

PUBLIC HEARING

**PALMYRA TOWN HALL
MARCH 22, 2007**

The Public Hearing scheduled for Thursday, March 22, 2007 at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, to consider the Final Draft, dated March 2007, of the proposed Zoning Regulations for the Town of Palmyra. The public hearing was called to order at 7:32 p.m. by Town Supervisor David Lyon. The following legal notice for the public hearing had been previously posted and published, announcing the hearing:

**PUBLIC
HEARING
CALL TO ORDER**

**LEGAL NOTICE
TOWN OF PALMYRA**

PUBLIC HEARING FOR PROPOSED LOCAL LAW

PLEASE TAKE NOTICE that there has been introduced before the Board of the Town of Palmyra in the County of Wayne and State of New York a proposed Local Law No. 1 of the year 2007, entitled, "A Local Law Enacting a New Town of Palmyra Zoning Law" as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF PALMYRA

LOCAL LAW NO. 1 FOR 2007

**Town of Palmyra County of Wayne State of New York
"A Local Law Enacting a New Town of Palmyra Zoning Law"**

LEGAL NOTICE

Summary of Proposed Town of Palmyra Zoning Local Law

The Town of Palmyra proposes to adopt a comprehensive zoning local law and map to replace the existing zoning ordinance. The proposed zoning establishes the following zoning districts:

- AR Agricultural/ Residential
- R-1 Residential
- R-2 Residential
- RR Rural Residential
- HC Highway Commercial
- LI Light Industrial
- F Flood Hazard Overlay District
- PD Planned Development Overlay District

Regulations for each district specify permitted uses, special permit uses, setbacks, lot size and other requirements. The proposed zoning includes criteria for special permit uses, regulations for miscellaneous uses, definitions and procedures for granting permits and variances.

A copy of the proposed zoning regulations and map may be reviewed in the office of the Town Clerk.

When enacted, this local law will supersede the existing Town of Palmyra Zoning Ordinance.

This local law shall take effect immediately upon filing in the office of the Secretary of State.

PLEASE TAKE FURTHER NOTICE, that pursuant to section twenty of the Municipal Home Law, a public hearing will be held on the aforesaid proposed Local Law on the 22nd day of March, 2007, at 7:30 PM before the Town Board of the Town of Palmyra at the Palmyra Town Hall, 1180 Canandaigua Road, in the Town of Palmyra, at which time all interested persons will be heard.

Dated February 22, 2007

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PALMYRA**

LYNDALL ANN P. GREEN
Palmyra Town Clerk

In attendance at the hearing were the following town board members:

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

**ATTENDANCE AT
PUBLIC HEARING**

Also present at this hearing:

- Michael Boesel Palmyra Highway Superintendent
- Bob Grier Palmyra Code Enforcement Officer
- Todd Pipitone *Courier-Journal* reporter
- Raymond Zimmer and Greg Sullivan attended from their Participation In Government class at Pal-Mac High School.

Since the scope of the proposed Zoning Regulations have changed from a Zoning Ordinance to a Local Law, it was necessary to hold another public hearing, publish another legal notice, notify surrounding municipalities and other interested parties, and have the draft to each board member at least 10 days before the public hearing.

At the hearing, it was noted by Town Clerk Lynne Green that six pages of corrections to the "Final Draft" had been received from Stu

Brown Associates, as well as a letter from a town resident concerning mining restrictions, after the Final Draft had been distributed to board members.

Therefore, the board was not able to vote on the adoption of this Local Law until next month. Supervisor Lyon said the latest changes would be taken into consideration, and when the Local Law was complete and corrected, the town board would be able to vote on it.

On tonight's agenda was the receipt of a letter from East Palmyra resident Roy Wilck. In it, he suggested several more changes to the proposed Zoning Code (Local Law #1 for 2007), specifically about the differences in regulations and enforcement between major mining/excavation (Sec. 722) and minor mining/excavation (Sec. 723) locations. He would like to see restoration of land for mining sites no longer being used. Dave Lyon explained that major sites are regulated and overseen by the NYS DEC, whereas minor sites have more local control.

