

PUBLIC HEARING

**FOR LOCAL LAW No. 1 FOR 2006
A Local Law Establishing Sewer Rents in the Town of Palmyra**

**PALMYRA TOWN HALL
MARCH 23, 2006**

The Public Hearing scheduled for Thursday, March 23, 2006 at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, to consider Local Law No. 1 for 2006---"A Local Law Establishing Sewer Rents in the Town of Palmyra and amending Local Law No. 4 for the year 1999, Local Law No. 1 for the Year 2000 and Local Law No. 1 for the year 2003" was called to order by Town Supervisor David Lyon at 7:30 p.m.

CALL TO ORDER

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

- David C. Lyon, Supervisor
- James Welch, Councilman
- David Nussbaumer, Councilman
- Kenneth Miller, Councilman

**HEARING
ATTENDANCE**

Also present at this hearing:

- Michael Boesel Palmyra Highway Superintendent
- Bob Grier Palmyra Code Enforcement Officer
- Todd Pipitone *Courier-Journal* reporter

Motion was made by Dave Nussbaumer to waive reading aloud of the legal notice, due to its length.

**MTN: WAIVE
ORAL READING
OF LEGAL
NOTICE**

Second: Jim Welch

Vote: 4 ayes. Carried.

**NOTICE OF PUBLIC HEARING ON
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 2006, entitled, "Local Law Establishing Sewer Use Rents in the Town of Palmyra and amending Local Law No. 4 for the Year 1999 and Local Law No. 1 for the year 2000" and "Local Law No. 1 for the Year 2003" as follows:

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

LOCAL LAW NO. 1 FOR 2006

Town of Palmyra County of Wayne State of New York

**A Local Law Establishing Sewer Use Rents in the Town of Palmyra
and amending Local Law No. 4 for the year 1999,
Local Law No. 1 for the Year 2000
and Local Law No. 1 for the year 2003**

Section 1. This shall be entitled "A Local Law Establishing Sewer Use Rents"

This law is enacted pursuant to Article 14-F of the General Municipal Law as there is hereby established and imposed sewer rents as a means of producing revenue for the sewer system of the Town of Palmyra and its sewer districts.

Section 2. The local law shall read as follows:

SANITARY SEWER RENT LAW OF THE TOWN OF PALMYRA, NEW YORK

Section 1. Definitions.

Billing Quarters. Billing Quarters shall begin in the first day of March, June, September and December in each calendar year.

Building. A freestanding structure in which water is consumed or in which wastewater is generated for disposal.

Charges. The total rent due for sewer use by each property connected to the sewer system.

- (1) The charge shall have a minimum of two components.
 - a) Consumption Charge: A charge based on the water consumed on the property measured at the rate of each 1,000 gallons of water as metered to the property.
 - b) Domestic Waste: The strength of the waste effluent discharged from a single-family unit as defined in the Sewer Use Local Laws.
 - c) Minimum Consumption: 15,000 gallons of water delivered to the property per quarter.
 - d) Sewer Units: A scale of annual charges established and imposed by the Town of Palmyra for services to a property connected to the municipal sewer system.
 - e) Standby Charge: A charge for the availability of sewer services to the property connected to the service.
 - f) Strength Charge: An extra charge for the processing of waste water that exceeds domestic strength.
 - g) Strength of Waste: The biological and chemical strength of waste.
 - h) Stub: The connection between the main sewer collection system and the exterior property line of the premises to be serviced by the main sewer line.

- i) Units: Each building directly connected to the municipal sewer system with a single line.

Section 2. Charges.

The sewer use rent for each property will include outstanding charges plus an amount computed on the water consumed on the property as determined by the metered flow of water to the property and a surcharge if the strength of the waste discharged is greater than domestic strength. The rate established from the effective date of this Local Law shall be as follows:

- (A) Rate based on water consumption
 1. The rate shall be \$4.00 per 1,000 gallons of water or part thereof used in each quarter.
 2. The minimum rate charged for any quarter shall be sixty dollars (\$60.00), the equivalent of fifteen thousand (15,000) gallons of water consumed or part thereof.
- (B) Standby Charge.
 1. Each unit connected to the municipal sewer in a district system, where the sewer system has been completed and there is no debt in the district for the construction and financing of the sewer system shall pay per unit the amount charge of Two Hundred Forty Dollars (\$240.00). One quarter of the annual charge shall be added to the quarterly sewer bill as computed in Paragraph 2.A above and paid when the quarterly charge is due.
 2. Each lot connected to the municipal sewer in an existing sewer district and/or sewer district extension, when the sewer collection system is approved for construction, or is being constructed or the system has been completed and the sewer district and/or extension has unpaid debt for the construction shall pay whatever amount is calculated as necessary to amortize the debt incurred for construction of the district's sewer collection system or its extensions. The total number of units will be divided into the sum necessary to amortize the debts in a calendar year. The resultant sum shall be the unit charge for that year. Said unit charge shall be paid in four (4) quarterly payments. This quarterly payment shall be added to the quarterly charge compiled in Section 2.A above and paid with that charge.
- (C) Charge for the strength of Waste.

In the event a unit shall send extra-strength effluent to the sewer system, the owner of the unit shall enter into a contract with the Sewer District or District Extension which considers the amount and strength of the waste effluent discharged to the system. Said charge as determined will be calculated on an annual or contractual basis for a set term and that charge will be paid at least annually but may be paid in quarterly installments with the sewer rent bill, all as determined by contract.

Section 3. Change of Status.

Every property owner or occupant shall notify in writing the Building Inspector within thirty (30) days of any change of status of property which requires a change in the number of units or fraction thereof to be used in determining the amount of sewer rents to be charged. The Building Inspector shall report any and all changes of status to the Town Board. Failure to notify shall be a violation of this Section.

Section 4. Right of entry.

The Building Inspector or other authorized representative of the Town shall have the right of access at any reasonable time to any premises served by the sewer system for the purposes of inspection in order to carry out the provisions of this Section in an equitable manner.

Section 5. New connections.

Any premises upon which a new building is constructed or being constructed and which is connected to the sewer system shall be liable for the sewer rent charge 120 days from the date of issuance of the building permit or the date of occupancy, whichever occurs first.

Section 6. Collection and enforcement of charges.

All unpaid delinquent sewer rent charges and penalties shall constitute a first lien on the real property served by the sewer system. On the first day of November of each year, the Supervisor shall present to the Town Board a statement setting forth the amount of each lien for sewer rents in arrears, the real property affected thereby and the name of the person in whose name the real property is assessed.

Section 7. Connection Fees.

Connection fees to the Town Sewer System shall be charged as follows:

- (A) An application to connect to the sewer collection system must be completed at the Town Building Department and submitted with a fee of Thirty-Five (\$35.00) Dollars.
- (B) All connections at the property line where the stub is located shall be charged a fee of Five Hundred Dollars (\$500.00), payable with the application to connect the municipal sewer system.
- (C) Any property connections to the municipal sewer system where there is no stub at the property line shall pay a fee of Fifteen Hundred (\$1,500.00) Dollars, payable at the time of application to connect to the municipal system. Application to connect to the municipal system will only be accepted if a sewer collection main is within fifty (50) feet of the property line.
- (D) Each property owner shall be responsible for the proper construction from the improvement on the property to the nearest public right of way in which the sewer collection line is located. This installation shall be inspected by the Town or its representatives prior to the connection into the sewer collection system. If the excavation in the public right of way is required to complete the connection to the existing or new sewer line, that work will be completed by the Town Highway Department or their agent.
- (E) If the connection involves commercial or industrial property where there are disposal problems because of the type or strength of the waste, the connection will be made by the owner's contractor. The fee will be increased for inspection by Fifty Dollars (\$50.00) per hour for each hour of inspection over four (4) hours required to complete the inspection. All work performed will be in compliance with all laws, rules, codes, regulations, and instructions. Any contractor shall submit a liability policy naming the Town as additional insured in an amount as specified by the Town.

Section 8. Reservation of powers by Town.

- (A) The Town reserves the right to change the basis for determining sewer use charges. The determination of the property owner classification as industrial or domestic shall be as determined by the Town.
- (B) The Town reserves the right, from time to time; to change sewer use charges originally or previously assigned.
- (C) The Town may require additional charges and/or penalties from a user to cover the added cost of handling and treating special wastes.

Section 9. Use of revenues.

