

**REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
MARCH 27, 2014**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, March 27, 2014, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York. The agenda for this evening was posted on the Town Hall’s bulletin board prior to the meeting, in accordance with law.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Upon roll call, the following Board members were present:

- Kenneth F. Miller, Supervisor
- James T. Welch, Deputy Supervisor
- Todd J. Pipitone, Councilman
- Michael C. Lambrix, Councilman
- David M. Nussbaumer, Councilman

ROLL CALL

Also attending: Kayla Rand, Amanda Gobeyn, Heidi Jarvis, Irene Unterborn, Matt LaMora, Mike Woodard, William Lincoln, Dan Wooden—Code Enforcement Officer, Mike Boesel, Marc Carrier, Richard Hagar, and Frank Vascukynas

ATTENDANCE

Motion was made by Todd Pipitone to approve the minutes of the Town Board Public Meeting on February 27, 2014.

MTN: APPROVE MINUTES OF 2/27/2014 TOWN BOARD MEETING

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

COMMUNICATIONS

Town Clerk Lynne Green and Supervisor Ken Miller received notes of thanks from Jane Lynch, who was hired to set up a meeting on March 17 of the Wayne County Coordinating Council. Between 50 and 70 people attended. “Your town demonstrates that its facilities are for people to use.” She adds, “We were all impressed with the wonderful facility you have and how we were welcomed and accommodated.”

NOTE OF THANKS FOR HOSTING WAYNE COUNTY COORDINATING COUNCIL MEETING

REPORTS OF STANDING COMMITTEES

**Supervision—Animal Control, Historian, Finance:
Kenneth Miller, Chairman**

**TOWN RECEIVED
DEFIBRILLATORS**

- 1. **Letters of Thanks for Defibrillators:** Letters of thanks for helping the Town to receive the two defibrillators were prepared for Dave Jankowski, Cindy Surline and Lee Hunter, for signing by Town Board members.
- 2. **Town Board Workshop Posting:** The following legal notice was published in *The Times of Wayne County* and posted on the Town Hall bulletin board, in accordance with law:

**TOWN BOARD WORKSHOP
FOR THE TOWN OF PALMYRA**

**TOWN BOARD
WORKSHOP
POSTING**

NOTICE IS HEREBY GIVEN, that there will be a Workshop for the Town Board of the Town of Palmyra to be held on Tuesday, March 11, 2014, at 7:30 p.m. in the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

While this is an open meeting, the workshop is for information and discussion purposes only. There will be no minutes, so no official Board action can be taken.

Dated: March 6, 2014

*Lyndall Ann P. Green
Palmyra Town Clerk*

**ANNUAL
MUNICIPAL
ANIMAL SHELTER
REPORT**

- 3. **Annual Municipal Animal Shelter Inspection Report:** The New York State Department of Agriculture and Markets, Division of Animal Industry, regularly inspects municipal animal shelters. On March 7, 2014, a representative inspected the Palmyra facility and found all areas of inspection were rated "Satisfactory" and that 9 dogs were seized since the previous inspection. This adds another year of Satisfactory inspections to Gary's unbroken record.

**TOWN FINANCE
SCHOOL MAY
15-16**

- 4. **Town Finance School:** The NYS Association of Towns is holding its 14th Annual Town Finance School at the Woodcliff Hotel in Rochester on May 15-16. Registration forms were sent and Ken Miller and Bookkeeper Petra Anderson have expressed interest in attending.

5. **Audit of Town Water Districts:** An audit of “the balance sheets of the Town of Palmyra’s Water Districts Johnson/Floodman, East, Garnsey-Shilling and the Southwest Sewer District, administered by the Town of Palmyra” are part of “the responsibility of management” according to a letter from Raymond F. Wager, CPA, P.C. The auditors’ responsibility “is to express an opinion on these financial statements” based on the audit. Tonight, they are requesting approval of their audit fees. The comment was made in discussion that it is good accounting practice to consider changing auditors from time to time.

