PUBLIC HEARING AND
REGULAR MEETING OF THE TOWN BOARD

PALMYRA TOWN HALL
MAY 26, 2011

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, May 26, 2011, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

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

Upon roll call, the following board members were present:
   Kenneth F. Miller, Supervisor
   James T. Welch, Deputy Supervisor
   David M. Nussbaumer, Councilman
   Michael C. Lambrix, Councilman
   Todd J. Pipitone, Councilman

Also attending the meeting: Wayne Post reporter Billie Rae Walker; Wayne County Industrial Development Agency Representative Dave Richards, Dave Matthews, Ed Jensen, The Times of Wayne County reporter Elizabeth Pray, JerryNotareschi, Casie Heckman, Tammy Heckman, Chris Heckman, Palmyra Deputy Town Clerk Irene Unterborn, Code Enforcement Officer Dan Wooden and Palmyra Highway Superintendent Mike Boesel.

Motion was made by Mike Lambrix to approve the minutes of the April 28, 2011 meeting of the Town Board.

   Second: Dave Nussbaumer   Vote: 4 Ayes. Carried.
   Ken Miller abstained as he did not attend the meeting.

Motion was made by Dave Nussbaumer to approve the minutes of the May 10, 2011 meeting of the Town Board.

   Second: Mike Lambrix   Vote: 5 Ayes. Carried.
PRESENTATION

At 7:03 p.m., Supervisor Miller introduced Dave Richards, from the Wayne County Industrial Development Agency, who would be answering questions about the Small Cities Grant Program, Community Development Block Grant, requested by Pulp Packaging, Inc. of Palmyra.

The following legal notice had been published in The Times of Wayne County, Palmyra’s official newspaper, and it had also been posted on the bulletin board at the Town Hall:

LEGAL NOTICE
TOWN OF PALMYRA

NOTICE OF PUBLIC HEARING
SMALL CITIES GRANT PROGRAM

The Town of Palmyra, New York will hold a public hearing on May 26, 2011, 7:00 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, to discuss the Town’s intention to submit an application for the Fiscal Year 2011 Community Development Block Grant (CDBG) under the New York State Office of Community Renewal’s Small Cities Economic Development Program.

The application will be on behalf of Pulp Packaging, Inc. in the amount of $200,000. The Grant would allow Pulp Packaging Inc. to purchase and install production equipment at facilities located at 2077 Division Street, Palmyra, NY 14522.

The total project cost is estimated at $2,200,000. No Town match is required. The project, if funded, will make available 40 full time jobs, 21 jobs of which are for low- and moderate-income persons. No displacement of persons will be proposed. It is anticipated that the application will be submitted by June 23, 2011 and the project activities completed by August 31, 2013.

All citizens, including those in the project area, are encouraged to attend the hearing to consider the potential impacts and benefits of the proposed project for Pulp Packaging, Inc. and to provide suggestions and comments about the proposed application. The Town will provide information at the hearing to comply with the legislative and program requirements that govern the Small Cities Program.

The Town Offices are in compliance with the accessibility standards set forth in the Americans with Disabilities Act. Hearing disabled persons, or those with Limited English Proficiency who wish to attend should call (315) 597-5521 not less than 48 hours before the hearing to make arrangements for an interpreter, if needed. Written public comments will also be accepted.
Dated May 12, 2011
Palmyra, New York

Lyndall Ann P. Green
Palmyra Town Clerk

Due to the length of the legal notice, Dave Nussbaumer made the motion to waive the reading of the legal notice.

Second: Mike Lambrix          Vote: 5 Ayes. Carried.

During the public hearing, discussion included:

Who is Pulp Packaging? Dave Richards explained it is owned by the Freund Box Factory, who wishes to move the Pulp Packaging assets to Division Street.

Is this expansion only for equipment? The preliminary request says it is for equipment and installation.

What about 40 employees? The preliminary request estimates 40 new employees, designated by the Federal Government as low to medium income jobs. Concerns were if current employees would be displaced. The term “displacement,” as in “No displacement of persons will be proposed” refers to “displacement, permanent relocation, demolition or conversion of residential units.”

