

REGULAR MEETING OF THE TOWN BOARD

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, June 28, 2001, at the Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 8:00 PM by Town Supervisor David C. Lyon.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Upon roll call, the following board members were present:

ROLL CALL

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

Those present in addition to the Town Board members included:

- Betsy Lewis Courier-Journal
- Julie Philipp Daily Messenger
- Bernadine Hutter Palmyra
- Sylvia Lyon Palmyra
- Debbie Rothfuss Palmyra

COMMUNICATIONS

1. Letter of resignation to David Lyon from the Assessor
2. Canaltown Days Parade information

Michael Lambrix moved to approve the minutes of the Town Board meeting held May 24, 2001, as submitted.

MTN TO APV
MINUTES OF
05/24/2001

Seconded by: Lynne Green Carried: Unanimously

REPORTS OF STANDING COMMITTEES

Tourism & Development Committee – Lynne Green, Chair.

Lynne Green stated that she is presently looking into finding brochure racks for the information center.

Highway Committee – David Nussbaumer, Chairman

1. Highway Superintendent Update

HIGHWAY
UPDATE

Supervisor Lyon reported that the highway crew is working on Cambier Road this week and they will be shut down next week as usual for the July 4th week.

Planning Committee – James Welch, Chairman

1. CEO Update

DIV ST
SEWER LINE
READY TO
BE HOOKED
INTO

Robert Grier, CEO, was on vacation.

James Welch, Chairman, informed those present that the Division Street sewer line is now ready for the residents to hook into. The applications for same can be found at Bob Grier's office.

Zoning Committee – Michael Lambrix, Chairman

1. Special Use – Estleford – Camper on
Their property for summer

MTN TO APV
SPEC USE
FOR JOHN
ESTLEFORD

Michael Lambrix moved to approve a Special Use Variance for John Estleford to have his relatives park their camper on his property for the summer months of 2001 only.

Seconded by: Lynne Green Carried: Unanimously

2. Nuisance property at 1781 Division Street

The following resolution was moved by Michael Lambrix:

NUISANCE
PROP AT
1781 DIV ST
MNT TO
DECLARE
UNSAFE

BE IT RESOLVED AND KNOWN that the property at 1781 Division Street, Town of Palmyra, is declared unsafe and in violation of the Town of Palmyra Nuisance Abatement Law and therefore the Town Board of Palmyra does hereby order the removal of the manufactured housing units, the removal of any and all debris on the property and the

maintenance of the yard scrubs and trees on the property.

Seconded by: Lynne Green Carried: Unanimously

- 3. Bernadine Hutter – Temporary mobile home permit

Following a discussion of the Bernadine Hutter temporary mobile home permit approved in 1989, Michael Lambrix moved to allow Mrs. Hutter to sell her double-wide mobile home with the following stipulations:

MTN TO ALLOW SALE OF MOBILE HOME & PROP

- 1. Property will be surveyed
- 2. Septic inspection will be done and marked on the survey man
- 3. The well will be located and marked on the survey map
- 4. The \$10.00 yearly fee will be paid up to date (\$120)
- 5. Above information will be presented to Robert Grier (CEO)

Seconded by: James Welch Carried: Unanimously

- 4. Appointment to Zoning Board of Appeals (Added to agenda)

Michael Lambrix moved to appoint Donald J. Seier of Maple Avenue, Palmyra, to the Zoning Board of Appeals to take the place of Mr. Robert Myers who resigned because he moved out of Palmyra.

APPTMNT OF DONALD SEIER TO ZONING BD OF APPEALS

Seconded: James Welch Carried: Unanimously

AGENDA ITEMS

- 1. Approval of agreement with K & D Disposal

The following agreement was moved by Michael Lambrix:

MTN TO APV AGREEMENT W/ K & D DISPOSAL

AGREEMENT

K & D DISPOSAL TRANSFER STATION

AGREEMENT made this **28th day of June, 2001** by and between the **Town of Palmyra**, a municipal corporation with offices located at 1180 Canandaigua Road, Town of Palmyra, County of Wayne, State of New York and **K & D Disposal, Inc.**, with offices

located at 816 Garnsey Road, Palmyra, Wayne County, State of New York.

WITNESSETH:

WHEREAS, K & D Disposal, Inc., owns and operates a waste management system for hauling trash and rubbish, and

WHEREAS, K & D Disposal, Inc. has requested the use of a portion of the Town's property adjacent to the Town Barns for use as a transfer station, and

WHEREAS, the residents of the Town of Palmyra benefit from such a transfer station by way of utilizing the services of K & D Disposal, Inc. for those residents and residents of other towns for disposal of residential trash who cannot afford regular garbage or who do not accumulate enough trash or rubbish for regular garbage pickup or who wish to dispose of bulk items, and

WHEREAS, the Town would benefit from these items not otherwise being improperly disposed of about the Town, and

WHEREAS, the Town of Palmyra believes it to be in the best interest of its residents to allow the use of its property for a transfer station pursuant to the terms contained herein.

