

**REGULAR MEETING OF THE TOWN BOARD
APRIL 28, 2005**

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, April 28, 2005, at the East Palmyra Fire Hall, Whitbeck Road, East Palmyra, NY, was called to order at 8:00 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:

- Harry Wilkins 4728 Tellier Rd.
- Todd Pipitone *Palmyra Courier-Journal*
- James Milliman 1631 Port Gibson Rd.
- Michael Boesel Palmyra Highway Superintendent
- Roy C. Wilck 1561 East Palmyra-Port Gibson Rd.
- Nancy Mitchell 1034 Floodman Rd.
- Donald Reeners 889 Port Gibson Rd.
- Rick Walton 1451 Port Gibson Rd.
- Diana Wirth 1527 East Palmyra-Port Gibson Rd.

**MTN: APPRV
3/24/2005 MTG
MINUTES**

Motion was made by Mike Lambrix to approve the minutes of the March 24, 2005 meeting of the Town Board.

Second: Jim Welch Vote: 4 ayes. Carried.
Dave Nussbaumer abstained.

COMMUNICATIONS

1. Determination on request for Newark-Marion Rd.: Letter received from Larry Sherman, Regional Traffic Engineer for the NY State Department of Transportation states:

DETERMINATION FROM NYS DOT AGAINST SPEED REDUCTION ON NEWARK-MARION RD.

"We have completed our investigation of Newark-Marion Road, County Road 220, between O'Meal Road and Harris Road relative to the establishment of a lower speed limit.

"A representative from this office made a visit to the site and conducted a field evaluation. This investigation involved making an observation of the roadway characteristics. We also met with the Traffic Supervisor from the New York State Police to seek his input about lowering the speed limit.

"In consideration of the roadway characteristics and the review by the State Police, we determined that a reduction of the speed limit is not warranted at this time."

Town Clerk Lynne Green agreed to notify those who had signed the original petition of the decision.

ARMED FORCES DAY CELEBRATION 5/21/2005

- 2. Armed Forces Day Celebration: The Town Board received an invitation from the Wayne County Veterans Council to join them on Armed Forces Day, Saturday, May 21, 2005, for a celebration at 11:00 a.m. at the Wayne County Fairgrounds in Palmyra.

In addition to honoring the men and women in our Armed Forces, they will be dedicating Route 31 as Wayne County Veterans' Memorial Highway." Several board members indicated they will be available that day to participate in the event.

COUNTY REVIEW OF CONSOLIDATED AGRICULTURAL DIST. NO. 2

- 3. Review of Consolidated Agricultural District No. 2: A memo from Bret DeRoo, Senior Planner at the Wayne County Planning Department, notifying Palmyra that, as part of Consolidated Agricultural District No. 2, the Planning Department will be reviewing the agricultural land located in this district, as required by NY State Agriculture and Markets Law. They are asking the public to notify them of land that should either be added or removed from the district.

PETITION TO LOWER SPEED LIMIT ON HAMMOND RD.

- 4. Petition to lower speed limit on Hammond Road: A petition was received signed by 23 residents of Hammond Road requesting a speed reduction from the current 55 mph to 40 mph. Town Clerk Lynne Green is to contact the proper authorities to start the process of determining the feasibility of their request. Mike

Lambrix made the motion to approve the following resolution:

**RESOLUTION IN RESPONSE TO PETITION
FROM RESIDENTS ON
HAMMOND ROAD, PALMYRA**

WHEREAS a petition has been received by the Town Board of the Town of Palmyra, New York, to review traffic conditions on Hammond Road(County Road 320) from Route 31 to Vienna Road, and
WHEREAS the petitioners have requested a reduction in speed with an accompanying change in signage,
THEREFORE, BE IT RESOLVED that the Town Board of the Town of Palmyra requests the Regional Traffic Engineer in the New York State Department of Transportation, Region 4, to conduct a study of said road, and to make recommendations to the Town Board of ways to resolve this issue.

