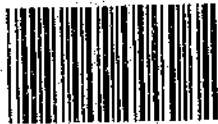


Town of Palmyra - Minutes

1995



January 5, 1995

ORGANIZATIONAL MEETING

The Organizational Meeting of the Town Board of the Town of Palmyra scheduled to be held on Thursday, January 5, 1995 at the Town Office, 201 East Main Street, Palmyra, was called to order at 7:30 P.M. by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David C. Lyon
 Town Councilmen - Andy Baran
 Robert Grier
 David Nussbaumer
 Town Councilwoman - Lynne Green

Others present at this Organizational Meeting included:

Paul T. Rubery - Town Attorney
 Nelson F. Cook - Highway Superintendent
 Gary Rose - Animal Control Officer

The following appointments were then made by Supervisor Lyon:

SUPERVISOR APPOINTMENTS

Deputy Supervisor	Andy Baran
Clerk to the Supervisor	Renee Lau
Secretary to the Supervisor	W. Virginia Wilson
Town Historian	Robert O. Lowe

Committee Appointments

Highway Committee - Chairman	Andy Baran
Committee	Robert Grier
Planning Committee - Chairman	Robert Grier
(to include buildings) Committee	Andy Baran
Zoning Committee - Chairman	Lynne Green
(to include insurance and to	
be Master Plan Comm. Rep.)	
Committee	David Nussbaumer
Assessment Committee - Chairman	David Nussbaumer
(to include animal control)	
Committee	Lynne Green

Town Councilman David Nussbaumer moved to appoint Paul T. Rubery, Esquire, as the attorney for the Town of Palmyra for the fiscal year 1995. Town Councilman Andy Baran seconded this motion and it carried unanimously.

MTN TO APV
TN ATTORNEY

The following appointments and wages for the fiscal

ORGANIZATIONAL MEETING CONT.

January 5, 1995

year 1995 were moved by Town Councilman Andy Baran,
seconded by Town Councilman David Nussbaumer and carried
unanimously:

MIN TO APV
APPOINTMENTS
& WAGES

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
Deputy Supervisor	Andy Baran	None
Budget Officer	David Lyon	\$ 604 pr yr
Town Attorney	Paul T. Rubery	\$14500 pr yr
Town Historian	Robert O. Lowe	\$ 150 pr yr
Town Constable	Francis Toole & Gary Rose	Fee Rembrsmnt \$ 13.44 pr hr
Zoning Enforcement Ofcr	Earl Vanderwall	
Building Inspector	Earl Vanderwall	
Deputy Zoning Enfrcmnt Officer & Bldg Inspr	James Youngman	NONE
Animal Control Officer & Rabies Responder	Gary Rose	\$5250.00pr yr
Deputy Animal Control & Rabies Responder	Michelle Rose & Bob Copenhagen	\$10.00 pr ocn \$1000 pr yr
Wtr Dist Superintendent	Nelson F. Cook	\$ 925 pr yr
Wtr District Cashier	Beverly E. Hickman	\$ 9.00 pr hr
Wtr Billing Clerk	Catherine Contant	\$ 9.00 pr hr
Deputy Town Clerk	Catherine Contant	\$ 8.25 pr hr
Deputy Town Clerk	W. Virginia Wilson	\$ 8.25 pr hr
Office Clerk	Betty B. Stubbings	\$ 8.25 pr hr
Computer Program Administrator	Catherine Contant	\$ 9.00 pr hr
Clerk to the Supervisor	Renee Lau	\$ 9.00 pr hr
Sec to the Supervisor	W. Virginia Wilson	\$ 8.25 pr hr
Registrar (4yr - 1995)	Beverly E. Hickman	Fee Rembrsmnt
Deputy Registrar (Same)	Catherine Contant	Fee Rembrsmnt
Acct Clk to Assessor	Elaine Herman	\$16,450 pr yr
Dpty Hiwy Suprntndnt	Fred Lawson	\$ 13.42 pr hr
Bingo Inspector	Robert Nellis	\$10.00 pr oca
Health Officer (4 yr - 1995)	Alan Lorenz MD	Per Statute
Court Clerk	Helga Haak	\$ 3800 pr yr
Court Clerk	Patricia Baynes	\$ 3800 pr yr
Sec. to Zoning Bd, Plng. Bd. & Bldg. Inspctr/Zng. Officer	Sue Regis	\$ 8.40 pr hr
Voting Mach Custodians	County Appointed	\$150 p occasn
Election Inspectors	County Appointed	\$ 5.50 pr hr
Clerk to Hiwy Super.	Catherine Contant	\$ 9.00 pr hr

Andy Baran moved to set the hourly rates for the

Town Highway crew as follows:

Dpty Hiwy Supt.	\$ 13.42 pr hr
Equipmnt Operators	\$ 12.58 pr hr
Part time	\$ 8.00 pr hr
Summer help	\$ 7.25 pr hr

MIN TO SET
WAGES FOR
TN HIWY

Councilman David Nussbaumer seconded this motion and it
carried unanimously.

Councilman Baran moved to set the rate for mileage
at \$.26 per mile. Councilman Grier seconded this motion
and it carried unanimously.

MIN TO SI
RATE FOR
MILEAGE

The motion to designate the Courier-Journal as the
official newspaper for the Town of Palmyra was moved by
Councilman Andy Baran, seconded by Councilman

MIN TO
DESIGNATE
OFFICIAL
NEWSPAPER

ORGANIZATIONAL MEETING CONT.

Jan. 5, 1995

Nussbaumer and carried upon roll call vote of 4 ayes and 1 naye. Councilman Grier voted naye.

Councilman Andy Baran moved to designate the meeting nights for this Town Board to be the second Thursday of each month for a workshop meeting if needed and the fourth Thursday of each month for a regular meeting; with the regular meeting in April and October to be held in East Palmyra; with exception to the month of November when November 9th will be the Budget Hearing and the regular meeting will be Thursday, November 30, 1995 (due to the Thanksgiving holiday) and the December meetings to be held on Thursday, December 14th, if needed, and December 28th; said meetings will begin at 7:30 p.m. Eastern Standard Time and at 8:00 p.m. Eastern Daylight Savings Time. Councilman Robert Grier seconded this motion, and it carried unanimously.

MOTION TO
DESIGNATE
MTG NIGHTS

NOV. & DEC.
MEETINGS

A motion was then offered by Councilman Grier, seconded by Councilman Nussbaumer and carried unanimously, to designate the official depositories for the Town of Palmyra as follows:

MTN TO DSGNT
OFFICIAL
DEPOSITORIES

Marine Midland Bank N/A
Chase Manhattan N/A
M & T Trust Company
Key Bank
Fleet Bank

Town Councilman Lynne Green moved to pay utilities, hospitalization, dental insurance, postage, disability insurance, retirement, municipal insurance, social security and Wayne County Water & Sewer Authority prior to audit. Councilman Grier seconded this motion and it carried unanimously.

MTN TO PAY
PRIOR TO
AUDIT

The motion to set the price of gravel at a cost not to exceed \$1.50 per cubic yard was moved by Councilman Nussbaumer, seconded by Councilman Grier and carried with 3 ayes and 1 naye. Supervisor Lyon voted naye.

MTN TO SET
PRICE OF
GRAVEL

Councilman Grier moved to make all appointments and salaries retroactive to January 1, 1995. Councilman Nussbaumer seconded this motion and it carried

MTN TO MAKE
APPNTMNTS &
SALARIES
RETROACTIVE

ORGANIZATIONAL MEETING CONT.

January 5, 1995

unanimously.

MTN TO ADPT
RULES OF
PROCEDURE

Councilman Nussbaumer moved to adopt the Rules of Procedure for the fiscal year 1995. The second to this motion came from Councilman Baran and it carried unanimously.

MTN TO APT
DELEGATE TO
ASSOC. OF
TOWNS MTG

Councilman Baran moved to appoint the Town Attorney, Paul T. Rubery, Esquire, as our delegate to the 1995 Association of Towns Meeting in New York City. Councilman Grier seconded this motion and it carried unanimously.

MTN TO AUTH
THE SIGNING
OF CHECKS

Councilman Nussbaumer moved that the authorization for check signing be as follows:

David C. Lyon -or- Andy Baran

and

Beverly E. Hickman -or- Catherine Contant

Councilman Baran seconded this motion and it carried unanimously.

MTN TO SET
DATE TO AUDIT
(2) JUSTICES
BOOKS AND THE
TN CLK BOOKS

Councilwoman Green moved to set February 16, 1995 as the date to audit the books of Justice Abbott, Justice Rodman and Town Clerk, Beverly E. Hickman, for the calendar year 1994 if arrangements can be made to have everyone's books available.

Councilman Grier moved to appoint James Welch, Palmyra, to the Palmyra Planning Board for a five year term ending December 31, 2000. Councilman Nussbaumer seconded this motion and it carried with a vote of 4 ayes and 1 naye. Andy Baran voted naye.

MTN TO APT
J. WELSH TO
TN PLNG BD

Councilman Nussbaumer then moved to limit all Town Board appointed Planning and Zoning Board members to two five year terms (a total of 10 years) retroactive to last term effective after January 1, 1995 term. This motion carried upon roll call vote as follows:

Supervisor	- David Lyon	- Naye
Town Board Members	- Andy Baran	- Aye
	Robert Grier	- Aye
	David Nussbaumer	- Aye
	Lynne Green	- Aye

Councilman Baran moved to approve the mutual loan

ORGANIZATIONAL MEETING CONT.

January 5, 1995

the Town Justices wherever and whenever needed in the County of Wayne for the year 1995. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO APV
TEMP LOAN
OF JUSTICES

Supervisor Lyon informed the Board members that he had decided to have one centrally located mailbox for all Town Board members in addition to their individual mailboxes. The purpose of this is to save time and supplies by making only one copy of things everyone should read; it can be read and replaced in the mailbox for the next board member to read when he/she comes in. This will be set up immediately.

CENTRALLY
LOCATED
MAILBOX FOR
TN BOARD

Inspection of mobile home parks.

Lynne Green will set a date for the inspection of the mobile home parks and get back to the Board with that information.

MOBILE HOME
PK INSPECTN

Town of Palmyra Dog Kennels.

David Nussbaumer stated that we need additional heat at the dog kennels. Gary Rose, ACO, has been looking at several different ways of heating same. Mr. Nussbaumer moved to purchase heaters at a cost not to exceed \$90.00 and for the purchase to be at the discretion of Mr. Rose. Robert Grier seconded this motion and it carried unanimously.

MTN TO APV
HEATERS FOR
DOG KENNEL
(PURCHASE
OF)

Long-Term Water Study.

Supervisor Lyon stated that he would have more information on the long-term water study shortly.

LONG-TERM
WATER STUDY

Motion to establish a operating budget for the CWD.

David Nussbaumer moved to establish a operating budget for the Central Water District and for said budget to be on file with the Clerk to the Supervisor, Renee Lau. Robert Grier seconded this motion and it carried unanimously.

MTN TO EST
OPERATING
BUDGET FOR
CWD

Motion to approve opening a saving account for CWD.

Robert Grier moved to approve the opening of a savings account for the Central Water District. This motion was seconded by Andy Baran and carried unanimously.

MTN TO APV
OPENING OF
SAVINGS ACT
FOR CWD

ORGANIZATIONAL MEETING CONT.

January 5, 1995

Transfer of funds

MIN TO APV
TRANSFER
OF FUNDS

Robert Grier moved to approve the following transfer of funds of the Capital Project for the CWD:

FROM	TO	
HB-8320.245	HB-8320.201	\$103,000
Eng-MRB	Res. Observation	
\$137,377.00	HB-9320.241	\$ 1,000
	Permits/Misc/Admin	
	HB-8320.246	\$ 5,590
	Test Boring/Surveys/Printing	
	HB-8320.291	\$ 10,000
	Land/Easements	
	HB-1990.400	\$ 17,787
	Contingency	
		<u>\$137,377.00</u>

David Nussbaumer seconded this motion and it carried unanimously.

Connection fee for commercial connection to CWD

MIN TO APV
CONNECTION
FEES FOR
COMMERCIAL
PROPERTIES
FOR CWD

David Nussbaumer moved to approve the fee schedule for commercial property connection to the CWD plus variables and for the commercial property owners to be sent this information sheet. This motion was seconded by Andy Baran and carried unanimously.

MIN TO APV
MINUTES OF
10/13/94
10/27/94 &
11/10/94

At this time David Nussbaumer moved to approve the minutes from the Town Board meetings held on October 13, 1994; October 27, 1994 and November 10, 1994, as submitted. Andy Baran seconded this motion and it carried unanimously.

MIN TO ADJRN

The motion to adjourn this meeting of the Town Board, Town of Palmyra, was offered by David Nussbaumer, seconded by Robert Grier and carried unanimously.

Respectfully submitted,

Beverly E. Hickman

Beverly E. Hickman
Town Clerk

January 26, 1995

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, January 26, 1995, was called to order at 7:30 PM by Town Supervisor David 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 Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

Others in attendance at this meeting included:
Pete Banko Dan Pedtke
Howard VanDyne - Courier-Journal
Elaine Hartnagel - the TIMES
Gary Rose, Animal Control Officer
Nelson F. Cook, Highway Superintendent
Paul T. Rubery, Town Attorney

At this time David Nussbaumer moved to approve the minutes of the November 17, 1994 Town Board meeting. Robert Grier seconded this motion and it carried unanimously.

MIN TO APV
MINUTES OF
11/17/94

The Board received and accepted the Supervisor's Monthly Report and it will be on file in the Town Clerk's Office.

SUPER'S MTHLY
REPORT ACCPID

COMMUNICATIONS

1. Resignation of James Welch from the Zoning Board of Appeals
2. Notice of meeting from the NYS Department of Health
3. Letter from NYS Department of Agriculture & Markets RE: CWD within the Agricultural Districts

REPORTS OF STANDING COMMITTEES

ASSESSMENT COMMITTEE - DAVID NUSSBAUMER, CHAIRMAN

1. Assessor Update

A written report was submitted by Ann Vingee-Taber, Sole Assessor. This report will be filed in the folder entitled "Assessor Update and Building Inspector/Zoning Officer Update" as kept with these minutes.

ASSESSOR
UPDATE

REGULAR TOWN BOARD MTG CONT.

Jan. 26, 1995

2. Animal Control Officer Update

ANIMAL
CONTROL
UPDATE

David Nussbaumer reported to the Board that after consulting with Gary Rose, ACO, they had decided that the Town's expenses for dog control is higher than the income. Mr. Nussbaumer and Mr. Rose have discussed the possibility of raising the impound fees and/or the local fee on each license. They are presently considering the possibility of a Local Law to increase these fees and will bring this to the Board at a later date.

HIGHWAY COMMITTEE - ANDY BARAN, CHAIRMAN

1. Agreement to spend Highway Funds

MTN TO APV
HIWY FUNDS
FOR 1995

Andy Baran moved to approve the Agreement to Spend Highway Funds for the fiscal year 1995. Robert Grier seconded this motion and it carried unanimously.

2. Award bid for skid steer loader

MTN TO APV
PURCHASE OF
SKID STEER
LOADER

Nelson Cook, Highway Superintendent, told the Board that four bids had been received for the skid steer loader. He recommended Jennings Ford Tractor, Melroe-Model 853H at \$24,994, which in fact, was the lowest bid. Andy Baran moved to approve the purchase of a skid steer loader from Jennings Ford Tractor, Melroe, Model 853H at a cost not to exceed \$24,994.00. David Nussbaumer seconded this motion and it carried unanimously.

3. Award bid for bulldozer

MTN TO APV
PURCHASE OF
BULLDOZER

Mr. Cook reported that he had received three bids on the track type dozer. He recommended Syracuse Supply, Caterpillar-Model D3C Series III at a cost of \$47,000 which was the lowest bid. Andy Baran moved to approve the purchase of a Caterpillar-Model D3C Series III from Syracuse Supply at a cost not to exceed \$47,000 and for Mr. Cook to obtain a grace period on the 3-yr. buy-back. David Nussbaumer seconded this motion and it carried unanimously.

REGULAR TOWN BOARD MTG CONT.

Jan. 26, 1995

4. Approval to sign contract for auction

Andy Baran moved to authorize Nelson Cook, Highway Superintendent, to sign the contract with Roy Teitsworth for the 10th Annual Municipal Auction to be held at the Town Barns on May 20, 1995 with the same conditions as usual and upon approval of the Town Attorney. This motion was seconded by David Nussbaumer and carried unanimously.

MTN TO APV
SIGNING OF
CONTRACT
FOR AUCTION

5. Highway Mutual Agreement

Nelson Cook reported that the Wayne County Highway Superintendents are working on an agreement that will benefit all of the Wayne County Towns. He will get back to the Board after it is completed.

HIGHWAY
MUTUAL
AGREEMENT

6. Approval for Highway Superintendent and Deputy to attend Water Conference at a total cost of \$20.00

Andy Baran moved to authorize the Highway Superintendent and his Deputy to attend the Water Conference Meeting at a cost not to exceed \$20.00. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO AUTH
SCHOOL FOR
HIWY SUPER

7. Transfer of funds

Andy Baran moved to approve the following transfer:

<u>FROM</u>	<u>TO</u>
Machine Reserve	DA Highway III
\$1650.00	\$1650.00

(Necessary to pay bills for January. Highway III will repay the Machine Reserve when tax money arrives in February)

MTN TO APV
TRANSFER
OF FUNDS

Robert Grier seconded this motion and it carried unanimously.

Andy Baran then moved to approve the following fund transfers:

<u>FROM</u>	<u>TO</u>
Cap. Fac Reserve	H5132.2 Fuel Pump
\$161.28	\$161.28
DA9060.8	DA9055.8
Health Ins. \$52.40	Disability \$52.40
DB9060.8	DB9055.8
Health Ins. \$52.40	Disability \$52.40

MTN TO APV
TRANSFER
OF FUNDS

This motion was seconded by Robert Grier and carried unanimously.

REGULAR TOWN BOARD MTG CONT.

Jan. 26, 1995

PLANNING COMMITTEE - ROBERT GRIER, CHAIRMAN

BLDG INSPTR/
ZONING OFFCR
UPDATE

1. Building Inspector/Zoning Officer Update

A written report was submitted to this Board by Earl Vanderwall, Building Inspector/Zoning Officer and is filed in the folder entitled "Assessment Update and Building Inspector/Zoning Officer Update" as kept with these minutes.

2. Cellular One

Following a full review of the Cellular One project, Robert Grier moved the following resolution:

MIN TO APV
SPECIAL USE
PERMIT FOR
CELLULAR
ONE

WHEREAS, the Town Board has conducted extensive hearings on the application to place a tower for cellular transmission on premises owned by Frank and John Koeberle located south of Garnsey Road, east of Vienna Road and north of the Ontario County line, and

WHEREAS, the Town Planning Board and the Wayne County Planning Board have approved the installation of a cellular tower, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Palmyra does grant a special use permit to Cellular One - Genesee Telephone Company to erect a cellular tower on premises leased from Frank and John Koeberle in Town Lot 60, Township 12, Range 2 of the Town of Palmyra, Wayne County, New York as set forth on a site plan filed with the Town of Palmyra Town Board prepared by Donald B. Schwartz, PLS, dated 4/6/94 and bearing Job No. 93-4022-002 upon the terms and conditions contained herein:

- A. The site plan will be revised to meet the suggestions of the site engineer dated November 11, 1994, plus they will add:
 1. The specification of the seed to be used.
 2. The map of the erosion control measures.
- B. The site will be prepared and developed in accord with the site plan as amended in paragraph A above.
- C. Landlord will release the site from the Ag District.
- D. Installation of a controlled (gated) entrance to the site.
- E. Obtain and maintain clearance from the FAA and comply with any and all applicable regulations of the FAA & NTSB.
- F. Implement any drainage plan necessary to complete site plan not shown on the map.
- G. Completely fence the building and parking area and tower per site plan.
- H. Plant outside the fence "fast growing" evergreen-style trees and maintain them so that they will continue to grow; trees shall be a minimum of 15' at time of planting to be planted 20' apart in a configuration to screen the site.
- I. Compliance at all times with the Town, State and Federal rules, regulations and

REGULAR TOWN BOARD MTG CONT.

Jan. 26, 1995

applicable ordinances except as to those Town ordinances, rules, and regulations varied by these conditions.

J. The tower will be limited to only one (1) microwave antenna dish for link frequency, and not to exceed 9 non-microwave single pole type antennas; the applicant shall make antenna space, ingress, egress and access to utilities available for reasonable government use by the County of Wayne without charge. No other tower or antennas except for antennas added for the County of Wayne shall be added without a hearing and the specific consent of the Town Board.

K. The antenna shall not exceed 186' as measured from ground level.

L. The antenna shall be anchored within the leased site so that any collapse of the tower will be within the leased site.

M. Prior to construction the design engineers and supervisors of construction shall certify to the Town that the antenna as erected will withstand winds and/or storms equal to 70 MPH to meet EIA & TIA standards.

N. The Company will submit a plan which will set forth conditions so that the Town can independently determine when the tower and related facilities are to be removed. The plan must be satisfactory to the Town before construction. The Company will certify in writing the need for the tower annually. This permit will terminate in 20 years. The Company and all subsequent owners and operators of the tower shall guarantee the removal of the tower at the end of its use or the termination of its permit, whichever occurs first. This obligation shall be the obligation of the grantee of the permit and shall be assumed by each subsequent owner of the antenna. Each owner shall demonstrate to the Town its financial ability to remove the tower and restore the site. Failure to do so will be a violation of the permit.

O. The tower and support facilities shall be completely removed and the site restored in accord with plans filed with the Town dated May 17, 1994, to its original condition when no longer used or in 20 years, whichever shall occur first.

P. That in the event the emission of harmful radiation or electric magnetic waves or similar discharges shall reach a level which should be considered to be dangerous to the general public, to wit; not more than 1600 watts (as measured at the boundary of the leased parcel) effective radiative power, this permit shall be considered violated.

Q. That in the event of proven interferences with TV reception on adjacent properties, reception will be restored to the adjacent properties within 10 working days.

R. The property will be assessed as all properties in Town and pay its proportionate share of the tax.

S. The tower will be galvanized steel, silver colored, which will over time weather to a dull gray.

T. There will be no storage of equipment, material or waste outside of the structure on the site except a backup generator.

U. There will be no sublease of the tower or lease of space on the tower without the Town

REGULAR TOWN BOARD MTG CONT.

Jan. 26, 1995

Board's approval.

V. No lights on the antenna.

W. The applicant will sign this resolution signifying its understanding of the conditions contained herein and its agreement to comply with said conditions.

Andy Baran seconded this resolution and it carried upon roll call vote as follows:

Town Supervisor	- David Lyon	- Naye
Town Board Members	- Andy Baran	- Aye
	Robert Grier	- Aye
	David Nussbaumer	- Aye
	Lynne Green	- Aye

ZONING COMMITTEE - LYNNE GREEN, CHAIRMAN

1. Adult Entertainment

ADULT ENTERTAINMENT

Supervisor Lyon told the Board that he has had a couple of requests to put a adult entertainment resolution in place in the Town of Palmyra. He suggested that perhaps the Master Plan Committee, the Town Zoning Board and the Town Planning Boards could be asked for their input on the matter. Lynne Green said she would take care of that and will also research what area towns have done regarding this and will get back to the Board as soon as she has the information in place.

2. Mobile Home Park Inspection

MOBILE HOME PK INSPECTION

Lynne Green reported that a definite date has not been decided upon at this time.

3. Possibly set public hearing date for Johnston's RV Sales

PUB HEAR FOR JOHNSTON RV SALES DISCUSSED

Supervisor Lyon stated that since this business is on a county road, the information will have to be sent to the Wayne County Planning Board for their recommendation. It was decided that the date for the public hearing will be set at the next meeting.

4. Opening on the Zoning Board of Appeals

REMINDER OF VACANCY ON ZONING BD OF APPEALS

Supervisor Lyon reminded the Board members that there is a vacancy on the Zoning Board of Appeals that needs to be filled as soon as possible.

REGULAR TOWN BOARD MTG CONT.

Jan. 26, 1995

AGENDA ITEMS

1. Approval to sign Canal Permit

Lynne Green moved to approve the signing of the Canal Permit for the Central Water District Project. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO APV
SIGNING OF
CANAL PERMIT
FOR CWD

2. Long-term water study

Supervisor Lyon said that there is a meeting scheduled for next Friday, February 3, 1995 if any of the Board was able to attend.

LONG-TERM
WATER STUDY

3. Reminder of joint meeting of the Town Boards of Marion, Macedon, Walworth & Palmyra - 9am on 1/27/95 at the Walworth Town Hall

Information only.

4. Changes in Abstract and Agenda deadlines

Beverly E. Hickman, Town Clerk, has requested that agenda items be to her by noon on Monday of a Town Board Meeting week and that expenditures for the abstract be turned in by 5:00 PM on Friday prior to a Town Board Meeting week. Any item received after these deadlines will be held until the following occasion.

CHGS IN
ABSTRACT &
AGENDA
DEADLINES

5. Audit of the Town Clerk's Books

(Overlooked at this meeting - will be placed on agenda for next meeting.)

AUDIT OF
TN CLK'S
BOOKS

Following a review of the expenditures, David Nussbaumer moved to approve payment of the expenditures and claims as shown on Abstract #1 with totals as follows:

MTN TO APV
PAYMENT OF
EXPENDITURES

Account	Voucher #	Amount
General Fund	1 - 40 & 510	\$ 12302.69
Part Town Fund	1 - 9	1005.18
Highway III & IV	1 - 16	5658.44
Highway I	1 - 4 & 104	1556.54
North Water Dist.	1 - 4	3220.23
South Water Dist.	1 - 4	828.07
East Water Dist.	1 - 3	224.95
Capital Project	2 - 4	11822.60

Robert Grier seconded this motion and it carried unanimously.

REGULAR TOWN BOARD MTG CONT.

Jan. 26, 1995

MIN TO APV
COMING INTO
EXEC SESS

Robert Grier then moved to go into executive session to discuss matters of possible litigation. Lynne Green seconded this motion and it carried unanimously.

MIN TO APV
COMING OUT
OF EXEC SESS

The motion to come out of executive session was offered by Robert Grier, seconded by Andy Baran and carried unanimously.

MIN TO APV
TRANSFER OF
FUNDS

Supervisor Lyon moved to approve the following fund transfers:

From	To
A9060.8 \$273.20 Health Insurance	A9055.8 \$273.20 Disability
H9901.9 \$1888.00 Rev Reserve	A1355.101 \$1888.00 Data Collection

Andy Baran seconded this motion and it carried unanimously.

The following resolution was duly moved by Town Councilman David Nussbaumer, seconded by Town Councilman Robert Grier and carried unanimously:

MIN TO CERTIFY
TO COMM. OF AG
STATE OF NY
THAT ADVERSE
IMPACTS IN
NOTICE OF
INTENT WILL
BE MINIMIZED
OR AVOIDED

The Town Board of the Town of Palmyra on behalf of the Town of Palmyra does hereby certify to the Commissioner of Agriculture of the State of New York that the Town of Palmyra has by resolution made a finding that the requirements of Section 305(4) of the Agriculture and Markets Law of the State of New York have been met and that consistent with social, economic and other essential considerations to the maximum extent practicable, the adverse impacts revealed in the notice of intent process will be minimized or avoided.

The reasons supporting such findings are as follows:

- A. The final plan reflects that the water system will be largely constructed in the right of way of existing highways.
- B. Any construction within the confines of a working farm will be 5' below the level of the surface and will not interfere with the working of the agricultural land. Where practicable work will be done in any agricultural land when it will not interfere with growing crops.
- C. Latest restrictions were imposed limiting connections to agricultural land to applications received prior to January 1, 1995. There were no applications for lateral connections. There can be no lateral connections made for nonexistent houses in lands devoted to farming in the existing Agricultural District.
- D. That the Board finds that it has to the extent practicable minimized adverse impact on Agricultural lands by:
 1. Avoiding construction within Agricultural lands.
 2. Eliminating lateral connections to Agricultural lands which do not contain existing structures as of January 1, 1995.
 3. Surveying and making an inventory of

REGULAR TOWN BOARD MTG CONT.

Jan. 26, 1995

operating farms within the proposed water district so that any possible erosion of available agricultural lands can be monitored and where practicable eliminated.

4. Enforce compliance with assessment requirements for land removed from Agricultural production.
5. Provide water supply to existing farms in the District to make the farms more viable and to assure the farm's access to potable water to assist in the farm's needs to address health and sanitary concerns and provide fire coverage for the protection of the livestock, buildings and equipment of the farm.

The motion to adjourn this meeting of the Town Board was offered by David Nussbaumer, seconded by Robert Grier and carried unanimously.

MTN TO ADJRN

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

February 16, 1995

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, Feb. 16, 1995 at the Town Office, 201 East Main Street, Palmyra, was called to order at 7:30 PM by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

Others in attendance at this meeting included:
Howard VanDyne - Courier-Journal
Nelson F. Cook - Highway Superintendent
Paul T. Rubery - Town Attorney
Gary Rose - Animal Control Officer

Andy Baran moved to approve the minutes of the December 8, 1994 Town Board Meeting as submitted. David Nussbaumer seconded this motion and it carried unanimously.

MIN TO APV
MINUTES OF
12/8/94

The Town Board acknowledged receipt of the Supervisor's Monthly Report and it will be available in the Town Clerk's Office for review.

RECEIPT OF
SUPER'S
MONTHLY RPT

COMMUNICATIONS

None at this time.

REPORTS OF STANDING COMMITTEES

ASSESSMENT COMMITTEE - DAVID NUSSBAUMER, CHAIRMAN

1. Assessor Update

ASSESSOR
UPDATE

A written report from the Assessor, Ann Vingee Taber, has been filed in the file folder entitled "Assessor Update/Building Inspector/Zoning Officer Update" as kept with these minutes.

2. Local fee for dogs

The possibility of increasing the local fee that is included in the licensing of dogs was discussed briefly with Gary Rose, Animal Control Officer. It

LOCAL FEE
FOR DOG
LICENSES

REGULAR TOWN BOARD MEETING CONT.

Feb. 16, 1995

was decided there should be more research regarding this matter and then brought back to the Board.

Mr. Rose will do the research.

3. Set public hearing date for Cablevision Industries

David Nussbaumer moved to set a date of March 9, 1995 to hold a public hearing at the Town Office, 201 East Main Street, Palmyra, to consider the renewal of the franchise for Cablevision Industries. Robert Grier seconded this motion and it carried unanimously.

ITN TO SET
PUBLIC HEAR
DATE FOR
CABLEVISION

HIGHWAY COMMITTEE - ANDY BARAN, CHAIRMAN

1. Transfer of funds

Andy Baran moved to approve the transfer of \$47,000 from Machine Reserve to Highway III to pay for Caterpillar D3C Series III (bulldozer). (When CWD leases the bulldozer, the district will pay the highway department for some of the cost of the transfer.) Robert Grier seconded this motion and it carried unanimously.

