

**PUBLIC HEARING
SPECIAL USE AUTHORIZATION
WILLIAM AND JEAN MOTT**

The Public Hearing scheduled to be held on Thursday, December 27, 2001 at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, to consider the application of William and Jean Mott, 4655 South Creek Road, Palmyra, for a Special Use Authorization to replace an existing mobile home with a new double-wide manufactured home was called to order by Town Supervisor David C. Lyon at 7:30 PM.

**PUBLIC
HEARING –
MOTT –
CALL TO
ORDER**

Those present at this public hearing included:

- Supervisor David Lyon
- Councilman David Nussbaumer
- Councilman Lynne Green
- Councilman Michael Lambrix
- Councilman James Welch
- Code Enforcement Officer Robert A. Grier
- Highway Superintendent Nelson F. Cook
- Betsy Lewis – Courier-Journal
- Catherine Camacho PO Box 122 Newark, NY
- Bill & Jean Mott 4655 S. Creek Rd., Palmyra
- Nick D’Ambrosia 2085 Hydesville Rd., Newark
- Jim Scarfia 4656 S. Creek Rd., Palmyra
- Allyn Cator 4504 S. Creek Rd., Palmyra

The legal notice was read by the Deputy Town Clerk.

Supervisor Lyon asked the Motts to present their plans to the Board. Mr. Mott explained they currently reside in a 1963 900 square-foot mobile home. They have run into many problems in trying to upgrade, remodel or finance their current home due to its age and construction. They propose to demolish the current

structure and bring in a new 28' by 60' manufactured home, to be placed on a slab with a four-foot crawl space. The new home would be moved 15 feet further away from the lot line. The construction of the new home would increase their living space and enjoyment of the property. They acknowledge the property assessment would increase accordingly, and are satisfied.

Supervisor Lyon asked for any comments either for or against this application. Jim Scarfia identified himself as a neighbor across the street, and spoke in favor of the application. Allyn Cator, property owner contiguous to the Motts, said he had no problems with the plan. Councilman Nussbaumer commented that upgrades to property are always great to see.

CEO Grier stated the building permit for this project would be subject to standard side setbacks, and that since it is a local matter, there are no recommendations necessary from the Planning Boards.

Supervisor Lyon asked if there were any further questions or comments regarding this application. There being none, he declared this public hearing closed at 7:38 PM.

**PUBLIC
HEARING –
MOTT –
CLOSED**

.....

**C.
CAMACHO
– ADDRESS
BOARD**

Prior to the Call to Order of the Regular Town Board Meeting, Supervisor Lyon allowed Catherine Camacho to address the Board regarding placement of a double-wide manufactured

home on vacant property, which is disallowed in the current Zoning Ordinance.

* * * * *

REGULAR MEETING OF THE TOWN BOARD

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, December 27, 2001, at the Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 7:50 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

Also present at this meeting were the following:

- Code Enforcement Officer Robert A. Grier
- Highway Superintendent Nelson F. Cook
- Betsy Lewis – Courier-Journal
- Nick D’Ambrosia – Power Personnel

Motion by David Nussbaumer to approve the minutes of the November 29 and December 13, 2001 Town Board meetings as submitted.

MTN TO APPROVE MINUTES OF 11/29/01 & 12/13/01

Seconded by: Lynne Green Carried: Unanimously

COMMUNICATIONS

1. Senator Nozzolio – Town Meeting

**SENATOR
NOZZOLIO –
TOWN MTG**

Saturday, January 26, 2002, 1:30 – 2:30 PM, Palmyra Town Hall,
1180 Canandaigua Road.

**2002 NEWLY
ELECTED
OFFICIALS
TRAINING**

2. 2002 Training School – Newly Elected Officials

To be held in Rochester, January 14-16, 2002. Registration Form
on file in the Town Clerk's Office.

**ACO ANNUAL
COMPLIANCE
REPORT – NYS
AG & MKTS**

3. ACO – Compliance Report

Supervisor Lyon reviewed the results of the annual shelter
inspection by the New York State Department of Agriculture and
Markets. Animal Control Officer Gary Rose received satisfactory
marks in all categories, with the comment “records and shelter in
very good order”. Supervisor Lyon thanked Mr. Rose for his efforts.

**ALCOHOL
COMPLIANCE
CHECK –
LOCAL
BUSINESSES**

4. Compliance Check – Alcohol Sales to Minors

Supervisor Lyon reported that Breens IGA and Newcomb Oil
Company both passed the compliance check, that it is the second
time these businesses have been so cited, and that he will deliver
certificates to both businesses.

