

**PUBLIC HEARING AND
REGULAR MEETING OF THE TOWN BOARD**

**PALMYRA TOWN HALL
FEBRUARY 28, 2013**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, February 28, 2013, 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
- Todd J. Pipitone, Councilman

ROLL CALL

Councilman David Nussbaumer was excused

Also attending: Code Enforcement Officer Dan Wooden, Palmyra Highway Superintendent Mike Boesel, John Rush, Mark Collins, as well as students from Newark High School in the Participation in Government class, and their parents: Zachary Gardner, Tyler Schell, Justin A. Keller, Travon Wilson, Jordan Taney, Joseph Gorsuch, Johnathan X. Laurroh VII, Shawnee Graham, Olivia Horning, Kyle DiMauero and Ashley Breemes.

**MEETING
ATTENDANCE**

Motion was made by Mike Lambrix to approve the minutes of the January 24, 2013 Town Board meeting.

**MTN: APPROVE
BOARD MINUTES
OF 1/24/2013**

Second: Todd Pipitone

Vote: 4 Ayes. Carried.

COMMUNICATIONS

1. **Letter from NY State Department of Transportation (DOT):** Last Summer, a group of town residents signed a petition to the Town Board requesting a speed reduction for Maple Avenue from the railroad tracks at Gooney’s Crossing north to the Marion-Walworth Road. On February 19, 2013, we received the reply from the NYS DOT stating, “we determined that a reduction of the speed limit is not

**RESULTS FROM
DOT INSPECTION
OF MAPLE AVE. TO
ASSESS NEED FOR
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warranted at this time.” They added a recommendation that “consideration should be given to enhancing the warning for motorists” at the railroad tracks. Town Clerk Lynne Green asked Board members if she could send each petitioner a letter with the results. They agreed, adding that she include the NYS DOT’s letter with hers.

**DOG SHELTER
AND DOG
OFFICER
REPORT**

2. **Dog Shelter and Dog Officer Report:** Two letters were received from the New York State Department of Agriculture and Markets attaching the Municipal Shelter Inspection Report and the Dog Control Officer Inspection Report, completed on 2/22/2013. Both results were totally satisfactory. Congratulations to Animal Control Officer Gary Rose for another year of perfect reports.

REPORTS OF STANDING COMMITTEES

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

1. **Town Clerk’s Office Report for February:**

- *We are now in the second month of Town tax collection, so the heavy volume of residents bringing their tax payments to our office, the heavy phone responses to tax questions, as well as the stacks of mailed tax payments, and paid receipts sent to taxpayers, have lessened considerably.*
- *Lynne: All the pieces and parts to filing Local Law #1 that was passed by the Town Board in January have now been sent to Albany for filing by the State. We await their reply. In addition, several new resolutions have been prepared for this Board meeting: Resolutions #8, 9 10, and 11. We now start the process—the pieces and parts needed for their approval, including public hearings on some.*
- *Celeste: Archives Room B—defective de-humidifier. The room is being monitored. We’ll need to address the issue, and repair/replace once warmer, humid conditions happen.*
- *Celeste: Reorganized the Central File Room files to allow for ease of access and centralization of like files. All files that have become inactive and have a permanent retention have been moved to the appropriate archives room. These will be catalogued as time permits. Thoroughly cleaned File Room.*

**TOWN CLERK’S
OFFICE REPORT
FOR FEBRUARY**

- *Celeste: Reorganized material in office safes—allow storage of like documents together. Currently creating an online index on my former PC—as a stand-alone search tool to locate office files.*
- *Celeste: Processed January 2013 monthly cashbook report. Updated Contracts & Agreements Index. Filed latest burial records. Still awaiting Village burial information to complete 2012 Burial Index. St. Anne’s and East Palmyra burial records are complete for 2012.*
- *Irene: The Town is in the second phase of collecting Town/County taxes. During the month of February, there is a 1% penalty added to the payment. In March, 2% will be added to the original bill. At the end of March, all unpaid tax bills will be returned to the County Treasurer’s office, and our official authorization to collect taxes will end. To date, Irene has posted/mailed \$3,955,508.10 on 2599 of 2928 properties.*
- *Irene: Sent out another large stack of reminder notices to local dog owners whose dog licenses are up for renewal. January and February are particularly heavy dog renewal months, ever since we started our last enumeration five years ago January. This time Irene has piggy backed the new enumeration letters with the Assessor letter being sent out February 28th, saving over \$1000 in postage. The letters were also printed here in the clerks office saving \$200.00 in printing costs.*
- *Irene: My new computer and printer are working.....finally. Thanks to Mike Boesel's "green rebate" information, the printer you approved for me last month for \$209.99 is now going to get a \$157.00 rebate so it will cost only \$52.99!*

