

**REGULAR MEETING OF THE TOWN BOARD
DECEMBER 23, 2004**

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, December 23, 2004, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 7:35 p.m. by Town Supervisor David C. 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:

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

ROLL CALL

Absent:

- Dave Nussbaumer, Councilman
- James Welch, Councilman

Also attending the meeting was Bob Grier, Zoning/Code Enforcement Officer.

Motion was made by Mike Lambrix to approve the minutes of the December 9, 2004 meeting of the Town Board.

**MTN: APPRV
12/09/2004 MTG
MINUTES**

Second: Ken Miller

Vote: 3 ayes, carried

COMMUNICATIONS

1. **NYMIR Guide to Employment Practices:** New York Municipal Insurance Reciprocal (NYMIR) has provided us with a CD ROM entitled "Guide to Employment Practices" the latest risk management resource, including information addressing harassment and discrimination issues, wrongful termination, interviewing and hiring, as well as employee manuals. They are interested in the town's feedback. It is available to town board and staff, and is located in the Town Clerk's office.

NYMIR CD-ROM AVAIL TO TOWN "GUIDE TO EMPLOYMENT PRACTICES"

**\$100,000 TO
TOWN FOR
PCC RENOVATIONS
COURTESY OF
CONGRESS-
MAN WALSH**

2. Congressman Walsh \$100,000 to Town for PCC renovations: \$100,000 to Town of Palmyra for renovations to the Palmyra Community Center included in a U.S. House of Representatives Omnibus Appropriations bill, as a direct result of Congressman James T. Walsh's efforts on our behalf.

**ANIMAL
SHELTER
INSPECTION IN
GOOD ORDER**

3. Inspection of town animal shelter: On December 8th, an annual inspection was conducted of the town's animal shelter at the highway garage. The Animal Health Inspector rated the facility satisfactory, stating "all in good order" on the report.

**PETITION
RECEIVED
FROM
RESIDENTS OF
NEWARK-
MARION RD.**

4. Petition from Newark-Marion Road residents for reduced speed: On December 22nd, a petition was received from residents on the Newark-Marion Road with eight signatures. The concerns include dual blind curves, just west of the O'Meal Road intersection, with a posted speed limit of 55 miles per hour. Citing multiple accidents in that area, with a fatality in 1991, they are requesting speed reduction, change in signage to include "blind drive" and "school bus stop ahead" warnings, and, ultimately, a plan to make changes to this portion of the road—straightening and removing a knoll which would increase sight distance at driveways. Supervisor Lyon directed the Town Clerk to forward the petition to the county Traffic Safety Bureau.

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Kenneth Miller, Chairman

**BLDGS &
GROUNDS
REPORT**

Ken Miller reported snow removal—both of the parking lot and of the sidewalks and entrances around the Town Hall—has been good. He bought salt beads for icy spots, and has arranged to fix the roof gutter in the back of Town Hall. This would only be a temporary fix, however, since plans for the near future include roof replacement, along with the gutter system.

Highway Committee – Michael Lambrix, Chairman

Resolution to transfer funds for Highway Department: Mike Lambrix moved the following resolution:

"Resolution to transfer 2004 excess revenues in the amount of \$42,000 from DA Highway into Machine Reserve account."

Second: Ken Miller

Vote: 3 ayes. Carried.

**RESOL:
TRANSFER
FUNDS FROM
DA HIGHWAY
TO MACHINE
RESERVE**

Planning Committee – James Welch, Chairman

Neil Gates's term on Planning Board ending: December 31, 2004 is the date Planning Board member Neil Gates's term of office ends. He has indicated his interest to continue his appointment for another five-year term.

**PLANNING
BOARD TERM
ENDING FOR
NEIL GATES**

Zoning Committee – David Nussbaumer, Chairman

1. CEO Report: Bob Grier submitted his CEO report which summarizes the year's activity in permits. At this point, discussion turned to certain properties where violations have been written up in years past with no apparent legal action, judgment or consequence of the owner's actions. The names of Dibert, Blackburn and Christofferson on North Creek Rd. came to mind. In frustration, Mike Lambrix asked Grier what we can do. Bob responded that legal avenues have been tried, but there never seems to be closure in their cases. Another case, Brion Havert, has been in the courts for about 8 years. It would be up to the judge to mete out harsher penalties or higher fines to deter violations.

CEO REPORT

Supervisor Lyon added that the town should keep persevering. A success story is Wright's Disposal. There were problems with noise, dirt and smells annoying their neighbors. Now, the board members noted, Wright's is "immaculate." Lyon added that a goal for 2005 is to start revising the zoning ordinance. He suggested that Dave Nussbaumer, Bob Grier and Mike Lambrix get together and go through it, then present their revision to the board.

2. Ed Wheeler's term ended on Town Zoning Board: On September 30, 2004, Ed Wheeler's term on the town Zoning Board ended. For several reasons, Ed has requested that he not be reappointed to the board. Several people have indicated an interest in participating on the Zoning Board. Discussion ensued about whom to appoint to succeed Ed.

**ZONING
BOARD TERM
ENDED FOR ED
WHEELER**

INFORMATIONAL ITEMS**TOWN CLERK'S
OFFICE
REPORT TO
THE BOARD**

1. Report to the Board—Town Clerk's office for December: Items in the report include extra help, web site, archives issues, grants, Historian, tourism, and gearing up for town/county tax collection in January. Because of the county budget situation, tax bills will be a week late in getting to property owners. Due dates will be changed to February 9th without penalties.

