

## REGULAR MEETING OF THE TOWN BOARD

### PALMYRA TOWN HALL FEBRUARY 25, 2010

At 7:07 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, February 25, 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  
Michael Lambrix, Councilman  
Todd J. Pipitone, Councilman

**ROLL CALL**

Councilman David Nussbaumer was excused

Also attending the meeting: Palmyra Highway Superintendent, Mike Boesel, Code Enforcement Officer Bob Grier, Palmyra residents Zack Huber and Michael Muilwyk, and Jim Bonsignor, representing Canalside Estates.

**MEETING ATTENDANCE**

Motion was made by Todd Pipitone to approve the minutes of the January 28, 2010 meeting of the Town Board.

**MTN: APPROVE MINUTES OF TOWN BOARD MEETING 1/28/2010**

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

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

**MTN: APPROVE MINUTES OF TOWN BOARD MEETING 2/9/2010**

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

### COMMUNICATIONS

Butler Minimum Correctional Facility: Supervisor Miller received a fax from Palmyra Village Mayor Vicky Daly with a resolution urging the New York State Legislature to maintain the Butler Minimum Correctional Facility and not to close it. The Village Board of Trustees had approved that resolution at its February 15<sup>th</sup> Board

**TOWN BOARD  
CONSIDERS  
RESOLUTION FOR  
BUTLER  
CORRECTIONAL  
FACILITY**

meeting. Ken asked the Town Clerk to prepare a resolution that Town Board members could consider at this Board meeting. They looked it over with a minimum of discussion.

**REPORTS OF STANDING COMMITTEES**

**ECONOMIC  
DEVELOPMENT &  
APPEALS  
CHAIRMAN  
DISCUSSES WEB  
SITE UPDATES**

**Economic Development and Appeals Committee  
– Todd Pipitone, Chairman**

Todd Pipitone had phoned Ken Miller, Irene and Bill Unterborn during the month to discuss Palmyra Web site updates. He will be talking with Village Trustees about enhancements to the site.

**Highway Committee – James Welch, Chairman**

**February Highway Department Report:** Mike Boesel submitted his report through February 25:

Highway Superintendent Report  
for Town Board Meeting  
02/25/10

Since the 1/28/10 meeting we have completed the following work:

- Routine equipment servicing to most vehicles.
- Plowing/Sanding –To date this season we have made a total of 89 trips out of the barn. At this time in February 2008 we had made 78 trips and February 2009 we had 90 trips.

**FEBRUARY  
HIGHWAY  
DEPARTMENT  
REPORT**

Other miscellaneous items include:

- **Blowing & Drifting Snow** - Since the January TB meeting we have made 35 trips out of the barn and 17 of these trips were for blowing and drifting snow!
- **Salt Orders** – To date this winter season we have ordered approximately 2000 tons of our 3500 ton allotment
- **NYSERDA Energy Audit** – I have everything ready to submit for an energy audit for the Town Hall Facility and Highway Facility. I will be making the submission tomorrow.

- **Painting Projects** – We completed three internal painting projects this past month; the highway office, the Supervisor’s office and the Bookkeeper’s office.
- **Palmyra Municipal Auction** – The date has been set for Saturday May 8, 2010. This is our 25<sup>th</sup> year! I have the Contract agreement on the agenda for approval. There are no significant changes.
- **Advocacy Day** – I will be attending our annual Advocacy Day on March 9<sup>th</sup> and 10<sup>th</sup> in Albany.
- **Equipment -**
  - **Servicing** – These past few weeks we have continued to service/clean up some of our summer equipment as well as daily routine maintenance on the winter equipment.
  - **10-Wheel Truck Update** – The truck we ordered in December is expected to arrive next Monday in Rochester and then will be delivered to Tenco in Avon for outfitting of the dump body and plow equipment. I expect to receive the new truck by the end of April.
  - **Auction Surplus List** – I am developing this list for the April TB meeting.
- Any questions, comments or concerns I will be glad to answer.

**FEBRUARY  
HIGHWAY  
DEPARTMENT  
REPORT**

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

Mike Lambrix had no report for the Board at this time.

