



REGULAR MEETING OF THE TOWN BOARD

**EAST PALMYRA FIRE HALL
OCTOBER 22, 2009**

At 7:30 p.m., Supervisor Lyon called to order the town board meeting, scheduled for Thursday, October 22, 2009, at the East Palmyra Fire Hall, Tellier Road, East Palmyra, New York.

CALL TO ORDER

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

PLEDGE TO THE FLAG

Upon roll call, the following board members were present:

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

ROLL CALL

Also attending the meeting: Palmyra resident Huguette Dirks, East Palmyra resident Roy Wilck, Highway Superintendent Mike Boesel, Code Enforcement Officer Bob Grier; and *Courier-Journal* reporter Todd Pipitone.

MEETING ATTENDANCE

Motion was made by Dave Nussbaumer to approve the minutes of the September 24, 2009 meeting of the Town Board.

**MTN: APPROVE
9/24/2009 TOWN
BOARD MEETING
MINUTES**

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

COMMUNICATIONS

1. Archives Grant Award Announced: The Town has waited for more than six months for word from the State Education Department about the Archives Grant application Records Management Coordinator Celeste Finewood sent to Albany last Fall. The letter arrived today tentatively awarding our Town "a grant in the amount of \$4,629.00" the full amount requested. It was a highly competitive year for grants, but Palmyra was awarded the full amount for Indexing and Archives Access software. A previous grant awarded funds for hardware and for having Town records microfilmed. In that grant, no provision was

**ARCHIVES GRANT
AWARD
ANNOUNCED**

made for purchasing software to allow Palmyra to continue to microfilm documents in-house. This grant allows us to purchase the necessary software for current and future document microfilming.

**PALMYRA
EMPLOYEES
ATTEND NYMIR
WORKSHOP**

- 2. Palmyra Employees Attend Workshop: Letter was received from New York Municipal Insurance Reciprocal (NYMIR) thanking Town employees Michael Paul, Jason Bliss, Jake Hilton, Matthew D. LaMora, Scott A. Moulton, William Austin and Mike Boesel for attending the Snow & Ice Safety Workshop offered through NYMIR’s Risk Management Services Program.

**INVITATION TO
NYSEG PUBLIC
MEETING**

- 3. Invitation to NYSEG Public Meeting: The NYS Department of Environmental Conservation (NYSDEC), NYS Department of Health (NYSDOH) and NYS Electric and Gas (NYSEG) sent invitations to a public meeting on October 28 to hear the findings of the environmental investigation completed for the former manufactured gas plant (MGP) site on Park Drive in Palmyra. There had been contamination of the area over many years by the MGP, as a maker of coal gas for street lamps from 1857 to 1910. The primary byproduct of the manufactured gas process is coal tar, which contains chemical compounds now considered hazardous.

The invitation was to inform the public about the hazards and the process of cleanup remedy. More NYDEC proposals and updates will be forthcoming, as a “final selected remedy” will be implemented.

REPORTS OF STANDING COMMITTEES

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

**BUILDINGS &
GROUNDS REPORT**

Ken Miller told Board members that we are getting ready for Winter at Town Hall. Heating specialists have been called in to prepare the furnaces. The Highway Department has been asked to pump out the septic tank behind Town Hall, and to change the septic service and hook up to the newly-installed sewer system.

Highway Committee – James Welch, Chairman

1. Highway Superintendent Mike Boesel gave his September/October Highway Report to the Town Board:

Highway Superintendent Report For Town Board Meeting of 10/22/09

Since the 8/27/09 meeting we have completed the following work:

- Surface Treating – Hogback Road and Galloway Road
- Culvert Replacements – South Creek Road and Harris Road
- Hauling – sand to shop, spoil to South Creek Road
- Salt Order – 600 tons – barns are full
- Inter-municipal Assistance
 - 9/8/09 – T/Arcadia, T/Lyon, T/Palmyra, V/Palmyra paved Hyde Parkway.
 - 9/16/09 -- Two trucks to T/Walworth for paving.
 - 9/23/09 – Loader and widner to Walworth to install crushed stone shoulders.
 - 10/16/09 – Bobcat and mill to WC Highway, Smith Road, to cut rebates for paving.

