

**REGULAR MEETING OF THE TOWN BOARD  
FEBRUARY 28, 2008**

At 7:30 p.m., Supervisor Lyon called to order the regular town board meeting, scheduled for Thursday, February 28, 2008, to be held at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

**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:

- David C. Lyon, Supervisor
- James Welch, Councilman
- Michael Lambrix, Councilman
- Kenneth Miller, Councilman

**ROLL CALL**

Councilman David Nussbaumer was absent

Also attending the meeting:

- Mike Boesel
- Billie Rae Walker, *Courier-Journal*

**MEETING ATTENDANCE**

Motion was made by Mike Lambrix to approve the minutes of the January 24, 2008 meeting of the Town Board.

**MTN: APPRV  
1/24/2008 TOWN  
BOARD MTG  
MINUTES**

Second: Ken Miller

Vote: 4 ayes. Carried.

**COMMUNICATIONS**

A letter was received from the State of New York Department of Public Service letting us know that the 315 area code for tele- phones will be split into two area codes. We will be notified when a change is made.

**TELEPHONE  
AREA CODE 315  
TO SPLIT INTO 2  
AREA CODES**

**REPORTS OF STANDING COMMITTEES**

**Buildings and Grounds Committee -- Kenneth Miller,  
Chairman**

Ken Miller said not a lot was worked on this past month, other than keeping up with snow removal and having heat tapes and proper outside outlets installed.

**BUILDINGS &  
GROUNDS  
COMMITTEE  
REPORT**

**Highway Committee – James Welch, Chairman**

1. Highway Department Monthly Report: Highway Superintendent Mike Boesel submitted the following report for February:

Highway Superintendent Report  
For Town Board Meeting -- 2/28/2008

Since the 1/24/08 meeting we have completed the following work:

- Tree work – Parker Road
- Pothole patching – all roads reviewed
- Equipment service – several
- Salt – Ordered 525 tons in February
- Plowing/Sanding runs on 17 of the past 36 days and a total of 76 trips out of the barn this winter season. Last year at this time we were up to 58 trips.

Other miscellaneous items include:

- Village Budget – I have been working on the 08-09 Village Budget. We had our second budget session on 2/19/08. The next session is on Monday March 3<sup>rd</sup> at 6:30pm at Village Hall.
- Sand/Salt – Our sand mix barn is almost empty again. We have extra sand stockpiled but not mixed yet. We have ordered/received over 2600 tons of salt to date this 07-08 winter season. There is currently a shortage of salt at the salt mines. Trucking outfits are being restricted on their daily hauling amounts. This is a major issue that myself and several other WC Hwy Supts have been trying to address lately.
- SMSI Grant – We should be hearing back regarding our application anytime now.
- Shop Cleanup – Besides routine equipment maintenance this past month, we were also able to wash and re-paint the walls in our shop. Ceiling panels were also wiped down.
- Personnel Health Update –
  - Scott Moulton failed a stress test on 1/28. He was sent to Strong and received stents. He was out of work for approximately 2 weeks
  - Matt Lamora and Tom Fraser both have had bronchial pneumonia. Tom is still out. They have both missed about a week. Mike Paul has also been out sick several days this month with similar symptoms.

**HIGHWAY  
DEPARTMENT  
REPORT FOR  
FEBRUARY**

- Equipment Update –
  - C1, T12– serviced
  - T14 – exhaust replaced
  - E52 sweeper tractor and E64 mowing tractor serviced
  - E61 bomag roller – injector maintenance and roller serviced
  - All trucks and equipment is currently being looked at for daily maintenance items.
  
- The date for the 23rd Annual Palmyra Municipal Auction has been set, Saturday May 10, 2008, 9am. I have an Auction Contract for the town board meeting.

**HIGHWAY DEPARTMENT REPORT FOR FEBRUARY**

Any questions, comments or concerns I will be glad to answer.

Mike Boesel added that the salt issue in the Northeast and Midwest is a regional issue as well. He has had a very hard time getting salt from Cargill, although Cargill won the State bid for Wayne County. Mike is now working on a way, on behalf of Wayne County, to see if we can get salt from American Rock. Highway Superintendents have to file tonnage ahead of a winter season, and Mike had done so, but the issue is the supplier, not the town.

**ROCK SALT IN SHORT SUPPLY THIS WINTER FOR HIGHWAY DEPARTMENTS IN NORTHEAST AND MIDWEST**

2. Approve Contract for Town Auction: May 10, 2008 has been set for the Town-sponsored Municipal Auction, and Roy Teitsworth, Inc., Professional Auctioneers, has submitted a contract between the Town and the Auctioneers. This contract is similar to those approved in years past. Jim Welch made the motion to approve the contract with Roy Teitsworth, Inc.