Councilman Dave Nussbaumer commended Bob Grier and those who have been working on the proposed Zoning Code, saying everyone's "done a heck of a job" in preparing and updating it.

Supervisor Lyon asked if there were any others who wished to speak. Hearing none, he declared the public hearing closed at 7:37 p.m.

**PUBLIC
HEARING
CLOSED**

REGULAR TOWN BOARD MEETING

At 7:38 p.m., Supervisor Lyon called to order the regular town board meeting, scheduled for Thursday, March 22, 2007, to be held at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY.

**CALL MEETING
TO ORDER**

Supervisor Lyon led everyone in the Pledge of Allegiance to the Flag.

**PLEDGE TO
FLAG**

Upon roll call, the following board members were present:

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

ROLL CALL

**MTN: APPROVE
MINUTES OF
2/22/2007TOWN
BOARD
MEETING**

Motion was made by Ken Miller to approve the minutes of the February 22, 2007 meeting of the Town Board.

Second: Jim Welch

Vote: 3 ayes. Carried.
Dave Nussbaumer abstained.

COMMUNICATIONS

**PETITIONS
ABOUT
PROPOSED
FLOODMAN-
Johnson WATER
DISTRICT**

Petitions about Proposed Water District: Several residents of South Creek Road, who oppose the inclusion of their road in the proposed Floodman-Johnson Water District, collected their neighbors' signatures on several petitions, a letter of protest and a petition for removal. Each town board member received a copy of them. Supervisor Lyon said their opposition is so noted. He added that the surveys are still being received in the Town Clerk's office, and that next month, the town should have the most recent information about the scope of the water district.

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Ken Miller, Chairman

**BUILDINGS AND
GROUNDS
COMMITTEE
MONTHLY
REPORT FOR
MARCH**

March Update on Town Hall Items: Ken Miller announced that he was able to purchase a small snowblower for Town Hall at quite a bit under the cost he had been approved for. Inside work has been replacing bulbs, minor fix-it jobs, and outside work has included trimming the back bushes. The ice buildup has melted at the edge of the back roof, and the new gutters were able to handle the heavy weight of the icicles.

Highway Committee – James Welch, Chairman

- 1. Highway Department Monthly Report: Mike Boesel's report for March was presented to the town board:

**HIGHWAY DEPT.
MONTHLY
REPORT FOR
MARCH**

Highway Superintendent Report For Town Board Meeting
3/22/2007

Since the 2/22/2007 meeting we have completed the following work:

- Annual Equipment service – E52 Tractor, E64 Mowing tractor, E61 Roller, E60 Roller
- Patched potholes
- Hauling – 300+ tons of sand
- Salt – Ordered 350 tons
- Plowing/Sanding runs on 15 of the past 28 days and a total of 115 trips out of the barn this winter season. Last year at this time we were up to 90 trips.

Other miscellaneous items include:

- Fagner Road Project – On March 1st, I submitted a Joint Application for Permit to the NYS DEC and Army Corp for replacement of the existing 48” culvert pipe. The Town Board needs to complete Part 2-Short SEQR form for this culvert replacement/road project
- Shilling Road Project – the NYS DEC permit expires this October 2007 for this culvert replacement project. We expect to have this road project completed by this date.
- New 10-Wheel Truck – The new Mack 10-wheel dump truck is being put together. The truck was delivered to TENCO in Avon earlier this month. I went to see the truck on March 2nd and 20th. Anticipated delivery date is mid-May.
- Advocacy Day – On March 6-7th I attended our annual lobby day in Albany. There were over 450 in attendance including all but three Superintendents from Wayne County. I have provided a copy of our handout material from our event.
- NYMIR Presentation – On March 9th, at my request, Brett Caruthers from NYMIR put on a presentation for the highway crew entitled ‘Controlling Auto Liability Exposures’ A copy of his handout material is available.
- Palmyra Fire Department assistance – On March 12th we were called to assist the Palmyra Fire Department with a structure fire at the old Palmyra Building Supply off Walker Road/Rt.21 Bridge.
- New 2007 Bobcat S220 - On March 13th, our new skid steer loader was delivered. I have notified Van Parys Insurance about this new piece of equipment and it will soon be put into service, particularly for yard cleanups from winter plow damage.
- Road sweeping – On March 14th we started sweeping sand from intersections. We will resume these efforts extensively over the next few weeks.

