

**REGULAR MEETING OF THE TOWN BOARD  
JUNE 23, 2005**

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, June 23, 2005, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 8:00 p.m. by Town Supervisor David C. Lyon.

**CALL TO ORDER**

Supervisor Lyon acknowledged members and leaders of Boy Scout Troop 66 who were in attendance this evening. He invited them to ask questions after the meeting was over about any of the proceedings.

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
- Kenneth Miller, Councilman
- Dave Nussbaumer, Councilman
- James Welch, Councilman
- Councilman Michael Lambrix was absent

**ROLL CALL**

Also attending the meeting:

- |                    |                                       |  |
|--------------------|---------------------------------------|--|
| Todd Pipitone      | Palmyra <i>Courier-Journal</i>        |  |
| Michael Boesel     | Palmyra Highway Superintendent        |  |
| Roy C. Wilck       | 1561 East Palmyra-Port Gibson Rd.     |  |
| Robert Grier       | Palmyra Code Enforcement/Zoning       |  |
| Luke Camp          | Boy Scout Troop 66                    |  |
| Jerry Majewski     | Boy Scout Troop 66 parent             |  |
| Cody Majewski      | Boy Scout Troop 66                    |  |
| Bob Nichols        | Boy Scout Troop 66, Scoutmaster       |  |
| Tim Nichols        | Boy Scout Troop 66                    |  |
| Deborah J. Nichols | Boy Scout Troop 66, Asst. Scoutmaster |  |
| Martin Piva        | Boy Scout Troop 66                    |  |
| Matias Piva        | Boy Scout Troop 66 parent             |  |
| Robert Olsson      | Boy Scout Troop 66                    |  |
| Robin Nichols      | Boy Scout Troop 66                    |  |
| Jon Nichols        | Boy Scout Troop 66                    |  |

**ATTENDANCE**

**MTN: APPRV  
5/26/2005 MTG  
MINUTES**

Motion was made by David Nussbaumer to approve the minutes of the May 26, 2005 meeting of the Town Board.

Second: Jim Welch

Vote: 4 ayes. Carried.

**COMMUNICATIONS**

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

**DETERMINA-  
TION FROM  
NYS DOT  
SUPPORTING  
SPEED  
REDUCTION TO  
45 MPH ON  
HAMMOND RD.  
REQUEST**

"We have completed our investigation of traffic conditions on Hammond Road relative to the establishment of a lower speed limit.

"We have determined that a 45 mph speed limit is justified on Hammond Road between Route 31 and Vienna Road. Orders for the speed zone are being processed for filing with the Secretary of State and will be sent to you when approved. Installation of signs can follow at that time."

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

- 2. Resignation of Palmyra Historian: The Town Board received a letter of resignation from Palmyra Historian Beth M. Hoad:

**RESIGNATION  
OF PALMYRA  
HISTORIAN  
BETH HOAD**

"I have enjoyed working as Palmyra Historian for the past five years and feel I have learned a great deal about the history and citizens of the Town and Village of Palmyra, both past and present. To me, the experience is invaluable.

"However, having taken a full-time job as of April 1, 2005 and planning to be out of state this winter, I find it impossible to perform my duties as Palmyra Historian in a manner to which you and the taxpayers are entitled. Therefore, I wish to resign my position of Palmyra Historian effective June 30, 2005.

"I am turning over to the Town of Palmyra (Historian's office), all of the research materials shown as my personal property on a list previously prepared and on file with Betsy Lewis, Deputy Clerk and Records Management Officer.

"I would also like to offer my support to Betsy Lewis as temporary Historian until a permanent replacement can be found. With her experience as RMO and Western Presbyterian Church Historian, I feel she would make an excellent choice for the position."

Motion to accept Beth Hoad's resignation as Palmyra Historian effective June 30, 2005, with appreciation for all the work she has done, was made by Dave Nussbaumer.