**LETTER OF
RESIGNATION
– TOWN
CLERK
BEVERLY
HICKMAN**

5. Letter of Resignation

Supervisor Lyon read a letter into the record from Town Clerk
Beverly E. Hickman as follows:

Mr. David C. Lyon, Supervisor
Town of Palmyra
1180 Canandaigua Road
Palmyra, NY 14522

Dear David,

It is with sincere regret, a heavy heart and tears running
down my face that I write you this letter. It is no secret that my
health has not been all that I would have liked it to be. It has

become all too obvious that I can no longer uphold my duties as Town Clerk and have to rely on Cathy more and more all the time.

Therefore, I have decided to resign from my position. My last day as Town Clerk, Town of Palmyra, will be Friday, January 25, 2002. I will retire at that time and I highly recommend Cathy Contant be appointed as my successor.

Regretfully,
Beverly E. Hickman
Town Clerk

Supervisor Lyon accepted Mrs. Hickman's resignation with regrets.

REPORTS OF STANDING COMMITTEES

**Tourism and Development Committee – Lynne Green,
Chairman**

No report at this time.

Highway Committee – David Nussbaumer, Chairman

1. Highway Update

**HIGHWAY
UPDATE**

Superintendent Nelson Cook reported the Department is accepting Christmas trees for recycling at the Highway Barns on Kent Street. The crew will continue tree pickup in the Village for several weeks.

2. Bid Opening – Sander/Spreader

**BID APPROVAL
– 2002
SANDER/
SPREADER**

Bids for one new "V" hopper spreader, stainless steel, high capacity, flighted chain conveyor type, were opened by Mr. Cook at the Town Hall at 10:00 on December 20, 2001 and witnessed by Deputy Clerks Cathy Contant and Carol D'Ambrosia. The two bids received are as follows:

- Tracey Road Equipment, 6803 Manlius Center Road, PO Box 489, East Syracuse, NY 13057: Highway Model

E2020XT - \$10,360.00. It was noted that a bid deposit was not included.

- T-W Truck Equipppers, 174 Colvin Street, Rochester, NY 14611: Smith model SSVH-C - \$10,456.00. Bid deposit included.

After review of both bids with Attorney Paul Rubery, Mr. Cook recommended the Board accept the bid of T-W Truck Equipppers in the amount specified. It was noted the low bid was not recommended because the bid did not meet specifications.

Motion by David Nussbaumer to accept the bid dated December 20, 2001 from T-W Truck Equipppers for a Smith model SSVH-C sander/spreader as specified for an amount not to exceed \$10,456.00.

**BID APPROVAL
- 2002
MOWING
TRACTOR AND
EQUIPMENT**

Second: Lynne Green

Carried: Unanimously

3. Bid Opening – Mowing tractor and equipment

Bids for one new 2002 mowing tractor and equipment were opened by Mr. Cook at the Town Hall at 10:00 on December 27, 2001 and witnessed by Deputy Clerks Cathy Contant and Vicki Shear. The two bids received are as follows:

- Tracey Road Equipment, 6803 Manlius Center Road, PO Box 489, East Syracuse, NY 13057: John Deere 6320 - \$64,599.00. Bid deposit was included.
- Jennings Tractor, 7216 Palmyra Road, Fairport, NY 14450: New Holland TS100 - \$54,350.00. Bid deposit included.

After review of both bids with Attorney Paul Rubery, Mr. Cook recommended the Board accept the bid of Jennings Tractor in the amount specified.

Motion by David Nussbaumer to accept the bid dated December 27, 2001 from Jennings Tractor for a New Holland TS100 plus equipment as specified for an amount not to exceed \$54,350.00.

Second: Michael Lambrix

Carried: Unanimously

Planning Committee – James Welch, Chairman

- 1. Code Enforcement Officer Update

CEO UPDATE

CEO Robert Grier provided the board with his monthly report.

Councilman Welch asked Mr. Grier for a progress report on Canalside Estates; Mr. Grier stated manholes and sewer lines are being installed, and the road is partly in. They are using 8” pipe.

Zoning Committee – Michael Lambrix, Chairman

- 1. Special Use Authorization, William and Jean Mott – Subject of Public Hearing

**SPECIAL USE
AUTHORIZA-
TION – MOTT –
SUBJ OF
PUBLIC
HEARING**

Michael Lambrix moved the following resolution:

WHEREAS, on the 27th day of December, 2001, a Public hearing was held by the Town Board of Palmyra at 7:30 PM at 1180 Canandaigua Road, Palmyra, Wayne County, New York to consider the application of William and Jean Mott, 4655 South Creek Road, Palmyra, NY 14522 for Special Use Authorization to replace an existing mobile home with a new double-wide manufactured home.

