

**REGULAR MEETING OF THE TOWN BOARD****PALMYRA TOWN HALL  
JULY 22, 2010**

At 7:02 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, July 22, 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

Councilman Todd J. Pipitone was excused

**ROLL CALL**

Supervisor Miller introduced Mayor Vicky Daly of the Village of Palmyra, along with Village Trustees Chris Piccola and David Husk, who were guests of the Town Board, sitting at the front of the Large Meeting Room, along with the Town Board members

**INVITED GUESTS  
FROM VILLAGE**

Also attending the meeting: *Wayne Post* reporter Billie Rae Walker; Members of the James R. Hickey Post 120 of the American Legion: Ann Guest, Raymond Freyn, Gary Klaeyesen, Michael Coleman, Howard Moore and George Murray; Code Enforcement Officer Dan Wooden, East Palmyra resident John Rush, and J.R. Miller.

**MEETING  
ATTENDANCE**

Approval of the minutes of the June 24, 2010 Town Board meeting was on the agenda, no one was willing to make the motion to approve it. Typically, those who did not attend the meeting will abstain from voting. Mike Lambrix and Dave Nussbaumer were not at the last meeting. Only Ken Miller and Jim Welch attended, along with Todd Pipitone. Since Todd was not in attendance this evening, there wouldn't have been the three minimum votes necessary to pass a motion.

**MINUTES OF  
TOWN BOARD  
MEETING HELD  
6/24/2010  
TABLED UNTIL  
JULY**

Consensus of Board members was to table the minutes of the June 24, 2010 meeting until the next Town Board meeting on August 26, 2010. No motion was offered.

**AGENDA ITEM #1: Proclamation to Local American Legion**

Because members of the local American Legion, James R. Hickey Post 120, were in attendance this evening, the usual order of business was rearranged by Supervisor Ken Miller.

He asked Town Clerk Lynne Green to read the following Proclamation, as Legion members Ann Guest, Commander, George Murray, Ray Freyn, Mike Coleman, Gary Klaeyesen and Howard Moore, members of the Legion Color Guard, came forward:

**PROCLAMATION**

*WHEREAS, the Board of Trustees of the Village of Palmyra, County of Wayne, State of New York, and the Town Board of the Town of Palmyra, County of Wayne, State of New York, have learned of the participation of the local American Legion at the New York State American Legion Convention of 2010 in Syracuse, on July 16, 2010; and*

*WHEREAS, this local Palmyra American Legion, the James R. Hickey Post 120, brought its Color Guard to compete against other Color Guards in the Seventh District; and*

*WHEREAS, the Color Guard of the James R. Hickey Post 120, representing the Seventh District, received highest honors by winning First Place for two consecutive years;*

*NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Palmyra and the Town Board of the Town of Palmyra wish to express their appreciation and deep gratitude to the James R. Hickey Post 120 of the American Legion, Seventh District, State of New York, for winning the Color Guard Competition at the Legion's Annual State Conventions in 2009 and 2010; and*

*BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Palmyra and the Town Board of the Town of Palmyra hereby proclaim that the Color Guard of the James R. Hickey Post 120 of the American Legion, Seventh District, State of New York, has done itself proud by winning this Competition against other American Legion Posts; and*

*BE IT FURTHER PROCLAIMED, that the Board of Trustees of the Village of Palmyra and the Town Board of the Town of Palmyra congratulate and salute the James R. Hickey Post 120 Color Guard in the dual honor and achievement of winning the 2009 and 2010 competitions.*

The Proclamation was signed by the Mayor and Village Trustees, as well as the Supervisor and Town Board, with Village and Town Clerks signing and sealing their signatures as well. It will be given to the Legion in honor of this achievement.

**PROCLAMATION TO  
PALMYRA  
AMERICAN LEGION  
COLOR GUARD  
FOR WINNING TWO  
YEARS IN  
COMPETITION**

Mike Lambrix made the motion to approve the Proclamation for Palmyra American Legion Color Guard Competition Winners.