ITN TO APV
TRANSFER
OF FUNDS

PLANNING COMMITTEE - ROBERT GRIER, CHAIRMAN

1. Building Inspector/Zoning Officer Update

A written report was submitted by Earl Vanderwall, Building Inspector/Zoning Officer and has been filed in the file folder entitled "Assessor Update/Building Inspector/Zoning Officer Update" as kept with these minutes.

BLDG INSPCTR
ZONING OFFCR
UPDATE

ZONING COMMITTEE - LYNNE GREEN, CHAIRMAN

1. Set public hearing date - VanderMolen Sales - Special Authorization

Lynne Green moved to set a date of April 13, 1995 to hold a public hearing for Gary L. & Aaron C. Johnston of Johnston's RV Sales (formerly VanderMolen Sales) at 7:30 PM at the Town Office, 201 East Main Street, Palmyra to consider a special authorization. Robert Grier seconded this motion and it carried unanimously.

ITN TO SET
PUBLIC HEAR
DATE FOR
JOHNSTON
RV SALES

2. Date for mobile home park inspection

Lynne Green stated that the date for the inspection of

MOBILE HOME
PARK INSPECTN

REGULAR TOWN BOARD MEETING CONT.

Feb. 16, 1995

the mobile home parks has not been confirmed at this point. She will notify the Board members after verification.

AGENDA ITEMS

1. Approval to open a savings account for CWD
David Nussbaumer moved to authorize the opening of a new savings account for the water security deposits for canal property residents in the Central Water District. This account will be named "Central Water District - Canal Resident's Deposits." Andy Baran seconded this motion and it carried unanimously.

MIN TO APV
OPENING A
NEW SAVINGS
ACCT FOR CWD

2. Public information meeting Mon., Feb. 27 at 7:30 PM at the Walworth Town Hall RE: Consolidation of water

Information only.

3. CWD progress report to be held at the Town Office on Feb. 21 at 10AM

Information only.

4. Approve connection fees for multi-family units and mobile home parks in the CWD

Andy Baran moved to approve the following fee schedule for connection of multi-family residences, commercial properties, high volume users and developers to the new Central Water District in the Town of Palmyra:

MIN TO APV
FEE SCHEDULE
FOR MULTI-
FAMILY RES.
ETC.

Living Units	Minimum Service Size	Total Connection Fee	Deposit
Up to 3	1"	\$1000	\$1000
4 - 9	1 1/2"	Actual Cost Plus \$1000	\$1500
10 or more	To be designed	To be negotiated	\$2500

Churches/Commercial Properties w/Light Use - with projected consumptions up to 500,000 gallons per yr
1" \$1000 \$1000

Schools or other High Volume Users To be designed To be negotiated (depends on use and possible sprinklers) \$1000

Developers - who install water lines and dedicate same to the Town
To be designed 125% of WCWSA charge \$500/unit

The deposit for connection to the water line will be according to the above schedule. The customer will be billed for the actual cost of connection.

Connection deposit through Feb. 28, 1995: as above
March 1 through August 31, 1995 :as above plus \$200

REGULAR TOWN BOARD MEETING CONT.

Feb. 16, 1995

September 1 through November 1, 1995 : as above plus \$500

Checks are to be made payable to the Town of Palmyra Water Improvement Area, Town Clerk's Office, 201 East Main Street, Palmyra, NY 14522.

David Nussbaumer seconded this motion and it carried unanimously.

MIN TO APV
FEE SCHEDULE
FOR MOBILE
HOME PARKS
FOR CWD

Andy Baran then moved to approve the following fee schedule for connection of mobile home parks to the new Central Water District in the Town of Palmyra:

Mobile Home developments with multiple units located on one parcel of land will be charged the direct cost of connection plus \$40 per unit based on the number of individual service connections.

If a subsequent expansion of the development occurs, there will be a future charge of \$40/unit for the number of new units as approved by the Town Planning Board, Building Inspector, or any Special Use Permit.

The deposit for connection to the water line will be the number of units to be connected X \$40.00, minimum deposit \$1000.00, not to exceed \$4000.00. You will be billed for the actual cost of connection.

Connection deposit through Feb. 28, 1995: as above

March 1 through August 31, 1995 : as above plus \$200

September 1 through Nov. 1, 1995 : as above plus \$500

Checks are to be made payable to the Town of Palmyra Water Improvement Area, Town Clerk's Office, 201 East Main Street, Palmyra, NY 14522.

Robert Grier seconded this motion and it carried unanimously.

5. Transfer of funds

MIN TO APV
TRANSFER
OF FUNDS

Supervisor Lyon moved to approve the transfer of \$60,000 from the Central Water District to the Capital Project (CWD) to pay construction costs of the project. This money will be repaid to the Central Water District when money comes in from the Bond Anticipation Note. Andy Baran seconded this motion and it carried unanimously.

MIN TO APV
PAYMENT OF
CLAIMS

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

REGULAR TOWN BOARD MEETING CONT.

Feb. 16, 1995

<u>Account</u>	<u>Voucher #</u>	<u>Amount</u>
General Fund	41 - 63	\$ 8173.35
Part Town Fund	10 - 14	464.34
Highway III & IV	17 - 41	61822.56
Highway I	5 - 6	14587.42
North Water Dist.	5 - 6	1613.44
South Water Dist.	5	6.00
East Water Dist.	4	76.19
Capital Project	5 - 9	150999.52

Lynne Green seconded this motion and it carried unanimously.

The motion to adjourn this meeting of the Town Board was offered by Andy Baran, seconded by David Nussbaumer and carried unanimously.

MIN TO ADJRN

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman,
Town Clerk

March 9, 1995

PUBLIC HEARING
Cablevision Industries
Renewal of Franchise

The Public Hearing scheduled to be held on Thursday, March 9, 1995 at the Town Office, 201 East Main Street, Palmyra, to consider a request by Cablevision Industries for renewal of their Franchise Agreement was called to order at 7:30 PM by Town Supervisor David Lyon.

PUB HEARING
CALL TO ORDER

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

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

Howard VanDyne - Courier-Journal
Elaine Harthnagel - the Times
Paul T. Rubery - Town Attorney

David Nussbaumer stated that credit for one day's service every time there is no service for over four hours needs to be written into the franchise agreement. He said he would like to see new channels added also. The Town Clerk's service bill had shown that she was franchised through the Village of Palmyra instead of the Town of Palmyra, thereby giving credit for that service to the wrong municipality. Her service has now been corrected, but Mr. Nussbaumer wants all of the roads with the same name as some streets verified as to proper municipality franchise.

Supervisor Lyon asked if there were anymore comments or questions regarding this matter. Being none, he declared this public hearing closed at 7:40 PM.

PUB HEARING
CLOSED

WORKSHOP MEETING OF THE TOWN BOARD
with business

The Workshop meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, March 9,

CALL TO ORDER

TOWN BOARD WORKSHOP MTG W/BUSINESS March 9, 1995

1995, was called to order at 7:40 PM by Town Supervisor David Lyon.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Upon roll call, the following Town Board members were present:

Town Supervisor - David Lyon
Town Board Members - Robert Grier
David Nussbaumer
Lynne Green
(Andy Baran was absent)

COMMUNICATIONS

1. Invitation to the annual Firefighters' Drill and Breakfast to be held on April 30, 1995 from the Palmyra Memorial Post #6778 Inc., VFW. Drill time is 7:00 AM with breakfast to be served at 9:30 AM.

REPORTS OF STANDING COMMITTEES

ASSESSMENT COMMITTEE - DAVID NUSSBAUMER, CHAIRMAN

1. Cablevision Industries- Subject of public hearing

MTN TO AUTH
NUSSBAUMER
TO LOOK
INTO FRANCHISE
FURTHER

Robert Grier moved to authorize David Nussbaumer to contact Nicholas F. Giangualano of Cablevision Industries to go over the franchise agreement. Lynne Green seconded this motion and it carried unanimously.

2. Appointment of Gordon DeMay to the Board of Assessment Review

MTN TO APT
G. DEMAY TO
BD OF ASSESS.
REVIEW

David Nussbaumer moved to appoint Gordon DeMay, of 990 Palmer Road, Palmyra, to the Palmyra Board of Assessment Review to complete the term of Roger Hoad will terminate in September of 1999. This motion was seconded by Lynne Green and carried unanimously.

HIGHWAY COMMITTEE - ANDY BARAN, CHAIRMAN

No report.

PLANNING COMMITTEE - ROBERT GRIER, CHAIRMAN

To be held later in the meeting

ZONING COMMITTEE - LYNNE GREEN, CHAIRMAN

1. Mobile Home Park Inspection

MOBILE HOME
PK INSPECTION

Lynne Green reported that the mobile home park inspection had been done by Dr. Alan Lorenz - Health Officer, Robert Grier, Earl Vanderwall and herself. She stated that five of the six mobile home parks in

TOWN BOARD WORKSHOP MTG W/BUSINESS

March 9, 1995

the Town of Palmyra are in violation of the Mobile Home Park Ordinance. Mr. Vanderwall will check back with these five parks and let the Board know when they come into compliance.

AGENDA ITEMS

1. Resolution - Joint water departments

The following resolution was moved by Lynne Green:

WHEREAS, each of the Towns of Macedon, Marion and Walworth currently maintains its own water department to operate and maintain its water system, and

WHEREAS, the Town of Palmyra is in the process of expanding its water system and will need the services of a water department, and

WHEREAS, after careful study, each of the Town Boards of Macedon, Marion, Walworth and Palmyra have concluded that the current and future needs of each Town for a water department can be met more efficiently and cost effectively by consolidating their separate water departments into a single department for their mutual benefit; and

WHEREAS, the Wayne County Water and Sewer Authority ("Authority") was created to serve the water needs of Wayne County and has the expertise to manage a water department to serve the needs of the four Towns;

NOW BE IT RESOLVED, that the Supervisor of the Town of Palmyra is hereby authorized and directed to execute, on behalf of the Town, a Service Agreement among the Wayne County Water and Sewer Authority, the Town of Macedon, the Town of Marion, the Town of Palmyra and the Town of Walworth, such agreement to be in the form as presented to the Board; and

IT IS FURTHER RESOLVED, that the Supervisor and other Town officials are hereby authorized and directed to take all actions necessary or advisable as contemplated in such Agreement, including but not limited to the transfer of certain water employees, whose primary function is with the water department, from the Town to the Authority and the transfer to the Authority of all information, books and records as may be necessary or advisable to enable the Authority to carry out its functions under the Agreement; and

IT IS FURTHER RESOLVED, that David Lyon is hereby appointed as the representative, and Robert Grier is hereby appointed as the alternate representative, of the Town of Palmyra to the Advisory Committee to the Authority, as provided in such Agreement.

David Nussbaumer seconded this resolution and it

carried unanimously upon roll call vote as follows:

Town Supervisor - David Lyon	- Aye
Town Board Members - Robert Grier	- Aye
David Nussbaumer	- Aye
Lynne Green	- Aye

RESO TO APV
COMBINING
WATER DEPTS
FOR 4TOWNS

TOWN BOARD WORKSHOP MTG W/BUSINESS March 9, 1995

WATER AUTH
UPDATE

2. Water Authority Update

Supervisor Lyon noted that the long-range water study is still in the works. He said there are some future plans for the Town of Williamson and/or the Town of Ontario furnishing more water to the Water Authority if they would like to do so.

A brief discussion regarding the Town of Palmyra buying water from the Village of Palmyra for our Central Water District followed.

3. Town Historian's Year End Report

The Town Board accepted, for filing, the Town Historian's Year End Report for 1994.

TN HISTORIAN
YR END RPT

4. Audit of the Town Clerk's Books

Following a audit of the Town Clerk's books, by the Town Board, David Nussbaumer moved to approve the books of the Town Clerk for the fiscal year 1994. Robert Grier seconded this motion and it carried unanimously.

MTN TO APV
AUDIT OF
TN CLERK'S
BOOKS 1994

5. Appointment of Inspector for CWD

David Nussbaumer moved to appoint James Milliman, as the inspector for the Town of Palmyra on the Central Water District project; with the duties of inspecting the curb connections as installed by R. P. Meyers and the individual services from the curb connections to the houses, at a rate of \$10.00 per hour on a "as needed" basis. Lynne Green seconded this motion and it carried unanimously.

MTN TO APT
INSPECTOR
FOR THE
CWD PROJECT

6. Authorization to accept bids on CWD

Lynne Green moved to authorize the Town Supervisor, David Lyon and the Town Clerk, Beverly E. Hickman to sign any and all paperwork involved in the accepting of the bids for the Central Water District. Robert Grier seconded this motion and it carried unanimously.

MTN TO AUTH
SIGNING OF
BID PAPERS

Robert Grier mentioned that the Clerk to the Supervisor is having a problem with her bookkeeping

COMPUTER
PROBLEM

program and that she be directed to have the program corrected immediately. The Board agreed with this.

PLANNING COMMITTEE - ROBERT GRIER, CHAIRMAN
(Held over from earlier this meeting)

1. Cellular One

Robert Grier reported that Cellular One is having a problem with the language in the resolution as passed by this Board. He said they have three concerns -

- a) The exact placement of the fencing as required by this Board
- b) The annual certificate for use
- c) Termination of the tower in 20 years

Mr. Grier said he will meet with Paul Rubery, Town Attorney, and will have clarification of the language at the next meeting.

2. Paul T. Freund Co.

Mr. Grier said he had talked to Peter Freund and he has a few customers on a "need basis" that may have to pick up supplies in the middle of the night. Mr. Grier feels that a once a month type of thing would not be a problem, as opposed to every week and/or a truck left running all night. The Board agreed with this. Mr. Grier will check with Mr. Freund to see how he feels about it.

The motion to adjourn this meeting of the Town Board was offered by David Nussbaumer, seconded by Lynne Green and carried unanimously.

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

CELLULAR
ONE UPDATE

PAUL T. FREUND
COMPANY

MIN TO ADJRN

March 23, 1995

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, March 23, 1995 at the Town Office, 201 East Main Street, Palmyra, was called to order at 7:45 PM by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

Others in attendance at this meeting included:

Kelly Bruening Melinda Warner
Steve Taber Dan Pedtke
Cindy & Scott Depew
Elaine Hartnagel, the TIMES
Howard Van Duyne, the Courier-Journal
Ann Vingee-Taber, Sole Assessor
Nelson F. Cook, Highway Superintendent
Paul T. Rubery, Town Attorney

David Nussbaumer moved to approve the minutes of the December 29, 1994 Town Board meeting. Robert Grier seconded this motion and it carried unanimously.

MIN TO APV
MINUTES OF
12/29/94MIN CARRIED

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

SUPER'S MONTHLY
REPORT

COMMUNICATIONS

1. Letter from Village of Palmyra RE: Cellular phone for ACO
2. Approval of route for the Crop Walk for the Hungry

CELLULAR PHONE
FOR ACOAPRVL OF CROP
ROUTE WALK

REPORTS OF STANDING COMMITTEES

ASSESSMENT COMMITTEE - DAVID NUSSBAUMER, CHAIRMAN

1. Cellular phone for ACO

David Nussbaumer moved to approve the agreement offered by the Village of Palmyra for a cellular phone for the Animal Control Officer RE: Village will provide a phone that is their property and have paid set up charges; The Town and village will equally share the \$14.95 monthly telephone service charge; and

MIN TO APV
CELLULAR PHONE
FOR ACO

March 23, 1995

the Town and Village will each pay for the call charges that pertain to their respective municipalities. This motion was seconded by Robert Grier and carried unanimously.

MTN CARRIEDCABLEVISION -
FRANCHISE RENEWAL

2. Cablevision Industries - Renewal of franchise

Mr. Nussbaumer reported to the Board that he has not heard from Cablevision Industries as yet. He will call them again and bring back anything he learns at the next meeting.

3. Assessor Update

ASSESSOR UPDATE

Ann Vingee-Taber, Sole Assessor, turned in a written report, a copy of which can be found in the vault in a file folder entitled "Assessor Update/Building Inspector/Zoning Officer Update" as kept with these minutes.

GRIEVANCE DAY
DATE

Ms. Taber also reported to the Board that she has set May 31, 1995 as Grievance Day for the Town of Palmyra.

HIGHWAY COMMITTEE - ANDY BARAN, CHAIRMAN

1. Transfer of funds

MTN TO APV
XFER OF FUNDS

Andy Baran moved to approve the transfer of \$1650.00 from DA Highway 111 - Acct. SA9950.9 to Machine Reserve to repay money used from Machine Reserve to pay bills before tax money came in. This motion was seconded by David Nussbaumer and carried unanimously.

MTN CARRIEDPOSTED ROADS

2. Posted roads in the Town of Palmyra

Nelson Cook informed the Board that, due to the weakened condition of the pavement, he has had to post Trolley Road and O'Meal Road between Lyon Road and the north end of Shilling Road. He explained that weakened pavement can support cars and pickups but they cannot withstand heavy truck loads. He said that the condition of the previously mentioned roads is such that he cannot allow more damage to be done.

March 23, 1995

201

3. Light pole setting at N end of Rt 21
bridge & North Creek Road

LIGHT POLE
RT. 21 AND
N. CREEK RD.

Supervisor Lyon reported that he had asked NYSEG about changing some of the street lights within the Town of Palmyra and he now has the figures for doing same. He recommended changing to high pressure sodium lights as they give more light and are more cost effective.

Andy Baran moved to approve one pole and light on the southeast side at the intersection of Rt 21 and Walker Road; also to eliminate the light at the North Creek Road pole by the Canalside Grill; and to approve the conversion to high pressure sodium lights at these places. Robert Grier seconded this motion and it carried unanimously.

MTN TO APV
ONE POLE/LIGH
RT. 21/WLKR R
AND ELIMINATE
LIGHT BY THE
CANALSIDE
GRILL; ALSO
TO APV HIGH
PRESSURE SDN.
LIGHTS THERE.

MTN CARRIED

4. Closing of Jeffery Road

Nelson Cook, Highway Superintendent, informed the Board that Jeffery Road will be closed on Monday, March 27, 1995 between Parker Road and Rt 21. He said that Bell's Body Shop will however, have access to their business.

JEFFERY RD.
CLOSED

5. Help Wanted ad

Mr. Cook reported to the Board that he has placed a "Help Wanted" ad in the Courier-Journal for the purpose of hiring two temporary people to help with the waterline cleanup. He hopes to be putting them to work in May and keeping them until October or November 1995.

HELP WANTED
AD FOR SUMMR
HELP - HWAY
WATERLINE
CLEANUP

PLANNING COMMITTEE - ROBERT GRIER, CHAIRMAN

1. Cellular One

Robert Grier stated that the Cellular One people are questioning the phrase "fenced parking area." He thought it should state "outside fenced area as shown on the original plan." The Board agreed with this. He said they are also questioning the 20 year termination of the tower. Mr. Grier feels that Cellular One should still co- in front of the "then

CELLULAR ONE

MTN TO AUTHORIZE
RUBERY TO DRAFT
LETTER STATING
INTENTION OF BRD.

MTN CARRIED

ZON. OFFICER
UPDATE

sitting" Board to renew their permit. The Board agreed with this also. Robert Grier moved to authorize Paul T. Rubery, Town Attorney, to draft a letter to Cellular One stating the intention of this Board. David Nussbaumer seconded this motion and it carried unanimously.

2. Building Inspector/Zoning Officer Update Earl Vanderwall, Building Inspector/Zoning Enforcement Officer, submitted a written report that can be found in the file folder entitled "Assessor Update/Building Inspector/Zoning Officer Update" as kept with these minutes.

ZONING COMMITTEE - LYNNE GREEN, CHAIRMAN

1. Approval for Permit to Collect, Transport and Dispose of Human (Sewage & Septic Sludge) Waste Materials for
 - a) East's A-1 Septic Tank Service & Excavating, Inc. (Jeff East)
 - b) East A A A Septic Tank Svce, Excavating & Trucking (Eugene East)

MTN TO APV PERMITS
FOR HUMAN WASTE
DISPOSAL

Lynne Green moved to approve Permits to Collect, Transport and Dispose of Human (Sewage & Septic Sludge) Waste Materials for East's A-1 Septic Tank Service & Excavating, Inc. (Jeff East) and for East A A A Septic Tank Svce, Excavating & Trucking (Eugene East) for a term to expire April 15, 1996. This motion was seconded by Andy Baran and carried unanimously.

MTN CARRIED

AGENDA ITEMS

SUPER'S REPORT

1. Wayne County Board of Supervisors Update Supervisor Lyon reported that the Court House project has been approved and will be built in the Village of Lyons, providing parking can be made available. He said the other major item is that installment payments of delinquent taxes has been approved with flexible parameters.

WATER AUTH.
UPDATE

2. Water Authority Update Supervisor Lyon reported that the organization of the consolidation of the four towns is moving along and

REGULAR TOWN BOARD MTG CONT.

March 23, 1995

will be in effect April 1, 1995.

3. Audit of the records of Justice Abbott and Justice Rodman RECORDS AUDIT -
ABBOTT/RODMAN

This audit will be done later in the meeting.

4. Transfer of funds

Supervisor Lyon moved to approve the following

MIN TO APV
XFER OF FUNDS

transfer of funds:

<u>FROM</u>	<u>TO</u>
HB8320.201 \$8,000.00	HB8320.202 \$8,000.00
Cap Proj Res Obs	Cap Proj Town Forces
(To pay the inspector for the CWD project)	

This motion was seconded by Lynne Green and carried unanimously.

MIN CARRIED

5. Approval for Clerk to the Supervisor to attend a retirement workshop in Liverpool on 3/27/95 at a cost of \$14.00 and possibly some car pool expense for mileage

David Nussbaumer moved to approve the Clerk to the Supervisor attend a retirement workshop in Liverpool at a cost not to exceed \$14.00, with the possible exception of a portion of the mileage. Lynne Green seconded this motion and it carried unanimously.

MIN TO APV
CLERK TO SUPERV.
TO ATTEND RETIRE-
MENT WORKSHOPMIN CARRIED

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

MIN TO APV CLAIMS
SHOWN ON ABSTRACT
#3

<u>Account</u>	<u>Voucher #</u>	<u>Amount</u>
General Fund	64 - 102	\$ 10787.58
Part Town	15 - 23	10067.91
Highway III & IV	41 - 78	61306.01
Highway I	7 - 12	3757.41
North Water Dist.	7 - 10	1641.25
South Water Dist.	6 - 8	2967.42
East Water Dist.	5 - 7	2375.30
Capital Project	10 - 16	273384.53

This motion was seconded by Andy Baran and carried unanimously.

MIN CARRIED

David Nussbaumer moved to go into executive session to discuss matters of possible litigation.

MIN TO GO INTO
EXEC. SESSION

Robert Grier seconded this motion and it carried unanimously.

MIN CARRIED

The motion to come out of executive session was offered by David Nussbaumer, seconded by Andy Baran

MIN TO COME OUT
OF EXEC. SESSION

REGULAR TOWN BOARD MTG CONT.

March 23, 1995

and carried unanimously.

MTN TO AUTH.
TN. ATTY. TO
HANDLE CARRIER/
JUNKYRD MATTER

David Nussbaumer then moved to authorize the Town Attorney to take whatever steps necessary to handle the Carrier - Hoag - Pulcini matter. Lynne Green seconded this motion and it carried unanimously.

MTN CARRIED

MTN TO APV AUDIT
OF JUSTICES' BOOKS

Robert Grier moved to approve the audit of Justice Abbott's and Justice Rodman's books for 1994. Andy Baran seconded this motion and it carried unanimously.

MTN CARRIED

MTN TO ADJOURN

The motion to adjourn this meeting of the Town Board was offered by David Nussbaumer, seconded by Robert Grier and carried unanimously.

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

950323.min

April 13, 1995

TOWN BOARD WORKSHOP MEETING
W/BUSINESS AND PUBLIC HEARING

PUBLIC HEARING
SPECIAL AUTHORIZATION
Gary L. & Aaron C. Johnston of Johnston's RV Center

PUBLIC HEARING
CALLED TO ORDER

The Public Hearing scheduled to be held on Thursday, April 13, 1995 to consider the application of Gary L. & Aaron C. Johnston, Johnston's RV Center, 2311 Marion Road, Palmyra for Special Authorization to:

1. Obtain the proper variance for the parking of recreational vehicles in from of the existing business.
2. Obtain the proper variance for the use of a parking area on the northwest corner of the property.
3. Obtain permission to construct a building approximately 65' x 75' to service and maintain recreational vehicles.
4. Obtain permission to construct an entrance/exit on the north end of the property off Jeffrey Road. (To be used for customers requiring service to their vehicles.)
5. Obtain permission to do all necessary grading of earth and landscape to develop a more appealing atmosphere.

was called to order at 7:30 PM by Town Supervisor David Lyon.

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

Those in attendance, other than the Town Board, included:

Aaron C. Johnston Albert Burruta
Pat and Elmer VerPlank
Howard VanDuyne, Courier-Journal
Nelson F. Cook, Highway Superintendent
Paul T. Rubery, Town Attorney

Supervisor Lyon asked Mr. Johnston to explain to the Board what he would like to do to the property.

Mr. Johnston presented a map to the Board to help with his presentation. He explained that he would like to place new vehicles out front and used vehicles on the south side; he would like to dress up the physical appearance on the hill so that it is more

attractive and would also prevent the usual spring mud slide by terracing it. The terracing would allow him to park used vehicles on the second terrace. Supervisor Lyon asked if it was fair to say that vehicles would be no farther than one vehicle length from the retaining wall. Aaron said that he thought so. Supervisor Lyon stated that originally the vehicles were supposed to be behind the building and no closer to the road than forty feet.

Item 2 of legal notice - Mr. Johnston stated that he needs this parking area for his extra stock (2 of a kind type of thing).

Item 3 of legal notice - Mr. Johnston said that the Palmyra Planning Board had suggested the possibility of attaching the new building to the present one.

Item 4 of legal notice - Mr. Johnston stated that the Jeffrey Road entrance would be much safer for his customers and also easier for them to turn their vehicles around. He said the whole area would be gravel.

Supervisor Lyon asked if the proposed evergreens were going to become a real thing. Mr. Johnston said they will become real and that he is considering matching up with Pat VerPlank's trees and have the whole area enclosed with trees. He said the extra dirt that will have to be removed could be used by the Town for the Jeffrey Road project if the Highway Superintendent would like to have it.

Andy Baran asked about hours of operation. Mr. Johnston said that they are the same as when VanderMolen had the business.

PUBLIC HEARING CONT. - JOHNSTON'S RV April 13, 1995

Paul Rubery, Town Attorney, asked about the grading plan. He said it should be laid out for the Board to see and the lighting needs to be shown. He said there should be a schematic for what Mr. Johnston wants to do; there is too much visualizing at this point for the Board to really see what he wants. Nelson Cook, Highway Superintendent, suggested that Mr. Johnston have someone shoot an elevation grade of Jeffrey Road and have it put on a contour map. He said the line of sight to the east and the west will have to be figured.

Mr. Johnston asked just what the Board would like to see. Andy Baran said he would like to know just how much dirt will have to be removed. Lynne Green said she would like to know where the bay doors are going to be would like a better picture of how he envisioned the whole place. Supervisor Lyon said he would like the parking areas shown on a new map.

The following recommendation from the Palmyra Planning Board was read into these minutes:

MEMO TO: Palmyra Town Board
FROM: Palmyra Planning Board
DATE: January 17, 1995
RE: VanderMolen Sales Variance Requests

At the January 16, 1995 meeting of the Planning Board, an application from Mr. Gary Johnston, President of Gary Johnston's RV Center Inc. (formerly VanderMolen Sales) was received for some variance requests concerning the property at 2311 Marion Road, Palmyra.

Mr. Johnston wishes to expand his business and construct a 70' x 76' building on the premises, also. The primary concern on this project, according to Mr. Johnston, is the fact that in the 1968 Variance Appeal issued to David VanderMolen, there is a stipulation that no vehicles be parked in front of the front line of the existing building. Mr. Johnston indicated to the Planning Board that he was never made aware of this restriction upon purchasing the property, and that vehicles had been parked there for many years prior to his purchase. He illustrated that if he was not able to display the recreational vehicles on the front line, he would have nowhere to put them, thus forcing him out of business. It is the feeling of both he and Aaron Johnston that in order to maintain a visually pleasant retail atmosphere, the vehicles should remain

there. Elmer Verplank, the adjacent neighbor, was present on the Johnston's behalf and indicated that Gary and Aaron have worked with him on some of the problems encountered, and he hopes to see the variance granted. He has no problem with the vehicles on the front line.

The Johnston's also requested permission to expand and use the existing driveway on the north side of the property, bordering Jeffrey Road, as an entrance to the facility to cut down on traffic from Rt. 21. Mrs. Edinger, Acting Chairperson, asked if Nelson Cook had been contacted to see if that would interfere with the proposed changes he was going to make to Jeffrey Road. Apparently Mr. Cook had already stopped to see Mr. Johnston. Aaron stated that they would be doing extensive research to insure that the larger recreational vehicles would be able to make the turn off of Jeffrey Rd. easily, and would be sure to put the driveway in correctly.

After some more discussion, the board reviewed the letter submitted to the Town Board, in which several issues were addressed. (See attached) Mrs. Edinger read Item 1, which concerned the variance to park vehicles on the front line. Mr. Dundas asked if there could be a working change to read "Obtain the proper variance for the display parking of new recreational vehicles in front of the existing business." Mr. Dundas then stated that it appeared from the map that the state had widened Rt. 21 and quite possible had taken some more land from the property, thus causing a hardship to Mr. Johnston. The board agreed to recommend granting of that variance, limiting the display area to the already-existing paved area.

Concerning Item 2, Mr. Dundas requested that Mr. Johnston bring in a sketch plan showing exactly where the land contours are, drainage, proposed landscaping, parking, etc. It will need to be determined if Mr. Cook will be needing the dirt that is currently on the back of the property, as well. It is the feeling of the board that the area could be used for additional parking, if the Town Board agrees with the sketch plan. Mr. Baker had a concern about drainage onto the abutting Jeffrey property. Mr. Johnston indicated that would not be a problem.

Concerning Item #3, the board felt that permission should be given to construct the proposed building. However, Mr. Dundas indicated that there may be a problem with a between-building setback, given that the Johnston's do not have a lot of property to work with. Mr. Dundas asked why the two buildings couldn't be connected... Aaron stated that he thought that would be an ideal solution, and would need to check with Earl Vanderwall, Zoning Officer, to see if the total square footage would be allowable in the town. Fire and safety reasons, the board felt that a connecting building would be more appropriate. Aaron asked if the board had any preference as to whether to connect it with a corridor or an open archway. There was no indication either way.

