

PUBLIC HEARING

**FOR LOCAL LAW No. 2 FOR 2006
A Local Law Establishing Sewer Rents in the Town of Palmyra**

**PALMYRA TOWN HALL
JULY 27, 2006**

The Public Hearing scheduled for Thursday, July 27, 2006 at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, to consider Local Law No. 2 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, Local Law No. 1 for the year 2003 and Local Law No. 1 for the Year 2006" 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
- Michael Lambrix, Councilman
- David Nussbaumer, Councilman
- Kenneth Miller, Councilman

**HEARING
ATTENDANCE**

Also present at this hearing:

- Michael Boesel and Bob Grier for the Town
- and various residents of the town

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: Ken Miller

Vote: 4 ayes. Carried.

**NOTICE OF PUBLIC HEARING ON
PROPOSED LOCAL LAW**

PLEASE TAKE NOTICE that there has been introduced on June 22, 2006, before the Town Board of the Town of Palmyra in the County of Wayne and State of New York a proposed Local Law No. 2 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, Local Law No. 1 for the year 2000, Local Law No. 1 for the Year 2003, and Local Law No. 1 for the Year 2006" which reads as follows:

LOCAL LAW NO. 2 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,
Local Law No. 1 for the Year 2003,
and Local Law No. 1 for the Year 2006.**

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 seven dollars (\$7.00) per one thousand (1,000) gallons of water or part thereof used in each quarter.
2. The minimum rate charged for any quarter shall be one hundred five dollars (\$105.00), 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 sixty dollars (\$60.00). 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 one hundred twenty (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:

All connections at the property line where the stub is located shall be charged a fee of one hundred dollars (\$100.00), payable with the application to connect the municipal sewer system.

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 11. Construction Procedure

Prior to construction and during construction the applicant shall:

- (A) Make an application to connect to the sewer collection system on Town Forms and file it with the Town Building Department and pay the fee required which includes inspection of four hundred thirty-five (\$435.00) dollars.
- (B) Reimburse the town or the Wayne county Water and Sewer for all expenses necessary to make a connection passable to the existing sewer collection system. Prior to commencing construction the applicant shall deposit the estimated cost of said reimbursement. If the estimate exceeds the cost the overage will be returned, if the estimate is less then the cost then the additional amount will be billed. If the amount billed is not paid, it will, by town resolution, be added to the next town tax bill along with delinquent sewer charges.

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 20 of the Municipal Home Rule Law, a public hearing will be held on the aforesaid proposed amendment to Local Law before the Town Board of the Town of Palmyra at the Town Hall, 1180 Canandaigua Road, in the Town of Palmyra, New York at 7:30 p.m. on July 27, 2006, at which time all interested persons will be heard.

Dated: June 22, 2006

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PALMYRA

LYNDALL ANN P. GREEN
Palmyra Town Clerk

Supervisor Lyon opened up the hearing to those present. One or two questions were asked about sewer charges, which were answered by Supervisor Lyon. Usage fees are paid to the Village of Palmyra, who processes the wastes in their treatment plant. He explained that the new rate raises some service fees and lowers others so that for the “average” user—estimated at 15,000 gallons per quarter—the cost “ends up about the same.”

**MTN: PUBLIC
HEARING
CLOSED**

After the explanation, there were no other comments concerning the proposed local law. At 7:37 p.m., Mike Lambrix made the motion to close the hearing.

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

REGULAR TOWN BOARD MEETING

**CALL MEETING
TO ORDER**

At 7:37 p.m., Supervisor Lyon called to order the regular town board meeting, scheduled to be held on Thursday, July 27, 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
- Michael Lambrix, Councilman
- David Nussbaumer, Councilman
- Kenneth Miller, Councilman

Motion was made by Dave Nussbaumer to approve the minutes of the June 22, 2006 meeting of the Town Board.

Second: James Welch

Vote: 4 ayes. Carried.
Councilman Mike Lambrix abstained.

**MTN: APPRV
MINUTES OF
6/22/2006
MEETING**

COMMUNICATIONS

1. Palmyra and East Palmyra Fire Departments requests: Both fire departments submitted requests asking the town to begin the negotiation process for their contracts which start in 2007. Current contracts end December 31, 2006. Supervisor Lyon asked Mike Lambrix to coordinate these meetings. Mike asked Dave Nussbaumer to work with him.

