

**REGULAR MEETING OF THE TOWN BOARD
AND PUBLIC HEARINGS
EAST PALMYRA FIRE HALL
OCTOBER 25, 2012**

At 7:00 p.m., Supervisor Kenneth Miller thanked those present for coming this evening.

The following legal notice is for three public hearings scheduled for this evening. Ken asked the Town Clerk to read the legal notice that had been printed in the Town's official newspaper, *The Times of Wayne County*, and posted on the Town Hall's bulletin board previous to these hearings, in accordance with law.

**PUBLIC HEARINGS
FOR THREE FIRE
PROTECTION
DISTRICTS**

LEGAL NOTICE

Public Hearing for

**VILLAGE OF PALMYRA FIRE PROTECTION DISTRICT
EAST PALMYRA FIRE PROTECTION DISTRICT
PORT GIBSON FIRE PROTECTION DISTRICT**

WHEREAS, the 2011-2012 Fire Protection District Contracts are about to expire and another two-year contract is to be considered for each of these three (3) Fire Protection Districts, and

WHEREAS, a Public Hearing is required by law,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Palmyra, Wayne County, will meet at the East Palmyra Fire Hall, 2145 Tellier Road, East Palmyra, New York, on the 25th day of October, 2012 for the purpose of considering contracts proposed by said Town Board to be entered into with the Village of Palmyra at 7:00 p.m., the Port Gibson Fire Department at 7:05 p.m., and the East Palmyra Fire Department at 7:10 p.m., for the furnishing of fire protection to said Town, at which time and place the Palmyra Town Board will consider such proposed contracts and all persons interested in same.

AND BE IT FURTHER RESOLVED that the Town Board will, at said times and place, hear all persons in favor of, or against, items within said contracts. Interested persons may be heard in person, by attorney or agent, or in writing.

**LEGAL NOTICE
ANNOUNCING
PUBLIC HEARINGS**

*DATED: September 27, 2012
BY ORDER OF THE PALMYRA TOWN BOARD*

**OPEN HEARING
FOR VILLAGE OF
PALMYRA FIRE
DISTRICT**

Supervisor Miller asked those present if they wished to make any comments or ask questions they may have concerning the proposed contract with the Village of Palmyra for the Palmyra Fire District, for the next two years. Hearing no comments, at 7:03 p.m., he pronounced this public hearing closed.

**CLOSE PUBLIC
HEARING**

CALL TO ORDER

With the next hearing not scheduled until 7:05 p.m., Ken called the Town Board meeting, scheduled for Thursday, October 25, 2012, at the East Palmyra Fire Hall, 4125 Tellier Road, East Palmyra, New York.

AGENDA AVAILABLE TO PUBLIC

As prescribed by law, a copy of tonight's agenda was posted on the Town Hall bulletin board before the meeting, and copies were at the sign-in table in the East Palmyra Fire Hall, available for all to read.

PLEDGE TO THE FLAG

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

ROLL CALL

Upon roll call, the following board members were present:

Kenneth F. Miller, Supervisor
James Welch, Deputy Supervisor
David Nussbaumer, Councilman
Michael Lambrix, Councilman
Todd J. Pipitonec Councilman

MEETING ATTENDANCE

Also attending: Roy Wilck, Joe Cavallaro, Don Cavallaro, Frank Van Vertloh, Kendra Bush, Eddie Brockhuizen, Mike Boesel, and Lisa Cavallaro.

OPEN HEARING FOR PORT GIBSON FIRE DISTRICT

At 7:05 p.m., Supervisor Miller asked those present if they wished to make any comments or ask questions they may have concerning the proposed contract with the Port Gibson Fire District, for the next two years. Hearing no comments, at 7:06 p.m., he pronounced this public hearing closed.

CLOSE HEARING**MTN: APPROVE MINUTES OF 8/23/2012 TOWN BOARD MEETING**

The regular Town Board meeting resumed with Councilman Dave Nussbaumer making the motion to approve the minutes of the September 27, 2012 meeting of the Town Board.