PUBLIC HEARING CONT. - JOHNSTON'S RV April 13, 1995

Addressing Item 4, permission to construct an entrance/exit onto Jeffrey Road, the board felt that it would be alright to use the existing driveway, provided that it was upgraded to a usable service entrance that allowed for adequate vehicle manipulation onto the premises. Ed Dundas expressed concern about the site distance, and felt that something could be arrived at with contact with Mr. Cook.

Item 5, permission to do necessary grading and landscaping, was not a problem to the board.

Aaron, at this point, asked the board if there was anything else they felt the Town Board may need; it was agreed that he should bring a sketch plan of the property, especially the rear of the parcel, to illustrate contours, parking, landscaping, etc.

Should you have any questions, feel free to call us.

Sincerely,
Sue Anne Regis, Secretary
Palmyra Planning Board

At this time the recommendation from the Wayne county Planning Board was read into these minutes:

Earl Vanderwall, ZEO
Town of Palmyra
201 East Main Street
Palmyra, New York 14522

Re: Gary Johnston's RV Center
2311 Marion Road
Tax Map Ref. No: 33112-00-215684
Special Permit

Dear Mr. Vanderwall:

At its meeting on March 29, 1995 the Wayne County Planning Board reviewed the above referenced referral and recommended its approval.

If you have any questions regarding this determination, please don't hesitate to contact me.

Sincerely,
James Coulombe
Sr. Planner

PUBLIC HEARING CONT. - JOHNSTON'S RV April 13, 1995

Supervisor Lyon noted that the Palmyra Planning Board had asked for the same things this Board has asked for and Mr. Johnston did not make the proper information available.

Andy Baran moved to adjourn this public hearing to April 27, 1995 at 8:00 PM at the East Palmyra Fire Hall, East Palmyra, NY, to allow Mr. Johnston to prepare the information required. Lynne Green seconded this motion and it carried unanimously.

N TO ADJRN
BLIC HEARING

WORKSHOP MEETING W/BUSINESS

This workshop meeting of the Town Board was called to order at 8:30 PM by Town Supervisor David Lyon.

LL TO ORDER

Upon roll call, the following Town Board members were present:

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Lynne Green
(Robert Grier and David Nussbaumer were absent)

N TO APV
NOTES OF
7/15/94 &
5/95

Andy Baran moved to approve the minutes of the December 15, 1994 regular Town Board meeting and the January 5, 1995 Organizational Meeting as submitted. Lynne Green seconded this motion and it carried unanimously.

COMMUNICATIONS

1. Notice of meeting - Wayne County 911 Coordinator
2. Invitation to Information Meeting and Dinner from RG&E
3. Letter from NYSEG RE: Corrective measures to remove warning tag

AGENDA ITEMS

1. Approval of Bingo License for Palmyra Moose Lodge for 1995

Supervisor Lyon moved to approve the Bingo License for the Palmyra Moose Lodge #1420 for the year 1995. Andy Baran seconded this motion. During a discussion that

N TO APV
NGO LICENSE
R MOOSE CLUB

TN BD WORKSHOP MTG W/BUSINESS CONT. April 13, 1995

followed, Lynne Green stated that she could not, in good conscience, vote for a gambling license. There not being a majority for a vote, this matter was tabled until the April 27, 1995 meeting.

BINGO APVL
TABLED

2. Water Authority Update

Supervisor Lyon informed the Board that the four-town agreement with the Wayne County Water Authority became effective April 1, 1995. He said they are in the process of hiring two new employees, for which they received 75 applications.

WATER AUTH
UPDATE

3. Discussion of amended contract with the Village of Palmyra RE: Water

Supervisor Lyon provided all Board Members with a copy of the proposed water contract with the Village of Palmyra. He asked them to look it over and they will discuss it at a later meeting.

CONTRACT FOR
WTR WITH
VILL OF PAL

4. Assessment

Supervisor Lyon said that he had been informed that the equalization rate for the Town of Palmyra has been set at 1.93 for the year 1995.

ASSESSMENT INFO

Andy Baran moved to go into executive session to discuss personnel matters. Lynne Green seconded this motion and it carried unanimously.

MTN TO GO INTO
EXEC SESSION

Upon coming out of executive session, Lynne Green moved to advertise a public hearing to consider Local Law #1 of 1995 entitled "A Local Law electing a retirement incentive program as authorized by Chapter 12, Laws of 1995 for the eligible employees of the Town of Palmyra." This motion was seconded by Andy Baran and carried unanimously.

MTN TO APV
ADVERTISING
FOR PUB HEAR
L L # 1 of 95

The motion to adjourn this meeting of the Town Board was offered by Andy Baran, seconded by Lynne Green and carried unanimously.

MTN TO ADJRN

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

April 27, 1995

PUBLIC HEARING
JOHNSTON'S RV SALES
Adjourned from April 13, 1995

CANCELLED

PUB HEARING
CANCELLED

Mr. Johnston has requested a cancellation due to the fact that his engineers do not have the requested information ready at this time. He will call for the conclusion of this public hearing at a later date.

PUBLIC HEARING
PROPOSED LOCAL LAW #1 OF 1995

ENTITLED "A Local Law electing a retirement incentive program as authorized by Chapter 12, Laws of 1995 for the eligible employees of the Town of Palmyra."

PUB HEARING
CALL TO ORDER

The Public Hearing scheduled to be held on Thursday, April 27, 1995 at the East Palmyra Fire Hall, Palmyra, was called to order by Deputy Town Supervisor Andy Baran at 8:30 PM.

Present at this hearing, in addition to the Town

Board were:

James A. Milliman	Frank Gorall
Roy C. Wilck	Al Cator
Harry Wilkins	Dick Bump
Dan Gardner	
Nelson F. Cook, Highway Superintendent	
Paul T. Rubery, Town Attorney	

The Town Board waived the reading of the legal notice as published in the Courier-Journal.

Paul Rubery, Town Attorney, explained to those present that in order to be eligible for this retirement incentive you must be at least 55 years old and have ten years of service. He also noted that elected employees are not eligible; only appointed employees. He said there are only three employees that are actually eligible at this time; two men from the highway department and the Town Attorney. The bottom line cost to the Town will be about even because what the Town has to pay for the retirement incentive will be made up by a new employee starting at a lower rate of pay than the present employee is

PUBLIC HEARING - LL #1 OF 1995 CONT. April 27, 1995

paid.

The position of Town Attorney was discussed. During this discussion, Mr. Rubery mentioned that a Town Attorney has to be a resident of the Town of Palmyra, whereas, legal counsel does not have to be. He also informed those present that a Town could have as many as three legal counsels if desired.

At this time, Dan Gardner stated that he would like these minutes to note that he is opposed to this retirement option.

Deputy Supervisor Andy Baran asked if there were any more comments regarding this proposed local law. There being none, he declared this public hearing closed at 8:50 PM.

REGULAR TOWN BOARD MEETING

CALL TO ORDER

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, April 27, 1995 at the East Palmyra Fire Hall, East Palmyra, was called to order at 8:00 PM by Deputy Town Supervisor Andy Baran.

MNT OF SLNCE

A moment of silence in honor of Charlene Lyon, wife of Town Supervisor David Lyon, was observed. The following resolution was then moved and read into these minutes by Deputy Town Supervisor Andy Baran:

RESO IN HONOR OF CHARLENE LYON

WHEREAS, the Town of Palmyra has learned of the untimely passing of Charlene V. Lyon, wife of David Lyon, Town Supervisor, and

WHEREAS, the Town Board of the Town of Palmyra desires to convey its condolences, and those of the people of Palmyra, to Supervisor Lyon and the family of Charlene V. Lyon, and

WHEREAS, the Town Board wishes to recognize the contribution and assistance Charlene V. Lyon rendered to Supervisor David C. Lyon in performing his duties as Supervisor of the Town of Palmyra and his service to the people of Palmyra and Wayne County, and

WHEREAS, Charlene V. Lyon's efforts and support of her husband has contributed to the quality of life in East Palmyra in the Town of Palmyra, and

WHEREAS, the Town Board of the Town of Palmyra does hereby request that this resolution

REGULAR TOWN BOARD MTG CONT.

April 27, 1995

be spread upon the minutes of the Town Board meeting of April 27, 1995 and that a certified copy be given to Supervisor Lyon and his family.

This resolution was seconded by David Nussbaumer and carried unanimously.

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

PLEDGE OF ALLEGIANCE

Upon roll call, the following Town Board members were present:

ROLL CALL

Deputy Town Supervisor - Andy Baran
Town Board Members - Robert Grier
- David Nussbaumer
- Lynne Green

HIGHWAY COMMITTEE - Andy Baran, Chairman

1. Approval for Highway Superintendent to attend Highway School in Ithaca, June 4-7 at a cost of \$250

David Nussbaumer moved to approve the Highway Superintendent attend Highway School in Ithaca from June 4-7 at a cost not to exceed \$250.00. Robert Grier seconded this motion and it carried unanimously.

MTN TO APV
SCHOOL FOR
HIWY SUPER

2. Approval for Highway Superintendent to attend Cornell Local Roads Program in Newark on May 25 at a cost of \$25.00

David Nussbaumer moved to approve the Highway Superintendent attend the Cornell Local Roads Program in Newark on May 25, 1995 at a cost not to exceed \$25.00. Robert Grier seconded this motion and it carried unanimously.

MTN TO APV
LOCAL ROAD
PROGRAM FOR
HIWY SUPER

AGENDA ITEMS

1. Present 1994 Annual Report to the Board

The Board accepted for filing, the 1994 Annual Report.

2. Approval of Bingo license for the Palmyra Moose Lodge #1420

1994 ANNUAL
RPT PRESENTD
TO BOARD

Robert Grier moved to approve a Bingo License for the Palmyra Moose Lodge #1420 for one year. David Nussbaumer seconded this motion and it carried with a vote of 3 ayes and 1 naye. (Lynne Green voted naye.)

MTN TO APV
BINGO LICENSE
FOR MOOSE LDG

3. Agreement with Village of Palmyra for property adjacent to Town Highway Barns

Tabled until further notice.

REGULAR TOWN BOARD MTG CONT.

April 27, 1995

4. Approval for Clerk to the Supervisor to attend NYS Dept. of Labor Seminar

MTN TO APV
CLK TO SUPRE
ATTND A
SEMINAR

Lynne Green moved to authorize the Clerk to the Supervisor to attend the NYS Department of Labor Seminar at a cost not to exceed \$12.00. Robert Grier seconded this motion and it carried unanimously.

5. Transfer of funds

MTN TO APV
TRANSFER
OF FUNDS

The following transfer of funds was moved by Andy Baran, seconded by David Nussbaumer and carried unanimously:

FROM		TO	
SW5-8320.4	\$2,000	EW5-8340.4	\$2,000
EW Pumping Station		EW Distribution	
Contractual		Contractual	

6. Approve resolution RE: Chemical Bank

RESO WITH
CHEMICAL
BANK

The following resolution was moved by Robert Grier and seconded by David Nussbaumer:

RESOLVED:

1. That the Officers of this Corporation or any one or more of them, are hereby authorized to open a bank account or accounts from time to time with Chemical Bank and its subsidiaries and affiliates (each being hereinafter referred to as "Bank") for and in the name of this Corporation with such title or title as he or they may designate.

2. That the Town Supervisor, Deputy Supervisor, Town Clerk or Deputy Town Clerk of this Corporation, signing singly and their successors in office, and any other person hereafter authorized to sign on behalf of this Corporation, are hereby authorized to sign, by hand or by facsimile signature(s), checks, drafts, notes, acceptances, and other instruments and orders (hereafter each collectively referred to as "Item(s)"); notwithstanding anything hereinabove to the contrary, any authorized person is authorized to singly; initiate Automatic Clearing House ("ACH") depicts without requiring a signature other than the name of this Corporation indicated as depositor, initiate payments by use of Depository Transfer Checks ("DTC") without a signature other than the name of this Corporation printed on the DTC, give instructions, by verbal means, for the transfer or withdrawal of funds by wire or otherwise ("instructions") for the payment or withdrawal of moneys, credits, items and property at any time held by Bank for account of this Corporation; and Bank is hereby authorized to honor and pay items, whether signed by hand or by facsimile signature(s) if the actual or purported facsimile signature(s) resembles the facsimile specimens from time to time filed with Bank by the Secretary or other Officer of the Corporation, and Bank is further authorized to honor and pay other orders, DTC's, ACH's and instructions given singly by any authorized person, including such as may bring about an overdraft and such as may be payable to or for the benefit of any authorized individual or other Officer or employee individually without inquiry as to the circumstances

REGULAR TOWN BOARD MTG CONT.

April 27, 1995

of the issue or the disposition of the proceeds thereof and without limit as to amount.

3. That Bank is hereby authorized to accept for deposit, for credit, or for collection, or otherwise, items endorsed by any person or by stamp or other impression in the name of this Corporation without inquiry as to the circumstances of the enforcement or the lack of endorsement or the disposition of the proceeds.

4. That the officers of this Corporation, or any one or more of them, are hereby authorized to secure from Bank upon terms and conditions acceptable to the Company, a Business Chemical Banking Card ("Card"), the acceptance of such terms and conditions on the part of the Corporation to be conclusively evidenced by such officers' signatures upon an agreement with Bank pursuant to which the card is to be provided, and, subject to the terms of such agreement, to provide access to the accounts of the Corporation shown below plus any and all such other accounts as any such officers or any other party authorized pursuant to these resolutions may from time to time request of Bank:
(Not applicable.)

5. That the Town Supervisor, Deputy Supervisor, Town Clerk or Deputy Town Clerk of this Corporation, and each of them, and their successors in office, and any other person hereafter authorized on behalf of this Corporation to possess a Card, ACTING ALONE, may exercise all of the rights and privileges of the Corporation with regard to any account linked to the Card.

6. That the Town Supervisor, Deputy Supervisor, Town Clerk or Deputy Town Clerk of this Corporation, signing singly and their successors in office are hereby authorized to effect loans and advances at any time for this Corporation from Bank, and for such loans and advances to make, execute and deliver promissory notes and other written obligations or evidence of indebtedness of this Corporation, applications for letters of credit, and any agreements or undertakings, general or specific, giving liens on, and rights and powers with respect to, any property of this Corporation, and other agreements and undertakings, and as security for the payment of loans, advances, indebtedness and liabilities of this Corporation to pledge, hypothecate, mortgage, assign, transfer, endorse and deliver property of any description, real or personal, and any interest in and evidence of any thereof at any time held by this Corporation, and to execute instruments of transfer, powers of attorney and other instruments which may be necessary or desirable in connection therewith; and also to sell to, or discount with, the Bank, commercial paper, bills receivable, account receivable and other instruments and evidences of debt at anytime held by this Corporation, and to that end to endorse, assign, transfer and deliver the same, and also to give any orders or consents for the delivery, sale, exchange or other disposition of any property or interest therein or evidence thereof belonging to this Corporation and at any time in the hands of the Bank, whether as collateral or otherwise and the Bank is hereby authorized to honor, accept and execute any of the transactions described above.

7. That all loans, discounts and advances heretofore obtained on behalf of this Corporation and all notes and other obligations or evidences thereof (the foregoing being referred to as "Obligations") of this Corporation held by the Bank are hereby approved, ratified, and confirmed.

REGULAR TOWN BOARD MTG CONT.

April 27, 1995

8. Corporation agrees to be bound by all the rules, regulations, conditions, limitations and agreements contained in any signature card, deposit ticket, checkbook, passbook, statement of account, receipt, instrument, document or other agreement delivered or made available to Corporation from Bank or delivered to Bank by this Corporation and by all notices posted at the office of Bank at which the account of Corporation is maintained, in each case with the same effect as if each and every term thereof were set forth in full herein and made a part hereof.

9. That the Officers of this Corporation or any one or more of them are hereby authorized to act for this Corporation in all other matters and transactions relating to any of its business with the Bank including, but not limited to, the execution and delivery of any agreements or contracts necessary to effect the foregoing Resolutions.

10. That the Bank is hereby released from any liability and shall be indemnified against any loss, liability or expense arising from honoring any of these Resolutions.

11. That each of the foregoing Resolutions and the authority thereby conferred shall remain in full force and effect until written notice of revocation or modification shall be received by the Bank, provided that such notice shall not be effective with respect to any exercise of said authorities prior to the receipt thereof nor with respect to any checks or other instruments, for the payment of money or the withdrawal of funds dated on or prior to the date of such notice, but presented to the Bank after the receipt of such notice. That the Secretary or any Assistant Secretary or any other Officer of this Corporation is hereby authorized and directed to certify, under the seal of this Corporation or not, but with like effect in the latter case, to the Bank the foregoing Resolutions, the names of the Officers and other representatives of this Corporation, any changes from time to time in the said officers and representatives and specimens of their respective signatures; and that the Bank may conclusively assume that persons at any time certified to it be Officers or other representatives and specimens of their respective signatures; and that the Bank may conclusively assume that persons at any time certified to it be Officers or other representatives of this Corporation continue as such until receipt by the Bank of written notice to the contrary.

I, FURTHER CERTIFY that the persons herein designated as officers of this corporation have been duly elected to and now hold the offices in this Corporation set opposite their respective names, and that the following are the authentic, official signatures of the said respective officers and of the named signatories who are not Corporate Officer, to wit:

David C. Lyon	- Supervisor
Andrew Baran	- Deputy Supervisor
Beverly Hickman	- Town Clerk
Catherine Contant	- Deputy Town Clerk

This resolution carried unanimously.

7. Proposed Local Law #1 of 1995

Robert Grier moved to approve Local Law #1 of 1995 with the following resolution: BE IT RESOLVED that the Town Board of the Town of Palmyra does hereby

MTN TO APV
LL #1 of
1995

REGULAR TOWN BOARD MTG CONT.

April 27, 1995

elect to provide the benefits of Chapter 12 of the Laws of 1995 commencing on August 1, 1995 for all eligible employees who retire with an effective date of retirement set during the ninety day period beginning with and immediately following the commencement date and who are otherwise eligible as specified by Chapter 12. David Nussbaumer seconded this motion and it carried unanimously.

Following a review of the expenditures and claims submitted, Robert Grier moved to approve payment of same as submitted on Abstract #4 with totals as follows:

MTN TO APV
PAYMENT OF
CLAIMS

<u>Account</u>	<u>Voucher #</u>	<u>Amount</u>
General Fund	130 - 136	\$ 11468.39
Part Town Fund	24 - 36	925.74
Highway III, IV	78 - 97	13445.79
Highway I	22 - 31 & 33	19453.50
North Water Dist.	11 - 14	4846.22
South Water Dist.	9 - 10	3714.35
East Water Dist.	8 - 10	3500.05
Central Water Dist.	17 - 24	666467.20

This motion was seconded by Lynne Green and carried unanimously.

Deputy Supervisor Andy Baran thanked the East Palmyra Fire Department for allowing this Board to hold this meeting in their firehall. He told those present that questions regarding the new waterline would be answered immediately following this meeting.

THANK YOU TO
E. PALMYRA
FIRE DEPT.

David Nussbaumer moved to adjourn this meeting of the Town Board. Robert Grier seconded this motion and it carried unanimously.

MTN TO ADJRN

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

May 11, 1995

TOWN BOARD WORKSHOP MEETING W/BUSINESS

The Town Board workshop meeting scheduled to be held on Thursday, May 11, 1995 at the Town Office, 201 East Main Street, Palmyra, was called to order at 9:00 PM, following the Archie Parrott Lane residents addressing the Board, by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David C. Lyon
 Town Board Members - Robert Grier
 David Nussbaumer
 Lynne Green
 (Andy Baran was absent)

David Nussbaumer moved to approve the minutes of the January 26, 1995 and the February 16, 1995 regular Town Board meetings. Lynne Green seconded this motion and it carried unanimously.

MIN TO APV
MINUTES OF
1/26/95

COMMUNICATIONS

1. Letter from Vienna Road property owners RE: Installation of waterline on their road
2. HUD announcement RE: \$400,000 Small Cities Grant

ASSESSMENT COMMITTEE - DAVID NUSSBAUMER, CHAIRMAN

1. Assessor Update

Ann Vinge-Taber, Sole Assessor for the Town of Palmyra, submitted a written report to the Board along with a brief discussion of same. This written report can be found in the file folder entitled "Assessor Update/Building Inspector/Zoning Officer Update" as kept with these minutes.

ASSESSOR
UPDATE

2. Animal Control Officer Update

Gary Rose, ACO for the Town of Palmyra, submitted a written report to the Board. He suggested that the amount of the fine for loose dogs be raised and that the local fee on the dog license be raised. He said that it is his understanding that the dog program should be self-supporting and it is not at this time. David Nussbaumer recommended that the Board look over

ACO UPDATE

TOWN BOARD WORKSHOP MTG W/BUS. CONT. May 11, 1995

the figures Mr. Rose had given them and seriously consider raising the fees mentioned. He will have a local law put together, including these changes, for the approval of the Board at a later date.

3. Cablevision

David Nussbaumer reported to the Board that the Town of Palmyra had been granted an extension on the existing contract to allow more time to consider the new franchise agreement. He told the Board that under the new franchise agree, Cablevision will be switching to fiber optics which will make more channels available to us. He said he would bring this matter back to the Board as soon as he has more information.

HIGHWAY COMMITTEE - ANDY BARAN, CHAIRMAN

1. Summer hours for the Highway Department

Nelson Cook, Highway Superintendent, reported to the Board that his department is experimenting with a 10 hour - 4 day workweek - Tuesday thru Friday, for the month of May. He said if it works out as well as they think it is going to, they will probable continue it thru September.

2. Declare surplus equipment

David Nussbaumer moved to declare 1 trailer yolk rake, 1 - 1971 Mack truck and several miscellaneous parts as surplus equipment to be sold at the upcoming auction. Robert Grier seconded this motion and it carried unanimously.

Mr. Cook stated that the master meters from the East and South Water Districts are setting at the barns and that he would like to scrap them if possible. Supervisor Lyon suggested he check with Ed Bastian, WCWA, regarding their value before scrapping.

PLANNING COMMITTEE - ROBERT GRIER, CHAIRMAN

1. Cellular One

Paul Rubery, Town Attorney, told the Board that there needed to be some clarification regarding three

EXTENSION TO
CABLEVISION
CONTRACT

HIWY DEPT
SUMMER
HOURS

MTN TO DECLR
SURPLUS
EQUIPMENT

OLD MASTER
METERS

CELLULAR ONE
REVISIONS

TOWN BOARD WORKSHOP MTG W/BUS CONT. May 11, 1995

sections of the approving resolution;

1. Trees will be around the fence, except the gate area
2. Statement each year - Cellular One will need to be certified annually
3. 20 year expiration - Annual statement each year for 20 years, at which time this permit will expire and Cellular One will need to apply for a new permit - At that time, if there are no problems, a renewal will be considered based upon 20 year performance.

Bill Oliverio asked if Wayne County does or does not want to use the tower. Supervisor Lyon told him he was not sure but to leave it in the resolution regardless.

Supervisor Lyon said that the annual statement should include statement of financial ability to take down the tower if and when necessary. He also stated that he wants to be very sure that run off does not go onto the neighbors property.

Robert Grier moved to modify the original resolution with changes per Paul Rubery's approval and for same to become effective upon signing and returning to the Town Office. David Nussbaumer seconded this motion and it carried unanimously.

ZONING COMMITTEE - LYNNE GREEN, CHAIRMAN

1. Mobile Home Park Approval

Lynne Green, upon recommendation of the Zoning Enforcement Officer, Earl Vanderwall, moved to approve the Mobile Home Park Permits for all six mobile home parks in the Town of Palmyra for the calendar year of 1995. Robert Grier seconded this motion and it carried unanimously. Supervisor Lyon asked Mrs. Green to schedule a fall inspection this year, as opposed to a spring inspection, so that these permits can be approved in January of 1996.

AGENDA ITEMS

1. Approval to contract with DL Consulting
RE: Utility Audit

While looking over this contract the word "expenses"

MTN TO APV
ALL MOBILE
HOME PARKS IN
TN OF PALMYRA

CONTRACT W/
DL CONSULTING
FOR UTILITY
AUDIT

appeared in a couple of places. The Board questioned this term being used for a audit that is supposed to be free. Supervisor Lyon said he will look into it further and bring it back to the Board at a later meeting.

MTN TO SET
WATER RATES
FOR CWD

2. Set water rates for the Central Water Dist. Supervisor Lyon moved to set a rate of \$12.50 as a minimum quarterly charge plus \$2.60 per 1000 gallons of water used for the Central Water District. David Nussbaumer seconded this motion and it carried unanimously.

METER RENT
FOR CWD

3. Set rates for meter rent for CWD Supervisor Lyon explained that there will be no meter rent as such, it is covered in the minimum quarterly charge.

MTN TO NOT
ALLOW ANY
PARTIAL
PAYMENTS
ON WATER BILLS

4. Partial payment of water bills David Nussbaumer moved not to allow any partial payments of water bills as stated on the bill itself. Robert Grier seconded this motion and it carried unanimously.

MTN TO ALLOW
ESTIMATED WTR
BILLING

5. Approval to do estimated water billing when and where necessary

Robert Grier moved to allow estimated water billing when and where necessary throughout all of the Town's water districts. This motion was seconded by David Nussbaumer and carried unanimously.

MTN TO ALLOW
OUT-OF-DIST
USERS IN CWD
& SET RATES

6. Out-of-District Users for the CWD David Nussbaumer moved to allow out-of-district users in the Central Water District as a District Extension for a group or one additional property at the end of a line with a connection fee of \$1,500 - three times the regular water rate for usage - the property owner will put in their own line - and property owner must file a memorandum against the property for any new owner to be aware of agreement. Lynne Green seconded this motion and it carried unanimously.

TOWN BOARD WORKSHOP MTG W/BUS CONT. May 11, 1995

Supervisor Lyon referred to the petition from the Vienna Road residents requesting being added to the CWD. He stated that he is looking into a extension for them but it looks like it would be extremely expensive. He said he will look for other possibilities for them.

REQUEST FROM
VIENNA RD
RESIDENTS TO
BE IN CWD

7. Wayne County Water Authority Update
Supervisor Lyon informed the Board that the operations agreement is working and the long-range, 40 year, availability is in progress now.

WAYNE COUNTY
WATER AUTH
UPDATE

8. Wayne County Board of Supervisors Update
The new court house will probable be started this summer and the 911 program in being worked on, according to Supervisor Lyon.

WAYNE COUNTY
BD OF SUPERS
UPDATE

9. Agreement with Village of Palmyra for Highway Department

Supervisor Lyon said that there are preliminary discussions with the Village of Palmyra regarding the Highway Department. He felt that the Town should offer the help of Town Highway Superintendent, Nelson Cook, to oversee the Village Highway Department if they should desire. The Board agreed with this idea. Supervisor Lyon will convey this message of help to the Village. Mr. Cook said that he feels he has some good ideas and that money could be saved by both municipalities if a joint highway department could be worked out.

AGREEMENT WITH
V OF PALMYRA FO
HIGHWAY DEPT.

10. Contract with the Palmyra Community Center
David Nussbaumer moved to approve the contract between the Town of Palmyra and the Palmyra Community Center for the year of 1995 in the amount of \$20,800. Robert Grier seconded this motion and it carried unanimously.

MTN TO APV
CONTRACT W/
COMMUNITY
CENTER

11. Draft Water Contract with Village of Palmyra
Supervisor Lyon had provided e . member of the Town Board with a copy of the draft Water Contract with the Village of Palmyra. He asked the Board to please look

DRAFT CONTRCT
W/VILL OF PAL
FOR WATER

TOWN BOARD WORKSHOP MTG W/BUS. CONT. May 11, 1995.
it over and they will review it at the next meeting.

12. HUD

SMALL CITIES
GRANT APVL

Supervisor Lyon proudly announced that the Town had received a letter from Andrew Cuomo, Assistant Secretary for the U. S. Department of Housing and Urban Development (HUD) informing us that the Town of Palmyra had been selected for funding for the 1995 Small Cities Community Development Block Grant program in the amount of \$400,000.

MTN TO GO
INTO EXEC
SESSION

Robert Grier moved to go into executive session to discuss personnel matters. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO ADJRN

After coming out of executive session, David Nussbaumer moved to adjourn this meeting of the Town Board. Lynne Green seconded this motion and it carried unanimously.

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

May 25, 1995

PUBLIC HEARING
JOHNSTON'S RV CENTER
CONTINUATION FROM APRIL 13, 1995

The continuation of the Public Hearing originally held on Thursday, April 13, 1995 at the Town Office, 201 East Main Street, Palmyra, to consider the application of Gary L. and Aaron C. Johnston of Johnston's RV Center, 2311 Marion Road, Palmyra, for Special Authorization to:

PUB HEARING
CALLED TO ORDER

1. Obtain the proper variance for the parking of recreational vehicles in front of the existing business.
2. Obtain the proper variance for the use of a parking area on the northwest corner of the property.
3. Obtain permission to construct a building approximately 65' x 75' to service and maintain recreational vehicles.
4. Obtain permission to construct an entrance/exit on the north end of the property off Jeffery Road. (To be used for customers requiring service to their vehicles.)
5. Obtain permission to do all necessary grading of earth and landscape to develop a more appealing atmosphere.

was re-called to order at 8:00 PM by Town Supervisor

David Lyon.

Those present at this public hearing in addition

to the Town Board included:

Pat VerPlank Elmer VerPlank
Aaron C. Johnston - Johnston's RV Center
Howard VanDyne, Courier-Journal
Elaine Harthage, The Times
Nelson F. Cook, Highway Superintendent

Aaron Johnston presented the Board with a topographical map and plan showing his proposed changes. Mr. Johnston went over the map and explained

the following things to the Board:

1. Signs in the front of the property designating the service area entrance on Jeffery Road
2. Cars and pickups only to park in the front of the building
3. Proposed entrance on Jeffery Road with a security gate
4. Will run a row of trees on property line between their property and Pat VerPlank's property (evergreens of good height will be planted in the spring)
5. The line along Donald Jeffery's property has been staked and are moving accumulated junk - a lot of wasted space right now
6. Proposed 70' x 75' building with four bays (2 drive thru bays and 2 drive up bays)

PUBLIC HEARING CONT - JOHNSTON'S RV MAY 25, 1995

Robert Grier stated that the original authorization showed that there was to be no parking on the asphalt in the front of the building. Supervisor Lyon said that the owners had never adhered to that stipulation.

Mr. Grier asked how height the retaining wall is. Mr. Johnston said it is approximately 5' high.

Mr. Grier asked about drainage and run-off. Some of it will not change but they have made plans for the rest according to Mr. Johnston. He said there will be a swail before VerPlanks to keep run-off from their property.