**AUDIT OF TOWN
WATER
DISTRICTS**

**Human Services—Town Clerk, Archives, Justices:
Michael Lambrix, Chairman**

1. Town Clerk’s Office Report for March:

- *By the end of February, the Town Clerk’s office collected and deposited \$1,173,201.35 in town/county tax payments for 578 tax bills; Palmyra will collect \$4,872,458.21 total for the county when we are done in March, and the Town Supervisor gets \$1,924,684.21 in tax levy checks.*
- *February—other financial transactions: \$4,366.90 in water customer receipts; \$763.00 for 100 dog licenses/renewals; \$2,192.00 in misc. sales—(marriage licenses, hunting/fishing licenses, and misc. transactions), for a total of \$1,182,708.30 received and handled during February.*
- *Time sheets during February: With only 19 business days in the month (not including the President’s Day Holiday): Irene—full-time @ 35 hours/week. Celeste—part-time @ 17 hours/week. Joan—part-time as needed @ a total 5.75 hours during February. This is in addition to full-time (35 hours/week) of the Town Clerk.*
- *Town Board Audit of 2013 Books: On Friday, March 21, Supervisor Ken Miller and Councilman Mike Lambrix audited the 2013 financial books of the Town Clerk’s office. Thank you both for your time, suggestions and input.*
- *Search for new Deputy Town Clerk: With Town Clerk Lynne Green retiring on April 25th, it was important to advertise for a new Deputy Town Clerk, who will replace Irene Unterborn when she assumes Town Clerk responsibilities. Irene took full charge of the search, and advertised for a Deputy Town Clerk in The Times of Wayne County, posted on Palmyra website, and listed (for free) on Craig’s List. She received numerous applications, rating each application and cover sheet. After conducting about ten interviews, she is asking to officially appoint Heidi Jarvis as Deputy Town Clerk tonight, beginning April 7th, 2014.*

**TOWN CLERK’S
OFFICE REPORT
FOR MARCH**

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

- *Also, all clerks in this office help out with customer service, dog licensing and renewals, answering telephones, receiving tax payments, receiving water and sewer payments, making copies, sorting mail, issuing handicapped parking permits, and other miscellaneous jobs.*
- *In addition, Irene typically handles projects such as providing fishing licenses, mailing dog license renewals, birth/death/marriage requests, several bank deposits, requests from other offices, etc.*
- *In addition, Celeste typically handles projects such as Archives and Records Management projects, filing current paperwork, scanning old meeting minutes and public hearings so they can be listed on the Palmyra website, etc..*
- *In addition, Lynne worked on transcribing the minutes of the March 27th Town Board meeting, maintaining the Town Hall Calendar of Events—emailing them weekly to employees and opening the building for family events from time to time; securing the building at the end of each business day, and providing certified copies of birth, marriage and death records for several requests, etc.*

**TOWN BOARD
AUDIT OF TOWN
CLERK'S OFFICE
2013 FINANCIAL
RECORDS**

2. **Town Board Audit of Town Clerk's Office:** On Monday, March 24th, Supervisor Ken Miller and Councilman Mike Lambrix audited the 2013 financial books of the Town Clerk's office, as prescribed by law. The books were in order, and several suggestions were made for future audits.
3. **New Deputy Town Clerk:** The announcement of Town Clerk Lynne Green's retirement triggered the need to appoint the Deputy Town Clerk, Irene Unterborn, to the position of Town Clerk—to finish out the year 2014. She would also need to run for the office of Town Clerk in the November 2014 election to finish out the last year of the Clerk's elected term.

For now, she had the task of advertising for the upcoming open position, receiving the applications and resumés of those who are interested, interviewing, and selecting a replacement Deputy Town Clerk—in time to train her for several weeks before Lynne Green leaves on April 25.

**NEW DEPUTY
TOWN CLERK
PROPOSAL**

Irene selected Heidi Jarvis for her Deputy Town Clerk, and now proposes that the Board hire her as of April 7, with a six-month introductory period. They both attended tonight's meeting, and Irene introduced Heidi to the Board.

