

**REGULAR MEETING OF THE TOWN BOARD
FEBRUARY 24, 2005**

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, February 24, 2005, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 7:30 p.m. by Town Supervisor David C. Lyon.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Upon roll call, the following board members were present:

- David C. Lyon, Supervisor
- Michael Lambrix, Councilman
- Kenneth Miller, Councilman
- Dave Nussbaumer, Councilman
- James Welch, Councilman

ROLL CALL

Also attending the meeting:

- Maggie Ramsey *Canandaigua Daily Messenger*
- Todd Pipitone *Palmyra Courier-Journal*
- Bob Grier Palmyra Code/Zoning Officer
- Michael Boesel Palmyra Highway Superintendent

Motion was made by Dave Nussbaumer to approve the minutes of the January 6, 2005 organization meeting of the Town Board.

**MTN: APPRV
1/27/2005 MTG
MINUTES**

Second: Mike Lambrix Vote: 5 ayes. Carried.

COMMUNICATIONS

1. Quality Communities Grant Application: E-mail was received from Sharon Lilla, Director of the Wayne County Planning Department, to inform the town supervisors that Wayne County will submit an application to the NYS Quality Communities Program requesting \$40,000 to conduct a countywide Geographic Information Systems (GIS) needs assessment. "GIS is computer mapping and has become an

**PUBLIC
RABIES CLINIC
ANNOUNCED**

essential tool in our planning and economic development efforts." She requested a letter of support from each town to include with the application. A letter on behalf of the town was signed by Supervisor Lyon and was sent to her office February 16.

**TRAINING FOR
MUNICIPAL
OFFICIALS**

2. Training for Municipal Officials: The Seneca County Planning Board and the Wayne County Planning Department are co-sponsoring Training for Municipal Officials. The March 14th presentation, put on by the NYS Department of State, provides information on local planning and zoning. Members of zoning boards, planning boards and elected officials are among those invited to the presentation. No town board members indicated they would be attending.

3. Community Development Block Grant Program: Wayne County Planner Sharon Lilla forwarded an email from Senator Hillary Rodham Clinton to all town supervisors. It concerned a proposed "consolidated program that is intended to carry out the activities of 18 existing economic and community development programs." One of those 18 programs is the Community Development Block Grant Program (CDBG). In addition, the new program's funding is much less than previous funding levels. Since Wayne County and Palmyra have benefitted from projects funded totally or in part by the CDBG—including water and sewer projects—Lilla wanted to know if the town would like her to prepare a resolution on our behalf opposing the elimination of the CDBG program.

**MTN: APPROVE
RESOLUTION
OPPOSING THE
ELIMINATION
OF CDBG IN
PRESIDENT
BUSH'S
PROPOSED
BUDGET**

After discussion, Mike Lambrix made the motion to approve a resolution opposing the elimination of the CDBG program, but asked that Town Clerk Lynne Green send the resolution to the county, rather than have the county prepare a resolution on our behalf.

Second: Ken Miller

Votes: 5 ayes. Carried.

Copy of the Resolution Opposing Elimination of the Federal Community Development Block Grant Program is added to these minutes as Attachment A.

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Kenneth Miller, Chairman

Ken Miller reported that all furnace filters have been replaced and small repairs around the building have been done. He is now in process of getting quotes for the anticipated roof repair or replacement this year. He has a new young man contracted to do sidewalk and entrance snow shoveling and expects to have a new custodian at the end of the month. There have been more leaks in office ceilings, most notable of which is in the Historian's/Animal Control Officer's office, in which the ceiling paint bubbled and burst under the weight of the water, affecting carpet, desk, filing cabinet, etc., and that this ceiling will need to undergo major repairs after the roof is fixed.

**BLDGS. & GROUND
COMMITTEE
REPORT**

Highway Committee – Michael Lambrix, Chairman

- 1. Authorization to plasma cutter for the shop: Last month the Town Board authorized Highway Superintendent Mike Boesel to obtain quotes for purchase of a plasma cutter for the shop. Boesel provided a Highway Superintendent Report to board members which details the three bids and the recommended one for the board to consider. The lowest bidder, Jackson Welding, came in at \$2,059, well under the budgeted amount of \$4,000. Mike Lambrix made the motion to authorize the purchase of the plasma cutter not to exceed \$2,059.

**MTN: AUTHOR-
IZATION TO
PURCHASE
PLASMA
CUTTER NOT
TO EXCEED
\$2,059**

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

- 2. Work Permits on State Highways: A letter from Lynn A. Pease, Regional Permit Engineer for the NY State Department of Transportation, was received requesting board consideration of a resolution to approve the filing of an Undertaking of the Town of Palmyra with the NY State DOT. Undertakings "negate the need to show proof of insurance and also take the place of a performance bond when applying for a Highway Work Permit....This Undertaking also applies to the Annual Maintenance Permits (both Utility and Non-Utility) [Palmyra] is required to obtain before performing work within

**WORK
PERMITS ON
STATE
HIGHWAYS**

the State Right of Way." Mike Lambrix made the motion to approve the following resolution:

**MTN:
RESOLUTION
TO APPROVE
FILING AN
UNDERTAKING
BETWEEN
TOWN AND
NYS DEPT. OF
TRANSPORTA-
TION FOR
HIGHWAY
WORK
PERMITS**

RESOLUTION
APPROVE FILING OF AN UNDERTAKING
OF THE TOWN OF PALMYRA
WITH THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION

WHEREAS the Town of Palmyra has the need from time to time to apply for a Highway Work Permit from the New York State Department of Transportation, and

WHEREAS the Town of Palmyra wishes to expedite the issuance of a permit, save paperwork and money for the Town and the Department of Transportation, and

WHEREAS having an Undertaking filed with the New York State Department of Transportation will mean that for the Town of Palmyra it will not be necessary to obtain a PERM 17 (Certificate of Insurance) or make sure the existing Insurance listing is updated each time the town obtains a Highway Work Permit, and that it would not be necessary to maintain and pay for a PERM 44e (performance bond), and

WHEREAS this Undertaking also applies to the Annual Maintenance Permits (both Utility and Non-Utility) which the Town of Palmyra is required to obtain before performing work within the State Right-Of-Way,

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Palmyra, does hereby approve the terms and conditions offered, and does hereby approve the signing and filing of an Undertaking between the Town of Palmyra and the New York State Department of Transportation.

DATED: February 24, 2005

David C. Lyon
Palmyra Town Supervisor

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

Copy of the Undertaking is added to these minutes as Attachment B.

**PALMYRA INN
UPDATE**

works by his department during February, such as the Palmyra Inn. Grier said things are "proceeding smoothly", that a water main has been installed, along with a sewer line and pump station. About 90% of the first floor framing is up and about 30% of second floor framing is also up. An upcoming meeting will finalize the easement for drainage of their retention pond.

**FINWOOD
PROJECT IN
VILLAGE**

A third project Grier referred to is the Finewood Project on East Foster Street which is before the Village Board. A public hearing on March 7 at the Village Hall will address this issue.

INFORMATIONAL ITEMS**ASSESSOR'S
REPORT FOR
FEBRUARY**

1. Assessor's Report for February: Elaine Herman, Palmyra Assessor, has been receiving hundreds of applications for tax exemptions—STAR, Senior STAR, agricultural, non-profit, etc., all due March 1st. Also, the Empire Pipeline assessment has been reduced for the next five years, per a court-ordered settlement.

**RESULTS OF
SURVEY FOR
PROPOSED
MAPLE AVENUE
SEWER DISTRICT**

2. Proposed Maple Avenue Sewer District: In the Summer of 2004, a survey of residents of Maple Avenue, Meadow Drive, Wheel-In-Circle, Bonnie Lane and Betty Brae Way was sent out. Lynne Green provided a map to the board of individual parcels included in the proposed sewer district, each parcel colored by the response to the survey. 78 parcels were for the idea, 32 were against, 30 did not respond, and 3 said Maybe. Board members also discussed whether funding for this project will be available through the traditional routes of grants so the installation will be affordable to the residents.

**INFO ABOUT
PROPOSED
DRAINAGE
DISTRICT ON RT.
21 SOUTH**

3. Proposed drainage district:: A drainage district for residents on the west side of Route 21 south of the village has been proposed. This area has had problems with water collecting in back yards, due to drainage ditches and pipes being clogged. Dave Lyon said he has been checking into possible funding for a drainage district so the situation can be alleviated. A letter is now being drawn up to see if residents are interested in providing easements, etc. necessary to solving the problem.

- 4. Request for Use of Town Hall: St Anne's Church as requested the use of Town Hall in May for a church function. Ken Miller said he would check into the request and take the issue up at the March meeting.

REQUEST BY ST. ANNE'S CHURCH TO USE TOWN HALL TABLED

AGENDA ITEMS

- 1. Temporary assignment of town justices: Each year, the town is asked to allow Palmyra justices to preside in other town/village courts temporarily as need arises. Mike Lambrix made the motion to consent to the temporary assignment of town justices to preside in other town/village courts in the Seventh Judicial District during 2005, as the need arises.

MTN: APPRV TOWN JUSTICES TO SERVE TEMPORARILY IN OTHER TOWN/ VILLAGE COURTS

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

- 2. Contract with commercial appraiser: Midland Appraisal Associates, Inc., real estate counseling and appraisal services were contacted on behalf of the town to provide professional appraisals to two town properties in which there is a dispute concerning their commercial appraisals: Marquarts Mobile Home Park and Nothnagle Office Building. Their fee proposals—including mobile home units within the mobile home park—could be as high as \$20,000, especially if a Complete, Self-Contained Report, suitable for court exchange, is necessary. Dave Lyon asked the town board to authorize appraisal fees not to exceed \$20,000, with the added understanding that, since the school and county also have a vested interest in the outcome of these appraisals, typically, the cost will be split evenly among the three municipalities. While he had no confirmation of this, it is what has been done in the past. Motion was made by Dave Nussbaumer to authorize appraisal fees by Midland Appraisal Associates, Inc., of Marquarts Mobile Home Park and the Nothnagle Office Building, not to exceed \$20,000.