Since Division Street properties were approved for storage only, will more tractor-trailers be coming to the facility?

Mike Lambrix said this hearing was necessary so the project could go ahead with the funding request. Ken Miller added, all codes will be kept in the future, but it’s too premature now to deal with code enforcement details.

Since the application has not yet been written, there was no information about production, management, etc.

Ken Miller stated there is no detail yet, but the IDA can be contacted if other questions arise.

At 7:11 p.m., Dave Nussbaumer made the motion to close the public hearing.

Second: Mike Lambrix          Vote: 5 Ayes. Carried.
COMMUNICATIONS

1. **Wayne County Sheriff’s Office Report:** The April report of the Wayne County Sheriff’s office listed “Tickets by Town” for the month of January. Although no Palmyra breakdown was sent, the Sheriff’s office sent us notice that the Sheriff’s Civil Office’s new address is: 7376 Route 31 Lyons, New York, 14489.

2. **Participation in “Clerks Helping Area Soldiers” Care Packages:** A new program was proposed by the Wayne County Clerks/Deputies & Tax Collectors Association, nicknamed CHAS (Clerks Helping Area Soldiers). Town Clerks are asking our employees and communities for help in filling boxes of items donated to the troops overseas. Collection deadline is July 13. A list of suggested items was included with the request. Large boxes will be available to collect the donated items at each town clerk’s office. The Association will fill postal boxes and pay the cost of sending the items.

REPORTS OF STANDING COMMITTEES

**Economic Development, Appeals and Town Clerk’s Office Committee – Todd Pipitone, Chairman**

1. **Town Clerk’s Office Report for May:** Councilman Todd Pipitone asked Board members to read the report, with topics that include marriage and dog licensing update, records management, hosting an Archives Seminar in our building, as well as Irene’s recap of her workshops at the New York State Town Clerk’s Association annual conference in Buffalo, at the beginning of May. This follow-up was requested by Todd Pipitone in March.

Thanks to Dan Wooden, who let Irene borrow the Code Enforcement truck to go to and from the Buffalo conference. Along with the $250 scholarship received from the Wayne County Town Clerks Association, net cost to attend the conference was less than $70 to the Town.
Highway Committee – James Welch, Chairman

May Highway Report: Highway Superintendent Mike Boesel had prepared his May report:

1. Highway Superintendent Report for Town Board Meeting -- 05/26/11

Since the 4/28/11 meeting we have completed the following work:

- Ditching – Harris, Lusk, Cambier, Dey, O’Meal, Stafford
- Tree Trimming/Brush mowing – Harris, Garnsey, Jeffery, Quaker
- Tarps – tarps have been installed on all trucks
- Inter-municipal Assistance
- 5/24/11 – 2 Palmyra trucks to WC Hwy for surface treating assistance
- 5/25/11 – 1 Palmyra laborer to Arcadia Highway for road reconstruction assistance

Other miscellaneous items include:

- **Palmyra Municipal Auction** – May 14th we held our 26th Palmyra Municipal Auction. The Auction was very successful and total sales were close to $3.5 million. Attached below is our original Auction surplus list and the price the items sold for.

  2011 Auction Surplus List Results from Palmyra Municipal Auction May 14, 2011

  Highway Dept Items: Selling Price:

  - (1) 2010 S630 Bobcat skidsteer loader $30,000.00
  - (1) 1995 Bobcat Rockhound attachment $1,900.00
  - (1) 1995 Hudson equipment trailer $1,300.00

- **Mowing** – Chris Bratt is mowing for us again this summer. He started roadside mowing on May 17th.

- **Yard Cleanups** – Earlier this month, yards finally dried out and we were able to complete all our snow plow damage/yard cleanups around the Town.
Personnel –
- Chris Bratt started back mowing with us on 5/17/11
- Gerald East started as a summer laborer with us on 5/17/11
- Summer Interns – Nick Eckert and Joel Sapienza started a two-week internship through BOCES with us on 5/23/11.

Equipment –
- **Trailer Purchase** – We budgeted $7k for a new trailer purchase this year. We sold ours in the Auction last weekend. I am requesting approval to purchase a new 20-ft, 14,000 lbs trailer from Teitsworth Trailers for $5,375.00.