Mr. Grier asked about the 100' setbacks. Mr. Johnston said they will connect the buildings; drainage will be better if adjoining but not connected. He also feels that fire protection will be better if two separate buildings. Mr. Grier felt the Board should look into this in more detail to determine which would be a better way to go.

Mr. Johnston stated that the proposed building will be used for service and therefore, no rest rooms have been planned. Mr. Grier said that the Board will have to check into the rest room regulations.

Andy Baran asked if any water was going to be used and had he planned for drainage of same. He is presently talking to Earl Vanderwall, Planning and Zoning, about this.

Bob Grier asked if they fill propane tanks out there and was told that they do. He asked the VerPlank's if they had any problem with this. Pat VerPlank said "no" they had no problem; they have been good neighbors.

Supervisor Lyon asked if there were any more comments regarding this special authorization. There being none, he declared this Public Hearing closed at 8:30 PM.

PUB HEARING
CLOSED

REGULAR TOWN BOARD MTG

MAY 25, 1995

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, May 25, 1995 at the Town Office, 201 East Main Street, Palmyra, was called to order at 8:30 PM by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

David Nussbaumer moved to approve the minutes from the March 3, 1995 and the March 23, 1995 meetings of the Town Board as submitted. Robert Grier seconded this motion and it carried unanimously.

MTN TO APV
MINUTES OF
3/3/95 &
3/23/95

COMMUNICATIONS

1. Thank you from the family of Charlene Lyon
2. Invitation from the VFW to participate in the Memorial Day Parade
3. Letter from Jim McGinnis, Director, Palmyra Community Center, thanking the Town for allowing them to have a food booth at the Palmyra Town Auction

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Assessor Update

A written report was submitted by Ann Vinge-Taber and can be found in the file folder entitled "Assessor Update and Building Inspector/Zoning Enforcement Officer" as kept with these minutes.

ASSESSOR UPDATE

David Nussbaumer moved to authorize Ann Vinge-Taber, Sole Assessor, Town of Palmyra, and her clerk attend the 1995 Summer Conference at SUNY Geneseo from August 6 - 11 at a cost not to exceed \$130.00 plus mileage if necessary. Lynne Green seconded this motion and it carried unanimously.

MTN TO APV
SCHOOLING FOR
ASSESSOR AND
CLERK

MAY 25, 1995

Highway Committee - Andy Baran, Chairman

1. Amendment to Local Law #2 of 1977

Andy Baran moved to approve Local Law #2 of 1995 amending Local Law #2 of 1977 entitled "A Local Law providing for written notification of defects and obstructions on town highways and bridges in the Town of Palmyra" with amended title to read:

"A Local Law providing for written notification of defects and obstruction on town highways, bridges, street, sidewalks, crosswalks and culverts in the Town of Palmyra." and to have a local attorney sign this local law in the absence of the Town Attorney. This motion was seconded by Robert Grier and carried unanimously.

2. Post-approval to purchase a pick-up truck at a cost of \$1100 and a trailer at a cost of \$300

Andy Baran moved to approve the purchase of a 1981 Dodge pickup truck at a cost not to exceed \$1,100 and a trailer at a cost not to exceed \$300 at the Town Auction and for this motion to be retro-active to May 19, 1995. David Nussbaumer seconded this motion and it carried unanimously.

3. Preliminary Auction report

Nelson Cook, Highway Superintendent, reported that the total sales at the auction were \$1,536,831.00 and that the Town gets 1% of this, which would be \$15,368. He also said that the truck we were selling went for \$14,500, the yoke rake sold for \$500 and the pallet of parts sold for \$10. Andy Baran asked if we had outgrown the auction. Mr. Cook said that he is going to talk to the auctioneer and come up with a workable plan for future auctions.

4. Approval to spend \$2000 for a new tag trailer for the skid steer loader

Andy Baran moved to approve the purchase of a new tag trailer for the skid steer loader at a cost not to

MTN TO APV
L L #2 of
1995

APVL TO
PURCHASE
TRUCK AND
TRAILER

PRELIMINARY
AUCTION RPT

APVL TO
PURCHASE A
NEW TAG TRLR
& SKID STEER
LOADER

REGULAR TOWN BOARD MTG CONT.

MAY 25, 1995

exceed \$2000. Robert Grier seconded this motion and it carried unanimously.

5. New employees for waterline cleanup hired and summer help returning to work.

Nelson Cook, Highway Superintendent, reported that Gary Hack and Joseph Snyder have been hired for the waterline cleanup work and that Raymond Fischette and Mike Bassile have come back again this year as summer help. He said that he is ready to start the waterline cleanup, weather permitting.

NEW EMPLOYEES
& SUMMER HELP
AT HIWY DEPT.

Planning Committee - Robert Grier, Chairman

1. Building Inspector/Zoning Officer Update

A written report was presented to the Board by Earl Vanderwall, Building Inspector/Zoning Officer, and can be found in the file folder entitled "Assessor Update and Building Inspector/Zoning Officer Update" as kept with these minutes.

BLDG INSPCTR/
ZONING OFFCR
UPDATE

Mr. Vanderwall gave the Board a copy of the proposed tower ordinance, as put together by the Palmyra Planning Board, for their review and suggestions.

PROPOSED TOWER
ORDINANCE

The cost for the building permit for the approved Cellular One tower was then discussed. Since there is no set fee for this type of building permit, it was decided that the cost would be determined on a case by case basis. The Town has spent \$2640 for engineering fees on this project. Robert Grier moved to set the fee for Cellular One's Building Permit at \$2640 to cover the cost to the Town. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO SET
FEE FOR BLDG
PERMIT FOR
CELLULAR ONE

2. Vehicle for Memorial Day Parade

It was decided that one vehicle would be sufficient for the Memorial Day Parade. Mr. Grier will take care of the arrangements for this.

MEMORIAL DAY
PARADE

3. Johnston's RV Center - Subject of Public Hearing - Special Authorization

Mr. Grier said that the set backs between buildings

REGULAR TOWN BOARD MTG CONT.

MAY 25, 1995

JOHNSTON'S
RV CNTR

needs to be checked; rest room question needs to be checked; the height of the trees to be planted needs to be determined; and the line of sight needs to be checked. He said he will work with Earl Vanderwall and Paul Rubery, Town Attorney on this and bring back his recommendation.

Zoning Committee - Lynne Green, Chairman

1. Adult Entertainment

ADULT
ENTERTAINMENT

Lynne Green informed this Board that our Planning Board is also working on this matter. She will put something together during the summer and bring it back to the Board.

AGENDA ITEMS

1. Amendment to Local Law #1 of 1995 (Retirement Incentive)

MTN TO APV
L L #3 of
1995

Robert Grier moved to approve Local Law #3 of 1995 (Amendment to Local Law #1 of 1995) entitled "A Local Law electing a retirement incentive program as authorized by Chapter 12, Laws of 1995 for the eligible employees of the Town of Palmyra."

Replace Item #3 with the following:

- 3) The open period during which eligible employees may retire and receive the additional retirement benefit, shall be thirty days in length.

This act shall take effect May 1, 1995.

Andy Baran seconded this motion and it carried unanimously.

2. Water contract with Village of Palmyra

WATER
CONTRACT W/
VILLAGE

Supervisor Lyon asked if the Board had looked over the proposed water contract with the Village of Palmyra. The Board was not ready to discuss this matter at this time. Supervisor Lyon said he will include it on the agenda for the July 27, 1995 meeting.

Robert Grier mentioned the specific promise made by the Village of Palmyra to provide a pump station and to have all the water pressures required for the CWD. He pointed out that this has not happened.

PUMPING
STATION

REGULAR TOWN BOARD MTG CONT.

MAY 25, 1995

Supervisor Lyon said that our waterline is way ahead of schedule and therefore we cannot fault the Village entirely for the lack of the pump station at this time.

Mr. Grier then proposed that the Town formally approach the Village regarding the extension of the sewer line on Rt. 21 S into proposed industrial area. Supervisor Lyon asked Mr. Grier what we would pay for this with. Mr. Grier did not know at this time, but he felt it should be looked into. Supervisor Lyon said he would take care of it.

SEWER EXT.
ON RT. 21S

3. Approval to sign Consulting Services Agreement

Supervisor Lyon explained to the Board that, upon checking with this company regarding the wording of the agreement, he was assured that there would be no expense to the Town of Palmyra. Robert Grier moved to approve the signing of the Consulting Services Agreement as long as there is no expense to the Town. Lynne Green seconded this motion and it carried unanimously.

MTN TO AUTH
SIGNING OF
CONSULTING
SERVICE
CONTRACT

4. Approval for Town Clerk to purchase a "Scan-by-Fax" Model 2000 at a cost of \$99.95 plus S & H

Lynne Green moved to approve the Town Clerk purchase a "Scan-by-Fax" Model 2000 at a cost not to exceed \$99.95 plus shipping and handling charges. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO AUTH
PURCHASE OF
SCAN-BY-FAX
TN CLK'S OFFC

5. Transfer of funds (CWD)

The following transfer of funds was moved by Lynne Green, seconded by David Nussbaumer and carried unanimously:

TRANSFER OF
FUNDS

FROM	TO
Central Water	Central Water
Meters 8340.230	Misc Cont 8340.400
\$315.00	\$315.00

6. Transfer of funds (Capitol Projects)

The following transfer of funds was moved by Lynne

TRANSFER OF
FUNDS

REGULAR TOWN BOARD MTG CONT.

MAY 25, 1995

Green, seconded by Robert Grier and carried
unanimously:

FROM	TO
Cap Proj CWD	Cap Proj CWD
Res Observ HB8320.201	Fisc/Legal HB320.240
\$2,712.50	\$2,712.50

WAYNE CTY
BD OF SUPERS
UPDATE

7. Wayne County Bd of Supervisor's Update
Supervisor Lyon reported that the Wayne County Board of Supervisor's approved the contract with the union for 3 years with a 3 1/2% increase per year. He said they have also authorized a Bond resolution for the new Court House and are advertising for bids for the Court House.

WATER AUTH
UPDATE

8. Water Authority Update
Supervisor Lyon reported that the Wayne County Water Authority is presently working on long-term water supply with the Towns of Williamson and Ontario. They are also working with Seneca Foods on plant and treatment facilities which will mean a major expansion of vegetable processing.

WORKSHOP
MEETING

9. Workshop Meeting
Supervisor Lyon told the Board that there will be a workshop meeting on June 8, 1995 at 8:00 PM to discuss the Palmyra Fire Department 10-year plan. Representatives from the Fire Department will be present at this meeting.

MTN TO APV
PAYMENT OF
VOUCHERS

Following a review of the expenditures and claims, David Nussbaumer moved to approve payment of the claims as submitted for payment on Abstract #5, with totals as follows:

Account	Voucher #	Amount
General Fund	137 - 167	\$ 7464.38
Part Town Fund	37 - 41	480.85
Highway III, IV	98 - 107	900.67
Highway I	32 & 34-46	11657.54
North Water	15 - 18	3464.84
South Water	11 - 12	839.67
East Water	11 - 12	1361.25
Central Water	25 - 30	323718.58
Cap.Proj. (Central Water)	1	315.00

Lynne Green moved to go into executive session to discuss matter of possible litigation. Robert Grier seconded this motion and it carried unanimously.

MTN TO GO
INTO EXEC
SESSION

REGULAR TOWN BOARD MTG CONT.

MAY 25, 1995

Supervisor Lyon declared the Board out of executive session.

OUT OF EXEC
SESSION

The motion to adjourn this meeting of the Town Board was offered by David Nussbaumer, seconded by Andy Baran and carried unanimously.

MTN TO ADJRN

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

June 22, 1995

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, June 22, 1995 at the Town Office, 201 E. Main Street, Palmyra, was called to order at 8:00 PM by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

Other present at this meeting of the Town Board included:

Ann Vinge-Taber, Sole Assessor & Steve Taber
Elaine Hartnagel - the Times
Howard VanDuyne - the Courier/Journal
Nelson F. Cook, Highway Superintendent
Paul T. Rubery, Town Attorney

Andy Baran moved to approve the minutes of the April 13, 1995 workshop meeting with business and the April 27, 1995 regular Town Board meeting as submitted. This motion was seconded by David Nussbaumer and carried unanimously.

MTN TO APV
MINUTES OF
4/13/95 &
4/27/95

The Supervisor's Monthly Report was accepted by the Town Board and will be kept on file at the Town Office.

SUPERVISOR'S
MONTHLY REPORT

COMMUNICATIONS

1. Thank you from the Walk for the Hungry Committee
2. Wayne County Fair Parade information

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman
1. Assessor Update

ASSESSOR
UPDATE

Ann Vinge-Taber, Assessor, reported to the Board that all but 25 cards have been completed for the data collection. She expects those 25 to be returned very shortly. Ms. Taber asked the Board to consider her re-appointment as Sole Assessor for the Town of

REGULAR TOWN BOARD MTG CONT

JUNE 22, 1995

Palmyra in September 1995. Supervisor Lyon told her they will discuss this at the July 27, 1995 meeting.

Ms. Taber provided the Board with a written report that can be found in the file folder entitled "Assessor Update and Building Inspector/Zoning Officer Update" as kept with these minutes.

Highway Committee - Andy Baran, Chairman

1. Resolution reducing speed limit to 45 MPH on Newark-Marion Road from DeSmith Rd to Smith Rd

Andy Baran moved to approve reducing the speed on Newark-Marion Road from DeSmith Road to Smith Road from 55 MPH to 45 MPH. Robert Grier seconded this motion and it carried unanimously.

2. July shutdown from 6/30 - 7/11

Nelson Cook, Highway Superintendent, informed the Board that the Highway Department will be shut down from June 30, 1995 thru July 11, 1995 as they always are.

3. Mr. Cook on vacation July 10 - 19

Mr. Cook informed the Board that he will be on vacation from July 10, 1995 thru July 19, 1995 and that he will be out of town. He said Fred Lawson, Deputy Highway Superintendent will be available as needed.

4. Resolution to transfer funds from auction to Capital Reserve

Andy Baran moved to approve transferring the funds from the Municipal Auction to the Capital Reserve Account. This motion was seconded by David Nussbaumer and carried unanimously.

5. Executive Session to discuss matters of possible litigation

The Board chose to go into executive session later in the meeting.

Planning Committee - Robert Grier, Chairman

1. Building Inspector/Zoning Officer Update

Earl Vanderwall, Building Inspector/Zoning Officer,

MTN TO APV
SPEED
REDUCTION ON
NEWARK MARION
RD FROM SMITH
RD TO DESMITH
ROAD

JULY SHUTDOWN
HIWY DEPT.

HIWY SUPER'S
VACATION

MTN TO APV
TRANSFER
OF FUNDS

REGULAR TOWN BOARD MTG CONT

JUNE 22, 1995

submitted a written report to the Board. This report can be found in the file folder entitled "Assessor Update and Building Inspector/Zoning Officer Update" as kept with these minutes.

2. Permit fee for Cellular One

Paul Rubery, Town Attorney, had thought there was a problem with the permit fee as set for Cellular One but has since found out there is not. He did tell the Board, however, that Cellular One had requested the wording in the resolution be changed somewhat. The meaning will not change, just the wording. Corrected resolution to read as follows:

CORRECTED RESO
FOR CELLULAR
ONE

CELLULAR ONE/GENESEE TELEPHONE COMPANY RESOLUTION AND CONDITIONS OF APPROVAL - SPECIAL USE JANUARY 26, 1995

WHEREAS, the Town Board has conducted extensive hearings on the application to place a tower for cellular transmission on premises owned by Frank and John Koeberle located south of Garnsey Road, east of Vienna Road and north of the Ontario County line, and

WHEREAS, the Town Planning Board and the Wayne County Planning Board have approved the installation of a cellular tower, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Palmyra does grant a special use permit to Cellular One - Genesee Telephone Company to erect a cellular tower on premises leased from Frank and John Koeberle in Town Lot 60, Township 12, Range 2 of the Town of Palmyra, Wayne County, New York as set forth on a site plan filed with the Town of Palmyra Town Board prepared by Donald B. Schwartz, PLS, dated 4/6/94 and bearing Job No. 93-4022-002 upon the terms and conditions contained herein:

- A. The site plan will be revised to meet the suggestions of the site engineer dated November 11, 1994, plus they will add:
 1. The specification of the seed to be used.
 2. The map of the erosion control measures.
- B. The site will be prepared and developed in accord with the site plan as amended in paragraph A above.
- C. Landlord will release the site from the Ag District.
- D. Installation of a controlled (gated) entrance to the site.
- E. Obtain and maintain clearance from the FAA and comply with any and all applicable regulations of the FAA & NTSB.
- F. Implement any drainage plan necessary to complete site plan not shown on the map.
- G. Completely fence the building and tower

- per site plan.
- H. Plant outside the fenced area, except for gateways, "fast growing" evergreen-style trees and maintain them so that they will continue to grow; trees shall be a minimum of 15' at time of planting to be planted 20' apart in a configuration to screen the site.
 - I. Compliance at all times with the Town, State and Federal rules, regulations and applicable ordinances except as to those Town ordinances, rules, and regulations varied by these conditions.
 - J. The tower will be limited to only one (1) microwave antenna dish for link frequency, and not to exceed 9 non-microwave cellular antennas; the applicant shall make antenna space, ingress, egress and access to utilities available for reasonable government use by the County of Wayne without charge. No other tower or antennas except for antennas added for the County of Wayne shall be added without a hearing and the specific consent of the Town Board.
 - K. The antenna shall not exceed 186' as measured from ground level.
 - L. The antenna shall be anchored within the leased site so that any collapse of the tower will be within the leased site.
 - M. Prior to construction the design engineers and supervisors of construction shall certify to the Town that the antenna as erected will withstand winds and/or storms equal to 70 MPH to meet EIA & TIA standards.
 - N. The Permittee will submit a plan which will set forth conditions so that the Town can independently determine when the tower and related facilities are to be removed. The plan must be satisfactory to the Town before construction. The Permittee will annually certify in writing the need for the tower and certify that the Permittee has available sufficient resources to complete the removal plan. The annual certificate will be executed on behalf of Permittee by an officer familiar with Permittee's financial circumstances and who is authorized by the general partners of Permittee to execute the certificate. The annual certificate shall be an automatic waiver of the Town's individual determination concerning removal of the tower. This permit shall be for 20 years. At the end of the permit period, if applicant has complied with the permit, applicant may apply for a renewal of the permit on the same terms and conditions, which shall not be unreasonably withheld or denied. A change in the Town Zoning Ordinance or any other applicable law, rule, regulation or ordinance shall not be a reasonable basis for denial. The Permittee and all subsequent owners and operators of the tower shall guarantee the removal of the tower at the end of its use or the termination of its permit, whichever occurs first. This

REGULAR TOWN BOARD MTG CONT

JUNE 22, 1995

- obligation shall be the obligation of the Permittee and shall be assumed by each subsequent owner of the tower. Each owner shall demonstrate to the Town its financial ability to remove the tower and restore the site. Failure to do so will be a violation of the permit.
- O. The tower and support facilities shall be completely removed and the site restored in accord with plans filed with the Town dated May 17, 1994, to its original condition upon termination of any permit or renewal thereof, whichever shall occur first.
 - P. That in the event the emission of harmful radiation or electric magnetic waves or similar discharges shall reach a level which should be considered to be dangerous to the general public, to wit; not more than 1600 watts or more (as measured at the boundary of the leased parcel) effective radiative power, this permit shall be considered violated.
 - Q. That in the event of proven interferences with TV reception on adjacent properties, reception will be restored to the adjacent properties within 10 working days.
 - R. The property will be assessed as all properties in Town and pay its proportionate share of the taxes.
 - S. The tower will be galvanized steel, silver colored, which will over time weather to a dull gray.
 - T. There will be no storage of equipment, material or waste outside of the structure on the site except a backup generator.
 - U. There will be no sublease of the tower or lease of space on the tower without the Town Board's approval.
 - V. No lights on the antenna.
 - W. The applicant will sign this resolution signifying its understanding of the conditions contained herein and its agreement to comply with said conditions.

Must be notarized if not signed before the Town Clerk.

Zoning Committee - Lynne Green, Chairman

1. Set Public Hearing date for Special Authorization for Bed and Breakfast

Lynne Green moved to set a public hearing date of July 27, 1995 at 8:30 PM to consider the application of Harry and Laurie Schraffenberger to have a bed and breakfast at their home. This hearing will be held at the Town Office. David Nussbaum seconded this motion and it carried unanimously.

2. Johnston's RV Center

MTN TO SET
PUB HEARING
SCHRAFFENBERGER

REGULAR TOWN BOARD MTG CONT

JUNE 22, 1995

Ms. Green stated that there was more information to check into and she will therefore bring this back to the July 27, 1995 meeting.

AGENDA ITEMS

1. Wayne County Water Authority Update

W CTY WATER
AUTH UPDATE

Supervisor Lyon informed the Board that there is a water ban in effect for the Town of Palmyra as well as several of the surrounding towns. He explained that the Town has also, temporarily switched our North Water District back to Village of Palmyra water to free up water for other places until the reserves are back up where they belong.

2. Wayne County Board of Supervisors' Update

W CTY BD OF
SUPERVISOR'S
UPDATE

Supervisor Lyon reported to the Board that the highlights from the June 20, 1995 meeting included authorizing the County Highway Barns to be used to have a household hazardous materials cleanup day in September and they voted to fill the part time Emergency Medical Services Coordinator position.

3. Long Term Water Supply Agreement for Western Wayne Service Area

LONG TERM
WATER STUDY

Allowing the Board time to go over this information. Supervisor Lyon said they will cover it at the July meeting.

4. Increase petty cash amount for the Town Clerk's Water Drawer

MTN TO APV
INCREASE IN
PETTY CASH
WATER DRAWER

Andy Baran moved to increase the petty cash amount in the Town Clerk's Water Drawer from the existing \$15.00 to \$40.00; \$10.00 from each of the four water districts. David Nussbaumer seconded this motion and it carried unanimously.

5. Transfer of funds

MTN TO APV
TRANSFER OF
FUNDS

The two following fund transfers were moved by Robert Grier, seconded by David Nussbaumer and carried unanimously:

FROM	TO
Central Water Meters	Central Water Misc &
8340.230 \$708.75	Cont 8340.400 \$708.75

REGULAR TOWN BOARD MTG CONT

JUNE 22, 1995

Central Water Cleanup
(Town) SW8340.220
\$57,686.00

Central Water Interfund
Transfers SW9901.0
\$57,686.00

6. Authorization to sign custodial agreement with M & T

David Nussbaumer moved to authorize David C. Lyon, Town Supervisor, to sign the custodial agreement between the Town of Palmyra and M & T Bank. This motion was seconded by Robert Grier and carried unanimously.

MTN TO AUTH
SUPERVISOR TO
SIGN AGREEMENT
W/M & T BANK

7. Authorize Supervisor and/or his Clerk to do whatever may be necessary to take care of Small Cities Grant money

David Nussbaumer moved to authorize the David Lyon, Town Supervisor, to process any and all claims for the Small Cities Grant money. Robert Grier seconded this motion and it carried unanimously.

MTN TO AUTH
SUPERVISOR TO
PROCESS CLAIMS
FOR SM CITIES
GRANT MONEY

Following a review of expenditures and claims submitted, Robert Grier moved to approve payment of same as shown on Abstract #6 with totals as follows:

MTN TO APV
PAYMENT OF
CLAIMS

<u>ACCOUNT</u>	<u>VOUCHER #</u>	<u>AMOUNT</u>
General Fund	168 - 212	\$ 6388.22
Part Town Fund	42 - 48	10046.68
Highway III, IV	108 - 125	4915.16
Highway I	47 - 54	20418.19
North Water	19 - 20	3736.74
South Water	13	778.75
East Water	13 - 14	304.25
Central Water	31 - 36	501646.60
Cap. Proj. (Central Water)	2 - 7	28946.45

This motion was seconded by Andy Baran and carried unanimously.

Andy Baran then moved to go into executive session to discuss matters of possible litigation. Robert Grier seconded this motion and it carried unanimously.

MTN TO GO INTO
EXEC SESSION

Supervisor Lyon declared this Board out of executive session.

DECLARED OUT OF
EXEC SESSION

The motion to adjourn this meeting of the Town Board was offered by David Nussbaumer, seconded by Robert Grier and carried unanimously.

MTN TO ADJRN

Respectfully submitted,
Beverly E. Hickman
Beverly E. Hickman
Town Clerk

July 27, 1995

WORKSHOP MEETING

The Town Board, Town of Palmyra, held a workshop meeting at 7:00 PM this date. The purpose of this workshop was to allow Tony Malone, MRB Group, and Charles A. Bastian, Bernard P. Donegan, Inc., to update the Board regarding the Central Water Line progress and the financial status up to this date. No minutes were taken at this meeting.

Update on Ctrl.
Water Line

REGULAR TOWN BOARD MEETING
W/PUBLIC HEARING

The regular meeting of the Town Board of the Town of Palmyra scheduled to be held on Thursday, July 27, 1995 at the Palmyra Town Office, 201 East Main Street, Palmyra, was called to order at 8:20 PM by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

Others present at this meeting of the Town Board included:

Laurie and Harry Schraffenberger, Public Hearing
Aaron Johnston, Johnston's RV Center
Howard Van Duyne, the Courier-Journal
Elaine Hartnagel, the TIMES
Nelson F. Cook, Highway Superintendent
Paul T. Rubery, Town Attorney

Andy Baran moved to approve the minutes of the May 11, 1995, the May 26, 1995 and the June 22, 1995 Town Board meetings as submitted. David Nussbaumer seconded this motion and it carried unanimously.

MIN. TO APV MAY
MINUTES

MIN CARRIED

The Supervisor's Monthly report was accepted by the Town Board for filing.

SUPER'S REPORT

COMMUNICATIONS

1. Letter from Eleanor Vandelinder requesting temporary permit for occupancy of a mobile home on her property

TEMP. MOB. HOME
PERMIT

REG TN BD MTG W/PUB HEARING CONT.

JULY 27, 1995

LTR FROM ELECTION
INSPECTORS

2. Letter from some of the election inspectors
3. Letter from John Estleford requesting temporary permit for occupancy of a mobile home on his property

LTR ABOUT TEMP.
MOB. HOME PRMTREPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

ASSMT. COM. REPORT

1. Assessor Update

Ann Vingee-Taber, Sole Assessor for the Town of Palmyra, submitted a written report to the Board and went over this report with them. A copy of this report can be found in the file folder entitled "Assessor Update/ Building Inspector/Zoning Officer Update" as kept with these minutes.

2. Assessor Appointment

David Nussbaumer moved to appoint Ann Vingee-Taber as Sole Assessor for the Town of Palmyra for a term to begin October 1, 1995 and to terminate September 30, 2001. This motion was seconded by Andy Baran and carried unanimously.

MTN FOR
ASSESSOR APPT.MTN CARRIED

3. Changes in Dog Control Ordinance

David Nussbaumer, Paul Rubery - Town Attorney and Gary Rose - ACO will pursue this matter and bring it back to the Board at a later date.

DOG CTRL ORD.
CHANGES

Supervisor Lyon then adjourned this meeting of the Town Board to go into the Public Hearing scheduled for 8:30 PM.

TN BD MEETING
ADJOURNED

PUBLIC HEARING
HARRY & LAURIE SCHRAFFENBERGER
Special Authorization - Bed & Breakfast

PUB. HRG.
SCHRAFFENBERGER
BED "N" BREAKFAST

The Public Hearing scheduled to be held on Thursday, July 27, 1995 at the Town Office, 201 East Main Street, Palmyra, to consider the application of Harry and Laurie Schraffenberger, 3313 Jeffery Road, Palmyra, to have a Bed and Breakfast Inn at their residence, was called to order at 8:35 PM by Town Supervisor David Lyon.

The legal notice, as published in the Courier-

REG TN BD MTG W/PUB HEARING CONT. JULY 27, 1995

Journal, was read by the Town Clerk.

Harry told the Board that they would like to have a Bed and Breakfast Inn at their home that would consist of two bedrooms, each with a private bath. He stated that they are not ready to do this 52 weeks a year at this time but they might want that after he retires. Laurie said that a Bed and Breakfast would fit in nicely with the Master Plan that is in progress and added that the rooms are tastefully decorated.

Supervisor Lyon asked if there were any comments or questions.

Robert Grier asked about the septic system. Harry answered that it had already been planned for a four-bedroom home so there would be no problem.

Supervisor Lyon again asked if there were any comments or questions. There being none, he declared this public hearing closed at 8:45 PM.

PUB. HRG. CLOSE

REGULAR TOWN BOARD MEETING CONTINUED

Highway Committee - Andy Baran, Chairman

1. Transfer of funds

The following transfer of funds was moved by Andy Baran, seconded by David Nussbaumer, and carried unanimously:

FROM	TO
Capital Reserve/ Mach HA9901.9	DA Highway Interfund DA5032
\$28,000.00	\$28,000.00
\$36,000.00	\$36,000.00

MTN TO XPER
FUNDS

MTN CARRIED

2. Section 112 - Supplemental Appropriation

Andy Baran moved to approve a supplemental appropriation to increase DA5130.2 in the amount of \$46,365.00 for equipment purchases. This motion was seconded by Robert Grier and carried unanimously.

MTN TO APV
INCREASE FOR
EQUIP. PRCHSE

MTN CARRIED

3. Archie Parrott Lane

Nelson Cook, Highway Superintendent, reported that he now has the results of test borings on Archie Parrott

TEST BORINGS
A. PARROTT LANE

REG TN BD MTG W/PUB HEARING CONT.

JULY 27, 1995

Lane. He said the results show that this "laneway" is suitable for a sub-base but not as a road base. He will now be able to figure the cost to bring this up to town specs and will get back to the Board.

Planning Committee - Robert Grier, Chairman

1. Building Inspector/Zoning Officer Update

ZONING OFFICER
UPDATE

Earl Vanderwall presented the Board with a written report that can be found in the file folder entitled "Assessor Update/ Building Inspector/Zoning Officer Update" as kept with these minutes.

2. Possible set Public Hearing date for Division Street Partners

PUB HRG. DATE
DIV. ST. PARTNRS

Robert Grier moved to set a public hearing date of August 24, 1995 at 8:00 PM at the Town Office to consider the application of Division Street Partners to construct Phase 1 of a new warehouse on Division Street in which paper and cardboard will be stored. Andy Baran seconded this motion and it carried

MTN CARRIED

MTN TO MODIFY
ORIG. RESOLUTION

unanimously. Robert Grier then moved to modify the original resolution for Division Street Partners as it is a matter of the wording that is the cause of it not being signed and properly in place. This motion was seconded by Andy Baran and carried unanimously.

