

**PUBLIC HEARING AND  
MID-MONTH MEETING OF THE TOWN BOARD  
PALMYRA TOWN HALL  
NOVEMBER 7, 2013**

At 7:05 p.m., Supervisor Kenneth Miller called to order the Public Hearing, scheduled for Thursday, November 7, 2013, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

**CALL TO ORDER**

The following legal notice was prepared, posted at the Town Hall and published in the Town’s official newspaper:

**LEGAL NOTICE  
TOWN OF PALMYRA**

**NOTICE OF PUBLIC HEARING  
UPON PRELIMINARY BUDGET FOR CALENDAR YEAR 2014**

**NOTICE IS HEREBY GIVEN**, that the Preliminary Budget of the Town of Palmyra for the fiscal year beginning January 2014 has been completed and filed in the Office of the Town Clerk, Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, where it is available for inspection by any interested persons during normal business hours.

**FURTHER NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Palmyra, will meet and review said preliminary budget and to hold a Public Hearing thereon at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, at 7:00 PM on the 7<sup>th</sup> day of November, 2013. At this hearing any persons may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item or items therein contained.

**LEGAL NOTICE**

Pursuant to section 108 of the Town Law, the proposed salaries of the following Town Officers are hereby specified as follows:

Town Supervisor	\$ 30,600.00
Town Justices (2)	\$ 25,684.00
Town Councilpersons (4)	\$ 16,000.00
Town Clerk	\$ 35,973.00
Superintendent of Highways	\$ 61,353.00

Dated: September 26, 2013  
By Order of the Town Board

Councilman Mike Lambrix made the motion to have the Town Clerk waive the reading of the Legal Notice to those present.

**MTN: WAIVE  
READING OF  
LEGAL NOTICE**

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

**MTN: CLOSE  
PUBLIC HEARING**

Supervisor Miller asked those in attendance if they would like to comment on the proposed 2014 Town budget. No one spoke up. At 7:08 p.m., Mike Lambrix made the motion to close the Public Hearing.

Second: Dave Nussbaumer                      Vote: 5 Ayes. Carried.

**PLEDGE OF  
ALLEGIANCE**

At 7:09 p.m., Supervisor Miller led those present in the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

**ATTENDANCE**

Also attending: Palmyra Highway Superintendent Mike Boesel, Larry Brown, Pamela Brown, Marc Carrier and Code Enforcement Officer Dan Wooden.

**COMMUNICATIONS**

**PROPOSED  
WATER RATES &  
CHARGES FOR  
2014 BY WCWSA**

**Proposed Water Rates & Charges for 2014 by WCWSA:** The Town received a letter from the Wayne County Water and Sewer Authority announcing that as of January 1, 2014, the "cost of water within the Western Wayne Service Area" will be \$4.25 per thousand gallons purchased. "This reflects an increase of \$0.10 per thousand gallons from the 2013 rate." Councilman Todd Pipitone asked why there is an increase each year. He received the answer that the water that WCWSA buys increases also. Todd asked the Town Clerk to contact WCWSA for the rates over the last decade and provide this to Board members. Supervisor Miller suggested that over the next few years, the Board should look into setting a goal of 100% water for the Town. Several surrounding towns have already done so.

**REPORTS OF STANDING COMMITTEES**

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

None.

**Highway Committee – James Welch, Chairman**

None.

**Planning and Operations Committee**

**--Mike Lambrix, Chairman**

The Town Clerk prepared a letter of welcome to Pamela Brown, as the newest member of the Planning Board. Since she is completing Steve Landgrebe’s unexpired term, Pamela’s current term will end on December 31, 2016. She was in attendance this evening, and Board members welcomed her for her willingness to serve. She said she will come in to sign the Oath of Office book.

**LETTER OF WELCOME TO PAMELA BROWN, TOWN’S NEWEST PLANNING BOARD MEMBER**

**Zoning and Assessor’s Office Committee**

**--David Nussbaumer, Chairman**

- 1. **Five-Year Re-Appointment of Derry Jackson to Board of Assessment Review:** The Town Clerk prepared a letter of congratulations to Derwent Jackson, on being re-appointed by the Palmyra Town Board to the Palmyra Board of Assessment Review, for another five-year term beginning October 1, 2013 and ending September 30, 2018.

