

REGULAR MEETING OF THE TOWN BOARD

**PALMYRA TOWN HALL
AUGUST 25, 2011**

At 7:01 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, August 25, 2011, 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 T. Welch, Deputy Supervisor
- Michael C. Lambrix, Councilman
- Todd J. Pipitone, Councilman
- David M. Nussbaumer, Councilman

ROLL CALL

Also attending the meeting: *Wayne Post* editor, Tracey Curry; Crista Curry; *The Times of Wayne County* reporter, Betsy Pray; Palmyra Highway Superintendent, Mike Boesel; Code Enforcement Officer, Dan Wooden; and Palmyra Deputy Town Clerk Irene Unterborn.

MEETING ATTENDANCE

Dave Nussbaumer made the motion to correct the reported total of the voucher expenditures from the July 28, 2011 Town Board meeting abstract. The voucher numbers were correct, but the approved total of \$70,989.21 was in error. The correct amount for that abstract should have been \$123,225.49.

MTN: CORRECT TOTAL OF ABSTRACT #219 FROM 7/28/2011

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

Motion was made by Dave Nussbaumer to approve the minutes, as amended, of the July 28, 2011 meeting of the Town Board.

MTN: APPROVE AMENDED MINUTES OF 7/28/2011 TOWN BOARD MEETING

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

COMMUNICATIONS

**WAYNE COUNTY
SHERIFF'S
AUGUST
REPORT**

Wayne County Sheriff's Office Report: The July monthly news column by Sheriff Barry Virts was distributed to the Town Board.

REPORTS OF STANDING COMMITTEES

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

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

1. **Town Clerk's Office Report for August:** Items listed during August include dog licensing update under the new laws, school tax software and tax bills ready for tax collection starting September 1, new marriage license rules and forms, now issuing 2012 hunting licenses, FOIL requests received, preparing budgets for 2012, new checklist for groups using Town Hall facilities after hours, Records Management and Archives update, request for a dehumidifier for Archives Room A, and update on the boxes of items for our troops in the military.

**TOWN CLERKS
SEND BOXES TO
SOLDIERS
UPDATE**

2. **Town Clerks Send Donated Items to Soldiers:** Board members commended those in Palmyra who donated items for the troops and thanked Deputy Town Clerk Irene Unterborn for coordinating the donations and preparing the seven boxes of items for sending. There was also another big box of miscellaneous items that were available to fill more boxes from other towns. In all, 19 boxes were shipped to the soldiers by Wayne County Town Clerks.

**TOWN CLERK'S
2011 REMAINING
TRAINING
MEETINGS**

3. **Town Clerk's Monthly and Training Meetings/Seminar:** A list was prepared with the August report detailing the remaining Town Clerks training meetings in 2011—both in Wayne County and in the Region—showing anticipated expenses including mileage. This detail was requested by Councilman Pipitone.

Highway Committee – James Welch, Chairman

August Highway Report: Highway Superintendent Mike Boesel submitted the following report From July 28 to August 25:

Highway Superintendent Report
For Town Board Meeting--08/25/11

Since the 7/28/11 meeting we have completed the following work:

- Brushmowing – Galloway Road, S.Creek Road, Fagner Road, Vienna St, Schilling Road, Walker Road
- Gutter work – Harris Road
- Wedging –Harris Road, Quaker Roads
- Chipsealing – Port Gibson Road, Sheridan Road, Garnsey Road, S.Creek Road, Fagner Road
- Hauling – hauled sand and 1A stone
- Inter-municipal Assistance
 - 8/18/11 - 1 Palmyra operator with Bobcat to T/Macedon for milling assistance
 - 8/23/11 - 1 Palmyra truck to T/Macedon for paving assistance on Hance Road

Other miscellaneous items include:

- **Hauling** – We already started hauling sand in for the winter season during poor weather days.
- **Brush Mowing** – We continued to mow back roads anticipated for surface treating this summer as well as areas on the backside of our guiderails.
- **Surface Treating** – On 8/11 and 8/12 we chipsealed Port Gibson Road, Sheridan Road, S.Creek Road, Garnsey Road and Fagner Road. This coming Monday, 8/29/11, Quaker Road will be micro-sealed between Maple Ave and Division Street. Last week we swept all the roads that were surface-treated and they will be striped by WC Hwy soon.
- **Harris Road** – Over the past few months we have trimmed trees back, ditched, cut shoulders and will soon be completing our wedging project. We plan additional drainage work at the North Creek intersection soon.
- **Wedging** –We hope to also continue wedging on portions of Harris Road, Garnsey Road and Palmer Road over the next few weeks.

**AUGUST
HIGHWAY
DEPARTMENT
REPORT**

**AUGUST
HIGHWAY
DEPARTMENT
REPORT**

- **Upcoming Projects** – Over the next month we hope to complete guiderail and wedging work on Port Gibson Road.
- **Fall Highway Conference** – Our 82nd Annual Fall Highway Conference and Expo is scheduled for September 27-30 at the Buffalo Hyatt and Buffalo Niagara Convention Center. I am requesting permission to attend at a cost not to exceed \$485.00. This includes three nights and all meals. This is budgeted annually. I would be sharing a room with Town of Sodus Hwy Supt – Bill Dubois.

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

**UPCOMING
PROJECTS**

2. **Upcoming Projects:** Jim Welch asked Mike Boesel about Hyde Parkway. Mike said he usually doesn't mention village projects at Town Board meetings, but he updated the Board on Hyde Parkway. They have wanted to complete the paving on Hyde Parkway and continue onto West Foster Street. However, a water main project and new curbs need to be in place before milling and paving can be done. So this year, only some patching will be done.