**HIGHWAY DEPT.
MONTHLY
REPORT FOR
MARCH**

- Hogback Hill Road Flooding – On March 14th we experienced a major meltoff and we closed the road between Galloway and North Creek roads for flooding at 4 pm. The road remains closed because of damage due to flooding, followed by snowfall over the next several days. Temporary repairs should allow for a re-opening by next week however we will need to make more long-term repairs this summer.
- Sign Inventory – Lu Engineers has completed the sign inventory and evaluation. They are reviewing the data and I expect to meet with them next week when they submit the inventory data and evaluation results.

**EQUIPMENT
UPDATE AT
HIGHWAY
BARN**

2. Equipment Update at Highway Barns: Councilman Jim Welch met with members of the Highway Department to explore the condition of the truck lift. He suggested it be replaced with one that can accommodate the longer wheel base vehicles that the town has. He also noted the ventilation system, particularly in the winter, needs to be looked into for safety reasons.

3. Driver Safety Program: Mike Boesel talked about a driver safety program, specifically designed for insurance cost reduction purposes, but which would be very useful for the drivers in his department. He has contacted the people who put on the safety program, and they are willing to come to the Highway Department to teach the course. He has also asked the Village Board of Trustees to consider this training. The cost to the town or village would be \$25 per employee who drives a town-owned vehicle. In addition, other town employees and their families could possibly take the course too, at their own expense. Jim Welch made the motion to authorize the \$25 per town employee who drives a town-owned vehicle for this driver safety program.

**MTN: APPROVE
DRIVER SAFETY
PROGRAM FOR
TOWN
EMPLOYEES**

Second: Dave Nussbaumer Vote: 4 ayes. Carried.

Mike Boesel will set it up, and will work with Jim Welch on this project.

4. Additional Highway Items: Mike also noted that Highway Superintendents around the state have been concerned that funds for local highway projects--such as CHIPS--may be in doubt this year. They are lobbying statewide to avoid cuts to this funding.

**MISC. HIGHWAY
ITEMS**

He also noted the Municipal Auction is May 12th, and he will have a list next month of surplus items to be included in it.

Economic Development and Planning Committee
– Mike Lambrix, Chairman

**ECONOMIC
DEVELOPMENT &
PLANNING
COMMITTEE
ITEM**

Although Councilman Mike Lambrix was absent, Dave Lyon said the county has an Economic Development plan, and is asking each municipality to work with them on this.

Zoning and Committee – David Nussbaumer, Chairman

- 1. Code Enforcement/Zoning Office March Report: Zoning and Code Enforcement Officer Bob Grier submitted a report showing Permit activity during the previous month.

**CEO REPORT
FOR MARCH**

- 2. Local Law #1 for 2007--Zoning Ordinance: Bob Grier said there are still unanswered questions concerning the zoning code. Dave Lyon asked the Town Clerk if any replies had been received from the letters we sent out to interested/involved parties concerning the proposed zoning ordinance. None have been received. The latest changes to the code need to be reviewed by Dave Nussbaumer, along with Bob Grier and Barbara Johnston of Stuart Brown Associates, to get the final draft ready for board approval.

**PROPOSED
ZONING CODE
UPDATE**

- 3. Code Enforcement Officers Training: Both Bob Grier and Dan Wooden completed their 4-day training school, attended by 360 CEOs from around the state. Bob said the state has adopted a new zoning code with numerous changes and updates.

**CEO TRAINING
SCHOOL
REPORT**

INFORMATIONAL ITEMS

- 1. Town Clerk's Office Report for March: The report listed tax collection and a Records Management seminar during the past month. Two computer monitors were replaced in the office as well.