Second: Jim Welch

Vote: 4 Ayes. Carried.

**MTN:  
PROCLAMATION  
TO PALMYRA  
AMERICAN  
LEGION COLOR  
GUARD FOR  
COMPETITION  
WINNERS**

While she was already in front of the Town Board, Ann Guest updated the Town Board on her request brought several months ago, in which American flags—too worn to be flown—that have been appropriately retired and burned, be buried in a special plot of ground in the Palmyra Cemetery, deeded to the Town by Pliny T. Sexton. Specifically dedicated to the burial of Civil War veterans originally, this plot—with space for 40 to 60 graves—has also been used for other Palmyra veterans having no other resting place. Palmyra Legion Commander Ann Guest expressed that the retired flags should have a place of burial with these veterans. She also thought it would be appropriate to consider a marker for the flag burial site, asking the Town Board to discuss this further.

Mike Lambrix made the motion to approve burial of retired flags in the Town’s special plot for veterans at the Palmyra Cemetery.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried.

**MTN: APPROVE  
BURIAL OF  
RETIRED  
AMERICAN  
FLAGS IN  
SPECIAL  
CEMETERY  
PLOT**

**COMMUNICATIONS**

1. **Invitation to Open House:** An letter was received from the Palmyra Memorial Post #6778 of the Veterans of Foreign Wars (VFW), inviting the Town Board to its Open House to be held Sunday, July 25, 2010, from 1 to 4 p.m., at its new facility on Route 31, Palmyra. There will be a Flag Ceremony at 1 p.m. as part of this Open House celebration.
2. **Wayne County Sheriff’s Office Monthly Report:** Supervisor Miller provided Board members with May 2010 statistics in Palmyra and around Wayne County from the Sheriff’s office. Mayor Daly says she also receives monthly reports from Sheriff Barry Virts.

INVITATION TO  
PALMYRA VFW  
OPEN HOUSE

SHERIFF’S  
MONTHLY  
REPORT

3. **USDA Letter on Income Survey Request—Proposed Route 31 East Sewer Project:** An income survey of residents in the proposed Route 31 East Sewer Project reads *"a preliminary review of potential costs, interest rates, and financial assistance illustrates that the majority of the residents of the proposed area would be unable to afford the annual projected cost per unit....The documentation that was provided is acceptable for our requirements...."* The Median Household Income (MHI) of this proposed service area is less than half of the MHI for Palmyra in the most recent census data—allowing for more grant funding to be considered. Follow-up from the USDA Rural Development with new parameters of funding should be forthcoming.
4. **Progress of Waterline Installation:** A letter dated July 12, 2010 from MRB Group, engineers for the current water project, states installation on Johnson Road has been pressure tested, disinfected and tested bacteriologically, and found to meet purity standards for the first portion of Johnson Road installation. A second letter dated July 16 states safe purity results for the East Palmyra-Port Gibson Road installation. These informational letters show the progress being made in the current water improvement areas.

LETTER SHOWS  
RESULTS OF  
INCOME SURVEY  
FOR RTE. 31 E.  
SEWER  
PROJECT

LETTERS SHOW  
PROGRESS OF  
WATERLINE  
INSTALLATION  
ON JOHNSON &  
PORT GIBSON  
ROADS

## REPORTS OF STANDING COMMITTEES

### **Economic Development and Appeals Committee – Todd Pipitone, Chairman**

DISCUSSION OF  
PALMYRA INFO  
CENTER SIGN  
TABLED

Councilman Todd Pipitone was not in attendance to discuss the Palmyra Information Center sign in front of Town Hall, so Supervisor Miller said he would prefer to have Todd bring the discussion before the whole Board. No motion was offered, although the item was tabled.

