

**PUBLIC HEARING AND
REGULAR MEETING OF THE TOWN BOARD**

**EAST PALMYRA FIRE HALL
APRIL 25, 2013**

At 7:01 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, April 25, 2013, at the East Palmyra Fire Hall, 2145 Tellier Road, East Palmyra, New York.

CALL TO ORDER

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

**PLEDGE OF
ALLEGIANCE**

Upon roll call, the following board members were present:

Kenneth F. Miller, Supervisor
James Welch, Deputy Supervisor
Michael Lambrix, Councilman
Todd J. Pipitone, Councilman
David Nussbaumer, Councilman

ROLL CALL

Also attending: Code Enforcement Officer Dan Wooden, Brion Havert, Tracy Vanderwall, Richard H. Campbell, Dan Nichols, Earl Vanderwall, Roy C. Wilck, Andy VanCamp, Francine Lennox, Dennis and Carol Horton, Marc Carrier, David Morrison, Gerald Bamberger, Pat Smyth, Stephanie Williams for the *Wayne Post*, and invited guest NYS Department of State representative Richard Thomson.

ATTENDANCE

Motion was made by Dave Nussbaumer to approve the minutes of the March 28, 2013 Town Board meeting.

**MTN: APPROVE
MINUTES OF
3/28/2013**

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

PUBLIC HEARING

At 7:03 p.m., Todd Pipitone made the motion to open the Public Hearing for Local Law #3: *A Local Law to Change the Term of Office of the Town of Palmyra Supervisor from Two (2) Years to Four (4) Years.*

**MTN: OPEN
PUBLIC HEARING**

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

Supervisor Ken Miller asked Town Clerk Lynne Green to read the legal notice announcing this public hearing:

LEGAL NOTICE

RESOLUTION #12-2013

Proposed Local Law No. 3 of the year 2013
Town of Palmyra, County of Wayne

A LOCAL LAW TO CHANGE THE TERM OF OFFICE
OF THE TOWN OF PALMYRA SUPERVISOR
FROM TWO (2) YEARS TO FOUR (4) YEARS

WHEREAS, the term of office for the Palmyra Town Supervisor is currently an elected two-year term; and

WHEREAS, the Town Board of the Town of Palmyra understands the time, effort and cost of an election every two years; and

WHEREAS, the other Town Board members currently have elected four-year terms of office;

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No.3 of the year 2013, A LOCAL LAW TO CHANGE THE TERM OF OFFICE FOR THE TOWN SUPERVISOR FROM TWO (2) YEARS TO FOUR (4) YEARS, be given to the Palmyra Town Board; and

BE IT FURTHER RESOLVED that the Town Board hold a Public Hearing on said Proposed Local Law at the East Palmyra Fire Hall, 2145 Tellier Road, in East Palmyra, New York at 7:00 p.m. on Thursday, April 25, 2013, before voting on said proposal. At that hearing, those wishing to speak must sign in and will be limited to a maximum of three minutes each; and

BE IT FURTHER RESOLVED, if approved by the Town Board on April 25, that on Election Day 2013—November 5, 2013—a special proposition shall appear on the ballot stating: "PROPOSAL NO. 1 - LOCAL LAW #3 OF 2013 "Shall the local law adopted by the Town Board of the Town of Palmyra on the 25th day of April of 2013, which changes the term of the elective office of the Town Supervisor from a two (2) year term to a four (4) year term, be approved?" and

BE IT FURTHER RESOLVED that, if approved by the voters, the four-year term of office for the Town Supervisor would begin on January 1, 2016.

DATED: March 28, 2013

BY ORDER OF THE PALMYRA TOWN BOARD

Lyndall Ann P. Green
Palmyra Town Clerk

This legal notice was published twice before the hearing in the Town's official newspaper, *The Times of Wayne County*, as well as being posted as a legal notice on the Town Hall's bulletin board, in accordance with law.

LEGAL NOTICE:
PUBLIC HEARING
FOR LOCAL LAW
#3—A LOCAL
LAW TO CHANGE
THE TERM OF
OFFICE OF THE
TOWN OF
PALMYRA
SUPERVISOR
FROM TWO (2)
YEARS TO FOUR
(4) YEARS

Supervisor Miller welcomed those in attendance and then read the following statement:

"The purpose of this Public Hearing is to give everyone the opportunity to comment on tonight's topic and to provide the Board with information. These views become part of the record, which the Town Board relies on for its findings, conclusions, and decisions.

"Procedure: The Supervisor, presiding over the hearing, will open the floor for public comments.