MTN CARRIED

Zoning Committee - Lynne Green, Chairman

1. Johnston's RV Center

JOHNSTON'S RV CTR

Lynne Green reported that the signature of the owner of the property is needed on this application. This matter will be taken care of at the August 24, 1995 meeting after obtaining same.

2. Temporary Permit - Occupancy of a mobile home

TEMP MOB. HOME
PERMITS

Paul Rubery, Town Attorney, advised the Board that this matter was included in the Mobile Home Ordinance. Mr. Vanderwall will take care of this.

AGENDA ITEMS

1. Resolution to adopt Archives Week

RES. TO ADOPT
ARCHIVES WEEK

The following resolution was moved by David

REG TN BD MTG W/PUB HEARING CONT.

JULY 27, 1995

Nussbaumer, seconded by Robert Grier and carried
unanimously:

WHEREAS, archives help us anchor our rapidly changing society in the stream of time, document our stewardship of the present, and remind us of our accountability to future generations, and

WHEREAS, archives are central to research and education, both now and in the future, and

WHEREAS, the archives of our government protect the rights of citizens, support the effective operation of government and document the evolution of our democracy, and

WHEREAS, archives are essential to understanding the diversity of our society and the development of our private and non profit organizations, and

WHEREAS, the sound selection, preservation, accessibility, and broad use of archival records vital to the present and future citizens of the Town of Palmyra, and

WHEREAS, greater public awareness of archival conditions and increased support for archival programs in the Town of Palmyra is urgently needed, and

WHEREAS, the second week in October is being celebrated statewide as NEW YORK ARCHIVES WEEK,

NOW, THEREFORE, WE, the Town Board, do hereby proclaim October 8 - 14, 1995 as ARCHIVES WEEK in the Town of Palmyra.

2. Approve \$1000 temporary extension line charge for two Town of Manchester residents

Lynne Green moved to approve the amount of \$1000 to cover the cost of installation for a temporary extension line charge for two Town of Manchester residents to hook into the Town of Palmyra Central Water District.

Robert Grier seconded this motion and it carried unanimously.

MTN TO APV TEMP
WATER LINE CHRG
FOR MANCH. RES.

MTN CARRIED

3. Approve \$250 water deposit for all Town of Manchester residents for CWD

David Nussbaumer moved to approve the amount of \$250 for the water deposit for all Town of Manchester residents hooking into the Town of Palmyra Central Water District. Lynne Gree seconded this motion and it carried unanimously.

MTN TO APV \$250
WATER DEPOSIT
FEE FOR MANCH.
RESIDENTS

MTN CARRIED

4. Transfer of funds

The following fund transfers were moved by Robert Grier, seconded by David Nussbaumer and carried

MTN TO APV
FUND TRANSFERS

REG-TN BD MTG W/PUB HEARING CONT.

JULY 27, 1995

MIN CARRIED

unanimously:

<u>FROM</u>	<u>TO</u>
General Fund A9030.8	General Fund A9055.8
Soc Sec \$10.50	Disability \$10.50
Centrl Wtr SW8310.220	Centrl Wtr SW8320.400
Adm \$3,689.28	Misc & Cont \$3,689.28
Centrl Wtr SW8340.210	Centrl Wtr SW8340.400
Hook Ups \$1,321.25	Misc & Cont \$1,321.25
Cap Proj HB8320.201	Cap Proj HB8320.240
Res Observ \$6,272.97	Fical/Legal \$6,105.46
	Cap Proj HB8320.245
	Engineering \$167.51
Capital Facilities	Fuel Pump H5132.2
Reserve \$1,680.00	\$1,680.00

5. Approval of Drug-Free Work Place Policy

Andy Baran moved to approve the following Drug Free Work Place Policy:

MIN TO APV DRUG-
FREE WORKPLACE
POLICY

DRUG-FREE WORK PLACE POLICY FOR THE TOWN OF PALMYRA

In accordance with the Drug-Free Policy Work Place Act of 1988, which requires Federal Governmental contractors to ensure a drug-free work place, the Town Board of the Town of Palmyra does hereby establish the following policy:

- A. All employees are required to report to work in appropriate mental and physical condition. Reporting to work, or working under the influence of a controlled substance (without a physicians' prescription) is prohibited.
- B. The criminal use, manufacture or distribution of a controlled substance, on either company or client property, is prohibited.
- C. Employees are required to report any drug-related criminal conviction in accordance with the law. A written report of conviction must be made to the Town Supervisor within five (5) days of conviction.

Employees who violate this policy are subject to the following disciplinary action:

- A. The manufacture or distribution of a controlled substance at the offices or on the property of the Town will result in termination.
- B. The use of a controlled substance at any work place of the Town of Palmyra on Town property (or while conducting Town business) is grounds for disciplinary action which may include suspension or termination.
- C. The failure to report any drug-related criminal conviction as outlined in (C) above, will result in termination.

(Above resolution to be signed and dated by every Town of Palmyra employee.)

This resolution was seconded by Robert Grier and

MIN CARRIED

carried unanimously.

6. Water contract with Village of Palmyra

David Nussbaumer moved to authorize David Lyon, Town

REG TN BD MTG W/PUB HEARING CONT. JULY 27, 1995

Supervisor, to sign the water contract with the Village of Palmyra as of August 10, 1995. Robert Grier seconded this motion and it carried unanimously.

MIN TO AUTH
D. LYON TO
SIGN CTCT
w/ VILL. - WTF

7. Fair Parade reminder

The Wayne County Fair Parade will begin at 7:00 PM on Friday, August 18, 1995. Lineup is at 6:30 PM at the Palmyra Fire Hall.

FAIR PARADE
INFO

8. Confirm Town of Arcadia be Lead Agency for Water District #2

David Nussbaumer moved to confirm that the Town of Arcadia be Lead Agency for Water District #2. Andy Baran seconded this motion and it carried unanimously.

MIN TO CONFIRM
T OF ARCADIA
LEAD AGENCY FC
WATER DIST.#2

9. Wayne County Water Authority Update
10. Long Term Water Supply Agreement

Supervisor Lyon reported to the Board that the Wayne County Water Authority is in the process of drafting a contract with the Monroe County Water Authority and also a long-term water supply agreement.

REPORT FROM
WTR AUTHOR.

11. Request from Palmyra-Macedon Central School to appoint Mary Strong the Tax Collector

Paul Rubery, Town Attorney, advised the Board that we are not a Class 1 town and this is not necessary.

REQUEST TO APPT
TAX COLLECTOR

Following a review of the claims and expenditures, David Nussbaumer moved to approve payment of the expenditures on Abstract #7 with totals as follows:

MIN TO APV
PMT OF EXPEND.

<u>Account</u>	<u>Voucher #</u>	<u>Amount</u>
General Fund	213 - 250	\$ 8486.34
Part Town Fund	50 - 58	1047.72
Highway III, IV	126 - 138	69036.84
Highway I	55 - 70	7383.83
North Water	21 - 25	4098.90
South Water	14 - 15	852.06
East Water	15	236.25
Central Water	37 - 42	437193.01
Cap. Proj. (CWD)	8 - 12	20810.83
Cap. Reserves	3	1680.00

This motion was seconded by Robert Grier and carried unanimously.

MIN CARRIED

At this time David Nussbaumer moved to go into executive session to discuss matters of possible litigation and personnel. Andy Baran seconded this motion and it carried unanimously.

MIN TO GO INTO
EXEC. SESSION

REG TN BD MTG W/PUB HEARING CONT. JULY 27, 1995

OUT OF EXEC.
SESSION

Supervisor Lyon declared this Board out of executive session.

MIN TO AUTH.
HIWAY SUPER. TO
POST WEIGHT LMTS
ON ROADS

David Nussbaumer moved to authorize Nelson Cook, Town Highway Superintendent, to post weight limits on all Town roads wherever or whenever necessary and to authorize him to stock-pile material along the side of any Town of Palmyra road within the Town's right-of-way. This motion to be effective as of August 1, 1995. Lynne Green seconded this motion and it carried unanimously.

MIN CARRIEDMIN TO APV FEE
FOR WTR CLERK
FOR XTRA CUST.

Andy Baran moved to approve paying the Water Collection Clerk an additional fee to cover the extra work generated by the new customers in the Central Water District, an amount not to exceed \$600.00 for the remainder of 1995. This motion was seconded by Robert Grier and carried unanimously.

MIN CARRIEDMIN TO ADJOURN

The motion to adjourn this meeting of the Town Board was offered at 11:15 PM by David Nussbaumer, seconded by Andy Baran and carried unanimously.

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

August 24, 1995

PUBLIC HEARING
DIVISION STREET PARTNERS
SPECIAL USE AUTHORIZATION

The Public Hearing scheduled to be held on Thursday, August 24, 1995 at the Town Office, 201 E. Main Street, Palmyra, to consider the application of Division Street Partners, Division Street, Palmyra, to construct Phase I of a new warehouse on Division Street, approximately 35,200 square feet, in which paper and cardboard will be stored was called to order at 8:00 PM by Town Supervisor David Lyon.

PUB HRG CALLED
TO ORDER
DIV ST. PARTNS
SPECIAL USE

Those present, in addition to the Board members included:

Douglas G. DeRue Dave Matthews
Roxanne Kachel
Duncan Jackson, Engineer for Division St. Part.
Peter Freund, Division Street Partners
Elaine Hartnagel, the TIMES
Howard VanDuyne, the Courier-Journal
Nelson F. Cook, Highway Superintendent
Paul T. Rubery, Town Attorney

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

Supervisor Lyon asked Duncan Jackson to give those present an idea of what they wanted to do. Mr. Jackson went over the site plan with the Board.

Supervisor Lyon asked for comments from those present.

Doug DeRue, Meadow Drive - Will lamination be done there as well? Division Street Partners will be re-incorporated; will this be the same owners? Peter Freund stated that the corporation went to a limited liability partnership and everything will stay the same. Mr. DeRue also asked if a final date had been set for final seedings and plantings. Mr. Jackson answered that the fall of 1995 was planned. The summer weather has not been conducive to planting he said. Mr. Nussbaumer asked about the laminating. Mr. Freund stated that this is simply gluing paper to cardboard.

PUB HEAR - DIVISION ST PARTNERS CONT. 8/24/95

Dave Matthews, Meadow Drive - Have all the conditions on the first three resolutions been met? What are the hours of operation? Has the scrubber been taken care of at the Bingham Co.? Mr. Freund said that the first three resolutions have not yet been signed and the hours of operation are 6 AM - 10 PM. Mr. Vanderwall, Zoning Enforcement Officer, stated that the scrubber has been taken care of at the Bingham Co. He is of the opinion that a back-flow valve is needed out there. Supervisor Lyon said that is standard procedure and he will have the water department take care of it.

Mr. Matthews stated that gravel removal to construct a new building was a concern of the neighbors. Mr. Freund told the Board that he has hired the landscaping done and there is a large quantity of gravel available from the lot next door at a very good rate. Mr. Matthews stated that the southwest corner needs leveling and the rest needs fill. Robert Grier asked about the piles of gravel between the buildings. Mr. Freund told him the piles were left from the digging of the waterline.

Mr. Grier asked if the size of the septic system had been increased. Duncan Jackson said it has been.

The following letter was received from Ms. Linda Kelly, 1999 Division Street neighbor:

21 August 1995

Beverly E. Hickman
Town of Palmyra
201 E. Main Street
Palmyra, NY 14522

Dear Ms. Beverly Hickman,

Thank you very much for the information regarding the meeting concern the application of Division St. Partners to construct a warehouse on Division St.

I am unfortunately unable to attend the meeting as I have to work that evening, however, I am writing to state for the record that I am not in favor of construction of further industry on Division St., as we already have much commerce on this street and more so may cause pollution, lower our residential property values, decrease our ability to resell our homes, and disrupt the

PUB HEAR - DIVISION ST PARTNERS - CONT 8/24/95

already fragile peacefulness of our small community.
Again, thank you for your letter on this vital matter.

Sincerely,
Linda Kelly

Supervisor Lyon asked if there were any more comments regarding this application. There being none, he declared this Public Hearing closed at 8:20.

PUB HRC
CLOSED

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board of the Town of Palmyra scheduled to be held on Thursday, Aug. 25, 1995 at the Town Office, 201 East Main Street, Palmyra, was called to order at 8:35 PM by Town Supervisor David 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 Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

David Nussbaumer moved to approve the minutes from the regular Town Board meeting held on July 27, 1995, as submitted. Andy Baran seconded this motion and it carried unanimously.

MTN TO APV
MINUTES OF
7/27/95

The Supervisor's Monthly Report was received by the Board for filing.

MTN CARRIED

SUPERVISOR'S
MONTHLY REPORT

COMMUNICATIONS

1. Resignation of Paul T. Rubery, Town Attorney
2. Information and letter from Wayne County Planning Board RE: Canalway Trail Right-of-Way Acquisition Project SEQRA Review - Lead Agency

ATTY'S RESIGNATION

WCPB LETTER

Robert Grier moved to designate Wayne County as Lead Agency for the Canalway Trail Right-of-Way Acquisition Project SEQRA Review. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO DESIGNATE
WAYNE CTY LEAD
AGCY FOR ROW
ACQU. PROJECT

MTN CARRIED

REG TOWN BOARD MTG. CONT.

AUGUST 24, 1995

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

ASSESSOR UPDATE

1. Assessor Update

Ann Vingee-Taber, Sole Assessor for the Town of Palmyra, reported that she is going to court regarding a change in assessment, she elaborated on the schooling in Geneseo that she and her clerk attended and informed the Board of upcoming program changes for her office.

2. Contract with the Humane Society of Wayne County

David Nussbaumer moved to authorize Town Supervisor, David Lyon, to sign the proposed contract with the Humane Society of Wayne County. This motion was seconded by Andy Baran and carried unanimously.

MTN TO AUTH.
SUPERVISOR TO
SIGN CONTR W/
HUMANE SOC.

MTN CARRIED

Highway Committee - Andy Baran, Chairman

1. Water cleanup report

Nelson reported on where work has been completed on the waterline cleanup and where and what still needs work done. He said some areas will have to be done over again and he has had to purchase some topsoil that he had not planned on. Robert Grier asked approximately what percent had been done and Mr. Cook said about 50%. Mr. Grier mentioned that the material budget has already doubled and the work is only half done at this point. Nelson said he is doing what he can; that a outside contractor would have to pay prevailing wage rate plus benefits and the Town is not spending nearly that much money. Andy Baran asked if \$80,000.00 was a unrealistic figure to begin with. Mr. Cook stated that the entire Board knew it was unrealistic when they put it into the budget. Mr. Cook noted that the contractor has done a good job with his end of the cleanup project.

WTR CLEANUP

2. Jeffrey Road Update

Mr. Cook informed the Board that he hopes to have Jeffrey Road open in about two weeks.

JEFFREY RD
UPDATE

REG TOWN BOARD MTG CONT.

AUGUST 24, 1995

Planning Committee - Robert Grier, Chairman**1. Building Inspector/Zoning Officer Update**

A written report was submitted by Earl Vanderwall, Building Inspector/Zoning Enforcement Officer and can be found in a file folder entitled "Assessor Update/ Building Inspector/Zoning Officer Update" as kept with these minutes.

ZON. OFF.
UPDATE

2. Division Street Partners - Unsigned resolutions

Robert Grier moved to approve the following changes in each of the resolutions for the Division Street Partners:

MIN TO APV
RESOLUTION
CHANGES FOR
DIV. ST. PRT

Resolution for 2085 Division Street:

Paragraph beginning "NOW, THEREFORE BE IT RESOLVED" will be changed to read as follows:

NOW, THEREFORE BE IT RESOLVED current use of the building at 2085 Division Street in the Town of Palmyra for dry storage and the preparation of cardboard and corrugated material for box manufacturing (including cutting, gluing, fabrication and packaging), core cutting and dry storage.

Item 1 C will now read:

No tractor-trailers parked on the premises shall be left running after 10:00 PM or started before 6:00 AM unless parked in the designated area located in the northeast corner of 2085 Division Street as confirmed by the Town of Palmyra Zoning Enforcement Officer.

Resolution for 2081A Division Street:

Item F will be changed to read as follows:

No licensed tractor-trailers parked on the premises shall be left running after 10:00 PM or started before 6:00 AM unless parked in the designated area located in the northeast corner of 2085 Division Street as confirmed by the Town of Palmyra Zoning Enforcement Officer.

Resolution for 2081A Division Street addition:

Item C will be changed to read as follows:

No tractor-trailers parked on the premises shall be left running after 10:00 PM or started before 6:00 AM unless parked in the designated area located in the northeast corner of 2085 Division Street as confirmed by the Town of Palmyra Zoning enforcement Officer.

Resolution for 2081B Division Street:

Item C will be changed to read as follows:

No tractor-trailers parked on the premises shall be left running after 10:00 PM or started before 6:00 AM unless parked in the designated area located in the northeast corner of 2085 Division Street as confirmed by the Town of Palmyra Zoning Enforcement Officer. David Nussbaumer seconded the above changes in the

MIN CARRIED

Division Street Partners resolutions and it carried unanimously.

3. Division Street Partners - Subject of Public Hearing

DIV. ST. PARTNRS.
SUBJ. OF PUB.
HEARING

Mr. Grier told the Board that he and the Town Attorney will have a resolution put in place for the next regular meeting of the Town Board.

Zoning Committee - Lynne Green, Chairman

MIN TO APV

RESOLUTION -
JOHNSTON'S RV
CENTER

1. Resolution for Johnston's RV Center

The following resolution was moved by Andy Baran, seconded by Robert Grier and carried unanimously:

MIN CARRIED

WHEREAS, on the 13th day of April, 1995, a Public Hearing was held at the Town Office, 201 East Main Street, Palmyra, to consider the application of Gary L. and Aaron C. Johnston of Johnston's RV Center, 2311 Marion Road, Palmyra, for Special Authorization to expand their business, and

WHEREAS, there were several questions that the Johnston's could not answer and pertinent information was missing, this Public Hearing was adjourned to May 25, 1995, and

WHEREAS, on May 25, 1995, the Public Hearing continued with the entire Town Board present and with no one opposed to said application, and

WHEREAS, the findings of fact, as determined by the Town Board were as follows:

1. The applicants need the additional area to properly conduct and expand their growing business.
2. The strict application of the provisions of the Ordinance would deprive the applicant of the reasonable use of the land and building for which the special use is sought.
3. The grant of the special use will not be injurious to the neighborhood and will not alter the essential character of the locality where other commercial activities are taking place.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Palmyra does approve a Special Use Permit to Gary L. and Aaron C. Johnston of Johnston's RV Center with the following conditions:

1. The proposed new building will conform to setback requirements and will be no larger than 70' x 76'.
2. As the business grows and more employees are hired, all buildings must conform to all NYS Codes at all times.
3. Display parking of new recreational vehicles will be allowed in front of the existing business but will be limited to the already-existing paved area.

REG TOWN BOARD MTG. CONT.

AUGUST 24, 1995

4. Sales will be limited to new and used RVs and equipment and parts for same.
5. No gasoline sales will be allowed on the premises.
6. Repair areas will be confined to inside the new building only.
7. There will be no outside storage allowed with the exception of the RV itself.
8. Tree plantings will be done with the approval of Patricia and Elmer VerPlank with a minimum tree height of 6' and with plantings done 6' apart.
9. A entrance/exit will be constructed on Jeffrey Road and upgraded to a usable service entrance for all vehicles needing repair.
10. A gate will be maintained at the Jeffrey Road entrance/exit.
11. The present northern-most entrance on Rt 21 will be made permanently non-accessable.
12. Customer parking will be allowed only as shown on the site plan as received by the Town of Palmyra on September 7, 1995 and date stamped as such.
13. No roadside parking will be allowed.
14. This Special Use Permit is limited to Gary L. and Aaron C. Johnston only and is NOT transferable to future owners.
15. This Special use permit will become effective upon signing and returning to the Town Office.

2. Resolution for Schraffenberger - Bed & Breakfast

The following resolution was moved by Lynne Green,

seconded by David Nussbaumer and carried unanimously:

BE IT RESOLVED that the Town Board of the Town of Palmyra, at their regular meeting held on August 24, 1995, did approve a application from Harry and Laurie Schraffenberger for Special Authorization to operate a Bed and Breakfast at 3313 Jeffery Road, Palmyra, with the following terms and conditions:

1. A NYS Health Permit will be obtained and kept current.
2. Ample off-road parking will be provided.
3. All fire, building and zoning ordinances will be met.
4. No more than one "outside of family" employee will be allowed.
5. This Special Authorization is granted to Harry and Laurie Schraffenberger and is non-transferrable.
6. A annual inspection may be done by the Town Building Inspector/Zoning Officer.
7. This Special Authorization will be effective as soon as this resolution is signed and returned to the Town Office.

3. Set Public Hearing date for Herland W. Bouwens Jr. - Special Use - Auto body and repair shop

Lynne Green moved to set Thursday, September 28, 1995 at 8:00 PM at the Town Office as the Public Hearing date to consider the application of Herland W.

MIN TO APV
SCHRAFFENBER
SPEC USE
RESOLUTION

MIN TO SET
PUB HRG DATE
H. BOUWENS

REG TOWN BOARD MTG CONT.

AUGUST 24, 1995

Bouwens Jr. for Special Use to have a auto body and repair shop on the corner of Hanley Road and Rt. 31, Palmyra. The motion was seconded by David Nussbaumer and carried unanimously.

MTN CARRIED

4. Adult Entertainment Law

ADULT ENT.
LAW

Lynne Green reported to the Board that our Planning Board had recommended using the Town of Marion Adult Entertainment Law but with modifications. This Board recommended going ahead with same.

AGENDA ITEMS

1. Transfer of funds

Supervisor Lyon moved to approve the following fund transfers:

MTN TO APV
FUND TRANSFERS

FROM	TO
NORTH WATER SW3-8340.2	NORTH WATER SW3-8340.4
DIST/EQUIP \$1162.50	CONT EXP \$1162.50
SOUTH WATER SW1-8340.2	SOUTH WATER SW1-8340.4
DIST/EQUIP \$ 293.75	DIST.CONT \$ 293.75
CENTRAL WATER SW1990.4	CENTRAL WATER SW8320.4
CONTIN. \$1607.76	CONT. EXP \$1607.76
HB CAP PROJ HB8320.291	HB CAP PROJ HB8320.240
LAND/EASEM \$ 80.19	FICAL/LEGAL \$ 60.45
	HB CAP PROJ HB8320.241
	PERM/MSD/ADM \$ 19.74

David Nussbaumer seconded this motion and it carried unanimously.

MTN CARRIED

2. Draft agreement with Town of Arcadia (water)

David Nussbaumer moved to authorize Town Supervisor, David Lyon, to sign the draft agreement with the Town of Arcadia for water. This motion was seconded by Lynne Green and carried unanimously.

MTN TO AUTH.
SUPERVISOR TO
SIGN DRAFT AGREEMENT
WITH ARCADIA FOR
WATER
MTN CARRIED

3. Maple Avenue water connection

Andy Baran moved to authorize the Wayne County Water Authority to complete approximately 1000 feet of 8" water main and appurtenances on Maple Avenue in the vicinity of the railroad crossing and the intersection of Division Street per plans and specifications provided by MRB Group for the Central Water District at a cost not to exceed \$20, 600. Lynne Green seconded this motion. During the brief discussion

MTN TO AUTH
WA TO COMPLETE
1000 FT. OF WTR
MAIN ON MAPLE
AVENUE

REG TOWN BOARD MTG CONT.

AUGUST 24, 1995

that followed, Supervisor Lyon reminded the Board that \$23,000 had originally been cut to take this section out. Myers had submitted a proposal to do this work at a cost of \$30,000 whereas the Water Authority has proposed \$20,600. This motion carried unanimously.

MIN CARRIED

4. Retain legal counsel per deim

Lynne Green moved to accept, with much regret, the resignation of Paul T. Rubery, Town Attorney as of August 29, 1995. Robert Grier seconded this motion and it carried unanimously.

MIN TO
RETAIN LEGAL
COUNSEL PER D.

MIN CARRIED

The following resolution was then moved by Town Supervisor, David Lyon:

MIN TO ADOPT
RESOLUTION
RE: ATTY

WHEREAS, the Town of Palmyra has created the position of Town Attorney in the past, and WHEREAS, because of the limitation in filling the position, the question of malpractice insurance and the restrictions on the position, it creates problems in securing legal services, and WHEREAS, the Town would be served by hiring independent counsel for particular matters. NOW THEREFORE BE IT RESOLVED, that the position of Town Attorney is hereby abolished effective August 30, 1995.

This resolution was seconded by David Nussbaumer and carried unanimously.

RESOLUTION
MIN CARRIED

Supervisor Lyon then moved the following resolution:

MIN TO MOVE
RESOLUTION RE:
COUNSEL

WHEREAS, the Town of Palmyra desires to contract with independent Attorneys to handle the legal problems of the Town and those Attorneys would be known as Town Counsel, and WHEREAS, the Town of Palmyra must establish hourly rates for the services to be rendered in it's behalf.

NOW THEREFORE BE IT RESOLVED, that the Town of Palmyra shall hire independent counsel on the following basis:

- a) For services rendered out of Court at the rate of Fifty Dollars (\$50.00) per hour.
- b) For services rendered in litigation matters at the rate of Sixty-five Dollars (\$65.00) per hour.
- c) Reimbursement for phone, fax and copies will be at the out-of-pocket cost incurred (no reimbursement for local calls)
- d) Reimbursement for mileage will be at the rate established by the Town annually.
- e) If any other arrangements are made, they shall be made by resolution of the Town Board for each specific matter.

BE IT FURTHER RESOLVED that the Town Supervisor and the Town Board shall be authorized to contact an Attorney who will work on the above

rate schedule and who is capable of handling the matter if there is a need to hire counsel before the next Board meeting of the Town Board.

MTN CARRIED

This resolution was seconded by Robert Grier and carried unanimously.

5. Schedule budget work sessionSCHEDULE WORK
SESSION FOR BOGT

The Board decided to have a budget work session on September 14, 1995 at 7:30 PM.

6. Purchase of printer for Town Clerk's OfficePRINTER PRCHS
TN CLERK OFFICE

The Town Clerk explained to the Board that her present printer needed repair work done and given the cost of repair and the age of her printer, she recommended replacing same. After researching several models, a Canon Bubble Jet Color Printer model BJC-4000 at a cost of \$337.99 was recommended by her. Andy Baran moved to approve the purchase of a Canon Bubble Jet Color Printer model BJC-4000 at a cost not to exceed \$340.00. This motion was seconded by David Nussbaumer and carried unanimously.

MIN TO AFV
PRCHS OF PRINTERMTN CARRIED7. Authorize engineer to calculate quantities of water and sewer for Rt. 21 SouthMIN TO
AUTH ENG TO CALCULATE
WTR/SWR FOR 21S

David Nussbaumer moved to authorize a engineer to calculate quantities of water and sewer required for Rt. 21 South. Andy Baran seconded this motion and it carried with a vote of 4 Ayes - 1 Abstention. Robert Grier abstained.

MTN CARRIED8. Review Central Water District ProjectREVIEW CTRL
WTR DISTR.
PROJECT

Supervisor Lyon reported to the Board that there is approximately \$72,000.00 left in the Central Water District Budget.

9. Proposed Tower OrdinanceTOWER ORD.

The Palmyra Planning Board has recommended a proposed Town Ordinance for the Town of Palmyra. The Board decided they would like this ordinance to be in the form of a local law. This proposed ordinance was referred back to the Planning Board to be drafted into a local law.

10. Approval for en re Board to sign contract with the Village of Palmyra for water

REG TOWN BOARD MTG CONT.

AUGUST 24, 1995

At the July 27, 1995 meeting of this Board, a motion was duly moved and carried authorizing the Supervisor to sign said contract. The entire Board is supposed to sign this contract. Robert Grier moved to approve the entire Town Board sign the contract with the Village of Palmyra for water. Andy Baran seconded this motion and it carried unanimously.

MIN TO AUTH
SUPERVISOR TO
SIGN VILLAGE
WATER CTCT

MIN CARRIED

Following a review of the expenditures and claims submitted, David Nussbaumer moved to approve payment of the claims as shown on Abstract #8 with totals as follows:

MIN TO APV
PMT OF VCHRS
ON ABSTRACT#8

<u>Account</u>	<u>Voucher #</u>	<u>Amount</u>
General Fund	251 - 275	\$ 6899.85
Part Town Fund	59 - 70	51056.18
Highway III, IV	138A - 150	29748.16
Highway I	71 - 80	41296.06
North Water	26 - 28	3604.58
South Water	16	778.75
East Water	16 - 18	268.30
Central Water	43 - 49	112380.48
Capital Proj.	13 - 21	208092.88

This motion was seconded by Robert Grier and carried unanimously.

MIN CARRIED

The motion to adjourn this meeting of the Town Board was offered by Robert Grier, seconded by David Nussbaumer and carried unanimously.

MIN TO ADJOURN

Respectfully submitted,
Beverly E. Hickman
Beverly E. Hickman
Town Clerk

September 28, 1995

PUBLIC HEARING
Harold Bouwens Jr. - Special Authorization

The Public Hearing scheduled to be held on Thursday, September 28, 1995 at the Town Office, 201 E. Main Street, Palmyra, was called to order at 8:00 PM by Town Supervisor David Lyon.

PUB HRC CALLED
TO ORDER
H. BOUWENS
SPECIAL USE

Those present at this public hearing, other than the Town Board members included:
Herland Bouwens Herland Bouwens Jr.
Mr. & Mrs. Robert Scramm
Howard VanDuyne - Courier-Journal
Elaine Hartnagel - the Times
Chris Taylor - School project
Chris Madden - School project
Todd Gowle - School project
Erin Cook - School project
Hether Dudzinski - School project

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

Mr. Bouwens showed those present a blueprint of the building he would like to build if this project becomes a reality. It will be constructed of wooden poles and metal sides.

Bob Scramm asked if the new building would be on the east side of Hanley Road and what about a water supply. Mr. Bouwens said the building will be on the east side of Hanley Road and he plans to use a cistern to catch rain water. Supervisor Lyon stated that a petition has come into the Town Office for public water in that area and if it goes through, the Board will insist on this property being tied in.

Mr. Scramm stated that he has no objection to this project as long as it is kept clean.

Supervisor Lyon asked if there were any more comments.

David Nussbaumer questioned the recycling of hazardous waste. Mr. Bouwens said that he does not plan on having much of anything hazardous as this will be a body shop not a engine repair shop.

Andy Baran asked if the building would be facing Rt. 31. Mr. Bouwens stated that it will be facing

PUBLIC HEARING CONT.

SEPT. 28, 1995

Rt. 31 with the driveway on Hanley Road and a part will be a fenced area.

David Nussbaumer asked how many cars will be for sale. Mr. Bouwens said there will probably be no more than 10 cars for sale at any one time.