Dated: April 28, 2005
Lyndall Ann P. Green
Palmyra Town Clerk

Second: David Nussbaumer Vote: 5 ayes. Carried

**MTN: APPRV.
RESOL. IN
RESPONSE TO
PETITION
FROM
RESIDENTS ON
HAMMOND RD.**

- 5. Spring 2005 Regional Local Government Workshop: Notice was received that a local government workshop is planned for Friday, May 13, at the Burgundy Basin Inn in Pittsford. Copies of the flier were distributed to all board members to look over the course offerings, and to contact Lynne Green if they wish to attend.

**ANNOUNCE
SPRING 2005
REGIONAL
LOCAL GOVT.
WORKSHOP**

- 6. Support of funding request by Palmyra Truck Traffic group: NY State Senator Michael Nozzolio wrote Supervisor Lyon to offer his support for the funding request made to the Genesee Transportation Council (GTC) by the Palmyra Truck Traffic on Route 21 group. In addition, the Senator contacted Richard Perrin, Executive Director of the GTC, to express his strong support of the request.

**NOZZOLIO
SUPPORT OF
FUNDING
REQUEST BY
PALMYRA
TRUCK
TRAFFIC
GROUP**

Lynne Green added that word was received two days prior to the town board meeting that the GTC has officially recommended this project for funding. Members of the group have been so notified. Ken Miller noted that with the new rise in Thruway tolls, he expects there will be even more truck traffic in Palmyra in the future.

**MEMORIAL
DAY PARADE
MONDAY, MAY
30, 2005 ON
MAIN ST. IN
VILLAGE**

7. Memorial Day Parade participation: An invitation was received for town officials to participate in this year's Memorial Day Parade at 9:00 a.m. on Monday, May 30, 2005, on Main Street, from the Palmyra Elementary School to the Palmyra Cemetery on Vienna Street. Several board members indicated they would be in town and would participate in the parade.

**NOTE OF
THANKS TO
BETSY LEWIS
FOR HER HELP
WITH
GENEALOGY
REQUEST**

8. Note of Thanks: The Town Clerk's office received the following note of thanks to Betsy Lewis:
"Dear Betsy, Thank you very much for your help when we stopped in to inquire about the Dixons in Palmyra. We appreciate the information you found and hope to see you again next time we stop in Palmyra. Again, thank you for your help. Best regards. Bob and Rose Mary Dixon"

**EAST WATER
DIST. SERIAL
BOND REC'D.
MARKED "PAID
IN FULL"**

9. "Paid In Full" serial bond for water district: A "paid in full" principal for the year 2004 for the East Water District (Serial) Bond was received this month. It is noted as an item of interest only.

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Kenneth Miller, Chairman

**BUILDINGS
AND GROUNDS
REPORT**

In Ken Miller's report of open action items, cleaning in the building is satisfactory, with the kitchen receiving special attention in April. He has an estimated cost for the Town Hall roof repair or replacement, which has been at legal counsel and is now at our engineer's office for specifications. It is expected to be ready for bids shortly.

Highway Committee – Michael Lambrix, Chairman

**MTN: APPRV.
LIST OF
SURPLUS
ITEMS FOR
MUNICIPAL
AUCTION**

1. Surplus items for municipal auction: Highway Superintendent Michael Boesel submitted a list of surplus items he would like to include in this year's municipal auction. He has cleared out items which are no longer being used, and estimates he'll find even more as things are cleaned up. Mike Lambrix made the

motion to approve the list of surplus items which was submitted. Ken Miller asked if the motion could also include that if items are found which have a value of less than \$1,000, they can be added to the list without prior board approval. Mike Lambrix agreed to this amendment to the motion.

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

- 2. Highway Department monthly report: Mike Boesel submitted a report which includes photos of the 1996 Case Tractor which was hit from behind by another vehicle. Damage is now being assessed so it can be repaired. Also included are photos of damage done to Hogback Hill Road near Swift's Landing Park which was flooded during recent heavy rains. Approximately 100 ft. of road was severely damaged, including a small bridge over a creek—a 6' x 12' box culvert. Last month, Mike attended Advocacy Day with about 350 other highway superintendents from around the state. They lobbied for increased CHIPS funds in the state budget. While the increase was less than requested, Palmyra's increase is around \$2,200.