**MTN: APPRV.  
PALMYRA  
HISTORIAN'S  
RESIGNATION  
WITH  
APPRECIATION**

Second: Ken Miller

Vote: 4 votes. Carried.

- 3. Canaltown Days Parade notice: A letter and parade participation forms were received this month inviting Palmyra Town Officials to participate in this year's Canaltown Days Parade on Saturday, September 17, at 4 p.m. Board members agreed to discuss the issue informally and make a decision at next month's meeting.

**DECISION  
TABLED ON  
PARTICIPA-  
TION IN  
CANALTOWN  
DAYS PARADE**

**REPORTS OF STANDING COMMITTEES**

**Buildings and Grounds Committee – Kenneth Miller, Chairman**

In Ken Miller's report of open action items this month, he said the town is awaiting roof specs. Code Enforcement Officer Bob Grier added that an in-depth appraisal of the building and condition of roof by an engineer this month shows that the attic over the center portion of the building needs ventilation. Walls around this section have been sealed as a fire break from other sections of the building, causing the lack of ventilation. "We must first have the official report before determining the best course of action. It may be as much of a problem as the roof itself," concluded Grier.

**TOWN  
AWAITING  
QUOTE FOR  
ROOF WORK  
ON TOWN  
HALL**

**Highway Committee – Michael Lambrix, Chairman**

- 1. Trees for Town Hall: In the absence of Mike Lambrix, Highway Superintendent Mike Boesel reported that six trees were installed by the Highway Department in the front parking lot of Town Hall, using grant funds from the Wayne County Soil & Water Conservation District. Department workers have watered the trees daily, with Councilman Ken Miller watering on weekends. Trees are doing well.

**TREES FOR  
TOWN HALL  
PURCHASED  
AND PLANTED**

**HIGHWAY DEPT.  
REPORT FOR  
JUNE 2005,  
INCLUDING  
AUCTION FINAL  
NUMBERS**

2. Highway Department monthly report: Mike Boesel submitted his June report, including photos of a piece of equipment which could be useful to the town when paving roads. The photos show the demonstration which was made by the Asphalt Zipper Company. His report also includes stripping the next section of the gravel mine on Newark-Marion Road, ditching portions of Hogback Hill Road, shoulder work on Daansen Road, slope work on Shilling and Goldsmith Roads, and re-grading the gravel curve on Hogback Hill Road at Swift's Landing.

In addition, Mike reported that he attended Highway School this month, worked on a dump body of one of the town's trucks, completed round 1 of mowing in the town, and worked with the NYS DOT cleaning up under roadside guard rails.

Dressing up Kent Street at the Highway Barns can be accomplished this year thanks to a donation of a flag pole by the Palmyra American Legion. He would like to place a V-plow with it in an attractive landscape arrangement.

His Auction Report, along with a 5-year statistical study of auction results, show this was an excellent year with gross sales at \$2,752,568.50. This year's commission back to Palmyra is \$24,613.69.

3. Excavation Permit—NYSEG: The following Excavation Permit was received from New York State Electric & Gas (NYSEG):

**Town of Palmyra Highway Permit/Work Order #100008956**

EXCAVATION PERMIT

**NYSEG REQUEST  
FOR PERMIT TO  
EXCAVATE AT  
865 TEMPLE RD.**

**"TO THE BOARD OF TRUSTEES OF THE TOWN OF PALMYRA,** The Undersigned hereby makes application for permission to excavate one 4' X 4' opening off of the pavement for the purpose of installing a new ½" mp-poly gas service that will serve one new residential customer at 865 Temple Road in Palmyra.

"In consideration of the granting of such permission and other good and valuable consideration, the applicant agrees as follows:

1. "All work shall be done in a good and workmanlike manner and in such manner as to interfere as little as possible with the customer use of the street, and shall be completed within ninety days from the date of granting the permit, unless such completion shall be delayed because of conditions or circumstances arising beyond

the control of the applicant which renders it impossible in the exercise of reasonable diligence for the completion of same.

