

**REGULAR TOWN BOARD MEETING**

Following an Informational Meeting for the North Sewer District Project, the regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, March 23, 2000, at the Park and Club Rooms, East Main Street, Palmyra, was called to order at 8:25 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
- Lynne Green
- Michael Lambrix
- James Welch

Others present at this meeting:

- Nelson Cook, Superintendent of Highways
- Robert Grier, CEO
- Petra Anderson, Clerk to the Supervisor
- Patti Holdraker, The Times
- Julie Phillipe, Daily Messenger
- Sylvia Huff
- James Carr

David Nussbaumer then moved to approve the minutes of January 27, February 10 and February 24, 2000 as submitted.

MTN TO APV  
MINUTES OF  
01/27, 02/10,  
02/24/2000

Second: Michael Lambrix

Carried: Unanimously

COMMUN-  
ICATIONS**COMMUNICATIONS**

1. 2000 Crop Walk for the Hungry - May 7. Contact Andrew Sloan
2. 1<sup>st</sup> Annual Wayne County Tourism Conference - April 12, Wayne Co. Cooperative Ext. Office
3. Landmark Society Conference – April 8 – Maintaining Hometown Character in the 21<sup>st</sup> Century
4. Water line extension request on Johnson Road from Cindy and Robert Surline
5. Response to NYSDOL Notice of Violation and Order to Comply – RE: no second means of egress from Second Floor of Town Office building
6. Notice of Lawsuit – Sprint PCS
7. Speed Limit Reduction Request from residents of Temple Road
8. Notification of filing of 1999 Annual Report for Town of Palmyra. Report available for review in Town Clerk's Office

**REPORTS OF STANDING COMMITTEES****Assessment Committee – Lynne Green, Chairman**ASSESSOR'S  
UPDATE

## 1. Assessor Update

Lynne Green reported that Assessor Ann Vingee Taber would be unable to attend this meeting due to illness. Ms. Green advised the Board of a new State program for maintenance aid that will require a reassessment of the entire Town each year, with a \$5.00 per parcel payment to the Town for participation.

**Highway Committee – David Nussbaumer, Chairman**

1. Garage doors for Highway Department

HIGHWAY DEPT  
GARAGE DOOR  
REPLACEMENT

Highway Superintendent Nelson Cook presented three bids for door replacement, carried over from last month. Councilmember David Nussbaumer moved to accept the bid from Rochester Colonial to remove and replace 3 existing doors at the Highway Barns at a cost not to exceed \$3,850.00

Second: Michael Lambrix            Carried: Unanimously

2. Superintendent Vacation notification

Mr. Cook will be on vacation April 15 through 23.

3. Speed limit reduction request – Temple Rd.

SPEED LIMIT  
REDUCTION  
REQUEST –  
TEMPLE ROAD

Supervisor Lyon referred the request to Wayne County Highway, Mr. Cook to follow up.

4. Request for signage, NYS Rt. 21 for Temple Rd.

SIGNAGE  
REQUEST – NYS  
ROUTE 21

Ms. Green requested the installation of intersection signs for Temple Road off NYS Rt. 21 South (Canandaigua Road). Supervisor Lyon stated that as Canandaigua Road is a State Road, the Town has no say over the signage, and referred her to the NYS Department of Transportation. CEO Grier will notify Larry Russell of NYSDOT at his next meeting.

**Planning Committee – James Welch, Chairman**

PLANNING BD  
APPOINTMENT  
– JAMES  
HODOCK

- 1. Appoint new member to the Palmyra Planning Board

James Welch moved to appoint James E. Hodock, 1875 Maple Avenue, to the Planning Board for a term to expire December 31, 2000.

Second: Michael Lambrix

Roll Call vote:	David Nussbaumer	voting Nay
	James Welch	voting Aye
	Lynne Green	voting Aye
	Michael Lambrix	voting Aye
	David Lyon	voting Aye

Motion carried.

- 2. Canalside Estates plan for review

CANALSITE  
ESTATES  
PLAN REVIEW

Councilman Lambrix asked that this item be tabled so that he may review the plans. Supervisor Lyon responded the plan would be considered at the Workshop Meeting of April 13 at 8:00 PM, Village Hall. At that time CEO Grier will submit in writing verification of the relocation of a 38” gas line.

