKSHP MTG ADJ.

PUBLIC HEARING

The Establishment of an Improvement District
The Public Hearing scheduled to be held on
Thursday, November 10, 1994, to consider the
Establishment of a Improvement District, was called to
order at 7:35 PM by Town Supervisor David Lyon.

PUB HRG FOR
EST. OF IMPRVMT
DISTRICT
CALLD TO ORDER

The reading of the legal notice was waived due to the length of same.

Supervisor Lyon explained to those present that his public hearing was actually a legality only. The Town Board was not willing to take any chances with anything going wrong with the Central Water District now that everything has been approved. He asked if there were any questions or comments from those

PUB HEARING - ESTABLISHMENT OF IMPRVMT DIST.
10/10/94

present. There were none.

PUB. HRG. CLOSED

Supervisor Lyon again asked for any questions or comments; again there were none. He then declared this public hearing closed at 7:37 PM.

WRKSHIP MTG
RE-CONVENED

Return to workshop meeting.

Item #3 - Waterline bid update

WTRLINE BID
UPDATE

Tony Malone, MRB Group, informed the Board that the lowest bid came in slightly over the budgeted amount at \$2,498,000 from R. P. Meyers, Inc., 1 Merton Street, Rochester, New York, 14609. He said changes will have to be made to come in at a good price or the Town could re-apply to Audit & Control for the overage amount. Mr. Malone said that he did not have all the options ready at this time. He has talked to the low bidder and is in the process of working on some changes in the arrangements. He should be ready with changes and new figures next week.

MTN TO GO INTO
EXEC. SESSION

At this time, Andy Baran moved to go into executive session. Lynne Green seconded this motion and it carried unanimously.

MTN CARRIED

MTN TO COME OUT
OF EXEC. SESSION

The motion to come out of executive session was offered by David Nussbaumer, seconded by Robert Grier and carried unanimously.

MTN CARRIED

Elaine Hartnagel, reporter for the Times, complained to the Board that she felt the two (2) public hearings held tonight were illegal because they were advertised to be held at the Town Office, not at the Fire Hall. Supervisor Lyon told Ms. Hartnagel that the first Public Hearing had been called to order at the Town Office and adjourned to the Fire Hall. Town Councilmen Baran and Grier verified this. She still insisted that the hearings were not legal. The Board felt that they were legal but would give the

TN BD WORKSHOP MTG W/BUSINESS CONT. Nov. 10, 1994

matter some consideration.

David Nussbaumer moved to pass the Final Budget for the fiscal year 1995. Robert Grier seconded this motion and it carried unanimously.

MIN TO PASS
FINAL BDGT
FOR 1995

MIN CARRIED

The motion to adjourn this workshop meeting of the Town Board was offered by David Nussbaumer, seconded by Andy Baran and carried unanimously.

MIN TO ADJN

MIN CARRIED

Respectfully submitted,


Beverly E. Hickman
Town Clerk

November 17, 1994

PUBLIC HEARING
 USE OF DIVISION STREET PARTNERS PROPERTY
 ON DIVISION STREET, PALMYRA

The Public Hearing scheduled to be held on November 17, 1994 at the Palmyra Fire Hall, East Main Street, Palmyra, to consider the use of Nos. 2085, 2081A (currently leased by the Bingham Co.), and 2081B Division Street, owned by the Division Street Partners, 2085 Division Street, Palmyra, was called to order at 7:30 PM by Town Supervisor David Lyon.

PUB HRG
CALLED TO ORDER
DIV. ST.
PARTNERS

Those attending this public hearing, in addition to the Town Board Members, included:

| | |
|---|----------------|
| Susan Leonard | Robert Duner |
| David Matthews | Mike Jankowski |
| Kelly Nagle, Attorney for Division St. Partners | |
| D. Chet Baran, President, Division St. Partners | |
| Elaine Hartnagel - the Times | |
| Howard VanDyne - the Courier-Journal | |
| Ann Vingee Taber, Assessor | Steve Taber |
| Nelson F. Cook, Highway Superintendent | |

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

David Matthews, neighborhood representative, stated that the major concern of the neighbors is whether or not the uses comply with the Town of Palmyra Zoning Ordinance. He said they are asking this Board to be very specific with the conditions to ensure that the Zoning Ordinance is complied with. He mentioned hours of operation, storage trailers, lights, fans, etc.

Sue Leonard, neighbor, said that she is very concerned about the chemicals stored at the Bingham Co. She would like to know what kind of precautions are being taken out there. She asked if she could read some information she had gathered regarding this chemical. Her information discussed acute effects - may be fatal, chest pains chronic effects - carbon monoxide poisoning, light and moisture sensitive, etc. She said "We are so close".

Kelly Nagel, Attorney for Division Street

PUB HEARING CONT./DIVISION ST PARTNERS Nov. 17, 1994

Partners, stated that they would like to come to an agreement and any use will comply with a light industrial zone.

Robert Grier mentioned that in working up the conditions to go along with this property he is going to insist that landscaping be included and that any modifications to the outside of any of these buildings will go the Earl Vanderwall, Building Inspector/Zoning Officer.