- 2. "The applicant shall observe all laws of the State of New York and ordinances of the Town of Palmyra in connection with the performance of the said work, and shall keep and maintain sufficient barricades about the work at all times and shall place sufficient warning lights at night on all exposed places to warn and guard travelers against possible accident or injury.
- 3. "The applicant shall indemnify and save the Town of Palmyra harmless from and against any and all suits, claims and actions, and any and all loss or damage which the said NYSEG may suffer or incur by reason of injury to persons or property resulting from the performance of the said work, or because of any excavation or obstruction which may exist in connection with the progress of said work, or from any claim made because of insufficient guarding or lighting thereof.
- 4. "Upon the completion of the said work, the applicant agrees to restore the street or pavement to its original condition in a manner satisfactory to the Superintendent of Highways."

DATE: 6/7/05                      NEW YORK STATE ELECTRIC & GAS  
 Applicant: Kevin M. O'Shea, Supervising Technician  
 Address: 152 Border City Road  
                   Geneva, NY 14456

Approved By: David C. Lyon (Palmyra Town Supervisor) Date 6/22/05

Highway Superintendent Mike Boesel was asked by the board if he had read the document, and what his thoughts were about it. He responded by saying he had no problem with it. Motion was made by Ken Miller to approve the Excavation Permit with NYSEG.

**MTN: APPROVE  
EXCAVATION  
PERMIT FOR 865  
TEMPLE ROAD  
WITH NYSEG**

Second: Dave Nussbaumer              Vote: 4 ayes. Carried.

- 4. Erie Canalway Trail Update: An update was requested of the Canalway Trail between Division Street and the Arcadia Town Line. Mike Boesel said there have been meetings by the trail builders, and the trail is now under construction between Swift's Landing and the Port Gibson Road bridge. Board members wanted to make sure that people are aware of the bridge closing ahead of time—such as the fire department—with their emergency vehicles. The East Palmyra-Port Gibson Road bridge is slated for closing from 2 to 4 weeks this

**ERIE CANALWAY  
TRAIL UPDATE**

summer for construction of a tunnel beneath the road. The contractor is responsible for notifying people when they will be closing the road and the resulting detours—including the fire department.

### **Planning Committee – James Welch, Chairman**

#### **UPDATE ON COMPREHEN- SIVE PLAN**

Councilman Jim Welch wanted to follow up on the Comprehensive Plan. Supervisor Lyon stated that the Town had received this week two hard copies of the final Plan which was approved in December 2004, along with 5 CDs. Each CD has two files—one with the text of the Plan, and the other with the full-color maps. Dave and Lynne Green are now looking into how much it would cost for more copies to be made. Each Board member should receive one. Others would be available to the public, although there will probably be a fee to cover printing costs.

### **Zoning Committee – David Nussbaumer, Chairman**

#### **CEO REPORT FOR JUNE**

1. June's CEO Report: was submitted by Code Enforcement/Zoning Officer, Bob Grier. He said this time of year his office gets many more requests for permits.

#### **PALMYRA INN UPDATE**

2. Palmyra Inn Update: Board members asked about the status of the Palmyra Inn construction. Bob noted five rooms are carpeted as of today. He expects the second floor to be done before the first floor. He added they are shooting for a mid-July completion date, with a "grand opening" in August.

#### **CODE ENFORCEMENT CAR STATUS**

3. Status of Code Enforcement/Zoning Office Car: Bob wanted the board to know that the 11 year old car, with over 96,000 miles on it, is now requiring more and more repairs. In the past year and a half, more than \$4,500 has been spent repairing it. Added to that is the time the car has not been available to him because it has been in the shop.

