

**REGULAR MEETING OF THE TOWN BOARD
NOVEMBER 8, 2007**

At 7:30 p.m., Supervisor Lyon called to order the regular town board meeting, scheduled for Thursday, November 8, 2007, 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
- Michael Lambrix, Councilman
- David Nussbaumer, Councilman
- Kenneth Miller, Councilman

ROLL CALL

Councilman James Welch was absent

Also attending the meeting was Palmyra Highway Superintendent Michael Boesel, *Courier-Journal* reporter Todd Pipitone, and Palmyra resident Bob Kirchhoff.

MEETING ATTENDANCE

This was supposed to have been the night for the 2008 Town Budget Hearing but, due to the fact that the legal notice for the meeting hadn't been published in time for the November 8th meeting, it couldn't be held at this time.

BUDGET HEARING NOT HELD THIS EVENING

COMMUNICATIONS

Congressman Walsh's Town Hall Meeting: The request has been made by Congressman James Walsh to hold a Town Hall meeting at the Palmyra Town Hall on Wednesday, November 28, at 7:00 to 9:00 p.m.

CONGRESSMAN WALSH WILL HOLD TOWN HALL MEETING 11/28/2007 AT PALMYRA TOWN HALL

AGENDA ITEMS

1. Shared Highway Services SMSI Grant: The following resolution was introduced before the town board to authorize a Shared Highway Services Incentive 2007-2008 SMSI Grant Application along with the Village of Palmyra and the Towns of Macedon and Walworth. This grant would allow for a cooperative purchase of expensive equipment for various

highway and street projects and maintenance activities, to be shared between the municipalities:

**SHARED HIGHWAY SERVICES INCENTIVE
2007-2008 SMSI GRANT APPLICATION**

**TOWN OF PALMYRA
RESOLUTION**

At the meeting of the Town Board of the Town of held on November 8, 2007, the following resolution was moved by Councilman David Nussbaumer, seconded by Councilman Kenneth Miller and adopted by a roll-call vote of the Town Board.

RESOLVED:

1. The Town Board of the Town of Palmyra authorizes the Town Supervisor, David C. Lyon, to submit an application to the Shared Municipal Services Incentive (SMSI) Grant Program for the 2007-2008 Program Year.
2. The Town of Palmyra shall act as the "Lead Applicant" for the SMSI grant application, and the Village of Palmyra and the Towns of Macedon and Walworth will act as "Co-applicants."
3. Supervisor Lyon shall be named as the "Lead Applicant Contact Person" on the grant application form and the Town Board authorizes Supervisor Lyon to execute all financial and /or administrative processes relating to the grant program.
4. The grant application shall be submitted for a "Shared Highway Services Incentive" award that would enable the Town and Village of Palmyra and the neighboring Towns of Macedon and Walworth to jointly purchase and share the use of specialized highway equipment. The Towns and Village have identified the need to purchase a combination vacuum truck/street sweeper, a bucket truck and a rubber-tire excavator. The project has been proposed to reduce the cost of government services by the cooperative purchase of expensive equipment that will be used to maintain stormwater drainage systems, sweep roads and streets, trim municipally-owned trees, replace traffic signal lights and street lights, for excavating soil for various highway and street projects and maintenance activities.
5. Based on the estimated cost of \$517,360 for the equipment to be purchased and shared, the Town of Palmyra will apply for a maximum grant amount of \$465,624 the local share of the project cost will be \$51,735.

**MTN: APPROVE
RESOLUTION
FOR SHARED
HIGHWAY
SERVICES
INCENTIVE 2007-
2008 SMSI
GRANT**

6. The Town of Palmyra is committed to providing 36.00 percent of the local share of the project cost, or \$18,624.50.
7. The Village of Palmyra is committed to providing 29.70 percent of the local share of the project cost, or \$15,362.50.
8. The Town of Macedon is committed to providing 17.15% percent of the local share of the project cost, or \$8,874.50.
9. The Town of Walworth is committed to providing 17.15% percent of the local share of the project cost, or \$8,874.50.
10. The source of the funds to pay each Town's local share will come from their respective Highway Equipment Reserve Accounts. The source of the funds to pay the Village's share will come from the Village's General Fund Budget Line Item A1640.2 entitled "Equipment Capital Outlay for Central Garage."
11. The Town of Palmyra will issue a Bond Anticipation Note (BAN) in the amount of \$517,360 in order to have the funds on hand to pay for the equipment on delivery. Palmyra will request reimbursement from the State for \$465,624 and \$33,111.50 from the three co-applicants to be used with its local share of \$18,624.50 to retire the BAN.
12. The Town of Palmyra will work with the Village of Palmyra and the Towns of Macedon and Walworth to prepare and execute an inter-municipal agreement setting forth individual responsibilities for the implementation of the project including, but not limited to, the required financial commitments, use and maintenance of the equipment, storage of the equipment, insuring the equipment, and scheduling use of the equipment.