**Public Works—Highway Department, Equipment, Facilities:
James Welch, Chairman**

1. **March Highway Report:** Highway Superintendent Mike Boesel submitted the following report from February 27, 2014 through March 27, 2014:

Since the 02/27/14 meeting we have completed the following work:

- *Plowing/Sanding –To date this winter season we have made a total of 128 trips out of the barn.
A comparison to this point of the past 4 winter seasons is below:*
 - *March 2013 - 77 trips.*
 - *March 2012 - 42 trips.*
 - *March 2011 - 122 trips.*
 - *March 2010 – 96 trips.*
- *Fleet Maintenance – ongoing for all trucks and equipment*
- *Brushmowing - Schilling Road*

Other miscellaneous items include:

- ***Salt Orders*** – *To date this winter season we have received approximately 2550 tons of our 2400 ton allotment, which is 106% of our requested allotment. Our salt barn is currently 1/2 full. Our mix barn is approx 1/4 full. We can purchase up to 120% before price increases become factored in.*
- ***Training*** – *the entire crew attended a 2 joint training sessions at the Village of Macedon and put on by PESH*
 - *3/7/14 - PESH Training - Lockout/Tagout, Personal Protective Equipment, Electrical*
 - *3/20/14 - PESH Training - Exc/Trenches, Chainsaw & Power Tool Safety, Slips/Trips/Falls*
 - *3/26/14 - Transportation Alternatives Program (TAP) Workshop and Federal Aid 101*
 - *3/27/14 - NYS DEC Erosion & Sediment Control Training at Cornell Coop Ext - hosted by WCSWCD.*
- ***CHIPs Funding/Advocacy Day*** – *609 highway superintendents and vendors from across NYS attended our annual Advocacy Day on March 4-5th in Albany. Last year we received an additional 75 million which amounted to a 21% increase for the Town of Palmyra. The Piggybacking law is expected to be extended and we are awaiting completion of budget negotiations this week and hope for a small increase given the rough conditions of many roads across NYS from the harsh winter. Below are a couple pictures from the event.*
- ***Equipment Maintenance*** – *We continue to perform routine maintenance on all trucks and equipment. Most of our truck fleet was serviced in Jan/Feb and we have been performing annual service to our mowing tractor, rollers, sweepers and other 'summer' equipment over the past 30 days.*

**HIGHWAY
DEPARTMENT
REPORT
FOR MARCH**

**HIGHWAY
DEPARTMENT
REPORT
FOR MARCH**

- **Palmyra Municipal Auction** – *The date has been set for Saturday May 10, 2014. The Contract Agreement was approved at the February TB meeting. I will have a surplus list for the April agenda.*
- **Snowfence, Sweeping & Roadside Cleanup** – *In the coming weeks I am expecting the weather will finally take a turn for the better. We will soon be taking down all our snowfence and sweeping all roads.*
- **Inspections** - *Over the next 30 days we intend to have our annual inspections for fire extinguishers, shop chainfalls, chains and shop lift hoist, bucket truck as well as all our vehicles.*
- **Rt.21 Bridge Maintenance** – *Amstar has started a sandblasting/painting project on the NYS DOT Rt.21 Bridge. They expect to be completed in the next 3 weeks, weather-permitting.*

**MEETING OF
HIGHWAY
SUPERINTEN-
DENTS IN
ALBANY**

2. **Meeting of Highway Superintendents in Albany:** Mike Boesel informed Board members that the three topics Highway Superintendents lobbied our State representatives were: 1-money; 2-bridges—funding for upgrading; and 3-extending the “piggy-back” law for purchasing. They requested \$200,000 more for the Bridge and Culvert Program, and \$50,000 more for chipsealing damaged roads.

**DEFENSIVE
DRIVING
CLASSES
AVAILABLE
AGAIN**

3. **Defensive Driving Classes Available:** Mike Boesel has made arrangements for classes at Town Hall so employees and their families can take Defensive Driving classes, to lower their insurance costs. Employees who drive Town vehicles must take this course every few years. He arranged for a 6-hour class on Friday, April 4, as well as two 3-hour classes on two successive evenings. He needs people to contact him if taking these courses. The cost is \$28 per person.