**NO FACILITIES,  
OPERATIONS &  
PLANNING  
COMMITTEE  
REPORT**

**Zoning Committee – David Nussbaumer, Chairman**

1. **CEO Report:** February’s CEO Report was distributed to Board members. Bob said now is it “catch up” time, to get organized for the big push that starts with good weather, usually in April. He also updated the Board on some court activity: Garnsey Road property in question received a fine of \$5,000, with a suspension of \$4,000 if cleaned up by September 1<sup>st</sup>. The judge also said the Town has the legal right to clean it up if not done by owner. The owner was represented in court and is aware of everything.

**FEBRUARY’S  
CEO REPORT  
WITH NUISANCE  
PROPERTY  
UPDATE**

ZONING BOARD  
MEETING  
MINUTES--  
WINDMILL

2. **Zoning Board Meeting Minutes:** The Town Zoning Board of Appeals met on February 11<sup>th</sup> with a Public Hearing specifically to discuss the topic of a special use permit for David Wipf and Scarlet Miles to construct a windmill on their property on Route 21 North. Supervisor Ken Miller attended the meeting

## INFORMATIONAL ITEMS

ASSESSOR'S  
REPORT FOR  
FEBRUARY

1. **Assessor's Report for February:** Board members read the Assessor's Report without comment.

FEBRUARY  
TOWN CLERK'S  
OFFICE REPORT

2. **Town Clerk's Office Report for February:** Board members read the Town Clerk's Office Report without comment.

MORRISON  
EXCAVATING,  
INC.  
QUARTERLY  
GRAVEL  
REPORT

3. **Morrison Excavating Report:** Board members looked over the statement submitted by Morrison Excavating, Inc. for gravel removed during the fourth quarter of 2009. Mike Lambrix said he wondered about gravel prices. Mike Boesel said he could compare these gravel prices with Cleason's.

GATEWAY  
ENERGY  
SERVICES  
COMPARISON  
WITH  
ELECTRICITY &  
NATURAL GAS  
RATES WITH  
NYSEG

4. **Gateway Energy Services Corporation proposal:** In an effort to cut energy expenses, the Town received information about Gateway Energy Municipality. A list of New York State municipalities that have gone with Gateway was provided, and the Town is now looking into what savings can be provided to Palmyra for electricity and natural gas. Mike Lambrix was interested in a cost comparison with our present provider, NYSEG.

NO CHALLENGE  
TO COMBINED  
BOND  
RESOLUTION  
FOR 3 WATER  
IMPROVEMENT  
AREAS

5. **Water Improvement Areas Combined Bond Resolution Follow-Up:** Town Clerk Lynne Green informed Board members that there has not been any challenge thus far to the Bond Resolution for the three water improvement areas, which had been posted and published in accordance with law.

6. **Public Input:** Supervisor Miller asked those in attendance if they would like to take the opportunity to comment about any town issue. No one spoke. NO PUBLIC INPUT TONIGHT

**AGENDA ITEMS**

1. **Approve Revised Rural Development Loan Resolution for 3 Water Improvement Areas:** The Revised Rural Development Loan Resolution for the 3 Water Improvement Areas was received from the Rural Development Division of the United States Department of Agriculture in Canandaigua. This document is critical to the funding of the three areas. Mike Lambrix made the motion to approve the Loan Resolution (RUS Bulletin 1280-27). (See Attachment B) MTN: APPROVE RURAL DEVELOPMENT LOAN RESOLUTION FOR 3 WATER IMPROVEMENT AREAS

Second: Jim Welch                      Vote: 4 ayes. Carried.

2. **Approve Revised Water or Waste System Grant Agreement:** The Revised Water or Waste system Grant Agreement for the 3 Water Improvement Areas was received from the Rural Development Division of the United States Department of Agriculture in Canandaigua. This document is critical to receiving the grant to install the water lines of the three areas. Mike Lambrix made the motion to approve the Water System Grant Agreement. (See Attachment C) MTN: APPROVE RURAL DEVELOPMENT GRANT AGREEMENT FOR 3 WATER IMPROVEMENT AREAS.

Second: Todd Pipitone              Vote: 4 Ayes. Carried.

