

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Monday, December 28, 1998, at the Town Office, 201 East Main Street, Palmyra, was called to order at 7:30 PM by Town Supervisor David C. Lyon.

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

Upon roll call, the following board members were present:

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

David Nussbaumer moved to approve the minutes of the November 23, 1998 Town Board Meeting.

Seconded by: Michael Lambrix Carried: Unanimously

COMMUNICATIONS

1. WCIDA – Notice of Public Hearing – Division Street Project
2. WCWSA – Water rate increase
3. Water Tower Project – Public Improvement Bonds

REPORTS OF STANDING COMMITTEES

Assessment Committee - Lynne Green, Chairman

1. Assessor Update

A written report was submitted by Ann Vingee-Taber, Sole Assessor, Town of Palmyra, and can be found in the file folder entitled "Assessor Update/Code Enforcement Officer Update" as kept with these minutes.

2. Mobile Home Park Data Collection

Lynne Green moved to approve hiring Catherine Contant to finish the mobile home park data collection at a cost not to exceed \$500.00.

Seconded by: Michael Lambrix Carried: Unanimously

Highway Committee - David Nussbaumer, Chairman

1. Highway Update

No report at this time.

2. Bid Opening Results—3 wheel sweeper, truck cab & chassis

Nelson Cook, Highway Superintendent, reported that he had received the

following two bids for the sweeper:

#1 – MONROE TRACTOR, Henrietta, NY.
Option #1 - \$92,230.00 Option #2 - \$90,730.00 Option #3 –4.97%

#2 – TRACEY ROAD EQUIP, 6803 Manlius Center Road,
PO Box489, E. Syracuse, NY 13057
Option #1 – \$86,988.00 Option #2 - \$83,988.00 Option #3-5.29%

Mr. Cook recommended the bid from Monroe Tractor – Option #1 in the amount of \$92,230.00 with one half of the amount down and the second half due twelve months from the delivery date.

David Nussbaumer moved to approve the purchase of a sweeper from Monroe Tractor for a amount not to exceed \$92,230.00 and for half of that amount as a down payment with the second half to be due twelve months from the delivery date.

Seconded by: Lynne Green Carried: Unanimously

Nelson Cook then reported to the board on the bids for the cab and chassis as follows:

GENESEE TRUCK SALES
Without trade \$33,393.00 With trade \$28,393.00

MACEDON FORD
Without trade \$31,162.00 With trade \$22,487.00

Mr. Cook reported that the town attorney recommended Macedon Ford.

David Nussbaumer moved to approve the purchase of a cab and chassis from Macedon Ford at a cost not to exceed \$31,162.00.

Seconded by: Michael Lambrix Carried: Unanimously

3. Budget Adjustments

David Nussbaumer moved to approve the following budget adjustment::

<u>FROM</u>	<u>TO</u>
DA HIGHWAY SNOW REMOVAL/ CONT EXP DA 5142.1 \$159.05	DA HIGHWAY SNOW REMOVAL/PERS SVCS DA5142.4 \$159.05

Seconded by: Lynne Green Carried: Unanimously

Planning Committee - James Welch, Chairman

1. CEO Update

Robert Grier informed the board that he has a Zoning Board meeting regarding the tower tomorrow night, the balloon test was done at the

Pedtke property with satisfaction; the light on this tower can be taken down after the airport is officially closed; the conviction of Karen Christopherson goes for final sentencing January 8th, she has been told that the Town can dispose of her equipment at her expense if necessary and he had to go in front of the grand jury to verify a cease and desist order against a contractor.