Supervisor Lyon asked if there were any more comments or questions. There being none, he declared this public hearing closed at 7:45 PM.

PUB HRG DECLRD
CLOSED

.....
PUBLIC HEARING REOPENED
PRELIMINARY BUDGET FOR 1995

Due to the confusion regarding the place this public hearing was to be held on November 10, 1994, Supervisor Lyon called this Public Hearing back to order at 7:46 PM at the Palmyra Fire Hall this evening, November 17, 1994.

PUB HEARING
OPENED

The confusion regarding "place" was again explained. The Town Clerk said the error was hers and again apologized to the Board and those present.

Supervisor Lyon waived the reading of the legal notice since it had been read last week.

He asked if there were any comments regarding the Preliminary Budget for 1995. There were none. He again asked for comments or questions and again there were none.

Supervisor Lyon declared this public hearing closed at 7:50 PM.

PUB HEARING
CLOSED

PUB HEARING/EST OF AN IMPROVEMNT DIST Nov. 17, 1994

PUBLIC HEARING REOPENED
THE ESTABLISHMENT OF AN IMPROVEMENT DISTRICT

PUB HEARING
CALLED TO ORDER

Supervisor Lyon reopened the public hearing regarding the Establishment of an Improvement District also because of the confusion about the "place" the hearing was to be held on November 10, 1994.

The reading of the public notice was again waived due to the length of same.

Supervisor Lyon again explained to those present that this public hearing was actually a legality only. The Town Board was not willing to take any chances with anything going wrong with the Central Water District now that everything has been approved. He again asked if there were any questions or comments from those present and again there were none.

This Public Hearing was declared closed by Town Supervisor Lyon.

PUB HEARING
CLOSED

REGULAR TOWN BOARD MEETING

The Regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, Nov. 17, 1994 at the Palmyra Fire Hall, East Main Street, Palmyra, was called to order by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

Andy Baran moved to approve the minutes of the regular Town Board Meeting held on August 25, 1994.

MIN TO APV
MINUTES OF
8/25/94

REG TOWN BOARD MTG CONT. Nov. 17, 1994

David Nussbaumer seconded this motion and it carried unanimously.

The Board accepted the Supervisor's Monthly Report and directed that it will be kept in the Town Office for any interested party.

COMMUNICATIONS

1. Letter from Edmund Viele RE: Property on Rt.31

At this time David Nussbaumer moved to go into executive session. This motion was seconded by Robert Grier and carried unanimously.

MIN. TO GO INTO
EXEC. SESSION

David Nussbaumer moved to come out of executive session. Robert Grier seconded this motion and it carried unanimously.

MIN TO COME OUT
OF EXEC. SESSION

Supervisor Lyon stated that, so as not to keep Tony Malone, MRB Group, here any later than necessary, he would like to go out of sequence and discuss -

AGENDA ITEMS

1. Central Water District

Mr. Malone explained to the Board that all of the bids for the Central Water District had come in over the total amount approved by Audit and Control. He said that it appeared the Board had three choices:

CENTRAL WATER
DISTRICT

1. Go back to Audit & Control and ask for more money
2. Go with the lowest bidder and find ways to reduce the total cost
3. Terminate the project

Following considerable discussion, Lynne Green moved to award the contract for the Central Water District to R. P. Myers, Inc., One Merton Street, Rochester, NY 14609, the lowest bidder, at a amount not to exceed \$2,605,554 with the possibility of finding cost-cutting methods of reducing this amount. David Nussbaumer seconded this motion and it carried

MIN. TO AWARD
CONTRACT TO
R.P. MYERS INC.

unanimously upon roll call vote as follows:

| | | |
|--------------------|------------------|-------|
| Town Supervisor | David Lyon | - Aye |
| Town Board Members | Andy Baran | - Aye |
| | Robert Grier | - Aye |
| | David Nussbaumer | - Aye |
| | Lynne Green | - Aye |

REG TOWN BOARD MTG CONT.

Nov. 17, 1994

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Assessor Update

ASSESSOR
UPDATE

A written report submitted by the Town Assessor, Ann Vingee Taber, can be found in a file folder entitled "Assessor Updates and Building Inspector/Zoning Officer Updates" as kept with these minutes.

2. Schooling request from ACO

MTN TO APV
SCHOOLING
FOR ACO

David Nussbaumer reported to the Board that Gary Rose, Animal Control Officer has requested attending a basic peace officer course being offered at Monroe Community College. Mr. Rose feels this training will enhance his job as Animal Control Officer. Following a brief discussion, David Nussbaumer moved to approve Gary Rose attend the basic peace officer training at a cost not to exceed \$132.00; contingent upon the Village of Palmyra paying half of this tuition (\$66.00). Lynne Green seconded this motion and it carried unanimously.

MTN CARRIED

Highway Committee - Andy Baran, Chairman

1. Approval to attend Water Works Conference on 12/1/94 - Cost of \$10

MTN FOR
APV TO ATTEND
WATER WORKS
CONF.

Andy Baran moved to authorize Nelson Cook, Highway Superintendent, to attend the Water Works Conference to be held on December 1, 1994 at a cost not to exceed \$10.00. This motion was seconded by Lynne Green and carried unanimously.