**Economic Development/Planning—IT, Strategic Plans:
Todd Pipitone, Chairman**

**TOWN I.T.
INFRASTRUC-
TURE
REQUESTS OF
DEPARTMENTS**

1. **Town IT Infrastructure Requests of Departments:** Todd Pipitone said he’s still looking over the lists and will report back at a later date. He added the Town has several XP software PCs which, it was announced, Microsoft will no longer support with auto-updates needed in the future. Ken said he’d check out what licenses the Town has purchased that are in storage, and can be transferred.

- 2. **Comprehensive (Master) Plan Discussion:** Ken said he would like to see the whole town watered—as a goal for a Master Plan—as well as expand the sewer service. Dave Doyle from MRB Group could present a plan for discussion at a Board meeting if they want to.

- 3. **Training Opportunities:** Ken noted there are a series of training opportunities through NYMIR, over the internet. These classes would be free since we are insured with them, and it might be worth looking into. New York State Municipal Insurance Reciprocal (NYMIR) has a wealth of knowledge of municipal issues.

- 4. **Town Hall Items:** Several items concerning upkeep of Town Hall were on the agenda:
 - Painting Gym: a painter was hired to paint the ceiling and wells of the gym. Several offices need painting as well. Petra’s office has now been painted, with the Town Clerk’s office on the docket for painting in the near future.
 - Relamping the Gym—Lights that were out in the gym were replaced by Jay Harding, electrician. Ken will work through Todd to see these projects are done.
 - Carpet Cleaning: No local company provided agreement for cleaning carpets at Town Hall. Cintas was contacted, and they provide a menu of services that the Town can pick from. Ken said he will be working through Todd and there should be something to approve next month.

**COMPREHEN-
SIVE (MASTER)
PLAN
DISCUSSION**

**TRAINING
OPPORTUNITIES
THROUGH
NYMIR**

**TOWN HALL
ITEMS:
PAINT GYM &
OFFICES;
RELAMP GYM;
CARPET
CLEANING**

Government Operations—Assessor, Youth and Aging, Code Enforcement, Fire Protection Contracts:

David Nussbaumer, Chairman

- 1. **Assessor’s Office March Report:** Assessor Elaine Herman submitted the following report:

MARCH 25, 2014

Things are moving along in the office. We are still contacting people trying to get the additional information that is required in order for them to receive their particular exemption that they applied for and did not submit all the required information at that time.

**ASSESSOR’S
OFFICE
REPORT
FOR MARCH**

**ASSESSOR'S
OFFICE
REPORT
FOR MARCH**

I am almost done with the valuation of the improvements that are reported by way of a building permit. There has not been a lot of large construction going on in the last year, only small things, like porches, sheds, garages, etc. There has been more remodeling than new construction.

The tentative roll has to be turned in to the County by April 11, 2014 to give them enough time to print the rolls and get them to us by May 1, 2014 for filing with the Town Clerk.

**CODE
ENFORCEMENT/
ZONING OFFICE
REPORT FOR
MARCH**

- 2. **Code Enforcement/Zoning Office Report—March:** Code Enforcement Officer Dan Wooden provided Board members the list of building permits and certificates of compliance activities for Jan. 1 through March 27, 2014. He also submitted a request to purchase four new tires for the Code Enforcement office's truck. His office has budgeted \$500 for this purpose in 2014.

**UPDATE OF
ABANDONED
PROPERTY ON
TELLIER ROAD**

- 3. **Update of Abandoned Property—Tellier Road:** Following procedures described in "The Property Nuisance Abatement Law of the Town of Palmyra"—1999, several items are needed "in order to proceed with any action concerning the above-mentioned property."

Resolution #7-2014

**CHANGE OF TITLE FOR LEGAL COUNSEL
TO THE TOWN OF PALMYRA**

**RESOLUTION
#7-2014—
CHANGE OF
TITLE FOR LEGAL
COUNSEL TO THE
TOWN OF
PALMYRA**

WHEREAS, for many years, Paul T. Rubery Attorney at Law, has served and is still serving as Palmyra Town Counsel; and

WHEREAS, the law offices of Converse & Morell were appointed in the past as "Special Counsel to the Zoning and Planning Boards of the Town of Palmyra."

