

REGULAR MEETING OF THE TOWN BOARD

**PALMYRA TOWN HALL
JANUARY 28, 2010**

At 7:00 p.m., Supervisor Kenneth Miller called to order the town board meeting, scheduled for Thursday, January 28, 2010, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York. **CALL TO ORDER**

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, Councilman
David Nussbaumer, Councilman
Michael Lambrix, Councilman
Todd J. Pipitone, Councilman **ROLL CALL**

Also attending the meeting: Palmyra Highway Superintendent, Mike Boesel and *Courier-Journal* reporter Billie Rae Walker. **MEETING ATTENDANCE**

Since Town Board meetings in the future will begin at 7:00 p.m., it was necessary to post and publish the following legal notice:

RESIDENTS OF PALMYRA, NEW YORK, PLEASE TAKE NOTICE:

In accordance with the wishes of the Palmyra Town Supervisor and Town Board, starting on January 28, 2010, Town Board meetings will start at 7:00 p.m., instead of 7:30 p.m. as in the past.

The monthly Town Board meeting will be held the fourth Thursday of each month, except for November, when it will be held Tuesday, November 23rd, and December, when it will be held Tuesday, December 21st.

Town Board meetings will be held at the Palmyra Town Hall, 1180 Canandaigua Road (Route 21 South), except for April and October, when the regular business meeting will be held at the East Palmyra Fire Hall, 2145 Tellier Road, East Palmyra.

In addition, dates have been designated for mid-month workshop and/or business meetings, should the need arise. They will also begin at 7:00 p.m., and will be held on the 2nd Tuesday of the month, instead of Thursdays as in the past, at the Palmyra Town Hall.

**LEGAL NOTICE OF
CHANGE IN
MEETING TIMES
AND DATES FOR
2010**

Dated: January 7, 2010
By Order of the Town Board

**MTN: WAIVE
READING OF
LEGAL NOTICE**

Because of its length, Dave Nussbaumer made the motion to waive the reading of this legal notice. Every Town Board member received a copy of the legal notice in his packet of information for this meeting.

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

**MTN: APPROVE
MINUTES OF TOWN
BOARD MEETING
OF 12/29/2009**

Motion was made by Dave Nussbaumer to approve the minutes of the December 29, 2009 meeting of the Town Board.

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

Todd Pipitone abstained because he was not on the Town Board at that meeting.

**MTN: APPROVE
MINUTES OF
ORGANIZATION
MEETING OF
1/7/2010**

Motion was made by Todd Pipitone to approve the minutes of the January 7, 2010 Organization Meeting of the Town Board.

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

COMMUNICATIONS**LETTER OF
CONGRATULATION
TO EAGLE SCOUT
MATTHEW SWEET**

1. Eagle Scout Matthew Sweet: Town Clerk Lynne Green received a letter from Sheri Saunders of Palmyra Boy Scout Troop 96 informing the Town that Matthew Sweet would be receiving his Eagle Scout award in January. As has been done in the past, Lynne wrote a Letter of Congratulations on behalf of the Town Board to Matthew. Supervisor Miller, who has been associated with Troop 96, noted that he, too, has written Matthew a congratulatory letter.

**NEW WAYNE
COUNTY SHERIFF
REQUESTS
MEETING WITH
TOWN BOARD**

2. New County Sheriff to Meet with Board: Newly-elected Wayne County Sheriff, Barry Virts, wrote Supervisor Miller asking to meet with Town Board members at a meeting to "discuss any Public Safety concerns" our town may have.

Supervisor Miller said Sheriff Virts sent his invitation to all Wayne County towns. Councilman Dave Nussbaumer requested that we wait to schedule this meeting until Dave returns from Florida. He also requested that this time with the Sheriff be open to the public and advertised. Ken Miller said he will check with Sheriff Virts to see if that will be agreeable with him. The Board meeting would be April 22, and held in East Palmyra.

REPORTS OF STANDING COMMITTEES

Economic Development and Appeals Committee – Todd Pipitone, Chairman

Todd Pipitone stated there was nothing to report at this time.