**HIGHWAY DEPT.
REPORT FOR
APRIL**

- 3. Highway School attendance: Mike Boesel requested approval to attend the annual Highway School June 6-8, 2005, with a cost not to exceed \$300. Mike Lambrix made the motion to approve this request.

**MTN: APPROVE
MIKE BOESEL
ATTENDANCE AT
ANNUAL
HIGHWAY
SCHOOL**

Second: Jim Welch Vote: 5 ayes. Carried.

- 4. Crosswalk placement on Vienna Street: A request had been made by a local resident who was concerned about the number of people crossing Vienna Street from the Cross Creek Methodist Church to their parking lot across the street. Mike had been asked to look into the matter. He reported that the crosswalk striping has been made and appropriate signage has been installed this past week.

**RESOLUTION OF
RESIDENT
REQUEST FOR
PROPER
CROSSWALK
AND SIGNAGE
ON VIENNA
STREET**

It was noted that there has been someone at the crosswalk on Sundays to help pedestrians. There was concern that there might be liability to the town if someone is hit. Since the person has not been named by the town, Dave Nussbaumer felt it is not a town liability. Dave Lyon said he had already checked with our attorney and was assured the town is not

liable. Mike Boesel said that the correct signage makes the crosswalk legal. Dave Lyon said he can check further with the attorney if the board wishes.

**NELSON COOK'S
RETIREMENT
PARTY BEING
PLANNED**

- 5. Nelson Cook's retirement party: For informational purposes, Nelson Cook's retirement party was discussed. It is planned for Saturday, June 11, 2005. Petra Anderson is in charge of the details.

Planning Committee – James Welch, Chairman

No items to report for April.

Zoning Committee – David Nussbaumer, Chairman

No CEO report nor items to report for April. CEO is on vacation.

INFORMATIONAL ITEMS

**ASSESSOR'S
REPORT FOR
APRIL**

- 1. Assessor's Report for April: Elaine Herman, Palmyra Assessor, submitted her report of activity in her office during April. In it, she announces Grievance Day as May 24, 2005, and that those wishing to meet with the Board of Assessment Review should schedule an appointment in advance. She and her part-time clerk, Joan Gates, attended a class about reading appraisals.

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

- 2. Town Clerk's Office Report for April: Information about the doings at the Town Clerk's office include web site, Archives, grants, extra help with daily tasks, volunteer projects, and inquiries for information about Palmyra from people who plan to visit this year. In addition, Lynne Green attended two days of the NY State Town Clerk's Association annual conference. While there, she took a class on Notary Public information, which included the state examination. She has received word that she passed the exam, and is now in process of getting her commission filed at the Department of State and at the County Clerk's office.

AGENDA ITEMS

1. Special Use Permit modification—Ultimate Recycled Plastics:
 In March, the public hearing was held concerning the request by Don Reeners, owner of Ultimate Recycled Plastics, to expand the hours of operation at his business. The board tabled his request until the April meeting. During the month of April, Mike Lambrix, Bob Grier and David Nussbaumer visited the site at 889 Port Gibson Road to see things for themselves. They found that with new silos in place for storage, the plant area has been cleaned up substantially. They toured the plant and listened to the noise level with the grinders operating. Dave Nussbaumer reported that the level was low enough to hold a normal conversation. Mike Lambrix expressed his concern that the area be kept clean. If the noise bothers neighbors, he should place fans in the plant to ventilate it so doors can be closed. Other ways to reduce noise inside, such as new sound enclosures are encouraged. Ken Miller also visited the plant and talked with employees about his concerns.

Dave Nussbaumer made the motion to go along with the Planning Board's recommendation for a six-month probationary period with a review at the end. This would allow 24-hour operation Monday through Friday, with 7:00 a.m. to 5:30 p.m. hours on Saturday. No hours of operation are to be on Sunday.

**MTN: APPROVE
 EXPANDED
 HOURS FOR
 ULTIMATE
 RECYCLED
 PLASTICS FOR
 SIX-MONTH
 TRIAL PERIOD**

Second: Mike Lambrix Ken Miller requested that the motion be amended to include that commercial vehicles will be allowed to come in and load/unload from 7 a.m. to 7 p.m. only. Changes agreed by Nussbaumer and Lambrix.

