

REGULAR MEETING OF THE TOWN BOARD

**EAST PALMYRA FIRE HALL
APRIL 26, 2012**

At 7:01 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, April 26, 2012, at the East Palmyra Fire Hall, 2145 Tellier Road, East Palmyra, New York.

CALL TO ORDER

As prescribed by law, a copy of tonight’s agenda was posted on the Town Hall bulletin board before the meeting, available for all to read.

**AGENDA
AVAILABLE TO
PUBLIC**

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

**PLEDGE TO THE
FLAG**

Upon roll call, the following board members were present:

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

ROLL CALL

Also attending: Roy C. Wilck, Andy Van Camp of Arcadia Bark Busters, Code Enforcement Officer Dan Wooden, John Rush and Deputy Town Clerk Irene Unterborn.

**MEETING
ATTENDANCE**

Motion was made by Todd Pipitone to approve the minutes of the March 22, 2012 meeting of the Town Board.

**MTN: APPROVE
MINUTES OF
3/22/2012 TOWN
BOARD MEETING**

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

COMMUNICATIONS

1. **Town Officials’ Invited to Participate in Wayne County Fair Parade:** Town Board members again responded to Dave McGuire’s invitation to participate in the Wayne County Fair Parade on August 17. After brief discussion Board members asked Town Clerk Lynne Green to reply that Town Officials will once again be participating in the parade.

**TOWN OFFICIALS
REPLY TO
INVITATION TO BE
IN WAYNE
COUNTY FAIR
PARADE IN
AUGUST**

TOWN
OFFICIALS
INVITED TO BE
IN MEMORIAL
DAY PARADE
MONDAY, MAY
28

2. **Town Officials Invited to Participate in Memorial Day Parade:** Once again, the American Legion Post 120 invited the Town Officials to participate in the annual Palmyra Memorial Day Parade on Monday, May 28, 2012. Although not all Board members will be available, several plan to be in the parade. Lynne Green will notify the Palmyra Legion of the decision to be in the parade.

MARCH 2012
SHERIFF'S
MONTHLY
NEWSPAPER
COLUMN

3. **March 2012 Sheriff's Monthly Newspaper Column:** Ken asked that the March 2012 column be included on the agenda. He added that he had just received the April Sheriff's report and a press release on bicycle safety. He will email these to Board members during the upcoming month.

REPORTS OF STANDING COMMITTEES

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

TOWN CLERK'S
OFFICE REPORT
FOR APRIL

Town Clerk's Office April Report: Councilman Todd Pipitone suggested Board members read the report, which includes details about projects and tasks the Town Clerk's office worked on in April. Each person in the office detailed the tasks accomplished during the month, to apprise the Board of the variety, scope and quantity of work involved.

Highway Committee – James Welch, Chairman

1. **April Highway Report:** Highway Superintendent Mike Boesel submitted the following report From March 23 to April 26:

APRIL
HIGHWAY
REPORT

*Highway Superintendent Report
for Town Board Meeting
04/26/2012*

- **Winter Summary** –Unfortunately we had to make one more plow/salt run this past Monday. Prior to our run on 4/23, our last snow run was 3/10. Since November 2011, for the entire 2011/12 winter season we have made a total of 43 trips out of the barn. A comparison to this point of the past 4 winter seasons is below:
 - April 2011 - 122 trips; April 2010 – 96 trips; April 2009 – 93 trips; April 2008 – 99 trips

Other miscellaneous items include:

- **Sweeping, Roadside & Yard Cleanup** – We completed sweeping roads around the entire Town along with general roadside cleanup and yard cleanups due to snow plow damages.
- **Ditching** – We recently completed ditching projects on Walker Road, Port Gibson, and Cambier Roads. We are currently working on Jagger Road.
- **Town Hall work** – Last week we installed 6" perforated drain tile in the front yard area of the Town Hall to help alleviate the wet mowing conditions. Today the area was topsoiled and seeded. We hope to make more permanent repairs to the paved entrance in the next 30 days.
- **Training** – The crew has completed a few training opportunities in the past 30 days.
 - **Dig Safely NY** – I scheduled this free 1-hour excavator training refresher class with our rep for Dig Safely NY which was held here at the Highway Dept on 3/21.
 - **MSHA/OSHA** – I helped to schedule this mine safety/OSHA training event which was jointly held with the Towns of Marion, Rose, Lyons, Galen and was held at the Rose Fire Hall on 3/29.
 - **NYS DEC Erosion & Sediment Control Training** – Per the NYS DEC's Stormwater regulations, all developers, contractors and subcontractors must identify at least one trained individual from their company that will be responsible for implementation of stormwater and erosion best management practices and have at least one trained individual onsite on a daily basis when soil disturbance activities are being performed. Individuals must have 4 hours of training in the principles and practices of erosion and sediment control. Training is good for 3 years. Mike Paul, Jim Eckert and I took the class on 4/18.
- **Inspections** – We have had many annual inspections completed and/or scheduled for completion:
 - Trucks/Trailers - The entire fleet was inspected over the past two weeks.
 - Fire Extinguishers – The last of our inventory of fire extinguishers will be inspected tomorrow.
 - Chainfalls - Annual inspection of our shop chainfalls will be next week
 - Hoist - Annual inspection of our shop hoist will be next week
- **Bobcat S650 Skid Steer** – Our new Bobcat arrived on 4/20/12. This item has already been added to our insurance policy.

APRIL
HIGHWAY
REPORT

APRIL
HIGHWAY
REPORT

- **Palmyra Municipal Auction – Surplus Items** – *The date has been set for Saturday May 12, 2012. Over the past couple weeks we have been preparing the lot for the Auction. Surplus items from the highway department include our 2011 Bobcat 650 skid steer loader and 1999 Ford F550.*
- **Fuel/Asphalt Pricing** – *Since October 2011, our diesel fuel price has gone from \$3.11 to \$3.40/gallon. Also, last Spring at this time we were paying approx. \$62/ton for asphalt and currently it is \$71.00/ton. Hopefully this trend does not continue or some projects will need to be re-evaluated.*

RISING PRICE OF
FUEL
AFFECTING
BUDGETED
COSTS IN
HIGHWAY DEPT.

2. **The Rising Price of Fuel:** Councilman Jim Welch said he had spoken with Mike about the rising price of fuel, compared to the budgeted amount for 2012. Mike had answered that all petroleum-based products, including asphalt, have risen dramatically in cost. He may have to revisit his budget for fuel costs. His department is now doing more remilling of roads when repaving.

ITEMS FOR
MUNICIPAL
AUCTION

3. **Items for Municipal Auction:** Jim also said Mike has items for the Municipal Auction the Highway Department is hosting on May 12. They are listed later in the meeting when they are presented for Board approval.

Operations and Planning Committee

– Mike Lambrix, Chairman

NO PLANNING
BOARD MTG IN
APRIL

1. **Planning Board Meeting:** Mike Lambrix informed Board members that there was no Planning Board meeting in April.

WAYNE COUNTY
PLANNING
BOARD
INFORMATION

2. **Wayne County Planning Board:** Ken Miller said he attended the Wayne County Planning Board meeting last night since Palmyra has no representative on that Board at this time. Ken has someone in mind for that position, but there has been no commitment yet. He clarified that the county Planning Board doesn't approve or disapprove of the projects they review. They can only recommend.

