

PUBLIC HEARING  
ESTABLISHMENT OF PROPOSED  
SEWER DISTRICT #1 OF TOWN OF PALMYRA

The Public hearing scheduled to be held on Thursday, May 28, 1998, at the Palmyra Fire Hall, East Main Street, Palmyra, to consider the establishment of proposed Sewer District #1 of the Town of Palmyra, was called to order at 8:00 PM by Town Supervisor David C. Lyon.

PUB HRG  
PROPOSED SWR  
DIST #1

CALL TO ORDER

The legal notice, as published in the Courier-Journal, was read by the Town Clerk; omitting the description paragraph. (The description was shown on the map by Anthony Malone, MRB Group, to make it more readily understandable to those present.)

LEGAL READ

Those present, in addition to the Town Board Members, included the following:

Francis Boisvert, 1095 Canandaigua Road  
Geraldine Vertringhe, 865 Canandaigua Road  
Tom & Carol Hulbert, 1096 Canandaigua Road  
H. Freling, 921 Canandaigua Road  
George A. Ruthven, 1152 Canandaigua Road  
Jim Winston, 1087 Canandaigua Road  
Robert Henning, 1130 Canandaigua Road  
Arthur J. Daughton, Southtown Line Road  
Angela Dart, 875 Canandaigua Road  
C. A. Mertz, 62 Johnson Road, Manchester  
Rose Fredericksen, 1020 Canandaigua Road  
Larry Cowell, 3100 Creswood Drive  
John & Andy Mullin, 1094 Canandaigua Road  
Patty Diaz, 1124 Canandaigua Road  
Francis Rush Sr., 1133 Canandaigua Road  
David & Amy Peek, 1062 Canandaigua Road  
Robert Grier, Code Enforcement Officer  
Nelson F. Cook, Highway Superintendent  
Doris Wolf, D & C reporter

Supervisor Lyon asked for comments or questions regarding this proposed sewer district.

Arthur Daughton - Please explain the boundaries of this sewer district. Supervisor Lyon - The properties owned by LaBerge, Mertz and Kommer.

Clifford Mertz - I own about 112 of the 120 acres and I have not asked for sewer, why not omit me? Supervisor Lyon - It could be possible.

Angela Dart - Why were the other established commercial properties excluded from this district? Supervisor Lyon - At first it was included; from the

meetings we held we were under the impression that you wanted these properties out, so we took them out.

Angela Dart - Shouldn't it be further considered?

Supervisor Lyon - We do not have to make a decision right now; there is time for further consideration.

Jim Winston - Why outline the Mertz property with sewer when he has no buildings or need for sewer?

Supervisor Lyon - We are not outlining the property; we are going through the property.

Arthur Daughton - Why are you considering putting the line on the opposite side of the road? Tony Malone - Forced line opposes a gravity fed line; and remember if it is a forced line, nobody can hook in.

Rose Frederiksen - You are going to use the drainage ditch, creek bed, whatever; will it be the one closer to the road or the one way out back? Tony Malone - It will be closer to the road and we are not going in the creekbed, but along side of it. Rose Frederiksen - What if you don't get the easements; and *you* aren't going to. Tony Malone - That would be a town board decision, but keep in mind that if they have to go with a forced line, no one can ever hook into it.

Jim Winston - If it goes along the side of Rt. 21 there is nothing that we can **do** about it, is that right? Supervisor Lyon - That's right; the town has a right-of-way along the side of the road. Winston - We would have to run another line if the people are allowed to hook in, right? Supervisor Lyon - No one can hook in if it's put along the side of Rt. 21, however, if it goes through the field, we will only have to pay for a small trunk line.

George Ruthven - I have lived here **40** years and have been getting along without a sewer. Why are you pushing this? Supervisor Lyon - We are trying to keep jobs in Palmyra.

Rose Frederiksen - The master Plan is only a guideline; why not put this out by Garlock?

Fred Mertz - how does Redman Plastic get along without a sewer? Supervisor Lyon - That is Town of Manchester and I would have no idea what arrangements were made for them.

Rose Frederiksen - How many easements will you need? Supervisor Lyon - Probably 5 or 6.

George Ruthven - How many easements do you actually have? Supervisor Lyon - None. Ruthven - You can go through condemnation Jroceedings if this is for a municipal use; right? Sup rvisor Lyon - I believe that is correct.

Angela Dart - What would the industrial rates be for this? Tony Malone - The rates would be based on their water use. Dart - Do you mean that a factory will not pay much more than I do? Malone - Rates are figured on usage, not by the number of users. Supervisor Lyon - This is a fairly common thing for sewer districts.

George Ruthven - how wide is the right-of-way on Rt. 21? Nelson Cook - About 60 feet total; approximately 30 feet from the centerline of the road. Brief discussion followed regarding the right-of-way.