"Public Participation: Anyone wishing to speak must sign in and may state their name and address for the record. Individuals will be given a three-minute time period to present their comments. This is not a debate. No questions will be answered unless a Board member chooses to do so. The Supervisor has the authority to take any necessary measures to control the hearing, and spontaneous comments from the floor are not permitted. When public input is complete, the hearing will be closed and the Town Board meeting will go back into session."

**STATEMENT OF
HOW PUBLIC
HEARING WILL
BE CONDUCTED**

He then opened the Public Hearing for "*Local Law #3—A Local Law to Change the Term of Office for the Town Supervisor from Two (2) Years to Four (4) Years.*" Councilman Dave Nussbaumer stated a four-year term is "more efficient." Gerald Bamberger raised his hand, was recognized by the Supervisor, and asked if anything else changed, other than the term. Ken answered that everything else about the term of office is the same. Ken waited a moment to see if anyone else wished to speak. Hearing none, Mike Lambrix made the motion to end the public hearing at 7:07 p.m.

**PUBLIC
COMMENTS**

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

SPECIAL AGENDA ITEM

Although a Special Event Application for BarkBusters is on the agenda for consideration later this evening, Supervisor Miller requested it be moved up and discussed at this time.

**SPECIAL
AGENDA ITEM:**

Coordinator Andy VanCamp was in attendance to answer questions Board members might have. Questions concerned coverage for emergency services and neighbors' comments after last year's event. After short discussion and satisfactory answers, Mike Lambrix made the motion to approve the application for BarkBusters' "Hare Scramble" on June 2, 2013.

**UPCOMING
BARKBUSTERS'
"HARE
SCRAMBLE"**

**MTN: APPROVE
2013 "HARE
SCRAMBLE" ON
JUNE 2**

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

COMMUNICATIONS

LETTER FROM
TOWN OF
ARCADIA
ANNOUNCING
TERMINATION OF
ARCADIA
LANDFILL
PROPOSAL

Letter from Town of Arcadia Concerning Proposed Landfill:

Following newspaper articles and public outrage about a proposed solid waste management facility in the Town of Arcadia, on April 9th, the Arcadia Town Board formally announced the proposed purchaser, Arcadia Hills, LLC, "advised the Town Board that it was withdrawing its Offer to Purchase real property owned by the Town" to develop a privately-owned solid waste management facility, and the Town Board officially terminated its SEQRA review.

REPORTS OF STANDING COMMITTEES

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

1. **Town Clerk's Office Report for April:**

- *Lynne: Before workshop on April 9: keyed in comments made at Local Law #2 Public Hearing for discussion; published and posted notice of workshop. After workshop: emailed Mike B. asking for more details about Max Albertson's request. Sent preliminary letter to Albertson.*
- *Lynne: Received two responses to SAFE ACT letter sent in March from Sen. Gillibrand & Mike Nozzolio. This month, I wrote a second letter to those who didn't respond, requesting reply. None received yet.*
- *Lynne: Mapped out responses to water survey on Parker/Cole Roads—to see if enough are clustered to continue with project. On Board agenda for discussion April 25. Ken has map of properties.*
- *Lynne: Worked on all paperwork in my files concerning past meeting minutes for several years, readying them for archiving permanently. Celeste then arranges & labels them for the Archives. Thanks, Celeste.*
- *Lynne: Replied to letter from Pageant, asking for a crew to work on projects at Town Hall in July.*
- *Irene: After Town/County tax collection, I completed financial reports and Lynne brought them to the Wayne County Treasurer's Office for final balancing. Final tallies balanced to the penny once again, and a final check was written to our Supervisor for \$6,534—for all penalties and interest collected. Though our percentage of tax payments increased over the past few years (95% of taxpayers paid this year), our interest collected (both from taxpayers and banks) is lower, due to the economy and lower interest rates paid by banks. I was on vacation the first week of April, but the timing worked perfectly, waiting for additionally mailed payments, and our*

TOWN CLERK'S
OFFICE APRIL
REPORT

assigned settlement date with the County Treasurer. Thank you, Joan, for keeping those payments in order for me while I was gone.