WHEREAS, the findings of fact as determined by the Town Board, were as follows:

- 1. The Town Board has authority to allow replacement of existing mobile home per the Mobile Home Ordinance of the Town of Palmyra.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Palmyra does approve the applicants request to replace the existing

Supervisor Lyon reported the receipt of a petition signed by nineteen residents of Garnsey Road making the following request:

PETITION FOR WATER LINE EXTENSION – GARNSEY RD.

“We the undersigned residents of Garnsey Road, Palmyra New York 14522 are petitioning to have town water lines put on our road due to consistently low water levels over the past months, and undrinkable water due to bacterial contamination in our wells and/or springs at certain times of the year”.

Supervisor Lyon stated the Town’s engineering firm, MRB/Group, Inc., will now study the feasibility and costs of extending the public water line along Garnsey Road, and report back to the Supervisor their findings.

4. Agreement – Palmyra King’s Daughters Free Library, 2002

APPROVE 2002 AGREEMENT – PALMYRA KINGS DAUGHTERS FREE LIBRARY

Motion by David Nussbaumer to approve the agreement with Kings’ Daughters Free Library to provide library services to the people of the Town of Palmyra in the budgeted amount of Twenty thousand five hundred dollars (\$20,500.00) for a term of January 1, 2002 through December 31, 2002.

Second: Michael Lambrix

Carried: Unanimously

5. Agreement - Palmyra Community Center, 2002

APPROVE 2002 AGREEMENT – VILLAGE OF PALMYRA, COMMUNITY CTR AND TOWN OF PALMYRA

Motion by Lynne Green to approve the agreement with the Village of Palmyra and the Palmyra Community Center to provide a youth and recreational program for all the residents of the Town of

Palmyra in the budgeted amount of Twenty Seven Thousand Dollars (\$27,000.00) for a term of January 1, 2002 through December 31, 2002.

Second: Michael Lambrix Carried: Unanimously

**APPROVE 2002
PT. GIBSON FIRE
CONTRACT**

6. Contract – Port Gibson Fire Department, 2002

Motion by David Nussbaumer to approve the Contract for Fire Protection with the Port Gibson Fire Department for the Port Gibson Fire District in the budgeted amount of Four Thousand Eight Hundred Dollars (\$4,800.00) for a term of January 1, 2002 through December 31, 2002.

Second: Michael Lambrix Carried: Unanimously

7. Establish a Reserve Fund for Bonded Indebtedness

**RESOLUTION:
ESTABLISH
RESERVE FUND
FOR BONDED
INDEBTEDNESS**

Motion by Lynne Green to approve the following resolution:

**RESOLUTION TO ESTABLISH A RESERVE FUND
FOR BONDED INDEBTEDNESS OF THE
TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK**

WHEREAS, the Town of Palmyra has not previously had to issue bonds for the acquisition of Town property, either real or personal, and

WHEREAS, the Town of Palmyra has acquired a new Town Hall which will have a bonded indebtedness, and

WHEREAS, the Town of Palmyra desires to establish a Reserve Fund for the payment of the bonded indebtedness pursuant to §6-h of the General Municipal Laws of the State of New York.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby establish a Reserve Fund for the payment of bonded indebtedness of the Town of Palmyra. This fund may not be used for the payment of any indebtedness which is payable from assessment upon an area in the Town which is smaller than the total area of the Town.

Expenditures from this Reserve Fund may only be made by an appropriation pursuant to a resolution of the Town Board and only for the payment of the principal and interest on bonds issued by the Town of Palmyra having a maturity of not less than five years, or for the purchase of bonds of the

Town of Palmyra having a maximum maturity of not less than five years at a price not to exceed the par value and accrued interest to the date of delivery of said bonds or if the bonds were issued subject to redemption, the fund may be used to redeem bonds prior to maturity.

The funds in this Reserve Fund may not be used for the payment of bonded indebtedness where a provision is made in the event budget for payment of the principal and interest on the bond.

The Town shall comply with and proceed pursuant to §6-h of the General Municipal Laws of the State of New York.

Second by: David Nussbaumer

Carried: Unanimously

8. Establish a Repairs Reserve Fund

Motion by David Nussbaumer to approve the following resolution:

**RESOLUTION:
ESTABLISH A
REPAIRS
RESERVE
FUND**

**RESOLUTION TO ESTABLISH A REPAIRS RESERVE FUND
FOR THE
TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK**

WHEREAS, the cost of repairs of the buildings and equipment of the Town of Palmyra is not always known at the time of the adoption of the budget of the Town of Palmyra, and

WHEREAS, the Town Board deems it necessary to create a Reserve Repair Fund to pay the cost of major repairs on capital improvements or equipment of the Town of Palmyra.

