

**PUBLIC HEARING FOR
TWO PROPOSED DOG LAWS AND
REGULAR MEETING OF THE TOWN BOARD**

**PALMYRA TOWN HALL
NOVEMBER 23, 2010**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Tuesday, November 23, 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, Deputy Supervisor
- Michael Lambrix, Councilman
- David Nussbaumer, Councilman
- Todd J. Pipitone, Councilman

ROLL CALL

Also attending the meeting: *Wayne Post* reporter Billie Rae Walker; Palmyra Animal Control Officer Gary Rose, Deputy Town Clerk Irene Unterborn, Debbie and Katie Welch and Roy C. Wilck, East Palmyra resident.

MEETING ATTENDANCE

Motion was made by Dave Nussbaumer to approve the minutes of the October 28, 2010 meeting of the Town Board.

MTN: APPROVE MINUTES OF 10/28/2010 TOWN BOARD MEETING

Second: Mike Lambrix Vote: 5 Ayes. Carried.

Motion was made by Todd Pipitone to approve the minutes of the November 9, 2010 meeting of the Town Board.

MTN: APPROVE MINUTES OF 11/9/2010 TOWN BOARD MEETING

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

**PUBLIC HEARING FOR
LOCAL LAW NO. 1 OF THE YEAR 2010—LICENSING OF
DOGS
AND LOCAL LAW NO. 2 OF THE YEAR 2010
—AMENDING LOCAL LAW NO. 1 OF 2004**

**MTN: OPEN
PUBLIC
HEARING FOR
LOCAL LAW
NO. 1—
LICENSING OF
DOGS AND
LOCAL LAW
NO. 2—
AMENDING
LOCAL LAW NO.
1 OF 2004**

At 7:02 p.m., Councilman Mike Lambrix made the motion to open the Public Hearing.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

Supervisor Miller read the rules of the public hearing:

The purpose of this public hearing is to give everyone the opportunity to discuss or comment on the hearing topic and to provide residents with information about the two proposed local laws concerning the licensing of dogs—Local Laws No. 1 and No. 2 of the Year 2010.

These views become part of the record, which the Town Board relies on for its findings, conclusions, and decisions.

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 regarding the topic.

The Supervisor has the authority to take any necessary measures to control the hearing and spontaneous comments from the floor are not permitted.

If a speaker drifts off the subject of the hearing, you will be reminded to limit your comments regarding today's topic of discussion.

**READING OF
RULES OF
PUBLIC
HEARING**

**MTN: WAIVE
READING OF
LEGAL NOTICE
OF PUBLIC
HEARING**

Councilman Mike Lambrix made the motion to waive the reading of the Legal Notice by the Town Clerk for these two proposed Local Laws, due to their length.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

**NO PUBLIC
COMMENTS**

Supervisor Miller's only note was that local licensing of dogs is a mandate from New York State. Local towns will now do the licensing. He invited comments at the Public Hearing. Since there were no other comments from those at the meeting, at 7:05 p.m., Mike Lambrix made the motion to close the Public Hearing.

**MTN: CLOSE
PUBLIC
HEARING**

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

COMMUNICATIONS

1. **Proposed Water Rate Increase for 2011:** The Town of Palmyra received a letter from the Wayne County Water and Sewer Authority stating: "This letter shall serve as notification of the proposed water rate adjustment for next year. As of January 1st, 2011, the cost of water within the Western Wayne Service Area of the W.C.W. & S.A. will be \$4.05 per thousand gallons purchased. This reflects an increase of \$0.05 per thousand gallons from the 2010 rate.

**WCWSA
PROPOSES
WATER RATE
INCREASE FOR
2011**

Mike Lambrix made the motion to have the Town send a letter to the WCWSA asking why, "at this tough economic time" for Town residents, they are raising their water rates. He wants an in-depth reply to his request.

**MTN: SEND
LETTER TO
WCWSA ASKING
FOR RATIONALE
FOR RATE
INCREASE**

Second: Jim Welch

Vote: 5 Ayes. Carried.

2. **Nomination for EMS Advisory Board:** The Town received a letter from the Wayne County Public Health Department requesting a nominee to the 2011 EMS Advisory Board. During 2010, Debbie Rothfuss has served in this position. Bill Liddle, County EMS Coordinator, commended Debbie's "attendance and participation in meetings for the last year (as) excellent."