NOW THEREFORE, in consideration of the premises and the mutual promises and undertakings hereinafter set forth, and for other good and valuable consideration, the parties agree as follows:

1. The Town shall permit K & D Disposal, Inc. to utilize a designated portion of the Town's property located adjacent to the Town Barns for a transfer station to be utilized by K & D Disposal, Inc. on Saturdays between 8:00 AM and 12:00 PM
2. K & D Disposal, Inc. will operate this site in a professional manner and will not allow any debris or rubbish to accumulate on the site or allow waste to blow or overflow onto adjacent properties.
3. K & D Disposal, Inc. will provide proof of liability insurance naming the Town of Palmyra as an additional insured with the policy of insurance for general liability with coverage of not less than \$1,000,000.
4. K & D Disposal, Inc. will comply with all State, Federal and Local requirements for the operation of said transfer station.
5. K & D Disposal, Inc. will insure that the site used will be free pollution and hazardous materials.

6. K & D Disposal, Inc., will indemnify and hold the Town of Palmyra harmless from any and all injuries or damages that may arise out of the operation of the transfer station on Town property.
7. In consideration for this agreement, K & D Disposal, Inc. shall provide rubbish and trash pickup for the Town of Palmyra offices, Village of Palmyra, including but not limited to the Highway Barns at no charge to the Town for the term of this agreement, including supplying a dumpster at the Town Barns.
8. This agreement may be terminated upon thirty days written notice by either party.
9. The terms of this agreement shall be for one year commencing the 28th day of June 2001.
10. K & D Disposal, Inc. agrees that the transfer station will be operated as set forth in the rules attached hereto as Schedule "A" and made a part hereof.
11. This agreement is non-transferable by conveyance or by operation of law and non-assignable. Any change in the agreement or the rules will be subject to approval of the Town of Palmyra. This agreement is personal in nature and is being entered into based on the residence and reputation of the current operators of K & D Disposal, Inc., Kevin and Dawn Wright, and the fact that they reside in the Town of Palmyra.

Dated: June 28, 2001 TOWN OF PALMYRA

A. SCHEDULE A

RULES FOR OPERATION OF TRANSFER STATION AT A DESIGNATED LOCATION ON PART OF THE TOWN COMPLEX

1. The transfer station will be available only for residents of the Town or Village of Palmyra and for residents of other towns in Wayne and Ontario County desiring to drop off non-hazardous residential waste.
2. The transfer station shall be open each Saturday morning during the term of this agreement from 8 AM to 12 PM. During those hours an attendant will be provided by the operator of the transfer station.
3. The transfer station site and adjacent area, if the use of the transfer station shall overflow on the adjacent area, will be cleaned up before leaving the site each Saturday morning.
4. A container will be provided once a month during the hours of operation from May to November for bulk material and non-freon appliances. The price will be \$.08 per pound for their disposal.

- 5. A certified scale will be provided so that all items can be weighed.
- 6. The rate for items and/or refuse, rubbish, garbage, tire and junk shall be \$.08 per pound. The sum will be paid by the person who deliver the items to the transfer station. Any appliance containing freon will incur an additional charge of \$30.
- 7. Any and all hazardous materials, refuse, rubbish, garbage, tires, etc. will be removed from the premises and properly disposed of immediately after the close of the transfer station on Saturday mornings.
- 8. Care will be taken to insure that the site will not become polluted or a nuisance.

2. Infrastructure Agreement

MTN TO APV
INFRASTRCTR
AGREEMENT

James Welch moved to approve the same infrastructure agreement as previously, with the same rate of pay and for a period of two years (termination 2003).

Seconded by: Michael Lambrix Carried: Unanimously

3. Request from Historian, Beth Hoad, to attend 3 workshops – 1 in July and 2 in August

MTN TO APV
MILEAGE FOR
HISTORIAN
WORKSHOPS

Michael Lambrix moved to approve mileage for Beth Hoad from her house in East Palmyra to Hopewell and back at the standard \$.30 per mile.

Seconded by: Lynne Green Carried: Unanimously

4. Approval to accept \$300 from DOT for property at 201 E. Main Street

MTN TO
ACCEPT \$300
FROM
NYS DOT

Supervisor Lyon moved to approve the acceptance of \$300 from the NYS Department of Transportation for a few feet of property along the road front at 201 E. Main St., Palmyra.

Seconded by: Michael Lambrix Carried: Unanimously

5. Appoint a temporary assessor

MTN TO APPT
TEMP
ASSESSOR

Michael Lambrix moved to appoint Ann Vingee-Taber as temporary assessor for a term of three months becoming effective July 7,

2001 and terminating with a normal assessor's term on September 30, 2001.

Seconded by: Lynne Green Carried: Unanimously

Following a review of the claims and expenditures submitted for payment, Michael Lambrix moved to approve payment of

MTN TO APV
PAYMNT OF
CLAIMS

Abstract #21 with totals as follows:

V# 1728 –1840 \$149,022.15

Seconded by: James Welch Carried: Unanimously

Michael Lambrix asked if outside persons or organizations could use or rent the Town Hall facilities. Supervisor Lyon told him that he is, in fact, presently finalizing a agreement with the Community Center. He said scheduling of this nature should be done through Bev or Cathy in the Town Clerk's Office.

USE OF TOWN
HALL FACILITIES

David Nussbaumer moved to adjourn this meeting of the Town Board.

Second by: Michael Lambrix Carried: Unanimously

Respectfully submitted,

Beverly E. Hickman
Town Clerk