

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board scheduled to be held on Thursday, February 26, 1998 at the Town Office, 201 East Main Street, Palmyra, NY, was called to order at 7:30 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
- James Welch
- (Lynne Green and Michael Lambrix were absent)

Others in attendance at this meeting included:

- Ami Arnold - the TIMES
- Nelson F. Cook - Highway Superintendent

David Nussbaumer moved to approve the minutes of the January 22; 1998 Town Board meeting.

MIN TO APPRV  
1/22/98 MIN.

Seconded by: James Welch ::arried: Unanimously

MIN CARRIED .

The Town Board accepted the Supervisor's Monthly Report for filing.

SUPER'S MO.  
REPORT'

COMMUNICATIONS

There were no communications.

REPORTS OF STANDING COMMITTEES

- Assessment Committee - Lynne Green, Chairman
- 1. Assessor Update

ASSESSMI' COM.  
REPORT'

Ann Vingee-Taber, Sole Assessor for the Town of Palmyra, submitted a written report that is kept in a file folder entitled "Assessor Update/Code Enforcement Officer Update" as kept with these minutes.

- Highway Cnmmitttee - David Nussbaumer, Chairman
- 1. Awarding of pl@quipment bid

HWY COMM.  
REPORT

Nelson F. Cook, Highway Superintendent, reported to the board that he had received the following three bids on the plow equipment:

- #1 - Jerry's Lubes & Highway Supplies
  - Option 1 - \$14,830.00 (Frink)
  - Option 2 - \$16,350.00
- #2 - Jerry's Lubes & Highway Supplies
  - Option 1 - \$14,856.00 (Viking)
  - Option 2 - \$16,336.00
- #3 - Roberts Equipment
  - Option 1 - \$12,155.00 (Yf!f,est)
  - Option 2 - \$15,155.00

AWRD:; OF PLOW  
EXJU. BID

Upon discussing this with Paul T. q ry, Attorney,

both he and Mr. Cook recommend re-bidding same. It is that or waiving some of the specs.

MTN RO RE-BID FOR PLOW EQUIP.

David Nussbaumer moved to throw out all of the bids and to rebid for plow equipment.

MIN CARRIED

Seconded by: James Welch Carried: Unanimously

2. Awarding of dump body bid

Mr. Cook reported to the board that he had received

only the following two bids on the dump body:

- #1 - Jerry's Lubes & Highway Supplies  
Henderson dump body & hoist \$7,999.00
- #2 - Roberts Equipment  
Everest dump body & hoist \$6,997.00

Mr. Cook recommended Jerry's Lubes & Highway Supplies because their's is the only one that meets specs.

MIN TO APRV PURCHASE OF DUMP BODY

David Nussbaumer moved to approve the purchase of dump body & hoist at cost not to exceed \$8,000.00.

MIN CARRIED

Seconded by: James Welch Carried: Unanimously

Mr. Cook informed the board that he is presently having a complete inventory of the signs in the Town of Palmyra put together and as soon as it is completed he will file one in the Town Clerk's office.

Planning Committee - James Welch, Chairman

CEO UPDATE

1. CEO Update

Robert Grier, Code Enforcement Officer, reported that the old Levis Building on the north side of Walker Road is going to be demolished; Boerman will be using the cement building for storage. Had septic system put in at old Herman Building; and his software package is being looked into by Cathy Contant.

2. Combined Planning Board arrangements

Mr. Grier stated that there are presently five members on each board and three of them expressed an interest in combined boards. He feels there should be seven member boards and that the chairman should be a paid position; the chairman position will take a considerable amount of work and will be an important position.

COMBINE PLANNING BOARDS

3. Special use Requirements eliminated

Robert Grier, CEO, said that the Zoning Ordinance

could easily be amended. James Welch moved to have Robert Grier go over the Zoning Ordinance specific to special use.

MIN TO HAVE  
CID REVIEW Z  
ORDIANCE RE:  
SPECIAL USES

Seconded by: David Nussbaumer Carried: Unanimously

MIN CARRIED

At this time, James Welch moved to authorize Supervisor Lyon to sign the following "Agreement to Except Referral and Review of Certain Local Zoning and Subdivision Applications" as follows:

MIN TO SIGN  
AGREEM' TO  
ACCEPT RRRL  
& REVIEW OF  
CERTAIN LOCAL  
ZONG & SUBD  
APPLICATIONS

AGREEMENT TO EXCEPT REFERRAL AND REVIEW OF  
CERTAIN LOCAL ZONING AND SUBDIVISION APPLICATIONS

I. Authority

In accordance with Sections 239-m and 239-n of Article 12-B of the General Municipal Law of the State of New York, as amended by the Laws of 1991, Wayne County is authorized to enter into agreements with each municipality in Wayne County to except the County Planning Board referral and review of certain local zoning and subdivision actions otherwise required by Section 239m and n of NYS General Municipal Law.