**MTN: APPROVE CONTRACT FOR MUNICIPAL AUCTION**

Second: Ken Miller

Vote: 4 Ayes. Carried.

3. Advocacy Days in March: March 4 and 5 are Advocacy Days in Albany. Mike Boesel said he found it successful in the past because his CHIPS funding has increased--which is a big part of our highway budget. Items on this year's agenda include a new five-year transportation plan for local roads, which he felt will benefit the town, as well as for Region 4, which includes six counties. Mike is the Team Leader for Region 4. Jim Welch made the motion for Mike to attend Advocacy Days at a cost not to exceed \$125.

**MTN: APPROVE HWY. SUPERINTENDENT'S ATTENDANCE AT ADVOCACY DAYS**

Second: Mile Lambrix

Vote: 4 Ayes. Carried.

**NO PLANNING  
BOARD  
MEETING IN  
FEBRUARY**

**Planning & Economic Development Committee – Mike  
Lambrix, Chairman**

There was no Planning Board meeting in February.

**Zoning Committee – David Nussbaumer, Chairman**

**CEO REPORT  
FOR FEBRUARY**

1. CEO Report: Although Code Enforcement Officer Bob Grier was not in attendance this evening, he submitted his monthly report, summarizing activity through February 28. The Town Board had no questions or comments.

**NUISANCE  
PROPERTY  
REPORT  
UPDATE**

2. Nuisance Property Report Update: Mike Boesel noted he had visited the North Creek Road nuisance property recently, but no new action was due to the sub-freezing weather recently and Bob Grier being out of the office. Concerning the Garnsey Road nuisance property, Lynne Green showed board members that the Certified Letter sent to Karen Christopherson in Cape Vincent, NY had been returned as "Unclaimed. Unable to Forward" from the Post Office on February 6. The Code Enforcement Office is still working on an agreement with the Christophersons for cleanup, to follow up on the motion made at the town board meeting of January 24.

**ZONING BOARD  
MEETING  
REPORT**

3. Zoning Board Meeting Report: The Zoning Board of Appeals reconvened on February 14 to review the application by the Abram Cleason Co., Inc. for a special use permit for excavating/mining. Copies of the minutes of this meeting were provided to town board members.

**INFORMATIONAL ITEMS**

**TOWN CLERK'S  
REPORT FOR  
FEBRUARY**

1. Town Clerk's Office Report for February: Both January and February were extremely busy licensing dogs and renewing dog licenses, along with Town/County tax collection. Also, Celeste submitted the paperwork and application for a grant requesting scanning software.

- 2. Morrison Excavating Quarterly Payment: Every quarter, Morrison Excavating provides a payment for gravel processed during that time from the Division Street gravel pit. The payment of \$783.25 was received for the fourth quarter of 2007.

**QUARTERLY EXCAVATING PAYMENT**

- 3. Public Hearing Notice: A Notice for a Public Hearing on March 10 from the Town of Macedon was received for two one-lot realty sub-divisions on Haak Road and Barnes Road. Since one or both of these locations may be within 500 feet of the Town of Palmyra, it was necessary to send a copy of this notice to us.

**PUBLIC HEARING NOTICE FROM MACEDON**

**AGENDA ITEMS**

- 1. Resolution: Support for Creation of Special Legislative District Public Library: A letter, dated February 25, 2008, was received from Patricia Baynes, Library Director of the Palmyra Kings Daughters Library, asking for town board support of a resolution to create a special library district:

**RESOLUTION**

WHEREAS, the Palmyra Kings Daughters Free Library is beginning the process of creating a Special Legislative District Public Library, and

WHEREAS, passage of a Bill in the New York State legislature is required to authorize a local referendum to create the library district,

NOW, THEREFORE, BE IT RESOLVED that the Town Board members of the Town of Palmyra request New York State Senator Michael Nozzolio to sponsor, and New York State Assemblyman Robert Oaks to co-sponsor, legislation authorizing a local vote to create a Public Library Special Legislative District, and

BE IT FURTHER RESOLVED that the a proposed service area will cover the Town of Palmyra, excluding the portion of the Town that lies within the Newark School District.

DATED: February 28, 2008

**MTN: APPROVE RESOLUTION TO SUPPORT CREATION OF A PUBLIC LIBRARY SPECIAL LEGISLATIVE DISTRICT IN PALMYRA**

Ken Miller made the motion to approve the resolution in support of creating a Public Library Special Legislative District in Palmyra.