**TOWN CLERK’S
OFFICE REPORT
FOR FEBRUARY**

2. **Dehumidifier Purchase:** In last month’s report, Celeste noted the dehumidifier in Archives Room B has stopped. It had been running since that Archives Room was created. We learned recently that NYSERDA Buy Green/Save Green Grant Program covers dehumidifiers. This means a \$200 humidifier with the 75% rebate from NYSERDA would cost us \$50. We also need permission to use a personal credit card to order the dehumidifier, with reimbursement to the cardholder. Funds would come from the Town Clerk’s budget, as it was not budgeted in the Archives budget.

**DE-HUMIDIFIER
PURCHASE FOR
ARCHIVES
ROOM B**

3. **Vacuuming of Vents in Town Clerk’s Office:** The Highway Department brought shop-vacs to the Town Clerk’s office and cleaned the vents, as well as vacuumed under desks and in corners. Since then, there has been a noticeable difference, with less sneezing and coughing.

**VACUUMING
VENTS IN TOWN
CLERK’S OFFICE**

Highway Committee – James Welch, Chairman

1. **February Highway Report:** Highway Superintendent Mike Boesel submitted the following report From Jan. 24 to Feb. 28:

*Highway Superintendent Report
For Town Board Meeting of 2/28/2013*

Since the 01/24/13 meeting we have completed the following work:

- *Plowing/Sanding – To date this winter season we have made a total of 57 trips out of the barn.*
- A comparison to this point of the past 4 winter seasons is below:*
 - *Feb 2012 - 39 trips.*
 - *Feb 2011 - 110 trips.*
 - *Feb 2010 – 90 trips.*
 - *Feb 2009 - 90 trips.*
- *Fleet Maintenance – ongoing for all trucks and equipment*
- *Hauling – spoil material and millings from shop to pit*

Other miscellaneous items include:

- **Salt Orders** – *To date this winter season we have ordered approximately 1294 tons of our 2800 ton allotment, which is 46% of our requested allotment.*
- **Training** – *On 1/29 and 2/13, the entire crew attended a joint training session hosted by the Village of Macedon and put on by PESH for the following topics: Lockout/Tagout, Electrical Safety, Personal Protective Equipment, Excavation and Trenches, Power Tool Safety, Chainsaw Safety, and Slips/Trips/Falls.*
- **Personnel** – *Karen Yantz is out on medical leave again.*
- **CHIPs Funding** – *Governor Cuomo’s budget calls for no increases (or decreases) at this time to our CHIPs funding. However, we are getting some traction this year from several Senators and Assemblyman. A small group of us WC Supts recently met with Assemblyman Oaks. We are cautiously optimistic for a small increase still this year. This funding is critical to keeping our roads in good condition. We are gearing up for our annual Advocacy Day in Albany next Wednesday March 6th.*
- **Equipment** – *We continue to perform routine maintenance on all trucks and equipment. We recently performed an annual service to our mowing tractor and plan to bring in other ‘summer’ equipment over the next month.*
- **Sandblast Equipment** – *I am asking permission to place the order for our new sandblast equipment. This is a planned purchase for 2013. The new equipment will cost NTE, \$4,250.00, from LCI Industrial in E. Rochester.*

FEBRUARY
HIGHWAY
REPORT

- **Palmyra Municipal Auction** – The date has been set for Saturday May 11, 2013. The Contract Agreement is on the agenda for approval. It is unchanged from prior years. I will have a surplus list likely for the April agenda.
- **Town Hall** – On 2/7 we visited the Town Hall and cleaned out behind/in the ventilation vents in all rooms.
- **Village Budget** – Its budget season in the Village and I had my second/third budget meetings this past month. The next meeting is scheduled for 3/4/13.
- **NYSERDA Buy Green/Save Green** – In early February I was alerted to this NYSERDA grant program offered to municipalities and I know Irene was able to take advantage of it in the Town Clerks Office. We are looking into our options as well.