Zoning Committee - Michael Lambrix, Chairman

1. Budget Adjustment

Michael Lambrix moved to approve the following budget adjustments:

<u>FROM</u>	<u>TO</u>
PART-TOWN /CEO LEGAL FEES B8015.402 \$237.18	PART-TOWN/CEO OFFICE SUPPLIES B8015.4 \$237.18
PART-TOWN/CEO LEGAL FEES B8015.402 \$97.70	PART-TOWN/CEO TELEPHONE EXPENSE B8015.403 \$97.70
PART-TOWN/CEO LEGAL FEES B8015.402 \$70.43	PART-TOWN/CEO ENGNRING EXPENSE B8015.409 \$70.43

Seconded by: James Welch Carried: Unanimously

2. Proposed Fee Schedule

Michael Lambrix moved to approve the following fee schedule :

TOWN OF PALMYRA FEE SCHEDULE		
TYPE	APPLICATION FEE	ADDITIONAL FEE
1. Town Board Public Hearing	\$100.00	
2. Zoning Board of Appeal A. Re-zoning request	\$100.00 \$500.00 plus	Engineering and additional cost to be determined and billed.
3. Planning Board Hearing A. Plot Plan Review	\$100.00	\$65.00 for each lot up to 4 \$30.00 each additional lot above 4
B. Engineering Review		\$250.00 each lot up to 4 \$100.00 each additional lot above 4
4. Perk Test	\$35.00	
5. Building Permit Residential		
A. New Residence	\$35.00 plus	.10 per square foot
B. Additions and Alterations	\$35.00 plus	.10 per square foot
C. Accessory Buildings (includes; pole barns, sheds over 144 sq. ft, and detached garages.	\$35.00 plus	.05 per square foot
D. Misc. Includes; swimming pools, carports, decks, fences, signs, septic inspections, when required; fire places (wood, gas), solid fuel burning devices, ridge frame fabric covered structures, C of O's	\$35.00	
E. Demolitions	\$35.00 plus	Certificate of Insurance
6. COMMERCIAL		
A. New construction	\$150.00 plus	.10 square foot
B. Additions	\$150.00 plus	.10 square foot

C. Alterations & Conversions or Change of Occupancy	\$150.00 plus	.10 square foot
7. Communication Towers (TV, Telephone, Radio, etc.)		
A. New Construction	\$500.00 plus	\$50.00 per foot above 50 feet above ground level.
B. Co-habitation of additional user	\$1,000.00 annually	
C. Tower Inspections	\$100.00 annually	
8. MOBIL HOME INSTALLATIONS	\$65.00	
9. PARK AND RECREATION FUND		
A. Minor sub-division	\$100.00 per unit	
B. Major sub-division	\$500.00 per unit	
C. Multi-family	\$100.00 per unit	
10. JUNK YARD		
A. Startup with bond	\$1,000.00 plus	\$50,000.00 bond
B. Annual renewal	\$250.00	
11. MOBIL HOME PARKS		
A. Start up	\$1,000.00 plus	\$65.00 per lot, \$800.00 Engineering fee and additional cost to be billed
B. Installation of Mobil home	\$65.00	
C. Annual renewal	\$100.00 plus	\$5.00 per lot
12. MINING OR GRAVEL PIT		
A. Start up	\$1,000.00 plus	\$50,000.00 bond and Engineering cost to Town to be billed.
B. Annual Renewal	\$250.00	
C. Escrow per yard removed	.25 per yard (reserved for cleanup, may be returned)	
13. SEPTIC SYSTEMS SERVICE		
A. Annual Renewal	\$100.00	
14. WATER HOOKUP (Determined by Wayne County Water & Sewer Authority)		
15. SEWER HOOKUP (Determined per district)		

This Fee Schedule will supercede any previous fee schedule and will be effective January 1, 1999.

Seconded by: David Nussbaumer Carried: Unanimously

2. Town of Palmyra Zoning Ordinance

James Welch informed the Board that since the Town of Palmyra Zoning Regulations did not cover a R-1 district there is no direction for the Code Enforcement Officer and he felt this needed to be addressed. Supervisor Lyon agreed with this and asked the Board to please give this some thought and it would be discussed at a later meeting.

AGENDA ITEMS

1. Digital camera purchase

Catherine Contant talked to the Board regarding the purchase of a digital camera that could be used by every department and would bypass the continual purchase of film and developing fees. She had researched several brands and recommended the Sony at a cost of \$460.00 plus a \$8.00 shipping and handling charge. David Nussbaumer moved to

approve the purchase of a Sony digital camera at a cost not to exceed \$468.00.