**TOWN CLERK'S
REPORT FOR
MARCH**

**ASSESSOR'S
REPORT FOR
MARCH**

2. Assessor's Report for March: Palmyra Assessor Elaine Herman activity in her office, and inspections of properties around the town. New software has been installed on the PCs and she provided a chart to show decreased revenues from CSX railroad properties.

**TRAINING
OPPORTUNITIES
FOR LOCAL
BOARD
MEMBERS**

3. Training Opportunities for Local Planning and Zoning Board members: A brochure and schedule was received this month from the Wayne County Planning Department. Starting this year, it is required for zoning and planning board members to fulfill "minimum training requirements" recently established by the state. Town Board members received copies of this information.

**2006 FINANCIAL
REPORT
AVAILABLE**

4. 2006 Financial Report: During the previous month, the 2006 Financial Report for the town was completed. The following legal notice was posted at Town Hall and published in the official town newspaper, the *Courier-Journal*:

**LEGAL NOTICE
TOWN OF PALMYRA ANNUAL FINANCIAL REPORT
FISCAL YEAR 2006**

NOTICE IS HEREBY GIVEN, that the 2006 Annual Financial Report for the Town of Palmyra has been filed with the Office of the State Comptroller and with the Palmyra Town Clerk.

Said report is available for viewing by any interested party at the Town Clerk's Office, 1180 Canandaigua Road, during regular business hours.

Dated: March 15, 2007
Lyndall Ann P. Green
Palmyra Town Clerk

AGENDA ITEMS

1. Resolution: Adoption of National Incident Management System (NIMS): The request was received from the Wayne County Emergency Management Office for the Town of Palmyra to adopt the following resolution, to coordinate domestic incidents, regardless of cause, size or complexity:

RESOLUTION

ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM

It is hereby resolved by the Town of Palmyra, State of New York, that:

WHEREAS, In Homeland Security Presidential Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission of Terrorist Attacks (9-11Commission) recommended adoption of a standardized Incident Command System.

NOW THEREFORE, pursuant to the authority vested in me by the local authority and provisions of local law, I do hereby mandate the National Incident Management System be utilized for all incident management in the Town of Palmyra,

I further proclaim this to take effect immediately.

GIVEN under my hand and the Seal of the Jurisdiction, at the Town Hall, this twenty-second day of March, in the year of our Lord two thousand seven.

David C. Lyon
Palmyra Town Supervisor

**RESOLUTION:
NATIONAL
INCIDENT
MANAGEMENT
SYSTEM
(NIMS)**

**MTN: ADOPT
NIMS
RESOLUTION**

Dave Nussbaumer made the motion to accept the Resolution as presented.

Second: Ken Miller

Vote: 4 ayes. Carried.

**MTN: NEGATIVE
SEQR
DECLARATION
FOR PROPOSED
ZONING CODE**

2. Negative SEQR Declaration--for Proposed Zoning Code: It is necessary, in order to complete the paperwork for the proposed zoning code, to complete a State Environmental Quality Review (SEQR) Full Environmental Assessment Form for the Adoption of Comprehensive Zoning Revisions. As lead agency, the town board was presented with the determination of significance for the actions associated with the zoning code. Jim Welch made the motion to approve the Negative Declaration for the proposed zoning code.

Second: Dave Nussbaumer

Vote: 4 ayes. Carried.

3. Approve Pictometry System in Assessor's Office: Assessor Elaine Herman requested the town board to look at a contract with Wayne County 911 Emergency Communications Department for rights to use a Pictometry system. Authorized users would be the Assessor's Office, Code Enforcement Office and the Highway Department. Approval of this contract would also "authorize the purchase of a minimum of two (2) external hard drives onto which the image library will be loaded. One will be for the Highway's computers, and the second will be for the Server, for access by the Assessor's Office and the Code Office. The cost of a 320 GB external hard drive...is \$171.56 plus" shipping and handling. "The Board will also have to delegate someone from Palmyra as the official contact person between the County. Dave Nussbaumer made the motion to authorize the signing of a contract with Wayne County for the Pictometry System, including hardware and training of town personnel.