**BOARD OF
ASSESSMENT
REVIEW TERM
ENDED FOR
GORDON
DEMARY**

2. Gordon DeMay's term ended on Board of Assessment Review: On September 30, 2004, Gordon DeMay's term on the Board of Assessment Review ended. He has resigned and has requested that he not be reappointed. We do not have a replacement for him at the present time.

**HISTORIAN'S
ANNUAL
REPORT**

3. Historian's Annual Report: Palmyra Historian, Beth Hoad, submitted a recap of 2004 which includes projects she worked on, as well as a list of reference materials available in her office.

**GREATER
ROCHESTER
ENTERPRISE
INFO**

4. Greater Rochester Enterprise information: Earlier in December, Dave Lyon attended a presentation in Rochester by the Greater Rochester Enterprise (GRE), "a regional economic development organization dedicated to improving economic performance in the Greater Rochester region."

Their stated focus and strategy are described as:

"increased marketing and sales to business customers and facilitating access to state and local economic development programs...supported by private businesses, educational institutions, nonprofit organizations, government and community leaders. GRE represents a new way of doing business in the region...moving away from business model dependent on a few existing companies and transitioning to a model that is supportive of the existing business base while growing new entrepreneurial businesses."

Wayne County, and most towns, are already participating, along with the Wayne County Industrial Development Agency and the Wayne County Economic Development Corporation. Lyon was impressed with the presentation and suggested that the Town of Palmyra consider participating in 2005.

AGENDA ITEMS

- 1. Replacement status for Zoning, Planning Boards: Mike Lambrix made the motion to appoint Neil Gates to another 5-year term on the Town Planning Board.

MTN: RE-APPOINT NEIL GATES TO A 5-YEAR TERM ON PLANNING BOARD

Second: Ken Miller Vote: 3 ayes. Carried.

Mike Lambrix made the motion to appoint Roxanne Kachel to a 5-year term on the Town Zoning Board to succeed Ed Wheeler.

MTN: APPOINT ROXANNE KACHEL TO A 5-YEAR TERM ON ZONING BOARD

Second: Ken Miller Vote: 3 ayes. Carried.

There is no replacement offered yet to the Board of Assessment Review.

- 2. Approve Mobile Home Park Permits: The town has received several mobile home park applications and needs board approval to issue their permits. Bob Grier was asked if the inspections are current. He said they are—and that they're ongoing. Lynne Green is working to get the other parks caught up.

Motion was made by Ken Miller to approve for 2003-2004: Marquart Village, Inc., Trolley Road Mobile Home Park, Canalside Estates, and Valley View Mobile Home Park.

MTN: APPRV MOBILE HOME PERMITS FOR 2003-2004

Second: Mike Lambrix Vote: 3 ayes. Carried.

Motion was made by Ken Miller to approve for 2004-2005: Marquart Village, Inc. and Valley View Mobile Home Park.

MTN: APPRV MOBILE HOME PERMITS FOR 2004-2005

Second: Mike Lambrix Vote: 3 ayes. Carried.

- 3. Closing entries for 2004: Dave Lyon made the motion to approve the following resolution:

RESOLUTION: Be it resolved, that the Town of Palmyra bookkeeper, Petra Anderson, be authorized to make any necessary adjusting and budgetary journal entries in closing the 2004 fiscal year.

RESOL: BOOK-KEEPER TO MAKE ENTRIES TO CLOSE 2004 FISCAL YEAR

Second: Mike Lambrix Vote: 3 ayes. Carried.

- Technical amendments pertaining to plan loan rules and the status of plan loans and other withdrawals upon the death of a participant.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Town of Palmyra has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Town of Palmyra by adopting the amended and restated Model Plan.

NOW, THEREFORE, BE IT

RESOLVED, that Town of Palmyra hereby amends the Deferred Compensation Plan for Employees of Town of Palmyra effective December 23, 2004 by adopting the amended and restated Model Plan effective May 21, 2004, in the form attached hereto as Exhibit A.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Wayne County, New York this December 23, 2004 and directed that it be filed as appropriate.

David C. Lyon
Supervisor

Mike Lambrix made the motion to approve the resolution:

**MTN: APPRV
THE
RESOLUTION**

Second: Ken Miller

Vote: 3 ayes. Carried

5. Enter Executive Session: At 7:55 p.m., Dave Lyon made the motion to enter Executive Session to discuss personnel matters. Lynne Green was asked to stay.

**MTN: ENTER
EXECUTIVE
SESSION**

Second: Mike Lambrix

Vote: 3 ayes. Carried

At 8:14 p.m., Supervisor Lyon declared the board out of Executive Session

6. Approve Abstract #73: Mike Lambrix made the motion to approve the claims and expenditures shown on Abstract #73, which includes Voucher Numbers 5827 through 5886, for a total amount of \$276,728.45.

**MTN: APPRVE
ABSTRACT #73**

Second: Ken Miller

Vote: 3 ayes. Carried

**MTN: ADJOURN
MEETING**

7. Motion to Adjourn: At 8:15 p.m., Mike Lambrix made the motion to adjourn the meeting.

Second: Ken Miller

Vote: 3 ayes. Carried

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

**NEXT MEETING: ORGANIZATIONAL MEETING FOR 2005
THURSDAY, JANUARY 6, 2005, AT 7:30 P.M.
PALMYRA TOWN HALL**