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

1. **June Highway Department Report:** Although Highway Superintendent Mike Boesel was absent, he submitted his department's report from June 24 through July 22:

Highway Superintendent Report  
For Town Board Meeting 07/22/10

Since the 6/24/10 meeting we have completed the following work:

- Brushmowing – Jagger Road, South Creek Road
- Ditching – Harris Road
- Cut Shoulders – Cambier, Dey, Sheridan, O’Meal, Port Gibson, South Creek Roads
- Wedging – Cambier, Dey, Sheridan, O’Meal, Harris Roads
- Storm culvert work – South Creek Road
- Hauling – hauled CR2 and 3/8’s stone for our road project later this summer
- Inter-municipal Assistance
  - 6/29/10 - 1 Bobcat & operator to Macedon for milling assistance
  - 7/1/10 – 1 Lyons operator to assist with cutting shoulders
  - 7/6/10 & 7/9/10 - 1 Walworth operator to assist with cutting shoulders
  - 7/7/10 thru 7/8/10 - 3 Palmyra trucks + 1 ground guy to Walworth for stone/oil
  - 7/13/10 thru 7/15/10 – 1 Marion grader/operator to assist with wedging + 2 trucks
  - 7/13/10 – 1 Palmyra loader/widener to Walworth for shoulder work
  - 7/21/10 – 7/22/10 - 2 Palmyra trucks + 2 ground guys to Marion for wedging

HIGHWAY  
REPORT FOR  
JULY

Other miscellaneous items include:

- **South Creek Road** – We intend to grind the road next week and pave it in two weeks.
- **Hot Asphalt Wedging** – We recently completed some wedging work on Cambier Road, Dey Road, Sheridan Road, O’Meal Road, Harris Road in anticipation of future chipsealing work.
- **Canandaigua Street Project Update** – Rizzo Construction completed the watermain installation work and has been working on installing the storm sewers. The full detour signs have been installed but are currently ‘bagged’. The full detour is not expected until mid August. At that time, southbound traffic will not be permitted within the Village limits on Canandaigua Street. Town Hall employees may need to access the Town Hall from the south via Johnson Road to Miner Road to Rt.21N, or Stafford Road to Temple Road to Rt.21N. I will keep you informed about this.

Councilman Mike Lambrix made the motion to approve the Highway Report.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried.

ROADWORK COMPLAINT ABOUT PAVING ON MAPLE AVE.

- 2. **Roadwork Complaint:** Councilman Jim Welch reported on feedback from residents of Maple Avenue, concerning the recent paving from Quaker Road to Macedon Center Road. Complaints include that, in places where the road was "wedged" "to take the crown out," the paving is uneven at the road edge, which can be a hazard for bikers, hikers and runners. Also, in this area, the extra layer of paving means that mailboxes do not meet the minimum height requirement. Those residents will have to change their mailboxes to comply.

FALL HIGHWAY CONFERENCE INFORMATION

- 3. **Fall Highway Conference:** Mike Boesel requests that the Town Board approve his attendance at the Fall Highway Conference, to be held September 14 through 17 at Saratoga Springs. The cost for registration, food and lodging is \$763.80. Attendance at this conference has been budgeted.

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

NO PLANNING BOARD MTG. IN JULY

- 1. **Planning Board:** Mike Lambrich noted there was no Planning Board meeting during July.

HILL CUMORAH CAST TEAM SERVICE PROJECT AT TOWN HALL

- 2. **Hill Cumorah Cast Service Project:** On the afternoon of July 15, a cast team from the Hill Cumorah Pageant arrived at Town Hall to work in and around the building as a service project to the town. Windows were washed, woodwork and light fixtures were dusted, mulch was spread in planting beds, weeds were pulled, mirrors were polished, as well as other projects around Town Hall. After several hours of work, the group of 19-year-olds was thanked for their service. Supervisor Miller added a letter of thanks to the coordinator of the cast teams and to the cast team leaders.