**REQUESTS
FROM PALMYRA
& EAST
PALMYRA FIRE
DEPTS. TO
BEGIN
CONTRACT
NEGOTIATIONS**

2. Letter to NYS Public Service Commission about Time Warner Cable fees: Supervisor Lyon recently sent a letter to the NYS Public Service Commission advising them that "the Town of Palmyra has discussed the recent Order of the Public Service Commission in Case 05-V-0210 with representatives of Time Warner Cable. We agree that Time Warner Cable will not pay franchise fees on the amounts collected by Time Warner from customers based on the franchise fee payments made by Time Warner Cable to the Town of Palmyra ('the fee on fee') for any period prior to this date [or for the future term of the existing franchise unless we give Time Warner ninety (90) days advance notice to pay such fee on fee] as these amounts may be passed through to customers."

**LETTER TO NYS
PUBLIC SERVICE
COMMISSION
ABOUT
FRANCHISE
FEES PAID BY
TIME WARNER
CABLE**

Dave Lyon said the town had hired a company to investigate Time Warner Cable's charges, and this is a letter to the regulators.

3. Resignation on Zoning Board: A letter was received from Gary Wildey, announcing that he has decided not to continue on the Town Zoning Board of Appeals when his term ends in September 2006. He has chaired this board for almost 20 years, and wanted to give the town board advance notice so someone could be appointed to the Zoning Board to replace him.

Mike Lambrix made the motion to accept Gary's letter of resignation with regret.

**MTN: ACCEPT
GARY WILDEY'S
RESIGNATION
FROM TOWN
ZONING BOARD
OF APPEALS**

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

LETTER ASKING NY GOVERNOR PATAKI TO SUPPORT LEGISLATION ABOUT PLEA BARGAINING TRAFFIC TICKETS

- 4. Association of Towns letter about pending policy regarding plea bargaining: New policy, scheduled to be effective September 1st, bars NYS Troopers from negotiating traffic tickets in town justice courts. This would transfer this responsibility to officers in town courts and county district attorneys. Court delays and added costs would result. The NYS Association of Towns has requested Supervisors to write Governor Pataki asking his support for legislation—which has passed the Assembly and Senate—to bar this new policy from becoming effective.

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Ken Miller, Chairman

BUILDINGS & GROUNDS COMMITTEE REPORT

- 1. Ken Miller reported that some exterior painting of the building has taken place this month, and the hood was removed from the kitchen. There was a roof leak during heavy rains this past month and he suspects a vent backing up on the newly-installed roof. It will now be necessary to patch the hole where the kitchen vent was. He is also trying to track down another leak that has been reported.

UPDATES OF ACTION AT TOWN HALL

Window air conditioners have now been installed in the Supervisor’s office and the Server Room. With computer and other sensitive equipment in the Server Room, it was necessary to cool the room to avoid damage. Recent hot days have been hard on the new equipment.

PROPOSED CONTRACT WITH FACILITY SERVICES RENTAL SERVICE COMPANY

- 2. Ken asked board members to review a proposed contract between the town and Cintas, a Facility Services Rental Service company. Cintas offers a variety of products and services to companies including floor mats, cleaning equipment, bathroom and hygiene products, etc. Ken was not ready to make a recommendation at this time and he asked that this be discussed at the August meeting.

MTN: APPROVE REVISIONS TO TOWN HALL BUILDING USE POLICY

- 3. Policy for Use of Town Hall Revisions: When the new policy for using the Town Hall was implemented in 2003, it allowed for revisions and updates after trying it out. Ken had made minor revisions to the policy which board members reviewed. These include having a benefit to the residents of the town, returning fees immediately for any activities which do not take place as planned, new applications submitted annually for approval by groups—not “grandfathered in”—from year to year and that decisions made by the town board are final and uncontestable.

Ken Miller made the motion to adopt the revisions.

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

4. Building Usage Items: Three unusual requests for building usage were received in June and had been tabled to this meeting. The Palmyra-Macedon Kiwanis Club requested that the Palmyra Town Hall be named on an application they are submitting to the NYS Department of Health in Geneva, to operate a hot dog wagon as a fund raiser. They need an established building with a triple sink to include on their application. Ken Miller explained the Town Hall would be for back-up use only. He made the motion to approve their request with the following conditions: a- the Town of Palmyra will incur no costs for inspection and certification of the building and the kitchen, b- the Town of Palmyra is not responsible for coordinating this with the Department of Health, and c- the hot dog wagon unit may not be stored on site.

**MTN: APPROVE
KIWANIS CLUB
NAMING TOWN
HALL ON DEPT.
OF HEALTH
APPLICATION**

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

Lighthouse Baptist Church requested use of Town Hall for holding church services—two services each Sunday and one on Wednesday evenings. After receiving the application and checking it out, Ken felt that it is best to avoid religious services on the premises. Ken made the motion not to approve the application.