- *Irene: I sent out another large stack of reminder notices to local dog owners whose licenses are up for renewal. April is a heavy dog renewal month (we are now up to 611 licenses for 2013). Since the last board meeting we issued 93 new dog licenses, and 98 renewals, totaling \$1859.*
- *Irene: I am now catching up with ongoing duties and projects that get put aside during tax time, and dog enumeration. I'm looking forward to the classes I will attend Monday & Tuesday at the Town Clerk Conference in Buffalo.*
- *Irene: The Supervisor and I will be going through "expired" equipment this Friday, and listing items to declare as surplus for the next board meeting. I asked that all Town Hall offices alert me if they have any equipment not being used at this time.*
- *Celeste: Completed electronic scanning of the 2011-2012 minutes into Application Xtender. Now starting to add 2013.*
- *Celeste: Next step: re-scan previous minutes, dated 1700 up to 10/2005 – approximately 35 years of monthly minutes. This allows us to search ALL minutes based on any text inputted. Completion date estimated for August/September. This is a large task, but allows us to search and retrieve minutes using any text entered.*
- *Celeste: Patty Peterson, from the Town Court office, needed additional shelf room for Town Justice records. Though many court records do not have a permanent retention and can eventually be shredded, for now, the justices want to keep these records. Currently, they have many docket books in their office that are considered permanent storage, but are not environmentally protected. I recommended to Patty that she look into housing more records at the county if there becomes a space issue for storage at Town Hall. Record Management guidelines state that, once a Town Justice is no longer in office, his/her records become owned by the Town and follow our guidelines for retention and disposal.*
- *Celeste: Many boxes of records were found not labeled or sorted. Need to be processed as soon as time permits.*
- *Celeste: Other records are ready for destruction. Boxed items will be catalogued on a Records Destruction Authorization Form before taking to Wayne ARC for shredding.*
- *Celeste: The new dehumidifier has been set up in Archives Room B and is working properly. Now, the room meets archival guidelines. The unit still needs to have the tubing installed to allow it to drain. Thank you to the Board for approving the purchase, and Irene for submitting paperwork for the rebate coupon.*
- *Celeste: Racing & Wagering: Processed 2013-2014 Bingo License for the Palmyra Moose as required by law. Racing & Wagering files past their retention date pulled, and Racing & Wagering Log updated.*

**TOWN CLERK'S
OFFICE APRIL
REPORT**

**TOWN TRUCK
USED TO DRIVE
TO
CONFERENCES**

Ken Miller noted Irene would be driving the Town's truck to Buffalo for the Town Clerk's Convention. Ken had driven the truck to his recent conference at Blue Lake, and this showed a considerable savings versus driving his truck and requesting gas reimbursement.

**WAYNE COUNTY
IDA FUNDING
STATEMENT**

2. **Wayne County IDA Funding:** Board member Todd Pipitone noted the Wayne County's Industrial Development Agency's "money is more difficult going forward" per New York State.

Highway Committee – James Welch, Chairman

1. **April Highway Report:** Although he was absent from this meeting, Highway Superintendent Mike Boesel submitted the following report From March 28 to April 25:

*Highway Superintendent Report
For Town Board Meeting of 4/25/2013*

Since the 03/28/13 meeting we have completed the following work:

- *Plowing/Sanding –For this 2012-13 winter season we made a total of 78 trips out of the barn.*

A comparison to this point of the past 4 winter seasons is below:

- *Apr 2012 - 43 trips.*
- *Apr 2011 - 122 trips.*
- *Apr 2010 - 96 trips.*
- *Apr 2009 - 93 trips.*

Other miscellaneous items include:

- ***Division Street Bridge Update*** – *I talked to NYS DOT representatives this past Tuesday afternoon and there are no immediate plans for re-opening the Division Street Bridge anytime soon.*
- ***Training*** –
 - *On 3/9/13, Mike Paul, Jim Eckert and I attended a refresher training session on Reasonable Suspicion. This was a free session held for all Hwy Supts/Deputy's at Lyons Hwy.*
 - *On 3/12/13, the entire crew had Hazardous Materials Awareness refresher training held here at Pal Hwy. John O'Toole from WC Emergency Mgmt provided this free refresher training class.*
 - *On 3/23/13, the entire crew had a training class entitled 'Safety in Lifting' held here at Pal Hwy. This was primarily how to safely lift anything using*

**HIGHWAY
DEPARTMENT
APRIL REPORT**

chains and slings. This was a free session with training provided by Dennis Blankenberg from Cook Iron Store and Fred Ludvigsen from Lift-All.

- **Personnel** – Karen Yantz returned to work on Tuesday 4/16/13. Sandi Fabrizio had provided temporary administrative office assistance two days/week. I hope to continue periodic cross-training for Sandi with Karen. Sandi is also very interested in assisting us to convert from our old Profession File software to Access.
- **CHIPs Funding/Advocacy Day** – As you know from my March Hwy Report, over 600 highway superintendents and vendors from across NYS attended our annual Advocacy Day on March 5-6th in Albany and our efforts were rewarded with over a 20% increase! Our CHIPs funding will be increased from \$91,879 to \$117,678.52!
- **NYS DOL Inspection** – On 3/12/13, Sherry VanNortstrand from the NYS DOL/PESH visited us for a random site inspection of the highway facility. Her report was issued on 4/17/13 noting 10 violations. As you know, corrective actions were taken immediately for several of her findings and since her initial inspection we have completed most of them.