Second: Ken Miller

Vote: 4 ayes. Carried.

After some discussion, Elaine Herman is to be the contact person between the town and the county for this project.

4. Computer Equipment for the Highway Department: Mike Boesel brought a printout of an OptiPlex 320 Desktop P4 PC which he would like to purchase for his office. This is the computer system on the State contract. The contract's cost is

**MTN: APPROVE
PICTOMETRY
SYSTEM
CONTRACT WITH
WAYNE COUNTY**

\$1,392.17. Dave Nussbaumer made the motion to approve the purchase of this PC for the Highway Department at a cost not to exceed \$1400.

MTN: APPROVE PURCHASE OF PC FOR HIGHWAY DEPT.

Second: Jim Welch Vote: 4 ayes. Carried.

Mike Boesel added that he would be using the printer which the Code Enforcement Office is no longer using with their new computer equipment.

- 5. Part-Time Summer Help for the Highway Department: Mike Boesel made the request that the Board approve the hiring of part-time summer help at the rate of \$8 per hour. He said 800 hours had been allotted in his budget for summer. He has the need for help from April through August. Jim Welch made the motion to approve the part-time summer help Mike requested.

MTN: APPROVE PART-TIME SUMMER HELP FOR HIGHWAY DEPT.

Second: Dave Nussbaumer Vote: 4 ayes. Carried.

- 6. Consignment Contract with Teitsworth Auctioneers: Among items to be auctioned by the town are a 2006 Bobcat skid loader and a 1994 Ford L9000 Dump Truck. Since a consign-ment contract had to be signed, Mike thought it prudent to have the town board's approval. Dave Nussbaumer made the motion to approve this consignment contract between the town and Roy Teitsworth, Inc., Auctioneers.

MTN: APPROVE CONSIGNMENT CONTRACT WITH AUCTIONEERS FOR LARGE TOWN ITEMS IN MUNICIPAL AUCTION

Second: Jim Welch Vote: 4 ayes. Carried.

- 7. Declare Town as Lead Agency for SEQR for Fagner Rd.: For improvements to the storm cross culvert on Fagner Road it is necessary to declare the Town of Palmyra as lead agency for the State Environmental Quality Review Short Environmental Assessment Form (SEQR). Ken Miller made the motion to declare the Town as lead agency for this project.

MTN: DECLARE TOWN LEAD AGENCY FOR SEQR FOR FAGNER RD. IMPROVEMENTS

Second: Jim Welch Vote: 4 ayes. Carried.

**MTN: SEQR
NEGATIVE
DECLARATION
FOR FAGNER
RD.
IMPROVEMENTS**

- 8. SEQR Negative Declaration: To proceed with the Fagner Rd. project, the town had to declare that there is no environmental impact because of the work which needs to be done there. Town Counsel has already reviewed the Assessment Form, and determined that the NYS DEC will have to issue a permit for the project to move forward. Ken Miller made the motion to approve the SEQR Negative Declaration for the Fagner Rd. project and to authorize Supervisor David Lyon to sign the SEQR Form, Parts II AND III--Impact Assessment.

Second: Jim Welch

Vote: 4 ayes. Carried.

**MTN: APPROVE
ABSTRACTS
#122 AND #123**

- 9. Approve Abstract #122 (for vouchers already paid) & Abstract #123 (for vouchers to be paid): Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #122, which includes Vouchers 8000 through 8006, for \$30,876.66; and Abstract #123, which includes Vouchers 8007 through 8085, for \$108,749.78.

Second: Ken Miller

Vote: 4 ayes. Carried.

**MTN: ADJOURN
MEETING**

- 10. Adjournment: Dave Nussbaumer made the motion to adjourn at 8:18 p.m.

Second: Jim Welch

Vote: 4 ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

**Next town board meeting: Thursday, April 26, 2007, at 7:30 p.m.
East Palmyra Fire Hall**