FEBRUARY
HIGHWAY
REPORT

2. **Proposed Purchase: 2013 Sandblast Equipment:** Highway Superintendent Mike Boesel said he wishes to place his current sandblast equipment in the Municipal Auction in May, to replace the current one that is quite old. The new equipment was included in his budget for this year, and he hopes to bring a decent price for this equipment at the auction.
3. **Intermunicipal Agreement with Village for Another Four-Year Highway Consolidation:** The following Intermunicipal Agreement is ready for approval by both the Town Board and the Village Board of Trustees:

PROPOSED
PURCHASE
2013
SANDBLAST
EQUIPMENT

INTERMUNICIPAL AGREEMENT
FOR ADMINISTRATION, MAINTENANCE, AND REPAIR
OF VILLAGE HIGHWAY SYSTEM

INTER-
MUNICIPAL
AGREEMENT
WITH VILLAGE
FOR ANOTHER
FOUR-YEAR
HIGHWAY
DEPARTMENT
CONSOLIDA-
TION

THIS AGREEMENT made this 28th day of February, 2013,
by and between:

The Village Board of the Village of Palmyra, a municipal corporation with principal address of 144 East Main Street, Palmyra, NY 14522, hereinafter referred to as the "Village," and

The Town Board of the Town of Palmyra, a municipal corporation with principal address at 1180 Canandaigua Road, Palmyra, NY 14522, hereinafter referred to as the "Town."

W I T N E S S E T H

WHEREAS, on or about May 27, 1996, the Town and the Village entered into a cooperative agreement pursuant to article 5-G of the General Municipal Law, wherein the Town and Village entered into an intermunicipal effort to provide highway services to the residents of the Village, and

WHEREAS, the term of said agreement was for a period of three years, expiring May 31, 1999, and

WHEREAS, the parties hereto extended the original agreement terminating May 31, 1999, by a new agreement executed July 22, 1999, extending that agreement to May 31, 2004, and

WHEREAS, the parties hereto wish to extend the original agreement as amended on April 4, 2004 by a new agreement for a five-year period expiring on May 31, 2009; and by a new agreement on March 26, 2009 for a four-year period expiring on May 31, 2013, and

WHEREAS, the parties hereto wish to amend the 2009 agreement by a new agreement for another four-year period expiring on May 31, 2017, by this agreement signed of even date herewith, and

WHEREAS, the Town and Village have found economies and efficiencies resulting from such intermunicipal agreements in the best interests of both the Town and Village and mutually advantageous, and desire to enter into the intermunicipal agreement for the same purposes, and

WHEREAS, the Town and Village are authorized to enter into a cooperative agreement pursuant to article 5-G of the General Municipal Law of the State of New York, for the Town to provide highway department superintendence and related services to the Village, and

WHEREAS, the Town and Village have reached an agreement as to the terms and conditions of the intermunicipal contract as amended by the April 4, 2004 agreement and by this agreement memorializing their understandings, expectations, and representations as to their agreement, and

WHEREAS, the respective governing boards of the Town and Village have, by a majority vote, approved the actions set forth in this agreement and have approved the execution thereof by its appropriate executive officer;

NOW, THEREFORE, in consideration of the premises and the covenants hereinafter set forth, the Town and Village agree as follows:

1. General Agreement:

- (a) *During the term of this agreement the Town Highway Superintendent shall manage and supervise the Village highway department utilizing existing forces, machinery, and equipment, and incurring such expenditures as authorized by the Village Board and consistent with the Village budget adopted pursuant to Village Law, to the extent funds and manpower are made available. The Town Highway Superintendent's performance of these duties shall not interfere with the Town Highway Superintendent's obligations to the Town.*