### **INFORMATIONAL ITEMS**

#### **ASSESSOR'S REPORT FOR JUNE**

1. Assessor's Report for June: Elaine Herman, Palmyra Assessor, submitted her report of activity in her office during

June. The final assessment roll is ready. She included four pages of figures comparing the 2005 roll to the 2004 roll. She said Grievance Day, May 24, went well, although only three members of the Board of Assessment Review were there. Bradley Griffith had recently resigned, and new board member Bill Urtz had not attended training in the Spring.

After the final roll is filed, anyone who came to grievance can file for a small claims hearing if they are not satisfied with the board's decision.

- 2. Town Clerk's Office Report for June: Information about the doings at the Town Clerk's office include web site, Archives, genealogy, compiling procedures of the tasks done in the office, and gearing up for the tourist season which is upon us.

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

Final funds were received for the construction of Archives Rooms A and B, closing that grant completely. Betsy emailed several pages from our Procedures Manual to the town clerks in Wayne County. The clerks have been trading procedures pages to find ways to make their manuals better.

The Information Center has been busy providing brochures, maps and booklets to visitors.

All the paperwork is done and the notarial stamps have been received so Lynne Green can begin to notarize documents as needed.

- 3. Letter of support for lower speed limit on Route 21 South: The following letter was sent to James Brady, Superintendent of the Wayne County Highway Department, on June 7. Dave Lyon wrote it and signed it on behalf of the town board:

**LETTER OF  
SUPPORT FOR  
LOWER SPEED  
LIMIT ON  
ROUTE 21  
SOUTH**

Dear Mr. Brady:

Re: Speed reduction request for NY State Route 21

We, the Supervisor and Town Board of the Town of Palmyra, would like to add our support to the overwhelming response of the petitioners requesting speed reduction for NY State Route 21 from the Palmyra Village line south to the Manchester Town line. Currently, the speed limit is 55 mph near the Manchester Town line, with a speed of 40 mph closer to the village line. In the village, the speed is already posted at 30 mph.

What is actually happening that concerns the petitioners is the heavy volume of trucks using this route each day—over 500 in actual count—a steep increase in the last few years from previous truck usage. As these large vehicles decelerate from the 55 mph limit in Manchester to the 40 mph limit in this corridor, and then to the 30 mph limit in the village, in addition to their deceleration noises, there are legitimate safety reasons for our concerns.

Traffic patterns in this corridor during the last six years have changed dramatically. We want you to be aware of their impact on the increased traffic.

- In 1999, Temple Road was constructed between Route 21 and Stafford Road. The addition of the Palmyra Temple, the Welcome Center to the Joseph Smith Farm, and the new Latter-day Saint Church building have all contributed to an increase onto and out from Temple Road, day and night. While the Town has already installed a street light at the intersection of Route 21 and Temple Road for night safety, a reduced speed limit could be most helpful here, particularly at night.
- The Town moved its Town Complex to Route 21 in 2001. Traffic in and out of the parking lot has added vehicles using this area, as well as added hazards slowing and stopping at the point where vehicles turn to enter.
- Tractor-trailer traffic has more than tripled since Route 21, from the Thruway through the Village of Palmyra, has been the route of choice for trash haulers to and from the High Acres landfill in Perinton.
- Just north of the Manchester Town line, the new Palmyra Inn is under construction. To assure occupancy during times with few visitors to Palmyra (specifically, Winter and early Spring), a plan has been arranged to have the Palmyra Inn house college students and use the hotel facilities to teleconference directly with actual classes at the college campus. We anticipate that these students, some without vehicles, would wish to walk or bike to the village for shopping, restaurants or other attractions. Currently, there are no sidewalks on Route 21 from the new hotel to the village line. We feel a lower speed on the highway would be safer for students who wish to walk or bike along the shoulder of the road.
- The entrance to the Palmyra Inn will include cars and busses entering and exiting the parking lot. Reducing the 55 mph speed limit here would be safer for those using this entrance.

As you forward your request to the NY State Department of Transportation for evaluation and further investigation, we ask that all these factors be taken into consideration when making the final determination.

Thank you.