HIGHWAY
DEPARTMENT
APRIL REPORT

I have attached a 1-page summary of the 10 violations that are noted in her 10-page report. We have until mid-July to correct the final two violations, which are currently in progress.

- **Other Inspections:**
 - *Fire Extinguishers – all Hwy Dept fire extinguishers were inspected last week by P.A.T.I.*
 - *Vehicle Inspections – all Hwy Dept vehicles received annual inspections last week.*
 - *Lift Inspection – our shop hoist was inspected on 4/23/13 by Filtrec.*
 - *Chainfall Inspection – our annual chainfall inspections will be scheduled soon.*
- **Palmyra Municipal Auction** – *The date is coming quick: Saturday May 11, 2013. We have been preparing the grounds for our event. I have a surplus list for approval on tonight's agenda and attached below.*
- **Snow Fence, Sweeping & Roadside Cleanup** – *We have removed all our snow fence, completed our Spring sweeping in mid April and have since been cleaning up roadsides and plow damage. We should complete this work by early next week.*

2. **NYS Inspectors Visit—**

NY STATE
INSPECTORS:

CLEAN INDOOR
AIR ACT

Clean Indoor Air Act Inspection Sheet: An Inspection Continuation Sheet was written by a NY State Department of Health inspector, concerning the Highway Department's air quality for employees. A follow-up letter will be provided by the inspector. Ken Miller added the Town and Village are putting together a single, shared policy for the Highway Department.

PESH REPORT
VIOLATIONS
SUMMARY AND
STATUS

PESH Report Citation Summary/Status: A representative from the Department of Labor filed a report about certain minor citations at the Highway Department. Mike provided a list of the citations and checked them off when they were corrected. Only two are still in progress. The other eight have been completed to date.

3. **Mowing Contract for 2013-2014 between Town and**

MOWING
CONTRACT FOR
2013-2014 WITH
WAYNE COUNTY

Wayne County: The new mowing contract just arrived by mail from the County Attorney. As in the past, Town Board approval and Supervisor's signature are required before it is sent back to the county for their signatures. Jim Welch noted there are some changes concerning insurance.

4. **Surplus Items for Municipal Auction:** Next on the Highway report is the following list of items determined to be surplus and to be included in the May 11th Municipal Auction at the Highway Department:

LIST OF
SURPLUS ITEMS
FROM HIGHWAY
DEPARTMENT
FOR MUNICIPAL
AUCTION

- 2012 Bobcat S650 Skid steer
- 2002 Ford F350 pickup
- Set of tires/rims for Bobcat
- V-plow for Bobcat
- Flat file cabinets (2)
- Hydraulic tank
- Milwaukee 1/2" drill
- Truck air horns (2)
- Tie-down snap binders (11)
- Black & Decker right angle drill
- Air grease gun set with barrel
- Rubber trailer decking
- 4:1 clam bucket for old Drott
- Man lift basket for old Drott
- Pizza cutter and ripper tooth for old Drott
- Roadwork signs
- Paint roller pans
- Master propane heater
- 1-1/2" hose reel
- Air purifier
- Lindsey sandblast pot
- Clemco helmet and air filter
- Assorted sandblast items and Helmut
- Electric air pump for sandblast Helmut
- Bosch electric jackhammer
- Mini bench top grinder on stand
- Homelite weed eater
- Xerox copier 5034
- Fuel pump for portable tank
- Mack turbo for truck
- Caterpillar coolant additive supplement
- Bendix alcohol
- Cordless Milwaukee drill w/battery & charger

5. **Albertson Property Discussion:** Following up on a letter from Max Albertson concerning his property on Shilling Road, Clerk Lynne Green sent him a letter stating:

"The Town of Palmyra received your March 22, 2013 correspondence to Supervisor Miller regarding your request to rebuild an entranceway onto your Schilling Road property.

"Your request is currently being evaluated by Town Officials.

"Additional correspondence will be forthcoming.

"Thank you for your patience."

**FOLLOW-UP
LETTER FROM
TOWN TO
MAX ALBERTSON**

Planning and Operations Committee

--Mike Lambrix, Chairman

1. **Planning Board Meeting:** Mike Lambrix told Board members there was no Planning Board meeting in April.
2. **County Planning Board Replacement:** Ken Miller reports he has not heard back from the person whom he sought out to be a liaison from Palmyra to the County Planning Board.

