

REGULAR MEETING OF THE TOWN BOARD

**PALMYRA TOWN HALL
DECEMBER 21, 2010**

At 7:30 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Tuesday, December 21, 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 Deputy Code Enforcement Officer Bob Grier, Palmyra Highway Superintendent Mike Boesel, and Debbie and Katie Welch.

MEETING ATTENDANCE

Motion was made by Todd Pipitone to approve the minutes of the November 18, 2010 meeting and the November 23, 2010 meeting of the Town Board.

MTN: APPROVE MINUTES OF 11/18/2010 & 11/23/2010 TOWN BOARD MEETINGS

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

COMMUNICATIONS

1. **Wayne County Sheriff's Office Reports:** Reports from the Wayne County Sheriff's office listed Tickets by Town for January 2010 through November, as well as information about the two new deputies hired for the Sheriff's office.

INFORMATION ABOUT WAYNE COUNTY SHERIFF'S OFFICE

PUBLIC VILLAGE
MEETING—
FORMER GAS
PLANT

2. **Upcoming Public Meeting:** Councilman Todd Pipitone told the Board about a Public Meeting to be held at 7 p.m. on January 12, at the Park and Club Rooms, concerning a remedy for a former Manufactured Gas Plant on Park Drive.

REPORTS OF STANDING COMMITTEES

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

TOWN CLERK’S
OFFICE REPORT
FOR DECEMBER

1. **Town Clerk’s Office Report for December:** Councilman Todd Pipitone suggested Board members read the report, and that Town Clerk Lynne Green could answer any questions.

Ken Miller called Item #3 to the Board’s attention: *“Yesterday, December 20th, was a day to celebrate! After seven full years of paperwork and construction, the Johnson-Floodman-Parker Water Improvement Areas project is finally finished! Everything that could delay the project, did. While it was a particularly long project to accomplish, the deep breath we can now take is particularly sweet!”*

Final paperwork for this water project has all been signed, and the funds are being transferred to our account .

WAYNE COUNTY
IDA PUBLIC
HEARING FOR
PALMYRA INN
UPDATE

2. **IDA Public Hearing Update:** Dave Nussbaumer and Ken Miller attended the Wayne County Industrial Development Agency’s (IDA) Public Hearing concerning the Palmyra Inn last Friday, at the Palmyra Town Hall. While Dave Nussbaumer spoke, saying he represents the local taxpayers, he expressed his thoughts that the Palmyra Inn shouldn’t be able to participate in the PILOT (payment in lieu of taxes) program, and that the Town needs their tax dollars. Scott Kjar, attorney for the Palmyra Inn, said they need some tax relief over the next few years so as not to close down the motel altogether. Ken Miller asked for improved communication between the Palmyra Inn and the Town, in addition to the Wayne County IDA. Kjar also pledged there would be better communication between the Palmyra Inn and the Town, to more easily iron out any differences.

Their new PILOT agreement through the WCIDA calls for fixed tax amounts through the end of the agreement, arranged through the IDA. The IDA will collect their taxes and pay the Town. The Town has received the tax payment for this year.

Highway Committee – James Welch, Chairman

1. **December Highway Report:** Highway Superintendent Mike Boesel submitted the following report From November 23 to December 21:

Highway Superintendent Report
For Town Board Meeting 12/21/2010

Since the November meeting we have completed the following work:

- Serviced trucks/sanders
- Plowing/Sanding – Last year we had one of the lightest Decembers in recent years.
 - To date this season we have made a total of 34 trips out of the barn.
 - December 2009 we had 28 trips
 - December 2008 we had 44 trips.
 - December 2007 we had 33 trips

**DECEMBER
HIGHWAY
DEPARTMENT
REPORT**

Other miscellaneous items include:

- **Snow fence** – Snow fence letters went out just before Thanksgiving, but Mother Nature struck before we could get any fence up this year. The weather will dictate if we actually install any fence this year.
- **Salt Orders** – To date this December we have ordered 500 tons of our 3500 ton allotment.
- **Tree work** – As time and weather permits throughout the winter we will be performing some tree work on our roads and some continued brushmowing.
- **Street Lights** – As we have been driving around on many occasions in the early mornings I have found many street lights out. I am in the process of preparing a list of lights to submit to NYSEG. If you see any during your travels please let me know.
- **Equipment** – During the past few weeks of wintery weather we have had our share of typical electrical issues, sander issues and hydraulic issues that we have worked thru.

