

PUBLIC HEARING

MICHAEL PORRETTA – SPECIAL USE
To build a addition to his existing workshop

The Public Hearing scheduled to be held on Thursday, February 25, 1999 at the Palmyra Fire Hall, East Main Street, Palmyra, to consider the application of Michael Porretta, 1305 Hammond Road, Palmyra, to build a addition to his existing workshop, was called to order at 7:30 PM by Town Supervisor David C. Lyon.

The legal notice, as published in the Courier-Journal, was read by the Town Clerk.

Those present at this public hearing, in addition to the Town Board members, included:

Mike Porretta	Patricia Jacobs
Ted Jacobs	Jamie Votes (Victor Rd.)
Tim Montroy (Manchester)	Dick ? (212 Hansen St.)
Sylvia Huff	Jim Adams
Donald Camblin	Donna Camblin
Vicky Daly	Rosemary Frederikson
Sandy & Richard Lord	Carol & Jim Drews
Carlton & Anne Dennie	Dan & Angela Dart
Richard Green (LDS)	Diane ? (139 Stafford Rd.)
Jack & June Wildey	Ken & Cora Graham (LDS)
Evert & Carol VanderMolen	Bruce Nickell
Mike Jankowski	Gary & Beth Wildey
Wayne & Kathy Henning (LDS)	Greg Hurley
Pauline Unterborn	Irene Unterborn
Halle Reed	Bert ? (498 Stafford Rd.)
Bruce Wideman	Dave Cook (LDS)
Reuel Reeder (LDS)	Steve Taber
Ann Taber (Assessor-Palmyra)	
Nelson F. Cook (Highway Superintendent)	
Robert Grier (Code Enforcement Officer)	
Petra Anderson (Clerk to the Supervisor)	
Catherine Contant (Deputy Town Clerk)	
Peter Wilson (Mayor-Village of Palmyra)	

Supervisor Lyon opened up this hearing to questions or comments regarding this expansion of Mr. Porretta's business.

Jim Drews – Please explain the size of the expansion and the purpose. Mr. Porretta – It will be a 40 x 60 foot addition to the back of the present building and it will be used for a expanded workshop area and storage. Drews – Will you be hiring any more help? Porretta – No more help; just need the space.

Earl Vanderwall – Had a letter to the Town Board that stated:

“We, the undersigned, Do Not object to and fully support the building application submitted and applied for by Mike Porretta. He has been a good neighbor and a asset to the community.

Respectfully submitted by the following,”

There were 16 property owners represented on this letter.

Ann Dennie – What kind of hours are you planning to be open?

What about Saturday and Sunday? Bob Grier – CEO- stated that the original agreement says 9 AM – 5 PM on Monday thru Friday and 9 AM thru 2 PM on Saturday with no hours on Sunday. He said those hours will stay in effect unless changed by this Board.

Jim Drews – Mr. Porretta does not appear to be adhering to those original conditions. Bob Grier – CEO – Has had a couple of complaints from out there but has talked to Mr. Porretta and he is more than willing to do what he can to improve things.

Supervisor Lyon asked Mr. Grier about the original agreement. Mr. Grier told him that Porretta has put gravel down on the driveway to control the dust; he did not put up as much fencing as agreed upon because the neighbor did not want fencing on his side of the property.

Supervisor Lyon asked about the Sunday hours on the application. Mr. Porretta said no customers on Sunday; paperwork and cleanup only.

Ann Dennie – There is supposed to be no work out front of the building. Porretta – I only do this because I have no room inside. Dennie- Will the door be closed? Porretta – Yes it will.

Ted Jacobs – It would be a shame to lose this man; he is a good worker and a good person.

Jim Drews – Are you going to continue to sell unlicensed cars and equipment? This is not the place for selling this stuff. Porretta – The two tow motors are out back now and he is trying to get away from this sort of thing.