MTN CARRIED

2. U.F.P.O. (Underground) - New law says we must have a fax machine working by 1/1/95 - Also there will no longer be a yearly fee of \$200 for being a member

FAX MACH. LAW

Information only.

3. Request from NYSEG for a blanket permit from 1/95 - 1/96

MTN FOR
NYSEG BLANKET
PERMIT

Andy Baran moved to approve a blanket permit for NYSEG but on a "per job" basis. Robert Grier seconded this motion and it carried unanimously.

MTN CARRIED

REG TOWN BOARD MTG CONT. Nov. 17, 1994
(Out of Sequence)

Agenda Item #6 - Approval of the Preliminary Budget for 1995.

MIN TO APV
1995 PRELIM. BDGT.

David Nussbaumer moved to approve the Preliminary Budget for 1995, thus making same the Final Budget for 1995. Robert Grier seconded this motion and it carried unanimously.

MTN CARRIED

(Return to Highway Committee - It was necessary for the budget to be approved prior to the next item)

- 4. Approval to take bids on a new truck, plow equipment & dump body on 12/20/94 - to be awarded on 12/29/94

MIN TO APV
TAKING BIDS
TRUCK, PLOW
& DUMP BODY

Andy Baran moved to approve taking bids on a new truck, plow equipment and a dump body on 12/20/94 at the Town Office and to award the bids on 12/29/94.

MIN CARRIED

This motion was seconded by David Nussbaumer and carried unanimously.

5. Transfer of funds

MIN TO APV
FUNDS

The following transfer of funds was moved by Andy Baran, seconded by David Nussbaumer and carried unanimously:

MIN CARRIED

| <u>FROM</u> | | <u>TO</u> | |
|-------------|----------|------------|----------|
| DA5130.4 | | DA5130.1 | |
| Mach Cont. | \$211.03 | Mach Pers. | \$211.03 |

Planning Committee - Robert Grier, Chairman

ZON. OFF. UPDATE

- 1. Building Inspector/Zoning Officer Update
A written update from Earl Vanderwall, Building Inspector/Zoning Officer, has been filed in the folder entitled "Assessor Update and Building Inspector/Zoning Officer Update" as kept with these minutes.

2. Division Street Partners - Subject of Public Hearing

MIN TO DECLARE TN.
BRD. LEAD AGENCY FOR
DIV. ST. PARTERS

Robert Grier moved to declare the Town Board to be the Lead Agency for the Division Street Partners.

MIN CARRIED

David Nussbaumer seconded this motion and it carried unanimously.

MIN TO DECLARE
NEG. DEC. ON SEQ
DIV. ST. PARTERS

Robert Grier then moved to declare a Negative Declaration on the SEQR regarding the Division Street

REG TOWN BOARD MTG CONT. Nov. 17, 1994

Partners. This motion was seconded by Andy Baran and carried unanimously.

MTN CARRIED

Robert Grier stated that he wanted to discuss the new building out there first; the one without a C of O. He said this building was to be used strictly for storage of machinery, surplus equipment and cardboard - it is unsprinkled and unheated so there would be minimal exposure - he asked if the building would be manned. Chet Baran, President, P.T. Freund, said there would only be a driver when he was picking up something. Hours were discussed. Mr. Grier stated that 6 AM - 10 PM was satisfactory; per the ordinance. Mr. Grier asked if there are any outside security lights and Chet Baran told him there are.

Robert Grier moved to approve a conditional C of O in that the contract being drawn up is satisfactorily fulfilled by June 15, 1995 and that the trailers will be removed. Andy Baran seconded this motion and it carried unanimously.

MTN TO APV
COND'L
C OF O
DIV. ST. PART

MTN CARRIED

The addition to the Bingham Co. building was then discussed. Mr. Grier asked what this addition was to be used for. By letter from the Bingham Co., it stated that this addition was to be used for dry storage, equipment, molds and to house the scrubbing equipment. Robert Grier moved to approve issuing a Building Permit for the addition to the Bingham Co. Building, owned by the Division Street Partners. Andy Baran seconded this motion and it carried unanimously.

MTN TO ISSUE
BLDG PERMIT
FOR BINGHAM
ADDITION

MTN CARRIED

The next building to be discussed was the Bingham building itself. Robert Grier stated that we know the use is light industrial; there have been several discussions about this already. David Matthews, neighborhood representative, said that the neighbors want to know the use in compliance with the Zoning Ordinance. Earl Vanderwall, Zoning Officer, stated that he has checked the building and was provided a

REG. TOWN BOARD MTG CONT. Nov. 17, 1994

data file from the Bingham people and that in his opinion, they are not in violation of the Zoning Ordinance. Nelson Cook stated that he had noticed the housekeeping around the meter area was not really good and he felt it should be cleaned up.

MTN TO APV
USE OF BINGHAM
BLDG.

Robert Grier moved to approve the present use of the Bingham Building (dry storage, molds, equipment & to house the scrubbing equipment) is acceptable as long as they continue to follow the guidelines of the Zoning Ordinance. Andy Baran seconded this motion and it carried unanimously.