**INTER-
MUNICIPAL
AGREEMENT
WITH VILLAGE
FOR ANOTHER
FOUR-YEAR
HIGHWAY
DEPARTMENT
CONSOLIDA-
TION**

- (b) *The Town Highway Superintendent shall be responsible for (i) managing and scheduling the use and maintenance of all Village vehicles and equipment deployed for Village highway department use and (ii) managing and supervising the Village employees deployed to the Village highway department.*
- (c) *The Town Highway Superintendent shall be responsible for the costs of maintenance and repair in good operational order of the Village vehicles and equipment deployed for highway department purposes, except that the Village shall be responsible for the cost of replacement of engines and transmissions in such Village vehicles where such engines and transmissions cannot be reasonably repaired.*
- (d) *The Village shall retain financial and operational responsibility for scheduling deployment and maintenance of equipment used primarily by the Village Parks Department, including lawn mowers and similar types of small equipment.*
- (e) *The Town and Village shall remain responsible for their own equipment purchases, and any funds realized from the sale of such equipment shall be retained by the municipality owning such equipment. If the Town and Village should jointly purchase a piece of equipment if it is sold, the net proceeds of sale after expenses shall be divided in proportion to the percentage of the purchase price paid by each.*
- (f) *It is contemplated that there may be times when equipment and/or personnel of one municipality may be used in performance of services to another municipality. To the extent such services are not required under the contract, or otherwise included in the Town's customary services to the Village, the parties agree that a record of hours and expenses involved in performing such services shall be kept and the municipality that performed such services shall be reimbursed for the actual labor costs and expenses incurred by the municipality in performing such services. A quarterly accounting shall be rendered by each municipality to the other on a schedule to be agreed upon, with any payment to be made in the form of in-kind services to be agreed upon by the parties. At the end of the contract period all accounts, unless renewed, shall be balanced and any outstanding obligations paid in cash.*

**INTER-MUNICIPAL
AGREEMENT WITH
VILLAGE FOR
ANOTHER FOUR-
YEAR HIGHWAY
DEPARTMENT
CONSOLIDATION**

2. *Duration:*

This agreement shall be for a term of four years, said term to commence June 1, 2013 and to end on May 31, 2017.

3. *Operational Planning and Budget:*

The Town Highway Superintendent shall develop, in cooperation with Village officials, long-term plans for street/sidewalk improvements, maintenance, and repairs of infrastructure, as well as preparing a budget submission for highway purposes in time for adoption in each Village budget year covering the terms of this agreement.

4. *Joint Board:*

The activities set forth in this agreement shall be monitored on a day-to-day basis by a joint board made up of the Village Trustee in charge of highway and his/her elected counterpart from the Town, which shall meet with the Town Highway Department Superintendent at least monthly. However, no change may be made to the terms of this agreement, except by majority vote of the governing body of each participating municipality followed by the execution of a written addendum to this agreement.

(a) The Village hereby agrees to pay the Town for services provided for under section 1(a) and (b) of this agreement the sum of \$24,000 for each year this contract is in effect, and pay to the Town for services provided for under section 1(c) of this agreement the sum of \$15,000 for each year this contract is in effect, for the total annual payment of \$39,000 payable in equal monthly installments of \$3,250.00. In the event that the costs of the repairs provided for under section 1(c) are less than \$15,000, then the unused portion of the \$15,000 shall be contributed to the capital reserve account for improvement of the Town highway facility. If the cost of the repairs provided under 1(c) exceeds \$15,000, the Town will absorb the additional costs. The costs as used in this paragraph are costs of repairs to Village highway vehicles except engines and transmissions which can not be repaired reasonably.

(b) Each year this contract is in effect, the Village shall pay to the Town the sum of \$4,500 for the incremental costs resulting from the contemplated combining of Town and Village highway facilities. The Village will make this payment prior to July 1 of each year this contract is in effect and the Town will deposit said sum into a capital reserve account created or to be created for the improvement of the Town highway facility used for common purposes pursuant to this agreement. The Town agrees to contribute a like sum of \$4,500 each

**INTER-
MUNICIPAL
AGREEMENT
WITH VILLAGE
FOR ANOTHER
FOUR-YEAR
HIGHWAY
DEPARTMENT
CONSOLIDATION**

Planning and Operations Committee

--Mike Lambrix, Chairman

PLANNING BOARD MEETING MINUTES

1. **Planning Board Meeting:** Mike Lambrix told Board members the minutes to the Planning Board meeting of February 11, 2013 were included in their packets this evening. There were no Board comments.

POSSIBLE COUNTY PLANNING BOARD REPLACEMENT

2. **County Planning Board Replacement:** Although there was no news about a local Planning Board replacement, Ken Miller said he might have someone interested in being on the County Planning Board. He is hoping for an answer from the candidate by next month's Board meeting.