**Zoning Committee – Michael Lambrix, Chairman**

ZBA  
APPOINTMENT  
– EDWIN  
WHEELER

- 1. Zoning Board of Appeals Appointments

Mr. Lambrix made a motion to appoint Edwin E. Wheeler, 128 West Charlotte Avenue, to the Zoning Board of Appeals for a term to expire September 30, 2004.

Second: David Nussbaumer

Carried: Unanimously

Mr. Lambrix then made a motion to appoint Robert E. Meyers, 1710 Vault Road, to the Zoning Board of Appeals for a term to expire September 30, 2002.

ZBA  
APPOINTMENT –  
ROBERT  
MEYERS

Second: James Welch Carried: Unanimously

2. Special Use Conditions – Douglas Hare

Mr. Lambrix moved to approve the following set of Special Use Conditions for Douglas Hare to operate a small antique shop at his residence at 3147 NYS Route 21:

SPECIAL USE  
CONDITIONS –  
DOUGLAS HARE  
ANTIQUES

1. Sales will be limited to small furniture items and glassware.
2. You will meet all Town of Palmyra and New York State codes pertaining, but not limited to:
  - a) chemicals on premises
  - b) fire control
  - c) advertising signage
3. No roadside parking will be allowed.
4. Display of items is confined to garage only.
5. No outside storage will be allowed
6. There will be no automobile sales allowed, new or used.
7. The hours of operation will be limited to 8:00 AM to 6:00 PM Monday thru Friday, 10:00 AM to 5:00 PM on Saturday and 12:00 Noon to 5:00 PM on Sunday.
8. This Special Use Permit is limited to Douglas Hare only and is NOT transferable to future owners of said property
9. This Special Use Permit will become effective upon signing and returning to the Palmyra Town Office

Second: David Nussbaumer Carried: Unanimously

3. Set Public Hearing Date – Rose Coon

Mr. Lambrix made a motion to set a public hearing date of April 27, 2000 at 8:00 PM at the East Palmyra Fire Hall to consider the application of Rose Coon to operate a Bait Shop at her home at 4025 NYS Route 31.

SET PUBLIC  
HEARING DATE –  
ROSE COON  
SPECIAL USE  
AUTHORIZATION

Second: David Nussbaumer

Carried: Unanimously

**AGENDA ITEMS**

NYS DEPT OF  
LABOR VIOLATION  
CITATION – TOWN  
OFFICE BUILDING

1. NYS Department of Labor Citation

Supervisor Lyon reported the Department of Labor has given the Town until May 1 to move all personnel off the second floor of the Town Office building, due to the lack of a second means of egress from that floor. He explained the plan to temporarily move the Assessor's Office to the Village Hall, where they will share the Village Clerk's Office. The Bookkeeper, Supervisor and Animal Control Officer will move to the first floor of the Town Office, and all subsequent Board meetings will be held at the Village Hall unless otherwise relocated.

RESIGNATION –  
CLK TO SUPV  
PETRA ANDERSON

2. Resignation of Clerk to Supervisor

Mr. Lyon reported the resignation of Petra Anderson as Clerk to the Supervisor, effective March 31.

APPOINTMENT –  
CLK TO SUPV  
LYNNE  
NOTARESCHI

3. Appointment of Clerk to Supervisor

Mr. Lyon reported the appointment of Lynne Notareschi as Clerk to the Supervisor at an hourly rate of \$10.00, effective March 15.

HISTORIAN APPT –  
BETH HOAD

4. Historian Appointment

Supervisor Lyon moved to appoint Beth Hoad as Historian for a term to expire December 31, 2000

Second: David Nussbaumer

Carried: Unanimously

5. Septic Sludge Permit Approval – Jeffrey East

Councilmember Lynne Green moved to approve the Septic Sludge Permit renewal for Jeffrey East for the period of 4/15/2000 to 4/14/2001.

SEPTIC  
SLUDGE  
PERMIT  
RENEWAL  
APPROVAL –  
JEFFREY EAST

Second: Michael Lambrix Carried Unanimously

6. Mobile Home Park Permit Renewal Applications

Mr. Lambrix moved to accept all six Mobile Home Park Permit Renewal Applications as presented to the Town Clerk for the period 1/01/2000 to 12/31/2000. CEO Grier to schedule inspections as conditions permit.