**MTN: TO DENY
REQUEST TO
LIGHTHOUSE
BAPTIST
CHURCH FOR
CHURCH
SERVICES AT
TOWN HALL**

Second: Mike Lambrix

Vote: 5 ayes. Carried.

Provident Living Academy made a request for October use. Ken hadn't been able to connect with the people listed on the application, nor could he find out anything about the proposed private school. Lynne Green offered that she had talked with the applicant and had been informed by telephone that the application is to be considered withdrawn. No further action was necessary on this request.

**PROVIDENT
LIVING
ACADEMY
REQUEST
WITHDRAWN**

5. Air Conditioning controls in Large Meeting Room and Gym: Lang Heating and Cooling inspected the heating/cooling system in the large meeting room and in the gym with Ken Miller. The thermostat equipment is obsolete and no parts can be purchased to repair it. Ken has been looking into a thermostat which can be used to heat or cool the air, is controlled easily by those using the room, and has a timer mechanism to set the temperature for the length of time the room will be occupied. The Lang representative expects all new controls will need to be used, and gave Ken a verbal quote of \$850

**MTN: UPGRADE
THERMOSTAT
CONTROL
SYSTEMS IN
GYM AND
LARGE MEETING
ROOM**

per room. This quote follows purchasing policy guidelines. Ken made the motion to accept Lang Heating and Cooling’s quote to upgrade the control systems in both the gym and large meeting room, capable of selecting heat or cooling as needed, with a timer which can be set for each occasion, at a cost not to exceed \$850 per room.

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

Highway Committee – Michael Lambrix, Chairman

**HIGHWAY
DEPARTMENT
MONTHLY
REPORT**

1. Highway Department Monthly Report: Mike Boesel's report for July listed a variety of jobs the Highway crew has worked on during the past month. It includes the identification of a patch of suspected toxic hogweed near Swift’s Landing Park. Ken Miller asked Mike to thank the highway crew for removing the range hood in the kitchen at Town Hall.

2. Replace boiler at Highway Barns: Mike wants to replace the boiler at the highway barns as it has a cracked casting. He has received quotes from two companies so far. His request to the board was to go with Lang’s Option 3: Furnish (1) Peerless WBV-04 oil-fired boiler, installed using conditions of proposal, at a quote of \$4975. Mike Lambrix made the motion to approve purchase of the WBV-04 oil-fired boiler from Lang Heating and Cooling.

**MTN: REPLACE
BOILER AT
HIGHWAY
BARNs**

Second: Dave Nussbaumer

Vote 5 ayes. Carried.

Ken Miller suggested that Mike negotiate with Lang to see if we could get a discount of some kind since we would be contracting with them for two projects, not just one.

3. Personnel issues in the Highway Department: Tom Fraser is out on disability and is not expected back for several weeks. Mike has also received a “verbal resignation” from Steve Kemp, with an ending date of July 28. He asked the town board this evening to approve his advertising for this job opening so he could get the notice in the newspaper in time for the next day’s deadline. Dave Nussbaumer made the motion to advertise for a new highway employee to replace the resigning one.

**MTN:
ADVERTISE FOR
NEW HIGHWAY
DEPT.
EMPLOYEE**

Second: Ken Miller

Vote: 5 ayes. Carried.

Mike Boesel expressed the idea that he would like to hire a temporary employee with a Class B license primarily to drive trucks, to work only as needed up to 40 hours per week, with no added benefits. He thought it might be a good position for a retiree, to help out when the

Highway crew's number is down due to resignations, leave or vacations. The board decided that Dave Lyon and Mike Lambrix will work with Mike Boesel on this project.

- 4. Upcoming Highway Conference: Mike Boesel asked the board for approval of his attendance at the Fall Highway Conference in Alexandria Bay on September 10-14. He estimates the cost to be \$550, which he has budgeted. Motion was made by Mike Lambrix to approve Mike's request to attend Highway School at a cost not to exceed \$550.

**MTN: APPROVE
FALL HIGHWAY
CONFERENCE
ATTENDANCE
SEPT. 10-14**

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

Planning Committee – James Welch, Chairman

Councilman Jim Welch shared an email from Peggy Green letting him know that Commodore Machine Company in Bloomfield plans to expand their facilities in the near future. They are considering a new plant site for their plastics business and felt Palmyra should actively pursue bringing them here.