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

COMMUNICATIONS**MUNICIPAL SHELTER INSPECTION REPORT**

1. **Municipal Shelter Inspection Report:** On a regular basis, the NYS Department of Agriculture & Markets conducts an inspection of the Wayne County Humane Society facility. Since we contract with them for certain services, we received a copy of the report. All questions relating to the facility were answered positively, and given the rating of "Satisfactory."

At 7:10 p.m., Supervisor Miller asked those present if they wished to make any comments or ask questions they may have concerning the proposed contract with the East Palmyra Fire District, for the next two years. The question was asked what the numbers are for those years. Ken read off the numbers, and the questioner appeared satisfied. Hearing no further comments, at 7:14 p.m., Ken pronounced this public hearing closed.

OPEN HEARING FOR EAST PALMYRA FIRE DISTRICT

CLOSE PUBLIC HEARING

Before continuing with the meeting, Ken thanked those who were in attendance and mentioned that this afternoon, the Wayne County Clerk’s office had officiated over a Naturalization Ceremony, where about 25 people became U.S. citizens today. Judge Kehoe presided. It takes several years and about \$10,000 to complete the process.

KEN TOLD OF NATURALIZATION CEREMONY THIS MORNING

REPORTS OF STANDING COMMITTEES

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

- 1. **Town Clerk’s Office Report for October:** Town Clerk Lynne Green wrote that a report covering October and November will be submitted at the November Board meeting.
- 2. **Economic Development Report:** Councilman Todd Pipitone asked Board members if they had read the Association of Towns’ magazine article on breweries in this month’s issue.

TOWN CLERK WILL HAVE COMBINED REPORT IN NOVEMBER

ECONOMIC DEVELOPMENT REPORT

Highway Committee – James Welch, Chairman

- 1. **October Highway Report:** Highway Superintendent Mike Boesel submitted the following report From September 27, 2012 through October 25, 2012:

OCTOBER HIGHWAY REPORT

*Highway Superintendent Report
for Town Board Meeting
10/25/2012*

Since the 9/27/2012 meeting we have completed the following work:

- *Shoulder Work – Floodman Road, Hanley Road, Leroy Road, Cole Road*
- *Hauling – Hauled Sand*

Other miscellaneous items include:

- *Canal Bridge Closures – As you know, the NYS DOT has been getting active in working on the canal bridge issues across Wayne County. Below is an update:*
 - *Galloway Bridge re-opened on 10/5/12 with a new weight restriction of 18 Tons. We will need to plow this road with our F550 truck as opposed to the 10-wheeler that has always plowed it in the past.*
 - *Port Gibson Bridge load rating calculations have been completed and I just found out this morning that there will be no changes to the bridge posting this year.*
 - *Division Street Bridge remains closed, but the NYS DOT intends to start some work on it later this Fall.*
- *Red Barn Roof – The roof materials were ordered earlier this month and I expect that JZ Construction will be ready to install our new metal roof on the lower red barn in the coming weeks.*
- *Guiderail Work – We completed guiderail replacement on Port Gibson Road and some repairs to the South Creek Road guiderail.*
- *Winter Preparations – As time has permitted over the past several weeks, we started re-installing front plow hitches on all the trucks. We also started hauling in our annual stockpile of sand. In the coming weeks we will take tarps off and prepare the trucks for sander installations.*

2. **New Truck Discussion:** Councilman Jim Welch said the Highway Department is looking to purchase a budgeted truck to replace a Service Body F-350. This is a truck that carries, tools, etc. The mounts on the box are rotted. Mike Lambrix stated he things Mike Boesel should start the bidding process now so it can be ordered and come in after the first of the new year. Lambrix also requested that Boesel take the truck to Mike Poretta (Iron Art Welding), to see what it would cost to fix, and an estimate of the amount it could bring in the auction next Spring.

