

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, September 23, 1999, at the Town Office, 201 East Main Street, Palmyra, was called to order at 8 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

Others in attendance at this Town Board meeting included:

Marvin D. Garland 1321 Hammond Road
John Pieters, East Palmyra Fire Dept.
Rhonda & Dan Ward Palmyra
Charles D. Gilmore Palmyra
Gary Morell, Attorney for Ward
Caroline Grasso Palmyra
Terry Gardner, East Palmyra Fire Dept.
Pat & Roger Shaner Palmyra
Deanna Tones Palmyra
Kevin M. Carrier Palmyra
Gerald Welsh, Attorney for Carrier
Steve Taber Clyde
Ann Vingee-Taber Sole Assessor
Julie Philipp the Daily Messenger
Nelson F. Cook Highway Supt

David Nussbaumer moved to approve the minutes of the July 29, 1999 and the August 26, 1999 Town Board Meetings as submitted.

MTN TO APV
MIN OF 5/27/99

Seconded by: Michael Lambrix Carried: Unanimously

COMMUNICATIONS

- 1. Sprint information
- 2. Letter from Johnston's RV Sales RE: amending their special use authorization
- 3. Letter from Mercy Flight requesting a donation

REPORTS OF STANDING COMMITTEES

Assessment Committee - Lynne Green, Chairman

- 1. Assessor Update

ASSESSOR
UPDATE

Ann Vingee-Taber, Sole Assessor, provided the Board members with a written report, a copy of which can be found in the file

folder entitled "Assessor Update/Code Enforcement Officer Update" as kept with these minutes.

Highway Committee - David Nussbaumer, Chairman

1. Presentation to Nelson F. Cook, Highway Superintendent

PRESENTATION TO NELSON COOK HIGHWAY SUPT.

Supervisor Lyon read the following press release from Cornell University:

We are pleased to announce that Nelson Cook has completed the requirements for Level 1 of our Road Master recognition program.

We established the Road Master program to recognize the completion by local highway officials of a prescribed series of core and optional training sessions offered by the Cornell Local Roads Program. The training provides knowledge of the fundamentals of road maintenance and management techniques, and the opportunity to receive public recognition for the achievement.

In order to be recognized as a Road Master, Nelson has completed at least two core workshops and four optional workshops, and the necessary quizzes. We have presented Nelson with a certificate and a memento of this accomplishment.

Supervisor Lyon then presented Mr. Cook with the certificate and the coffee cup memento. Steve Bouchier from the Courier/Journal took a picture of this presentation for said paper.

2. Budget Adjustment

BUDGET ADJUSTMENT

The following budget adjustment was moved by David Nussbaumer:

<u>From</u>	<u>To</u>
DB Highway Improvements - Personal Svcs	DB Highway Improvements- Capital Outlay
DB5112.1 \$1224.00	DB5112.2 \$1224.00

Seconded by: Lynne Green Carried: Unanimously

MTN TO ADD TO ADENDA

At this time David Nussbaumer moved to add Discussion of East Palmyra Fire Contract to this agenda.

Seconded by: Michael Lambrix Carried: Unanimously

3. Discussion of East Palmyra Fire Contract

Following a brief conversation, it was decided that this would be discussed at the public hearing to be set later in this meeting.

- 4. Authorize Nelson Cook to let bids on a dump body & hoist

David Nussbaumer moved to authorize Nelson Cook, Highway Superintendent to let bids on a dump body and hoist.

MTN TO AUTH
HIWY SUPT TO
LET BIDS ON
DUMP BODY &
HOIST

Seconded by: Michael Lambrix Carried: Unanimously

Planning Committee - James Welch, Chairman

- 1. Appointment of Jim Cleason to Palmyra Town Planning Board

MTN TO APPTT
J. CLEASON TO
TOWN
PLANNING BD

James Welch moved to appoint Jim Cleason to the Palmyra Town Planning Board to fill a unexpired term that will terminate in December of 2003.