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

cc: Michael Nozzolio, NY State Senate  
 Robert Oaks, NY State Assembly  
 Larry Sherman, NYS Dept. of Transportation  
 Sharon Lilla, Director, Wayne Co. Planning Dept.  
 Michael Boesel, Palmyra Highway Supt.



**AGENDA ITEMS**

- 1. Garnsey-Shilling Area Water District—Final Payment Resolution: In order to approve the final payment for construction and installation, by accepting the water distribution system facilities as completed, the following resolution was presented:

**RESOLUTION:  
GARNSEY-  
SHILLING AREA  
WATER  
DISTRICT FINAL  
PAYMENT**

Town of Palmyra  
Final Payment Resolution  
Garnsey-Shilling Area Water District

WHEREAS, the Wayne County Water and Sewer Authority (the Contractor) has completed the construction and installation of the water distribution system and appurtenant facilities in accordance with the bid specifications, contract specifications and change orders heretofore approved by the Town Board in regard to the Garnsey-Shilling Area Water District project; and

WHEREAS, the Project Engineer has certified to the Town Board that the project has been completed, and has recommended that final payment be made by the Town Board to the Contractor,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Palmyra, Wayne County, New York, that based upon the recommendations of the Project Engineer, the Town Board hereby accepts the water distribution system facilities constructed within the Garnsey-Shilling Area Water District as completed, and hereby authorizes the Supervisor to tender final payment therefor to the Wayne County Water and Sewer Authority.

Dave Nussbaumer made the motion to accept the resolution to make the final payment to the Wayne County Water and Sewer Authority.

**MTN: ACCEPT  
RESOLUTION TO  
MAKE FINAL  
PAYMENT TO  
WCWSA**

Second: Ken Miller

Vote: 4 ayes. Carried.

- 2. Local Law No. 1—Sewer Use Rents Update: 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 said no new information is available at this time.

**LOCAL LAW No.  
1 UPDATE—NO  
NEW  
INFORMATION  
AT THIS TIME**

- 3. Budget Resolution: Transfer Funds: Dave Lyon presented the following resolution to the Town Board:

**BUDGET RESOLUTION FOR GENERAL FUND**

Resolution to modify the 2005 Budget by increasing revenue account A3060—Records Management, in the amount of \$3,790.00; and increasing expense account A1420.400—Records Management/ Contractual Expenses, in the amount of \$3,790.00. This resolution reflects the final payment from New York State for the grant the town received for the Archive Rooms.

**RESOLUTION:  
TRANSFER  
FUNDS  
BETWEEN  
ACCOUNTS**

Ken Miller made the motion to accept the resolution to transfer funds between these accounts.

Second: Jim Welch

Vote: 4 ayes. Carried

- 4. Resolution honoring Nelson Cook on the occasion of his Retirement Party: The following resolution was read by Dave Lyon at the retirement party in honor of former Highway Superintendent Nelson F. Cook, on June 11, 2005, at Miceli's Party House in Macedon. He wanted the resolution read into the minutes:

**RESOLUTION**

**RESOLUTION  
HONORING  
NELSON COOK'S  
SERVICE TO  
TOWN**

WHEREAS, the Town of Palmyra has received the resignation of Nelson Cook as Highway Superintendent which has been accepted with regret, and

WHEREAS, the Town Board desires to pause in its deliberations to pay tribute to Nelson Cook for his outstanding dedication and service to the Town of Palmyra and its residents, and

WHEREAS, the Town Board, by this Resolution, wishes to recognize Nelson Cook's service to the Town of Palmyra for over 27 years, and

WHEREAS, Nelson Cook was elected as a Town Councilman in November, 1975, and joined the Town Board on January 1, 1976, and

WHEREAS, Nelson Cook served as a Town Councilman and Chairperson of several committees of the Town Board with distinction until December 31, 1984, and

WHEREAS, Nelson Cook resigned as a Member of the Town Board on December 31, 1984 with nine years of active service, and