ALL MOBILE  
HOME PK  
PERMIT  
RENEWAL  
APPLICATIONS  
ACCEPTED

Second: Lynne Green Carried: Unanimously

7. NYS Town Clerk’s Association Conference

Mr. Nussbaumer moved to approve payment of fees at a cost not to exceed \$450.00 for Sue Regis, Deputy Town Clerk, to attend this year’s conference in Saratoga Springs, April 30 – May 2.

NYSTCA  
CONFERENCE  
– SUE REGIS

Second: Lynne Green Carried, Mr. Lambrix voting Nay

8. Office furniture

Mr. Nussbaumer made a motion to purchase a reception desk from Office Furniture USA for the Town Clerk’s Office to accommodate the evacuation of personnel from the second floor at a cost not to exceed \$1026.00, and to authorize necessary expenses to relocate electrical, telephone and networking connections to the Town Clerk’s Office.

OFFICE  
FURNITURE  
PURCHASE  
APPROVAL

Second: Lynne Green

Carried: Unanimously

JOHNSON RD  
WATER LINE  
EXT REQUEST

9. Johnson Road Water line extension request

Supervisor Lyon referred this matter to the Code Enforcement Office and the Wayne County Water and Sewer Authority.

At 9:00 PM Mr. Nussbaumer moved to go into executive

MTN TO GO  
INTO  
EXECUTIVE  
SESSION

session to discuss legal matters.

Second by: Lynne Green

Carried: Unanimously

DECLARATION  
OUT OF  
EXECUTIVE  
SESSION

Supervisor Lyon declared this board out of executive

Session at 9:28 PM.

EMPIRE STATE  
PIPELINE  
REPRESENTATION  
RESOLUTION

10. Empire State Pipeline Resolution

Mrs. Green made a motion to approve the following resolution at a cost not to exceed \$2,500.00:

**RESOLUTION  
TOWN OF PALMYRA**

**WHEREAS** the Town of Palmyra and various other municipalities had retained the law firm of Bond, Schoeneck & King, LLP (BS&K) to represent them in a lawsuit brought by Empire State Pipeline with respect to the issue Assessment of Easements, and

**WHEREAS** a substantial sum of money has been paid to BS&K as legal fees and

**WHEREAS** BS&K has now requested to withdraw from representation in this matter, claiming a "Conflict of Interest" and

**WHEREAS** the Town of Palmyra believes it is not in the best interests of the Town of Palmyra to agree to BS&K withdrawing,

**NOW THEREFORE** it is hereby

**RESOLVED** that the Town of Palmyra oppose the withdrawal of BS&K from this case, and it is further



**RESOLVED** that the Town of Palmyra, as a part of the group of municipalities which are parties to this lawsuit, hereby retains the law firm of Lacy, Katzen, Ryen & Mittleman, LLP (LKR&M) to oppose any application to the Court by BS&K to withdraw from defending the municipalities, parties to this lawsuit, it being understood that all municipal parties to the lawsuit are joining in this opposition and are sharing the legal fees and disbursements incurred by LKR&M.

Second: David Nussbaumer Carried: Unanimously

11. Change of hours for Deputy Town Clerk

Mr. Lambrix made a motion to increase the hours of Deputy Town Clerk Catherine Contant to full time effective March 20, 2000.

MTN TO INCREASE HRS OF DEPUTY TOWN CLERK CATHERINE CONTANT

Second: David Nussbaumer Carried: Unanimously

12. Set Public Hearing Date – Dan Ward Special Use Amendment

Mr. Nussbaumer made a motion to set a Public Hearing date of April 27, 2000 at 8:15 PM at the East Palmyra Fire Hall to consider the Special Use Amendment of Daniel Ward to add a metal pole barn and wooden fence to his business property located at 2858 NYS Rt. 21.

SET PUBLIC HRG DATE – WARD SPECIAL USE AMENDMENT

Second: James Welch Carried: Unanimously

Following a review of the claims and expenditures, David Nussbaumer moved to approve payment of said claims and expenditures with totals as shown on Abstract #3 as shown below:

MTN TO APV PAYMNT OF CLAIMS ON ABSTRACT #3

V #199 – 320 \$ 149,324.94

Seconded by: James Welch Carried: Unanimously

MOTION  
TO ADJRN

Michael Lambrix moved to adjourn this meeting of the  
Town Board at 9:33 PM.

Seconded by: Lynne Green

Carried: Unanimously

Respectfully submitted,

Catherine C. Contant  
Deputy Town Clerk