II. Purpose

The purpose of this agreement is to eliminate the need for local referral and county review of certain local zoning and subdivision actions that do not have intermunicipal or countywide impacts.

III. Local Zoning and Subdivision Actions to be Excepted from Referral and Review

All matters listed in Sections 239-m and 239-n of Article 12-B of the General Municipal Law of the State of New York shall be submitted for review and recommendation by the County Planning Board in accordance with the criteria and guidelines set forth in Sections 239-1, 239-m and 239-n, except the following actions shall, with the execution of this agreement, be excepted from referral and review by the County Planning Board.

1. Permits for temporary structures and temporary signs used during construction.
2. Setback variances for accessory structures such as swimming pools, storage sheds, garages and the location of freestanding signs and for additions to residential buildings, unless the variance would allow the structure to be closer to a county or state highway or abutting county or state land than the existing principal structure.
3. Reductions in minimum floor area requirements and lot coverage requirements.
4. Subdivision plan amendments where no additional lots are created and where there is no change to access points and no new access points are proposed to county or state roads.
5. Dimensional variance for fences unless the fence is on a portion of the property adjacent to a county or state highway or the boundary of other county or state land or drainage channel or unless the fence

is to be located in an area of special flood hazard.

6. Variances or permits to illuminate signs as long as the illumination is from a constant (non-flashing, non-intermittent) source.:

#### IV. Optional Review

Nothing shall prevent the municipal board having jurisdiction over local zoning and subdivision actions excepted from referral and review by the County Planning Board by this agreement, from submitting such matters to the County Planning Board for review prior to taking final action. Once such matters are received by the County Planning Board, the review authority conferred on the County Planning Board under Section 230-m and 239-n shall be in force.

#### VI. Conditions of Agreement

1. Activate Agreement - in order to have this agreement take force, it must be signed by the Chairman of the Wayne County Board of Supervisors and the chief elected official of the municipality. The agreement may be amended with the approval of the Chairman of the Wayne County Board of Supervisors and the chief elected official of the municipality.
2. Termination of Agreement - If the County Planning Board finds that to carry out the purposes of review as listed in Section 239-1 of the General Municipal Law of the State of New York, an amendment to this agreement is needed and the municipality fails to agree with the amendment, the agreement may be terminated by resolution of the County Planning Board by providing written notification of termination to the chief elected official of the municipality. The municipality may terminate this agreement at any time by having the chief elected official submit a notice of termination in writing to the County Planning Board. Upon the termination of this agreement, all local zoning and subdivision actions subject to the review of the County Planning Board under Sections 239-m and 239-n of the General Municipal Law of the State of New York, shall be submitted to the County Planning Board in accordance with the requirements of Sections 239-m and 239-n.

MIN CARRIED                      Seconded by: David Nussbaumer      Carried: Unanimously

Zoning Committee - Michael Lambrix, Chairman

ZONING COMM RPRT

1. Set Public Hearing date - Margaret Green Bed & Breakfast - Special Authorization

MTN 'ID SET PUB  
HR3 DATE FOR  
M GREcl.1 SPECIAL  
USE

James Welch moved to set Thursday, March 12, 1998 at 8:00 PM, at the Town Office, as the public hearing date to consider the application for special authorization for Margaret Green to have a bed & breakfast at her residence.

m'N CARRIED                      Seconded by: David Nussbaumer      Carried: Unanimously

2. Set Public Hearing Date - B & S Auto Inc. - Relocation of business - Special Authorization

James Welch moved to set Thursday, March 12, 1998 at 8:15 PM as the public hearing date, at the Town Office, to consider the application of B & S Auto, Inc. for special authorization to relocate their business.

MTN TO SEI'  
PUB HRG DATE  
FOR B&S AUTO

Seconded by: David Nussbaumer Carried: Unanimously

MTN CARRIED

- 3. Set Public Hearing date - Raymond Love - Indoor Riding arena - Special Authorization

James Welch moved to set Thursday, march 12, 1998 at 8:30 PM as the public hearing date, at the Town office, to consider the application of Raymond Love for special authorization to have a private indoor riding arena.