Everything is back in working order. Several pieces are nearing or at their service interval.

- **Personnel** – Karen has been out of work since December 10th. I will explain at the meeting. I spoke with her today and we hope she will be returning soon.

Mike stated, "all we've done is plow roads" about the recent snowfalls we have had. Since Karen Yantz has been out, Mike has been doing both jobs, he added.

**NYSEG
EXCAVATION
PERMIT TO BE
REVISITED IN
JANUARY**

2. **NYSEG Excavation Permit:** From time to time, the Town receives notifications from New York State Electric & Gas Corp. stating that they will need to do excavation work around the Town. They need Board approval to proceed. Highway Superintendent Boesel said he would address this issue at the Board meeting in January.

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

**PLANNING
BOARD
MEETING
MINUTES OF
12/13/2010**

1. **Minutes of Planning Board Meeting:** Mike Lambrix called attention to the minutes of the December 13th 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.
2. **WCWSA Water Rate Increase Follow-Up:** At the Board meeting in November, Mike Lambrix asked Town Clerk Lynne Green to ask the Wayne County Water and Sewer Authority (WCWSA) why the water rate was being increased in 2011 by 5 cents per thousand gallons. Martin Aman, Executive Director of the WCWSA responded to the request by writing, "Historically, our rates have increased approximately \$.10/tg per year, so we are pleased to be able to contain this year's increase to \$.05/tg." He added that the wholesale suppliers of water have increased their cost to the WCWSA by \$.09/tg for 2011. He also cites increases in costs for pensions to the NYS Retirement System, and the need to build a capital reserve for repair and replacement of water systems as they age. He added that participating in construction of new water mains in their service areas, such as Palmyra's Johnson/Floodman/Parker project, provides revenue to offset rate increases.

**WCWSA WATER
RATE INCREASE
FOLLOW-UP**

Councilman Mike Lambrix added that the WCWSA did a good job of answering and explaining the rate increase.

3. Mike Lambrix informed the Board that the contractor has completed his work painting the Town Hall cupola, and that it looks good.

**TOWN HALL
CUPOLA
PAINTING
COMPLETED**

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

1. **Assessor's Office Report:** Assessor Elaine Herman is on vacation and didn't submit a December report.
2. **Code Enforcement/Zoning Office Report:** December's CEO Report was distributed to Board members. Deputy Code Enforcement Officer, Bob Grier, represented the office this evening. There were no comments about the Permit report for December.
3. **Fee Change Request for Public Hearing:** Since the Village of Palmyra Board of Trustees is changing the fee for Planning and Zoning Boards' Public Hearings from \$100 to \$150, the Code Enforcement Office is asking the Town Board to increase the fee to \$150 as well. "...This fee covers the costs of advertising the Public Hearing, paying the Board members, posting the properties, etc. The current rate does not cover the expenses." Since this is a simple fee change, the Town Board can approve the change without changing any local laws or ordinances.
4. **Purchase Request for Portable Computer:** A request for the Board to consider is the purchase of a second portable computer for the Code/Zoning Department. Several months ago, the first one was purchased and is being used during property maintenance inspections around town. A second one was planned for 2011, but there is money in the budget for purchase this year. In addition, a hook-up for the server needs to be purchased, allowing the desk computer to interface with the remote. There would be a monthly fee of \$29.95 for a Verizon wireless connection, that will be included in next year's budget.

**NO ASSESSOR
REPORT FOR
DECEMBER**

**CODE
ENFORCEMENT
/ZONING OFFICE
DECEMBER
REPORT**

**FEE CHANGE
REQUEST FOR
PUBLIC
HEARINGS BY
PLANNING AND
ZONING
BOARDS**

**REQUEST TO
PURCHASE A
SECOND
PORTABLE
COMPUTER FOR
CODE OFFICE**

NO ZONING BOARD MEETING MINUTES TONIGHT

- 5. **Zoning Board Meeting:** Minutes of the December 9, 2010 Town Zoning Board of Appeals meeting will be included in Board members' packets in January.

NUISANCE PROPERTIES UPDATE

- 6. **Nuisance Properties Update:** Since Bob Grier was in attendance, Mike Lambrix asked him to update the Board on the Lyon Road property in question. Bob said the court case is being brought before the judge this evening, so we don't have news yet about it. He added that Garnsey Road still has items to be removed at this time.