MTN CARRIED

Now to the original building - Chet Baran, President, P. T. Freund, told those present that this building is used for dry storage and cardboard cutting. He would, however, like to have part of the building available for paper box manufacturing.

MTN TO APV USE
OF ORIGINAL
BLDG.

Mr. Grier said that manufacturing would have to be another meeting with a public hearing and more research and discussion. Robert Grier moved to approve the use of this original building for dry storage and bulk cardboard cutting with the hours of operation to conform to the Zoning Ordinance. This motion was seconded by Andy Baran and carried

MTN CARRIED

unanimously. Robert Grier, on behalf of the entire Town Board, thanked all of the neighbors and everyone from the P.T. Freund Company for the cooperation in getting this problem solved. Supervisor Lyon, in turn, thanked Robert Grier and Andy Baran for the important role they played in this negotiation.

3. Set Public Hearing Date - Frederick A. Muesburger - Special Authorization for a glass shop

MTN TO SCHEDULE
PUB. HRG. FOR
MUESBURGER SPEC.
USE

Robert Grier moved to schedule a public hearing for Frederick A. Muesburger for special authorization to have a glass and screen repair shop and sales shop on Rt. 31, Palmyra to be held on Thursday, December 8, 1994 at 7:30 PM at the Town Office. Andy Baran

REG TOWN BOARD MTG CONT.

Nov. 17, 1994

seconded this motion and it carried unanimously.

MTN CARRIED

Zoning Committee - Lynne Green, Chairman

1. Master Plan Committee Update

MASTR PLAN
UPDATE

Lynne Green explained to the Board that there was a meeting scheduled for this evening at the same time as this Board Meeting. She said she will update this at another time.

2. Carrier - Special Permit

CARRIER -
SPEC. PERMIT

Ms. Green reminded the Board that Kevin Carrier's Special Permit will expire on November 30, 1994. She said she will have a recommendation concerning this matter at the next Board meeting.

AGENDA ITEMS

1. Covered previously this evening

2. Wayne County Water Authority Update

WCWA UPDATE

Supervisor Lyon reported that the four towns involved in the consolidation of water had met and a contract is being drafted for review by the attorneys. He said that he was pleased that Andy Baran and Robert Grier had been able to attend the meeting with him.

3. Transfer of funds - Town Board

The following transfer of funds was moved by

MTN TO APV
TRNSF OF FUNDS

Supervisor Lyon, seconded by Andy Baran and carried unanimously:

MTN CARRIED

| <u>FROM</u> | <u>TO</u> |
|--|--|
| #1990.4 General Fund Contingency \$133.37 | #1010.4 Town Board Contractual \$133.37 |

4. Transfer of funds - East Water District,
North Water District and South Water District

Supervisor Lyon moved to approve the following three fund transfers with Andy Baran seconding and the motion carrying unanimously:

MTN TO APV
ADDT'L XFRSMTN CARRIED

| <u>FROM</u> | <u>TO</u> |
|--|---|
| #SW3-8320.4 North Water Pumping Cont \$7.22 | #SW3-8310.1 North Water Pers Serv \$7.22 |
| #SW1-8320.4 South Water Pumping Cont \$2.81 | #SW1-8310.1 South Water Pers Serv \$2.81 |
| #SW5-8320.4 East Water Pumping Cont \$2.11 | #SW5-8310.1 East Water Pers Serv \$2.11 |

REG TOWN BOARD MEETING CONT.

Nov. 17, 1994

5. Approval of the Courtroom Contract

MTN TO APV
CRTRM CNTRCT

David Nussbaumer moved to approve the contract for use of the Village of Palmyra Courtroom for a amount not to exceed \$3,654.00 for the year 1995; a amount not to exceed \$3,836.70 for the year 1996 and a amount not to exceed \$4,028.54 for the year 1997. Andy Baran seconded this motion and it carried unanimously upon

MTN CARRIED

roll call vote as follows:

| | | |
|--------------------|------------------|-------|
| Town Supervisor | - David Lyon | - Aye |
| Town Board Members | - Andy Baran | - Aye |
| | Robert Grier | - Aye |
| | David Nussbaumer | - Aye |
| | Lynne Green | - Aye |

6. Covered previously this evening

7. Mailing charge added to unpaid tax bills - per Sally Lynch, Tax Collector

MTN TO DROP UNPD.
MAILING CHRG FROM
UNPD TAX BILLS

Following a brief discussion, Robert Grier moved to drop the \$1.00 mailing charge from the unpaid tax bills. Andy Baran seconded this motion and it carried unanimously.

MTN CARRIED

8. Empire Pipeline Litigation

MTN TO AUTH.
\$5,000 TO PAY
LITIG. FEES
FOR EMP. ST.
PIPELINE

David Nussbaumer moved to authorize \$5,000 to pay any fees involved in the Empire Pipeline Litigation, subject to reimbursement by the Palmyra-Macedon School District and the County of Wayne, each to pay 1/3 of this amount. This motion was seconded by Robert Grier and carried unanimously.