Fran Rush - Why would you want to take them off the tax rolls? Supervisor Lyon - They would not be taken off the tax rolls; in-lieu-of taxes are generally the way the municipalities work this out; no arrangements of any kind have been made at this time however.

Jim Winston - Wouldn't this project be better built across the canal? Supe visor Lyon - There is not a lot of property across te canal in the first place, *nu* ns nearing 1s anc n1s slte. Your suggestion will be taken into onsideration however.

Rose Frederiksen - If you give every factory a

discount, you will tax us right out of town.

Arthur Daughton - This is taxpayer money; it is not coming out of the Town Board's pocket. What has been done for this project is commendable; but you (the Town Board) forgot the people involved. Tony Malone - The preliminary planning on this project was to benefit the most people of the Town of Palmyra. Daughton - Show us a formula for hooking up a factory. Malone - The legal notice shows what the state says needs to be done; Common practice is the number of employees would be basis to figure hook up fee or water consumption or number of people in a family.

Supervisor Lyon - No one is affected except possibly Mertz, so there will be no cost to you. Daughton - You get a grant; you put in the line; now you have to pay for caring for this line; who's going to pay for the care? What would it cost for Mr. Freund to hook in to this line and what cost per year to use these facilities? Supervisor Lyon - No more that three properties will pay for the maintenance on this line. No rates have been figured at this point; we don't have a line yet.

Jim Winston - Most factories waste a lot of water; where is the waste water going to go? Tony Malone - DEC says the town will adopt a ordinance describing where the waste water will go. Winston - I know, the storm system gets the waste water; there will end up being more factories and all the water will have to go into the sewer system. Malone - That is something the company would have to decide for themselves; along with deciding about gas and electric, water, taxes, etc. before deciding if that is really where they want to build.

Rose Frederiksen - If Mr. Mertz does not want sewer, how can you force him to pay maintenance? Tony Malone - The charge goes to user units only; no use,

no charge.

Cindy Mullin - The Kommer property has major AT&T lines going through it. Supervisor Lyon - We know this and we can work around it.

George Ruthven - You will have to use the Kommer property and there's not much potential for all of the money that would be spent. Supervisor Lyon - It is worth a lot to keep jobs locally.

Jim Winston - You are coming out there and durr.ping on us. The Board does not care what we think; you are wanting your canal project where they are now. Supervisor Lyon - This is not true. The canal project would be up to the Village; it has nothing to do with the town. Keep in mind that compromise has to be done on both sides; not just the town side.

Clifford Mertz - LaBerge has been wanting *my* property for years; I know he is going to make money on this deal somehow.

Angela Dart - Could *you* attach a drainage district to this project? Supervisor Lyon - We started checking on a drainage project, because *you* asked us to, and now you have a law suit against us.

Cindy Mullin - There is a lot of empty property out on Stafford Road. Supervisor Lyon - Rt 21 is a state road and there is no comparison to Stafford Rd.

Angela Dart - Has Gary LaBerge requested to be in this sewer district? Supervisor Lyon - There has been nothing done at this time. Dart - If in the future, a homeowner wants to hook in, can they? Tony Malone - Again, if this line is put through the back fields (a gravity fed line) homeowners could at some point be allowed to hook in. If along ctt 21, (a forced line) no one can ever hook in.

Cindy Mullin - If you do forced line, will *my* trees be lost? Supervisor Lyon - There is restitution that has to be done where needed.

Patty Diaz - I have measured in from of my house and my two old trees will have to be lost. Supervisor Lyon - If the centerline of the road is actually the center of the road can make a difference in that. You may not have much of a root system near the road because of the salt from the road over the years. Diaz - What about the telephone poles. Tony Malone - The telephone company will be out there and hold the poles while we are going through with the pipe.

Arthur Daughton - This \$400,000.00 that you are expecting to receive; has MRB already been chosen to do the work for that amount? Supervisor Lyon - No one has been chosen at this time. There is nothing in place at this time. Daughton - There could be devastating ramifications from going through yards; some advance planning could be helpful.

Patty Diaz - Considering all that is involved, isn't there another property that could be considered? Supervisor Lyon - We discussed this before you arrived.

Cindy Mullin - The trees in my yard are not important to you, but they are to me. We bought my parents house and those trees were planted when I was born. How can you make restitution for a 30-some year old tree? Tony Malone - Whenever possible we do not lay out a line that would take out trees. If a tree has to come out and a new planting done, it would go back far enough as to not have to touch it again.

Robert Henning - Why don't we just have LaBerge get porta-potties? Supervisor Lyon - It might be more that LaBerge that would need to do that.

Jim Winston - Do we go out the door tonight and you people pass this thing? Supervisor Lyon - It is not on the agenda for a decision tonight; maybe at the June 11 meeting and maybe even later. There is also the matter of the permissive referendum that has to be

decided.

George Ruthven - Why another hearing tonight?

Supervisor Lyon - The first hearing included about 6 - 9 properties; we had a few meetings and we are trying an alternate proposal with *only* 3 properties.