Revenues derived from sewer rents shall be credited to a special fund to be known as the "Sewer Fund." Monies of such fund shall be used only in the manner and for the purposes specified and in the order required by Sewer Rental Law of the State of New York.

Section 10. Lien for Unpaid Sewer Rent.

The Town shall have a lien for unpaid sewer rent and any unpaid amount shall be added to the next Town tax bill pursuant to the applicable laws and rules.

Section 3. Unconstitutionality or Illegality.

If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Effective date.

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 23rd day of March, 2006, 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 23, 2006

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

**LYNDALL ANN P. GREEN
Palmyra Town Clerk**

Discussion involved an error in Section 7, (C):

"(C) Any property connections to the municipal sewer system where there is no stub at the property line shall pay a fee of Fifteen Hundred (\$1,500.00) Dollars, payable at the time of application to connect to the municipal system. Application to connect to the municipal system will only be accepted if a sewer collection main is within fifty (50) feet of the property line."

The legal notice had the words "Fifteen Hundred Dollars" spelled out, but the numerical amount read (\$2,500). The error was noted as being typographical, and that the correct amount is the spelled-out amount. The Town Clerk was directed to make the change.

(Note: The numerical amount has been corrected in the legal notice above.)

PUBLIC HEARING CLOSED

Since there were no other comments concerning the proposed local law, Supervisor Lyon declared the public hearing closed at 7:38 p.m.

REGULAR TOWN BOARD MEETING

CALL MEETING TO ORDER

At 7:39 p.m., Supervisor Lyon called to order the regular town board meeting, scheduled to be held on Thursday, March 23, 2006, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY.

PLEDGE TO FLAG

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

ROLL CALL

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.

MEETING ATTENDANCE

Also present at this hearing:

- Michael Boesel Palmyra Highway Superintendent
- Bob Grier Palmyra Code Enforcement Officer
- Todd Pipitone *Courier-Journal* reporter

Motion was made by Ken Miller to approve the minutes of the February 23, 2006 meeting of the Town Board.

MTN: APPRV MINUTES OF 2/23/2006 MEETING

Second: James Welch

Vote: 3 ayes. Motion carried.
Councilman David Nussbaumer abstained since he was absent at that meeting.

COMMUNICATIONS

1. Canal Corporation upcoming events: "In preparation for the upcoming 181st consecutive navigation season on the New York State Canal System, and in recognition of Earth Day 2006, the Canal Corporation is sponsoring the First Annual *Canal Clean Sweep* during the two weeks prior to the Canal's opening on May 1st (April 16-30). This event will encourage communities, not-for-profit organizations and volunteers throughout the Canal Corridor to engage in cleanup and beautification activities along the Canal System and the Canalway Trail." The first letter was to notify the town of the event and encourage cleanup activities in the community.

NYS CANAL CORPORATION UPCOMING EVENTS

A second letter was to announce National Trails Day, June 3, 2006, to celebrate the Canalway Trail. This event "is designed to increase awareness of the growing prominence of the Erie Canalway [National Heritage] Corridor as a world-class recreationway and tourist destination for visitors and residents." Several events planned by communities along the length of the canal are planned. "The NYS Canal Corporation and Parks & Trails New York will provide technical support and other resources to participants...."

2. Wayne County Fair letter: A letter from The Union Agricultural Society at Palmyra, sponsor of the Wayne County Fair, asked if town officials plan on participating in the Fireman's Parade on August 18, 2006, at 7:00 p.m. Consensus among board members was to participate, riding in a car or truck rather than a float. All board members indicated they plan to attend.

WAYNE COUNTY FAIR PARADE PARTICIPATION

3. Water Quality Grants: A letter from the Wayne County Soil and Water Conservation District announced the availability of local Water Quality Grants for homeowner septic system maintenance, public septic system maintenance, public marine pump-outs, and stormwater management under the Watershed Grants Program.

WATER QUALITY GRANTS AVAILABLE

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Ken Miller, Chairman

BUILDINGS & GROUNDS COMMITTEE REPORT

Ken Miller said at this time there was nothing new to report. He mentioned he had received a letter notifying the town that there are funds for trees available again this year to be used on town property.