NOW THEREFORE, BE IT RESOLVED that the Town of Palmyra hereby appoints the law offices of Converse & Morell as "Assistant Town Attorneys" for the Town of Palmyra, including any general use, as well as for zoning, planning and code enforcement issues.

BY ORDER OF THE TOWN BOARD

Adopted this 27th day of March, 2014,
at the meeting of the Palmyra Town Board.

Town Board members were asked to approve this resolution to allow the Law Offices of Converse & Morell expanded ability to pursue legal issues.

Dan Wooden said on March 11, 2014, he made an inspection of the property, as required by Section 5 of the Law, and he issued a report to the Town Board with findings and recommendations.

This report, along with "Construction Deficiencies"—a list of code violations—is included with these minutes as Attachment A.

CODE
VIOLATION LIST
IS ATTACHMENT
A

Resolution #8-2014 was then drawn up in response to Section 6 of the Law, where the Town Board "must determine an appropriate action" after reviewing the report:

Resolution #8-2014

**VACANT STRUCTURE DECLARED AS PUBLIC
NUISANCE**

**Resolved: to follow procedure prescribed in "The Property
Nuisance Abatement Law of the Town of Palmyra" (Local
Law #2 of 1999)**

***WHEREAS,** the Property Abatement Law of the Town of Palmyra (Local Law #2 of 1999) lists procedure for action concerning property at 4775 Tellier Road in East Palmyra; and*

WHEREAS. Section 5 of the Property Abatement Law requires the Building Inspector to inspect the structure at 4775 Tellier Road in East Palmyra and issue a report to the Town Board with findings and recommendations; and

***WHEREAS,** the inspection was done on March 11, 2014, with report submitted March 14, 2014, stating the condition of said property; and*

***WHEREAS,** Section 6 of the Property Abatement Law requires the Town Board to review the report and determine appropriate action.*

***NOW THEREFORE, BE IT RESOLVED** that the Town Board of Town of Palmyra hereby declares the structure at 4775 Tellier Road in East Palmyra to be a "public nuisance" and is unsafe and dangerous; and*

***BE IT FURTHER RESOLVED** that the Town Board of the Town of Palmyra orders said structure to be removed, following correct procedure by having the Code Enforcement Officer to first serve the owners of record of said property with this order within ten (10) days of this resolution; and*

***BE IT FURTHER RESOLVED** that the procedures listed in Sections 7, 8 and 9 of the Property Nuisance Abatement Law will be followed when serving the owners, establishing a date for a hearing with the property owners; and*

RESOLUTION
#8-2014—
VACANT
STRUCTURE
DECLARED AS
PUBLIC
NUISANCE

**RESOLUTION
#8-2014—VACANT
STRUCTURE
DECLARED AS
PUBLIC
NUISANCE**

BE IT FURTHER RESOLVED that the property owner has thirty (30) days from the date of service of the notice to take action on the removal of the structure and completion within sixty (60) days thereafter; and

BE IT FURTHER RESOLVED that if the owner fails to comply with the order, the Town Board will then be authorized to provide for the repair or removal of the structure, with all expenses incurred by the Town in connection with the proceedings to remove the structure, be levied and collected in the same manner as provided for in the Town Law for the levy and collection of Town taxes or special ad valorem levies; and

BE IT FURTHER RESOLVED that according to Section 7E of the Property Nuisance Abatement Law, the Town Board requests a hearing with the property owners during a regularly scheduled Town Board meeting on April 24, 2014 at 7:00 p.m. at the East Palmyra Fire Hall.

BY ORDER OF THE TOWN BOARD

Adopted this 27th day of March, 2014, at the meeting of the Palmyra Town Board.

**PROPOSAL TO
SET HEARING
DATE WITH
PROPERTY
OWNERS**

Dan Wooden then proposed to the Board that they set a Hearing Date with the property owners so they'd have the "opportunity for the property owner to plead his case." So Resolution #8 includes the provision for April 24, 2014 to include time and location for this hearing.

Next, Dan will "serve notice to the property owner, post the property and file a copy of the notice with the Wayne County Clerk.