Seconded by: David Nussbaumer Carried: Unanimously

Bob Grier, CEO, will inform Mr. Cleason of same.

Zoning Committee - Michael Lambrix, Chairman

- 1. CEO Update

CEO UPDATE

Mr. Grier, CEO, gave the board members a calendar report for the month of September. He then added that the proposed Temple Road will be ready to pave the later part of October.

- 2. Ward Performance (Cycle Shop on RT. 21) Update

WARD
PERFORMANCE
UPDATE

The following letter to the Town Board from the CEO was read into these minutes:

September 23, 1999

RE: Ward Cycle Shop Update

Town Board

During the 2 months of August and September, I made several visits to the property at 2858 Rt. 21. My observations were as follows.

I saw approximately 6 or 7 motorcycles parked outside of the garage door on the northwest corner of the building and several vehicles, which I assumed were employee's vehicles, parked at the north end of the building during the month of August.

After the Town Board meeting of August 26, I had a meeting with Mr. Ward to discuss outside storage of customer vehicles.

At no time did I see or hear motorcycles being repaired or tested in the parking lot, nor was I aware of off-hour operations.

Therefore, it is my opinion Ward's Cycle Shop is not in violation of the Special Use Variance conditions. Respectfully submitted, Robert A. Grier Code Enforcement Officer Village and Town of Palmyra

Supervisor Lyon stated that Mr. Grier has inspected this business and apparently Mr. Ward is operating within the parameters allowed by the Town.

Terry Gardner stated that if there are any problems it is the customers that cause them, not the owners.

Mrs. Grasso told the board that she is very disappointed in the outcome of this matter. Supervisor Lyon said that a public hearing was held before a Special Use was granted and that probably would have been the time for her to state her objections.

Dan Gilmore said that this business is not open 24 hours a day, which could be aggravating, and he feels it is time to stop harassing a local businessman.

NOISE COMPLAINT

3. Report on noise complaint

Michael Lambrix reported that the noise complaint is still under consideration by committee.

4. Set Public Hearing date for James Miller - Special Use- Camp grounds on North Creek Road

SET PUB HEARING DATE FOR J. MILLER

Michael Lambrix moved to set Thursday, October 28, 1999 at 8:30 PM for a public hearing to consider the application of James Miller to have a camp grounds on North Creek Road and for said hearing to be held at the East Palmyra Fire Hall.

Seconded by: David Nussbaumer Carried: Unanimously

4. Budget adjustment

MTN TO APV BUDGET ADJSTMENT

The following budget adjustment was moved by Michael Lambrix:

<u>FROM</u>		<u>TO</u>	
CEO/Contractual Exp Vehicle		CEO/Contractual Exp Telephone	
B8015.401	\$ 72.79	B8015.403	\$ 72.79
 CEO/Contractual Exp Education		 CEO Contractual Exp Eng Fees	
B8015.407	\$ 882.50	B8015.409	\$ 882.50

Increase budget revenues and appropriations to reflect the Infrastructure Agreement as follows:

Revenue Account Infra/Inspections		Appropriation Account Infra/Inspections Personal Svcs	
B2114	\$ 5,000.00	B8018.1	\$ 5,000.00

Seconded by: James Welch Carried: Unanimously

At this time Michael Lambrix moved to add Item #12 Carrier Update and Item #13 Johnston RV Sales to this agenda under Agenda Items.

MTN TO ADD
ITEM TO
AGENDA

Seconded by: David Nussbaumer Carried: Unanimously

AGENDA ITEMS

1. Report on bid opening (N. Creek Road & Canal boring) and possible awarding of the bid

RPT ON BID
OPENING N.
CREEK RD AND
CANAL
CROSSING

The following bids, regarding the N. Creek Road & canal boring, were opened at the Town Clerk's Office on 9/9/99 by Marty Mroczek of MRB Group:

M.A. Ferrauilo Construction Inc. DBA: Dodge Enterprises	\$290,850.00
Highlander Construction, Inc. 5774A Kester Rd. Memphis, NY 13112	\$348,150.00
R. Myers Contractors, Inc. 60 Bowman Street Rochester, NY 14609	\$497,900.00
Syracuse Constructors, Inc. 6755 Manlius Cntr Road E. Syracuse, NY 13057	\$420,000.00

After going over the above bids, it was the recommendation of MRB Group that the award go to the low bidder. At this time David Nussbaumer moved to award the bid for the N. Creek Road and canal boring to the lowest bidder, Dodge Enterprises, Inc. in the amount of \$290,850.00

AWARDING OF
BID ON N.
CREEK RD AND
CANAL
CROSSING

MTN TO AUTH
SUPR TO SIGN
PAPERWORK
RE: CSX
TRNSPRTATN

Seconded by: Michael Lambrix Carried: Unanimously

David Nussbaumer then moved to authorize David C.

Lyon, Town Supervisor, to sign any and all documents required by CSX Transportation, Inc. for matters relating to boring under Rt. 31 and the canal in the Town of Palmyra.

Seconded by: Michael Lambrix Carried: Unanimously

- 2. Set Public Hearing date for East Palmyra Fire Contract – East Palmyra Fire hall

Michael Lambrix moved to set a public hearing date of Thursday, October 28, 1999 at 8:00 PM at the East Palmyra Fire Hall to consider a increase in the contract between the East Palmyra Fire Department and the Town of Palmyra.

Seconded by: David Nussbaumer Carried: Unanimously

John Pieters, Fire Chief, East Palmyra Fire Department, has copies of the working budget for the fire department that he handed out to each board member.

- 3. Set Public Hearing date for Pt. Gibson Fire contract – 8:15 PM at the East Palmyra Fire Hall

David Nussbaumer moved to set a public hearing date of Thursday, October 28, 1999 at 8:15 PM at the East Palmyra Fire Hall to consider a increase in the amount of the contract between the Pt. Gibson Fire Department and the Town of Palmyra.

Seconded by: Michael Lambrix Carried: Unanimously

- 4. Town Clerk to present the tentative budget to the Town Board

Beverly E. Hickman, Town Clerk, presented the tentative budget for the calendar year of 2000 to the Town Board. Upon accepting said tentative budget, the board set a workshop meeting to go over same for Thursday, October 14, 1999 at the Town Office at 7:30 PM.

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

MTN TO SET
PUB HEARING
DATE FOR
PT. GIBSON
FIRE DEPT

TOWN CLERK
TO PRESENT
TENTATIVE
BUDGET TO
TOWN BOARD

5. Public Hearing date for Preliminary Budget 2000 – Nov. 4 at 7:30 PM – Town Office

David Nussbaumer moved to set a public hearing date of Thursday, November 4, 1999 at 7:30 PM at the Town Office to consider the Preliminary Budget for 2000.

MTN TO SET PUBLIC HEARING DATE FOR BUDGET HEARING

Seconded by: Michael Lambrix Carried: Unanimously

6. Accept the HUD grant of \$400,000,000 and authorize the Supervisor to sign same

Michael Lambrix moved to gratefully accepted the HUD grant of \$400,000,000 to be used for the Division Street Improvement area and to authorize the Town Supervisor to sign any and all paperwork involved with same.

MTN TO ACCEPT HUD GRANT AND TO AUTH THE TOWN SUPER TO SIGN PAPERWRK

Seconded by: David Nussbaumer Carried: Unanimously

7. Identify persons to access HUD money

David Nussbaumer moved to authorize David C. Lyon, Town Supervisor, and Petra Anderson, Clerk to the Supervisor as the persons to access the HUD money.

MTN TO AUTH SUPERVISOR AND HIS CLERK TO ACCESS HUD MONIES

Seconded by: Michael Lambrix Carried: Unanimously

8. Designation of depository for HUD money

Michael Lambrix moved to designate HSBC Bank USA, Palmyra, (formerly Marine Midland) as the official depository for the HUD monies.