WAYNE COUNTY TRAINING OFFERINGS FOR LOCAL PLANNING & ZONING BOARD MEMBERS

3. **Wayne County Training Offerings for 2013:** The Wayne County Planning Board announced five training sessions available to local board members: Planning Board Basics; Zoning Board of Appeals Basics; Maps, Plans and Plats; GML 239 and the Role of the County Planning Board; and Comprehensive Plans. Copies of this training schedule were distributed to planning and zoning boards around the county.

LOCAL LAW #2 PRESENTATION: NY STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

4. **Local Law #2—NY State Uniform Fire Prevention & Building Code:** Town Code Enforcement Officer, Dan Wooden, presented the Proposed Local Law No. 2 of the year 2013: "*A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code*" to the Town Board. Its purpose and intent is to "provide for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town." Copies were included in Board members' packets this evening. Step #1 for a local law is to set up a Public Hearing date.

Zoning and Assessor's Office Committee

--David Nussbaumer, Chairman

ASSESSOR'S FEBRUARY REPORT

1. **Assessor's Office Report for February:** Assessor Elaine Herman submitted her February report noting the update has been done, and information sent to property owners.

Tomorrow is last day for exemption applications to be filed in the Assessor’s office. She attached a spreadsheet of new values and changes in the roll.

- 2. **Code Enforcement/Zoning Office Report:** Dan Wooden also submitted two lists of the permits issued--one from December 27th to January 24th, and the other--from January 25th through February 28th for Board members to review.
- 3. **Zoning Board of Appeals Meeting:** There was no Zoning Board meeting in February.
- 4. **Proposed Local Law No. 2—Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code:** We need a local law to bring Palmyra up to date on Fire Prevention & Building Code, to meet current State standards. The following legal notice will be published announcing a Public Hearing at the March Town Board meeting:

**CODE
ENFORCEMENT/
ZONING OFFICE
REPORT**

**NO ZONING
BOARD MEETING
IN FEBRUARY**

Proposed Local Law No. 2 of the Year 2013
Town of Palmyra, County of Wayne

**A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND
BUILDING CODE**

WHEREAS, proposed Local Law No.2 of the year 2013, "A Local Law providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code," has been given to the Palmyra Town Board, and

provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This proposed local law is considered for adoption pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law; and

WHEREAS, this proposed Local Law may be reviewed by any and all interested persons at the Palmyra Town Clerk’s office, Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY 14522 during normal business hours, from 9 a.m. to 5 p.m., Monday through Friday;

**LEGAL NOTICE
FOR
PROPOSED
LOCAL LAW NO. 2
PROVIDING FOR
ADMINISTRATION
& ENFORCEMENT
OF NYS UNIFORM
FIRE PREVENTION
AND BUILDING
CODE**

LEGAL NOTICE
FOR
PROPOSED
LOCAL LAW NO. 2
PROVIDING FOR
ADMINISTRATION
& ENFORCEMENT
OF NYS UNIFORM
FIRE PREVENTION
AND BUILDING
CODE

NOW, THEREFORE, BE IT RESOLVED that the Town Board will hold a Public Hearing on said Proposed Local Law #2 of the Year 2013 at the Palmyra Town Hall, 1180 Canandaigua Road, in the Town of Palmyra, New York at 7:00 p.m. on Thursday, March 28, 2013; and

BE IT FURTHER RESOLVED that the Town Clerk publish, or cause to be published, a public notice in the official newspaper of the Town of said public hearing at least ten (10) days prior thereto; and

BE IT FURTHER RESOLVED that the Town Clerk post on the Town Hall bulletin board a public notice at least ten (10) days prior thereto.

BY ORDER OF THE PALMYRA TOWN BOARD

DATED: February 28, 2013

Lyndall Ann P. Green
Palmyra Town Clerk

- 5. **Code Enforcement Annual Training:** Dan Wooden added that the mandatory Annual Training for him and Bob Grier will be March 18 through 21 in Rochester, at a cost of \$380 each, plus mileage reimbursement.

CODE
ENFORCEMENT
TRAINING IN
MARCH

INFORMATIONAL ITEMS

DECEMBER
SHERIFF'S
REPORTS

- 1. **December Tickets by Town, Year-End 2012 and January 2013 reports from Sheriff:** Ken asked that the Sheriff's report be included in Board packets.