**NEXT STEPS
TO LEGALLY
GET
ABANDONED
BUILDING
REMEDIED**

The property owner would then have "thirty (30) days from the date of the service of the notice to take action."

"If the owner fails to comply with the order, the Town Board is then authorized to provide for the repair or removal of the structure.

**MARCH
PLANNING
BOARD MTG.**

- 4. **Planning Board Meeting of March 10:** Copies of the meeting minutes were distributed to Board members. There were no comments or questions.

**NO ZONING
MARCH
BOARD MTG.**

- 5. **Zoning Board of Appeals Meeting:** There was no meeting of the Zoning Board of Appeals during March.

INFORMATIONAL ITEMS

1. **Pending Resignation of Service to Town:** Paperwork was completed and submitted to the Town by the Town-appointed Bingo Inspector, Elmer VerPlank. He notified the Town of his resignation due to health issues. The Town Board would like to thank him for his service personally, but he was unable to attend this evening. Town Clerk Lynne Green will contact him again to see if he can attend the April Board meeting.

PENDING RESIGNATION OF BINGO INSPECTOR

2. **Wayne County Fair Parade Participation:** The Wayne County Fair Parade committee sent an invitation to Town Officials asking if they'd like to participate in the Firemans' Parade on August 15, 2014, at 7 p.m. on Main Street in Palmyra. A poll of Board members indicated they would like to do this. Lynne Green to notify the Fair Parade committee of their interest in participating.

INVITATION FOR TOWN OFFICIALS TO BE IN WAYNE COUNTY FAIR PARADE

3. **Wayne County Sheriff's Office January 2014 Report:** During the year, The Wayne County Sheriff's office provides statistics about jobs in Palmyra they assisted in—including accidents, animal complaints, crimes, fires, etc., as well as arrests made, including DWIm, criminal and vehicle & traffic. Ken Miller receives this information and passes it along to Board members.

MTN: APPROVE WAYNE COUNTY SHERIFF'S OFFICE STATISTICAL REPORT

4. **Wayne County Emergency Travel Restrictions:** Following our recent bout of cold, snowy, winter days, the Town received information concerning Wayne County's Emergency Travel Restrictions. Questions arising include whether or not the county can be "closed." The answer is No! Ken said these are authorized by Wayne County to put on our website.

WAYNE COUNTY EMERGENCY TRAVEL RESTRICTIONS

The list of these restrictions are included with these minutes as Attachment B.

LIST IS ATTACHMENT B

5. **Regional Local Government Workshop:** The Spring 2014 workshop, on Thursday, May 15, 2014, will be held at the Burgundy Basin Inn in Pittsford this year. Board members were invited to participate, along with other Town officials and other board members. Those interested in attending should contact Ken Miller ASAP so costs can be approved at the April Town Board meeting and vouchered.

REGIONAL LOCAL GOVERNMENT WORKSHOP AVAILABLE TO BOARD & OFFICIALS

6. **Annual Financial Report for 2013:** Bookkeeper Petra Anderson completed the Annual Financial Report for Fiscal Year 2013, and presented it to the Town Clerk. The legal notice was then submitted to *The Times of Wayne County* for publication in the official local newspaper, and the following legal notice was also printed, signed and posted on the Town Hall bulletin board, as prescribed by law:

ANNUAL
FINANCIAL
REPORT FOR
2013
COMPLETED
AND AVAILABLE
TO THE PUBLIC
IN TOWN
CLERK'S OFFICE

*LEGAL NOTICE
TOWN OF PALMYRA ANNUAL FINANCIAL REPORT
FISCAL YEAR 2013*

NOTICE IS HEREBY GIVEN, that the 2013 Annual Financial Report for the Town of Palmyra has been filed with the Office of the State Comptroller and with the Palmyra Town Clerk.

Said report is available for viewing by any interested party at the Town Clerk's office, 1180 Canandaigua Road, Palmyra, during regular business hours: 9 a.m. to 5 p.m., Monday through Friday.

Dated: March 19, 2014

7. **NYMIR Coverage for Town:** Recently, a change was made of the servicing agent for the Town's NYMIR coverage to Eastern Shore Insurance.