MTN TO DSGNAT HSBC BANK USA AS DEPSITORY FOR HUD GRANT

Seconded by: David Nussbaumer Carried: Unanimously

9. Retain Stewart Brown as grant administrator – Cost of \$18,000

David Nussbaumer moved to retain Stewart Brown as the grant administrator for the HUD monies, at a cost to the Town of \$18,000.00.

MTN TO RETAIN S. BROWN AS GRANT ADMNISTRATOR FOR HUD MONEY

Seconded by: Michael Lambrix Carried: Unanimously

10. Budget Adjustment

The following budget adjustment was moved by Supervisor

Lyon:

MTN TO APV BUDGET ADJSTMNT

FROM TO

Town Board – Contract Town Board Personal
Exp A1010.4 \$2,000.00 Svcs A1010.1 \$2,000.00
(To adjust budget accounts for the continuing Archive work
approved by the Town Board)

Seconded by: Michael Lambrix Carried: Unanimously

PROBABLE
BUDGET
WORKSHOP

11. Probable budget workshop on October 14th at
7:30PM

Previously set under Item #4

12. Kevin Carrier

KEVIN
CARRIER
UPDATE

Supervisor Lyon reviewed the background of this latest problem with Kevin – Kevin was asked to sign a agreement and he was advised by his attorney not to do so – Mr. Carrier requested being heard by this board tonight.

Gerald Dibble, attorney for Mr. Carrier, apologized to the board for the previous meeting. He said that he was new to the case and was not filled in adequately at that time.

His comments on the letter the board asked Mr. Carrier to sign were as follows:

2nd sentence – 3rd paragraph – needs to be changed
4th paragraph – it is impossible to clean up without doing
more than tires
proposed deadline date of October 20th

Supervisor Lyon - the first point was “no processing” – Bob Grier, CEO, stated that removing tires in not considered processing. Supervisor Lyon said that the agreement would have to be for these certain dates only – not forever. Lynne Green asked if this would allow time to get rid of all the tires. Mr. Carrier told her no, only the tires from his own property; non from the Pulcini property.

Mr. Grier said he wants to have access to the property at any time of the day or night.

Supervisor Lyon asked Mr. Carrier about the time frame. Mr. Carrier said he needs at least 8 hours a day. Mr. Grier said

that any days are fine with him – 5 days a week; 8AM - 4PM with October 13, 1999 as the cut off date and to begin on Monday, September 27th if that is what Mr. Carrier wants to do.

Michael Lambrix moved to approve the above changes in the document and for the dates to begin as soon as Mr. Carrier signs the document and to terminate October 13, 1999.

Seconded by: David Nussbaumer Carried: Unanimously

13. Johnston’s RV Center Update

Mr. Grier informed the board that he had checked on this property several months ago and found several violations to the Special Use Permit granted to Mr. Johnston. Mr. Johnston was concerned about the rapid growth his business has enjoyed. He is requesting a public hearing.

Johnston's
RV Center
Update

Michael Lambrix moved to set a public hearing date of Thursday, October 28, 1999. at the East Palmyra Fire hall to begin at 9 PM to consider the amendment to the Special Use Permit for Johnston’s RV Center.

Seconded by: David Nussbaumer Carried: Unanimously

Following a review of the claims and expenditures, David Nussbaumer moved to approve payment of the expenditures as shown on Abstract #6 with totals as follows:

Mtn to
approve
payment of
vouchers

<u>Account</u>	<u>Invoice #</u>	<u>Amount</u>
General	294-323	\$18672.74
DA Highway	254-268	\$ 3012.42
Part Town	145-165	\$14847.53
DB Highway	62-71	\$ 7,010.77
HW Tank Project	14-17	\$36,824.20

Seconded by: Michael Lambrix Carried: Unanimously

Michael Lambrix moved to adjourn this meeting of the Town Board.

Mtn to
adjourn

Seconded by: David Nussbaumer Carried: Unanimously

Respectfully submitted,

Beverly E. Hickman
Town Clerk