MIN TO SEI'  
PUB HRG DATE  
FDR R LOVE  
SPECIAL USE  
AUTH

Seconded by: David Nussbaumer Carried: Unanimously

MIN CARRIED

- 4. Combined Zoning board arrangements

Same information as under Planning Committee, Item #2.

CDMBINED ZON.  
BROS

- 5. Mobile Home Park Inspections

Robert Grier is working on the arrangement for the mobile home park inspections.

OOB HOME PARK  
INSPOCTIONS

AGENDA ITEMS

- 1. Exercise option on property - RT. 21S - for industrial development area

David Nussbaumer moved to authorize exercising the option on property on Rt. 21S for a industrial development area, at a cost not to exceed \$500.00 per each property.

MTN TO EXRCISE  
OPTION ON RT2H  
FOR INDII AREA

Seconded by: James Welch Carried: Unanimously

MIN CARRIED

- 2. Approval of \$1500 for Environmental Review for industrial park property

David Nussbaumer moved to approve the sum of \$1500.00 for a environmental review of the property being considered for a industrial park.

MTN TO APRV  
\$1500 for env.  
REVIEW FOR IND.  
PARK PROPERTY

Seconded by: James Welch Carried: Unanimously

MTN CARRIED

- 3. Set Public Hearing date to consider Sewer District #1 for the Town of Palmyra

James Welch moved to set Thursday, March 12, 1998 at 7:30 PM, at the Town Office, as the date to consider Sewer District #1 for the Town of Palmyra.

MTN TO SEI' PUB  
HRG DATE FOR  
SEWR DIST #1

## MTN CARRIED

Seconded by: David Nussbaumer Carried: Unanimously

4. Declare a Negative Declaration on proposed Local Law #1 of 1998

MINTODECLARE  
NEG. DOC. 00

; PROPOSED I.KX:AL  
LAW #1 OF 1998

James Welch moved to reclare a Negative Declaration on proposed Local law #1 of 1998 entitled "A Local Law amending the Zoning map of the Town of Palmyra to create an industrial zone"

## M'N CARRIED

Seconded by: David Nussbaumer Carried:: Unanimously

5. Act on Proposed Local Law #1 of 1998 -  
Subject of Public Hearing held on Feb. 12,  
1998

M'N TO APRV  
I.KX:AL IAW #1  
OF 1998

David Nussbaumer moved to approve Local Law #1 of 1998 as follows:

LOCAL LAW NO. 1 YEAR 1998  
A Local Law amending the Zoning map of the  
Town of Palmyra  
To create an industrial zone

BE IT ENACTED by the Town Board of the Town of Palmyra as follows:

Section 1: That the zoning map of the Town of Palmyra be amended to create an industrial zone bordering along New York State Route 21 along the south line of the Town of Palmyra.

Section 2: That the zoning map be amended to create an industrial zone as defined by the Town Zoning Ordinance on the south line of the Town of Palmyra along New York State Route 21, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Palmyra, County of Wayne and State of New York, bounded and described as follows:

COMMENCING at the intersection of New York State Route 21 with the south town line of the Town of Palmyra (north town line of the Town of Manchester): thence

- 1) westerly along the south town line of the Town of Palmyra to the southwest corner of tax map parcel no. 32110-00-609864 (now or formerly one Verstringhe); thence
- 2) northerly along the west line of tax map parcel no. 32110-00-609864, tax map parcel no. 32110-00-623900, tax map parcel no. 32110-00-599933 and tax map parcel no. 32110-00-596955 to the northwest corner of tax map parcel no. 32110-00-600998 (now or formerly one Kommer); thence
- 3) easterly along the north line of tax map parcel no. 32110-00-600998 to the centerline of New York State Route 21; thence
- 4) northerly along the centerline of New York State Route 21 to a point opposite the north line of tax map parcel no. 32111-00-670040 (now or formerly of Leno); thence
- 5) easterly along the north line of tax map parcel no. 32111-00-670040 to its northeast corner; thence
- 6) northerly and easterly along the west and northerly boundaries of tax map parcel no. 32111-00-785904 (now or formerly of one Mertz) to the northeast corner of tax map parcel no. 32111-00-785904; thence
- 7) southerly along the east line of tax map parcel no. 32111-00-785904 to its intersection with the north

line of the Town of Palmyra; thence  
8) westerly along the north line of the Town of  
Palmyra to its intersection with the centerline of New  
York State Route 21, the point and place of beginning.