WHEREAS, Nelson Cook was appointed the Town Highway Superintendent effective February 1, 1985, and he was thereafter elected

Town Highway Superintendent in November, 1985, and

WHEREAS, Nelson Cook has given outstanding service to the Town and its residents and demonstrated his dedication to the service of the residents of the Town of Palmyra without regard to time, length of the workdays, hours of work, and holidays, and

WHEREAS, through his cooperation and expertise, Nelson Cook has made possible and workable the consolidation of certain functions between the Town and Village of Palmyra Highway Departments, creating savings for the residents of both the Town and the Village, and

WHEREAS, Nelson Cook has worked to improve relationships between the various municipal bodies and the not-for-profit organizations within the community, creating a better environment for the Town,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board wishes to express its appreciation for the patience and support that Nelson Cook's wife, Linda, and his family have given to him so that he could render such outstanding service to the Town, and

BE IT FURTHER RESOLVED, that the Town Board wishes to take this opportunity to thank Nelson Cook for his long and dedicated service to the Town, and

BE IT FURTHER RESOLVED, that the Town Board does hereby congratulate Nelson Cook on his retirement and expresses our best wishes and the wishes of the Town of Palmyra for a long, healthy and enjoyable retirement and for the increased opportunity to spend time with his family, and once again get to know his grandchildren.

Dave Nussbaumer made the motion to accept the resolution honoring Nelson Cook's service to the Town of Palmyra.

Second: Jim Welch.

Vote: 4 ayes. Carried.

**MTN: ACCEPT  
RESOLUTION  
HONORING  
NELSON COOK'S  
SERVICE TO  
TOWN OF  
PALMYRA**

- 5. Resolution: Hire Midland Appraisal for professional services—assessment challenge: Marquart Village, Inc., 2880-2881 Macedon Center Road, has challenged their assessment and requests an outside appraiser to provide professional services in an Article 7 proceeding. The following resolution was presented to the town board for this purpose:

**RESOLUTION**

WHEREAS, the mobile home park on Macedon Center Road in the Town of Palmyra started an Article 7 proceeding about its assessment, and

WHEREAS, the Court has ordered an exchange of appraisals, and  
WHEREAS, the Town must hire a qualified appraiser, and

**RESOLUTION  
FOR  
ASSESSMENT  
CHALLENGE**

WHEREAS, the Town has selected a bid from Midland Appraisal Service in Rochester, New York, who have previously worked with the Town on assessment challenges, and

WHEREAS, the Town is satisfied with the proposal from Midland Appraisal Service,

NOW, THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized to hire Midland Appraisal Service to provide professional services in the Article 7 proceeding, and

BE IT FURTHER RESOLVED, that the Midland Appraisal Service be paid by voucher approved by the Supervisor.

**MTN: HIRE  
MIDLAND  
APPRAISAL  
SERVICE IN  
ARTICLE 7  
PROCEEDING**

Ken Miller made the motion to hire Midland Appraisal Service to provide professional services in the Article 7 proceeding.

Second: Jim Welch

Vote: 4 ayes. Carried.

- 6. Approve Abstracts #82 (for vouchers already paid) and #83 (for vouchers to be paid): Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #82, which includes Voucher Numbers 6284 through 6292, for a total amount of \$85,139.77, and Abstract #83, which includes Voucher Numbers 6293 through 6349, for a total amount of \$22,086.25.

**MTN: APPROVE  
ABSTRACTS #82  
AND #83**

Second: Ken Miller

Vote: 4 ayes. Carried

**MTN: ADJOURN  
MEETING**

- 7. Motion to Adjourn: At 8:24 p.m., Dave Nussbaumer made the motion to adjourn the meeting.

Second: Jim Welch

Vote: 4 ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk

**NEXT MEETING: THURSDAY, JULY 28, 2005, AT 8:00 P.M.  
PALMYRA TOWN HALL**