**OPPORTUNITY
FOR NEW
BUSINESS IN
PALMYRA**

Zoning Committee – David Nussbaumer, Chairman

- 1. Code Enforcement/Zoning Office July Report: Zoning and Code Enforcement Officer Bob Grier submitted a monthly report showing Permit activity during the previous month.
- 2. Animal Hospital sewer request: The new owners of the Palmyra Animal Hospital, Animal Hospital of Pittsford, want a sewer system to be installed on the premises sometime this Fall, and are willing to pick up the cost from the nearest sewer line to their location. Their engineers have submitted a plan to the town. MRB, engineering firm representing the town has looked over the plan. They ask that the town board direct someone to set up a sewer district for the animal hospital and any neighboring houses that could benefit from such a hookup. It has been designed to tie into the Dar-Lind Lane sewer line.

**CEO/ZONING
OFFICE
REPORT FOR
JULY**

**ANIMAL
HOSPITAL
SEWER
REQUEST**

Retired veterinarian Dr. Jon Krause was at the board meeting and would like to sell the lot. He said that the sewer project has been in the works for over two years. In his opinion, this opens up sewer service to many properties along Route 21 with no installation cost

to the town. Bob Grier said this project has the potential to pick up 10 to 12 sewer customers. In the discussion, the question was asked if the installation could be approved as an out-of-district user, instead of considering it as a separate sewer district. Dave Lyon said he would talk with our attorney about it.

It was decided that Dave Lyon and Bob Grier would work on the project and come back to the board with a determination.

**GARLOCK
CONSTRUCTION
UPDATE**

- 3. Other projects in the works: Bob Grier updated the board on other projects around town: the Garlock construction project is in the final stages of steel erection. The wall construction and installation of water and sewer service moves along.

**CROSS CREEK
CHURCH SITE
PLAN FOR NEW
CONSTRUCTION**

Cross Creek Methodist Church plans to build a new building between Vienna Road and the VOA building on Route 31. The site plan is now being presented to the town Planning Board.

**WILLOW
LANDING APTS.
UPDATE**

At Willow Landing, the new apartment complex on Division Street, there has been a concern about outside storage. Their management has been very cooperative, and issues have been resolved thus far.

**UPDATING
ZONING CODES
STATUS**

- 4. Updating the Zoning Codes: Bob met with Stu Brown Associates about the project of updating Palmyra zoning codes. They will meet again in August, then present a draft to the Town Board and the Planning Board, hoping for a final approval in November or December this year.

**MULTI-FAMILY
INSPECTIONS
INCREASE**

- 5. Zoning/Code Enforcement Office Revenues: Bob explained to the board that last year, it was anticipated that the cost of a proposed part-time clerk in the Zoning Office would be offset by increased revenues received in that office. With over 600 multi-family units in the town and village, and with inspections of those units bringing in revenue, it was important for the zoning officers, particularly Dan Wooden, to be able to get away from the office and inspect as many as possible. So far this year, about \$4,000 has been received from these inspections, already exceeding the revenue goals projected last Fall.

**UPDATE ON
CURRENT
COURT CASES**

- 6. Update on Court cases: Dibert property on North Creek Road—property not yet cleaned up, going back to court. Scheer property on Quaker Road—not yet received final approval. The house at the curve on Tellier Road in East Palmyra is in disrepair—owner has been served and comes to court in August.

7. Mini-Storage Unit on North Creek Road: Scott Gonyeo is about to purchase a mini-storage business on North Creek Road, but just found out the current owner has a non-transferable Special Use Authorization from the Town of Palmyra to operate the business. He has filled out the application for his own Special Use Authorization, and wanted the board to schedule a public hearing for the August meeting so he can proceed with the purchase. Since he had just received the application earlier in the day, Bob Grier said he was not ready to make a recommendation. He agreed to process the paperwork and make copies available to board members before the next meeting on August 24. Dave Nussbaumer then made the motion to schedule the public hearing for the Special Use Authorization on August 24, 2006, at 7:30 p.m. at the Palmyra Town Hall.

**MTN:
SCHEDULE SUA
HEARING FOR
8/24/2006**

Second: Jim Welch Vote: 5 ayes. Carried.

INFORMATIONAL ITEMS

1. Assessor's Report for July: Palmyra Assessor Elaine Herman reports that the final assessment roll was filed on time, and assessor's reports have been mailed and received by the State as required. She also attended the annual Cornell seminar this month.
2. Second Quarter escrow payment for gravel: The second quarter payment to the town by Morrison Excavating, Inc. for gravel removed on Division Street was received in July.