NOW, THEREFORE, BE IT RESOLVED that the Town of Palmyra does hereby establish a Repair Reserve Fund pursuant to §6-d of the General Municipal Laws of the State of New York and that such Reserve Fund shall hold funds transferred to it and disburse the said funds, subject to a resolution appropriating money from the fund only after a public hearing held with five days notice (except as provided in said section in the case of an emergency).

The Repair Reserve Fund shall be administered as set forth in §6-d of the General Municipal Laws of the State of New York.

Second by: Lynne Green

Carried: Unanimously

9. Budget transfers – General Fund

BUDGET ADJ

Motion by Michael Lambrix to transfer the following amounts:

FROM:

TO:

General Fund

Reserve Fund

A909 – Fund Balance \$25,000.00 Bonded Indebtedness Reserve \$25,000.00

A909 – Fund Balance \$30,000.00 Repairs Reserve \$30,000.00

Reserve Fund DA Highway

A889 – Employee Benefit Accrued Liability Reserve \$10,681.77 DA5031 – Interfund Transfer \$10,681.77

Second: James Welch Carried: Unanimously

BUDGET ADJ. 10. Budget transfers – Part Town Motion by David Nussbaumer to approve the following transfers:

DA Highway Fund Reserve Fund Transfers to Machine Reserve DA9950.900 \$ 10,000.00 Machine Reserve HA5031 \$ 10,000.00

Second: Michael Lambrix Carried: Unanimously

RESOLUTION: 11. Authorize bookkeeper to make closing journal entries

AUTHORIZE BKPR TO MAKE CLOSING JOURNAL ENTRIES FOR 2001 Motion by Lynne Green to approve the following resolution:

BE IT RESOLVED, that the Town of Palmyra bookkeeper, Petra Anderson, be authorized to make any necessary adjusting and budgetary journal entries in closing the 2001 fiscal year.

Second: Michael Lambrix Carried: Unanimously

RESOLUTION: 12. Establish Employee Benefit Accrued Liability Reserve Fund

ESTABLISH AN EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND Motion by Lynne Green to approve the following resolution:

RESOLUTION TO ESTABLISH AN EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND FOR THE TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK

WHEREAS, the Town of Palmyra from time to time has been billed for unplanned employee benefits because of an increase in cost, or an employee’s illness, or other untimely termination, and

WHEREAS, the Town of Palmyra desires to establish an Employee Benefit Accrued Liability Reserve Fund pursuant to § 6-p of the General Municipal Laws of the State of New York.

NOW, THEREFORE, BE IT RESOLVED that the Town of Palmyra does hereby establish an Employee Benefit Accrued Liability Reserve Fund pursuant to § 6-p of the General Municipal Laws of the State of New York, and

BE IT FURTHER RESOLVED, that the funding and administration of the fund will be pursuant to § 6-p of the General Municipal Laws of the State of New York.

Second: David Nussbaumer Carried: Unanimously

13. Upgrade server storage

Motion by David Nussbaumer to approve purchase and installation of additional storage on the Town’s computer network server as quoted by Bolton Technology Services in the amount of \$795.36.

APPROVE STORAGE UPGRADE TO NETWORK SERVER

Second: Lynne Green Carried: Unanimously

14. Encumber funds

Motion by Michael Lambrix to approve encumbrance of funds in the amount of \$2,950.00 for renovations in the Town Clerk’s Office as bid by Paul Batterby on December 12, 2001.

ENCUMBER FUNDS FOR TOWN CLERK’S OFFICE RENOVATIONS

Second: Lynne Green Carried: Unanimously

Following a review of the claims and expenditures submitted for payment, David Nussbaumer moved to approve payment of same with totals shown on Abstract 33 as follows:

APPROVAL OF ABSTRACT #33

Voucher #	Total
2385 – 2437	\$265,107.18

Seconded by: Michael Lambrix Carried: Unanimously

Supervisor Lyon announced the next meeting of the Town Board will be Thursday, January 3, 2002 at 7:30 PM at the Palmyra Town Hall. This will be the 2002 Organizational Meeting.

**MOTION TO
ADJOURN**

Motion by Michael Lambrix to adjourn this meeting of the Town Board at 8:23 PM.

Seconded by: James Welch

Carried: Unanimously

Respectfully submitted,

Catherine C. Contant
Deputy Town Clerk