3. **Approve Canalside Estates Site Plan for Phase 2:** During the last few weeks, a Statement of Conditions for Site Plan Approval has been completed. Attorney Jim Bonsignor, representing Canalside Estates MHC, LLC, worked with the Town to agree on the conditions for moving into Phase 2 of the Manufactured Home Park plan. The agreement is listed below: SITE PLAN FOR PHASE 2 OF CANALSIDE ESTATES

**SITE PLAN APPROVAL  
FOR Canalside Estates MHC, LLC  
d/b/a: Canalside Estates, Phase II**

**STATEMENT OF CONDITIONS  
FOR SITE PLAN APPROVAL**

**WHEREAS**, on the 29<sup>th</sup> of December, 2009, a Public Hearing was held by the Town Board of the Town of Palmyra at 7:30 PM, at 1180 Canandaigua Road, Palmyra, Wayne County, New York to consider the application of Canalside Estates MHC, LLC for site plan approval of Phase II, at 4290 Palmyra-Newark Road (Route 31), Palmyra, on tax parcel #66111-00-115535.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Palmyra does approve the Site Plan for Phase II, submitted by Canalside Estates MHC, LLC with the following conditions:

1. That all State and Local codes governing Phase II are met, subject to any waivers or variances which may be granted.
2. That the property is in compliance with all State and Local Building and Zoning codes, subject to any waivers or variances which may be granted.
3. That an annual inspection by the Town of Palmyra is conducted.
4. That this Site Plan, including Special Conditions listed below must be agreed to and signed by the applicant in the presence of the Town Clerk or duly authorized Deputy prior to the issuance of any permits.
5. That this Site Plan approval will also be subject to conditions of the approval, dated August 28, 1997.
6. That the entire park shall participate in the Town of Palmyra Water District and meet all established fees.
7. That the park will adhere to the Town of Palmyra Land Use regulations, except as waivers or variances may be granted.
8. That any units in Phase I that were installed prior to December 14, 2009, will not be required to meet the Mobile Home Ordinance distance separation requirement of 30 feet, and future buildings installed on or after December 14, 2009 shall not be less than 18 feet apart.
9. That prior to the issuance of any permits for Phase II, drainage and erosion control problems identified during the approval process as existing in Phase I must be resolved, and meet approval of the Code Enforcement Officer for the Town of Palmyra.

**SITE PLAN FOR  
PHASE 2 OF  
CANALSIDE  
ESTATES**

10. A check of the sewer pump station will be done on a daily basis.
11. Furthermore, the following requirements listed in the Mobile Home Ordinance shall be modified and waivers are hereby granted for the entire park, adopting the requirements of the Planning Board, as follows:
  - a. **Minimum separation between structures shall be no less than 30'**: There was general discussion, as a result, the planning board decided to recommend waiving the 30-foot separation and reduce it to 18 feet minimum between structures. Also, there should not be any mechanical devices impeding on the 18-foot minimum separation between the structures. This should go into effect for the entire park. Exempt would be the structures placed in Phase 1 prior to 12/14/2009.
  - b. **At least one tree shall be planted on each mobile home lot:** Park management indicated that many tenants were not interested in having a tree on their lot. The planning board recommended waiving this item and felt the decision should be left to the homeowner.
  - c. **Skirting material is to be concrete blocks:** The concrete block was used on the first home but was not found to be attractive or practical. Park management changed the skirting material to compliment the exterior siding of the homes. The planning board recommended waiving this item and allow the use of stone pattern skirting.
  - d. **All sheds to be uniform size:** Park management said the tenants purchase the shed themselves, and according to the rules and regulations at Canalside Estates, there are no metal sheds allowed. The sheds should be of a wood or vinyl construction and be of a color complimentary to the home. The board recommended waiving this item but felt there should be a maximum shed size of 120 square feet, and should be no higher than 12 feet.
  - e. **No fencing:** Park Management does not allow fencing in their parks, although two tenants do have fences at the moment, which will be addressed by Morgan Management, so there is no waiver needed for this item.

**SITE PLAN FOR  
PHASE 2 OF  
CANALSIDE  
ESTATES**

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- f. **Central guest lighted parking area:** Two guest lots exist for the property, one at the front entrance and one further into the park along Canalside Park East. The lot at the main entrance is lit, and Morgan plans to install a new light at the lot on Canalside Park East, so no waiver is needed for this item.
- g. **200 square foot patio for each unit:** Park Management indicates that some of their residents have patios but of different sizes, based on their preference. Morgan would like to continue to offer this flexibility to their current residents, as well as future residents. The planning board recommended waiving this item.
- h. **Picnic and barbecue area:** Park Management indicates that their residents who are over 55 years of age, have never requested more common recreation areas for group gatherings, and seem to be more content to stay within the comforts of their individual lots. However, the park residents do benefit and enjoy the scheduled park activities. The Planning Board recommended waiving this item.
- i. **Open space of 12,000 square feet:** Similar to item (h), Park Management indicates that their residents have never requested more common recreation space, and seem content with the grounds within their individual lots. It was also noted there is an existing open area between Phase I and Phase II that exceeds 12,000 square feet. The planning board recommended waiving this item.