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

- | | |
|--|--|
| <p>1. <u>Assessor’s Office Report for April:</u> The April Assessor’s Report was included in the Board packets. In April, Assessor Elaine Herman stated that the tentative assessment roll is to be filed with the Town Clerk before May 1. She plans a full townwide revaluation for the 2013 assessment roll, to bring the level of assessment back to 100% next year. She enclosed multi-year comparisons showing values positive and negative year by year. She also enclosed a list of property values for special franchises, tracking their yearly numbers as well. Change of Assessment notices go out next week. Grievance Day is May 22. Four of five members on the Board of Assessment Review plan to attend.</p> | <p>ASSESSOR’S
OFFICE REPORT
FOR APRIL</p> |
| <p>2. <u>Code Enforcement/Zoning Office Report:</u> April CEO Reports were included in Board packets. There were no Board comments about them.</p> | <p>CODE ENFORCE
MENT/ZONING
OFFICE REPORT
FOR APRIL</p> |
| <p>3. <u>Special Event Application:</u> A representative from the Arcadia Bark Busters attended this evening, ready to answer questions about a second “Hare Scramble” event to be held Sunday, June 3rd near 2784 Cambier Road. Items discussed by Board members include notifying all area property owners, insurance issues, obtaining a Special Use Permit with appropriate documents from the Town, and correcting two concerns from neighbors last year. A map of the proposed location was included with the application.</p> | <p>SPECIAL EVENT
APPLICATION
FOR 2ND BARK
BUSTERS “HARE
SCRAMBLE” ON
JUNE 3RD</p> |
| <p>4. <u>No Zoning Board of Appeals Meeting in April:</u> There was no Zoning Board meeting in April, however, Code Enforcement Officer Dan Wooden updated Board members on the status of the “Bicycle Art” on Route 31 East. The property owner has requested a permit to clean up his bicycles and to conduct a bicycle business there. He has cleaned up the “artwork” at the edge of the road, at the request of the NY State DOT, since that was interfering with the “right of way.”</p> | <p>NO ZONING
BOARD MTG. IN
APRIL</p> <p>UPDATE ON
“BICYCLE ART”
PROPERTY
CLEANUP</p> |
| <p>5. <u>Regulation for Use of Public Sewers:</u> This topic will be included on the agenda for the May Town Board meeting.</p> | <p>SEWERS TO BE
DISCUSSED IN
MAY</p> |

INFORMATION ITEMS

**2011 TOWN
FINANCIAL
REPORT
COMPLETED AND
AVAILABLE**

1. **2011 Town Financial Report:** The Town of Palmyra Annual Financial Report for Fiscal Year 2011 has been completed by Bookkeeper Petra Anderson, and a copy is available in the Town Clerk’s office for the public to view. As prescribed by law, a copy had been sent to the Office of the NY State Comptroller, although Ken Miller received a notice saying it had not yet been filed with them. After double-checking, all was okay, with the error being in the Comptroller’s office.

**PALMYRA
COMMUNITY
LIBRARY
INFORMATION**

**WAYNE COUNTY
INDUSTRIAL
DEVELOPMENT
AGENCY 2011
FINANCIAL
STATEMENTS**

2. **Wayne County Industrial Development Agency:** A copy of the Financial Statements, dated December 31, 2011, of the Wayne County Industrial Development Agency was in each Board member’s packet for perusal and information. There is also a copy of the Wayne County Economic Development 2011 Annual Report in the Town Clerk’s office available to whoever wishes to look at it.

**SPRING 2012
REGIONAL
LOCAL
GOVERNMENT
WORKSHOP**

Ken said we should approach the IDA to help Palmyra find a mid-to-upper-class restaurant here. Todd Pipitone said he would like to attend a meeting with Peg Churchill on this subject.

**PIPELINE
SAFETY COURSE
AVAILABLE**

3. **Pipeline Safety Course Available:** An invitation to attend a Pipeline Safety Course is available the afternoon of May 10, at no cost to participants, including meal. It is focused on safe digging and damage prevention for underground utilities, as well as emergency responses regarding pipeline emergencies. Board members were invited to attend.

**ROUTE 31 EAST
SEWER
DISTRICT
REVISITED**

**PALMYRA
COMMUNITY
LIBRARY MARCH
MTG. MINUTES**

4. **Palmyra Community Library Information:** Town Board members received copies of the March 15, 2012 Board meeting of the Palmyra Community Library for their information.

**VOUCHER
REDESIGN**

**SPRING 2012
REGIONAL
LOCAL
GOVERNMENT
WORKSHOP**

5. **Spring 2012 Regional “Local Government” Workshop:** Each Spring, a Regional “Local Government” Workshop is offered to local government officials in surrounding communities. Board members should let Town Clerk Lynne Green know as soon as possible of their intention to attend this workshop.