MTN CARRIED

Following a review of the expenditures and claims submitted, David Nussbaumer moved to approve payment of the expenditures and shown on Abstract #11 with totals as follows:

| <u>Account</u> | <u>Voucher #</u> | <u>Amount</u> |
|------------------|------------------|---------------|
| General Fund | 386 - 441 | \$ 12,692.40 |
| Part Town Fund | 132 - 146 | \$ 23,104.57 |
| Highway III & IV | 200 - 205 | \$ 5,273.11 |
| | 42 - 46 | |
| Highway I | 91 - 98 | \$ 33,854.67 |
| North Wtr Dist. | 52 - 53 | \$ 1,640.00 |
| South Wtr Dist. | 25 - 27 | \$ 88.27 |
| East Water Dist. | 6 - 26 | \$ 3,195.00 |
| Capital Funds | 0 - 9 | \$ 626.08 |

Robert Grier seconded this motion and it carried unanimously.

MTN CARRIED

REG TOWN BOARD MEETING CONT.

Nov. 17, 1994

Supervisor Lyon moved to authorize taking \$626.08 from the Capital Facilities Reserve to pay for fuel pump station expenses. This motion was seconded by David Nussbaumer and carried unanimously.

MTN TO AUTH
\$626.08 from
CAP. RES. FOR
PUMP STN. EXP

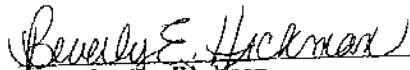
MTN CARRIED

The motion to adjourn this meeting of the Town Board was offered by David Nussbaumer, seconded by Andy Baran and carried unanimously.

MTN TO ADJ

MTN CARRIED

Respectfully submitted,


Beverly E. Hickman
Town Clerk

December 15, 1994

WORKSHOP MEETING WITH BUSINESS

The Workshop Meeting of the Town Board of the Town of Palmyra scheduled to be held on Thursday, December 15, 1995 at the Town Office, 201 East Main Street, Palmyra, was called to order at 7:30 PM by Town Supervisor David Lyon.

MTG CALLED TO ORDER

Upon roll call, the following Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
David Nussbaumer
Robert Grier
Lynne Green

Also present at this meeting of the Town Board were:

Peter Banko - Daily Messenger
Elaine Hartnagle - Courier Journal
Paul T. Rubery - Town Attorney
Bill Oliverio - Cellular One
Gordon Wheeler
Frank Koeberle
Dan Pedtke

BUSINESS

1. Motion to accept Cellular One DEIS.

MTN TO ACCEPT
CELLULAR ONE
DEIS

Robert Grier moved and Andy Baran seconded the motion to accept the Cellular One DEIS and addendum as amended following a favorable Public Hearing and 30 day comment period. Following a brief discussion the motion was approved upon roll call vote as follows:

ROLL CALL VOTE

Town Supervisor - David Lyon - No
Town Board Members - Andy Baran - Aye
David Nussbaumer - Aye
Robert Grier - Aye
Lynne Green - Aye

2. Appointment of Gary Rose as Town Constable

Andy Baran moved and David Nussbaumer seconded the appointment of Town ACO Gary Rose as Town Constable effective immediately. Following a brief discussion the motion was approved upon roll call vote as follows:

MTN TO APPOINT
GARY ROSE AS
TN CONSTABLE

ROLL CALL VOTE

Town Supervisor - David Lyon - Aye
Town Board Members - Andy Baran - Aye
David Nussbaumer - Aye
Robert Grier - Aye
Lynne Green - Aye

MIN TO ADJ

David Nussbaumer moved to adjourn this Workshop Meeting of the Town Board at 8:05 PM, seconded by Andy Baran, and the motion carried unanimously.

MIN CARRIEDMIN TO RE CONVENE

After reconsidering the motion regarding Cellular One, Mr. Grier moved to reconvene the meeting at 8:10 PM,

MIN CARRIED

seconded by Andy Baran, and the motion carried unanimously. Mr. Grier then moved to amend the

MIN TO AMEND
PREV. MIN

previous motion by not requiring a Public Hearing. Andy Baran seconded the motion, and it was passed by

ROLL CALL VOTE

roll call vote as follows:

| | | |
|--------------------|------------------|-------|
| Town Supervisor | - David Lyon | - No |
| Town Board Members | - Andy Baran | - Aye |
| | David Nussbaumer | - Aye |
| | Robert Grier | - Aye |
| | Lynne Green | - Aye |

ACT. AT TROLLEY
RD. JUNKYRD

Lynne Green reported on activity at the Trolley Road site of the former junkyard. As it appears Kevin Carrier is still operating a business unlawfully, Mrs.

MIN TO AUTH
ZON. OFF. TO

Green moved to pass a resolution to take all necessary action to empower BZO Earl Vanderwall to file

FILE PROCEEDINGS
IN SUPR. CRT RE:
CARRIER

proceedings in Supreme Court. The motion was seconded by Andy Baran, and passed unanimously by the following

ROLL CALL VOTE

roll call vote:

| | | |
|--------------------|------------------|-------|
| Town Supervisor | - David Lyon | - Aye |
| Town Board Members | - Andy Baran | - Aye |
| | David Nussbaumer | - Aye |
| | Robert Grier | - Aye |
| | Lynne Green | - Aye |

MIN TO ADJ

David Nussbaumer moved to adjourn the meeting. Andy Baran seconded and the motion carried unanimously at 8:15 PM.