**RESOLUTION
FOR SHARED
HIGHWAY
SERVICES
INCENTIVE 2007-
2008 SMSI
GRANT – ROLL
CALL VOTE**

Votes were recorded as follows:

Town Supervisor:	<u>David C. Lyon</u>	<u>Aye</u>
Councilman:	<u>Kenneth F. Miller</u>	<u>Aye</u>
Councilman:	<u>David M. Nussbaumer</u>	<u>Aye</u>
Councilman:	<u>Michael Lambrix</u>	<u>Aye</u>
Councilman:	<u>James T. Welch</u>	<u>Absent</u>

Discussion concerning this application included Mike Boesel's update that the other three municipalities have this same resolution to be approved at their next board meetings. The grant request has changed also, from five items to three. Mike felt that it is now a better grant application package, having removed the \$100,000 request for a roller and GPS survey equipment. Another concern is where the equipment would be stored, should the grant

be approved. Mike said that remains to be worked out. Ken Miller asked if maintenance and repairs on the equipment would also be shared. Mike said an agreement between municipalities would be worked out, and would include insurance issues as well.

HIGHWAY DEPT.
MISC. UPDATE

- 2. Highway Department Update on Miscellaneous items: Mike informed the town board that his crew is getting trucks ready for winter weather, but are doing some brush mowing and tree trimming as long as the mild weather holds out. Mike Lambrix asked Mike Boesel to call the Wayne County Highway Department to get the logjam cleared out from under the Hogback Hill Road bridge over Ganargua Creek, as well as the South Creek Road bridge over the same creek.

CODE
VIOLATION ON
NORTH CREEK
RD.

- 3. Code Violation on North Creek Road: Code Enforcement Officer Bob Grier notified the town board of an unsafe vacant property on North Creek Road (Tax ID#65111-00-686855), reputedly owned by Scott Blackburn, 3911 North Creek Rd., Palmyra. Bob lists several state and town violations on this property, and included photos of several of these violations. Bob stated his responsibility is to bring this unsafe property to the attention of the town board for action. Bob submitted with his Notice of Violations, a procedure for the town board to follow. Dave Nussbaumer made the motion to approve the following resolution, to bring this property into compliance with the law:

MTN: APPROVE
CLEANUP OF
UNSAFE
PROPERTY TO
BRING INTO
COMPLIANCE
WITH LAW

RESOLUTION

**NUISANCE PROPERTY
VACANT PROPERTY #65111-00-686855 ---- NORTH CREEK
ROAD**

WHEREAS, on the 8th day of November, 2007, information was presented to the Town Board of Palmyra showing the vacant property #65111-00-686855 on North Creek Road is in violation of Local Law No. 2 of 1999, entitled The Property Nuisance Abatement Law of the Town of Palmyra, and

WHEREAS, an inspection of the property shows an accumulation of tires, several unlicensed vehicles, several tractor trailers and various auto parts, and

WHEREAS, the property is defined as an unsafe property, in violation of the New York State Uniform Fire Prevention and Building Code, the New York State Public Health Law, and the New York State Sanitary Code, and such violations of the Zoning Law of the Town of Palmyra and other local

laws and ordinances, and

WHEREAS, a violation of operating a junk yard by definition without a license, per the Town of Palmyra 1967 Junk Yard Ordinance, states that no person shall operate, establish or maintain a junk yard until he (1) has obtained a license to operate a junk yard business, and (2) has obtained a certificate of approval for the location of such junk yard, and

WHEREAS, the Code Enforcement Officer for the Town of Palmyra recommends that the current owner, the Town or an agent for the Town, remove the existing unlicensed cars, tires, debris and tractor trailers from the property,

THEREFORE, BE IT RESOLVED, that the Town will notify the current owner of this property to bring it into compliance with current zoning laws and ordinances and to appear before the Town Board with a plan for the cleanup, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Palmyra concurs with the findings and recommendation of the Code Enforcement Officer to zoning laws and ordinances, if the owner is unable or unwilling to do so, and

BE IT FURTHER RESOLVED, that after due notification to the property owner, and allowing sufficient time to abate the violations and not having done so, if the Town Board of Palmyra or its agent cleans up the property to be in compliance with current zoning laws and ordinances, the cost of that cleanup will be assessed to the land on which the nuisance is located and added to the property owner's taxes.

By Order of the Town Board

Dated: November 8, 2007

Second: Ken Miller

Vote: 4 ayes. Carried.

**RESOLUTION:
APPROVE
CLEANUP OF
UNSAFE
PROPERTY TO
BRING INTO
COMPLIANCE
WITH LAW**

- 4. Schedule Public Hearing for Code Violations: In addition to serving notice to Scott Blackburn, reputed owner of the property listed as unsafe, it is necessary for the owner to appear before the town board to discuss his plan for cleaning up the nuisance property. Mike Lambrix made the motion to schedule the public hearing for this nuisance property on Thursday, November 29, at 8:00 p.m. at the Palmyra Town Hall.

Second: Dave Nussbaumer

Vote: 4 ayes. Carried.

**MTN:
SCHEDULE
PUBLIC
HEARING FOR
OWNER OF
NUISANCE
PROPERTY**

**MTN: ADJOURN
BUDGET
HEARING TO
11/15/2007**

5. Adjourn Budget Hearing: Dave Nussbaumer made the motion to adjourn this 2008 Town Budget Hearing to Thursday, November 15, 2007, at 7:30 p.m. at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY.

Second: Ken Miller

Vote: 4 ayes. Carried.

**MTN: ADJOURN
MEETING**

6. Motion to Adjourn: At 7:54 p.m., Mike Lambrix made the motion to adjourn the meeting.

Second: Dave Nussbaumer

Vote: 4 ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

**NEXT MEETINGS: THURSDAY, NOVEMBER 15, 2007, AT 7:30 P.M.
PALMYRA TOWN HALL**

**THURSDAY, NOVEMBER 29, 2007, AT 7:30 P.M.
PALMYRA TOWN HALL**