**Zoning Committee – David Nussbaumer, Chairman**

CEO REPORT FOR JULY

- 1. **Code Enforcement/Zoning Office Report:** July's CEO Report was distributed to Board members.

2. **Zoning Board Meeting:** Minutes of the Zoning Board of Appeals meeting on July 8, 2010 were passed to the Town Board members. **ZONING BOARD MINUTES OF 7/8/2010 MTG.**
  
3. **Manufactured Home Parks Letter:** Code Enforcement Officer Dan Wooden had prepared a letter listing the two manufactured home parks that had paid their fee, passed inspection and were ready to receive permits for the 2010-2011 year. Councilman Dave Nussbaumer asked Wooden to provide the permits for the Board to review and approve. Town Clerk Lynne Green is to place these on the agenda of the next Town Board meeting for formal approval. **TWO MANUFACTURED HOME PARKS PASSED INSPECTION FOR CURRENT YEAR**
  
4. **Inspection Fee Complaints:** Councilman Jim Welch asked Dan Wooden if other municipalities charge \$35 for inspecting each rental unit. An owner of rental apartments complained that the fee seemed excessive. Wooden replied that the law requires an inspection every three years of all rental units, and that the inspection charge is \$35 per unit. **APARTMENT INSPECTION FEE COMPLAINTS**

## INFORMATIONAL ITEMS

1. **Assessor's Report for July:** Board members received the Assessor's Report, which included Final Assessment Roll figures. **ASSESSOR'S REPORT FOR JULY**
  
2. **Town Clerk's Office Report for July:** The report starts with the breakdown of Town Hall's server for two weeks. Many routine functions were unavailable for those two weeks. When the server was up and running on July 15, there were lots of items to be input and brought up to date. Archives grant money was received and the project is closed officially. **TOWN CLERK'S OFFICE REPORT FOR JULY**
  
3. **Palmyra Community Library:** In their packets, Town Board members each received a copy, for their information, of the June 17, 2010 Library Board of Trustees meeting minutes. **PALMYRA COMMUNITY LIBRARY MINUTES**

UPCOMING RED  
CROSS BLOOD  
DRIVE AT TOWN  
HALL

4. **Red Cross Blood Drive:** On Monday, August 16, 2010, there will be a Red Cross Blood Drive from 2 to 7 p.m. at Town Hall. Organizing this drive will be an Eagle Scout project for Alexander Green, of Palmyra Troop 97. All present were encouraged to participate.

PAL-MAC  
SCHOOLS  
CELEBRATING  
60<sup>TH</sup>  
ANNIVERSARY

5. **60<sup>th</sup> Anniversary of Palmyra-Macedon School District:** Each Board member received a copy of an invitation to the 60<sup>th</sup> Anniversary Celebration of the Palmyra Macedon Central School District, to be held on Saturday, July 31, 2010, starting at 11 a.m. All schools will be open to the public for a variety of activities.

PRELIMINARY  
INFO ON  
ALTERNATE  
ENERGY  
PROVIDERS

6. **Energy Providers Discussion:** Supervisor Miller said he wanted Board members to know there are several options available to the Town for energy providers that he is looking into for possible savings to town taxpayers, and will report on at a later time.

PUBLIC INPUT

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

## AGENDA ITEMS

COLOR GUARD  
PROCLAMATION  
APPROVED

1. **Proclamation for Palmyra American Legion Color Guard:** Already approved at the beginning of this meeting.

MTN: APPROVE  
EMERGENCY  
PURCHASE OF  
SERVER FOR  
TOWN HALL

2. **Emergency Purchase of Server for Town Hall:** The server at Town Hall crashed on July 1. With so many functions dependent on the server, as well as backup of all saved items, it became critical for Ken Miller to authorize the purchase of a new, larger server, able to meet the needs of Town offices. Options were explored and a server ordered, as it would have to be built according to Town specifications. It was delivered to Town Hall on July 14, with all functions running on July 15. Dave Nussbaumer made the motion to approve the payment of the Server for Town Hall.