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

2. **Purchase of Trailer for Highway Department:** Included for sale in the auction was a trailer that the Town purchased in 1995. A new trailer would cost $5,375, according to a quote Mike Boesel provided this evening. $7,000 had been budgeted for it. Allowing for the $1,300 received for the sale of the old trailer, purchasing it at $5,375 comes in quite a bit under budget.

3. **2011 Auction Results:** This year’s auction brought in gross sales of $3.5 million, up from last year. 128 consigners sold items, with 698 lots being sold. Todd asked about online bidders. Mike said there were 207 registered internet buyers, including some from overseas, with 20 successful purchases. The difficulty with online purchasers, he added, is the delay in picking up their purchased equipment. The sales tax alone for all these auction items is $28,900.

**Facilities, Operations and Planning Committee**
- **Mike Lambrix, Chairman**

**No Planning Board Meeting:** Mike Lambrix informed the Board members that there was no Planning Board meeting in May.

**Zoning and Assessor’s Office Committee**
- **David Nussbaumer, Chairman**

1. **Assessor’s May Office Report:** Assessor Elaine Herman reported that May 24th was Grievance Day. Members of the
Board of Assessment Review completed their review of 8 parcels, so no additional day was necessary. She scheduled a meeting with BAR members before Grievance Day to answer questions they might have. She also reports that STAR savings on school tax bills are now being capped at 2% of what 2010-2011 amounts were.

2. **Code Enforcement/Zoning Office May Report:** Code Enforcement Officer Dan Wooden provided Board members with the list of permits issued during May, along with an update on Manufactured Home Park Annual Permits. Canalside Estates, Pine Tree Park, Valley View Park and Trolley Road Park are in compliance, and “in pretty good shape.”

Dave Nussbaumer made the motion to approve the 2011-2012 annual permits of the four compliant Manufactured Home Parks.

   Second: Mike Lambrix       Vote: 5 Ayes. Carried.

Those yet to be approved are Marquart Mobile Village and Maple Creek Park. Dan said there are some property violations in the remaining parks, but the Town needs to decide “how to handle non-compliers.”

3. **No Zoning Board Meeting:** Dave Nussbaumer informed the Board members that there was no Zoning Board meeting in May.

4. **“Hare Scramble” Update:** Dan also reported that he had received the insurance forms from Bark Busters, which are needed before the “Hare Scramble” event on June 5.

5. **Staff Resignation:** Part-time Assistant in the Code/Zoning Office, Denise Sellers, submitted her resignation on May 16th, giving her two-week notice. Dan Wooden told Board members he doesn’t plan to replace her for the present.
INFORMATIONAL ITEMS

1. **Palmyra Community Library Open House:** Board members are invited to the Palmyra Community Library’s Open House at their new location at 402 East Main Street—still in the process of being renovated—on Sunday, June 5th, 1 – 4 p.m.

2. **Palmyra Community Library Meetings:** Minutes from the Board meetings of the Palmyra Community Library for February 17, March 17 and April 21 were included in Board members’ packets.

3. **Volunteers from Hill Cumorah Pageant Available This Year:** Each year, cast members from the Hill Cumorah Pageant volunteer their services to community organizations during several afternoons in July. The Town received a letter offering cast members to work around Town Hall on projects useful to the Town. Board members asked Town Clerk Lynne Green to manage the projects. Lynne asked Board them to let her know what projects they would like to see worked on.

4. **Public Input:** Although there were members of the public at the Board meeting, no issues were brought up at this time by them.

AGENDA ITEMS

1. **Approve Purchase of 2011 Trailer:** Since this budgeted purchase request was discussed earlier in this meeting, Dave Nussbaumer made the motion to approve the purchase of a 2011 trailer for the Highway Department, not to exceed $5,375.

   Second: Mike Lambrix      Vote: 5 Ayes. Carried.
2. **Resolution: Join Wayne County Cable Council:** Although a Representative and an Alternate to the Wayne County Cable Council were approved at the April 12, 2011 meeting, no resolution had been made for the Town of Palmyra to join the Wayne County Cable Council “to operate public, educational and governmental access, and provide liaison to the franchise and others....”