MACEDON NOTICE
OF PUBLIC
HEARING

- 2. **Macedon Notice of Public Hearing:** Notice received from Macedon about a public hearing on a property within 500 feet of the Town of Palmyra—for a single-family site plan.

ALBANY BILLS
ABOUT
ABANDONED
PROPERTIES

- 3. **Current Albany Bills About Abandoned Properties:** Correspondence was received from the a member of the NY State Assembly requesting our Town Board approve the following resolution:

Resolution #9-2013

SUPPORT FOR NYS-CONTACT INFORMATION FOR VACANT STRUCTURES

Resolved: to support New York State regarding the proposed laws concerning contact information for vacant structures

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure, as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of Palmyra Town Board supports the passage of said bills.

NOW THEREFORE, BE IT RESOLVED that the Town of Palmyra hereby supports the passage of said bills and respectfully requests that the State Representatives who represent constituents in the Town of Palmyra support the passage of said bills.

PROPOSED RESOLUTION TO SUPPORT NY STATE FOR PROPOSED LAWS CONCERNING CONTACT INFORMATION FOR VACANT STRUCTURES

In addition, papers with arguments for and against, from State legislators and newspaper articles, were included.

- 4. **Invitation to Upcoming Palmyra Community Center Fundraising Dinner:** Board members were invited to attend their 33rd Annual Fundraiser Dinner on March 9th, at the Ramada Geneva Lakefront Hotel.

INVITATION TO UPCOMING PALMYRA COMMUNITY CENTER DINNER

- 5. **Wayne County Emergency Medical Services (EMS) Report:** John Rush, Palmyra representative to the EMS Advisory Board, submitted his report of the meeting on January 16, 2013 to the Town Board. He also included copies of the Advisory Board By-Laws, "Duties and Responsibilities of Members of Wayne County EMS Advisory Board," and a memo

WAYNE COUNTY EMS BOARD REPORT FROM JOHN RUSH

on Ambulance Status Checks from "Wayne County 911," the Emergency Communications Department. Supervisor Miller acknowledged John by saying, "we appreciate your service."

- 6. **Palmyra Baptist Bible Church Transfer of Property:** The Town of Palmyra and the Palmyra Baptist Bible Church next door, have been working on an agreement to transfer a thin strip of land which the church owns—on the South side of the Town Hall—to the Town of Palmyra. The following resolution was drawn up for Board consideration this evening:

PALMYRA
BAPTIST BIBLE
CHURCH
TRANSFER OF
PROPERTY TO
TOWN

RESOLUTION #10-2013

**TRANSFER PROPERTY FROM PALMYRA BIBLE BAPTIST
CHURCH
TO TOWN OF PALMYRA**

RESOLUTION
#10-2013:
TRANSFER
PROPERTY
FROM PALMYRA
BIBLE BAPTIST
CHURCH TO
TOWN OF
PALMYRA

WHEREAS, the Palmyra Bible Baptist Church, 1206 Canandaigua Road (Route 21 South), Palmyra, New York, owns a fifty foot (50') by four hundred seventy-five foot (475') strip of land adjoining the south side of property owned by the Town of Palmyra; and

WHEREAS, The Palmyra Bible Baptist Church is desirous of transferring said strip of land to the Town of Palmyra (Tax Map Number 64111-15-672297), including easements; and

WHEREAS, Pastor Richard Brasser, minister of the Palmyra Bible Baptist Church has filed a Zoning Permit Application to the Code Enforcement/Zoning Office of the Town of Palmyra, requesting a Planning Board Hearing for this Subdivision Approval; and

WHEREAS, the Town of Palmyra Planning Board considered the land transfer at a Planning Board meeting on November 12, 2012, and set the Public Hearing date for Monday, December 10, 2012; and

WHEREAS, Town of Palmyra Planning Board held a Public Hearing on December 10, 2012, to consider and review the Permit Application filed by Pastor Brasser; and

WHEREAS, the Planning Board considered the application for this subdivision after the Public Hearing, and determined the submitted application and drawing were complete; and

WHEREAS, a motion to declare a negative declaration on the SEQR application was unanimously approved by the Planning Board; and

WHEREAS, a motion to approve the subdivision as submitted was unanimously approved by the Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Palmyra hereby approves the transfer of a fifty foot (50') by four hundred seventy-five foot (475') strip of land adjoining the south side of property owned by the Town of Palmyra (Tax Map Number 64111-15-672297); and

BE IT FURTHER RESOLVED, that easements entered into, previous to the transfer, be honored by the Town of Palmyra, as they were honored by the Palmyra Bible Baptist Church; and

BE IT FURTHER RESOLVED, that these recommendations be forwarded to the Town Board of the Town of Palmyra for consideration at a Town Board meeting; and

BE IT FURTHER RESOLVED, that upon approval by the Town Board, the transfer can be completed, at no cost to the Palmyra Bible Baptist Church.