CHANGE IN
NYMIR
COVERAGE FOR
TOWN

8. **Upcoming Municipal Innovation Exchange:** On April 25, a "collaboration between and among school districts and local governments" will be presented in Syracuse, at no charge to us. This summit will "explore shared services, share success stories, and learn how to create more efficiencies for our taxpaying communities." Those wishing to go should contact the Town Clerk, who has the registration form, by April 18.

UPCOMING
MUNICIPAL
INNOVATION
EXCHANGE
BETWEEN
SCHOOL
DISTRICTS &
LOCAL
GOVERNMENTS
ON APRIL 25

9. **Cable Franchise Transfer from TimeWarner to Comcast:** Supervisor Miller received a letter in March from Cohen Law Group of Pittsburgh, PA, concerning the cable franchise transfer from TimeWarner to Comcast:

CABLE FRANCHISE
TRANSFER FROM
TIME WARNER TO
COMCAST

"As you are no doubt aware, Comcast recently announced that it plans to acquire TimeWarner in a stock transaction worth \$45.2 billion. Comcast would gain approximately 8.4 million new cable customers in the process. Federal law grants municipalities the right to approve or deny the transfer of their cable franchises from Time Warner to Comcast. The decision on whether to transfer your franchise will impact your municipality for many years to come and should not be rendered in haste."

The letter includes Benefits of Acting on the Franchise Transfer, the Franchise Transfer Process (including "we strongly recommend that you do not approve the proposed resolution without first protecting your rights") and Recommendations—"it is essential that your municipality begin to prepare now for the franchise transfer process." The letter also offers free legal assessment of our current franchise agreement.

CABLE
FRANCHISE
TRANSFER
FROM TIME
WARNER TO
COMCAST

Ken Miller said he is on the council in the county with mayors and supervisors that are going over the cable franchise transfer. Ken added that in the past, Time Warner refused to go with a countywide franchise, so they haven't had a contract in three years. They plan to re-establish the group, with a one-year commitment, and Ken will chair this group.

TIME WARNER
LETTER IS
ATTACHMENT C

This letter is included with these minutes as Attachment C.

- 10. **New York's Emergency Management License Plates:** A new Emergency Management (EM) license plate has been approved by the NY State Department of Motor Vehicles (DMV) and the NY State Department of Homeland Security and Emergency Services (DHSES).

NY NEW
EMERGENCY
MANAGEMENT
LICENSE
PLATES

"The new plate will display the name of your town and an Emergency Management (EM) designation. The EM license plate will ensure that your town have a critical role in emergency response and Management have access to incident locations as well as reserved assets, such as emergency fuel supplies."

For the Town, there are two Highway pickup trucks, as well as the Code Enforcement office's truck that qualify in this free license plate program.

A copy of this special form is included with these minutes as Attachment D.

ORDER FORM IS
ATTACHMENT D

- 11. **Public Input:** Palmyra resident Marc Carrier was concerned this month about a DEC report he received recently. He noted there were "things that were there and ones that weren't." He noted there is a property owner in the midst of waste material (referring to the closed Town dump on Garnsey Road) that is NOT on public water. He added there are still some wells being used there, or wondered if they need to be closed. He cited some "surface water contamination, but not visible on areas

PUBLIC INPUT

PUBLIC INPUT

already walked on.” He was sure there was a problem on certain properties that are not visible. Ken noted when he gets the letter from the DEC, he will look for the addresses of those who don’t have public water.

AGENDA ITEMS

1. **Approve Appointment of New Deputy Town Clerk:** With the upcoming retirement of Town Clerk Lynne Green, and with the anticipation that current Deputy Town Clerk Irene Unterborn will be appointed to succeed Lynne during the remainder of 2014, Irene interviewed applicants to find a replacement. The successful candidate is Heidi Jarvis. Irene would like her to be appointed by the Town Board tonight so Heidi can begin her training on April 7th. Mike Lambrix made the motion that Heidi be hired for a six-month introductory period at a rate of \$12.80 per hour, then at \$13.25 per hour for the balance of the 2014 calendar year.