MIN CARRIED

Respectfully submitted,

Catherine C. Contant Deputy
Catherine C. Contant
Deputy Town Clerk

December 29, 1994

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board of the Town of Palmyra scheduled to be held on Thursday, December 29, 1995 at the Town Office, 201 East Main Street, Palmyra, was called to order at 7:30 PM by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
David Nussbaumer
Lynne Green

(Robert Grier was absent)

Also present at this meeting of the Town Board were:

Howard VanDyne - Courier-Journal
Nelson F. Cook - Highway Superintendent
Paul T. Rubery - Town Attorney

The Supervisor's Monthly Report was received by the Town Board and will be on file in the Town Clerk's Office for reviewing by any interested party.

SUPER'S MO. REPORT

COMMUNICATIONS

There were no communications to be read.

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Assessor Update

No report at this time.

ASSESSOR UPDATE

2. Transfer of funds (2 transactions)

The following transfer of funds was moved by David Nussbaumer, seconded by Andy Baran and carried unanimously:

MTN TO XFER FUNDS

| <u>FROM</u> | <u>TO</u> |
|---------------------|--------------------------------|
| Contingency A1990.4 | Assessor Pers. Serv A1355.1 |
| | \$846.15 |
| \$3615.54 | Assessor Clk Pers Serv A1356.1 |
| | \$208.25 |
| | Assessor Equipment A1355.2 |
| | \$183.96 |
| | Assessor Contingency A1355.4 |
| | \$2377.18 |
| | Total \$3615.54 |

MTN CARRIED

REG TOWN BOARD MEETING CONT

Dec. 29, 1994

MTN TO XFER
ADDT'L FUNDS

David Nussbaumer also moved the following transfer of funds with Andy Baran seconding and motion carrying unanimously:

| | |
|---------------------|-------------------------------|
| <u>FROM</u> | <u>TO</u> |
| Data Collectors | Interfund Transfer Cap Funds- |
| Pers Serv A1355.101 | Rev Reserve A9950.9 |
| \$1888.00 | \$1888.00 |

MTN CARRIED

Highway Committee - Andy Baran, Chairman

1. Wayne County Snow Plowing Contract

MTN TO APV
SNOWPLOWING
CTRCT FOR 1995

Andy Baran moved to approve the Snow Plowing Contract between the County of Wayne and the Town of Palmyra for the calendar year 1995. David Nussbaumer seconded this motion and it carried unanimously.

MTN CARRIED

2. Discussion on bids for a new truck

TRUCK BIDS
DISCUSSION

Nelson Cook, Highway Superintendent, informed the Board that all the bids for the new truck body came in over the anticipated amount. Mr. Cook recommended Bean Mack because it met all the specs and the others did not. Supervisor Lyon asked the Board if they were comfortable with this amount and everyone said they were. Andy Baran then moved to approve the purchase

MTN TO PURCHASE
BEAN MACK TRUCK

of a Bean Mack truck at a amount not to exceed \$66,420.00. David Nussbaumer seconded this motion and it carried unanimously.

MTN CARRIED

3. Discussion on bids for new truck body

NEW TRUCK BODY
BIDS DISC.

Mr. Cook recommended Roberts Equipment for a Everet body. He stated that this was the second lowest bidder but the lowest bidder did not meet specs (they did not include a inter-laced structure). Andy Baran moved to approve the purchase of a truck body from

MTN TO APV
PRCHSE OF BODY
FROM ROBERTS EQU.

Roberts Equipment for a cost not to exceed \$10,667.00. David Nussbaumer seconded this motion and it carried unanimously.

MTN CARRIED

4. Discussion on bids for new plow equipment

NEW PLOW EQUIP.
DISCUSSION

Mr. Cook recommended the bid from Cyncon Equipment although it too was over the anticipated amount. He also recommended Cyncon Equipment for the power

REG TOWN BOARD MEETING CONT.

Dec. 29, 1994

hydraulic equipment because the other bidders did not meet specs. Mr. Baran moved to approve the purchase of new plow equipment from Cyncon Equipment at a price not to exceed \$2,768.00. This motion was seconded by David Nussbaumer and carried unanimously. Mr. Baran also moved to approve the purchase of power hydraulic equipment from Cyncon Equipment at a price not to exceed \$13,510.00. David Nussbaumer again seconded this motion and it carried unanimously.

MTN TO APV
PRCHSE OF
NEW PLOW EQUIP.
FROM CYNCON

MTN CARRIED

MTN TO APV
PRCHSE OF POWR
HYDRAUL. EQUIP

FROM CYNCON

MTN CARRIED

5. Transfer of funds (4 transactions)

The following transfer of funds was moved by Andy Baran, seconded by Lynne Green and carried unanimously:

| <u>FROM</u> | | <u>TO</u> | |
|-------------|----------|-----------------|----------|
| Highway 111 | \$40,500 | Machine Reserve | 9950.9 |
| Highway 1V | \$28,000 | | \$68,500 |

MTN TO XFER
FUNDS

MTN CARRIED

Andy Baran then moved to approve the transfer of \$3,015.78 from the Capital Facilities Reserve to H5132.2 to pay expenses from the fuel pump station. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO APV XFER
FROM CAP. FAC.
res. to pay
FUEL PUMP EXP.