BY ORDER OF THE PALMYRA TOWN BOARD

DATED: February 28, 2013

**RESOLUTION
#10-2013:
TRANSFER
PROPERTY
FROM PALMYRA
BIBLE BAPTIST
CHURCH TO
TOWN OF
PALMYRA**

Ken Miller stated this has been an ongoing idea, but we hadn't had a formal resolution until now. The Palmyra Bible Baptist Church Board has provided a document of willingness to transfer. With Town Board approval tonight, the paperwork can be given to Town Attorney Paul Rubery, to write up the deed.

- 7. **Cator Trust for Emergency Medical Services:** Many years ago, the Cator Trust for Emergency Medical Services was formed to help fund the Palmyra Ambulance Service. The Cator Committee still exists, although other ambulance services are now being provided. A Palmyra resident—who is not a Board member--was needed to represent the Village and Town of Palmyra on this committee, to see that those funds are properly disbursed to Palmyra residents needing this service.

**CATOR TRUST
FOR
EMERGENCY
MEDICAL
SERVICES**

A letter was drawn up to local Attorney Paul T. Rubery, recommending David Jankowski to represent both municipalities on this Committee. He is a former Palmyra Ambulance President. The letter also recommended that this appointment be renewable every two years, starting immediately with this term to end or be renewed December 31, 2014.

**LETTER TO
TOWN
ATTORNEY TO
RECOMMEND
DAVID
JANKOWSKI
APPOINTMENT
WITH VILLAGE
TO CATOR
TRUST
COMMITTEE**

- 8. **Change Supervisor term:** In order to change the Supervisor's elected term from two years to four years, a resolution or local law is needed. Ken wanted Board members to know this is in the works. He prefers to make it a local law,

so it will be filed permanently in Albany. He is also aware that this change would be included on the ballot on November 5th, as Proposal #1 for voters to decide. This November, voters will be voting for Town Supervisor—for a two-year term. If the Proposal #1 is approved by voters, the four-year Supervisor's term would begin in 2016.

**CHANGE TERM
FOR TOWN
SUPERVISOR TO
FOUR YEARS**

9. **Pre-Retirement Seminar Offered:** The Genesee Valley Chapter of the NY State Retired Public Employees Association, Inc. is sponsoring a seminar in Rochester on April 11. This organization of retired public employees has over 40,000 members. Information on the free seminar was included in Board members' packets for their information.

**PRE-
RETIREMENT
SEMINAR
OFFERED**

10. **Letters to Dog Owners about Enumeration:** It has been five years since our last dog enumeration. The Town Clerk's office sent a letter to all Palmyrans letting them know that unregistered dogs can be impounded, and/or owners fined. If found with unregistered dogs by an enumerator or animal control officer, they can be ticketed and fined in court.

**LETTERS SENT
TO DOG
OWNERS ABOUT
ENUMERATION**

The Clerk's office saved huge postage costs by including the dog owners' letter with the Assessor's letters announcing area re-assessment. Thanks to the Assessor's office for this cost saving.

**SUPERVISOR
ASKED TO
PARTICIPATE IN
GROUP TO
BUILD
STRONGER
COMMUNITIES**

11. **Connecting Homes In Literacy Development: CHILD** is a program where community leaders meet in a "think tank" to discuss increasing literacy in children's homes. It is billed as a collaborative approach to building stronger communities. Supervisor Miller has been invited to participate in this discussion.

PUBLIC INPUT

12. **Public Input:** Although there were many in attendance tonight, there were no comments from those in at the meeting. Board members asked them questions and found most were students or parents of students at Newark High School—in the Participation in Government class. One of their requirements is attending a community meeting—and getting signatures of the leaders. Lynne Green signed their papers for their course credit.