**NEED
NOMINATION FOR
2011 COUNTY
EMS ADVISORY
BOARD**

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

1. **Town Clerk's Office Report for November:** Councilman Todd Pipitone asked Town Clerk Lynne Green to sum up the Town Clerk's Office report for November. Basically, school tax payments have been tallied with the Wayne County Treasurer and everything balanced, with over 93% of taxpayers paying during the collection period; the office is gearing up for the new dog licensing procedures; and our office is putting to good use the new scanning equipment and software from our grant.

**TOWN CLERK'S
OFFICE REPORT
FOR NOVEMBER**

**UPCOMING IDA
PUBLIC
HEARING FOR
PALMYRA INN**

2. **Upcoming IDA Public Hearing:** As a matter of information concerning a Palmyra business, Todd Pipitone noted that The Wayne County Industrial Development Agency will hold a Public Hearing at 9:30 a.m. on Friday, December 17, 2010, at the Palmyra Town Hall. Palmyra Inn, L.L.C. and Palmyra Inn Investment, L.L.C. have requested changes to their original PILOT (Payment In Lieu of Taxes) agreement from 2005.

Highway Committee – James Welch, Chairman

**NO NOVEMBER
HIGHWAY
DEPARTMENT
REPORT**

November Highway Department Report: Highway Superintendent Mike Boesel wasn't in attendance this evening. There was no November Highway Department report at this time. However, Ken Miller stated that the Highway Department is currently in a "get ready for snow" mode. When we had our first light snow last week, the Highway crew salted the bridges.

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

**PLANNING
BOARD MTG.
11/8/2010
MINUTES**

Planning Board: Mike Lambrix called attention to the minutes of the November 8th meeting of the Town Planning Board that was included in Board members' packets. He asked if anyone had any questions about it. No one did.

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

**ASSESSOR'S
REPORT FOR
NOVEMBER**

1. **Assessor's Office Report:** Assessor Elaine Herman's November report was included in Board members' packets. She is preparing a five-year plan for assessments and a recommendation, which Ken Miller said should be ready by year's end.

**CEO REPORT
FOR NOVEMBER
2010**

2. **Code Enforcement/Zoning Office Report:** November's CEO Report was distributed to Board members. Dan Wooden was not in attendance this evening. Jim Welch noticed the first entry on the "Permit Activity Summary" page that was open since 2006, and asked Dave Nussbaumer to check with Dan as to why it's still incomplete.

- 3. **Zoning Board Meeting:** Minutes of the November 11, 2010 Town Zoning Board of Appeals meeting were included in Board members' packets. There was also a public hearing for Dolomite's application for a Special Use Permit for addition to existing mining operation. There were no comments from the Board.

ZONING BOARD MEETING MINUTES OF 11/11/2010

INFORMATIONAL ITEMS

- 1. **Palmyra Community Library:** In accordance with the request of Town Board members, minutes of the August 19 meeting of the Library Board of Trustees were included in Board members' packets, along with minutes of their meetings of September 16 and October 21. These are available to the public on their web site palmyra.pls-net.org.

UPDATE ON PALMYRA COMMUNITY LIBRARY BOARD MEETING MINUTES

- 2. **Experience Works Program:** Ken Miller said this county program has potential for the future, and should be considered in January 2011.

EXPERIENCE WORKS PROGRAM FOR FUTURE CONSIDERATION

- 3. **Resolution about Unfunded Mandates:** Ken Miller asked that Board members be given copies of the Resolution approved by the Wayne County Board of Supervisors entitled "*Resolution Urging New York State to Significantly Cut the Unfunded Mandates That Cause Local Property Tax Increases Before Imposing a Cap on Local Property Taxes.*" He feels the Town should also consider such a resolution and had asked Town Clerk Lynne Green to prepare a similar resolution to bring before the Board this evening:

RESOLUTION

TOWN OF PALMYRA, WAYNE COUNTY NEW YORK
UNFUNDED MANDATES RELIEF

UNFUNDED MANDATES RESOLUTION

RESOLUTION URGING NEW YORK STATE AND WAYNE COUNTY TO SIGNIFICANTLY CUT THE UNFUNDED MANDATES THAT CAUSE LOCAL PROPERTY TAX INCREASES BEFORE IMPOSING A CAP ON LOCAL PROPERTY TAXES