MTN: APPROVE
APPOINTMENT
OF NEW DEPUTY
TOWN CLERK,
HEIDI JARVIS

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

2. **Auditing of 2013 Financial Books:** Town Board members teamed up this year to audit the financial books of the Town Clerk’s office, the Court Clerk’s office, and the Bookkeeper, all of whom take in money for the Town. Ken Miller and Mike Lambrix audited the Town Clerk’s 2013 financial books. Ken and Bookkeeper Petra Anderson audited the Court Clerk’s 2013 financial books. Dave Nussbaumer and Jim Welch audited the Bookkeeper’s 2013 financial books. Mike Lambrix made the motion to approve all of these financial audits.

MTN: APPROVE
2013 FINANCIAL
AUDITS IN TOWN
CLERK’S
OFFICE,
BOOKKEEPER’S
OFFICE AND
TOWN COURT
OFFICE

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

3. **Approve Letter of Thanks to Bingo Inspector, Elmer VerPlank:** Since Elmer wasn’t in attendance tonight, Mike Lambrix made the motion to table approving this letter of thanks until the April meeting.

MTN: TABLE
APPROVING
LETTER OF
THANKS FOR
BINGO
INSPECTOR
ELMER VER
PLANK

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

4. **Approve Resolution #7-2014—Change Title for Legal Counsel to Town of Palmyra:** Councilman Mike Lambrix made the motion to approve Resolution #7-2014: Change of Title for Legal Counsel to Town of Palmyra: "Now, Therefore, be it Resolved that the Town of Palmyra hereby appoints the law offices of Converse & Morell as 'Assistant Town Attorneys' for the Town of Palmyra, including any general use, as well as for zoning, planning and code enforcement issues."

MTN: APPROVE
RESOLUTION #7-
2014—CHANGE
TITLE FOR
LEGAL
COUNSEL FOR
TOWN OF
PALMYRA

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

5. **Approve Resolution #8-2014—Vacant Structure Declared As Public Nuisance:** *Resolved: to follow procedure prescribed in "The Property Nuisance Abatement Law of the Town of Palmyra" (Local Law #2 of 1999):* Mike Lambrix made the motion to approve Resolution #8-2014 and to serve the owners of 4775 Tellier Road with a notice to remove the building in violation of property code.

MTN: APPROVE
RESOLUTION #8-
2014—VACANT
STRUCTURE
DECLARED AS
PUBLIC
NUISANCE

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

6. **Approve Attendance at Finance School:** Mike Lambrix made the motion to approve having Supervisor Ken Miller and Bookkeeper Petra Anderson attend the 14th Annual Town Finance Schools, sponsored by the Association of Towns on May 15 and 16 at the Woodcliff Hotel, Rochester, at a cost of \$200 each plus mileage.

MTN: APPROVE
ATTENDANCE
AT TOWN
FINANCE
SCHOOL

Second: Jim Welch

Vote: 5 Ayes. Carried.

7. **Approve Payment of Services for Accounting Services:** Todd Pipitone made the motion to approve the quote received from Raymond F. Wager, to audit the balance sheets of the Town of Palmyra's Water Districts: Johnson/Floodman, East, Garnsey-Shilling, and the Southwest Sewer District, for the year 2013, all administered by the Town of Palmyra, with an estimate not to exceed \$2,100.

MTN: APPROVE
PAYMENT FOR
AUDIT SERVICES
BY
ACCOUNTANT
FOR WATER &
SEWER
DISTRICTS

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

**ATTACHMENT A: LIST OF WAYNE COUNTY EMERGENCY
TRAVEL RESTRICTIONS**

**ATTACHMENT B: CODE VIOLATION LIST OF CONSTRUCTION
DEFICIENCIES AT 4775 TELLIER ROAD,
EAST PALMYRA**

**ATTACHMENT C: CABLE FRANCHISE LETTER—TIME WARNER
TRANSFERRING TO COMCAST**

**ATTACHMENT D: NEW YORK'S EMERGENCY MANAGEMENT
LICENSE PLATES ORDER FORM**