**SEPTEMBER/
OCTOBER
HIGHWAY REPORT**

Other miscellaneous items include:

- **SMSI Grant 07-08** – All equipment is bought and paid for. Our Final Reimbursement was received at NYS DOS on 9/24/09 and we should have our reimbursement 1-2 months from that date, sometime in November.
- **Wedging** – We made a lot of progress with our asphalt wedging efforts this summer. We recently did some in the East Palmyra hamlet along Port Gibson Road and on South Creek Road.
- **Surface Treating** – At the end of August we surface treated Hogback Road and Galloway Road.
- **Hyde Parkway** – We paved this Village Street in the beginning of September with asphalt hauling assistance from the Town of Arcadia and Town of Lyons.
- **South Creek Road** – Since a decision was finally reached regarding watermain on South Creek road we started working on culvert replacements for South Creek Road in

anticipation of a road re-paving project next year. We also have been adding spoil material to the north side slopes of this road.

**SEPTEMBER/
OCTOBER
HIGHWAY REPORT**

- **Mowing** – Chris Bratt finished roadside mowing on October 8th.
- **Winter Preparations** – We started to prepare the fleet for the winter season. Sanders and plows are being readied for the season. Trucks have been getting serviced as well. Salt and sand have been stocked.
- **Fall Highway Conference** – I attended our annual Fall Highway Conference in Lake Placid in late September. We were made aware of a new 5-Year Plan that the NYS DOT has issued with regard to CHIPs funding.
- **Training** – On October 8th, the entire crew had Snow & Ice Safety Training put on by our insurance carrier NYMIR, held at the Marbletown Fire Hall. Over 150 personnel from highway departments across Wayne, Cayuga, Seneca, Livingston counties attended.

Any questions, comments or concerns I will be glad to answer.

**FALL HIGHWAY
SUPERINTEN-
DENTS'
CONFERENCE
REPORT**

2. Fall Superintendents' Conference Report: Mike learned that the NYS DOT has a new five-year plan. The legislators increased CHIPs funding for this year, but the Governor may rescind this increase.

**PLANNING BOARD
REPORT**

**Planning & Economic Development Committee – Mike Lambrix,
Chairman**

Mike Lambrix brought to the Board's attention the minutes of the October 13th Planning Board, included with this meeting's agenda. Board members read the minutes without comment.

**CEO REPORT FOR
OCTOBER**

Zoning Committee – David Nussbaumer, Chairman

1. CEO Report: October's CEO Report was distributed to Board members. They read it without comment.
2. Zoning Issues: Dave Nussbaumer asked Bob for an update on the legal issues concerning our nuisance properties. Morrison and

**LEGAL UPDATES
ON NUISANCE
PROPERTIES**

Christopherson have court dates of November 3rd. There are injunctions on the North Creek and Trolley Road properties.

INFORMATIONAL ITEMS

- 1. Assessor's Report for October: Board members read the Assessor's Report without comment. **ASSESSOR'S OCTOBER REPORT**
- 2. Town Clerk's Office Report for October: Board members read the Town Clerk's Office Report without comment. **TOWN CLERK'S OFFICE OCT. REPORT**
- 3. Quarterly Payment for Excavation: A quarterly payment for gravel excavation during third quarter 2009 was received from Morrison Excavating. **QUARTERLY PAYMENT FOR EXCAVATION**
- 4. Change in Office Hours: Supervisor Dave Lyon announced that his office hours will be changing from 8 a.m. to 4 p.m. Monday through Friday, to 9 a.m. to 5 p.m. starting immediately. **CHANGE IN HOURS FOR SUPERVISOR'S OFFICE**
- 5. Follow-Up on Truck Traffic Group: An email was received from a Palmyra resident letting the Town know that recent changes in Large Truck Regulations have been proposed in the State Legislature. The Upstate Safety Task Force notified those active in small towns affected by heavy volumes of large truck traffic. They outlined the regulations and their impact on these towns, and notified representatives of the towns of a public comment period, ending October 9th. On behalf of the Town of Palmyra, Town Clerk Lynne Green emailed the Safety Task Force, thanking them for their efforts, and encouraging them to help relieve Palmyra from the onus of the large volume of heavy trucks traveling on Canandaigua Street. **FOLLOW-UP ON TRUCK TRAFFIC GROUP**