**NO PLANNING
BOARD MEETING
IN APRIL**

Councilman Mike Lambrix then asked those present if any of them would be interested in serving on the local Planning Board. He outlined some of the things a Planning Board member would do, and suggested they come to see him after the meeting if interested.

**STILL NO
RESPONSE FOR
PLANNING
BOARD
REPLACEMENT**

Zoning and Assessor's Office Committee

--David Nussbaumer, Chairman

1. **Assessor's Office Report for April:** Assessor Elaine Herman submitted her April report. She made adjustments per her visits with property owners, and the back-up file was delivered to the County so the 2013 tentative roll can be printed. Grievance Day is scheduled for May 28, 2013 and will consider applications to have the Board of Assessment Review consider their petition by appointment only.

**ASSESSOR'S
OFFICE APRIL
REPORT**

CODE
ENFORCEMENT
OFFICE APRIL
REPORT

2. **Code Enforcement/Zoning Office Report:** Dan Wooden submitted a list of permits issued from March 28th through April 25th.

NO ZONING
BOARD MEETING
IN APRIL

3. **Zoning Board of Appeals Meeting:** There was no Zoning Board meeting in April.

INFORMATIONAL ITEMS

SHERIFF'S
REPORTS AND
WayneNET & DEA
NATIONWIDE
PRESCRIPTION
DRUG "TAKE-
BACK DAY ON
APRIL 27

1. **March Reports by Sheriff:** Included in Board packets was a copy of the March 2013 Sheriff's Monthly Column report, as well as a press release announcing WayneNET and DEA Nationwide Prescription Drug "Take-Back Day." On April 27th, "from 10 a.m. to 2 p.m., WayneNET (Wayne Narcotic Enforcement Team) and the Drug Enforcement Administration (DEA) will offer the opportunity to prevent drug abuse and theft of expired, unused and unwanted prescription drugs from their homes" by taking the drugs to locations around the county for disposal.

FOLLOW-UP TO
WATER SURVEY
ON PARKER/
COLE ROADS

2. **Follow-Up to Water Survey on Parker/Cole Roads:** A map of Parker/Cole Roads was provided by the Assessor to show properties in the proposed extension of current water lines from the Marion town line south to the cap of the current municipal water line on Parker Road just South of Leroy Road—and link up with the water line there. Those property owners who returned their surveys were plotted as to whether they want water or do not want water. Those who did not respond to the survey (and were presumed a "yes" vote because of no objection) were also plotted, in yet a third color. This did not show a clear majority one way or the other. Lynne Green was asked to send out yet another survey to the non-responders, asking them to be sure to let their feelings be known.

FOLLOW-UP TO
SPEED
REDUCTION
REQUEST ON
DESMITH ROAD

3. **Follow-Up to Speed Reduction Request on DeSmith Road:** The reply from the NYS Department of Transportation replied to a petition for a speed reduction by residents of DeSmith Road last Fall. The DOT letter states "a representative...conducted a field evaluation...making an observation of the roadway characteristics." They also met

with the "Traffic Supervisor from the New York State Police to seek his input..."

Their determination is "that a reduction of the speed limit is not warranted at this time." Town Clerk Lynne Green asked Board members if they would like a follow-up letter sent to DeSmith Road residents. They said they would.

FOLLOW-UP TO
SPEED
REDUCTION
REQUEST ON
DESMITH ROAD

4. **Spring 2013 Regional Local Government Workshop:** None of the Town Board members are able to attend this workshop this year on May 16th. No further action is needed.

NO BOARD
MEMBERS
ATTENDING
LOCAL GOV'T.
WORKSHOP

5. **April Update on Division Street Bridge:** Since closing the Division Street bridge in 2012, we have waited for an updated status report. Their April 17, 2013 letter says there are many Erie Canal bridges about 100 years old that had to be prioritized for their repairs/replacing according to "several criteria." After another thorough inspection of this bridge, it is now low on their priority list—offloading the traffic to the nearby Route 21 bridge and the Maple Avenue bridge. Since funding is also low at this time, and needed repairs are extensive, this bridge will be closed for quite a while longer.

APRIL UPDATE
ON STATUS OF
DIVISION STREET
BRIDGE

6. **"Supervisor For A Day" Program:** Supervisor Miller plans to participate in the "Supervisor for a Day" program on May 21st. This 4-H sponsored program in Lyons will introduce youth to the world of municipal governance.