WHEREAS, New York and Wayne County property taxes are nearly 80% above the national average; and

WHEREAS, the Town Board of the Town of Palmyra has long recognized the need for lower property taxes and has been a strong advocate in support of lowering the local tax burden for decades; and

WHEREAS, towns do not have a choice over how to spend most of their locally raised revenues as mandates from Albany and Lyons, and other fixed costs make up as much as 80 percent of a typical town budget; and

WHEREAS, Governor Paterson and many State legislators support a cap on local property tax levies if 4%, or 120% of inflation, whichever is less, but the current crop of property tax cap proposals do nothing to reduce or eliminate current State or County mandates on towns or prevent new mandates; and

WHEREAS, arbitrarily capping property taxes without addressing root causes would cripple town governments within a few short years, because all non-mandated spending would have to be eliminated to meet the cap; and

WHEREAS, little action has been taken by New York State or Wayne county to decrease or control the costs of unfunded mandates, which have been driving up town property tax levels for decades; and

WHEREAS, the major cost drivers for towns are fixed costs and delivering state and county services locally; and

WHEREAS, towns' fixed costs include pension contributions, which are determined by benefit levels established by the State Legislature; and

WHEREAS, the other major cost drivers are unfunded and under-funded state and county mandates, such as Medicaid, early intervention services, pre-school special education, public assistance, child welfare, youth detention, probation, and indigent defense that will cost town property tax payers and New York City residents over \$10 billion this year alone, along with numerous other programs; and

WHEREAS, these mandated costs grow well in excess of the rate of inflation nearly every year, including:

- *Town payments to New York State Retirement System that are expected to rise 40% in 2011 and by a similar amount in 2012, and have grown by over 1000 percent since the year 2000 due to generous benefit expansions mandated by the State Legislature and Governor.*
- *Since 2005, the local share of Medicaid costs has increased at least 3% each year and sometimes by double digit annual increases in the years prior to 2005.*
- *The State continued to shift its costs to counties and towns in the 2009-2010 and 2010-2011 State budgets by over \$400 million in human service delivery alone.*
- *New York State counties are owed hundreds of millions of dollars in State reimbursement at any given moment, without providing any compensation to counties or towns for the cost of "floating" cash to the state, and this amount can easily double when the State Budget is not adopted on time.*

WHEREAS, simply capping property taxes does nothing to reduce the costs of these and many other State and County services that towns must pay for and implement at the local level; in fact, it preserves the distinction of having the highest property taxes in the nation; and

WHEREAS, this distinction continues to drive people and businesses out of New York and acts as a deterrent to re-location to our state; and

WHEREAS, the property tax cap proposal allows local boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to local governments, but also unfairly shifting blame to local leaders for tax increase that are actually caused by the State and County;

**UNFUNDED
MANDATES
RESOLUTION**

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Palmyra encourages all parties, state, county and local, to enact legislation so that fiscal responsibility for services resides with the level of government that has the decision-making authority over those services; this will in turn reduce the property tax burden and not preserve the status quo; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Palmyra encourages the Governor, State Legislature, and Wayne County Board of Supervisors not to impose a local property tax cap unless it is coupled with significant cuts in local costs for State mandated programs that cause local property tax increases; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Paterson, members of the New York State Legislature, the New York State Association of Counties, the New York State Association of Towns, and all those deemed necessary and proper.

**UNFUNDED
MANDATES
RESOLUTION**

Board members felt they should also support this resolution. Dave Nussbaumer made the motion to approve this Palmyra resolution, and that it be sent to the present governor and the governor-elect, NY State legislators, NY State Association of Counties and the NY State Association of Towns.

**MTN: APPROVE
UNFUNDED
MANDATES
RESOLUTION**

Second: Mike Lambrix Vote: 5 Ayes. Carried.

4. **Discussion about Town Health Officer:** For the past several years, John Wehrle, MD, of the Canal Park Family Medical Center at West Wayne Plaza in Macedon, has been the town’s Health Officer. It is required by law that the Town contract with a Medical Doctor for medical services, as well as for mobile home park inspections—for health violations.