INFORMATIONAL ITEMS

NO NEW POSTINGS ON PALMYRA LIBRARY WEB SITE

- 1. **Palmyra Community Library:** Since there were no new postings on the Library's web site since the October 21 meeting, there was no new news from the Board of Trustees.

REVIEW PETTY CASH FUNDS IN TOWN CLERK'S AND CODE ENFORCEMENT OFFICES

- 2. **Petty Cash Funds Availability:** At the Organization Meeting each January, petty cash funds are allocated and approved for those offices that handle the Town's money. Ken Miller asked the Town Clerk's office and Code Enforcement office to show their petty cash transactions for the year 2010. The Board can see what was spent during the year that was included in Petty Cash funds being used.

NO PUBLIC INPUT

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

AGENDA ITEMS

AMENDED LEGAL SERVICES AGREEMENT WITH USDA

- 1. **Approve Amended Legal Services Agreement with USDA:** As part of the completion of paperwork for the Johnson/Floodman/Parker Water Improvement Areas project, it is necessary to pay the Town Attorney, Paul Rubery, for legal services provided over the years.

A formal Amended Legal Services Agreement with the United States Department of Agriculture, Rural Utilities Service, was completed by our attorney to be submitted to the USDA for payment. These 2010 services include filing fees; advice and assistance; preparing legal documents; review of construction contracts; bid-letting procedure; surety and contractual bonds; review of deeds, easements, rights of way, water supply source, pumping stations, treatment plants, etc.; obtaining permits and certifications; work with engineer for project; working with bond counsel for final financing documents, etc.

**AMENDED
LEGAL
SERVICES
AGREEMENT
WITH USDA**

Councilman Mike Lambrix asked who sets the fees for the Attorney. Ken Miller responded saying these are the types of services we received for over seven years for this project. Although this documentation came in to the USDA, it is necessary to have Board approval for project completion. He added that these services are not above the project limit, but need to be moved from one project account to another to cover the expense.

**MTN: APPROVE
LEGAL
SERVICES
AGREEMENT
WITH USDA FOR
JOHNSON/
FLOODMAN/
PARKER WATER
IMPROVEMENT
AREA PROJECT**

Dave Nussbaumer made the motion to approve the Amended Legal Services Agreement with the USDA for the Johnson/Floodman/Parker Water Improvement Area project.

Second: Todd Pipitone Vote: 5 Ayes. Carried.

A copy of this Legal Services Agreement is included with these minutes as Attachment A.

- 2. **Resolution: Budget Adjust for Legal Expenses:** The following resolution was prepared by the US Department of Agriculture to adjust the budget for the Johnson/Floodman/Parker Water Improvement Areas project, to cover legal expenses.

**RESOLUTION:
BUDGET
MODIFICATIONS
FOR LEGAL
EXPENSES FOR
JOHNSON/
FLOODMAN/
PARKER WATER
IMPROVEMENT
AREA PROJECT**

**Town of Palmyra – Johnson- Floodman Water
District
Budget Modifications**

WHEREAS, the Town of Palmyra developed the budget for the Johnson-Floodman Water District project based on estimates for the costs for the Legal and Land and Rights of Way expenditures, and

WHEREAS, the Town has not incurred expenses for Land or Rights of Way for the project, and

WHEREAS, the actual costs for the Legal expenditures will be more than the budgeted amounts.

BE IT RESOLVED that the Town Board hereby authorizes the following adjustments to the Legal and Land and Rights of Way budget line items:

Budget Item	Approved Budget	Increase (Decrease)	Modified Budget
Legal	\$7,500.00	\$4,800.00	\$12,300.00
Land, ROW	10,000.00	(10,000.00)	\$0.00
		(\$5,200.00)	

BE IT FURTHER RESOLVED that the balance of these funds (\$5,200.00) be transferred to the Contingency.

MTN: APPROVE BUDGET MODIFICATION RESOLUTION

There was no discussion about the resolution. Todd Pipitone made the motion to approve the Budget Modification resolution.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

3. **Nomination for EMS Advisory Board:** Each year, the Town Board nominates a resident to the Wayne County EMS Advisory Board. This person has been a member of a local ambulance service. The Board thanks Debbie Rothfuss for her service last year on the EMS Advisory Board.

MTN: APPROVE JOHN RUSH TO SERVE ON COUNTY EMS ADVISORY BOARD

Mike Lambrix made the motion to approve John Rush, a member of the East Palmyra Fire Department, to serve on the EMS Advisory Board, and to be a liaison between the County and the Town. Ken Miller said he'd forward John's name to the County EMS Advisory Board.