"SUPERVISOR
FOR A DAY"
PROGRAM

7. **More Follow-Up on Resolution to Repeal the SAFE Act:** Letters originally were sent out on March 8th, shortly after the Town Board approved the resolution to repeal the SAFE Act of 2013. On March 11th, U.S. Senator Kirsten Gillibrand's office sent a reply and on March 21st, we received a response from NY State Senator Mike Nozzolio. This morning, we also received a response from Speaker of the NYS Assembly Sheldon Silver. The remaining five letters have so far gone unanswered. Lynne Green sent out another set of letters to the non-responders on April 24.

MORE FOLLOW-
UP ON
RESOLUTION FO
REPEAL NYS
SAFE ACT

8. **Follow-Up to Resolution #9-2013—concerning vacant structures:** After the Town Board approved *Resolution #9-2013, Resolved: to support New York State regarding the*

FOLLOW-UP TO
RESOLUTION #9-
2013
CONCERNING
VACANT
STRUCTURES

**FOLLOW-UP TO
RESOLUTION #9-
2013
CONCERNING
VACANT
STRUCTURES**

proposed laws concerning contact information for vacant structures, a letter from the Board was prepared to send to those who are collecting signatures in favor of a bill in the State Assembly. With the letter's wording approved, and all documents signed, it is now ready for mailing.

PUBLIC INPUT

9. **Public Input:** There were about a dozen residents attending this evening who wanted further input into Local Law #2 (mostly about changes in the inspection of rental properties). Code Enforcement Officer, Dan Wooden, had invited Richard Thomson, from the NY Department of State, Codes Division, to attend and to clarify matters for residents and Board members alike.

**SPECIAL GUEST
SPEAKS ON
PROPOSED
LOCAL LAW #2:
SPECIFICALLY
CONCERNING
RENTAL
INSPECTIONS**

He began with a brief background of local codes and the transition to statewide codes and administrative rules in 1984. Then, in 2005, a new standard, "Part 1203," was established for every municipality in the state, representing the minimum standards acceptable today. He also clarified that "Title 19" encompasses the code-adopted rules and regulations at the State level. "Part 1203" deals with the administration and enforcement of Title 19.

Attorney and local rental owner, Gerald Bamberger, wanted to know if the proposed local law exceeds the State standard and, if so, was it constitutional? At the root of the discussion was the inspection of one- and two-family rentals annually without a "rental registry." In rentals of three units or more, there wasn't a problem with the inspection schedule. Tenants also have the right to refuse an inspection. How does an inspector know if a single-family home is rented? Dan Wooden said there are several ways. Councilman Todd Pipitone asked if rental owners objected to the whole law or a specific section. In particular, they had problems with Section #11, 3a. and disagreed with the Town's definition of multi-family.

The suggestion was made that the Town Attorney read what Gerald Bamberger has written and comment on it. Brion Havert also requests that his attorney talk with the Town Attorney. There was no mention of the fee schedule for rental inspections. Discussion on this matter ended at 8:15 p.m.

**CONCERN
ABOUT
SPEEDING ON
TOWN ROADS**

Roy Wilck then spoke that he is concerned with people speeding on Town roads, adding he thinks there is not enough law enforcement.

AGENDA ITEMS

1. **Approve Local Law #2 for 2013—NYS Uniform Fire Prevention & Building Code:** Last month, the motion was made to table the vote on this Local Law #2. Since the motion is currently tabled, no Board member offered to make a change in that status. No motion was made. Last month's motion remains tabled until the May 23rd Town Board meeting.

2. **Approve Local Law #3 for 2013: Change Supervisor's Term of Office from 2 to 4 years:** Now that the Public Hearing *for Local Law #3—A Local Law to Change the Term of Office of the Town of Palmyra Supervisor From Two (2) Years to Four (4) Years* has been held with opportunity for all to comment if they wished, Councilman Todd Pipitone made the motion to approve the following Resolution:

MOTION TO APPROVE LOCAL LAW #2 TABLED FROM MARCH MEETING TO REMAIN TABLED UNTIL MAY MEETING

RESOLUTION #12-2013

*Proposed Local Law No. 3 of the year 2013
Town of Palmyra, County of Wayne*

A LOCAL LAW TO CHANGE THE TERM OF OFFICE OF THE TOWN OF PALMYRA SUPERVISOR FROM TWO (2) YEARS TO FOUR (4) YEARS

RESOLUTION #12-2013:

PROPOSED LOCAL LAW TO CHANGE THE TERM OF OFFICE OF THE TOWN SUPERVISOR FROM TWO (2) YEARS TO FOUR (4) YEARS

WHEREAS, the term of office for the Palmyra Town Supervisor is currently an elected two (2) year term; and

WHEREAS, the Town Board of the Town of Palmyra understands the time, effort and cost of an election every two years; and

WHEREAS, the other Town Board members currently have elected four-year terms of office,