OCTOBR
HIGHWAY REPORT

NEW TRUCK
DISCUSSION

Operations and Planning Committee

- Mike Lambrix, Chairman

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| <p>1. <u>Planning Board Meeting:</u> Mike Lambrix noted there was no Town Planning Board meeting in October.</p> | <p>NO PLANNING BOARD MEETING IN OCTOBER</p> |
| <p>2. <u>Town Planning Board Member Replacement:</u> Ken received a response to his letter to a local resident asking him to consider being on the Town Planning Board. He seems interested and plans to attend the November Planning Board meeting.</p> | <p>INTEREST SHOWN BY LOCAL RESIDENT IN PLANNING BD.</p> |
| <p>3. <u>Handicapped Ramp at Town Hall:</u> Repair work on the handicapped ramp at the South side of the Town Hall is now complete. Ken said Brad was worried that there was a color mismatch of the cement. Mike Lambrix said Brad did a good job and that the ramp looks great. ions available. Since the building must have a ramp by law,</p> | <p>REPAIR WORK ON HANDICAPPED RAMP IS DONE</p> |

Zoning and Assessor’s Office Committee

- David Nussbaumer, Chairman

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|---|---|
| <p>1. <u>Assessor’s Office Report for October:</u> Assessor Elaine Herman submitted her October report for Board members to peruse.</p> <p>Dave Nussbaumer noted there was a hearing from a resident wishing to lower her assessment. The ruling was in favor of the Town. Dave wanted it to be noted that he thinks the assessor is doing a “good job.”</p> | <p>OCTOBER ASSESSOR’S OFFICE REPORT</p> |
| <p>2. <u>Code Enforcement/Zoning Office Report:</u> October CEO Reports, including permits issued, were included in Board packets. There were no comments from the Board about them.</p> | <p>CEO /ZONING OFFICE REPORT</p> |
| <p>3. <u>Zoning Board of Appeals Meeting in October:</u> Councilman Dave Nussbaumer noted there was no Town Zoning Board meeting in October.</p> | <p>NO ZONING BOARD MEETING IN OCTOBER</p> |
| <p>4. <u>Code Enforcement Agreement with Village of Palmyra:</u> Dave Nussbaumer said the new agreement is virtually the same as the last one.</p> | <p>CODE ENFORCEMENT AGREEMENT WITH VILLAGE</p> |

INFORMATIONAL ITEMS

- 1. **Landowners Along Erie Canal:** Supervisor Ken Miller sent the following letter to landowners along the Erie Canal:

**LETTER TO
LANDOWNERS
ALONG ERIE
CANAL**

"I have had several inquiries about the strip of land that is owned by Wayne County, between your property and the NY State trail/ canal. I have researched the possibility of the property being sold by the county to the contiguous land owners. You have been identified as a recent property owner in this group.

"I have asked the County Superintendent of Public Works if he feels this land is of any value to the county, and he replied that he cannot see any future use or intentions for this land.

"If you have an interest in purchasing this property, please contact the County Attorney's Office to find the details of how this process can be started..."

Town Board members received copies of this letter.

- 2. **Transfer of Property at South End of Town Hall:** A letter to the Town Attorney explains the possibility of transferring property at the South end of Town Hall:

**DISCUSSION OF
TRANSFER OF
PROPERTY AT
SOUTH END OF
TOWN HALL**

"The Palmyra Bible Church has agreed to transfer the strip of property to the south of the Town Hall building to the Town of Palmyra. I have talked to the neighbor (Mildred Deffenderfer) and she has no concern or interest in the property. Please consider this a request to move forward on the process of merging this land into the property the Town Hall is currently on. The Town of Palmyra will assume the cost of this transfer. We understand the property has a 'right of way' through it in an east/west direction that will stay intact. We will submit this letter into the Town Board meeting minutes on October 25th. Please contact us if we can be of any assistance in this process."

Ken said he had a meeting with Rev. Brasser to have the sketch plan and public hearing concerning this matter. This strip of land has yet to be surveyed.

- 3. **Division Street Gravel Removal:** The Town received a check for gravel removed from the Division Street gravel pit during the third quarter of 2012.

**DIVISION ST.
GRAVEL
REMOVAL
CHECK**

- 4. **Arcadia Hills Landfill Proposal:** Letter was received from the Town of Arcadia concerning its designation by the DEC as Lead Agency for the landfill project that is so controversial. It was concerned about the SEQR resolution and Environmental Assessment forms. Although Dave Nussbaumer showed concern about hearing that more trucks would be coming through the Village of Palmyra if the landfill were to be approved, the Board decided to wait, and take no action at this time.