Todd Pipitone made the motion to approve the following resolution at this time:

**RESOLUTION**

**JOIN THE WAYNE COUNTY CABLE COUNCIL**

WHEREAS, the Town of Palmyra designates the Wayne County Cable Council as the Administrative Entity for Public, Educational, and Governmental Access as required by New York State Public Service Commission Rules; and

WHEREAS, the Town Board of the Town of Palmyra designates the Wayne County Cable Council to operate Public, Educational, and Governmental Access, and provide liaison to the franchise and others as required for the purpose; and

WHEREAS, the Town Board of the Town of Palmyra designates the Wayne County Cable Council to coordinate administration of the franchise agreement with the other participating towns and villages of Wayne County; and

WHEREAS, the Town Board of the Town of Palmyra has appointed a Representative and an Alternate to the Council, who are authorized to vote on its behalf on matters of franchise administration and administration and operations of Public, Educational, and Governmental Access;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Town of Palmyra understands that funding for the administration and operations of Public, Educational, and Governmental Access is not yet determined and that the Council will seek funding sources that may include but are not limited to: School Districts, franchise fees paid to the Towns and Villages, the Wayne County Board of Supervisors, grants, and public fund raising;

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Palmyra adopt this Resolution.

Dated this 26th day of May 2011.

Second: Dave Nussbaumer    Vote:  5 Ayes. Carried.
3. **Office Lease at Town Hall with Wayne County Business Council:** The current lease between the Town of Palmyra and the Wayne Council Business Council for one room of office space, expires in June. Mike Lambrix made the motion to extend the current office lease agreement for another three years, to expire June 30, 2014. The Board of Directors of the WCBC has also approved this extension.

   Second: Todd Pipitone     Vote: 4 Ayes. Carried.

A copy of this lease agreement is attached with these minutes as Attachment A.

4. **“Clerks Helping Area Soldiers” Project Collection Box:** The Wayne County Town Clerk’s Association decided to collect items for shipping to soldiers from this area who are serving overseas. A list was provided of suggested items, and a collection box was requested to be put in the Town Clerk’s office until mid-July. Mike Lambrix added he thinks collecting these things is a good idea. Todd Pipitone made the motion to approve a collection box for these items prior to shipping.

   Second: Dave Nussbaumer    Vote: 5 Ayes. Carried.

5. **Accept Staff Resignation:** Dave Nussbaumer made the motion to accept the resignation of Denise Sellers, the part-time Assistant in the Code Enforcement/Zoning Office, two weeks after May 16, 2011.

   Second: Mike Lambrix        Vote: 5 Ayes. Carried.

Ken Miller asked that Code Enforcement/Zoning bring their needs and recommendations for replacement to the Board meeting on June 23rd.

6. **Approve Claims & Expenditures on Abstracts #215 and 216:** Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #215, that includes Voucher Numbers 12238 through 12246 for $93,332.02 and Abstract #216, that includes Voucher Numbers 12247 through 12323 for $49,321.10.

   Second: Todd Pipitone        Vote: 5 Ayes. Carried.
7. **Motion to Enter Executive Session:** At 7:29 p.m., Dave Nussbaumer made the motion to enter Executive Session to discuss matters of personnel.
   
   Second: Jim Welch  
   Vote: 5 Ayes. Carried.

8. **Motion to Exit Executive Session:** At 7:46 p.m., Dave Nussbaumer made the motion to exit from Executive Session.
   
   Second: Mike Lambrix  
   Vote: 5 Ayes. Carried.

9. **Motion to Adjourn:** At 7:48 p.m., Todd Pipitone made the motion to adjourn the meeting.
   
   Second: Jim Welch  
   Vote: 5 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk

**ATTACHMENT A:** Extension of Office Lease at Town Hall with Wayne County Business Council through June 2014

**NEXT TOWN BOARD MEETING**

THURSDAY, JUNE 23, 2011, 7:00 P.M.  
PALMYRA TOWN HALL