Lynne Green said that she is concerned about the storage of tires and things that would rust and become unsightly. Mr. Bouwens said that he would not allow a buildup of tires or rusting things; he said that he would like to build a good business and no one will go there if the place is a dump.

The Town Clerk then read the following recommendation from the Palmyra Planning Board into these minutes:

RECMND. FROM
PL. BRD.

MEMO TO: Palmyra Town Board
FROM: Palmyra Planning Board
DATE: August 22, 1995
RE: Herland Bouwens - Spec. Use Application
for Used Car Sales/Auto Body Repair

At the August 21, 1995 meeting of the Palmyra Planning Board an application was received from Herland Bouwens, 2394 Ford Rd., Newark, for a Special use Authorization to sell used cars and do auto body repair on Hanley Road.

The board reviewed the application and had several questions. Mr. Welch was concerned about the exhaust fans and the direction they would be facing while emitting fumes. He also asked exactly how many cars would be displayed at one time on the two rows. The board also discussed the disposal of tires, batteries and oil; nothing is indicated on the application, and Mr. Bouwens was not present. The board agreed that there were a few questions that they had, but basically agreed to recommend approval of the application for a Special Use Authorization, with some recommendations. It was the consensus of the board that the Town Board should govern the number of cars at the establishment, the method of exterior storage and fences, and the disposal of oil, tires and batteries. They also felt that Mr. Bouwens has to conform to any state regulations or standards for a Car Sales and Auto Body Repair Shop.

The members agreed to recommend approval for the following reasons:

- 1) There are two other automotive establishments in the immediate area, so the application would not disrupt the neighborhood aesthetically;
- 2) The area is in a good commercial location;
- 3) It will be added assessment to the tax base.

It is agreed by all that the Town Board should regulate the establishment and the standards, and given that the permit is renewable yearly it was

PUBLIC HEARING CONT.

SEPT. 28, 1995

agreed that this would be a good use of the location.

Should you have any questions, please feel free to call us.

Sincerely,
Sue Regis, Secretary
Planning Board

The Town Clerk then read into these minutes the following recommendation from the Wayne County Planning Board:

WAYNE CTY
PL. BRD.
RECOMMENDIN

September 28, 1995

Earl Vanderwall, ZEO
Town of Palmyra
201 East Main Street
Palmyra, New York 14522

Re: Herland Bouwens
Hanley Road
Tax Map Ref. No: 35110-00-210976
Special Permit

Dear Mr. Vanderwall:

At its meeting on September 27, 1995 the Wayne County Planning Board reviewed the above referral and recommended approval of the Special Permit with the conditions that

1. An Agricultural Use Statement is submitted
2. Town concerns regarding hazardous waste disposal, site screening, etc. are addressed

If you have any questions regarding this determination, please don't hesitate to contact me.

Sincerely,
Bret DeRoo
Planner

Supervisor Lyon asked about removal of waste and inquired about the fenced area mentioned earlier. Mr. Bouwens said that you contract with a concern that picks up waste; and the fenced area would be ten feet out from the building and eight feet high out of the same material as the building.

Robert Grier asked how many vehicles might be outside waiting for parts etc. Mr. Bouwens had no idea. Mr. Grier asked if he had considered changing the angle of the building so there would be more storage out back. Mr. Bouwens stated that this could easily be done and it would allow him more storage area.

Bob Scramm informed the Board that there is a lot

PUBLIC HEARING CONT.

SEPT. 28, 1995

of traffic on Hanley Road and he wondered who would decide where the driveway would be placed. Supervisor Lyon told him the Highway Superintendent would give the approval for the driveway after checking sight distance, etc. Mr. Scramm also wanted to know what quality cars would be for sale. Mr. Bouwens said that they would sell for \$5,000 to \$10,000; they will be decent vehicles.

Supervisor Lyon asked if there were any more comments or questions. There being none he declared this public hearing closed at 8:25 PM.

PUB. HRC.
CLOSED

.....

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board scheduled to be held on Thursday, September 28, 1995 at the Town Office, 201 E. Main Street, Palmyra, was called to order at 8:30 PM by Town Supervisor David Lyon.

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

Upon roll call, the following Town Board members were present:

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

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

COMMUNICATIONS

1. Letter from David & Lianne Evans - Division Street - RE: Drainage hole in their yard (The Board referred this letter to the Highway Department)

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Assessor Update

Ann Vingee-Tabor, Sole Assessor for the Town of Palmyra, showed the Board a thank you note she had received from a tax payer regarding their assessment. She was greatly impressed with this because it is the

CALL TO ORDER

PLEDGE OF
ALLEGIANCE

ROLL CALL

SUPERVISOR'S
MO. REPORT

LTR FROM EVANS
RE: DRAINAGE HOLE
IN YARD

ASSESSOR UPDATE

REGULAR TOWN BOARD MTG CONT.

SEPT. 28, 1995

first thank you note she has received for increasing a assessment. She told the Board that she has been picking up new constructions, working on commercial properties and that she has had no word from the Pipeline people as yet.

2. Set date to hold Public Hearing for East Palmyra Fire Contract

David Nussbaumer moved to set a public hearing date of October 26, 1995 at 8:15 PM at the East Palmyra Fire Hall to consider the East Palmyra Fire Contract. Andy Baran seconded this motion and it carried unanimously.

MIN TO
SET DATE FOR
PUB HRG FOR
E. PAL FIRE
CONTRACT

3. Set date to hold Public Hearing for Village of Palmyra Fire Contract

David Nussbaumer moved to set a public hearing date of October 26, 1995 at 8:30 PM at the East Palmyra Fire Hall to consider the Village of Palmyra Fire Contract. This motion was seconded by Robert Grier and carried unanimously.

MIN TO SET
DATE FOR HRG
FOR VILLAGE
FIRE CONTRACT

4. Appointment to Board of Assessment Review

David Nussbaumer moved to re-appoint Catherine Contant to the Board of Assessment Review for a five year term to expire in September of the year 2000. Robert Grier seconded this motion and it carried unanimously.

MIN CARRIED

MIN. FOR
RD OF ASSESS
REVIEW APPTMT.

MIN CARRIED

Highway Committee - Andy Baran, Chairman

Mr. Baran stated that he had no report at this time.

HWAY REPORT

Planning Committee - Robert Grier, Chairman

1. Building Inspector/Zoning Officer Update

Earl Vanderwall, Building Inspector/Zoning Officer reported that things are beginning to lighten up a little as is normal this time of year. He submitted a written report that can be found in the file folder entitled "Assessor Update/Building Inspector/Zoning Officer Update" as kept with these minutes.

ZON. OFF.
UPDATE

2. Resolution for Division St. Partners proposed new building

Robert Grier moved to approve the new building as proposed by Division St. Partners with stipulations to be drawn up and agreed to by Division St. Partners and

MIN TO APV
DIV ST PARTNRS
RESOLUTION

REGULAR TOWN BOARD MTG CONT.

SEPT. 28, 1995

MTN CARRIED

to be entered into the minutes of the Town Board meeting held following the signing of said resolution. David Nussbaumer seconded this motion and it carried unanimously.

Zoning Committee - Lynne Green, Chairman

H. BOUWENS
SPECIAL USE
INFO

1. Herland Bouwens - Special Authorization
- Subject of Public Hearing

Lynne Green will put this resolution together and have it ready for approval at the October 26, 1995 meeting.

2. Set date to hold Public Hearing for proposed Local Law #3 of 1995 entitled "Adult Entertainment"

MTN TO SET
DATE FOR LOCAL
LAW #3
ADULT ENT.

Lynne Green moved to set a date of October 26, 1995 at 8:45 PM at the East Palmyra Fire Hall to hold a Public Hearing to consider Local Law #3 of 1995 entitled "Adult Entertainment." This motion was seconded by David Nussbaumer and carried unanimously.

MTN CARRIED

3. Set date to hold public hearing for Thomas Brown - Special Authorization to have a Antique Shop in his home

MTN TO SET
DATE FOR PUB.
HRG. FOR T.
BROWN SPECIAL
USE

Lynne Green moved to set a date of October 26, 1995 at 9:00 PM at the East Palmyra Fire Hall to hold a public Hearing to consider the application of Thomas Brown for Special Authorization to have a Antique Shop in his home. David Nussbaumer seconded this motion and it carried unanimously.

MTN CARRIED

4. Appointment to the Zoning Board of Appeals

MTN TO APPOINT
D. DERUE TO
ZONING BRD.

Lynne Green moved to appoint Douglas DeRue to the Zoning Board of Appeals for a five year term to expire in September of the year 2000. Robert Grier seconded this motion and it carried unanimously.

MTN CARRIED

AGENDA ITEMS

1. Set date for proposed Local Law #4 of 1995 entitled "Local Fair Housing Law"

Supervisor Lyon moved to set ~~September~~ ^{October} 26, 1995 at 9:15 PM to hold a public hearing to consider Local Law #4 of 1995 entitled "Local Fair Housing Law" at the East Palmyra Fire Hall. David Nussbaumer seconded

MTN TO SET
DATE FOR PUB.
HRG. FOR
LOCAL FAIR
HOUSING LAW

REGULAR TOWN BOARD MTG CONT.

SEPT. 28, 1995

this motion and it carried unanimously.

MTN CARRIED

2. Transfer of funds

The following fund transfers were moved by Supervisor Lyon:

MTN TO XFER FUNDS

FROM	TO
General Fund A1410.4	General Fund A1410.2
Tn Clerk Cont. \$318.57	Equipment \$318.57
North Water SW3-8340.2	North Water SW3-8340.4
Dist. Equip \$1317.50	Cont. Exp \$1317.50
South Water SW1-8340.2	South Water SW1-8340.4
Dist. Equip \$778.75	Dist. Cont \$778.75
Central Wtr SW1990.4	Central Wtr SW8320.4
Contingency \$1572.53	Cont. Exp \$1572.53
Central Wtr SW8310.220	Central Wtr SW8310.1
Administration \$215.38	Sal & Wages \$215.38
Central Wtr SW8340.210	Central Wtr SW8340.4
Hookups \$2301.25	Misc & Cont \$2301.25
Cap Facilities Reserve	Fuel Pump H5132.2
\$9026.46	\$9026.46
HB Cap Proj HB8320.201	HB Cap Proj HB8320.202
Res Observ \$14,880.61	Cleanup \$14,880.61
\$ 1,000.00	Jim-Inspct \$ 1,000.00

This motion was seconded by David Nussbaumer and carried unanimously.

MTN CARRIED

3. Tentative Budget for 1996 presented to the Board

PRESENTATION OF 1996 BDGT.

The Town Clerk, Beverly E. Hickman, presented the 1996 Tentative Budget to the Town Board and same was accepted by them.

4. Appoint a committee to investigate available properties to be purchased for a new Town Hall

MTN TO APPOINT A COMMITTEE TO INVESTIGATE NEW TOWN HALL

Supervisor Lyon moved to appoint Robert Grier, David Nussbaumer, Lynne Green and Andy Baran to serve as a committee to investigate any and all available properties suitable to be purchased for a new Town Hall. David Nussbaumer seconded this motion and it carried unanimously.

MTN CARRIED

Supervisor Lyon then moved to allocate \$3,000.00 to be used by this committee to hire any professional services necessary to this investigation of properties. Robert Grier seconded this motion and it carried unanimously.

MTN TO ALLOCAT FUNDS FOR SRVC RE: NEW TN HALMTN CARRIED

REGULAR TOWN BOARD MTG CONT.

SEPT. 28, 1995

5. Water Authority Update

WTR. AUTH.
UPDATE

The four towns are presently working toward standardizing the levying of unpaid water bills to taxes, reported Supervisor Lyon. He said that they had agreed not to levy any amount less than \$10.00. The Board agreed with this.

Following a review of the expenditures and claims presented for payment, David Nussbaumer moved to approve payment of same as submitted on Abstract #9 with totals as follows:

<u>Account</u>	<u>Voucher #</u>	<u>Amount</u>
General Fund	276 - 313	\$ 10407.58
Part Town Fund	71 - 78	10418.90
Highway III, IV	151 - 164	6456.91
Highway I	81 - 94	24585.54
North Water	29 - 32	3932.93
South Water	17 - 18	855.03
East	19	236.25
Central Water	50 - 52	18257.00
Capital Project	22 - 29	89544.69
Capital Reserves	4 - 5	9026.46

Robert Grier seconded this motion and it carried

MTN CARRIED

unanimously. except for Voucher #82 on which Andy Baran voted "naye" and Voucher #92 on which David Lyon voted "naye".

The Board then agreed to have another Budget

BUDGET WORKSHOP MTG Workshop Meeting on Thursday, October 5, 1995 at 7:30 PM at the Town Office.

The motion to adjourn this meeting of the Town

MTN TO ADJOURN

Board was offered by Robert Grier, seconded by Andy Baran and carried unanimously.

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

October 5, 1995

TOWN BOARD WORKSHOP MEETING
WITH BUSINESS

The Town Board workshop meeting, with business, scheduled to be held on Thursday, October 5, 1995, at the Town Office, 201 East Main Street, Palmyra, was called to order at 8:00 PM by Town Supervisor David Lyon.

CALL TO ORDER

Upon roll call, the following Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
(Lynne Green was absent)

Andy Baran moved to set a Public Hearing date of Thursday, October 26, 1995 at 9:15 PM at the East Palmyra Fire Hall to consider Extension #5 of the North Water District. Robert Grier seconded this motion and it carried unanimously.

MTN TO SET
PUB HIG DATE
FOR EXT. #5
OF THE NORTH
WATER DIST.

It was decided that a budget workshop will be held on Thursday, October 12, 1995 at the Town Office at 7:30 PM.

MTN CARRIED

BUDGET WRKSH
SCHEDULED

David Nussbaumer moved to adjourn this business meeting of the Town Board and to go into a workshop session at 8:05 PM. Robert Grier seconded this motion and it carried unanimously.

MTN TO ADJOURNMTN CARRIED

Respectfully submitted,



Beverly E. Hickman
Town Clerk

Minutes taken by David Lyon
Town Supervisor

October 26, 1995

INFORMATION ONLY
FRANK BRUNNER, NYSEG REPRESENTATIVE

Mr. Frank Brunner, representative from NYSEG was present this evening to talk to the Board and those and others in attendance. Some of the things he discussed were:

NYSEG REP.

1. Within the next 4/5 years major customers should be able to purchase electricity from a variety of sources
2. 20% of your bill goes to pay various state mandated charges
3. Using power during off-peak hours can save you a considerable amount of money
4. People should take advantage of the free home energy audits available at this time

Mr. Brunner then asked if there were any questions he could possibly answer for anyone.

Supervisor Lyon asked the status of changing the lights in the Town of Palmyra to the more efficient lighting. Mr. Brunner had no information on this but will check into it and get back to Supervisor Lyon.

Andy Baran asked if the percent of private power sources was small. Mr. Brunner told him there are a fairly large number of private sources, more than he would think.

Supervisor Lyon thanked Mr. Brunner for talking to the group and Mr. Brunner thanked the Board for having him.

PUBLIC HEARING
EAST PALMYRA FIRE CONTRACT 1996

The Public Hearing scheduled to be held on Thursday, October 26, 1995 at the East Palmyra Fire Hall, to consider the fire contract between the Town of Palmyra and the East Palmyra Fire Department for furnishing fire protection to the East Palmyra area of the Town of Palmyra, with a requested increase of \$3,775 taking the contract total to \$18, 775.00 for the calendar year January 1, 1996 thru December 31, 1996, was called to order by Town Supervisor David

PUB HEAR

E. PAL FIRE
DEPARTMENT
1996

PUB HEARING CONT. - E. PAL FIRE CONTRACT 10/26/95

Lyon at 8:15 PM.

Those in attendance at this and all of the following public hearings held this evening, in addition to the Town Board members, included:

Elizabeth DeWitt	Florence Wilkins
Lucile Leenhouts	Sylvia Harding
Harry Wilkins	Frank Gorall
Jim Milliman	Tim Gardner
Harlen Tyler	Reginald Landgon
Thomas J. Brown	Derwent Jackson
Lyle Caward	Roy Wilck
Dan Gardner	Mollie Jackson
Elaine Hartnagel - the TIMES	
Howard VanDuyne - the Courier-Journal	
Nelson F. Cook, Town Highway Superintendent	

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

Supervisor Lyon asked for any comments regarding this fire contract -

Lyle Caward - The increase is above the needs of the community.

Dan Gardner - Would urge the Board to consider the increase for the financial security of the fire department.

Mollie Jackson - Is it up to the Fire Department or the Town what amount goes to the fire department and what goes to the ambulance squad? Supervisor Lyon told her the contract is for fire protection.

Frank Gorall stated that the medical squad is under the fire department rules, regulations and insurance policies; they would have to ask the department for financial help.

Jim Milliman - The tax rate will go up \$.10 per \$1,000 of assessment if the increase is approved.

John Lester, Fire Chief in East Palmyra - Perhaps people do not realize the expenses to keep the department updated.

Derwent Jackson - What is the procedure for this contract? Supervisor Lyon told him the Board considers the request, listens to the people at this hearing, goes back to a workshop meeting and makes a decision. He added that the Board also work

PUB HEARING CONT. - E. PAL FIRE CONTRACT 10/26/95

informally with the fire department. Mr. Jackson asked when and where the Board works informally with the fire department. Supervisor Lyon explained to him that they had worked together at a workshop meeting.

Tim Gardner, past Fire Chief in East Palmyra - He explained to those present that it costs \$32,000 per year to pay expenses for the fire department. He said that \$15,000 presently comes from the Town and the department has to raise the rest themselves. Another \$3,000 would help lessen the burden in maintaining the department.

Supervisor Lyon asked if there were any more comments. There being none, he declared this Public Hearing closed at 8:25 PM.

PUB HEARING
CLOSED

PUBLIC HEARING
VILLAGE OF PALMYRA FIRE CONTRACT
1996 - 1997 - 1998

The Public Hearing scheduled to be held on Thursday, October 26, 1995, at the East Palmyra Fire Hall to consider the Town of Palmyra contract with the Village of Palmyra for fire protection for the Town of Palmyra in the amounts of \$53,450 for the calendar year 1996, \$55,053 for the calendar year 1997 and \$56,705 for the calendar year 1998 was called to order at 8:30 PM by Town Supervisor David Lyon.

PUB HEARING
VILL OF PAL
FIRE DEPT
1996-98

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

Supervisor Lyon asked for any comments regarding this contract.

Dan Gardner, East Palmyra Fire Department, asked how the rates compared with the other two fire departments that the Town contracts with. Supervisor Lyon told him that for the calendar year 1996 the approximate rates would be:

East Palmyra	- \$1.50 per thousand
Port Gibson	- \$.275 per thousand
Palmyra	- \$.56 per thousand

PUB HEARING CONT. - VILL OF PAL FIRE CONTRACT 10/26/95

Supervisor Lyon commented that on some roads, where the fire district is split down the middle, we have one side of the road paying one rate and the other side of the road paying a different rate and they are the same distance from the fire hall.

Supervisor Lyon asked if there were any more comments regarding this fire contract. There being none, he declared this public hearing closed at 8:40 PM.

PUB HEARING
CLOSED

PUBLIC HEARING
PROPOSED LOCAL LAW #3 OF 1995
"TOWN OF PALMYRA ADULT ENTERTAINMENT LAW"

PUB HEARING
ADULT
ENTERTAINMENT

The Public Hearing scheduled to be held on Thursday, October 26, 1995, at the East Palmyra Fire Hall, East Palmyra, New York, to consider the proposed Local Law #3 of 1995 entitled "Town of Palmyra Adult Entertainment Law" was called to order at 8:45 PM by Town Supervisor David C. Lyon.

Due to the length, Supervisor Lyon waived the reading of the legal notice as published in the Courier-Journal.

Lynne Green read the following :

Section 2. - Purpose and Intent

It is the intent of this chapter to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the Town of Palmyra, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town.

At this time, Supervisor Lyon asked for any comments, either for or against this proposed local law.

Roy Wilke - Where in Palmyra could this type of business actually be set up? Supervisor Lyon told him that it has been properly drafted so that it would not be impossible to have such a business, but he was not sure just where the allowable places were. He said

PUB HEARING CONT. - PROPOSED LL #3 OF 1995 10/26/95

that presently there is nothing to stop this type of business from popping up all over the Town.

Tim Gardner - Does this kind of business lower property values? Supervisor Lyon told him that it has been reported to do just that.

Tom Brown - What about businesses that already have some of these things? Supervisor Lyon told him that was a good point and he would check with the attorney to find out about that.

Supervisor Lyon then asked if there were any more comments. Hearing none, the following letter was read into these minutes:

TO: Beverly Hickman
Town Clerk - Palmyra, NY

FROM: Edward Plesa
2045 Meadow Dr.
Palmyra, NY 14522

SUBJECT: Local Law #3 (Town of Palmyra Adult Entertainment Law)

Dear Beverly,

For your consideration I would like to have a statement incorporated to Local Law #3 in order to cover the electronic form of graphical depiction available through the use of computers. Software and downloaded files from Internet and other wire services today is to be considered in the same category as book, magazines, periodical, and other printed matter. We are in the information age and to leave this form of media excluded would be hindsight.

Sincerely,
Edward Plesa

At this time, Dan Gardner stated that he would like it noted in these minutes that he is opposed to proposed Local Law #3 of 1995.

Again Supervisor Lyon asked for any comments and hearing none, he declared this public hearing closed at 9:00 PM.

PUBLIC HEARING

Thomas J. Brown - Special Authorization
to sell antiques at his residence

The Public Hearing scheduled to be held on
Thursday, October 26, 1995 at the East Palmyra Fire

PUB HEARING CONT. - SPEC AUTH - T.J. BROWN 10/26/95

PUB HEARING
T. J. BROWN

Hall, East Palmyra, New York, to consider the application of Thomas J. Brown, 3049 Parker Road, Town of Palmyra, for a variance to the Zoning Ordinance of the Town of Palmyra to sell antiques at his residence, was called to order at 9:00 PM by Town Supervisor David Lyon.

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

Mr. Brown explained to the Board that he had moved to Palmyra three years ago and has been buying and selling antiques at various shows and would now like to do so out of his garage, if possible. He said there would be no changes to the property and there would not be much increase in the amount of traffic.

Andy Baran asked if he would be doing any advertising. Mr. Brown said that he probably would be.

Robert Grier asked about toxic chemicals that might be involved in his work. Mr. Brown said that he does refinish a small amount of furniture but he does not have any dip tanks.

Supervisor Lyon asked if there were any more comments regarding this matter; there were none.

The following recommendation from the Palmyra Planning Board was read into these minutes:

Taken from the last paragraph of the Town of Palmyra Planning Board Meeting minutes dated October 16, 1995-

The last item on the agenda was an application from Thomas Brown of Parker Road to sell antiques from his residence. This will be a Special Use Authorization, since he is in an Agricultural District. The Town Board needs a recommendation from this Board for approval. Linda asked if anyone had any questions on this application; Mr. Dundas asked if Mr. Brown was aware of the signage limitation, and Earl indicated he was. Mr. Welch felt there was adequate parking space, and the general consensus of the board was that if Mr. Brown ran the business as stated in the Special Use Authorization form there should be no problem. Lyman Kaller made a motion to recommend approval, and it was seconded by Bill Baker. All eyes approved the recommendation, for the following reasons: There will be no undesirable effect on the neighborhood as a result of this part-time

PUB HEAR CONT. - T.J. BROWN -SPEC AUTH OCT. 26, 1995

business, and the business is suitable for the area in which it is located, enhancing the rural atmosphere.

The meeting was adjourned at 8:45 PM.

Respectfully submitted,
Sue Anne Regis, Secretary
Palmyra Planning Board

Supervisor Lyon again asked if there were any more comments. There being none, he declared this Public Hearing closed at 9:10 PM.

PUB HEARING
CLOSED

PUBLIC HEARING
PROPOSED LOCAL LAW #4 OF 1995
"LOCAL FAIR HOUSING LAW"

The Public Hearing scheduled to be held on Thursday, October 26, 1995 at the East Palmyra Fire Hall, East Palmyra, New York, to consider proposed Local law #4 of 1995 entitled "Local Fair Housing Law" was called to order by Town Supervisor David Lyon at 9:15 PM.

PUB HEARING
PROPOSED
LL#4 OF 1995

Supervisor Lyon waived the reading of the legal notice as published in the Courier-Journal due to the length of same.

Supervisor Lyon explained to those present that the passing of this local law was necessary because of the grant the Town had received towards the Central Water District Project. He asked if anyone had any comments or questions regarding this local law. There being none, he declared this hearing closed at 9:20PM.

PUB HEARING
CLOSED

PUBLIC HEARING
ESTABLISHMENT OF EXTENSION #5
TO THE NORTH WATER DISTRICT

The Public Hearing scheduled to be held on Thursday, October 26, 1995 at the East Palmyra Fire Hall, East Palmyra, New York, to consider the establishment of Extension #5 of the North Water

PUB HEARING
EST OF EXT
#5 TO NWD

PUB HEAR CONT. - EXT. #5 TO NWD

OCT. 26, 1995

District in the Town of Palmyra, County of Wayne, State of New York, was called to order at 9:35 PM by Town Supervisor David Lyon.

Supervisor Lyon waived the reading of the legal notice as published in the Courier-Journal due to the length of same.

Supervisor Lyon explained that there were a few people on Quaker Road that were not in the water district as yet and this extension will mean that everyone out there will be included.

Supervisor Lyon asked if there were any comments or questions regarding this extension. There being none he declared this public hearing closed at 9:40PM.

PUB HEARING
CLOSED

REGULAR TOWN BOARD MEETING

CALL TO ORDER

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, October 26, 1995 at the East Palmyra Fire Hall, East Palmyra, New York, was called to order by Town Supervisor David Lyon.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Upon roll call, the following Town Board members were present:

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

COMMUNICATIONS

1. Letter from Mr. & Mrs. William McGrath and Mr. & Mrs. Michael Rolley RE: Septic problem

Supervisor Lyon told the Board that he is waiting for a fax from the insurance company. Lynne Green moved to draft a letter to the McGraths and the Rolleys after receiving the fax from the insurance company. David Nussbaumer seconded this motion and it carried

MTN TO DRAFT LETTER

REG TOWN BOARD MTG CONT.

OCT. 26, 1995

unanimously.

David Nussbaumer moved to approve the minutes of the August 24, 1995 and the September 28, 1995 regular Town Board Meetings, as submitted. Andy Baran seconded this motion and it carried unanimously.

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Assessor Update

David Nussbaumer read the written report submitted by Ann Vingee-Taber, Sole Assessor for the Town of Palmyra. This report can be found in a file folder entitled "Assessor Update and Building Inspector/Zoning Officer Update" as kept with these minutes. Mr. Nussbaumer told the Board that he will review the update idea with Ms. Taber and bring it back to them.

2. East Palmyra Fire Contract - 1996 Subject of Public Hearing

David Nussbaumer referred this contract back to committee.

3. Village of Palmyra Fire Contract for 1996-1998 - Subject of Public Hearing

David Nussbaumer referred this contract back to committee.

Highway Committee - Andy Baran, Chairman

1. Snow & Ice Contract with Wayne County

Supervisor Lyon informed the Board that the County will pay the Town \$2800.00 per mile for plowing the County roads. David Nussbaumer moved to approve the Snow & Ice Contract between the Town of Palmyra and the County of Wayne for the calendar year of 1996. Andy Baran seconded this motion and it carried unanimously.

2. Transfer of funds

Andy Baran moved to approve the following transfer of funds:

<u>FROM</u>	<u>TO</u>
DA Highway 5140.4	DA Highway 5140.1
MSC Weeds Cont \$71.00	Weeds Pers \$71.00

REG TOWN BOARD MTG CONT.

OCT. 26, 1995

DB Highway 5112.1
Gen Repairs Pers
\$7,323.74

DB Highway 5112.2
Cap Outlay
\$7,323.74

David Nussbaumer seconded this motion and it carried unanimously.

Planning Committee - Robert Grier, Chairman

1. Building Inspector/Zoning Officer Update

Earl Vanderwall, Building Inspector/Zoning Enforcement Officer, presented a written report to the Board.

This report can be found in the file folder entitled "Assessor Update and Building Inspector/Zoning Officer Update" as kept with these minutes.

2. Division Street Partners

Robert Grier reported to the Board that he has not heard from Peter Freund at this time. He is waiting to meet with him at his convenience.

Zoning Committee - Lynne Green, Chairman

1. Herland Bouwens Resolution

Lynne Green moved to approve the application of Herland Bouwens for a Special Use Variance with conditions to be put in place. David Nussbaumer seconded this motion. During the discussion that followed Supervisor Lyon explained that the function of the Town Board is to authorize the use only and our Planning Board will set the conditions. Lynne Green withdrew her motion and David Nussbaumer withdrew his second.

Lynne Green moved to approve a Use Variance for Herland Bouwens, for property located at the corner of Hanley Road and Rt 31, to have a Sales/Auto Body Repair Shop. This motion was seconded by Robert Grier and carried unanimously.

2. Mobile Home Park Inspection

Ms. Green reported that the mobile home park

BLDG INSPCTR/
ZONG OFFICER
UPDATE

DIVISION ST.
PARTNERS
UPDATE

MTN TO APV
SPEC USE FOR
H. BOUWENS

REG TOWN BOARD MTG CONT.

OCT 26, 1995

inspection has been completed by Earl Vanderwall, Zoning Enforcement Officer and Dr. A. Lorenz, Health Officer. A minimal amount of violations were found and should be ready for approval shortly.

3. Proposed Local Law #3 of 1995 entitled "Town of Palmyra Adult Entertainment Law" - Subject of Public Hearing

MTN TO APV
CKING W/
ATTORNEY RE:
ADULT ENTERTAINMENT
LAW

Lynne Green moved to check with the attorney regarding businesses that are already established and whether or not this local law will effect them. Andy Baran seconded this motion and it carried unanimously. Supervisor Lyon asked that a resolution be prepared for the November 30, 1995 meeting.

4. Thomas J. Brown - Special Authorization to sell antiques at his residence - Subject of Public Hearing

Lynne Green moved to approve Special Authorization for Thomas J. Brown and Bernardine A. Maurer to sell antiques at their residence at 3049 Parker Road, Palmyra, with the following stipulations:

MTN TO APV
SPEC AUTH TO
T. J. BROWN &
B. A. MAURER
(ANTIQUES)

1. Sales will be limited to antiques only
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. No outside storage will be allowed
5. The hours of operation will be limited to 8AM to 6PM Monday thru Friday and 8AM to noon on Saturday. (No Sunday hours will be allowed)
6. This Special Use Permit is limited to Thomas J. Brown and Bernardine A. Maurer only and is NOT transferable to future owners of said property
7. This Special Use Permit will become effective upon signing and returning to the Palmyra Town Office

David Nussbaumer seconded this motion and it carried unanimously.