Vote: 4 ayes. 1 nay (Jim Welch). Carried.

2. Schedule Public Hearing for Local Law No. 1 for 2005: Local Law No. 1 for 2005 has been proposed—amending Local Law No. 1 for the year 2003—having to do with sewer rent charges. Dave Lyon explained that the Village has informed the town that sewer rates will increase requiring us to increase town rates to cover the overage. Mike Lambrix made the motion to schedule the Public Hearing for Thursday, May 26, 2005, at 8 p.m. in the Town Hall.

**MTN: SET
 PUBLIC HEARING
 DATE FOR
 5/26/2005 FOR
 LOCAL LAW #1
 OF 2005—SEWER
 RENT CHARGES**

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

- 3. Mobile/Manufactured Home Park Permit renewals: We have received two applications for renewal for mobile home park permits for the 2005-2006 permit year: Valley View Mobile Home Park on South Townline Road and Marquart Village, Inc. on Macedon Center Road have paid their fee for the upcoming year. Mike Lambrix made the motion to approve the applications for Valley View and Marquart Mobile Home Parks for 2005-2006.

**MTN: APPRV.
MOBILE HOME
PARK PERMITS
FOR VALLEY
VIEW PARK &
MARQUART
VILLAGE**

Second: Ken Miller Vote: 5 ayes. Carried.

- 4. Resolution: to approve capital note for purchase of front-end loader: The purchase of a front-end loader was made in the Spring of 2004. \$65,790 was paid at the time of purchase with a \$100,000 Capital Note taken out for payment over the following two years, \$50,000 each year. HSBC Bank has requested we make a new \$50,000 note for the second (and last) year of the indebtedness. A resolution is needed to approve the new note. Mike Lambrix made the motion to approve the following resolution:

**MTN: APPRV
CAPITAL NOTE
FOR PURCHASE
OF FRONT-END
LOADER**

CAPITAL NOTE RESOLUTION OF THE TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK, (THE TOWN) ADOPTED APRIL 28, 2005, AUTHORIZING THE PURCHASE OF A FRONT-END LOADER FOR HIGHWAY MAINTENANCE AND CONSTRUCTION, INCLUDING EQUIPMENT AND APPARATUS USED IN CONNECTION THEREWITH. STATING THE ESTIMATED MAXIMUM COST OF SAID PURCHASE IS \$165,790.00 APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$50,000.00 CAPITAL NOTE OF THE TOWN TO FINANCE A PORTION OF SAID APPROPRIATION, STATING THAT THE PERIOD OF PROBABLE USEFULNESS IS TEN (10) YEARS AND PROVIDING FOR THE LEVYING OF TAX TO BE COLLECTED TO PAY THE PRINCIPAL OF AND INTEREST ON SAID CAPITAL NOTE.

RECITALS

WHEREAS, the Town of Palmyra, Wayne County, New York, (the Town) adopted a resolution authorizing the advertisement for bids for the sale to the Town of a front-end loader; and

WHEREAS, on the 18th day of December, 2003, sealed bids were opened and read aloud at the Town Offices, the place specified in said notice; and

WHEREAS, no award to the successful bidder shall be made unless and until (i) the contract shall have been approved by the County Superintendent and (ii) the Capital Note Resolution authorizing such purchase shall have been duly adopted by the Town Board of the Town,

**RESOLUTION
TO APPRV.
CAPITAL NOTE
FOR FRONT-
END LOADER**

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF PALMYRA, COUNTY OF WAYNE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board) AS FOLLOWS:

Section 1. Town of Palmyra, Wayne County, New York, (the Town) is hereby authorized to purchase a front-end loader for highway maintenance and construction, including equipment and apparatus used in connection therewith, pursuant to said advertisement and invitation to bid filed with the Town Clerk on December 5, 2003, all as hereinabove referred to in the Recitals hereof.