October 8, 2009

Department of Transportation
Commissioner: NYS DOT (Truck Regs)
50 Wolf Road
Albany, New York 12232

EMAIL TO NYSDOT ABOUT PROPOSED LARGE TRUCK TRAFFIC REGULATIONS

Dear Commissioner:

Re: Proposed Large Truck Traffic Regulations

We, at the Town of Palmyra, are pleased that the Upstate Safety Task Force has studied truck traffic regulations and proposed regulations to ease the discord between the trucking industry and local residents. We hope that future proposals will resolve real issues and that resulting laws will be agreeable to both.

Thank you for identifying highways that have requested relief. Please add one more highway that desperately needs relief—State Highway 21 through the Village of Palmyra!

The huge increase in volume of very heavy trucks headed for the High Acres landfill in the towns of Perinton and Macedon over recent years has started a crumbling of the old, original infrastructure under Route 21 in the Village of Palmyra.

At some point in the future, that portion of Route 21 will have to be closed down to repair and/or replace the infrastructure. All traffic will need to find alternate routes until the work is done.

Please find a route now that would serve as a detour route, and re-route these trucks to that road permanently. We recommend County Road 28 (also known as Alderman Road) in the towns of Farmington and Macedon as this detour route. It has recently been resurfaced, and bridges have been upgraded, so it should be adequate. It is in the country, not through any village, and has easy access to and from Exit 43 of the Thruway. Many trucks, after having left High Acres are now using this road to return to Exit 43—to avoid the delays and tight turning room in the Village of Palmyra. Also, it will not add more than 25 miles to a truck’s one-way route.

Again, in your discussion, we urge you to consider the plight of Palmyra Town and Village, in agricultural Wayne County, as an example of trucking concerns causing serious disruption to the residents.

Please contact me at townclerk@palmyrany.com with your response to our urgent request.

Thanks you so much for your consideration.

“Charles Carrier, speaking for the state Department of Transportation, said these routes are the only ones listed in the regulations right now. But he said it is possible that if the regulations are approved, ***other roads in the state could be added in the future.***”

The Post-Standard, January 29, 2009

AGENDA ITEMS

1. **Professional Services Agreement Renewal:** The Professional Services Agreement with Integrated Systems was close to expiring. This agreement renewal pays for hours of service for Engineering Services and Software Development, including network and system troubleshooting, programming, end user technical support, cabling and travel. There are enough funds available this year to purchase another 100 hours of services, at

EMAIL TO NYSDOT ABOUT PROPOSED LARGE TRUCK TRAFFIC REGULATIONS

MTN: APPROVE PROFESSIONAL SERVICES AGREEMENT RENEWAL WITH INTEGRATED SYSTEMS

\$75 per hour. Mike Lambrix made the motion to renew our Professional Services Agreement with Integrated Systems.

Second: Dave Nussbaumer Vote: 5 ayes.
Carried.

- 2. Resolution: Farmland Protection Grant: Although Farmland Protection Grant applications won't be available until 2010, the Town was asked to submit names of farms interested in submitting grant applications. Ora Rothfuss, Agricultural Development Specialist for Wayne County offered to work with the Town to complete the paperwork required for these grant funds. He proposed the following resolution to begin the process:

**RESOLUTION:
FARMLAND
PROTECTION
GRANT**

FARMLAND PROTECTION GRANT RESOLUTION

WHEREAS, the Town of Palmyra Comprehensive Plan goals include encouraging the retention of high-quality agricultural land for farm uses, and identifies conservation easements as one land use tool; and

WHEREAS, the Town of Palmyra invited landowners with more than seven (7) acres of land to an informational meeting for landowners, to describe conservation easements and the New York State Farmland Protection program; and

WHEREAS, only two farm operations have expressed interest in participating in a New York State Farmland Protection Program grant at this time; and

WHEREAS, Frank and John Koeberle, as well as Christopher and David Lyon, have expressed interest in selling an agricultural conservation easement on their farm properties in the Town of Palmyra;

NOW, THEREFORE, BE IT RESOLVED that the Town of Palmyra intends to submit the Koeberle and Lyon farms to the New York State Department of Agriculture and Markets Farmland Protection Implementation Grant for the 2009-2010 funding round.