I, \_\_\_\_\_, have read the above conditions attached to the Site Plan for Phase II, do fully understand them and agree to abide by them. I also understand that if the conditions are not complied with, this approval could be revoked. My signature below indicates my acknowledgement of these conditions and my willingness to abide by them.

Mike Lambrix made the motion to approve the Canalside Estates Site Plan for Phase 2.

Second: Jim Welch

Vote: 4 Ayes. Carried.

**RESOLUTION:  
OPPOSE  
CLOSING OF  
BUTLER  
CORRECTIONAL  
FACILITY**

- 4. **Resolution: Oppose Closing Butler Correctional Facility:** The following resolution was offered after the Town received a fax from the Village of Palmyra informing the Town that the Village Trustees had approved a resolution opposing the closing of the Butler Minimum Correctional Facility in the Town of Butler, Wayne County:





MTN: APPROVE  
SUPERVISOR TO  
ATTEND  
CONFERENCE  
April 20-22

6. **Approve Supervisor to Attend Conference:** Ken Miller was invited to a conference sponsored by Syracuse University on April 20-22, 2010. *Smart Management for Small Communities: Practical Resources for Local Governance* is the topic, and \$250 covers all lodging, meals and programming. Jim Welch made the motion to approve Ken Miller to attend this conference, with expenses not to exceed \$250.

Second: Todd Pipitone                      Vote: 3 Ayes. Carried.  
Ken Miller abstained, due to a conflict of interest.

MTN: APPROVE  
HIGHWAY  
SUPERINTEN-  
DENT TO  
ATTEND  
ADVOCACY DAY  
IN ALBANY

7. **Approve Highway Advocacy Day Attendance:** Highway Superintendent Mike Boesel asked the Board to approve his attendance at the annual Advocacy Day in Albany, attended by Highway Superintendents statewide, with expenses not to exceed \$125. Mike Lambrix made the motion to approve Mike's request, not to exceed \$125.

Second: Jim Welch                              Vote: 4 Ayes. Carried.

MTN: APPROVE  
2010 MUNICIPAL  
AUCTION  
CONTRACT WITH  
ROY  
TEITSWORTH  
INC.

8. **Approve 2010 Municipal Auction Contract:** Mike Boesel's request to approve the 2010 Municipal Auction contract with Roy Teitsworth, Inc., Professional Auctioneers, was discussed previously in this meeting. One minor change was included: In Mr. Teitsworth's letter to Mike Boesel, he stated on page 2: "We will supply an RTI employee to assist in loading customers the week after the auction concludes, as well as supply a portable loading dock." Board request was to add the words, "at no charge" before the next sentence. Mike Lambrix made the motion to approve the Teitsworth contract as corrected in the discussion, and to have Mike Boesel sign the contract on behalf of the Town.

Second: Todd Pipitone                      Vote: 4 Ayes. Carried.

The letter received from Roy Teitsworth, Inc. is included with these minutes as Attachment A.

9. **Approve Abstract #188:** Todd Pipitone made the motion to approve the claims and expenditures shown on Abstract #188, which includes Voucher Numbers 11,033 through 11,123, for \$483,197.41.

Second: Jim Welch                              Vote: 4 Ayes. Carried.

10. **Adjourn Meeting:** At 8:08 p.m., Mike Lambrix made the motion to adjourn the meeting.

**MTN: ADJOURN  
MEETING**

Second: Todd Pipitone      Vote: 4 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk

ATTACHMENT A: 2010 Municipal Auction Contract between the  
Town of Palmyra and Roy Teitsworth, Inc.

ATTACHMENT B: Rural Development Loan Resolution for Three  
Water Improvement Areas

ATTACHMENT C: Rural Development Grant Agreement for Three  
Water Improvement Areas

**NEXT TOWN BOARD MEETING**

**TUESDAY, MARCH 9, 2010, 7:00 P.M.  
PALMYRA TOWN HALL**