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

- 2. Resolution: P.R.O.U.D. Partnership Recognition: On a random basis, local businesses are approached to see if they would sell alcoholic beverages to underage youths. This P.R.O.U.D. Partnership tries to enforce the laws against selling alcoholic beverages to underage youths, and recognizes those businesses that keep the law. The following Proclamation was presented to the Town Board:

**PROCLAMATION**

**P.R.O.U.D. PARTNERSHIP Salutes Local Businesses**

WHEREAS, alcohol use among youth continues to be a significant concern both nationally and in the Town of Palmyra, with a majority of high school students having used alcohol and many of those having consumed more than five drinks in the past 30 days; and

WHEREAS, the three leading causes of death among adolescents are accidents, homicides and suicides, in which alcohol and other drug use are major contributing factors; and

WHEREAS, a coalition of Wayne County citizens, including representatives from the Town of Palmyra, have been working together to Promote the Reduction Of Underage Drinking (PROUD), and that the PROUD Partnership is using research-based prevention strategies to address the serious problems related to underage alcohol use;

NOW, THEREFORE BE IT RESOLVED, that I, David C. Lyon, Supervisor of the Town of Palmyra, do hereby recognize local businesses: Rite Aid Pharmacy, Citgo Gas Station, and Hasseltine's Liquor Store, for not selling alcoholic beverages to underage youth in November, 2007.

DATED: February 28, 2008

Mike Lambrix made the motion to approve this Proclamation, recognizing local businesses for refusing to sell alcoholic beverages to minors.

Second: Ken Miller

Vote: 4 Ayes. Carried.

- 3. Emergency Purchase--Tape Drive for Town Hall Server: At the end of January, the server that controls the computers for town offices was inoperable and needed to be replaced right away. The Supervisor was contacted and authorized the emergency purchase of a replacement tape drive for the server. It was then installed and there have been no problems since then. It is now necessary to notify the town board and to approve the purchase, at a cost of \$654.00. Mike Lambrix made the motion to approve the purchase of the tape drive.

Second: Jim Welch

Vote: 4 Ayes. Carried.

**PROCLAMATION:  
P.R.O.U.D.  
PARTNERSHIP  
SALUTES LOCAL  
BUSINESSES**

**MTN: APPROVE  
PROCLAMATION**

**MTN: APPROVE  
EMERGENCY  
PURCHASE OF  
TAPE DRIVE FOR  
TOWN HALL  
SERVER**



A copy of this proposal is included with these minutes as Attachment C.

- 7. Southwest Quadrant Sewer District--Legal Agreement with Town Counsel: The Town received a Legal Services Agreement on a form from the USDA Rural Utilities Service for legal counsel concerning the Southwest Quadrant Sewer District. The agreement is a necessary part of the funding package and stipulates that the fee for these services will not exceed \$7,000. Ken Miller made the motion to approve the Legal Services Agreement for the Southwest Quadrant Sewer District with Town Attorney Paul T. Rubery.

MTN: APPROVE  
LEGAL  
SERVICES  
AGREEMENT  
WITH PAUL T.  
RUBERY FOR  
SOUTHWEST  
QUADRANT  
SEWER  
DISTRICT

Second: Jim Welch

Vote: 3 Ayes. Carried.  
Mike Lambrix voted Nay.

A copy of this agreement is included with these minutes as Attachment D.

- 8. Johnson-Floodman Water District--Legal Agreement with Town Counsel: The Town received a Legal Services Agreement on a form from the USDA Rural Utilities Service for legal counsel concerning the Johnson-Floodman Water District. The agreement is a necessary part of the funding package and stipulates that the fee for these services will not exceed \$7,500. Mike Lambrix made the motion to approve the Legal Services Agreement for the Johnson-Floodman Water District with Town Attorney Paul T. Rubery.

MTN: APPROVE  
LEGAL  
SERVICES  
AGREEMENT  
WITH PAUL T.  
RUBERY FOR  
JOHNSON-  
FLOODMAN  
WATER  
DISTRICT

Second: Jim Welch

Vote: 4 Ayes. Carried.

A copy of this agreement is included with these minutes as Attachment E.

- 9. Gift of a Book to the Town: Town Historian, Beth Hoad, received a copy of the book "Interesting Buildings of Palmyra, New York" from the Palmyra-Macedon High School Library. She has already written a letter of thanks to a Mr. Gates and Associates, saying it will be added to the reference library here at the Town of Palmyra Historian's office, and will be available to the public. Mike Lambrix made the motion to accept this gift, with thanks to the contributors.

MTN: ACCEPT  
GIFT OF BOOK  
"INTERESTING  
BUILDINGS OF  
PALMYRA, NEW  
YORK" TO  
HISTORIAN'S  
OFFICE

Second: Ken Miller

Vote: 4 Ayes. Carried.



10. Board of Elections Request to Relocate Polling Locations: A letter from the Wayne County Board of Elections requests the use of the Palmyra Town Hall on September 9, 2008 for a Primary Election and on November 4, 2008, for the General Election, for Town of Palmyra Polling Districts 4 and 6. Around Wayne County, voting locations in school buildings are being changed to non-school locations for tightened student security reasons. Town Board approval is necessary to use Town Hall for the upcoming primaries and elections.