MTN CARRIED

The following transfer of funds was moved by Andy Baran, seconded by David Nussbaumer and carried unanimously:

| <u>FROM</u> | | <u>TO</u> | |
|-------------------|----------|------------------------|----------|
| Supervisor Equip. | | Supervisor Clks Salary | |
| A5010.2 | \$248.75 | A5011.1 | \$248.75 |

MTN FOR ADT'L
XFER OF FUNDS

MTN CARRIED

Andy Baran also moved the following transfer of funds with Lynne Green seconding and said motion carrying unanimously:

| <u>FROM</u> | | <u>TO</u> | |
|-------------------|----------|---------------------|----------|
| Machine Equipment | | Machine Contingency | |
| DA5130.2 | \$652.96 | DA5130.4 | \$652.96 |

6. Disposal of Christmas trees

Superintendent Cook told the Board that if any Palmyra residents inquired, they could take their Christmas trees to the highway barns and they will chip them and recycle them.

XMAS TREE
DISPOSAL

REG TOWN BOARD MEETING CONT.

Dec. 29, 1994

Planning Committee - Robert Grier, Chairman

RECM DYN. FROM PL.
BRD. FOR MEUSBERGER

(CITY.)

1. Recommendation for Glass Shop on Rt 31 from the Wayne County Planning Committee (Subject of Dec. 9, 1994 Public Hearing)

The following recommendation from the Wayne County Planning Committee was read into these minutes:

Earl Vanderwall, ZEO
Town of Palmyra
201 East Main Street
Palmyra, NY 14522

RE: Frederick Meusburger
4325 Route 31
Tax Map Ref. No: 34111-12-224413

Dear Mr. Vanderwall:

At its meeting on December 14, 1994 the Wayne County Planning Board reviewed the above referenced referral and recommended denial of the request for a use variance for the following reasons:

1. It was not clear if a use variance had already been granted for the property. If a use variance had previously been in place, another use variance would not be required. use variances always remain with the land.
2. If this was a pre-existing, non-conforming use, the board could not determine how long the use had been discontinued. This information is critical in determining whether a use variance would be required.

If you have any questions regarding this determination, please don't hesitate to contact me.

Sincerely,
Bret DeRoo
Planner

MIN TO APV SPEC.
USE PERMIT FOR
MEUSBERGER WITH
CONDITIONS

Andy Baran moved to approve a special use permit for Frederick Meusburger to have a glass and screen repair shop and sales shop on Rt 31 with special conditions to be drawn up. David Nussbaumer seconded this motion and it carried unanimously upon roll call vote as follows:

| | |
|---------------------------------|-------|
| Town Supervisor - David Lyon | - Aye |
| Town Board Members - Andy Baran | - Aye |
| David Nussbaumer | - Aye |
| Lynne Green | - Aye |

2. Building Inspector/Zoning Officer Update

A written report, as submitted by Earl Vanderwall,

ZON. OFF.
UPDATE

ZEO can be found in the file folder entitled "Assessor Update and Building Inspector/Zoning Enforcement Officer Update" as kept with these minutes.

The Carrier problem at the Trolley Road property was

REG TOWN BOARD MEETING CONT: Dec. 29, 1994

discussed. Forms to take Mr. Carrier to Town Court are to be started as soon as possible.

3. Transfer of funds

Supervisor Lyon moved to approve the following

MIN TO APV
TRNSFR OF FUNDS

transfer of funds with Andy Baran seconding and motion carrying unanimously:

MIN CARRIED

| <u>FROM</u> | <u>TO</u> |
|---------------------|------------------------------|
| Contingency B1990.4 | Plan Clk Sal B8020.1 \$31.94 |
| \$198.88 | Plan Con. B8020.4 \$166.94 |

Zoning Committee - Lynne Green, Chairman

1. Master Plan Committee Update

MSR PLAN
COMM. UPDATE

Lynne Green told the Board that the Masler Plan Committee had met two weeks ago and they felt all the pieces were in place to at least start a outline and to work on that outline at the January meeting. She said they are hoping the outline will be completed by March or April and they will be ready to present their findings to the Board by June or July.

AGENDA ITEMS

1. Contract with Kings' Daughters Free Library

MIN TO APV
LIBRARY CTNCT
FOR 1995

David Nussbaumer moved to approve the contract between the Town of Palmyra and the Kings' Daughters Free Library for the calendar year of 1995 in the amount of \$17,500.00. Lynne Green seconded this motion and it carried unanimously.

MIN CARRIED

2. Contract with Palmyra Volunteer Ambulance

Andy Baran moved to approve the contract between the Town of Palmyra and Palmyra Volunteer Ambulance for the calendar year of 1995 in the amount of \$8,000.00.

MIN TO APV
PVA CTNCT
FOR 1995

This motion was seconded by Lynne Green and carried unanimously.

MIN CARRIED

3. Long-term water study

Supervisor Lyon told the Board that a summary of the long-term water study will be available at the Town Office for viewing by anyone interested.