**ARCADIA HILLS
LANDFILL
PROPOSAL
UPDATE**

Ken added that Wayne County had been in the "recycling business" but got out of it because it wasn't profitable. Now, in order to have a legal permit to haul trash, the hauler must provide for recycling pickup.

- 5. **EMS Advisory Board Election Results:** Palmyra's representative to the Emergency Medical Services' Advisory Board, John Rush, provided Board members with information about their latest activities and meetings, and the EMS Mutual Aid Policy Statement.

**EMS ADVISORY
BOARD REPORT
FROM JOHN
RUSH**

- 6. **Palmyra Community Library Report:** The report included minutes of the September 19 meeting, along with the results of the Trustee Election of the Library.

**PALMYRA
LIBRARY
REPORT**

- 7. **Petition for Lowering Speed on DeSmith Road:** All the residents of DeSmith Road (between Shilling Road and Newark-Marion Road) had signed a petition stating:

"We, the undersigned property owners, and other residents, hereby request that the speed limit on DeSmith Road, Town of Palmyra, be reduced to 40 MPG as soon as possible. We know this is necessary due to the excessive speeding on our road, the dangerous hills, and for safety of our children and ourselves.

**PETITION BY
RESIDENTS FOR
LOWERING
SPEED LIMIT ON
DESMITH ROAD**

"We would like speed limit signs posted, the road painted for a 'No Passing' zone, signs posted as no-passing zone and more police observation on our road."

Additional comments included the fact that speeding occurs even when people are walking along the side of the road.

Board members asked that the Town include a letter of support with this petition to the County.

PUBLIC INPUT

8. **Public Input:** East Palmyra resident Roy Wilck had some comments about the proposed landfill and wanted to know what questions the public had about it.

MTN: ENTER EXECUTIVE SESSION

At this point, 7:54 p.m., Todd Pipitone made the motion to enter Executive Session to discuss matters concerning personnel. Board members invited Town Clerk Lynne Green to attend. They then left the Meeting Room and went into truck bay.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

MTN: EXIT EXECUTIVE SESSION

At 8:15 p.m., Board members returned and Todd Pipitone made the motion to exit Executive Session

Second: Mike Lambrix Vote: 5 Ayes. Carried.

AGENDA ITEMS

MTN: APPROVE 2 EMPLOYEES TO ATTEND WORKSHOP IN BATAVIA

1. **Approve: Two (2) Employees to Attend Workshop:** The Board received the request to have two employees—Ken Miller and Irene Unterborn—attend the Fall 2012 Regional Local Government Grant Workshop in Batavia on November 16. The cost is \$60 each plus mileage. Mike Lambrix made the motion to approve the request, requesting a report afterwards.

Second: Todd Pipitone Vote: 5 Ayes. Carried.

MTN: MODIFY COST OF TOWN CLERK'S OFFICE PC PURCHASE

2. **Approve: Modify Cost of Town Clerk's Office PC Purchase:** Last month, the Town Board approved the purchase of a PC for the Town Clerk's office, not to exceed \$766.99. With shipping charges, the total cost came to \$771.00. Both amounts are in the 2012 budget to pay for the PC. Todd Pipitone made the motion to modify the cost of the PC to not exceed \$771.00.

Second: Dave Nussbaumer Vote: 4 Ayes. Carried.
Councilman Todd Pipitone voted Nay.

- 3. **Approve: Contract with Village of Palmyra for Fire Protection District for Two (2) Years:** After having posted the legal notice for the hearing held earlier this evening, and after having published the notice in the Town’s official newspaper—according to law, and after hearing no comments from the public, whether yea or nay at the public hearing, Councilman Dave Nussbaumer made the motion to approve the 2013-2014 contract between the Town of Palmyra and the Village of Palmyra for Fire Protection.

MTN: APPROVE CONTRACT WITH VILLAGE OF PALMYRA FOR FIRE PROTECTION DISTRICT FOR 2 YEARS

Second: Todd Pipitone

Vote: 5 Ayes, Carried.

The 2013-2014 Palmyra Fire Department contract is included with these minutes as Attachment A.