**NEW ECONOMIC
DEVELOPMENT &
APPEALS
COMMITTEE HAS
NO REPORT AT
THIS TIME**

Highway Committee – James Welch, Chairman

1. January Highway Department Report: Mike Boesel submitted his report through January 28:

Highway Superintendent Report
For Town Board Meeting 01/28/2010

Since the 12/29/09 meeting we have completed the following work:

- Tree Work – Cole Road
- Hauling Sand – approximately 500 tons
- Plowing/Sanding – To date this season we have made a total of 51 trips out of the barn. In January 2008 we had made 49 trips and January 2009 we had 78 trips.

Other miscellaneous items include:

- **Salt Orders** – To date this winter season we have ordered 1500 tons of our 3500 ton allotment.
- **NYSERDA Energy Audit** – I am still gathering information to submit for an energy audit for the Town Hall Facility and Highway Facility. I should be making this submission next week.
- **Street Lights** – On 12/24/09 I faxed a 'Street Light Outage Report' to NYSEG for 10 lights in the Town and Village. On 1/11/10 I submitted a second report for 14 more lights between the Town and Village.
- **Equipment** – We had our share of equipment repairs during the first two weeks of 2010; T22-alternator, T18 - blown hyd filter, T28 - frozen air drier, T24 - wing cable/arms, T16 – blown brake line, T15 – blown hyd hose, T16 – worn-out plow controller, T12/T17 – sander bearings, all – misc light repairs. I am still in the process of evaluating the plow controller for T16.
- **Equipment Servicing** – During the last two weeks of this month we have started to service all other pieces of equipment including, E55 – Elgin sweeper, E71 – sewer flusher, E88 – Bobcat, E75 – leaf sucker, E60 – roller, pickups C1, C2, C4.

**JANUARY
HIGHWAY
DEPARTMENT
REPORT**

**JANUARY
HIGHWAY
DEPARTMENT
REPORT**

- **Dog Kennel Plumbing** – We recently had to make internal plumbing repairs for the water spigot near the dog kennel to function properly. The dog kennel was inspected last week.
- **Fuel Facility** – The fuel island was down again on 1/12/10. The fuel reader and power supply were replaced the next day. Jim Carlett and Ralph Brongo from Pal-Mac CSD and I have been meeting to discuss the replacement of the current fuel management system and system software.
- **Painting Projects** – We started two painting projects this past week, the highway office and the Bookkeeper/Supervisor offices.
- **Treework** – As time and weather permits throughout the winter we will be performing some treework on our roads and some continued brush mowing. We performed some tree work on Cole Road last week.
- **Canandaigua Street Project** – On January 18, 2010, the Village Board awarded the project to Rizzo Construction. I will keep you posted regarding the project start date, the pre-construction meeting date and the traffic detour.
- **CHIPs Funding** – The Governor’s Budget is out and upon review our CHIPs funding is still at the same level as last year. This funding is critical to keeping our roads in good condition.

**THANKS TO
HIGHWAY CREW
FOR REMOVING
SATELLITE DISH**

2. Expression of Thanks: Supervisor Miller asked Highway Superintendent Boesel to thank the Highway crew for taking away the satellite dish in the back yard at Town Hall.

**EMERGENCY
PURCHASE OF
PLOW &
CONTROLLERS**

3. Emergency Equipment Purchase: Councilman Jim Welch filled Board members in on the background of the 1999 Ford controller for a snowplow that no longer works. Mike Boesel obtained several quotes for a new plow plus the controllers.

It was determined that a dealer in Syracuse and a dealer in Macedon both carry the plow and parts. Both dealers have the items in stock. The Syracuse dealer’s quote was for \$3,886. The Macedon dealer’s quote was for \$3,995. Discussion brought out pros and cons for each. In the end, it was decided to go with the Macedon dealer—John

Bodak—as they prefer to deal locally and not have to make several trips to Syracuse to purchase and mount plow. It was also decided to put the old plow in the Spring municipal auction.