LONG TERM WTR
STUDY INFO

CONSOLIDATION OF
WATER SVCS MTG

4. Consolidation of water services

Supervisor Lyon told the Board that there is going to be a joint meeting of the Town Boards of the four towns on January 27, 1995 at the Walworth Town Hall at 9AM. He said that if any of them were available he would appreciate it if they could attend. He then went over the summary outline with the Board. He asked all of the Board to review this outline and please get back to him if they had any comments or questions.

5. Wayne County Board of Supervisors Update

SUPER'S UPDATE

Supervisor Lyon stated that the major thing going on right now is the new courthouse building. They are checking with the Village of Lyons to see what arrangements can be made for building of same.

6. Transfer of funds (7 transactions)

MTN TO APV
XFER OF FUNDS

Andy Baran moved the following transfer of funds with David Nussbaumer seconding and it carrying unanimously:

MTN CARRIED

| <u>FROM</u> | | <u>TO</u> | |
|--------------------|----------|---------------------|----------|
| General Fund Cont. | | Town Bd Contractual | |
| A1990.4 | \$221.80 | A1010.4 | \$180.00 |
| | | Justice Contractual | |
| | | A1110.4 | \$ 41.80 |

Transfer of funds moved by David Nussbaumer:
Seconded by Andy Baran: Carried unanimously

MTN FOR ADD'L
XFER OF FUNDSMTN CARRIED

| <u>FROM</u> | | <u>TO</u> | |
|---------------------|----------|------------------|----------|
| Supervisor Equip | | Supervisor Clerk | |
| A1220.2 | \$197.89 | A1221.1 | \$780.00 |
| Supervisor Contract | | | |
| A1220.4 | \$582.11 | | |

Transfer of funds moved by Andy Baran:
Seconded by David Nussbaumer: Carried unanimously

MTN FOR ADD'L
XFER OF FUNDSMTN CARRIED

| <u>FROM</u> | | <u>TO</u> | |
|-----------------|--------|-----------------|--------|
| Town Clerk Cont | | Town Clerk Pers | |
| S1410.4 | \$.88 | A1410.1 | \$.88 |

Transfer of funds moved by Lynne Green:
Seconded by Andy Baran: Carried unanimously

MTN FOR ADD'L
XFER OF FUNDSMTN CARRIED

| <u>FROM</u> | | <u>TO</u> | |
|-------------------|----------|----------------|----------|
| Shared Bldg Equip | | Shared Bldg Ct | |
| A1620.2 | \$298.17 | A1620.4 | \$298.17 |

REG TOWN BOARD MEETING CONT.

Dec. 29, 1994

Three fund transfers moved by David Nussbaumer:
 Seconded by Lynne Green: Carried unanimously

MIN TO APV
XFER OF FUNDS

| <u>FROM</u> | <u>TO</u> | <u>MIN CARRIED</u> |
|---|---|--------------------|
| North Water Pumping Cont SW3-8320.4 \$446.60 | North Water Pers Serv SW3-8310.1 \$446.60 | |
| South Water Pumping SW1-8320.4 \$216.89 | South Water Pers Serv SW1-8310.1 \$216.09 South Water Soc Sec SW1-9030.8 \$.80 | |
| East Water Pumping Cont SW5-8320.4 \$57.63 | East Water Pers Serv SW5-8310.1 \$57.63 | |

Following a review of the expenditures and claims submitted, David Nussbaumer moved to approve payment of the expenditures as shown on Abstract #12A with totals as follows:

MIN TO APV PYMNT
OF EXPEND. FROM
ABSTRACT 12A

| <u>Account</u> | <u>Voucher #</u> | <u>Amount</u> |
|------------------|------------------|---------------|
| General Fund | 477 - 515 | \$ 18,882.29 |
| Part Town Fund | 164 - 173 | \$ 521.27 |
| Highway III & IV | 214 - 228 | |
| Highway I | 48 - 54 | \$ 73,353.71 |
| North Wtr Dist. | 57 - 60 | \$ 4,357.24 |
| South Wtr Dist. | 30 - 33 | \$ 6,735.92 |
| East Water Dist. | 30 - 32 | \$ 5,199.42 |
| Capital Funds | 12 - 15 | \$ 3,015.78 |

Andy moved to go into executive session to discuss matters of possible litigation. David Nussbaumer seconded this motion and it carried unanimously.

MIN TO GO INTO
EXEC. SESSION

David Nussbaumer moved to come out of executive session. Andy Baran seconded this motion and it carried unanimously.

MIN CARRIED

MIN TO COME OUT
OF EXEC. SESSION

Andy Baran moved not to change the intersection at Jeffrey Road and Rt 21 at this time. This motion was seconded by David Nussbaumer and carried unanimously.

MIN CARRIED

MIN TO NOT
CHANGE JEFFREY
RD. and RT 21
INTERSECTION

The motion to adjourn this meeting of the Town Board was offered by David Nussbaumer, seconded by Lynne Green and carried unanimously.

MIN CARRIED

MIN TO ADJ

MIN CARRIED

Respectfully submitted,

Beverly E. Hickman
 Beverly E. Hickman
 Town Clerk