Supervisor Lyon – It would appear that some of the original conditions you agreed to have not been lived up to very well and I feel we will have to follow through on this properly.

Resident from 1314 Hammond Road – You originally agreed not to have “stuff” out front and you have had it there anyway. Porretta – I did not want to expand out there but I cannot find anything else and I just do not have enough room.

Ann Dennie – Are you going to do any more to the driveway? It is still very dusty and is a problem when she tries to open her doors and windows in the good weather. Porretta – He thought the stone he put down was working pretty well. Supervisor Lyon – Apparently not well enough. This will have to be addressed.

At this time the following Town Planning Board recommendation was read into these minutes:

Excerpt from the Town of Palmyra Planning Board Minutes dated February 8, 1999 –

Item #3 Porretta Recommendation to the Town Board

Hearing called to order at 7:30 PM

Mike Porretta approached the board and explained that he would like to enlarge an existing building used in his welding business. This requires approval from the Town Board because it is an expansion of his Special Use Permit. K. Miller asked if there have been any neighbor complaints? Mike Porretta stated that as far as he knows only complaints about driveway dust.

MOTION: K. Miller made a motion to recommend approval of the business and special use permit

2nd: L. Kaller

VOTE: Unanimous

The board felt that the business currently operated is a benefit to the community, that Mr. Porretta has operated a good business and has been a good neighbor. As far as the board knows there weren't any complaints when the business was located in the Village.

Hearing adjourned at 7:45 PM

Mr. Grier informed the Board that the Wayne County Planning Board met last night so there is no paperwork available at this time. He had been told that the decision was that it came in as a local matter and of no significance to the County. This official

recommendation will be added to these minutes as soon as it becomes available.

Supervisor Lyon again asked if there were any more comments or suggestions regarding this application. There being none, Supervisor Lyon declared this public hearing closed at 7:45 PM.

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REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, February 25, 1999 at the Palmyra Fire Hall, East Main Street, Palmyra, was called to order at 7:45PM by Town Supervisor David C. Lyon.

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

Upon roll call, the following board members were present:

- Town Supervisor - David C. Lyon
- Town Board Members - David Nussbaumer
- Lynne Green
- Michael Lambrix
- James Welch

David Nussbaumer moved to approve the minutes of the two public hearings held on Thursday, January 14, 1999 and the regular Town Board meeting held on Thursday, January 28, 1999 as submitted.

Seconded by: Michael Lambrix Carried: Unanimously

COMMUNICATIONS

1. Notice of informational meeting RE: Lead Poisoning Prevention and Disclosure laws sponsored by Wayne County Public Health
2. Notice from the Wayne County Industrial Development Agency RE: Meeting being held on March 30, 1999 at 3:30 PM in the conference room at 16 William Street, Lyons, to consider the approval of a Payment-in-lieu agreement with Division St. LLC
3. Notice of dedication service planned for May 15, 1999 (Armed Forces Day) at the Post Home at 2 PM from the Palmyra Memorial Post #6778 (VFW)

REPORTS OF STANDING COMMITTEES

Assessment Committee - Lynne Green, Chairman

1. Assessor Update

Ann Vingee-Taber, Assessor, Town of Palmyra, reported to the Board that there is a possibility of a extension on the filing date for the STAR applications. She personally does not think it will happen but she can not be sure as yet. She added that there have been approximately 1600 applications turned in out of 2116 possibilities, leaving about 516 that have not applied as yet. At the same time, the office is trying to do their regular daily work too. Supervisor Lyon asked if everyone here understood that this exemption has to be post marked by the end of the business day on March 1, 1999. Everyone did.

Highway Committee - David Nussbaumer, Chairman

1. Highway Garage Roof Repair

Nelson F. Cook, Highway Superintendent, explained that the warranty on the garage roof expired December 30, 1997 and naturally it is in need of some repair work. He has checked with Elmer Davis Construction, who put the roof on, and it is going to cost \$1880 for the repair work. Said repairs should give the roof an additional 5 – 10 years of service.