The following resolution was offered to Board members authorizing the Highway Department to purchase the snowplow:

RESOLUTION

EMERGENCY PURCHASE OF PLOW FOR HIGHWAY DEPARTMENT

WHEREAS, the Town Highway Superintendent has reported that one of the snow plows on a Town truck snowplowing route has broken and replacement parts have been out of production for many years and the Town is unable to utilize this truck for plowing roads on this route, and

WHEREAS, this was an unforeseen emergency, and

WHEREAS, the Town needs to be able to plow, sand and salt the roads on the route for the safety and welfare of the residents who are forced to travel over those roads and the school buses that use those roads, and,

WHEREAS, the Highway Department can ill afford to operate in the snow season without the equipment necessary to make the route safe, and

WHEREAS, if the Town were to bid the purchase of a replacement snow plow, it would mean that the Town would be unable to care for the safety of the people on the snowplowing route until sometime in early March or later, and

WHEREAS, there are no other snow plows available to be used by the Town, and

WHEREAS, due to the amount of the snowfall that is falling this year and the amount of snowfall predicted, the Town must take immediate action to replace the snow plow, and

WHEREAS, there is no availability to wait;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby declare an emergency situation in the Highway Department, and

**RESOLUTION:
AUTHORIZE
PURCHASE OF
SNOWPLOW AND
CONTROLLER TO
REPLACE BROKEN
ONE**

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BE IT FURTHER RESOLVED, by virtue of the possible danger to the safety and the well-being of the people of the Town of Palmyra, the bidding process for a new snow plow is out of the question, and

BE IT FURTHER RESOLVED, that the Highway Superintendent shall solicit quotes as to the price and delivery from suppliers of snow plows, and shall select the snow plow that most nearly compliments the existing snow plows as to size, operation and handling used by the Town, which is available for the lowest price, and

BE IT FURTHER RESOLVED, that the Highway Superintendent is not authorized to expend more than \$4,500.00 to replace the snow plow, and

BE IT FURTHER RESOLVED, that the Town Board shall approve a purchase offer for a sander for the Highway Superintendent based on the Highway Superintendent's report on the costs and delivery which he has obtained, and the reason he selected the provider and the snow plow in the purchase order.

DATED: January 28, 2010

BY ORDER OF THE TOWN BOARD

**Facilities, Operations and Planning Committee
– Mike Lambrix, Chairman**

**BOARD CONTACT
COMING WITH
CANALSIDE
ESTATES TO
DISCUSS TERMS OF
PROPOSED
EXPANSION**

1. Mike Lambrix said he would be contacting Morgan Management to discuss the proposed expansion of the Canalside Estates and the terms of the Special Use Authorization and get back to the Board.

**NEW WINDOWS IN
SUPERVISOR'S
OFFICE**

2. New windows were installed in the new Supervisor's office that are not frosted. Ken appreciates being able to see outside now.

Zoning Committee – David Nussbaumer, Chairman

**JANUARY CEO
REPORT**

CEO Report: January's CEO Report was distributed to Board members. They read it without comment. Bob Grier was not in attendance.