Jim Winston - When will you decide what way you are going to go? Supervisor Lyon - I told you maybe June 11 and maybe later than that.

Arthur Daughton - Do you have to supply engineering report with the HUD grant application?

Supervisor Lyon - Only a drawing. Daughton - Does MRB have a drawing of where this line is going to go?

Supervisor Lyon - No, we have not paid for any full blown engineering yet.

Cindy Mullin - Do you take our concerns and seriously consider them? Supervisor Lyon - Have we just wasted all this time? This is a board decision; that is why we are here; this is a public hearing tonight.

Arthur Daughton - This will be a repeat of the last public hearing. If that is your attitude, you are not doing your job properly. The minutes say that the first public hearing was adjourned and we never went back to it. I can show you that in the minutes.

\* Angela Dart agreed that the minutes said the public hearing was adjourned. \*

Supervisor Lyon - I felt I wasted by time at the meetings with your Board of Directors; there seemed to be no give on your part. Arthur Daughton - We would give you the Mertz property if everybody else was taken out.

\* Town Clerk rebuttal regarding wording of her minutes. Minutes of March 12, 1998 - Page 6 - Last paragraph of public hearing says and I quote: "Supervisor Lyon asked if there were any questions or comments that we had not already heard. There being none, this public hearing was closed at 8:45 PM and a ten minute recess was called.

Patty Diaz - When you are going to have a project of this magnitude, why weren't we notified?

Supervisor Lyon - We have taken that under advisement for the next project. Cindy Mullin - "Legally" is one thing, but what about small town common courtesy?

Supervisor Lyon - Like I said this has been taken into consideration.

Supervisor Lyon asked if there were any more comments or questions that had not already been discussed; there being none, he declared this public hearing closed at 9:25 PM.

PUB HRG  
CLOSED

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, My 28, 1998 at the Palmyra Fire Hall, East Main Street, Palmyra, was called to order at 9:35 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  
ALEGIANCE

In addition to those present at the public hearing, the following Town Board Members were present;

- Town Supervisor - David C. Lyon
- Town Board Members - David Nussbaumer
- Michael Lambrix
- James Welch
- (Lynne Green was on vacation)

COMMUNICATIONS

1. Copy of letter Bill Paxon wrote to Mr. Andrew Cuomo, Secretary of Housing and Urban Development RE: Town of Palmyra Small Cities Grant Program
2. Letter from Daniel P. Moynihan, US Senator RE: Our application for a Small Cities Grant
3. Town Clerk served with Notice of Petition PALMYRA, NY SOUTH CORRIDOR NEIGHBORHOOD ASSOCIATION, INC. Petitioner,

LTR - BILL  
PAXON TO  
CU<MJ RE  
SMALL CIT:=""  
PROGRAM

NOTICE OF  
PETITION  
CANAL CORRDR

vs.

TOWN OF PALMYRA, PAUL T. FREUND  
CORP. AND REBECCA KOMMER  
Respondents.





REPORTS OF STANDING COMMITTEES

Assessment Committee - Lynne Green, Chairman  
1. Assessor Update

ASSESS.MT COM  
REPOR'

No report at this time.

Highway Committee - David Nussbaumer, Chairman

HWY COM RPRT

1. Cablevision Update

David Nussbaumer reported that he had a new draft of the contract available if anyone wanted to look it over. Some of the things th::2 committee is working on are the term of the contractv improved customer service, number of houses per mile and the 3% that goes to each town. He feels that there are five great gentlemen doing the negotiating.

CBLVSION UPDTE

2. Doors for the red barn

Nelson Cook, Highway Superintendent, explained to the board that the repair cost for the large barn would be about \$1,000.00 and that the small one cannot be repaired; it needs to be replaced. He has a quote to replace the larger one for \$1,523.00 installed and the smaller one \$1,009 installed. He does have monies available to him in the capital facilities account and recommends, for the small difference in cost, replacing both doors. David Nussbaumer moved to approve a amount not to exceed \$2,552.00 to replace both the larger and the smaller doors on the red barn.

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Seconded by: James Welch Carried: Unanimously

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REPIA:::E  
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MIN CARR:::ED

3. Auction report

Mr. Cook reported that there were 1050 buyers at his annual municipal auction this year. They came from such places as CA, NY, RI, CT, NH, PA, NC, CANADA, etc. He said that the unofficial figures are:  
\$2,220,520.50 total sales  
\$ 19,190.12 commission to Town of Palmyra  
\$ 6,811.00 Town of Pal yra sales  
\$ 26,001.12 Gross retu:rn to Town of Palmyra

AUCTION REPRT

Planning Committee - James Welch, Chairman

PLANNING COM  
UPDATE

1. CEO Update

rtobert Grier, CEO, reported that ,he has issued a building permit for the mobile home park on Rt. 31,

CEO UPDATE