2. Contract Addendum for Highway with Village of Palmyra

The addendum for the contract with the Village of Palmyra states that the Village will pay to the Town an additional fee of \$1,083 per month for the repair of their equipment. David Nussbaumer moved to authorize the Town Supervisor, David C. Lyon, to sign this addendum.

Seconded by: Lynne Green Carried: Unanimously

3. Skid Steer Loader Bids

Mr. Cook reported to the Board that only one bid was received on Tuesday, February 16, 1999 for the skid steer loader as shown below:

Jennings Ford Tractor, Inc.	Check enclosed for
7216 Pittsford-Palmyra Road	\$1,200.00
Fairport, NY 14450	
W/o trade of Bob cat 863H	\$ 23,542.00
W trade of Bob Cat 863 H	\$ 11,500.00

Mr. Cook said that he had had our present one appraised by the auctioneer, Mr. Teitsworth, and he thought it was worth between \$16,000 and \$18,000; also he is not sure the present equipment will fit on the machine available thru state bid. Mr. Cook recommends that we go with the \$23,542 bid without the trade-in and put our present one in the upcoming auction. David Nussbaumer moved to go along with Mr. Cook's recommendation and purchase the skid steer loader from Jennings Ford Tractor, Inc. 7216 Pittsford-Palmyra Road, Fairport, without a trade-in, for a amount not to exceed \$23,542 and to place our Bobcat 863H in our annual auction in May '99.

Seconded by: Michael Lambrix Carried: Unanimously

4. Truck Cab and Chassis Bids

There were two bids received at the 10:00 AM opening on Tuesday, February 16, 1999 as follows:

Beam Mack Sales & Service, Inc. 2674 W. Henrietta Road Rochester, NY 14623-2399 W/o trade \$70,300.00 W trade \$ 52,800.00	Check enclosed for \$3,540.00 2000 Vehicle
Genesee Truck Sales 1280 Jefferson Road Rochester, NY 14692 W/o trade \$73,839.00 W trade \$58,839.00	Check enclosed for \$3,750.00 1999 Vehicle

Mr. Cook recommended purchasing this from Beam Mack Sales & Service at a cost of \$70,300 without a trade in because the appraisal on this was higher than the trade in value. David Nussbaumer moved to go along with Mr. Cook's recommendation and purchase the Tandem Axle Cab & Chassis (2000 model) without a trade in, from Beam Mack Sales & Service, Inc. , 2674 W. Henrietta Road, Rochester, NY 14623-2399, for a cost not to exceed \$70,300.00.

Seconded by: Michael Lambrix Carried: Unanimously *

* Motion amended at the Town Board meeting held on Thursday, March 25, 1999.

5. Auction Contract

David Nussbaumer moved to authorize Nelson F. Cook, Highway Superintendent, to sign the contract for our annual auction with Mr. Roy Teitsworth, with the terms being the same as previous years,.

Seconded by: Michael Lambrix Carried: Unanimously

At this time, Supervisor Lyon declared a recess from this meeting to allow Ken Graham and Reuel Reeder, from the Church of Jesus Christ of Latter Day Saints, to tell those present about the proposed temple that is going to be built on Stafford Road, Town of Manchester. No minutes were taken during this informational discussion. Supervisor Lyon declared this regular meeting of the Town Board back to order at 9:00 PM.

Planning Committee - James Welch, Chairman

1. CEO Update

Robert Grier, Code Enforcement Officer, reported that he has been working on the on-going project for Canalside Estates final plan; there is a run-off problem on Rt. 31S; working with air park development; the welcome center on Stafford Road; Frontier Cellular Tower permit and on March 22, 1999 there is a in-service seminar the both he and his deputy, Dan Wooden plan to attend.