**ASSESSOR'S
REPORT FOR
JULY**

**ESCROW PYMT.
TO TOWN FOR
GRAVEL MINING**

AGENDA ITEMS

1. Local Law No. 2 for 2006: Motion was made by Mike Lambrix to approve Local Law No. 2 for 2006.

**MTN: APPROVE
LOCAL LAW
NO. 2 FOR 2006**

Second: Ken Miller Vote: 5 ayes. Carried.

- 2. Resolution—Authorization to Dispose of Property: The following resolution was presented to the town board for consideration:

RESOLUTION

**TOWN OF PALMYRA
WAYNE COUNTY, NEW YORK STATE**

**RESOLUTION:
AUTHORIZATION
TO DISPOSE OF
PROPERTY**

WHEREAS, the Town of Palmyra has received from the County of Wayne, land at 385 Prospect Drive in the Village of Palmyra; and

WHEREAS, the Town of Palmyra desires to declare the property as surplus.

NOW, THEREFORE, BE IT RESOLVED that the Town of Palmyra declares the property received from the County of Wayne located at 385 Prospect Drive, in the Village of Palmyra, and

BE IT FURTHER RESOLVED, that the Town of Palmyra be authorized to dispose of said property at public or private sale in an expeditious manner in order to have the property returned to the tax rolls, and

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Palmyra shall take such steps as may be necessary to implement the sale of the building.

DATED: July 27, 2006

TOWN BOARD OF THE TOWN OF PALMYRA

**MTN: DECLARE
PROPERTY AT
385 PROSPECT
DR., PALMYRA
AS SURPLUS**

The town acquired from Wayne County the property at 385 Prospect Drive, Palmyra (Tax parcel 64111-12-834658). Mike Lambrix made the motion to dispose of the property by declaring it as surplus.

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

- 3. Special Request from Ray's Bridge Pub: Owners of Ray's Bridge Pub came before the board to ask permission for a one-time extension of their current Special Use Permit terms. They want to hold a wedding reception on the premises, including a live band until 11 p.m. The request detailed the way in which they will handle issues of noise, space, checking identification for legal drinking age, etc. and is included with these minutes as Attachment A. They also presented papers signed by 25 neighbors stating, "Ray's Bridge Pub has informed us that they are having a wedding and reception on August 5, 2006. We are aware that they would like to have outside entertainment from 6:00 p.m. till 11:00 p.m. We also have been informed that this is a one time event. We have no problems with them having this event." Bob Grier said there have been no complaints from neighbors. With the terms in the letter agreeable to

the board, Mike Lambrix made the motion to approve this one-time request for a wedding reception.

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

In addition, board members expressed how much they like the new building. Mike Lambrix said, "Thank you, it looks nice." Dave Nussbaumer stated he appreciated their working with the town.

**MTN: APPROVE
SPECIAL
REQUEST BY
RAY'S BRIDGE
PUB**

4. Budget Adjustments: Supervisor Lyon read the following budget adjustments for the General Fund:

Increase Expense:

Decrease Expense:

Records Mgmt. – Equipment
A1460.200 \$479.89

Records Mgmt. – Cont. Exp.
A1460.400 \$479.89

Records Mgmt. – Equipment
A1460.200 \$655.24

Archives – Cont. Exp.
A1410.401 \$655.24

Increase Expense:

Decrease Expense:

Computer Support – Cont. Exp.
A1680.400 \$537.48

Computer Support -- Equipment
A1680.200 \$537.48

Ken Miller made the motion to approve these budget adjustments for the General Fund.

**MTN: APPROVE
BUDGET
ADJUSTMENTS**

Second: Jim Welch Vote: 5 ayes. Carried.

5. Approve Abstract #108 (for vouchers already paid) & Abstract #109 (for vouchers to be paid): Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #108, which includes Vouchers 7347 through 7351, for \$19,553.36; and Abstract #109, which includes Vouchers 7352 through 7427, for \$35,709.14.

**MTN: APPROVE
ABSTRACTS 108
AND 109 FOR
PAYMENT**

Second: Mike Lambrix Vote: 5 ayes. Carried.

6. Adjournment: Motion to adjourn was made at 8:38 p.m. by Mike Lambrix.

**MTN: ADJOURN
MEETING**

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

Attachment A: Letter to Town of Palmyra from Ray's Bridge Pub, Inc. for special request.

Next town board meeting: Thursday, August 24, 2006, at 7:30 p.m.
Palmyra Town Hall