**REAPPOINTMENT LETTER TO DERWENT JACKSON FOR BOARD OF ASSESSMENT REVIEW**

- 2. **4775 Tellier Road Property Update:** Code Enforcement Officer, Dan Wooden, wrote Board members that he had sent the owner of this vacant property a letter to start the procedure for action:

*"The owner of the property at 4775 Tellier Road was sent a notice concerning the condition of his property. The notice was also attached to the structure on the property. Both notices were effective Monday, November 4, 2013.*

*"According to the Town’s Nuisance Abatement Law, you (Town Board) need to set a date for a hearing within 5 business days of the notice. The hearing date of November 26, 2013 at 7:00 PM should be set at your Special Board Meeting on November 7. The hearing established is not a public hearing. It just needs to be placed on the agenda for the meeting on the 26<sup>th</sup>.*

*"The notice sent to the owner included the information for the hearing. I will re-notify the owner after your meeting on the 7<sup>th</sup>."*

**4775 TELLIER ROAD VACANT PROPERTY START PROCEDURE FOR ACTION**

**INFORMATIONAL ITEMS**

**SAVE ENERGY,  
SAVE DOLLARS  
PROGRAM BY  
CORNELL  
COOPERATIVE  
EXTENSION**

- 1. **"Save Energy, Save Dollars" Program by Cornell Cooperative Extension:** Ken Miller proposed that Palmyra host a Special Workshop teaching how to "save money by reducing your home energy consumption" hosted by the Cornell Cooperative Extension of Wayne County. Ken wanted consensus from Board members. They all agreed and asked that they be notified as to when it will be held.

**2013 CDBG  
HOUSING  
FUNDING  
AVAILABLE**

- 2. **2013 CDBG Housing Funding Available Announcement:** A memo from Edward Flynn, Senior Planner/Project Manager at LaBella Associates, informed the Town of Block Grant Program funding for various projects including housing rehabilitation, home ownership assistance, and residential water/wastewater system assistance, with a \$400,000 funding limit for municipalities. Mike Lambrix thought this could encourage more hookups to water line connections. Todd Pipitone suggested the Board look into this; also, there are no matching Town funds required. He was also thinking about sewer districts replacing septic tanks.

Since this is managed by LaBella Associates, written by a grant writer, and no matching funds are required from the Town, Board consensus was that this should be pursued.

**PUBLIC INPUT**

- 3. **Public Input:** None.

**AGENDA ITEMS**

**RESOLUTION  
#21-2013 WHICH  
AMENDS  
RESOLUTION 22-  
2012 -WATER  
SERVUCE  
AGREEMENT  
WITH TOWN OF  
MARION**

- 1. **Resolution #21-2013 which Amends Resolution #22-2012 to Authorize the Supervisor to Sign Out-of-District Water Service Agreements, on Behalf of the Town of Palmyra, with the Town of Marion:** Wording in the 2012 resolution with Marion for Palmyra residents to be out-of-district water users, needed clarification, according to Palmyra legal counsel Paul Rubery. Mike Lambrix made the motion to approve Resolution #21-2013, which follows:

**RESOLUTION #21-2013**

**TOWN OF PALMYRA, NEW YORK**

**AMEND RESOLUTION #22-2012  
TO AUTHORIZE THE SUPERVISOR TO SIGN  
OUT-OF-DISTRICT WATER SERVICE AGREEMENTS  
ON BEHALF OF THE TOWN OF PALMYRA  
WITH THE TOWN OF MARION**

**WHEREAS**, the Town of Palmyra has received notification that Palmyra residents who live on the border of the adjacent Town of Marion wish to hook up to established water lines in the Town of Marion; and

**WHEREAS**, out-of-district requests for water service between Towns have been made in the past, with permission from the requestor’s Town, the Town with the water service, and the Wayne County Water and Sewer Authority; and

**WHEREAS**, out-of district water users are aware they will pay water rates, hook-up fees and other fees established by the Wayne County Water and Sewer Authority that may be greater than Marion residents pay for these services; and

**WHEREAS**, agreements between the requester of water service, the Town of Palmyra, the Town of Marion, and the Wayne County Water and Sewer Authority, will be necessary to complete the requirements for hook-up;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Palmyra agrees to enter into agreements for out-of-district water usage with the Town of Marion to provide water service to:

- Gregory Young, 2860 Sherwood Road, from the Town of Marion,
- William Mullen, 2846 Sherwood Road, from the Town of Marion,

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Palmyra hereby appoints the Palmyra Town Supervisor to sign the pertinent water user documents, on behalf of the Town of Palmyra, to accomplish the out-of-district users’ agreements with the Town of Marion.

**IN WITNESS WHEREOF**, the undersigned have executed this Resolution in Wayne County, New York this 7th day of November, 2013.