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law No.3 of the year 2013, A LOCAL LAW TO CHANGE THE TERM OF OFFICE FOR THE TOWN SUPERVISOR FROM TWO (2) YEARS TO FOUR (4) YEARS, was posted on the bulletin board of the Palmyra Town Hall and published by the official newspaper of the Town of Palmyra, in accordance with law; and

BE IT FURTHER RESOLVED, that the Town Board held a Public Hearing on said Proposed Local Law at the East Palmyra Fire Hall, 2145 Tellier Road, in East Palmyra, New York at 7:00 p.m. on Thursday, April 25, 2013, before voting on said proposal. At that hearing, all those wishing to speak signed in and were limited to a maximum of three minutes each; and

BE IT FURTHER RESOLVED, that since the Palmyra Town Board approved the proposed Local Law No. 3 on April 25, on Election Day 2013—November 5, 2013—a special proposition shall appear on the ballot stating: "PROPOSAL NO. 1 – LOCAL LAW #3 OF 2013: "Shall the local law adopted by the Town Board of the Town of Palmyra on the 25th day of April of 2013, which changes the term of the elective office of the Town Supervisor from a two (2) year term to a four (4) year term, be approved?" and

BE IT FURTHER RESOLVED, that if so approved by the voters on Election Day, the four (4) year term of office for the Town Supervisor would begin on January 1, 2016.

DATED: April 25, 2013

BY ORDER OF THE PALMYRA TOWN BOARD

MTN: APPROVE
LOCAL LAW #3
FOR 2013—TO
CHANGE
SUPERVISOR'S
TERM OF OFFICE
FROM 2 TO 4
YEARS

Second: Dave Nussbaumer	Vote: 4 Ayes. Carried.
James Welch	Aye
Michael Lambrix	Aye
Todd J. Pipitone	Aye
David Nussbaumer	Aye

Ken Miller abstained because this directly affects him.

3. **Approve: Resolution #13-2013—Emergency Medical Services Week Proclamation:** The following resolution was drawn up to honor those who provide emergency medical services of all kinds:

RESOLUTION #13-2013

EMERGENCY MEDICAL SERVICES WEEK PROCLAMATION

Emergency Medical Services Week -- May 19th - 25th 2013

WHEREAS, emergency medical services (EMS) are a vital public service, and access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, EMS plays a critical role in public outreach and injury prevention, and is evolving in its role as an important member of the healthcare community; and

WHEREAS, first responders, emergency medical technicians and paramedics stand ready to provide compassionate, lifesaving care to those in need twenty-four hours a day, seven days a week; and

WHEREAS, emergency medical responders are supported by emergency medical dispatchers, firefighters, law enforcement officers, educators, administrators, emergency nurses, emergency physicians and others; and

WHEREAS, the members of EMS teams, both career and volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills, and

RESOLUTION
#13-2013—
EMERGENCY
MEDICAL
SERVICES WEEK
PROCLAMATION

it is appropriate to recognize the value and the accomplishments of EMS practitioners;

NOW, THEREFORE BE IT RESOLVED, that The Palmyra Town Board does hereby proclaim the week of May 19th - 25th, 2013, as

EMERGENCY MEDICAL SERVICES WEEK

and encourages the community to observe this week with appropriate programs, ceremonies and activities.

Todd Pipitone made the motion to approve Resolution #13-2013: Emergency Medical Services Week Proclamation.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

The resolution was signed by all the Town Board. Ken Miller asked Town Clerk Lynne Green to see that those emergency medical responders who service the Palmyra area should receive an original of the signed resolution: Palmyra Fire Department, East Palmyra Fire Department, Port Gibson Fire Department, and the Finger Lakes Ambulance Service.

**MTN: APPROVE
RESOLUTION
#13-2013—
EMERGENCY
MEDICAL
SERVICES WEEK
PROCLAMATION**

4. **Spring Regional Local Government Workshop:** No Board members were available to attend the workshop this year, so no approval was needed.

**NO BOARD
MEMBERS
ATTENDING
REGIONAL
LOCAL
GOVERNMENT
WORKSHOP**

5. **Purchase of "Workplace Violence Avoidance Training" Program:** After State inspectors toured Town facilities, it was noted that the need for a "Workplace Violence Avoidance Training" program was not being implemented, as required by law. Ken said the training program is available on a CD or DVD and provides "cleanup with policy and training," as well as being a State law. Since Board members wished to have more information about this, Mike Lambrix made the motion to table this approval for tonight, and revisit it next month.