ATTACHMENT A

- 4. **Approve: Contract with East Palmyra Fire Protection District for Two (2) Years:** After having posted the legal notice for the hearing held earlier this evening, and after having published the notice in the Town’s official newspaper—according to law, and after hearing no comments from the public, whether yea or nay at the public hearing, Councilman Mike Lambrix made the motion to approve the 2013-2014 contract between the Town of Palmyra and the East Palmyra Fire Department for Fire Protection.

MTN: APPROVE CONTRACT WITH EAST PALMYRA FIRE PROTECTION DISTRICT FOR 2 YEARS

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

The 2013-2014 East Palmyra Fire Department contract is included with these minutes as Attachment B.

ATTACHMENT B

- 5. **Approve: Contract with Port Gibson Fire Protection District for Two (2) Years:** After having posted the legal notice for the hearing held earlier this evening, and after having published the notice in the Town’s official newspaper—according to law, and after hearing no comments from the public, whether yea or nay at the public hearing, Councilman Mike Lambrix made the motion to approve the 2013-2014 contract between the Town of Palmyra and the Port Gibson Fire Department for Fire Protection.

MTN: APPROVE CONTRACT WITH PORT GIBSON FIRE PROTECTION DISTRICT FOR 2 YEARS

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

The 2013-2014 Port Gibson Fire Department contract is included with these minutes as Attachment C.

ATTACHMENT C

- 6a. **Approve: Reinstatement of Retroactive Pay for Town Clerk’s Office Deputy Clerk trip to Buffalo:** Todd Pipitone made the motion under duress to reinstate retroactive pay for 7.5 hours of unauthorized compensation to the Deputy Clerk.

Second: Mike Lambrix

A roll call vote was requested.

MTN: APPROVE
 REINSTATE-
 MENT OF
 RETROACTIVE
 PAY FOR
 DEPUTY CLERK
 --DEFEATED

Supervisor Kenneth Miller	Nay
Deputy Supervisor James Welch	Nay
Councilman David Nussbaumer	Nay
Councilman Michael Lambrix	Nay
Councilman Todd Pipitone	Aye

Vote: 1 Ayes. 4 Nays. Defeated.

MTN: APPROVE
 MILEAGE
 REIMBURSE-
 MENT TO UTICA
 SEMINAR

- 6b. **Approve: Mileage Reimbursement to Utica Seminar for Deputy Clerk:** Since the Board had previously approved the attendance of the Deputy Clerk, it was not necessary to formally approve the mileage reimbursement. The Town Clerk was told to simply voucher the reimbursement, no further action of the Board is necessary.

- 7. **Approve: Emergency Purchase of Laptop PC in Supervisor’s Office:** The laptop PC used by the Town Supervisor ceased to function, necessitating a replacement. The replacement, not to exceed \$900, would include a new docking station and Next Day Air shipping. Dave Nussbaumer made the motion to approve this emergency purchase, not to exceed \$900.

MTN: APPROVE
 EMERGENCY
 PURCHASE OF
 LAPTOP PC FOR
 SUPERVISOR

Second: Todd Pipitone

Vote: 5 Ayes. Approved.

Councilman Todd Pipitone asked if we must go through the State bid for such a purchase. Ken said not necessarily. It depends if there is a State bid, or if there’s a contract. Todd said he appreciates Ken’s diligence in getting a good price.

RABIES
 CONTROL
 PROGRAM
 AGREEMENT
 WITH COUNTY

- 8. **Approve: Revised Rabies Control Program Agreement with County—Authorize Supervisor to Sign:** The Town received a revised Rabies Control Program Agreement between the County and the Town of Palmyra and stipulates that “the agreement shall continue in effect until terminated by either party, with or without cause, upon thirty (30) days written notice to the other party.”

ATTACHMENT A: ***2013-2014 Palmyra Fire Department Contract
between Town of Palmyra and Village of Palmyra***

ATTACHMENT B: ***2013-2014 East Palmyra Erie Department
Contract***

ATTACHMENT C: ***2013-2014 Port Gibson Fire Department Contract***

ATTACHMENT D: ***Revised Rabies Control Program Agreement with
Wayne County***

**NEXT TOWN BOARD MEETING
AND 2013 TOWN BUDGET PUBLIC HEARING:**

**THURSDAY, NOVEMBER 8, 2012, 7:00 P.M.
PALMYRA TOWN HALL**