Dated: October 22, 2009

Roll Call Vote: David C. Lyon, Supervisor
Abstain

James T. Welch, Deputy Supervisor	Aye
David M. Nussbaumer, Councilman	Aye
Michael C. Lambrix, Councilman	Aye
Kenneth F. Miller, Councilman	Aye

**MTN: APPROVE
FARMLAND
PROTECTION
GRANT
RESOLUTION**

Ken Miller made the motion to approve the Farmland Protection Grant Resolution.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried

**MTN: APPROVE
SEPTIC SLUDGE
PERMIT FOR GEN
EAST SEPTIC TAN...
SERVICE**

- 3. Septic Sludge Permit Renewal: Gene East submitted his annual request to renew his Septic Sludge Permit for 2009-2010. He enclosed his DEC approval and required maps with his application and fee.

Mike Lambrix made the motion to renew the Septic Sludge Permit for Gene East Septic Tank Service for 2009-2010.

Second: Jim Welch

Vote: 5 Ayes. Carried.

**REGIONAL
AMBULANCE
PROPOSAL
UPDATE**

- 4. Regional Ambulance Proposal Update: Supervisor Dave Lyon attended a meeting on October 14. Local municipalities were in attendance except for the Village of Macedon (they had a Board meeting that evening). All four municipalities (Town and Village of Macedon, Town and Village of Palmyra) are interested in looking into this. He added it makes sense, and is practical. With the State increasing requirements for responders—both volunteer and paid—there have been fewer and fewer local people willing to pursue EMT and ALS certifications. In order to offer emergency services to local communities, a regional service seems the best way to go.

Dave also explained the two options for naming an expanded service such as this: one ambulance service can expand, using that service’s name and Certification of Need, or a new name can be used, which may be more complex at first, but will avoid “turf wars” that can occur with the first option.

No motion was needed at this time. Consensus was to continue pursuing a shared service. Dave will attend future meetings and report back to the Board.

**PALMYRA
COMMUNITY
LIBRARY UPDATE**

- 5. Palmyra Community Library: Discussion at last month’s Town Board meeting about a resident’s letter concerning the creation of the Palmyra Community Library and its legitimacy. Her letter was referred to counsel. On October 15, Paul Rubery wrote the NY State Attorney General’s office in Rochester requesting further information. As of this Board meeting, no response has been received.

**SETTLEMENT FOR
PAST UNPAID
SEWER SERVICE**

- 6. Settlement of Back Sewer Charges—Krauth: A letter was received this month from Paul Rubery concerning payment

for back sewer charges from Christian Krauth. It was determined that Krauth, who lives on Division Street and had hooked up to the new sewer service there, had not been billed for sewer service for several years. He sent Paul Rubery a check for \$2,739.60 "as settlement that the Town asked for."

Now, the Town Board is being asked to approve that amount as payment in full for the arrears. In addition, Krauth is asking for a receipt or letter accepting the check for settlement.

**MTN: ACCEPT
PARTIAL PAYMENT
FOR BACK SEWER
CHARGES AS PAID
IN FULL**

Dave Nussbaumer made the motion to accept the \$2,739.60 as payment in full for the past sewer service.

Second: Mike Lambrix Vote: 5 Ayes. Carried.

- 9. Approve Abstracts #181 and #182: Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #181, that includes Voucher Numbers 10665 through 10671 for \$23,796.12, and Abstract #182, that includes Voucher Numbers 10672 through 10734 for \$67,274.48.

**MTN: APPROVE
ABSTRACTS #181
AND #182**

Second: Mike Lambrix Vote: 5 Ayes. Carried

- 7. Motion to Adjourn: At 7:53 p.m., Mike Lambrix made the motion to adjourn the meeting.

**MTN: ADJOURN
MEETING**

Second: Jim Welch Vote: 5 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

**NEXT TOWN BOARD MEETING:
2010 BUDGET PUBLIC HEARING & BOARD MEETING
THURSDAY, NOVEMBER 5, 2009, 7:30 P.M.
PALMYRA TOWN HALL**