MTN: AUTHORIZE COMMERCIAL APPRAISALS OF MARQUARTS & NOTHNAGLE

Second: Ken Miller Vote: 5 ayes. Carried.

3. The Newport Alliance agreement: Each year the town contracts with a third-party administrator to review results and provide a medical review function for random drug tests conducted on town employees with commercial drivers licenses. The Newport Alliance, of Newport, Rhode Island, has provided this service to the town for several years, so we are compliant with all regulatory requirements. Mike Lambrix made the motion to approve the agreement between the Town of Palmyra and The Newport Alliance for 2005.

**MTN: APPROVE
AGREEMENT
WITH NEWPORT
ALLIANCE FOR
DRUG TESTING
SERVICES**

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

4. Appoint new member to Board of Assessment Review: The five-year term of Gordon DeMay on the Palmyra Board of Assessment Review expired on September 30, 2004. William P. Urtz has agreed to serve on the board, with a term retroactive to October 1, 2004, and his term ending September 30, 2009. Mike Lambrix made the motion to approve William P. Urtz to take the seat of Gordon DeMay on the Board of Assessment Review.

**MTN: APPOINT
WILLIAM URTZ
TO REPLACE
GORDON DEMAY
ON BOARD OF
ASSESSMENT
REVIEW**

Second: Ken Miller Vote: 5 ayes. Carried.

Lynne Green was asked to send Gordon DeMay a note of thanks for his years of service to the town.

5. Hardware for the Town Clerk's office: Budgeted in 2005 was \$1,500 to replace Deputy Town Clerk Betsy Lewis's PC, including monitor. Her PC crashes daily and her monitor is showing signs that it will not last much longer. Fortunately for the Town Clerk's office, Elaine Herman had a PC tower available for the taking, minus a hard drive. Lynne Green was able to locate a 19" flat screen monitor, a hard drive with capacity large enough to hold large indexes and listings—which Betsy uses daily—and a DVD/CD burner, all for under \$530 and a 1-year manufacturer's warranty. Mike Lambrix made the motion to approve purchase of hardware for the Town Clerk's office not to exceed \$529.97. In discussion, Dave Lyon noted that the town is reinventorying its furniture and equipment to make sure we are up to date with purchases, and to see if there is anything that can be included in the town auction.

**MTN: APPROVE
PURCHASE OF
HARDWARE FOR
TOWN CLERK'S
OFFICE**

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

- 6. Town Clerk's Association annual statewide conference: This year, the NY State Town Clerk's Association annual conference is in Buffalo, and is being hosted by town clerks in Western New York, including Wayne County clerks. Lynne Green asked the town board to approve her attendance at the conference in April for two days, as a commuter—so no accommodations expenses are incurred. In addition, one of the classes involves learning about becoming a Notary Public and taking the exam at the conference. The total cost for the Notary class, registration, an estimate of mileage costs and meals comes to \$300. Dave Nussbaumer made the motion to approve Lynne Green's attendance at the NY State Town Clerk's Association annual conference, not to exceed \$300.

**MTN: APPROVE
LYNNE GREEN'S
ATTENDANCE AT
NYS TOWN
CLERK'S ASSN.
CONFERENCE**

Second: Mike Lambrix Vote: 5 ayes. Carried.

- 7. Set Public Hearing date: A request for modification of a Special Use Authorization has been made by Donald Reeners for Ultimate Recycled Plastics, LLC. Jim Welch made the motion to set the Public Hearing date as March 24, 2005, at 7:30 p.m. at the Town Hall.

**MTN: SET
PUBLIC HEARING
DATE AS 3/24/05
FOR SPECIAL
USE PERMIT
MODIFICATION**

Second: Mike Lambrix Vote: 5 ayes. Carried.

- 8. Audit of the 2004 books of Justices, Town Clerk, Supervisor: Inadvertently, the town board's audit of the 2004 books of the Justices, Town Clerk and Supervisor was not included in the agenda of January 27, 2005. Mike Lambrix made the motion to schedule the audit for March 24, 2005, at the town board meeting.

**MTN:
RESCHEDULE
BOARD AUDIT
OF JUSTICES,
TOWN CLERK &
SUPERVISOR
BOOKS FOR 2004**

Second: Ken Miller Vote: 5 ayes. Carried.

- 9. Approve Abstract #75: Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #75, which includes Voucher Numbers 5968 through 6060, for a total amount of \$362,154.30.

**MTN: APPROVE
ABSTRACT #75**

Second: Mike Lambrix Vote: 5 ayes. Carried

**MTN: ADJOURN
MEETING**

10. Motion to Adjourn: At 8:07 p.m., Mike Lambrix made the motion to adjourn the meeting.

Second: Ken Miller

Vote: 5 ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

Attachment A: Resolution Opposing Elimination of the Federal Community Development Block Grant Program

Attachment B: Resolution to Approve the Filing of an Undertaking of the Town of Palmyra with the NY State Department of Transportation

**NEXT MEETING: THURSDAY, MARCH 24, 2005, AT 7:30 P.M.
PALMYRA TOWN HALL**