WHEREAS, the New York State Legislature recently enacted and Governor Andrew Cuomo signed into law The New York Secure Ammunition and Firearms Enforcement Act of 2013 ("NY SAFE ACT"); and

WHEREAS, the State of New York has a tradition and long history of conducting its deliberations and debates in the public view and that in the enactment of the NY SAFE ACT the New York State Legislature and Governor Andrew Cuomo acted in contradiction of this long, time honored tradition of an open government; and

WHEREAS, this legislation imposes far more burdensome regulations upon law abiding gun owners; notably:

1. The law's definition of assault weapons is too broad, and prevents the possession of many weapons that are legitimately used for hunting, target shooting and self defense;
2. The law enacts reductions in the maximum capacity of gun magazines which unfairly limits the design capabilities of guns purchased legally for over a century;
3. The law requires a five-year recertification of pistol permits and registration of existing assault weapons which is an unfair impediment; and

WHEREAS, this legislation creates an environment in the state hostile to gun manufacturers and gun ownership;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Palmyra, Wayne County, calls for the repeal of the New York Secure Ammunition and Firearms Enforcement Act of 2013 ("NY SAFE ACT"); and,

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew Cuomo, New York State Senators Dean Skelos and Michael Nozzolio, New York State Speaker of the Assembly Sheldon Silver and Assemblyman Robert Oaks, United States Congressman Daniel Maffei, United States Senators Chuck Schumer and Kirsten Gillibrand, as well as the New York State Association of Towns.

Dated at Palmyra, New York
February 28, 2013

BY ORDER OF THE TOWN BOARD

Motion was made by Michael Lambrix to approve Resolution #11-2013—with a roll call vote.

**MTN: APPROVE
RESOLUTION
#11-2013---ROLL
CALL VOTE**

Second: Todd Pipitone

Vote: 4 Ayes. Carried.

Supervisor Ken Miller	Aye
Deputy Supervisor Jim Welch	Aye
Councilman Michael Lambrix	Aye
Councilman Todd Pipitone	Aye
Councilman David Nussbaumer	was excused.

exceed \$219. Since this purchase had not been budgeted, and since there is not enough in the Archives account this year, Todd included that the cost should be taken from the Town Clerk's equipment budget. His motion also includes that the office should apply for the rebate.

**MTN: PURCHASE
OF
DEHUMIDIFIER
FOR ARCHIVES
ROOM B**

Second: Jim Welch

Vote: 4 Ayes. Carried.

12. **Approve: Sandblast Equipment Purchase:** Jim Welch made the motion to Purchase new sandblast equipment for the Highway Department, not to exceed \$4250, which was budgeted. Current equipment would then be included in the municipal auction.

**MTN: APPROVE
SANDBLAST
EQUIPMENT
PURCHASE**

Second: Todd Pipitone

Vote: 4 Ayes. Carried.

13. **Approve: Attendance at Code Enforcement Training Session:** Mike Lambrix made the motion to approve attendance at the mandatory annual Code Training session, for both the Code Enforcement Officer and his Deputy, on March 18th through 21st, in Rochester, at a cost of \$390 each, plus mileage.

**MTN: APPROVE
ATTENDANCE
FOR DAN AND
BOB AT CODE
ENFORCEMENT
TRAINING
SESSION**

Second: Todd Pipitone

Vote: 4 Ayes. Carried.

14. **Claims and Expenditures:** Mike Lambrix made the motion to approve claims and expenditures shown on pre-paid checks #2511 through 2513, as well as Vouchers #769 through 913, included in the Abstract of 1/25/2013 through 2/28/2013, totaling \$498,374.33.

**MTN: APPROVE
CLAIMS AND
EXPENDITURES
THROUGH
2/28/2013**

Second: Jim Welch

Vote: 4 Ayes. Carried.

15. **Motion to Adjourn:** At 8:01 p.m., Todd Pipitone 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: Contract with Roy Teitsworth, Inc. for Auctioneer Services at the Highway Barns, at Municipal Auction on May 11, 2013.

ATTACHMENT B: "Out-of-District Water User Contract," "Water Memorandum Agreement" and Easement for Polverino residence on Cambier Road.

NEXT TOWN BOARD MEETING:

**THURSDAY, MARCH 28, 2013, 7:00 P.M.
PALMYRA TOWN HALL**