INFORMATIONAL ITEMS

- | | | |
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| 1. | <u>Assessor's Report for December/January:</u> Board members read the Assessor's Report without comment. | DECEMBER/
JANUARY
ASSESSOR'S
REPORT |
| 2. | <u>Town Clerk's Office Report for December/January:</u> Board members read the Town Clerk's Office Report without comment. | DECEMBER/
JANUARY TOWN
CLERK'S OFFICE
REPORT |
| 3. | <u>Association of Towns—Annual Meeting Information:</u> Board members had received their January/February 2010 issue of <i>Talk of the Town & Topics</i> , the magazine of the Association of Towns of the State of New York. There is no Palmyra Town Board member planning to attend the annual meeting in New York City February 14 – 17. | ASSOCIATION OF
TOWNS ANNUAL
MEETING
INFORMATION |
| 4. | <u>Water Improvement Areas Bond Resolutions Follow-Up:</u> At the Town Board meeting of December 29, 2009, three bond resolutions were passed, one each for the Floodman Road, Johnson Road and Parker Road Water Improvement Areas. Legal notices and postings of these resolutions were published, letting people challenge the Board's decision. No petitions of challenge or disapproval were filed in the Town Clerk's office, so Town Clerk announced to the Board that no petitions were received during the month, and that the Bond Resolutions can now go forward. | THREE WATER
IMPROVEMENT
AREAS BOND
RESOLUTIONS
FOLLOW-UP |
| 5. | <u>Public Input:</u> A new item at Town Board meetings will be the Public Input opportunity. Supervisor Miller would like people to be able to speak with their Town Board members about issues and concerns they may have. Ken spoke directly to Billie Rae Walker, reporter for the <i>Courier-Journal</i> at the meeting, to be sure to include this opportunity in her article about tonight's Town Board meeting. | TOWN BOARD
MEETINGS WILL
NOW HAVE PUBLIC
INPUT ITEM |
| 6. | <u>Palmyra Town Court Letter:</u> A letter was received from Town Justices Rodman and Abbott, asking Town Board members to conduct the annual audit of the Justices' Court records at the Village Hall, where all courts are conducted, and where the records are housed. They are scheduled for | JUSTICES
REQUEST BOARD
AUDIT AT COURT
OFFICE IN VILLAGE
HALL |

the Town Board meeting of February 25, 2010. A discussion ensued about whether or not to go to the Court offices, with consensus that Ken would check it out, including acceptable dates, and would report back to the Board for final decision.

APPOINT
CHAIRMAN OF
TOWN SENIOR
CITIZENS
COMMITTEE

7. Appoint Chairman of Senior Citizens Committee: Supervisor Miller announced that he has appointed David Nussbaumer Chairman of the Palmyra Town Senior Citizens Committee. No motion was requested or offered.

AGENDA ITEMS

MTN: TABLE
DISCUSSION &
DECISION ON
PHASE 2 OF
CANALSIDE
ESTATES

1. Canalside Estates Phase 2: At the December 29, 2009 Town Board meeting, discussion and decisions about the Phase 2 proposed expansion of the Canalside Estates Manufactured Home Park were tabled to tonight's meeting. Code Enforcement and Zoning Officer Bob Grier was absent at this meeting, so Mike Lambrix made the motion to table discussion and action once again, to the February 25, 2010 meeting.

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

MTN: APPROVE
EMERGENCY
SNOWPLOW
PURCHASE

2. Approve Emergency Snowplow Purchase: With the Resolution for the Emergency Purchase of Plow for Highway Department in hand, and with the decision to accept John Bodak of Macedon's quote of \$3,995, Dave Nussbaumer made the motion to approve the resolution with one change. Instead of the phrase "*BE IT FURTHER RESOLVED, that the Highway Superintendent is not authorized to expend more than \$4,500 to replace the snow plow...*" Nussbaumer proposed the number be changed to a maximum of \$4,000.

Second: Jim Welch Vote: 4 Ayes. Carried.
Councilman Michael Lambrix voted nay, saying that the \$4,000 should be subtracted from the Highway budget.

MTN: ENTER
EXECUTIVE
SESSION

1. Approve Abstract #187: Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #187, which includes Voucher Numbers 10,939 through 11,032 for \$140,820.08

Second: Ken Miller Vote: 5 Ayes. Carried.

4. Executive Session: At 7:36 p.m., Mike Lambrix made the motion to enter Executive Session to discuss matters of personnel.

**MTN: ENTER
EXECUTIVE
SESSION**

Second: Todd Pipitone Vote: 5 Ayes. Carried.

5. Exit Executive Session: At 9:00 p.m., Supervisor Miller declared the Board out of Executive Session.

**EXIT EXECUTIVE
SESSION**

6. Adjourn Meeting: At 9:01 p.m., Mike Lambrix made the motion to adjourn the meeting.

**MTN: ADJOURN
MEETING**

Second: Todd Pipitone Vote: 5 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

**NEXT TOWN BOARD MEETING:
TUESDAY, FEBRUARY 9, 2010, 7:00 P.M.
PALMYRA TOWN HALL**