Zoning Committee - Michael Lambrix, Chairman

1. Set Public Hearing date – Kevin Wright – Special Use – Tire Business and Disposal Service – Suggested date of March 25, 1999

Michael Lambrix moved to set a date of Thursday, March 25, 1999 at 7:30 at the Palmyra Fire Hall to hold a public hearing for Kevin Wright for special use for a tire business and a disposal service at his residence on Hammond Road.

Seconded by: David Nussbaumer Carried: Unanimously

2. Mike Porretta – Special Use – Addition to his business –
Subject of public Hearing

Michael Lambrix asked Mr. Porretta to review the conditions on his original approval and to come in compliance with all conditions. Supervisor Lyon told Porretta that he has to do something more with his driveway because it is not fair to the neighbors out there. Michael Lambrix then moved to approve a 40' x60' addition onto the existing building with conditions to be forthcoming.

Seconded by: David Nussbaumer Carried: Unanimously

AGENDA ITEMS

1. Final Order - Establishment of North Sewer District

The following resolution was duly moved by David Nussbaumer:

FINAL ORDER
IN THE MATTER
OF THE ESTABLISHMENT OF
THE NORTH SEWER DISTRICT IN THE TOWN OF PALMYRA
COUNTY OF WAYNE, STATE OF NEW YORK

A resolution having been duly adopted by the Town Board of the Town of Palmyra in February of 1993, directing the Town Consulting Engineers to supervisor the preparation of a map, plan, and report for providing the facilities, improvements, or services in a portion of the Town of Palmyra, wherein the North Sewer District, hereinafter described, was proposed to be established, and said map, plan, and report having duly been filed in the office of the Town Clerk in March of 1993, and an order having been duly adopted by said Town Board on January 28, 1999, reciting the description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvements, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's Office for public inspection, and specifying that said Town Board did meet at 201 East Main Street, Palmyra, New York on the 14th day of January 1999, for the purpose of conducting a public hearing on such proposal to establish the sewer district with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and a hearing having been duly held by said Board at such time and place, and it having been duly resolved and determined following such hearing that the notice of hearing was published and posted as required by law and otherwise sufficient, that all the property and property owners within the proposed district were benefited thereby, that all property and property owners benefited were included within the limits of the proposed district, and that it was in the public interest to grant in whole the relief sought, and that the proposed North Sewer District is outside the incorporated Village and it having been then and there further duly resolved that the establishment of such sewer district as proposed be approved, subject to a permissive referendum in the manner provided in Article 7 of the Town Law, and a certificate of the Town Clerk having been filed pursuant to Article 12A of the Town Law, that petition had not been filed requiring a referendum. The Town Clerk, having duly presented such order to this Board at this meeting, being its first meeting held after the said order was filed with her; it is hereby

ORDERED, that a Sewer District be established in the said Town of Palmyra, Wayne County, New York, as described in the order of the State Comptroller, to be designated as the North Sewer District of the Town of Palmyra and to be the following description and boundaries, to wit:

Commencing at a point in the north line of the Village of Palmyra approximately 500 feet west of the centerline of Division Street; thence northerly to the south line of the property known as Palmyra Air Park; thence westerly and northerly along the south and west boundaries of the Palmyra Air Park and thence continuing northerly along the east boundary of the Williams and Haak Subdivision to the north line of premises of Division Street, Partners, LLC; thence easterly along the north line of premises of Division Street Partners, LLC to the west boundary of Conrail; thence southerly and easterly along the west and south boundaries of Conrail to the west boundary of New York State Route 21; thence southerly to the west boundary of New York State Route 21 to the north line of the Village of Palmyra; thence westerly along the north line of the Village of Palmyra to the point and place of beginning.