Highway Committee – Michael Lambrix, Chairman

**HIGHWAY
DEPARTMENT
MONTHLY
REPORT FOR
MARCH**

- 1. Highway Department Monthly Report: Mike Boesel's monthly report listed a variety of jobs the Highway crew has worked on during the past month. Equipment previously ordered should arrive later this month. Mike attended Advocacy Day in Albany with other highway superintendents lobbying for more CHIPs money. With the municipal auction scheduled for May 20th, he will have surplus items listed for next month's meeting.

Plans this year include Shilling Road work. The town received the permit for this work from the Army Corps of Engineers. In addition, the Route 21 sidewalk project from the village line to Town Hall appears to be progressing smoothly.

Mike included an annual summary of salt orders so board members could compare previous years' salt consumption with the current year. He concludes his report by stating, "We appear to be in good shape for the salt budget."

- 2. Upcoming Highway School: Mike asked the board for approval of his attendance at Highway School in Ithaca on June 5-7. He estimates the cost to be \$350, which he had budgeted. Motion was made by Dave Nussbaumer to approve Mike's request to attend Highway School at a cost not to exceed \$350.

**MTN: APPROVE
MIKE BOESEL'S
ATTENDANCE
AT HIGHWAY
SCHOOL IN
JUNE**

Second: Ken Miller

Vote: 4 ayes. Carried

Planning Committee – James Welch, Chairman

No report at this time.

Zoning Committee – David Nussbaumer, Chairman

**CEO REPORT
FOR MARCH**

- 1. Code Enforcement/Zoning Office Monthly Report: Zoning and Code Enforcement Officer Bob Grier submitted a monthly report showing Permit activity during the previous month. He also noted he had attended in-service training during the month.

**UPDATE: OLD
WATERWAYS
TRAILER PARK**

- 2. Recent happenings on old trailer park: Jim Welch asked about the former Waterways Trailer Park on Route 31 East. Bob Grier said an old trailer had been on the property. He notified the owner that it

was in violation of code. It was removed. Now, there is a tractor-trailer on the property. Bob will be following up.

3. Update on Trolley Road property: Bob announced that Kevin Carrier pled guilty in court to violations and was fined. Kevin has 45 days to get a temporary certificate of occupancy for a trailer on this property to be used as an office.

**UPDATE ON
TROLLEY ROAD
PROPERTY
CLEANUP**

4. Other recent findings: He notified the board that Willow Landing Apartments on Division Street has started advertising in local newspapers for applicants to move in to the apartments mid-summer.

**OTHER RECENT
FINDINGS**

He also learned that to purchase a manufactured (mobile) home, the buyer will now have to have a certificate from a warranted seller before it can be placed in a manufactured home park.

INFORMATIONAL ITEMS

1. Assessor's Report for March: Palmyra Assessor Elaine Herman reports that all exemptions have been received by now. She has been around town looking at properties with new construction. Scanning and microfilming of Assessor's files are almost done. It has taken about 5 months from start to finish. Grant money for this project was to "protect our records in case anything should happen to the originals." Elaine also reported on the status of lawsuits which were brought against the town in assessment disputes. Two of the three have been settled out of court.
2. Red Cross Facility Agreement Update: During March, copies of the Red Cross insurance policy were received, as requested by the town board. In the agreement, Item 3 states: "Provide support to access utilities and other resources. Indicate which party will be responsible for the cost of...utilities, on a prorated basis, for utilities actually used during the Term." The board decided that since the agreement is for use as a short-term evacuation shelter, the town could pick up the cost for these utilities.
3. 2005 Town Financial Report: Legal notice published and posted during March let the public know last year's financial report is available in the Town Clerk's office.

**ASSESSOR'S
REPORT FOR
MARCH**

**RED CROSS
FACILITY
AGREEMENT
UPDATE**

**2005 TOWN
FINANCIAL
REPORT
AVAILABLE**

**LETTER IN
RESPONSE TO
WAYNE ARC**

- 4. Communications with Wayne ARC: As directed by the board at last month's board meeting, Supervisor Lyon sent a letter to Thomas Gramley, Executive Director of Wayne ARC asking that they consider an alternate site for their proposed group home on Jeffery Road. The property is located at 217 Cuyler Street in the village. On March 23rd, the Town received a reply from Mr. Gramley stating "unfortunately, the...site is not satisfactory to our agency due to the lack of land that is attached to the home itself and its location in the Village." He added that they are looking for a rural site. "Please be advised that pursuant to Mental Hygiene Law Section 41.34, the Town of Palmyra now has fifteen days from receipt of this letter to either (1) suggest other alternate sites, meeting our site selection criteria, or (2) submit a request to the Commissioner of OMRDD for an immediate hearing to resolve this issue based on the Town's decision to reject our site at Jeffery Road, or (3) Approve the Jeffery Road site."