AGENDA ITEMS

1. Proposed Local Law #4 of 1995 entitled "Local Fair Housing Law" - Subject of Public Hearing
- If approved, a Fair Housing Officer must be appointed

Lynne Green moved to approve proposed Local Law #4 of 1995 (changed to Local Law #3 of 1995) and to appoint

MTN TO APV
LOCAL FAIR
HOUSING LAW
(LL # 3 of 95)

REGULAR TOWN BOARD MTG CONT.

OCT. 26, 1995

the Town Supervisor as the Fair Housing Officer. Andy Baran seconded this motion and it carried unanimously.

2. Proposed Extension #5 of the North Water District - Subject of Public Hearing

Lynne Green moved to approve Extension #5 of the North Water District in the Town of Palmyra. This motion was seconded by Robert Grier and carried unanimously.

3. Set hookup fee for the CWD after November 1, 1995

David Nussbaumer moved to set the hookup fee for the Central Water District at \$1500 from November 1, 1995 until changed by resolution of this Board. Andy Baran seconded this motion. Supervisor Lyon stated that it would not be fair to those people that have already paid that amount to decrease it at this time. This motion carried unanimously.

4. Consolidation of all Town of Palmyra Water Districts

Supervisor Lyon moved to hold a Public Hearing on November 30, 1995 at 7:30 PM to consider consolidation of all the Town of Palmyra Water Districts. This motion was seconded by David Nussbaumer and carried unanimously.

5. Approval to sign "end of contract" papers for the CWD

David Nussbaumer moved to approve the signing of the "end of contract" papers for the Central Water District. Robert Grier seconded this motion. During the discussion that followed, Nelson Cook, Highway Superintendent, asked who was going to pay if the road crossings are not up where they are supposed to be and it costs extra money to fill them in properly. Jim Milliman, inspector for the water project, stated that the contractor will be responsible for one year. The above motion carried unanimously.

6. CWD funding

Supervisor Lyon reported that the Town had gotten a 5.4805% interest rate on our bond that was sold on October 24, 1995 and that ... felt this was a really

MTN TO APV
EXT. #5 OF
NORTH WTR DIST

MTN TO SET
HOOKUP FEE
FOR CWD

MTN TO HOLD
PUB HEARING
CONSOLIDATION
OF WATER DIST'S

MTN TO APV
SIGNING OF
END OF CONTRCT
PAPERS FOR
WATERLINE

CWD FUNDING

REGULAR TOWN BOARD MTG CONT.

OCT. 26, 1995

good rate. He added that he is setting up a meeting with Donegan's office to establish fees and rates based on actual costs.

7. Water Authority Update

Supervisor Lyon told the Board that there was not much new going on - they are finalizing the contract with Monroe Water Authority; the 4 towns are working on contracts for water for forty years and they are working on a permanent pump station on Gananda Parkway. Martin Kinslow from Valley View Trailer Park asked if that pump station would help the pressures at the trailer park. Supervisor Lyon told him it would have nothing to do with his area. He told Mr. Kinslow that the Village of Palmyra have agreed to a pump station on the south side of the canal and have preliminary plans ready but cannot guarantee it will be done before winter. Supervisor Lyon asked him to please bear with us for the moment.

WCWA UPDATE

8. Wayne County Board of Supervisor's Update

Supervisor Lyon reported that the new courthouse is under construction and the County Budget is in process.

BD OF SUPER'S
UPDATE

9. Transfer of funds

Supervisor Lyon moved to approve the following fund transfers:

MTN TO APV
TRANSFER OF
FUNDS

<u>FROM</u>	<u>TO</u>
North Water SW-8340.1	North Water SW-8340.2
Pers. Serv. \$329.00	Equipment \$329.00
	\$126.00
SW-8320.4 Pumping Con	SW3-8340.4 Dist Cont
\$1867.25	\$1741.25
Total \$2196.25	Total \$2196.25
South Water SWI-8340.2	South Water SWI-8340.4
Dist/Equip \$127.50	Dist/Cont \$127.50
SWI-8340.1 Dist/pers	
\$360.00	\$360.00
SWI- 8320.4 Pumpg/Cont	
\$291.25	\$291.25
Total \$778.75	Total \$778.75
Central Water SW-1990.4	Central Wtr SW-8340.210
Contingency \$5363.25	Hookups \$5363.25
\$ 456.46	
SW-8310.220 Adm	SW-8320.4 Power Msc
\$984.87	\$1441.33

REGULAR TOWN BOARD MTG CONT.

OCT. 26, 1995

Total \$1441.33

Total \$1441.33

Central Water SW-8340.23
Meters \$4990.50Central Wtr SW-8340.4
Dist Cont \$2581.25
SW-8340.210 Hookups
\$2409.25

Total \$4990.50

Total \$4990.50

HB Cap Proj HB8320.201
Res Observ \$2100.00HB Cap Proj HB8320.202
Tn Fracs Clnup \$2100.00

Andy Baran seconded the above motion and it carried unanimously. Supervisor Lyon thanked Jim Milliman for the good job he has done as inspector for the new waterline. He added that the cooperation and the quality of his work was much appreciated by this Board.

10. Transfer of funds for water project

Supervisor Lyon moved to approve the transfer of \$300,000.00 from the Central Water District Capital Project to the Part Town General Fund. David Nussbaumer seconded this motion and it carried unanimously.

11. Information only: Public hearing date for Preliminary Budget for 1996 - November 9, 1995 at 7:30 PM at the Town Office

12. Appointment of Clerk to the Supervisor - Diane DeVogelaere - retroactive from Oct. 25, 1995

Supervisor Lyon moved to appoint Diane DeVogelaere as Clerk to the Supervisor retroactive to October 25, 1995 at a rate of \$8.00 per hour. Robert Grier seconded this motion and it carried unanimously.

Following a review of the expenditures submitted, David Nussbaumer moved to approve payment of the expenditures listed on Abstract #10 with totals as follows:

Account	Voucher #	Amount
General Fund	314 - 342	\$ 5996.12
Part Town Fund	79 - 88	1164.43
Highway III, IV	165 - 191	11369.66
Highway I	95 - 101	5261.41
North Water	33 - 36	3922.82
South Water	19	778.75
Central Water	53 - 56	2072.38
East Water	20 - 21	271.98
Capital Project	30 - 35	28134.58

REGULAR TOWN BOARD MTG CONT.

OCT. 26, 1995.

Supervisor Lyon thanked the East Palmyra Fire Department for their hospitality in allowing us to hold this Board meeting at their hall.

The motion to adjourn this meeting of the Town Board was offered by David Nussbaumer, seconded by Robert Grier and carried unanimously.

Respectfully submitted,

Beverly E. Hickman
Town Clerk

THANK YOU TO
E. PAL FIRE
DEPARTMENT

MTN TO ADJRN

November 9, 1995

PUBLIC HEARING
PRELIMINARY BUDGET FOR 1996.

The Public Hearing scheduled to be held on Thursday, November 9, 1995, at the Town Office, 201 E Main Street, Palmyra, to consider the Town of Palmyra Preliminary Budget for the calendar year 1996, was called to order at 7:30 PM by Town Supervisor David Lyon.

CALL TO ORDER
PUB. HRG. FOR
PRELIM. BUDGET

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

Howard VanDuyne - Courier-Journal
Elaine Hartnagel - the Times
Nelson F. Cook - Highway Superintendent

The following Town Board members were present:

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

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

Supervisor Lyon asked those present for any comments regarding this preliminary budget. There were none. Supervisor Lyon asked the board members if they had any questions and they did not. Supervisor Lyon declared this public hearing closed.

PUB. HRG.
CLOSED

David Nussbaumer moved to adjourn the remainder of this meeting to Thursday, November 16, 1995 at 7:30 PM. This motion was seconded by Andy Baran and carried unanimously.

MIN TO ADJOURN

MTN CARRIED

Respectfully submitted,

Beverly E. Hickman
Beverly E. Hickman
Town Clerk

November 16, 1995

TOWN BOARD MEETING
ADJOURNED FROM NOVEMBER 9, 1995

The Public Hearing and Town Board meeting adjourned from November 9, 1995 until Thursday, November 16, 1995 was called back to order at 8:20 PM by Town Supervisor David Lyon.

CALL TO ORDER

Upon roll call, the following Town Board members were present:

ROLL CALL

Town Supervisor - David Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer

Others present at this meeting of the Town Board included:

Elaine Hartnagel - the Times
Howard VanDuyne - Courier-Journal
Nelson F. Cook - Highway Superintendent
Diane DeVogelaere - Clerk to the Supervisor

Supervisor Lyon introduced his new clerk, Diane DeVogelaere, to the Town Board members and others present.

Supervisor Lyon moved to approve payment of the 1995 East Water District Bond payment in the amount of \$3,125.00. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO APV
PMT OF EAST WTR
DIST. BOND

Supervisor Lyon informed the Board that the changes in the budget figures reduced the amounts to \$2.08 per \$1,000 of assessed valuation for Village and \$3.03 per \$1,000 of assessed valuation for the Town, outside the Village.

MTN CARRIED

Robert Grier moved to go into executive session to discuss matters of possible litigation. Andy Baran seconded this motion and it carried unanimously.

MTN TO GO INTO
EXEC. SESSION

Supervisor Lyon declared this Board out of executive session.

MTN CARRIED

Robert Grier moved to approve passing the Budget for 1996 as submitted. This motion was seconded by Andy Baran. Upon roll call vote the budget passed with a vote of 3 ayes and 1 naye with the following Board members voting as follows:

OUT OF EXEC.
SESSION

MTN TO APV 1996
BUDGET

ROLL CALL VOTE
BDGT PASSED

ADJRNED TN BOARD MTG CONT.

NOV. 14, 1995

Town Supervisor - David Lyon - Naye
Town Board Members - Andy Baran - Aye
Robert Grier - Aye
David Nussbaumer - Aye
(Lynne Green was absent)

MIN TO ADJOURN

The motion to adjourn this meeting of the Town Board was offered by Andy Baran, seconded by David Nussbaumer and carried unanimously.

MIN CARRIED

Respectfully submitted,

Beverly E. Hickman
Town Clerk

November 30, 1995

TOWN BOARD MEETING W/PUBLIC HEARING

PUBLIC HEARING
PROPOSED WATER RATES OUTSIDE OF THE VILLAGE

The Public Hearing scheduled to be held on Thursday, November 30, 1995 at the Town Office, 201 E. Main Street, Palmyra, to consider proposed water rates for water consumed in the Town of Palmyra outside of the Village of Palmyra was called to order at 7:30 PM by Town Supervisor David C. Lyon.

PUB HEARING
CALLED TO ORDER

Those in attendance, in addition to the Town Board Members, included:

Joseph SanFilippo Robert Morgan
Robert E. Seeley Bernie Maurer
Howard VanDuyne - Courier-Journal
Nelson F. Cook - Highway Superintendent

The legal notice, as submitted to the Courier-Journal, was read by the Town Clerk.

Supervisor Lyon asked for any comments, either for or against this proposal. There were none. He then asked the Board if they had any comments or questions. There were none.

At this time, Supervisor Lyon explained that the object of this proposal was to bring the Town of Palmyra rates up to the rates charged in neighboring towns.

Supervisor Lyon again asked for any questions or comments regarding this proposal. There again being none, he declared this public hearing closed at 7:35 PM.

PUB HEARING
DECLARED CLOSED

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board scheduled to be held on Thursday, November 30, 1995 was called to order at 7:35 PM by Town Supervisor David C. Lyon.

CALL TO ORDER

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

PLEDGE OF
ALLEGIANCE

REG TOWN BOARD MTG CONT

NOV. 30, 1995

Upon roll call, the following Town Board members were present:

ROLL CALL

Town Supervisor - David C. Lyon
 Town Board Members - Andy Baran
 Robert Grier
 David Nussbaumer
 (Lynne Green arrived at 7:50 PM)

Robert Grier moved to approve the minutes from the regular Town Board Meeting held on October 26, 1995, as submitted. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO APV
 MINUTES FROM
 10/26/95

The Supervisor's Monthly Report was received by the Board for filing.

SUPER'S
 MTNLY RPT

COMMUNICATIONS
 None

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Assessor Update

A written update was submitted to the Board by Ann Vinge Taber, Sole Assessor for the Town of Palmyra. Said report can be found in the file folder entitled "Assessor Update/Building Inspector/Zoning Enforcement Officer Update" as kept with these minutes.

ASSESSOR
 UPDATE

Ms. Taber discussed the possibility of a update in 1998. She said the work would be done in 1997 and would show on the 1998 tax roll. David Nussbaumer moved to approve a assessment update to be ready for the 1998 tax roll, if everything stays on schedule. This motion was seconded by Robert Grier and carried unanimously.

MTN TOAPV
 ASSESSMNT
 UPDATE

Highway Committee - Andy Baran, Chairman

1. Contract to spend Town Highway Funds

Andy Baran moved to approve the contract to spend Town Highway funds. This motion was seconded by David Nussbaumer and carried unanimously.

MTN TO APV
 CONTRACT TO
 SPEND HIWY
 FUNDS

2. Authorize order for patrol vehicle for Highway Superintendent

Andy Baran moved to authorize the order of a patrol vehicle for the Highway Superintendent in a amount not to exceed \$18,189.00 base price plus \$1,335.00 in

MTN TO APV
 PURCHASE OF
 PATROL VEHICLE
 FOR HIWY SUPER

REG TOWN BOARD MTG CONT

NOV. 30, 1995

options; total price of \$19,524.00. Robert Grier seconded this motion. During the discussion that followed Superintendent Cook described the desired vehicle as a Jeep Cherokee - 4 Door - 4 Wheel Drive - with extras. He stated that the amount he would be able to get at the Town auction when it needed to be sold would be much more with the extras added. He added that the Jeep Cherokee 2 wheel drive was selling for more than the amount budgeted; without the extras. More discussion followed. The original motion carried unanimously.

3. Roller Repair

Nelson Cook, Highway Superintendent, told the Board that the 1987 roller is not operational at this time and they should expect a large repair bill. He is planning to take a portion of this bill out of the 1995 Budget and a portion out of the 1996 budget.

ROLLER REPAIR
INFO

4. Transfer of funds

The following transfer of funds was moved by Andy Baran and seconded by Robert Grier:

MTN TO APV
TRANSFER
OF FUNDS

<u>FROM</u>	<u>TO</u>
DA Highway 5130.4	DA Highway 5130.2
Contractual \$103.29	Equipment \$103.29

This motion carried unanimously.

Planning Committee - Robert Grier, Chairman

1. Building Inspector/Zoning Officer Update

A written report was submitted by Earl Vanderwall, Building Inspector/Zoning Officer and can be found in the file folder entitled "Assessor Update/ Building Inspector/Zoning Officer Update" as kept with these minutes.

BLDG INSCPTR/
ZONING OFFCR
UPDATE

2. Division Street Partners

Robert Grier moved to approve some minor changes in the resolution for use of 208thC Division Street, belonging to Division Street Partners including allowing them to operate on Sunday. (See resolution in Division Street Partners special use file for specifics.) Andy Baran seconded this motion and it

MTN TO APV
CHNGS IN RESO
DIVISION ST
PARTNERS
BLDG 2085C

REG TOWN BOARD MTG CONT.

NOV. 30, 1995

carried unanimously.

3. Transfer of funds

The following transfer of funds was moved by Robert Grier and seconded by David Nussbaumer:

MTN TO APV
TRANSFER
OF FUNDS

FROM	TO
General Fund A1620.2	General Fund A1620.4
Equipmnt Shrd Bldg \$374.99	Contr. Shrd Bldg \$374.99
Part Town B1990.43	Part Town B5182.4
Contingency \$76.76	St. Lighting \$76.76

This motion carried unanimously.

4. Proposed Town Hall Building

Robert Grier moved to authorize the Building Committee to submit a purchase offer for a new town hall building. David Nussbaumer seconded this motion. Following a brief discussion, Robert Grier withdrew his motion and David Nussbaumer withdrew his second.

MTN TO APV
SUBMITTING
PURCHASE
OFFER FOR
NEW TN HALL

Zoning Committee - Lynne Green, Chairman

1. Thomas J. Brown - Special Authorization Changes

David Nussbaumer moved to change the Special Authorization for Thomas J. Brown and Bernardine A. Maurer, sale of antiques at his residence located at 3049 Parker Road, Palmyra, to include hours of operation to be 8AM to 6PM Sunday thru Saturday. This motion was seconded by Andy Baran and carried unanimously.

MTN TO APV
CHGS IN
SPEC AUTH
T.J. BROWN &
B. MAURER

2. Proposed Local Law #4 of 1995 - Adult Entertainment Law

Lynne Green moved to approve Local Law #4 of 1995 entitled "Town of Palmyra Adult Entertainment Law" as filed in the Local Law Book in the Town Clerk's Office. Andy Baran seconded this motion and it carried unanimously.

MTN TOAPV
LL#4 of 1995

AGENDA ITEMS

1. Account for "Tax Stabilization Reserves"

The following resolution was moved by Town Supervisor David C. Lyon, seconded by David Nussbaumer and carried unanimously:

MTN TO APV
ESTBLSHING
A CONTINGENCY
& TAX STABILIZTN
RESERVE FUND

REG TOWN BOARD MTG CONT

NOV. 30, 1995

RESOLVED, that pursuant to Section 6-e of the General Municipal Law of the State of New York, this Town Board does hereby establish a contingency and tax stabilization reserve fund to lessen or prevent projected increases in the real property tax levy and/or finance an unanticipated revenue loss and/or finance an unanticipated expenditure, all as provided by law.

The Town Supervisor is hereby directed to deposit moneys of the reserve fund in a separate bank account to be known as the "Town of Palmyra Contingency and Tax Stabilization Reserve Fund".

The Town Supervisor is authorized to invest and reinvest, from time to time, the moneys of this fund as provided by Section 6-F of the General Municipal Law.

No expenditure shall be made from this fund except upon authorization of this Board pursuant to Section 6-e of the General Municipal Law.

This resolution shall be posted and published within 10 days of its adoption as required by law.

2. WCWA Update

Supervisor Lyon reported that the 40 year agreement between the Wayne County Water Authority and the Monroe County Water Authority is nearly ready. He added that the agreement with the Town of Ontario and the Town of Williamson is also almost ready. It is expected that the Authority will have a surplus at the end of 1995 and can possibly pay back funds to each Town. Supervisor Lyon said that it has been a successful year.

WCWA UPDATE

3. Approval of water bill refund

Beverly E. Hickman, Town Clerk, explained that within the time it took to complete a closing on a house that had been sold a water bill ended up being paid twice. The people that paid this bill are no longer property owners in the Town of Palmyra, therefore she recommended refunding the overpaid amount of \$68.81 as soon as possible. Andy Baran moved to approve refunding \$68.81 in overpaid water charges. Robert Grier seconded this motion and it carried unanimously.

MTN TO APV
WTRBILL REFND

4. Transfer of funds

The following fund transfers were moved by Supervisor Lyon, seconded by Andy Baran and carried unanimously:

MTN TO APV
TRANSFER
OF FUNDS

REG TOWN BOARD MTG CONT

NOV. 30, 1995

Central Water SW9901.9
\$57,686.00

Central Water SW8340.220
\$57,686.00

To reclassify expenditure ~ Per Mark Wagner all
town clean-up needs to come out of SW8340.220

FROM
Central Water SW1220.4
Cont. Exp \$119.75

TO
Central Water A1221.1
Clk & Secretary \$119.75

General Fund A9060.8
Health Ins. \$449.00

General Fund A9010.8
St Retremnt \$449.00

South Water SW18320.4
Wtr Purchase \$788.75

South Water SW18340.4
Oper & Main \$788.75

Central Water 8310.220
Adminstration \$234.75

Central Water 9030.8
Salary \$234.75

Central Water 8310.220
Administration \$17.95

Central Water 9030.8
Soc. Sec. \$17.95

North Water 5845611920
Surplus NW Savings
\$177.98

North Water 8320.400
Pumping Station Water
Purchase \$177.98

North Water Surplus
Surplus Savings
5845611920 \$1260.00

North Water Distrib.
8340.200 Equipment
\$1260.00

North Water Surplus
Savings 584611920
5845611920 \$1767.50

North Water Distrib.
8340.400 Oper & Main.
\$1767.50

Central Water 8310.220
Water Admin. \$2098.36

Central Water 8320.400
Water purchase \$2098.36

Central Water Admin.
8310.220 \$12,938.00

Central Water Trans/Distr
8340.400 Metrs \$12,938.00

Central Water Admin.
8310.220 \$2738.75

Central Water Trans/Distr
8340.400 Oper & Main
\$2738.75

5. Proposed water rates

Supervisor Lyon moved to approve water rates for water
consumed in the Town of Palmyra, outside of the

Village of Palmyra, as follows:

- A. Basic service for all users, per quarter,
will be \$12.50
- B. Water consumed per individual meter will be
at the rate of \$2.60 per 1,000 gallons
- C. All bills will become due 30 days from
billing date
- D. Water connections for private fire protection
systems will be billed as follows:

Fire Service	Billed
Connection Sizes	Annual Rate Quarterly
6 - 8 inch	\$150.00 \$37.50
10 - 16 inch	\$300.00 \$75.00
- E. In any period in which the meter does not
work properly, or had been disconnected
without permission, the consumption will be
estimated based on the readings for the same
period in the 2 previous years
- F. If there are not readings available for the 2
previous years, the consumption will be
estimated based on the best information
available.

MTN TO APV
WATER RATES
FOR TN OUTSIDE
OF VILLAGE

REG TOWN BOARD MTG CONT

NOV. 30, 1995

- G. Water charges will be paid as set forth in the bill, payments received after the due date on the bill will be subject to a 10% surcharge
- H. All returned checks will be subject to a \$15.00 surcharge
- I. The cost of replacing a meter will be as follows:
 - 1. If the meter has been disconnected or tampered with, the cost will be the actual cost to replace the meter, plus \$50.00, plus an estimate of the water consumed which has not been metered. As estimate by the Water Authority will be final
 - 2. If the meter is replaced because of damage, ie freezing, etc., the first occasion will be at no charge; each subsequent occasion will cost the actual cost of the meter plus \$50.00

The above rates will continue until changed by resolution of the Town Board and become effective with the February readings and will show on the March 1996 billing.

This motion was seconded by Robert Grier and carried with a vote of 4 ayes - Lynne Green abstained.

Following a review of the expenditures and claims submitted, David Nussbaumer moved to approve payment of same as submitted for payment on Abstract #11 with totals as follows:

<u>Account</u>	<u>Invoice #</u>	<u>Amount</u>
General Fund	343 - 417	\$ 17851.64
Part Town Fund	89 - 100	1078.21
Highway III, IV	192 - 220	11416.24
Highway I	102 - 110	9940.89
North Water	37 - 40	4940.53
South Water	20 - 22	1882.22
East Water	22 - 24	4680.65
Central Water	57 - 62	10309.67
Capital Proj.	36 - 46	23423.87

Robert Grier seconded this motion and it carried unanimously.

Robert Grier moved to go into executive session to discuss matters of possible litigation. David Nussbaumer seconded this motion and it carried unanimously.

Supervisor Lyon declared the Board out of executive session.

Robert Grier moved to authorize the Building Committee to present a purchase offer to Nancy

MTN TO APV
PAYMNT OF
CLAIMS

MTN TO GO
INTO EXECUTIVE
SESSION

DECLARED OUT
OF EXEC SESS

MTN TO APV
PURCHASE OFFER
FOR NEW BLDG

NOV. 30, 1995

Sinclair for real property located at 3527 Vienna Street, Town of Palmyra, plus appurtenances, to be used for a Town Office Building, in an amount not to exceed \$190,000.00 plus interest not to exceed 8% on a ten (10) year note to be paid in ten (10) equal payments on or about the 15th of each month and beginning in January of 1996 if possible, with this purchase offer to be reviewed and confirmed by legal council. This motion was seconded by David Nussbaumer. Following a brief discussion in which Supervisor Lyon stated that he was not in favor of the amount, he (Supervisor Lyon) called for a roll call vote as follows:

Town Councilman - Andy Baran	- Aye
Town Councilman - Robert Grier	- Aye
Town Councilman - David Nussbaumer	- Aye
Town Councilwoman - Lynne Green	- Naye
Town Supervisor - David Lyon	- Naye

Motion carried.

MTN TO ADJRN

The motion to adjourn this meeting of the Town Board was offered by Andy Baran, seconded by David Nussbaumer and carried unanimously.

Respectfully submitted,
Beverly E. Hickman
Beverly E. Hickman
Town Clerk

December 14, 1995

Town Board Workshop Meeting
with Business

The business meeting of this workshop session held on Thursday, December 14, 1995 at the Town Office, 201 E. Main Street, Palmyra, was called to order at 8:35 PM by Town Supervisor David C. Lyon.

CALL TO ORDER

The following Town Board members were present upon roll call:

ROLL CALL

Town Supervisor - David C. Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

Others present at this meeting included:

Warren Frederick, PFD	David McGuire, PFD
Roger Ruebens, PFD	Ronald Hickman, PFD
Steve Bullock, PFD	Glenn Bullock, PFD
Harry Bates, PFD	Tom Wiedrick, PFD
Paul ?	Todd R. Goddard, PFD
John Bruening, PFD	Nancy Bruening, PFD
Kay Bullock	
Kathy Drews, Village Trustee	
James Elliott, Village Mayor	
Howard VanDuyne, Courier-Journal	
Elaine Hartnagel, the Times	

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

PLEDGE OF
ALLEGIANCE

Andy Baran moved to approve the minutes from the October 5, 1995 workshop meeting, the November 9, 1995 budget hearing and the remainder of the hearing held on November 16, 1995, as submitted. Robert Grier seconded this motion and it carried with 4 ayes - Lynne Green abstained.

MIN TO APV
MINUTES FROM
10/5/95,
11/9/95, \$
11/16/95

Item #1 - Bond Resolution

BOND RESOL.

At a meeting of the Town Board of the Town of Palmyra, Wayne County, New York, held at the Fire Hall in East Palmyra, New York, in said Town, on the 27th day of October 1994, at 8 o'clock p.m., Eastern Time.

The meeting was called to order by Supervisor Lyon, and upon roll call being called, there were

PRESENT: David Ly Supervisor
Andrew Baran, Councilman
Lynne Green, Councilman
Robert Grier, Councilman
David Nussbaumer, Councilman

ABSENT:

WORKSHOP MTG W/BUSINESS

DEC. 14, 1995

The following resolution was offered by David Nussbaumer who moved its adoption, seconded by Lynne Green, to wit:

BOND RESOLUTION DATED December 16, 1994.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A WATER DISTRIBUTION SYSTEM TO SERVE PALMYRA CENTRAL WATER DISTRICT IN THE TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK, AND AUTHORIZING THE ISSUANCE OF \$2,450,000.00 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 12 of the Town law, the Town Board of the Town of Palmyra, Wayne County, New York, has duly established the Central Water District in said Town; and

WHEREAS, it is now desired to authorize the construction of the improvements proposed for said Water District and provide for the financing thereof in accordance with said proceedings; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Palmyra, Wayne County, New York, as follows:

Section 1. The construction of the improvements proposed for the Central Water District in the Town of Palmyra, Wayne County, New York, consisting of a water distribution system, including water main, storage facilities, distributing pipes and hydrants, with appurtenant facilities, substantially in accordance with the map and plan accompanying the petition for said District, is hereby authorized at a maximum estimated cost of \$2,750,000.00. (Exhibit 1)

Section 2. The plan for the financing of such maximum estimated cost consists of the issuance of \$2,450,000.00 serial bonds of said Town hereby authorized to be issued therefore pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Palmyra, Wayne County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same become due and payable. There shall annually be assessed upon all the taxable real property in said Central Water District at the same time and in the same manner as other Town charges an amount sufficient to pay said principal and interest as the same become due and payable, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal

WORKSHOP MTG W/BUSINESS

DEC. 14, 1995

officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The validity of such bonds may be contested only if:

1. Such bonds are authorized for an object for purpose for which said Town is not authorized to expended money, or

2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such bonds are authorized in violation of the provisions of the Constitution.

Section 7. This resolution, which takes effect immediately, shall be published in full in the Courier-Journal, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor David Lyon	Voting	Aye
Councilman Andrew Baran	Voting	Aye
Councilman Lynne Green	Voting	Aye
Councilman Robert Grier	Voting	Aye
Councilman David Nussbaumer	Voting	Aye

The resolution was thereupon declared duly adopted.

RESOLUTION
ADOPTED

I hereby certify that the above is a true and exact copy of a Resolution pertaining to the authorizing the construction of a water distribution system to serve Central Water District in the Town of Palmyra, Wayne County, New York, and authorizing the issuance of \$2,450,000.00 Serial bonds of said Town to pay the cost thereof on file in the office of the Town Clerk of the Town of Palmyra.

Dated at Palmyra, New York
this 28th day of October, 1994.

Beverly E. Hickman, Town Clerk

(Seal)

The resolution published herewith has been adopted on the 27th day of October, 1994 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Palmyra is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

Beverly E. Hickman
Town Clerk

WORKSHOP MTG W/BUSINESS

DEC. 14, 1995

TN HALL ROOF
AND GUTTERS

Item #2 - Town Hall roof and gutters

Robert Grier stated that he will make arrangements to take care of the roof and the flashing problems.

DIV ST PRTNRS

Item #3 - Division Street Partners

Robert Grier told the Board that Peter Freund of Division Street Partners will be at the Dec. 28, 1995 meeting at 7:30 PM to discuss the problems with their resolution.

Item #4 - Transfer of funds

MIN TO APV
TRANSFER OF
FUNDS

The following fund transfers were moved by Supervisor Lyon, seconded by David Nussbaumer and carried unanimously:

<u>FROM</u>	<u>TO</u>
General Fund Justices Equip. A1110.2 \$200.00	General Fund Justices Contr. A1110.4 \$200.00
General Fund Special Cont. A1990.4 \$652.95	General Fund Justices Cont. A1110.4 \$652.95
General Fund Supervsr Contr. A1220.4 \$169.14	General Fund Supervsr Clrk/Sec A1221.1 \$169.14
General Fund Special Cont. A1990.4 \$25.00	General Fund Celebrations Cntrctl A7550.4 \$25.00
Part Town Cont/ Cntrctl B1991.4 \$16.20	Part Town Shared Ser/ Mailing B1670.4 \$16.20
Part Town Cont/ Cntrctl B1990.4 \$16.00	Part Town Registrar/ Prsnl B4020.1 \$16.00
North Water Surplus Savings 5845611920 \$1,767.50	North Water Dept. Dist. Oper & Main SW8340.4 \$1,767.50
North Water Surplus Savings 5845611920 \$1,691.45	North Water Pump Sta/ Water Purc. SW8320.4 \$1,691.45
South Water Pump Sta/ Wtr Purc. SW8320.4 \$768.75	South Water Dist/Oper Main SW8340.4 \$768.75
East Water Pump Sta/ Cntrctl SW8320.4 \$.21	East Water Adminis/Billg Clerk SW8310.102 \$.21
Central Water from Surplus Funds 584581483 \$7,527.56	Central Water Admin. SW8310.220 \$32.80 SW8320.4 \$2,383.61 SW834.230 \$2,285.00 SW8340.4 \$2,826.25
HB Capital Project Spec/Contingency 1990.4 \$1,271.19	HB Capital Project Incidental/Fiscal Legl 8320.240 \$1,271.19

transfer per Mark Wager's suggestion*

WORKSHOP MTG W/BUSINESS CONT.