Second: Jim Welch

Vote: 4 Ayes. Carried.



3. **Paychex Premier Human Resources Services for Employee Handbook:** In June, the Town Board heard the presentation by Dan Sanford, Human Resources Consultant from Paychex, outline the services his company could provide to the Town, including preparing the Employee Handbook that has been in progress for several years. Action and discussion were tabled to this meeting so all Board members could participate in the discussion. Ken brought all Board members up to speed on what services Paychex is providing. The estimate is that it will take about three months of work to get the handbook to us.

Councilman Jim Welch moved to approve having Paychex Premier Human Resources provide the Town with the Employee Handbook and related services.

Second: Mike Lambrix      Vote: 4 ayes. Carried.

**MTN: APPROVE  
PAYCHEX  
PREMIER HUMAN  
RESOURCES  
SERVICES FOR  
EMPLOYEE  
HANDBOOK**

4. **Revisit Information Center Sign in Front of Town Hall:** When the new Information Center sign was delivered at Town Hall, Supervisor Miller stated it wasn't what the Board had approved. The background color wasn't what was shown on the sketches. He wanted the issue to be revisited this evening. Since Councilman Todd Pipitone was excused from this meeting, Dave Nussbaumer made the motion to table the discussion until the August meeting.

Second: Jim Welch      Vote: 4 Ayes. Carried.

**MTN: TABLE  
DISCUSSION ON  
NEW INFO  
CENTER SIGN**

5. **Updated Resolution for NY State Retirement Hours:** Final papers were turned in and calculated for those elected and appointed officials in the NY State Retirement System, as part of a recent requirement. The Town Board had approved the Standard Work Day and Reporting Resolution earlier this year, but with new information, it was necessary to approve the updated resolution. This will be sent to the office of the State Comptroller after approval. Mike Lambrix made the motion to approve the updated Standard Work Day and Reporting Resolution.

Second: Dave Nussbaumer      Vote: 4 Ayes. Carried.

A copy of the updated resolution is included with these minutes as Attachment A.

**MTN: APPROVE  
UPDATED  
STANDARD  
WORK DAY AND  
REPORTING  
RESOLUTION  
FOR NYS  
RETIREMENT  
SYSTEM**

6. **Lease Office Space to Wayne County Business Council:** Earlier this year, the Town Board had authorized Supervisor Miller to negotiate with prospective tenants who would like to lease office space at Town Hall. The Wayne County Business Council has been looking for an office that could serve their business needs. They would like to rent the office next to the kitchen. After receiving the Business Council's approval, the next step for the proposed lease was to petition the Town Board's approval. When Mike Lambrix asked how long the lease was for, Ken said it is set up for one year, with a renewable option. After a short discussion, Mike Lambrix made the motion to approve leasing one room of office space to the Wayne County Business Council.

MTN: LEASE  
OFFICE SPACE  
AT TOWN HALL  
TO WAYNE CO.  
BUSINESS  
COUNCIL

Second: Dave Nussbaumer      Vote: 4 Ayes. Carried.

A copy of the approved lease is included with these minutes as Attachment B.

7. **Approve Attendance at Fall Conference:** In his monthly report, Palmyra Highway Superintendent Mike Boesel asked for Board approval to attend the Fall Highway Conference in Saratoga Springs on September 14 through 17. This item had been budgeted for 2010. Jim Welch made the motion to approve Mike's attendance at the Fall Highway Conference, not to exceed \$763.80 for registration, meals and accommodations.

MTN: APPROVE  
HWY. SUPT.  
ATTENDANCE AT  
FALL HIGHWAY  
CONFERENCE

Second: Dave Nussbaumer      Vote: 4 Ayes. Carried.

8. **Approve Abstracts #198 and #199:** Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #198, that includes Voucher Numbers 11458 through 11463 for \$21,610.14, and Abstract #199, that includes Voucher Numbers 11464 through 11535 for \$77,489.13.