**MTN: TABLE
PURCHASE OF
"WORKPLACE
VIOLENCE
AVOIDANCE
TRAINING"
PROGRAM**

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

6. **Approve: Annual Board Audit of 2012 Financial Books of Town Supervisor's Office, Town Court and Town Clerk's Office:** At the Organizational Meeting in January, the Board approved having the annual audit of 2012 financial books for the Town Clerk's office, the Town Court office and the Supervisor's office at the March 28th Town Board meeting. Due to extenuating circumstances, the Board moved the date

**ANNUAL BOARD
AUDIT OF 2012
FINANCIAL
BOOKS—
SUPERVISOR,
COURT AND
TOWN CLERK**

of the audit to the April 25th meeting of the Town Board. Several means were used to complete the Board's audit of 2012 Town financial transactions. At the last Board meeting, Town Supervisor Miller and Palmyra Bookkeeper Petra Anderson were appointed by the Town Board to audit the Court books. On April 21, 2013, they visited the Town Court office at 144 East Main Street. An "Annual Audit Checklist" provided by the State has been used the last several years. Ken reports all items are in order and he comments, "Excellent Records" as her "Overall Evaluation."

Councilman Dave Nussbaumer audited the Town Supervisor's records and certifies:

"April 25, 2013

"Supervisor Miller and Councilmen:

"This is to inform the Palmyra Town Board that on April 24, 2013, I audited the Supervisor's books with Petra Anderson, Town Bookkeeper, for the 2012 fiscal period. I inspected payroll entries, sewer deposit and bond payments for the period I found everything to be in good order. Respectfully submitted, David Nussbaumer, Councilman."

Town Clerk, Lynne Green, brought to the Board meeting a box containing handwritten, paper and electronic records of all the transactions in the Town Clerk's office during 2012. Each month's final report, as well as the 2012 Annual Final Report were available for Board scrutiny and double-checking. At 8:15 p.m., Ken Miller said the group would take a short recess, so Board members could look over last year's records. At 8:31, Ken called the Board back in session. Mike Lambrix made the motion to approve the annual Board Audit of the 2012 Town Financial books.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

7. **Approve: Mowing Contract Between Town and Wayne County Highway Department:** The Town Clerk's office received three copies of the 2013-2014 Mowing Contract on April 23rd from the Wayne County Attorney's office. It appears to be the same as last year's, but will need review by Mike Boesel Palmyra Highway Superintendent. What appears to have changed is the section on insurance. Jim Welch made the motion to approve the 2013-2014 Mowing Contract with Wayne County, subject to review of insurances.

Second: Mike Lambrix Vote: 5 Ayes. Carried.

MTN: APPROVE
ANNUAL BOARD
AUDIT OF 2012
FINANCIAL
BOOKS—
SUPERVISOR,
COURT AND
TOWN CLERK

MTN: APPROVE
MOWING
CONTRACT
BETWEEN TOWN
AND WAYNE
COUNTY
HIGHWAY
DEPARTMENT

A copy of the Mowing Contract is included with these minutes as Attachment A.

ATTACHMENT A

8. **Approve: List of Items Declared as Surplus to include in Municipal Auction:** The list of items to be included in the Municipal Auction on May 11th need first to be officially declared as "surplus." Mike Lambrix made the motion to declare the list provided as "surplus" for the auction.

MTN: APPROVE LIST OF ITEMS DECLARED AS SURPLUS FOR MUNICIPAL AUCTION

Second: Jim Welch

Vote: 5 Ayes. Carried.

9. **Enter Executive Session:** At 8:35 p.m., Jim Welch made the motion to enter Executive Session to discuss matters of personnel. Clerk Lynne Green stayed for the first half of the session.

MTN: ENTER EXECUTIVE SESSION

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

Exit Executive Session: At 8:56 p.m., Mike Lambrix made the motion to exit Executive Session:

MTN: EXIT EXECUTIVE SESSION

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

10. **Claims and Expenditures:** Dave Nussbaumer made the motion to approve claims and expenditures of pre-paid check #APR 2013-1, as well as Vouchers #1065 through #1166, included in the Abstract of 3/28/2013 through 4/25/2013, totaling \$112,205.34.

MTN: APPROVE CLAIMS & EXPENDITURES FOR 4/25/2013

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

11. **Motion to Adjourn:** At 8:57 p.m., Dave Nussbaumer made the motion to adjourn the meeting.

MTN: ADJOURN MEETING

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

**ATTACHMENT A: MOWING ON COUNTY ROADS BETWEEN
TOWN OF PALMYRA AND WAYNE COUNTY
HIGHWAY DEPARTMENT**

**NEXT TOWN BOARD MEETING:
THURSDAY, MAY 23, 2013, 7:00 P.M.
PALMYRA TOWN HALL**