DEC. 14, 1995

HB Capital Project
Incidental/Tn Forces
8320.202 \$20,600.00

HB Capital Project
Incidental/Prmts/Misc
8320.241 \$20,600.00

The following fund transfers were moved by Robert Grier, seconded by Andy Baran and carried unanimously:

MIN TO APV
TRANSFER OF
FUNDS

From	To
General Fund Elections Contr. A1450.4 \$365.98	General Fund Elections Pers. A1450.1 \$365.98
General Fund Special Cont. A1990.4 \$218.02	General Fund Election Pers. A1450.1 \$218.02
General Fund Special Cont. A1990.4 \$169.63	General Fund Shared Bldg A1620.4 \$169.63
Part Town Contingent B1990.4 \$361.24	Part Town Street Ltg B5182.4 \$361.24
Part Town Planning Contr B8020.4 \$110.00	Part Town Planning Clerk B8020.1 \$110.00

Item #5 - Authorize a check payable to Ontario County Clerk's office to file out-of-district-user papers for Central Water District in the amount of \$166.00

Robert Grier moved to approve a check payable to the Ontario County Clerk's Office to file out-of-district-user papers for the Central Water District in the town of Palmyra in the amount of \$166.00. This motion was seconded by David Nussbaumer and carried unanimously.

APV TO DRAW
CK TO RECORD
O-O-D-U'S
ONTARIO CTY

Item #6 - Evaluation of present Town Hall

Robert Grier moved to approve having a evaluation of the present Town Hall Building done at a cost not to exceed \$150.00. David Nussbaumer seconded this motion. During the discussion that followed, it was decided that the Board needed to know the problems with the building whether or not a new building is purchased. This motion carried upon roll call vote as follows:

MIN TO APV
EVALUATION
DONE ON PRES
TN HALL BLDG

Town Supervisor -	David Lyon	- Naye
Town Board Members -	Andy Baran	- Aye
	Robert Grier	- Aye
	David Nussbaumer	- Aye
	Lynne Green	- Naye

Item #7 - Street Lighting

David Lyon moved to approve installation of a new light at Hanley Road because it is a safety problem and he has had several requests from the users of that

MIN TO APV
INSTALLATION
OF ST. LIGHT

WORKSHOP MTG W/BUSINESS

DEC. 14, 1995

MIN CARRIED

intersection. This motion was seconded by David Nussbaumer and carried unanimously.

Supervisor Lyon stated that Lynne Green has had people ask about a light at Rolfe Street and Bear Hill. Supervisor Lyon suggested that Ms. Green have the neighbors get a petition together and present it to this Board.

Item # 8 - Christmas tree recyclingXMAS TREE
RECYCLING

Supervisor Lyon reminded those present that the Highway Department will be accepting Christmas trees at the Town Barns thru January 15, 1996.

MIN TO APV
PMT OF CLAIMS

Following a review of the expenditures and claims submitted, David Nussbaumer moved to approve payment of the expenditures and claims submitted for payment on Abstract #12 with totals as follows:

<u>Account</u>	<u>Voucher #</u>	<u>Amount</u>
General Fund	418 - 447	\$ 8682.91
Part Town Fund	101 - 110	10115.04
Highway III, IV	221 - 241	20541.06
Highway I	111 - 113	651.19
North Water	41 - 43	3458.95
South Water	23 - 24	786.84
East Water	25 - 27	326.70
Central Water	47 - 51	13429.86
Capital Project	63 - 65	6605.72

MIN CARRIED

Robert Grier seconded this motion and it carried unanimously.

MIN TO TAKE
RECESS

Andy Baran moved to take a 15 minute recess. Robert Grier seconded this motion and it carried unanimously.

MIN CALLED
BACK TO ORDER

Supervisor Lyon called this meeting back to order to discuss the contract with the Village of Palmyra, for fire protection, with the representatives from the Fire Department, Mayor James Elliott and Trustee Cathy Drews. Todd Goddard, spokesman for the fire department, again insisted that they needed more money that the Town had budgeted for fire protection. Supervisor Lyon explained that the 1996 budget has been approved and the figures are set and cannot be

WORKSHOP MTG W/BUSINESS CONT.

DEC. 14, 1995

changed. Mr. Goddard read the following prepared statement:

"If we say no, this is a lose lose situation. The people lose and we lose an acceptable margin of safety.

We only will accept this for the safety and concern for our families, neighbors and friends of the People of Palmyra provided.....

We want members of the Town Board's commitment to a 3 year contract, reflection the spirit of the proposed 10 year plan, which was compiled at your request."

Supervisor Lyon told the firemen that this Board cannot agree to any amount for 1997, the budget process has to be followed; workshops, public hearings etc. He stated that he would prefer a multi-year contract but cannot promise that either, but would work toward that goal. David Nussbaumer and Robert Grier agreed that they too would prefer a multi-year contract.

Robert Grier then moved to approve the contract with the Village of Palmyra for fire protection in the amount of \$47,860.00 for the fiscal year 1996. This motion was seconded by Andy Baran and carried unanimously.

MTN TO APV
FIRE CTCT
W/VILLAGE OF
PAL FOR 1996

The motion to adjourn this meeting of the Town Board was offered by David Nussbaumer, seconded by Robert Grier and carried unanimously.

MTN TO ADJOURN

Respectfully submitted,

Beverly E. Hickman
Town Clerk

December 28, 1995

REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, Dec. 28, 1995 at the Town Office, 201 E. Main Street, Palmyra, was called to order at 7:30 PM by Town Supervisor David C. Lyon.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Upon roll call, the following Town Board members were present:

ROLL CALL

Town Supervisor - David C. Lyon
Town Board Members - Andy Baran
Robert Grier
David Nussbaumer
Lynne Green

Others present at this meeting included:
Peter Freund, Division Street Partners
Howard Van Duyne, the Courier-Journal
Diane DeVogelaere, Clerk to the Supervisor
Nelson F. Cook, Highway Superintendent

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

COMMUNICATIONS

1. Letter from DL Consulting RE: Utility Analysis

REPORTS OF STANDING COMMITTEES

Assessment Committee - David Nussbaumer, Chairman

1. Not available
2. Encumbered funds

David Nussbaumer moved to encumber \$108.07 from the 1995 budget to pay Macke Business Supplies upon arrival of the bill. Andy Baran seconded this motion and it carried unanimously.

MTN TO APV
ENCUMBERING
OF FUNDS

Highway Committee - Andy Baran, Chairman

1. Drug testing procedure for CDL driver to be coordinated thru Wayne County

Andy Baran moved to approve the following alcohol & controlled substance testing policy for commercial driver's license holders for the Town of Palmyra, with Robert Grier seconding:

MTN TO APV
DRUG TESTING
FOR CDL DRIVERS
IN TOWN OF PAL

REGULAR TOWN BOARD MTG CONT

DECEMBER 28, 1995

TOWN OF PALMYRA

ALCOHOL & CONTROLLED SUBSTANCE TESTING POLICY FOR
COMMERCIAL DRIVER'S LICENSE HOLDERS

I. PURPOSE:

The Town of Palmyra recognizes that the use and/or abuse of alcohol or controlled substances by drivers of commercial vehicles and employees in safety-sensitive positions presents a serious threat to the safety of employees and the general public.

It is the policy of the Town that employees who serve as drivers and/or in other safety-sensitive positions should be free of controlled substances and alcohol in compliance with the Omnibus Transportation Employee Testing Act of 1991.

The Town will implement a controlled substances and alcohol testing program which will be designed to help reduce and avoid traffic accidents and injuries to our employees and the public, to discourage substance and alcohol abuse and to reduce other controlled substance and alcohol-related problems.

II. SCOPE & DEFINITIONS:

1.) Covered Employees:

All Town employees whose job duties require the possession of a Commercial Drivers License (CDL) and who perform safety-sensitive functions associated with the operation of a commercial vehicle will be covered by this policy.

2.) Commercial Vehicle:

A commercial vehicle is a vehicle which:

- a.) has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds, or
- b.) has a gross weight rating of 26,001 or more pounds, or
- c.) is designed to carry 16 or more passengers including the driver, or
- d.) is of any size and is used to transport hazardous waste.

In addition, the Town shall conduct a number of alcohol tests on covered employees equal to at least 25 percent of the number of covered employees each calendar year, spread reasonably over a twelve (12) month period.

An outline of the key aspects of the random testing selection process follows:

- a.) Employees remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.
- b.) Employees shall be selected for testing in a statistically random manner so that all persons within the group have an equal opportunity of selection on each occasion.
- c.) The process will be unannounced as well as

DECEMBER 28, 1995

random. Employees will be notified that they have been selected for testing after they have reported for duty on the day of the collection.

4.) Reasonable Cause/Suspicion Testing

Reasonable cause/suspicion is designed to identify controlled substance and/or alcohol affected employees who may pose a danger to themselves and others in the performance of their duties.

Supervisory personnel must then make a decision as to whether there is reasonable cause to believe an employee is using or has used a controlled substance and/or alcohol. Supervisory personnel will be provided with training designed to identify the signs and symptoms of controlled substance and/or alcohol use.

The decision to test must be based on a reasonable belief that the employee is using a controlled substance and/or alcohol on the basis of specific, current, physical, behavioral, or performance indicators of probable controlled substance and/or alcohol use.

In making a determination of reasonable cause, the factors to be considered include, but are not limited to the following:

- a.) Adequately documented pattern of unsatisfactory work performance, for which no apparent non-impairment related reason exists, or a change in an employee's prior pattern of work performance.
- b.) Physical signs and symptoms consistent with substance abuse.
- c.) Evidence of illegal controlled substance or alcohol use, possession, sale or delivery while on duty.
- d.) Occurrences of a serious or potentially serious accident that may have been caused by human error or flagrant violations of established safety, security or other operational procedures.

Anytime an employee tests positive for alcohol (.02) management will arrange to transport the employee from the collection site to the employee's home. Anytime an employee is tested for use of controlled substances under the reasonable cause or post-accident section of this policy, the employee shall not perform any safety-sensitive duties pending the receipt of the test results.

5.) Return-to-Duty Testing

An employee who refuses to take or fails a controlled substance or alcohol test may not return to duty (i.e. perform safety-sensitive functions) until s/he passes a controlled substance test and alcohol test, if applicable, and the substance abuse professional (SAP) has determined the employee may return to duty (i.e. perform a safety-sensitive function).

VI. SPECIMEN COLLECTION & TESTING LABORATORY:

General

All collection and testing of samples will be arranged by a third party administrator (TBA) selected by the Town Board.

Collection Sites

The collection sites shall have all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and shipping of urine specimens to a certified testing laboratory. The collection site will conduct alcohol tests by a breath alcohol technician (BAT) trained to proficiency in the operation of the evidentiary breath testing device (EBT).

Certified Laboratory

The testing laboratory shall be certified under the U. S. Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 Federal Register 11970, April 11, 1988 and subsequent amendments). The laboratory shall provide services in accordance with Part 40 and Part 382. The name and address of each laboratory used by the third party administrator is available upon request. The laboratory shall permit inspections by designated Town representatives, the FHWA Administrator, or, if the Town is subject to the jurisdiction of a state agency, a representative of the state agency.

VII. REVIEW OF DRUG TESTING RESULTS**General Information**

The Town shall contract with a third party administrator for the services of a Medical Review Officer (MRO) as part of the administration of this policy in accordance with the requirements of Title 49 CFR40.33. The MRO shall be a licensed physician with knowledge of substance abuse disorders. The MRO shall review all negative and positive controlled substance test results and interview individuals testing positive to verify the laboratory report before the Town is notified. The review of negative tests may be an administrative process to ensure the chain-of-custody procedures were intact.

Positive Test Results

Following verification of a positive test result, the MRO shall refer the case for action to the Town Supervisor or his/her designee, who shall serve as the Drug/Alcohol Program Manager (DAPM).

Reconfirmation Analysis

The MRO shall notify each employee with a confirmed positive test that s/he has seventy-two (72) hours in which to request a test of the split specimen. If the employee requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a verified positive test, the MRO shall direct the laboratory in writing to provide the split specimen to another DHHS certified laboratory for analysis.

If the analysis of the split specimen fails to reconfirm the presence of the controlled substance(s) found in the primary specimen, is unavailable, inadequate for testing, or not testable, the MRO shall cancel the test and report the cancellation and the reasons for it to the Town Supervisor or his/her designee and the affected employee.

The costs associated with the test of a split specimen shall be the responsibility of the employee. If the results of the test are negative, the Town will reimburse the employee for the cost of the test through the established claim payment process.

VIII. RIGHTS OF A COVERED EMPLOYEE:

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1.) Right to Records

Upon written request, an employee has the right to obtain copies of any records regarding his/her use of alcohol or controlled substances, including any records of test results.

2.) Right to Know Basis for Test

A covered employee has the right to know the reason a drug or alcohol test is being ordered and under what authority such test is being ordered. Additionally, the employee has the right to know the results of any drug or alcohol test.

3.) Right to Representation

An employee has a right to representation whenever s/he is being interviewed by the employer regarding controlled substance/alcohol test results which may result in adverse action. This interview is not mandatory, but if held, may occur before or after the test. Also, an employee has the right to have a representative present when s/he is discussing a potential positive test result with the MRO. (Conversations with the MRO will almost always be by telephone).

An employee does not, however, have the right to delay a drug or alcohol test awaiting availability of representation.

IX. RECORDS RETENTION, RELEASE AND CONFIDENTIALITY:

All employee records regarding controlled substance and alcohol testing are considered confidential and shall be maintained in a separate file in the Town Office. Records may not be released without the written request or signed release of the employee, except:

- a.) in the event of a lawsuit.
- b.) in the event of a grievance or other proceeding initiated by or on behalf of the employee arising from the results of an alcohol or controlled substance test.
- c.) in a proceeding relating to a benefit sought by the employee, such as worker's compensation or unemployment insurance.

Records and documents of all alcohol test results greater than .02, positive controlled substance test results, refusal to test, and records relating to evaluation and referrals will be maintained for a minimum of five (5) years.

Documents and records relating to the basis for reasonable suspicion and post-accident testing and/or the inability of the employee to provide an adequate breath sample or urine specimen, will be maintained for a minimum of two (2) years.

X. INFORMATION AND ASSISTANCE:

Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substances problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation and referral to an appropriate service provider can be obtained by contacting:

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The Wayne County Mental Health Department
 Wayne County Substance Abuse Services
 1519 Nye Road, Suite 115
 Lyons, New York 14489
 (315)946-5728

3.) Safety-Sensitive Function:

A CDL holder who performs any of the following activities associated with a commercial vehicle is considered to perform or to be performing a safety-sensitive function:

- a.) inspect, service or condition any commercial vehicle.
- b.) drive a commercial vehicle.
- c.) load, unload, supervise or assist in the loading or unloading of a commercial vehicle, attend a commercial vehicle being loaded or unloaded, or give or receive receipts for shipments loaded or unloaded.
- d.) spend time in or on a commercial vehicle (except time spent in a sleeper berth).
- e.) inspect equipment as required by the Federal Motor Carrier Safety Regulations.
- f.) repair, obtain assistance, or remain in attendance upon a disabled commercial vehicle.

III. PROHIBITED CONDUCT:

With regards to alcohol,* no CDL holder may:

- a.) perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
- b.) operate a commercial vehicle while possessing alcohol unless it is manifested and transported as part of a shipment. This includes the possession of prescription or over-the-counter medicines containing alcohol, unless the packaging seal is unbroken.
- c.) use alcohol while performing safety-sensitive functions.
- d.) perform safety-sensitive functions within four (4) hours after using alcohol.
- e.) use alcohol for eight (8) hours after an accident requiring a post-accident alcohol test or until a post-accident alcohol test is administered, whichever occurs first.
- f.) refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol test.

*Alcohol includes the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol whether used for medicinal purposes or not.

With regard to controlled substances,** no CDL holder

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may:

- a.) perform a safety-sensitive function when the driver uses any controlled substance, except when the use is under the instructions of a physician who has advised the driver in writing that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle.
- b.) refuse to submit to a post-accident, random, reasonable suspicion, or follow-up controlled substance test.

**Controlled substances include, but are not limited to marijuana, cocaine, amphetamines, opiates and phencyclidines.

IV. CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT:

If a covered employee is found to have an alcohol concentration of .02 or greater, but less than .04, s/he shall not be allowed to perform or continue to perform safety-sensitive functions, including driving, for a period of not less than twenty-four (24) hours.

A covered employee shall be immediately removed from the performance of any safety-sensitive function related to a commercial vehicle, including driving, if s/he:

- a.) is found to be using or in possession of a controlled substance and/or alcohol while on duty.
- b.) is found to have an alcohol concentration of .04 or greater.
- c.) consumes alcohol within eight (8) hours after an accident for which a breath test is required.
- d.) tests positive for controlled substances, or
- e.) refuses to test for alcohol and/or controlled substances. ***

***A CDL holder is considered to have refused to submit to testing when s/he fails to provide adequate breath for alcohol testing without a valid medical explanation after having received notice of the requirement for breath testing, fails to provide adequate urine for controlled substance testing without a valid medical explanation after having received notice of the requirement for urine testing; engages in conduct that clearly obstructs the testing process.

S/he may not perform any safety-sensitive functions until:

- a.) he/she has been evaluated by a substance abuse professional (SAP)* who will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substance use.

*Federal regulations require that the substance abuse professional (SAP) be either a licensed physician, certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission-NAADAC).

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b.) if the employee has been identified by a SAP as needing assistance in resolving problems associated with alcohol or controlled substances, s/he must be re-evaluated by a SAP to determine whether s/he has complied with any rehabilitation program prescribed by the original evaluating SAP.

c.) s/he has undergone a return-to-duty alcohol test with a result indicating a breath alcohol level of less than .02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved use of controlled substances.

If the covered employee has been identified by a SAP as needing assistance in resolving problems associated with alcohol or controlled substances, the employee will be subject to follow-up testing after returning to duty for a minimum of six (6) tests in the first twelve (12) months.

Any costs incurred after the initial evaluation performed by the SAP for rehabilitation services, return-to-duty-testing and follow-up testing shall be the responsibility of the employee.

If an employee has a positive alcohol or substance abuse test, s/he must be removed from safety-sensitive duty, pursuant to Federal Highway Administration regulations.

Any disciplinary actions taken as a result of a covered employee's engagement in prohibited conduct or other violations of this policy shall be administered in accordance with Civil Service Law and the Town's Disciplinary Policy.

V. REQUIRED CONTROLLED SUBSTANCE AND ALCOHOL TESTS:

1.) Pre-Employment/Pre-Assignment Testing

A pre-employment controlled substance and alcohol* test must be conducted before an individual is hired and when an individual is transferred/promoted from a non-safety sensitive position to a covered position. This also applies to employees returning from paid or unpaid leave of thirty (30) days or more who have not been participating in the controlled substance and alcohol testing program and have not been subject to the random selection process. A negative test result is required prior to performing safety-sensitive duties.

*The Federal Highway Administration has indefinitely suspended pre-employment alcohol testing rules as a result of the American Trucking Association v. FHWA. The Town will only require pre-employment alcohol testing if the rules are reinstated by the Federal Highway Administration.

2.) Post-Accident Testing

A post-accident test for alcohol and controlled substances must be conducted when either:

- a.) the accident involves a fatality; or
- b.) the driver receives a citation under state or local law for a moving traffic violation arising from the accident.

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An accident for the purpose of this section is defined as an incident in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene.

The employee shall be tested for controlled substances as soon as possible but no later than thirty-two (32) hours after the accident. The employee shall also be alcohol tested within two (2) hours of the accident if possible but no later than eight (8) hours after the accident.

Nothing in this section should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

An employee who is subject to post-accident testing must remain available, or s/he may be considered to have refused to submit to testing. The employee subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident, or until s/he submits to an alcohol test, whichever comes first.

3.) Random Testing

The primary purpose of random testing is to deter prohibited use of controlled substances and alcohol in order to ensure a substance-free workforce. Federal regulations require that covered employees shall be subject to controlled substance and alcohol testing on an unannounced and random basis.

The Town shall conduct a number of controlled substance tests on all covered employees equal to at least 50 percent of the average number of covered employees each calendar year, spread reasonably over a twelve (12) month period.

This motion carried unanimously.

2. Appointment of Karen Yantz as Clerk to the Highway Superintendent - Rate of pay \$7.00 per hour

Andy Baran moved to appoint Karen Yantz as Clerk to the Highway Superintendent at a rate of \$7.00 per hour. This motion was seconded by David Nussbaumer and carried unanimously.

3. Transfer of funds

Andy Baran moved to approve the following fund transfers:

FROM	TO
DB Highway Gen Repairs/ Contr. DB5110.4 \$11.79	DB Highway Gen Repairs/ Persn. DB5110.1 \$11.79
DB Highway Gen Repairs/ Equip DB5110.2 \$58.05	DB Highway Gen Repairs/ pe n. DB5110.1 \$58.05
Supt Cont. A5010.4 \$105.00	Clerk Payroll A5011.1 \$105.00

Lynne Green seconded this motion and it carried

MTN TO APPT
K YANTZ AS
CLK TO HWY
SUPERINTNDNT

MTN TO APV
TRANSFER
FUNDS

REGULAR TOWN BOARD MTG CONT

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unanimously.

4. Encumbered funds

Andy Baran moved to encumber the following funds:

A5132.4	Colacino Electric	\$13.50
DA5130.4	Lawson Products	\$125.00
DA5148.1	Payroll	\$12,654.00
DB5112.2	Phelps Cement	\$1,612.80
A5011.1	Clerk Payroll	\$411.00

MTN TO APV
ENCUMBERING
OF FUNDS

This motion was seconded by Lynne Green and carried unanimously.

5. Resolution approving the Town Board pay the part town fund the remaining balance of \$44,000 owed them by the Highway Department for loan in 1988

Andy Baran moved to approve paying the part town fund the remaining balance of \$44,000 owed them by the Highway Department for a loan taken in 1988. Robert Grier seconded this motion. Following a lengthy discussion, this motion carried unanimously.

MTN TO APV
\$44,000
LOAN PAYMNT

6. Copier for the Highway Department

Copier situation is up in the air; hold until next meeting.

COPIER-ON

Planning Committee - Robert Grier, Chairman

1. Division Street Partners

Robert Grier moved to amend the Division Street Partners resolution regarding the building located at 2085C Division Street to include Saturday and Sunday working hours from 6:00 AM thru 10:00 PM and with limited pick-up and delivery on the weekends; also to eliminate item #5. David Nussbaumer seconded this motion and it carried with a vote of 4 to 1. Lynne Green voted naye.

MTN TO APV
AMENDING RESO
FOR 2085C
DOV ST PRTRNS

2. Town Hall roof and gutters

Mr. Grier reported that he is working on this problem.

3. Planning Board appointment

Robert Grier moved to re-appoint Linda Edinger to the Palmyra Planning Board for a five year term to terminate in December of 2000. This motion was seconded by Andy Baran and carried unanimously.

MTN TO APPT
L. EDINGER TO
PLANNING BD

4. Building inspector/Zoning officer Update

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A written report was submitted by Earl Vanderwall, Building Inspector/Zoning officer and can be found in the file folder entitled "Assessment Update/ Building Inspector/Zoning Officer Update" as kept with these minutes.

BLDG INSPCTR/
ZONING OFFCR
REPORT

5. Transfer of funds

Robert Grier moved to approve the following transfer of funds:

MTN TO APV
TRANSFER OF
FUNDS

<u>FROM</u>	<u>TO</u>
Gen Fund Special/ Cont A1990.4 \$18.75	Gen Fund Election/ Cont A1450.4 \$18.75
Gen Fund Special/ Cont A1990.4 \$256.00	Gen Fund Shard Bldg/ Cont A1620.4 \$256.00

David Nussbaumer seconded this motion and it carried unanimously.

Zoning Committee - Lynne Green, Chairman

1. Transfer of funds

Lynne Green moved to approve the following fund transfers:

MTN TO APV
TRANSFER OF
FUNDS

<u>FROM</u>	<u>TO</u>
Gen Fund Special/ Cont A1990.4 \$461.05	Gen Fund Special/ Unallocated Ins. A1910.4 \$461.05
Part Town Zoning/ Equip B8010.2 \$146.56	Part Town Zoning/ Cont B8010.4 \$146.56
Part Town Zoning/Clerk B8011.1 \$134.40	Part Town Plng/Clerk B8020.1 \$134.40

Andy Baran seconded this motion and it carried unanimously.

AGENDA ITEMS

1. WCW&SA Update

Supervisor Lyon reported that the most significant thing is that the 40 year contract with the Monroe County Water Authority has been signed.

WCW & SA
UPDATE

2. Wayne County Board of Supervisor's Update

The Wayne County Budget has been passed and there is not increase in the tax for the first time in many years according to Supervisor Lyon.

W CTY BD OF
SUPRVSR
UPDATE

3. Clerk to the Supervisor move to second floor

Supervisor Lyon informed the Board that his clerk is going to move to his office on the second floor. This move will give her more privacy and will free up room

CLK TO SUPRVSR
TO MOVE TO
2ND FLOOR

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in the Town Clerk's Office. He believes this will benefit everyone involved.

4. Date for Organizational meeting

The date for the 1996 Organizational meeting has been set for January 4, 1996 at 7:30 PM at the Town Office.

DATE SET FOR
ORGANIZATNL
MEETING

5. Transfer of funds

Supervisor Lyon moved to approve the following

transfer of funds:

FROM	TO
Gen Fund Special/ Cont A1990.4 \$108.24	General Fund Super/ Cont A1220.4 \$108.24
Gen Fund Special/ Cont A1990.4 \$67.29	General Fund Super/ Cont A1220.4 \$67.29
Gen Fund Super/ Cont. A1990.4 \$1754.06	Gen Fund Super/Clerk Sec. A1221.1 \$1754.06
Gen Fund Spec/Cont A1990.4 \$41.23	Gen Fund Super/Equip A1220.2 \$41.23
North Water Surplus NWSavings #5845611920 \$91.42	North Water Pump Sta/ Water Pur #8320.4 \$91.42
Central Water Surplus Savings #584581483 \$163.00	Central Water Admin 8310.22 \$163.00
Central Water Surplus Savings #584581483 \$15.60	Central Water Source Supply/Water Purc. 8320.4 \$15.60

MTN TO APV
TRANSFER OF
FUNDS

This motion was seconded by David Nussbaumer and carried unanimously.

6. Resolution honoring Town Councilman Andy Baran

Referred to the end of this meeting.

7. Payroll services investigated

Lynne Green moved to contract with Boerman's Payroll Services for all payrolls for the Town of Palmyra during the calendar year 1996 for a amount not to exceed \$911.40. Andy Baran seconded this motion. Following a brief discussion, this motion carried unanimously.

MTN TO CONTRCT
W/BOERMAN'S
PR SERVICES

Following a review of the claims and expenditures submitted, Lynne Green move to approve payment of the expenditures submitted for payment on Abstract #12A with totals as follows:

MTN TO APV
PAYMENT OF
VOUCHERS

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<u>Account</u>	<u>Voucher #</u>	<u>Amount</u>
General Fund	448 - 481	\$ 39890.89
Part Town Fund	111 - 117	2186.19
Highway III, IV	241A - 257	2866.97
Highway I	114 - 115	2152.06
North Water	44	91.42
Central Water	52 - 53	178.60
Capital Proj.	66	20600.00

David Nussbaumer seconded this motion and it carried unanimously with the exception of voucher # 115 on which David Lyon abstained.

6. Resolution honoring Town Councilman Andy Baran

The following resolution was moved by Supervisor Lyon, seconded by David Nussbaumer and carried unanimously:

RESOLUTION
HONORING
ANDY BARAN
TOWN
COUNCILMAN
ON HIS
RETIREMENT

WHEREAS, Councilman Andrew Baran has elected to retire from the Town Board of the Town of Palmyra, County of Wayne and State of New York; and

WHEREAS, Councilman Baran has served for more than 33 years as a Member of the Town Board of the Town of Palmyra, dedicating his time to the Town Board; and

WHEREAS, Councilman Baran has selflessly shared with the many Members of the Town Board, with whom he has served, his wisdom and knowledge gained, not only in his many years as a Member of the Town Board, but also as a successful businessman and an executive of a firm selling construction materials, experience that was especially helpful in matters related to the operation of the Town Highway Department; and

WHEREAS, Councilman Baran has served under eight Supervisors accepting the tasks and committees assigned to him and performing those tasks and carrying out those duties, no matter how difficult or time consuming, in a manner that received the respect of his fellow Board Members and the trust of the Supervisors; and

WHEREAS, Councilman Baran, with the support and assistance of his wife, Evelyn, has dedicated many hours to the service of the residents of the Town of Palmyra without regard to the time or the hours involved; and

WHEREAS, with his knowledge and assistance, the Town of Palmyra has been able to effectively perform the services it renders to the people of Palmyra, upgrade its machinery and equipment and still maintain a stable tax rate; and

WHEREAS, all of Councilman Baran's efforts have improved the quality of life of the residents of Palmyra and contributed to the economic stability of the Town of Palmyra.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Palmyra does hereby pause in its deliberation to recognize Councilman Andrew Baran and his wife, Evelyn, for the long and dedicated service rendered to the people of the town of Palmyra; and

BE IT FURTHER RESOLVED, that the Town Board and the Town of Palmyra employees congratulate both Andrew and Evelyn Baran on Andrew's retirement and wish them many healthy and happy years in the future; and

BE IT FURTHER RESOLVED, that this resolution

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be spread upon the minutes of the Town Board of the Town of Palmyra and that the Clerk be directed to furnish a certified copy of this resolution to Councilman Baran.

Andy Baran then moved to adjourn this meeting of the Town Board of the Town of Palmyra, Mr. Baran's last meeting as a Town Councilman. David Nussbaumer seconded this motion and it carried unanimously.

MTN TO ADJRN

Respectfully submitted,
Beverly E. Hickman
Beverly E. Hickman
Town Clerk