Seconded by: Lynne Green Carried: 4 Ayes 1Naye
(Michael Lambrix voted naye)

2. Division Street Sewer Project – set Public Hearing dates for Small Cities Grant Program

The following resolution regarding the Division Street Sewer Project, Small Cities Grant Program was moved by Supervisor Lyon:

The Town Board, Town of Palmyra, is scheduling two public hearings; one for Thursday, January 14, 1999 at the Palmyra Fire Hall, East main Street, Palmyra, NY and one for Thursday, January 28, 1999 at the Town Clerk's Office, 201 East Main Street, Palmyra, NY. The hearings will start at 7:30 PM.

The public hearings will be held to discuss needs and priorities, to provide residents with information about the Small Cities program and to describe the Town's plan to meet these priority needs. Residents are invited to attend the hearings, to assist the Town in preparing a consolidated plan in accord with program regulations, to assist in defining community development priorities and to assist the Town Board in identifying possible projects for inclusion in an application for funding under the Small Cities Program. The Town will provide information at the hearings to comply with the consolidated plan and citizen participation requirements which govern the Small Cities Program. The Town expects to submit one or more applications for a Small Cities grant.

Seconded by: Michael Lambrix Carried: Unanimously

3. Declare Town Board Lead Agency for Benefit District

David Nussbaumer moved to declare that the Town Board, Town of Palmyra, intends to act as Lead Agency for SEQR purposes in the matter of the Benefit District on Division Street., also known as the North Sewer District, pending the notification of involved agencies.

Seconded by: Lynne Green Carried: Unanimously

4. PILOT Agreement – Proposed Senior Citizen District

Supervisor Lyon moved the following resolution for the PILOT Agreement Negotiations:

WHEREAS, there is a need in the Village and Town of Palmyra for housing designed for the special needs of Senior Citizens; and

WHEREAS, there is no existing Seniors-Only facility in the Town of Palmyra with community rooms, elevators and specially designed kitchen and bathrooms; and

WHEREAS, the providing of affordable Senior Citizen housing is in the best interest of the community and prevents the separation of Seniors from family and friends; and

WHEREAS, without the financial assistance of the State and the Town of Palmyra, the building and operation of affordable Senior Citizen housing is not possible;

NOW THEREFORE BE IT RESOLVED, that, at the direction of the Town Board, the Town Supervisor and the Town Assessor are instructed to enter into discussions with Sermar Management Corporation, as agent for the owner, a NYS Article V Limited Profit Company, to negotiate a Payment-in-Lieu of Taxes (PILOT) agreement which will require the project to house residents over the age of 55 years, to limit residents to persons having incomes less than \$20,520 if single and \$23,400 if a couple, and which will pay the Town of Palmyra, the Palmyra Central School District, and the County of Wayne a total of ten percent of the gross rents, less utility costs, each year for 25 years; and

BE IT FURTHER RESOLVED, that the Town Assessor is requested to write a letter to accompany the owner's application to the New York State Department of Housing and Community Renewal for funding of the project, which letter will review the terms of the PILOT agreement including the payment amount, the term and the estimated percentage of relief from full assessment.

Approved at the Palmyra Town Board Meeting by the full Town Board on Monday, December 28, 1998.

Seconded by: David Nussbaumer Carried: Unanimously

5. PEBSCO – Deferred Compensation Program – Resolution

David Nussbaumer moved the following resolution adopting April 1, 1998 Model Plan & Trust:

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Article 2, Section 5 of the new York State Finance law (Section 5), and the rules and regulations of the new York State Deferred Compensation Board (published in the State Register July 1, 1998 with an effective date of October 1, 1998, ("the Regulations"), has promulgated the Model Deferred Compensation Plan for Employees of the Town of Palmyra (the "Model Plan") and offers the Model Plan for adoption by local employers;

WHEREAS, Section 457 of the Internal Revenue Code of 1986, as amended ("the Code"), was recently amended by the Small Business Job protection act of 1996 to require that amounts held pursuant to eligible deferred compensation plans such as the Model Plan must be held in trust for the exclusive benefit of participants and their beneficiaries:

WHEREAS, Section 457(e)(9) of the Code was recently amended by the Taxpayer Relief Act of 1997 to increase the maximum elective distribution amount for small accounts from \$3,500 to \$5,000:

WHEREAS, Effective September 3, 1997, the Board amended and restated the Model Plan to increase the maximum elective distribution amount for small accounts from \$3,000 to \$5,000 to permit the deferred compensation committee of a Model Plan to direct the transfer of the account balances of participants whose employment is being transferred to another employer permitted to adopt an eligible deferred compensation plan pursuant to section 457 of the Code or, alternatively, to permit such participants to each transfer their account balances, to the eligible deferred compensation plan of the participants new employer, and to clarify that each participant may take into account the portion of the annual deferred compensation limitation that the participant did

not utilize under any eligible deferred compensation plan adopted pursuant to Section 457 of the Code for the purpose of determining such participant's catch-up contribution limitation with respect to the Model Plan adopted by the Participant's employer;

WHEREAS, the Board has offered for adoption the amended and restated model plan to each Model Plan sponsored by a local employer in accordance with the Regulations;

WHEREAS, the Town of Palmyra, pursuant to Section 5 and the Regulations, has fully considered the various options available to it for the adoption of eligible deferred compensation plans, including adoption of the State Plan, the Model Plan, and individually designed plans, and desires to adopt the Model Plan which shall be known as the Deferred Compensation Plan for the Employees of the Town of Palmyra;

WHEREAS, the Town of Palmyra has appointed a Deferred Compensation Committee ("the Committee") to act on behalf of the Town of Palmyra's Deferred Compensation Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Palmyra hereby adopts the Deferred Compensation Plan for Employees of the Town of Palmyra by adopting the amended and restated Model Plan effective April 1, 1998,

AND, BE IT FURTHER RESOLVED, that the Town of Palmyra hereby selects David C. Lyon to serve as trustee pursuant to the proposed Trust Agreement.

Seconded by: Michael Lambrix Carried: Unanimously

6. Water Tower Project – Approval of Engineering Contract

Said contract will be discussed at the January 14, 1999 meeting.

7. Insurance – Approval of 1999 policies

David Nussbaumer moved to approve the 1999 insurance policies as provided to the Town by Van Parys Associates at a cost not to exceed \$19,461.42 plus a \$1,000.00 service fee saving the Town \$6,037.94 over 1998 figures.

Seconded by: Michael Lambrix Carried: Unanimously

8. Budget Adjustments

The following budget adjustments were moved by Supervisor Lyon:

<u>FROM</u>	<u>TO</u>
GENERAL CONTNCY ACCT A1990.4 \$ 890.13	GENERAL TOWN BOARD/CONT EXP A1010.4 \$ 890.13
GENERAL TAX COLL EQUIPMENT A1330.2 \$ 119.94	GENERAL TAX COLLTR EXPENSE A1330.4 \$ 119.94
GENERAL TOWN CLERK EQUIPMNT A1410.2 \$ 317.35	GENERAL TOWN CLERK PERS SVCS A1411.1 \$317.35
GENERAL TOWN CLERK/CONT EXP	GENERAL TOWN CLERK/PERS SVCS

A1410.4 \$ 173.50	A1411.1 \$ 173.50
GENERAL CONT ACCOUNT A1990.4 \$ 452.22	GENERAL TOWN CLERK/PERS SVCS A1411.1 \$ 452.22
GENERAL CONT ACCOUNT A1990.4 \$ 32.50	GENERAL CELEBRA CONT EXP A7550.4 \$ 32.50
GENERAL STATE RETIREMENT A9010.8 \$1910.10	GENERAL HEALTH INSURANCE A9060.8 \$ 1910.10
PART TOWN CONTNGNCY ACCT B1990.4 \$ 69.00	PART TOWN REGISTRAR B4020.1 \$ 69.00
PART TOWN CONTNGNCY ACCT B1990.4 \$ 303.26	PART TOWN STREET LGHTNG B5182.4 \$ 303.26

Seconded by David Nussbaumer Carried: Unanimously

9. Set Public Hearing date – Establish North Sewer District

Supervisor Lyon moved the following resolution:

**IN THE MATTER OF THE
ESTABLISHMENT OF THE
NORTH SEWER DISTRICT OF THE TOWN OF PALMYRA**

WHEREAS, a map, plan and report were filed in the Town Clerk's Office at 201 East main Street, Palmyra, NY for the creation of sewer district to be known as the North Sewer District in the Town of Palmyra, and servicing some of the areas in the Town in need of public sewer areas outside of the Village of Palmyra, and outside of an existing sewer district, bounded and described as follows:

Commencing at a point in the north line of the Village of Palmyra approximately 500 feet west of the centerline of Division Street, thence northerly to the south line of the property known as Palmyra Air Park, thence westerly and northerly along the south and west boundaries of the Palmyra Air Park and thence continuing northerly along the east boundary of the Williams and Haak Subdivision to the north line of premises of Division Street partners, LLC; thence easterly along the north line of premises of Division Street Partner, LLC to the west boundary of Conrail, thence southerly and easterly along the west and south boundaries of Conrail to the west boundary of New York State Route 21, thence southerly to the west boundary of new York State Route 21 to the north line of the Village of Palmyra, thence westerly along the north line of the Village of Palmyra to the point and place of beginning.

WHEREAS, the improvements are as follows:

The installation of 6,000 feet of 12" gravity sewer main and 6,000 feet of 8" sewer main, 1,200 feet of PVC forcemain and crossing the railroad and canal and connection to the Village Sewer System, together with a pump system and manholes to complete installation.

WHEREAS, the proposed method of financing the costs of the improvements consists of use of a matching grant totaling \$300,000 with \$100,000 of Town Funds used pursuant to S192A and the receipt of a

\$400,000 grant and the balance by issuing the serial bonds of the Town to mature in annual installments over a period not exceeding 30 years, payable in the first instance from sewer rents paid by the benefited real property in the proposed sewer district.

WHEREAS, the maximum amount proposed to be expended for the improvements and for acquisition of the necessary lands and easements is \$850,000.

The proposed sewer rent shall not exceed \$587 per single family residence and \$1,174 per two-family residence. In addition, the average one or two family residence, which exists at the date of completion of the sewer shall pay an installation charge (hook up) of \$1,500. All residences connected thereafter shall pay a hook up charge as established by the Town from time to time.

WHEREAS, the map, plan and report describing the improvements are on file in the Town Clerk's Office for public inspection.

ORDERED, that a public hearing will be held by the Town Board on January 14, 1999 at 8:00 PM at the Palmyra Fire Hall, East Main Street, Town of Palmyra, County of Wayne and State of New York, to consider the map, plan and report and all persons interested in this matter shall be heard who are interested in the subject thereof concerning the same and for other action with vote of said Town Board with relation to the creation of the sewer district as proposed as may be expended by law or property in the premises.

The creation of the North Sewer District of the Town of Palmyra is subject to permissive referendum.

Seconded by: Michael Lambrix Carried: Unanimously

Supervisor Lyon told the Board that he has set a Informational Meeting for the residents on Division Street to be held the same night as the public hearing and to start at 7:00 PM.

10. Organizational Meeting

Supervisor Lyon informed the Board members that the Organizational Meeting for the Town of Palmyra will be held on Monday, January 4, 1999 at the Town Office at 7:30 PM.

11. Town Highway's help with setting up for the SARA project

Beverly E. Hickman, Town Clerk, reported to the Board that the Town Highway Department contributed the labor to prepare and paint the two rooms in the basement being used for SARA records and also to assemble and install the shelving units. Much thanks to these men for the help.

Following a review of the claims and expenditures, David Nussbaumer moved to approve payment of the expenditures as shown on Abstract #12 with totals as follows:

<u>Account</u>	<u>Invoice #</u>	<u>Amount</u>
General	445-506	\$ 45,920.08
Part Town	204-230	\$ 14,022.51
DA Highway	223-257	\$ 11,021.25
DB Highway	108-109	\$ 436.00
Central Water	44	\$ 7.05
Water Tank Project	1-2	\$ 5,587.86

Seconded by: Michael Lambrix Carried: Unanimously

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

Seconded by: James Welch Carried: Unanimously

Respectfully submitted,

Beverly E. Hickman
Town Clerk