The above described parcel contains 65 acres, more or less, and it is further

ORDERED, that the following improvements in said sewer district be constructed upon the required funds being made available or provided for;

That the Town of Palmyra purchase and install 6,000 feet of 12 inch gravity sewer main and 6,000 feet of 8 inch sewer main and 1,200 feet of PVC forcemain and crossing the railroad and canal and connecting to the Village of Palmyra Sewer System, together with a pump system and manholes to complete installation; and it is further

ORDERED, that the proposed improvements, including cost of rights of way, construction costs, legal fees, and other expenses shall be financed as follows;

The proposed method of financing the costs of the improvements consists of use of a matching grant totaling \$300,000 with \$100,000 of Town Funds used pursuant to S192A and the receipt of a \$400,000 grant and the balance by issuing the serial bonds of the Town to mature in annual installments over a period not exceeding 30 years, payable in the first instance from sewer rents paid by the benefited real property in the proposed sewer district.

The maximum amount proposed to be expended for the improvements and for acquisition of the necessary lands and easements is \$850,000.

The proposed sewer rent shall not exceed \$587 per single family residence and \$1,174 per two-family residence. In addition, the average one or two family residence, which exists at the date of completion of the sewer, shall pay an installation charge (hookup) of \$1,500. All residences connected thereafter shall pay a hook up charge as established by the Town from time to time, and it is further

ORDERED, that the Town Clerk of the Town of Palmyra is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of the County of Wayne, in which the Town of Palmyra is located, within 10 days after the adoption of this order.

Seconded by: Michael Lambrix Carried: Unanimously

2. Water Storage Project

Michael Lambrix moved to authorize MRB Group. PE to advertise for bids for our water storage tank project. Such bids will be opened and read at the Town Office, 201 E. Main Street, Palmyra, on Monday, March 22, 1999 at 2:00 PM.

Seconded by: David Nussbaumer Carried: Unanimously

3. Combined Maintenance Facility – Town-Village-School

Supervisor Lyon reported to the Board that there had been another meeting regarding the combined maintenance facility. They are talking about the area where the present Town Barns are located. He said that a decision has to be made soon because the school has a June deadline.

4. Approval for Deputy Town Clerk to attend the NYS Town Clerk's Conference in Syracuse on April 25 – 28 at a cost of \$500.00

Beverly E. Hickman, Town Clerk, explained that, although she was not able to attend the NYS Town Clerk's Conference at this time, she would like Sue Regis, Deputy Town Clerk to attend. She feels that the information that comes back to the local level from this conference is more than worth the cost of this conference. David Nussbaumer moved to approve sending Sue Regis, Deputy Clerk, to the NYS Town Clerk's Conference in Syracuse, April 25 – 28, at a cost not to exceed \$500.

Seconded by: Lynne Green Carried: Unanimously

5. Gene East – Septic Sludge Removal Permit for 1999

Michael Lambrix moved to approve the 1999 Septic Sludge Removal Permit for East A A A Septic Tank Svce Excavating and Trucking, Gene East Owner/Operator, 3314 Shilling Road, Palmyra.

Seconded by: Lynne Green Carried: Unanimously

6. Jeff East – Septic Sludge Removal Permit for 1999

Michael Lambrix moved to approve the 1999 Septic Sludge Removal Permit for East A-1 Septic Tank Svce & Excavating, 3333 Marion Road, Marion.

Seconded by: David Nussbaumer Carried: Unanimously

Following a review of the claims and expenditures, David Nussbaumer moved to approve payment of the expenditures as shown on Abstract #2 with totals as follows:

<u>Account</u>	<u>Invoice #</u>	<u>Amount</u>
General	42-47	\$ 9,376.88
Part Town	18-35	\$ 1,685.21
DA Highway	40-71	\$15,825.90
DB Highway	6-10	\$ 2,243.54
Cons. Water	2	\$ 1,289.01
Water Tank Project	3-4	\$42,368.04
T & A	1-3	\$75,800.00

Seconded by: Michael Lambrix Carried: Unanimously

Michael Lambrix moved to adjourn this meeting of the Town Board.

Seconded by: David Nussbaumer Carried: Unanimously

Respectfully submitted,

Beverly E. Hickman
Town Clerk