Ken Miller recently had a conversation with Palmyra Mayor Vicky Daly about health officers. She says the Village has named Malcolm Riggs, whose office is at 201 East Main Street, as their health officer. Ken would like to pursue the issue to see if both municipalities could collaborate and share these services for a possible cost savings. Ken said he would follow up on this.

**CONSIDER
CHANGING
TOWN HEALTH
OFFICER**

5. **Public Input:** Although this item was on the agenda, there was no one present who wished to speak at this time.

PUBLIC INPUT

AGENDA ITEMS

- 1. **Approve New Dog Laws in 2010:** Local Law No. 1 of the Year 2010 "A Local Law Entitled Licensing of Dogs" was the object of the Public Hearing at the beginning of this meeting, as well as Local Law No. 2 of the Year 2010 "A Local Law Amending Local Law 1 of the Year 2004 Entitled Dog Control Law of the Town of Palmyra."

**MTN: APPROVE
LOCAL LAW
NO. 1 FOR 2010
HAVING TO DO
WITH DOG
LICENSING
AND LOCAL LAW
NO. 2 FOR 2010
AMENDING
LOCAL LAW
NO. 1 OF 2004**

Complete legal notices in both approved newspapers of the Town of Palmyra had been published before this meeting in accordance with law. The public hearing had been held with no opposition to the proposed laws.

Councilman Mike Lambrix made the motion to approve Local Law No. 1 of the Year 2010 "A Local Law Entitled Licensing of Dogs" and Local Law No. 2 of the Year 2010 "A Local Law Amending Local Law 1 of the Year 2004 Entitled Dog Control Law of the Town of Palmyra."

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

Complete texts of these Local Laws are included with these minutes as Attachments A and B.

- 2. **Approve Snow & Ice Contract with Wayne County:** Each year, the Town of Palmyra contracts with Wayne County in an agreement titled "Snow and Ice Control of County Roads"—this year being for the 2010-2011 Winter Season.

**BOARD
CONSIDERATION
OF SUPPORT
FOR NATURAL
GAS DRILLING**

Board members wanted to know if there were any changes from last year. Jim Welch answered their questions by saying the cost is based on the average number of trips per season, and that Mike has a spreadsheet to calculate this out. Jim added that with the metering of salt and sand when snow plows go out, there are cost savings, and that Mike is okay with his stockpile of salt for now.

Three originals of the agreement were available for signing by the Supervisor after approval—one for the Town, one for the County, and one for the County Highway Department.

Mike Lambrix made the motion to approve the Snow and Ice Control of County Roads (2010-2011 Winter Season) agreement with Wayne County.

MTN: APPROVE SNOW AND ICE CONTROL AGREEMENT WITH WAYNE COUNTY FOR 2010-2011 WINTER SEASON

Second: Jim Welch Vote: 5 Ayes. Carried.

A copy of this agreement is included with these minutes as Attachment C.

- 3. **Nomination for EMS Advisory Board:** Supervisor Miller mentioned there are several people who would be good Town representatives to the County Emergency Management Services Advisory Board. He asked Board members to contact possible nominees before the December 21 meeting, keeping in mind the new arrangement with Finger Lakes Ambulance Service. Todd Pipitone made the motion to table this nomination until the December meeting.

MTN: TABLE EMS ADVISORY BOARD NOMINATION UNTIL DECEMBER MEETING

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

- 4. **Approve Abstracts #206 and #207:** Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #206, that includes Voucher Numbers 11756 through 11759 for \$21,018.57; and Abstract #207, that includes Voucher Numbers 11760 through 11823 for \$135,123.61.

MTN: APPROVE ABSTRACTS #206 AND #207

Second: Todd Pipitone Vote: 5 Ayes. Carried.

- 5. **Motion to Adjourn:** At 7:29 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: Local Law No. 1 of the Year 2010 "A Local Law Entitled Licensing of Dogs"

ATTACHMENT B: Local Law No. 2 of the Year 2010 "A Local Law Amending Local Law 1 of the Year 2004 Entitled Dog Control Law of the Town of Palmyra."

ATTACHMENT C: "Snow and Ice Control of County Roads" 2010-2011 Winter Season, Agreement between Town of Palmyra and Wayne County.

NEXT TOWN BOARD MEETING

**TUESDAY, DECEMBER 21, 2010, 7:30 P.M.
PALMYRA TOWN HALL**