Section 3: This proposed change of the zoning  
map of the Town of Palmyra as accepted January 19,  
1998.

Section 4: That attached hereto is the portion  
of the zoning map reflecting the newly created  
industrial zone.

Section 5: If any provision of this local law  
is inconsistent with any other local law, act, rule or  
regulation, then the provisions of this local law  
shall be controlling.

Section 6: The local law shall take effect  
upon filing with the Secretary of State.

Seconded by: James Welch Carried: Unanimously

MTN CARRIED

6. Supervisor's County Report

Supervisor Lyon reported that the 911 system is  
officially in effect. He stated that they are  
presently working on sales tax for the school  
districts.

SUPER'S CTY  
REPORT

7. WCW&SA Update

Supervisor Lyon reported that on February 6, 1998 the  
final readings for the Town of Palmyra Water were  
done. Our water customers are now Wayne County Water  
& Sewer Authority customers. It has been reported  
that there is a problem reader on Maple Avenue.  
Supervisor Lyon recommended we forgive the large  
portion of this bill; the Board agreed with this. He  
stated that we are trying to replace these old meters  
so this cannot happen again.

W::WSA UPDATE

8. Budget Adjustment

The following budget adjustment was moved by David

Nussbaumer:

INCREASE: HA CAPITAL PROJECTS  
INTERFUND TRANSFER/IND. DEVELOPMENT  
HA9901.903 \$8,748.40

INCREASE: PART-TOWN INTERFUND  
TRANSFER/IND. DEVELOPMENT  
B5032 \$8,748.40  
B6989.4 \$8,748.40

Seconded by: James Welch Carried: Unanimously

MTN TO APRV  
BIX;T ADJSTMT

MTN CARRIED

The following budget adjustment was also moved by

David Nussbaumer:

Frc.m To  
Operation & Maint. Misc. Expense

FC8340.4 \$ 35.57 FC8310.103 \$ 35.57  
Seconded by: James Welch Carried: Unanimously

AUDIT OF SUPER'S  
BCX)KS

9. Auditing of Supervisor's books for 1997

Supervisor Lyon called for a recess to allow the Board time to audit his books.

MI'N TO APRV AUDIT  
OF SUPER'S B(X)KS

Following the recess, David Nussbaumer moved to

approve the audit of the Supervisor's books for 1997.

MI'N CARRIED

Seconded by: James Welch Carried: Unanimously

10. Internet - Homepage for Palmyra

Supervisor Lyon asked the Board if they might be

INTERNET HOME  
PAGE FOR PALMYRA

interested in a combined page for the town and the village; the cost would be approximately \$1500 (each)

for the first year or two and then around \$500 each year thereafter. The Board felt that it was worth a

MI'N TO APRV  
INTERNET WEB  
PAGE

try. James Welch moved to approve having a homepage for Palmyra on the internet, at a cost not to exceed \$1500 for each municipality for the first year.

MI'N CARRIED

Seconded by: David Nussbaumer Carried: Unanimously

11. Renewal of Bond Anticipation Notes-SWD Ext #1

James Welch moved to authorize the renewal of the Bond

MI'N TO AUTH RNWL  
OF BON ANTICIP  
ATION NCY'ES FOR  
SWD EXT #1

Anticipation Notes for the SWD Ext. #1 for April 1, 1998 - December 30, 1998.

MI'N CARRIED

Seconded by: David Nussbaumer Carried: Unanimously

Following a review of the expenditures and claims

submitted, David Nussbaumer moved to approve payment

MI'N TO APRV PMT  
OF CLAIMS &  
EXPENDITURES

of said claims with totals as follows:

Account	<u>Account</u> <i>It</i>	Amount
General Fund	33-76	\$18,646.63
Part Town Fund	20-38	\$ 4,370.62
DA Highway	18-51	\$32,673.08
DB Highway	6-10	\$ 2,365.13
North Water	3-6	\$ 3,800.57
South Water	2-3	\$ 304.71
East Water	2	\$ 84.86
Central Water	4-29	\$ 8,324.75
CX#1	2	\$1,344.57
Trust & Agency	12	\$53,000.00

MI'N CARRIED

Seconded by: James Welch Carried: Unanimously

The motion to adjourn this meeting of the Town

MI'N TO ADJOURN

Board was offered by David Nussbaumer.

Seconded by: James Welch Carried: Unanimously

Respectfully submitted,  
*Beverly E. Clark*  
Beverly E. Clark  
Town Clerk