PUBLIC INPUT

- 6. **Proposed Route 31 East Sewer District:** Todd Pipitone said he had looked over the letter to residents sent in 2009 with information about the proposed Route 31 East Sewer District. This income survey is valid for only two years, so the data collected from it cannot be used at this time. Ken said the district boundaries can still be carried over and used again. Todd felt the first step would be to send out a survey of interest to residents of the proposed district. Only after a positive response would the Board proceed to the next step—a Public Hearing. If there is still a majority of them interested, an income survey would then come into play—to qualify the project for possible grant funding from Rural Development.

**PROPOSED
ROUTE 31 EAST
SEWER
DISTRICT**

Board members then reached consensus about the “interest survey” letter stating if there is no resident response by a certain date, the Town would consider it as a “yes” response to the project. These letters will be sent to Todd for tallying.

- 7. **Morrison Excavating:** The Town received a First Quarter 2012 gravel removal check from Morrison Excavating, for gravel mined at the Division Street pit.

**MORRISON
EXCAVATING**

- 8. **Route 31 Maintenance Paving Project in Village:** Starting April 30, the NY State DOT will be repaving Route 31 (Main Street) from the west to the east borders of the Village. The crew has promised that at least one lane will be open during the project, with a targeted completion date of the end of June 2012.

**ROUTE 31
PAVING
PROJECT IN
MAY AND JUNE**

- 9. **Bookkeeping/Accounting Software:** Town Bookkeeper, Petra Anderson, met with six software companies, along with six other bookkeepers, to explore new software. She replaced her old computer, which software is Windows XP that is no longer supported, with a newer model. This budgeted PC can handle more sophisticated software packages. As the group met with software vendors, they weighed the pros and cons of each and have narrowed their choice to two. They are also exploring the possibility of a group discount if they purchase the same software, as well as having locations for back-up, should some PC crash in the future. This item is for information only. A recommendation will be forthcoming when a software package is selected. Board members asked for a report comparing software and manufacturers.

**EXPLORING
PROPOSED
BOOKKEEPING/
ACCOUNTING
SOFTWARE TO
SUPPORT NEW
PC FOR
BOOKKEEPER**

- 2. **Resolution #11-2012: Modify 2012 Budget to Include Professional Auditing Services as Required by Rural Development:** The following budget modification was required to close out water and sewer projects funded through the USDA’s Rural Development Department.

TOWN OF PALMYRA
RESOLUTION #11-2012
MODIFY 2012 BUDGET TO INCLUDE
PROFESSIONAL AUDITING SERVICES
AS REQUIRED BY RURAL DEVELOPMENT

WHEREAS, the 2012 Budget of the Town of Palmyra was prepared and Board approved on November 10, 2011; and

WHEREAS, a single audit of the Town’s financial statements was required by Rural Development, division of United States Department of Agriculture (USDA), relating to recently-completed water and sewer projects within the Town; and

WHEREAS, bonds were secured for these projects in addition to grants received from the USDA; and

WHEREAS, invoice for the professional services of Raymond F. Wager, CPA, that were used for this required audit, is now due for payment,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Palmyra wishes to pay for these auditing services in the billed amount of \$8,950.00 from 2012 Town funds; and

BE IT FURTHER RESOLVED, that the General Fund Expense Account A1320.400—Auditor/Contractual Expense, be increased by \$8,950.00 and that the General Fund Account A0599 Appropriate Fund Balance be used in the amount of \$8,950.00 to pay for these professional services.

BY ORDER OF THE TOWN BOARD

Dated: April 26, 2012

**MTN:
RESOLUTION
#11-2012
MODIFY 2012
BUDGET TO
INCLUDE
PROFESSIONAL
AUDITING
SERVICES AS
REQUIRED BY
RURAL
DEVELOPMENT**

Councilman Todd Pipitone made the motion to approve this resolution, with a roll call vote.