Section 2. The estimated maximum costs of said purchase, including preliminary costs and costs incidental thereto and the financing thereof, is \$165,790.00 and said amount is hereby appropriated therefore. The sum of Sixty-five Thousand Seven Hundred Ninety Dollars (\$65,790.00) will be paid from the current appropriation less the income from the sale of the existing front-end loader estimate to be Sixty-six Thousand Dollars (\$66,000.00). To finance a portion of said appropriation, a capital note of the Town is hereby authorized to be issued in the principal amount of \$100,000.00 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (Local Finance Law).

Section 3. The plan of financing is as follows: the sum of \$65,790.00 shall be paid from current funds from Highway No. 3 account; and the balance of said cost is to be provided by the issuance of a capital note in the amount of \$100,000.00 pursuant to this resolution and on April 20, 2005, a \$50,000.00 Capital Note with interest at the rate of Two and Ninety-Two One-Hundredths Percent (2.92%) per annum.

Section 4. There is hereby authorized the levy of a tax to be collected in installments to pay the principal of and interest on said Capital Note.

Section 5. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which the Capital Note authorized by this resolution is to be issued, within the limitations of Section 11.00(a)(28) of the Local Finance Law, is ten (10) years.

(b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the Capital Note authorized by this resolution.

(c) The proposed maturity of the Capital Note authorized by this resolution will not exceed two (2) years.

Section 6. The capital note authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law, and said Capital Note shall be a general obligation of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Capital Note and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the Capital Note (or portion thereof) to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and the Local Finance Law, and pursuant to the provisions of Section 50.00 and Sections 56.00 to 60.00 of the Local Finance Law, the powers and duties of the Town Board relative to prescribing the terms, form and content as to the sale and issuance of the Capital Note hereby authorized, or the renewals thereof, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The validity of the Capital Note authorized by this resolution may be contested only if

(a) such obligation is authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after date of such publication, or

(c) such obligation is authorized in violation of the provisions of the Constitution.

Section 9. The Town Clerk is hereby directed to cause this Capital Note Resolution, together with a certain Notice substantially in the form prescribed by Section 81.00 of the Local Finance Law, to be published, in full, in the *Courier-Journal*, a newspaper published in Wayne County, New York, and having a general circulation in the Town.

Section 10. This resolution shall take effect immediately.

The motion for the adoption of the foregoing resolution was made by Councilman Michael Lambrix and seconded by Councilman David Nussbaumer, and duly put to a vote on roll call, which resulted as follows:

ROLL CALL VOTE	Supervisor David Lyon	VOTING	aye
	Councilman David Nussbaumer	VOTING	aye
	Councilman Michael Lambrix	VOTING	aye
	Councilman James Welch	VOTING	aye
	Councilman Kenneth Miller	VOTING	aye

Motion Carried.

- 5. Schedule Informational Meeting for DEC concerning Cleason gravel pit expansion: The Department of Environmental Conservation is the lead agency for the application submitted by Abram Cleason, Inc. to expand the boundaries of his gravel pit on Palmer Road, which includes the Town of Palmyra and the Town of Arcadia. They have requested a day when they can have two public informational meetings to review the Environmental Impact Statement at Town Hall. David Nussbaumer made the motion to have these meetings on Thursday, May 26, 2005, one to start at 2:00 p.m. and the other to start at 7:00 p.m.

**MTN: SCHEDULE
D E C PUBLIC
INFO MTGS. RE:
ABRAM
CLEASON
REQUEST FOR
GRAVEL PIT
EXPANSION FOR
5/26/2005**

Second: Ken Miller

Vote: 5 ayes. Carried.

- 6. Approve Abstracts #78 (for vouchers already paid) and #79 (for vouchers to be paid): Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #78, which includes Voucher Numbers 6147 through 6155, for a total amount of \$69,206.55, and Abstract #79, which includes Voucher Numbers 6156 through 6214, for a total amount of \$57,817.52.

**MTN: APPROVE
ABSTRACTS #78
AND #79**

Second: Mike Lambrix

Vote: 5 ayes. Carried

- 7. Motion to Adjourn: At 8:31 p.m., Mike Lambrix made the motion to adjourn the meeting.

**MTN: ADJOURN
MEETING**

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

**NEXT MEETING: THURSDAY, MAY 26, 2005, AT 8:00 P.M.
PALMYRA TOWN HALL**