Second: Todd Pipitone Vote: 5 Ayes. Carried.

4. **Approve New Year's Holiday 2011:** Since the holidays allocated for 2010 ended with the Christmas holiday, Friday, December 24th, and the Annual Organizational Meeting isn't scheduled until after the First of January, it was necessary to choose a date for the 2011 New Year holiday. Dave Nussbaumer made the motion to approve the Town New Year Holiday on Monday, January 3, 2011.

MTN: APPROVE JANUARY 3, 2011 AS NEW YEAR'S HOLIDAY

Second: Jim Welch

Roll Call Vote: Carried.

Ayes: David Nussbaumer
Jim Welch
Todd Pipitone
Ken Miller

Nays: Mike Lambrix

**ROLL CALL VOTE
FOR JANUARY 3,
2011 HOLIDAY**

- 5. **Schedule Town Organizational Meeting for 2011:** David Nussbaumer made the motion to schedule the annual Town Organizational Meeting on Thursday, January 6, 2011, at 7 p.m. in the Palmyra Town Hall.

**MTN: SCHEDULE
ORGANIZATIONAL
MEETING FOR
JANUARY 6, 2011**

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

- 6. **Approve Fee Schedule Change:** The Village of Palmyra Board of Trustees had approved the fee schedule change at their meeting last night. Councilman Dave Nussbaumer made the motion to change the fee from \$100 to \$150 to hold a public hearing before the Town Planning Board and/or the Town Zoning Board.

**MTN: APPROVE
FEE CHANGE FOR
PLANNING/
ZONING BOARDS
PUBLIC HEARING**

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

- 7. **Resolution--Closing of 2010 Fiscal Year:** The following resolution was presented to the Town Board:

BE IT RESOLVED, that the Town Board authorizes Petra Anderson, Town of Palmyra bookkeeper, to make any necessary adjusting and budgetary journal entries in closing the 2010 fiscal year.

**MTN: APPROVE
BUDGETARY
ADJUSTMENTS TO
CLOSE OUT 2010
FISCAL YEAR**

Dave Nussbaumer made the motion to approve the Resolution for the Closing of the 2010 Fiscal Year.

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

- 8. **Approve Purchase of Second Remote PC:** After Bob Grier's reassuring words that the purchase of the first portable (remote) PC worked out well for the Code/Zoning Office, and that there was enough money in their 2010 budget to purchase a second one, Dave Nussbaumer made the motion to approve the purchase of a second remote PC.

**MTN: APPROVE
PURCHASE OF
SECOND REMOTE
PC FOR CODE/
ZONING OFFICE**

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

MTN: TABLE
APPROVAL OF
NYSEG
EXCAVATION
PERMIT

9. **Approve NYSEG Excavation Permit:** Since the Board didn't have the Excavation Permit this evening, Mike Lambrix made the motion to table this issue until January 6, 2011.

Second: Todd Pipitone Vote: 5 Ayes. Carried.

MTN: APPROVE
ABSTRACTS
#208 AND #209

10. **Approve Abstracts #208 and #209:** Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #208, that includes Voucher Numbers 11824 through 11828 for \$228,349.45, and Abstract #209, that includes Voucher Numbers 11829 through 11840 and 11842 through 11910 for \$59,388.49.

Second: Todd Pipitone Vote: 5 Ayes. Carried.

MTN: ENTER
EXECUTIVE
SESSION

11. **Motion to Enter Executive Session:** At 8:01 p.m., Dave Nussbaumer made the motion to enter Executive Session to discuss matters of pending litigation.

Second: Todd Pipitone Vote: 5 Ayes. Carried.

MTN: EXIT
EXECUTIVE
SESSION

12. **Motion to Exit Executive Session:** At 8:30, Mike Lambrix made the motion to exit Executive Session.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

MTN: ADJOURN
MEETING

13. **Motion to Adjourn:** At 8:32, Todd Pipitone made the motion to adjourn the meeting.

Second: Mike Lambrix Vote: 5 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

ATTACHMENT A: RUS Bulletin 1780-7: United States Department of Agriculture, Rural Utilities Service: Amended Legal Services Agreement for the Johnson/Floodman/Parker Water Distribution District with Palmyra Town Attorney Paul T. Rubery

NEXT TOWN BOARD MEETING

**THURSDAY, JANUARY 6, 2011, 7:00 P.M.
PALMYRA TOWN HALL**