MTN: APPROVE  
ABSTRACTS  
#198 AND #199

Second: Mike Lambrix      Vote: 4 Ayes. Carried.

9. **Executive Session:** At 7:33 p.m., Dave Nussbaumer made the motion to enter Executive Session, to discuss contractual arrangements.

MTN: ENTER  
EXECUTIVE  
SESSION

Second: Jim Welch      Vote: 4 Ayes. Carried.

In addition to the Supervisor and Town Board members, Mayor Daly and Village Trustees Husk and Piccola were invited to stay. Residents John Rush and J.R. Miller were also invited to stay for the Executive Session.

10. **Leave Executive Session:** At 9:37 p.m., Mike Lambrix made the motion to leave Executive Session.

**MTN: LEAVE  
EXECUTIVE  
SESSION**

Second: Dave Nussbaumer      Vote: 4 Ayes. Carried.

Supervisor Ken Miller thanked those who attended this evening's Town Board meeting and the Executive Session.

11. **Motion to Adjourn:** At 9:39 p.m., Jim Welch made the motion to adjourn the meeting.

**MTN: ADJOURN  
MEETING**

Second: Mike Lambrix      Vote: 4 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk

**ATTACHMENT A:** Updated Standard Work Day and Reporting Resolution, for NY State Retirement System.

**ATTACHMENT B:** Lease between Town of Palmyra and Wayne County Business Council, for office space next to kitchen at Town Hall, as a one-year, renewable lease.

**NEXT TOWN BOARD MEETING**

**THURSDAY, AUGUST 26, 2010, 7:00 P.M.  
PALMYRA TOWN HALL**

**STANDARD WORK DAY AND REPORTING RESOLUTION**

BE IT RESOLVED, that the Town of Palmyra hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number  (Last 4 digits)	Registration Number	Standard Work Day  (Hrs/ days)	Term Begins/Ends	Participates in Employer's Time Keeping System  (Y/N)	Days/Mon  (based on Record of Activities)
<b>Elected Officials</b>							
SUPERVISOR	Kenneth Miller	xxxx	xxxxxxx	7	1/2010-12/2011	N	20.0
COUNCILMAN	David Nussbaumer	xxxx	xxxxxxx	6	1/2010-12/2013	N	4.05
TOWN JUSTICE	Terry Rodman	xxxx	xxxxxxx	6	1/2010-12/2013	N	11.94
<b>Appointed Officials</b>							
CODE OFFICER	Daniel Wooden	xxxx	xxxxxxx	7	1/2010-12/2010	N	20.0
BOOKKEEPER	Petra Anderson	xxxx	xxxxxxx	7	1/2010-12/2010	N	20.0
ASSESSOR	Elaine Herman	xxxx	xxxxxxx	7	10/2007-9/2013	N	20.0
COURT CLERK	Patricia Peterson	xxxx	xxxxxxx	6	1/2010-12/2010	N	10.0

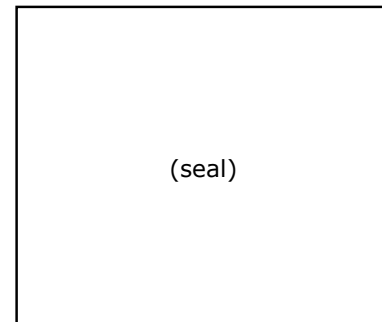
On this 23<sup>rd</sup> day of July, 2010

\_\_\_\_\_ Date enacted: July 22, 2010  
 (signature of clerk)

I, Lyndall Ann P. Green, clerk of the governing board of the Town of Palmyra, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 22<sup>nd</sup> day of July, 2010, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board consists of five (5) members, and that four (4) of such members were present at such meeting and that four (4) of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand  
 and the seal of the TOWN OF PALMYRA  
 (Name of Employer)



(seal)