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

Supervisor Kenneth Miller	Aye
Deputy Supervisor James Welch	Aye
Councilman Michael Lambrix	Aye
Councilman Todd Pipitone	Aye

**ROLL CALL
VOTE**

- 3. **Resolution #12-2012: Deferred Compensation Committee Resolution to Amend and Restate the Model Plan:** This resolution supersedes the one passed by the Town Board in 2011:

**RESOLUTION
#12-2012**

RESOLUTION #12-2012
DEFERRED COMPENSATION COMMITTEE RESOLUTION
TO AMEND AND RESTATE THE MODEL PLAN
TOWN OF PALMYRA

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Town of Palmyra (the "Model Plan") and offers the Model Plan for adoption by local employers; and

WHEREAS, the Town of Palmyra, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Town of Palmyra; and

WHEREAS, effective August 26, 2011 the Board amended the Model Plan to adopt provisions:

**RESOLUTION
#12-2012:
DEFERRED
COMPENSATION
COMMITTEE
RESOLUTION TO
AMEND AND
RESTATE THE
MODEL PLAN**

- Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.
- Including employer elections within the plan document including: suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.
- Clarifying the first date a participant may make deferrals in compliance with Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.
- Clarifying compensation available for deferral for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.
- Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.
- Making technical recognition of the waiver of RMDs for 2009.
- Clarifying that a beneficiary form must be received in good order to be considered valid.
- Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.

- Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.
- Including language allowing for future delivery of participant communications through electronic means, where appropriate.
- Codifying that periodic and lump sum payments must be a minimum of \$100 per payment, unless the Committee selects a different minimum, and sets a maximum annual number of partial distributions.
- Clarifying that the \$50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.
- Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.
- Allowing a surviving spouse beneficiary to name a beneficiary on their account.
- Including the 5 year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age 70½ deaths.
- Allowing earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.
- Providing that outstanding loans from another New York State 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.
- Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.
- Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.
- Limiting indemnification to Committee Members only; and

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 the Town of Palmyra by adopting the amended Model Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Palmyra hereby amends the Deferred Compensation Plan for Employees of the Town of Palmyra by adopting the amended Model Plan effective August 26, 2011, including the optional provisions in Schedule A, in the form attached hereto as Exhibit A.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Wayne County, New York this 26th day of April, 2012 and directed that it be filed as appropriate.

BY ORDER OF THE PALMYRA TOWN BOARD

**RESOLUTION
#12-2012:
DEFERRED
COMPENSATION
COMMITTEE
RESOLUTION TO
AMEND AND
RESTATE THE
MODEL PLAN**

**MTN: DECLARE
ITEMS AS
SURPLUS FOR
AUCTION**

the motion to approve designating the items as scrap, to be included in the Municipal Auction.

Second: Jim Welch

Vote: 4 Ayes. Carried.

9. **Approve: Claims & Expenditures on Abstract #230:**

Councilman Mike Lambrix made the motion to approve the claims and expenditures shown on Abstract #230, that includes Voucher Numbers 13073 through 13144 for \$124,405.71.

Second: Jim Welch

Vote: 4 Ayes. Carried.

**MTN: APPROVE
CLAIMS &
EXPENDITURES
ON ABSTRACT
#230**

10. **Motion to Adjourn:** At 8:37 p.m., Mike Lambrix made the motion to adjourn the meeting.

Second: Todd Pipitone

Vote: 4 Ayes. Carried.

**MTN: ADJOURN
MEETING**

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

RESOLUTION #10-2012: Standard Work Day and Reporting

RESOLUTION #11-2012: Modify 2012 Budget to Include Professional Auditing Services as Required by Rural Development

RESOLUTION #12-2012: Deferred Compensation Committee Resolution to Amend and Restate the Model Plan

ATTACHMENT A: Resolution #10-2012, Standard Work Day Reporting Resolution

**NEXT TOWN BOARD MEETING:
TUESDAY, MAY 8, 2012, 7:30 P.M
PALMYRA TOWN HALL**