**BY ORDER OF THE PALMYRA TOWN BOARD**

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

Michael Lambrix then made a second motion to approve Supervisor Ken Miller signing this new resolution to amend Resolution #22-2012,.

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

**RESOLUTION #21-2013 WHICH AMENDS RESOLUTION 22-2012 –WATER SERVICE AGREEMENT WITH TOWN OF MARION**

**MTN: APPROVE RESOLUTION #21-2013 WHICH AMENDS RESOLUTION 22-2012 –WATER SERVICE AGREEMENT WITH TOWN OF MARION**

**MTN: AUTHORIZE SUPERVISOR TO SIGN NEW RESOLUTION**

Board members signed several resolutions so that Palmyra, Marion, and the WCWSA would all have original documents.

2. **Resolution #22-2013 which Specifies New Annual Training Requirements for Planning/Zoning Boards:**

The Town can determine the training requirements for Zoning and Planning Board members, in addition to, or in place of NYS guidelines. Mike Lambrix made the motion to approve the following resolution for these Palmyra boards:

RESOLUTION  
#22-3013:  
ANNUAL  
TRAINING  
REQUIREMENTS  
FOR MEMBERS  
OF TOWN  
PLANNING AND  
ZONING  
BOARDS

**RESOLUTION #22-2013**

TOWN OF PALMYRA, NEW YORK

**ANNUAL TRAINING REQUIREMENTS FOR MEMBERS  
OF TOWN PLANNING & ZONING BOARDS**

*WHEREAS, members of the Town of Palmyra Planning Board and Zoning Board of Appeals are required by law to attend training sessions annually; and*

*WHEREAS, the Town Board of the Town of Palmyra has the authority to set the minimum training requirements;*

*NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Palmyra does hereby approve the following additional choices for these board members to comply with the New York State requirement:*

- *Attendance at four (4) consecutive meetings of either board—Planning Board or Zoning Board of Appeals—to have the equivalent of the annual training requirements.*
- *In addition, attending one "formal" training meeting approved by New York State during their full term.*

*Dated: November 7, 2013*

*BY ORDER OF THE PALMYRA TOWN BOARD*

MTN: APPROVE  
RESOLUTION  
#22-3013:  
ANNUAL  
TRAINING  
REQUIREMENTS  
FOR MEMBERS  
OF TOWN  
PLANNING AND  
ZONING  
BOARDS

Second: Dave Nussbaumer      Vote: 5 Ayes. Carried.

3. **Schedule Hearing for Vacant Property:** Michael Lambrix

made the motion to set the Hearing Date for the owner of Vacant Property at 4775 Tellier Road for Tuesday, November 26, 2013, at 7:30 p.m.

MTN: SCHEDULE  
HEARING DATE  
FOR VACANT  
TELLIER RD.  
PROPERTY

Second: Dave Nussbaumer      Vote: 5 Ayes. Carried.

- 4. **Approve Final 2014 Budget:** Copies of the Preliminary 2014 Town Budget were available for public inspection since approval at the Town Board meeting on September 26, 2013.

Supervisor Miller said that making a major purchase in 2013, that had been scheduled to buy in the 2014 budget, allows for the 2014 tax rate to actually go down from this year. And taxes “basically stayed the same” as from the year before. He thanked Board members and those who worked with them to prepare the proposed 2014 budget. Dave Nussbaumer made the motion to approve the final 2014 Town Budget, asking for a roll call vote:

Second: Mike Lambrix	Vote: 5 Ayes. Carried.
Ken Miller	Aye
James Welch	Aye
Michael Lambrix	Aye
Todd J. Pipitone	Aye
Dave Nussbaumer	Aye

MTN: APPROVE  
FINAL 2014  
BUDGET—TAX  
RATE  
VIRTUALLY  
UNCHANGED

- 5. **Approve New Special Counsel to Zoning and Planning Boards:** Since Bruce Rosekrans is no longer in the law firm with John Morell, it was necessary to appoint his replacement. Mike Lambrix made the motion to approve Mark C. Williams as “Special Counsel to Zoning and Planning Boards for the Town of Palmyra,” beginning immediately, and ending December 31, 2013, completing the current term for Bruce A. Rosekrans.

Second: Mike Lambrix	Vote: 5 Ayes. Carried.
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MTN: APPROVE  
NEW SPECIAL  
COUNSEL TO  
ZONING &  
PLANNING  
BOARDS

Plans are that Mr. Williams will be re-appointed at the 2014 Town Reorganization Meeting for his own full term, beginning January 1, 2014.