AGENDA ITEMS

**DECISION
ABOUT WAYNE
ARC GROUP
HOME REQUEST**

- 1. Wayne ARC Group Home Update: After discussion among board members, it was decided to not respond within the 15-day time period, which would mean assent by the town.

**MTN: APPROVE
LOCAL LAW
No. 1 FOR 2006**

- 2. Local Law No. 1 for 2006: Motion was made by Dave Nussbaumer to approve Local Law No. 1 for 2006 as corrected. Jim Welch asked if anyone had calculated the difference in rates. Dave Lyon said he will continue negotiating with the village because they want the rates to be higher. For now, the base rate of \$30 is not a big increase.

Second: Ken Miller

Vote: 4 ayes. Carried.

**MTN: SET
HEARING DATE
FOR ROTHFUSS
SMALL ENGINE
REPAIR**

- 3. Schedule Hearing Date for Special Use Permit: Application has been received from Tamela Rothfuss for a Small Engine Repair Shop on Tellier Road. Dave Nussbaumer made the motion to schedule the hearing for Thursday, April 27, at 7:30 p.m. in the East Palmyra Fire Hall.

Second: Ken Miller

Vote: 4 ayes. Carried.

4. Newport Alliance annual agreement: Each year, the Town contracts with The Newport Alliance to conduct mandated employee drug testing. Ken Miller made the motion to renew the contract with The Newport Alliance.

**MTN: RENEW
CONTRACT WITH
THE NEWPORT
ALLIANCE**

Second: Dave Nussbaumer

Vote: 4 ayes. Carried.

5. Palmyra Web Site Upgrades: The Town of Palmyra shares a web site with the village. Major changes in the site haven't been made since its creation in 1997. A local professional web designer, Bill Unterborn, has worked with our Webmaster, Betsy Lewis, and both agree an update is in order. Betsy contracts with the town each year to maintain the web site. She has agreed to continue. Bill would change the look of the site, adding new information showcasing what Palmyra has to offer prospective business owners. Both Supervisor Lyon and Mayor Daly feel the requested fee of \$1450 is reasonable for such a modernization and upgrade. This one-time cost would be divided between the town and the village. The village approved the expenditure of \$725 for its half of the fee at its meeting on March 20th. Dave Nussbaumer made the motion to upgrade the web site with the town's half not to exceed \$725.

**MTN: APPROVE
\$725 FOR HALF
OF COST TO
UPGRADE
PALMYRA WEB
SITE**

Second: Ken Miller

Vote: 4 ayes. Carried.

6. Approve Abstract #100 (for vouchers already paid) & Abstract #101 (for vouchers to be paid): Ken Miller made the motion to approve the claims and expenditures shown on Abstract #100, which includes Voucher Numbers 7021 through 7027, for a total amount of \$21,976.38; and Abstract #101, which includes Voucher Numbers 7028 through 7103, for a total amount of \$192,538.49.

**MTN: APPROVE
ABSTRACTS
#100 AND #101**

Second: Dave Nussbaumer

Vote: 4 ayes. Carried.

7. Enter into Executive Session: At 7:59 p.m., Jim Welch made the motion to enter into Executive Session to discuss matters of personnel.

**MTN: ENTER
EXECUTIVE
SESSION**

Second: Dave Nussbaumer

Vote: 4 ayes. Carried.

At 8:28 p.m., Supervisor Lyon declared the board out of Executive Session.

**EXIT EXECUTIVE
SESSION**

**MTN: ADJOURN
MEETING**

8. Adjournment: Motion to adjourn was made at 8:29 p.m. by Dave Nussbaumer.

Second: Ken Miller

Vote: 4 ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

Next town board meeting: Thursday, April 27, 2006, at 7:30 p.m.
East Palmyra Fire Hall