In addition, they have recently been removing stored voting booths from county schools. The Commissioners of Elections wrote the Supervisor, requesting Town Board approval to store voting machines at the Palmyra Town Hall, so they will be easily accessible for the upcoming Primary and the General Election. This would be a temporary location to store voting booths, as new machines are expected to be purchased for subsequent elections and primaries, and will be stored in county facilities. Currently, voting booths for Election Districts 1, 2, 3, 4 and 6 are being stored at the Palmyra-Macedon High School, where past voting has taken place. The Board of Elections' letter requested space to store two machines at Town Hall—for Town Districts 4 and 6.

With Power Personnel vacating two rooms at Town Hall when they moved to East Main Street, there is sufficient space in a locked room to store the machines. (Election District 5's voting booth is stored at the East Palmyra Fire Hall and will not be affected.)

Mike Lambrich made the motion to approve using the Palmyra Town Hall as a polling location for Town Districts 4 and 6, and to store voting booths for the upcoming Primary and General Election.

Second: Jim Welch

Vote: 4 Ayes. Carried.

Since receipt of this letter, a request has also been made by the Village to store the three machines for the Village Election Districts at Town Hall. There is enough space to house all 5 voting machines here.

11. Audit of 2007 Financial Books from the Supervisor's Office: At 8:12 p.m., Town Board members were given a copy of the 2007 Financial Books from the Supervisor's Office, for the annual audit required by law. They were not ready on January

**MTN: APPROVE  
THE USE OF  
PALMYRA TOWN  
HALL FOR  
VOTING IN  
POLLING  
DISTRICTS 4 & 6  
AND TO STORE  
VOTING BOOTHS  
FOR UPCOMING  
PRIMARIES AND  
ELECTIONS**

**MTN: ACCEPT  
2007 FINANCIAL  
REPORTS FROM  
SUPERVISOR'S  
OFFICE**

24, when the Town Clerk's and Town Justices' books were audited by the Board. At 8:18 p.m., the meeting reconvened with Mike Lambrix making the motion to accept the 2007 financial reports from the Supervisor's office.

Second: Ken Miller

Vote: 4 Ayes. Carried.

**MTN: APPROVE  
WATER  
AGREEMENT  
BETWEEN TOWN  
AND WAYNE  
COUNTY WATER  
& SEWER  
AUTHORITY**

12. Water Agreement with WCWSA: As part of the requirements for the funding of upcoming water districts, it is necessary for the Town to be assured of an adequate supply of water for the life of the bond. The Town, therefore, had to amend and restate the current agreement with the Wayne County Water and Sewer Authority to cover at least 38 years. An agreement was presented to the Town Board for approval, detailing terms, as well as the rights and obligations of both. After some discussion, Mike Lambrix made the motion to approve a Water Agreement for forty (40) years between the Town of Palmyra and the Wayne County Water and Sewer Authority.

Second: Jim Welch

Vote: 4 Ayes. Carried.

Both David C. Lyon, Palmyra Town Supervisor and Martin J. Aman, Executive Director of the Wayne County Water and Sewer Authority, signed the agreement, a copy of which is included with these minutes as Attachment F.

**MTN: APPROVE  
CLAIMS &  
EXPENDITURES  
OF ABSTRACTS  
#143 AND #144**

13. Approve Abstracts #143 and #144: Mike Lambrix made the motion to approve the claims and expenditures shown on Abstract #143 (for vouchers already paid), which includes Voucher Numbers 8944 through 8950, for \$22,822.37; and Abstract #144, (for vouchers to be paid) which includes Voucher Numbers 8951 through 9051, for \$223,347.44.

Second: Ken Miller

Vote: 4 ayes. Carried.

14. Motion to Adjourn: At 8:26 p.m., Mike Lambrix made the motion to adjourn the meeting.

**MTN: ADJOURN  
MEETING**

Second: Jim Welch

Vote: 4 ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk

ATTACHMENTS:

- Attachment A: MRB Group Quote for Johnson-Floodman Water District Professional Engineering Services
- Attachment B: Southwest Quadrant Sewer District Proposal for Bond Counsel Services with Timothy R. McGill
- Attachment C: Johnson-Floodman Water District Proposal for Bond Counsel Services with Timothy R. McGill
- Attachment D: Southwest Quadrant Sewer District Legal Services Agreement with Town Counsel Paul T. Rubery
- Attachment E: Johnson-Floodman Water District Legal Services Agreement with Town Counsel Paul T. Rubery
- Attachment F: Amended and Restated Agreement between the Wayne County Water and Sewer Authority and the Town of Palmyra Palmyra, dated March 1, 2008

**NEXT MEETING: THURSDAY, APRIL 24, 2008, AT 7:30 P.M.  
-- EAST PALMYRA FIRE HALL**