- 6. **Resolution #23-2013: Dolomite Products Co., Preliminary Approval to Start Construction on 8'-Diameter Steel Pipe for Conveyor on Hogback Hill Road:**

**RESOLUTION #23-2013**

**DOLOMITE PRODUCTS CO. -  
PRELIMINARY APPROVAL TO START CONSTRUCTION ON  
8'-DIAMETER STEEL PIPE FOR CONVEYOR  
ON HOGBACK HILL ROAD**

RESOLUTION  
#23-2013:  
DOLOMITE  
PRODUCTS  
PRELIMINARY  
APPROVAL FOR  
CONSTRUCTION  
OF PIPE UNDER  
HOGBACK HILL  
ROAD

**WHEREAS**, the Dolomite Products Company Inc, DBA AL Blades, proposes to install an 8-foot diameter steel pipe under Hogback Hill Road between Palmer Road and Whitbeck Road for purposes of installing a conveyor belt to ultimately move gravel product from the north side of the road to their plant on the south side of the road; and

**WHEREAS**, Dolomite has submitted project drawings dated 10/7/13 and revised 11/4/13 as well as supporting Steel Pipe calculations dated 11/4/13; and

**WHEREAS**, the Town Engineer, MRB Group, has reviewed the above mentioned drawings and supporting documents and provided review comments dated 10/24/13 and 11/6/13 respectively; and

**WHEREAS**, Dolomite has been working to address all review comments from the Town and MRB Group; and

**WHEREAS**, Dolomite would like to start construction and installation of the 8-foot diameter steel pipe such that installation would be completed prior to the closing of any asphalt plants in the near future; and,

**WHEREAS**, Dolomite understands that the purpose of this Preliminary Approval is only to start construction of the pipe installation and that additional Final Approval for the project will be necessary and will be scheduled for the Town Board meeting scheduled on 11/26/13.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Palmyra, hereby preliminarily agrees to Dolomite starting construction and installation of the pipe on Hogback Hill Road with the following conditions:

**RESOLUTION  
#23-2013:  
DOLOMITE  
PRODUCTS  
PRELIMINARY  
APPROVAL FOR  
CONSTRUCTION  
OF PIPE UNDER  
HOGBACK HILL  
ROAD**

**CONDITIONS OF PRELIMINARY APPROVAL:**

1. All MRB Group review comments must be addressed to the satisfaction of the MRB Group, the Town and the Town Highway Superintendent.
2. All MRB Group review fees and legal fees must be paid in full by Dolomite by 11/25/13.
3. Two full sets of hard copy drawings of all technical plans and documents must be submitted to the Town of Palmyra prior to the start of construction.
4. The Town of Palmyra shall be held harmless during and throughout construction and installation of the pipe.
5. Pipe installation must be completed by 11/25/13.
6. A final agreement/legal instrument between the Town of Palmyra and Dolomite for maintenance and liability purposes must be completed by 11/25/13 for approval at the 11/26/13 Town Board meeting.
7. Final approval of the project is pending satisfaction of the above items.

**DATED :** November 7, 2013

**BY ORDER OF THE PALMYRA TOWN BOARD**



Mike Boesel, Palmyra Highway Superintendent, said that he, along with Dave Doyle of MRB Group, would like to start the project right away, while the weather is still cooperative. Jim Welch's concern is to make sure it's done properly, and that there's no liability to the Town, at the beginning, during the time of use, and at the end of the tunnel's life. Ken Miller talked with Dolomite about this resolution and the conditions mentioned, and wants Counsel John Morell to approve the conditions as well. Todd Pipitone commented the "procedural order is not favorable" with him. Mike Lambrix made the motion to approve Resolution #23-2013.

Second: Dave Nussbaumer                      Vote: 4 Ayes. Carried.  
Councilman Todd Pipitone voted Nay.

**MTN: APPROVE  
RESOLUTION  
#23-2013:  
DOLOMITE  
PRODUCTS  
PRELIMINARY  
APPROVAL FOR  
CONSTRUCTION  
OF PIPE UNDER  
HOGBACK HILL  
ROAD**

**Motion to Adjourn:** At 7:39 p.m., Mike Lambrix made the motion to adjourn the meeting.

Second: Dave Nussbaumer                      Vote: 5 Ayes. Carried.

**MTN: ADJOURN  
MEETING**

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk

**NEXT TOWN BOARD MEETING:**

**THURSDAY, NOVEMBER 26, 2013, 7:30 P.M.  
PALMYRA TOWN HALL**