**HIGHWAY
BARN VISITS**

3. **Highway Barns Visits:** Todd Pipitone and his son visited the Highway Barns to meet the crew. He said it was impressive what is there, and his son enjoyed personalized attention. Ken Miller added he has noticed an "amazing pride there" by Highway workers.

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

**NO PLANNING
BOARD
MEETING IN
AUGUST**

1. **No Planning Board Meeting:** Mike Lambrix informed the Board members that there was no Planning Board meeting in August.

**CARPET
CLEANING AT
TOWN HALL**

2. **Carpet Cleaning at Town Hall:** This weekend, the carpet cleaner will be professionally cleaning the hallways and most offices.

**Zoning and Assessor's Office Committee
– David Nussbaumer, Chairman**

- | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <u>Assessor's August Office Report:</u> Councilman Dave Nussbaumer noted that Assessor Elaine Herman is photographing parcels and checking the inventory of the parcels. Both attended training on August 17. | ASSESSOR'S
AUGUST
REPORT |
| 2. | <u>Code Enforcement/Zoning Office Report:</u> The Board looked over the August report from the Code Enforcement office, commenting that Deputy CEO Bob Grier will be attending a training session on September 14. This is at no cost to the town, except for mileage. | CODE ENFORCE-
MENT/ZONING
OFFICE REPORT |
| 3. | <u>Zoning Board Meeting:</u> Minutes of the August 11, public hearing at the Zoning Board meeting were included with the agenda for Board members' information. | MINUTES OF
ZONING BOARD
8/11/2011
MEETING |
| 4. | <u>Property Maintenance Ordinance Update:</u> Code Enforcement Officer Dan Wooden said six properties needed to be mowed, with the Town paying for the mowing, then adding the cost to the owner's tax bill. Dan requested bids for mowing and received one from Warren Frederick, at \$30 per lawn mowed. The first mowing of a property, however, may be overgrown and require more time and equipment to mow the overgrowth. He requested \$50 for the first mowing, and \$30 thereafter. | PROPERTY
MAINTENANCE
ORDINANCE
UPDATE |
| | Discussion then centered on reimbursement to the Town for these costs. Mike Lambrix suggested a \$75 administrative fee per mowing plus the cost to mow, not to exceed \$50 per mowing. Dave Nussbaumer made the motion to accept this fee schedule, and hire Warren Frederick to do the job. | MTN: HIRE
WARREN
FREDERICK TO
MOW LAWNS TO
MEET REQUIRE-
MENTS OF
PROPERTY
MAINTENANCE
ORDINANCE |
| | Second: Jim Welch | Vote: 5 Ayes. Carried. |

INFORMATIONAL ITEMS

- | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 1. | <u>Fall 2011 Decision-Making Training Program:</u> Monroe County is sponsoring a training program for local officials during September, October and November. Board members should contact Lynne Green if interested in attending. | FALL TRAINING
PROGRAM
AVAILABLE TO
BOARD
MEMBERS |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|

**WAYNE COUNTY
EMS ADVISORY
BOARD MEETING
MINUTES**

2. **Wayne County EMS Advisory Board:** Palmyra representative to the Emergency Management System Advisory Board, John Rush, submitted minutes and other information he received at their recent meeting. Town Board members looked over the report. Ken Miller noted John is doing an excellent job. The others agreed. They were advised to contact John directly if they had any questions about the report.

**CAMBIER ROAD
WATER SURVEY
RESULTS**

3. **Cambier Road Water Survey:** Surveys were sent out to Cambier Road residents again asking if they would like to consider installing municipal water lines. Survey results show almost 2 to 1 that residents are still opposed to the project. Since not all responses have been received, Ken said there would be no decision this evening. Surveys not returned by next month's meeting will be considered a "no" response. Irene added that it would be helpful to "map out" the yeses and nos. We can then get the locations of properties that wish water hookup to see if it can be accommodated.

**MORRISON
EXCAVATING
GRAVEL
REMOVAL**

4. **Morrison Excavating:** The Town received a Second Quarter 2011 gravel removal check from Morrison Excavating, for gravel mined at the Division Street pit.

AGENDA ITEMS

**APPROVE
PURCHASE OF
DEHUMIDIFIER**

1. **Approve Purchase of Dehumidifier for Archives Room**
A: Celeste Finewood, the Town's Records Management Coordinator, noticed that the air conditioner in Archives Room A wasn't working properly—with high temperatures and high humidity. Since that room is supposed to be temperature and humidity controlled, a representative was called from Betlem Heating and Cooling, the company that installed the unit in 2004. He cleaned the filters and checked the unit. After that, it seemed to work alright. Celeste said she would monitor it for a time. It appears to be cooling properly, although it needs a Motor Master to accommodate the extra low temperatures required for archives. The humidity wasn't being pulled out by the unit, so it was important to purchase a dehumidifier, rather than try to repair the dehumidifying portion of the air conditioner.

Celeste was able to find three quotes online for dehumidifiers. One was priced at \$189, with no shipping charges, and there was \$192 in her Archives budget. Todd Pipitone made the motion to purchase the Keystone 50-quart dehumidifier, not to exceed \$189.

**MTN:
PURCHASE
DEHUMIDIFIER
FOR ARCHIVES
ROOM**

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

2. **Resolution: Amend and Restate the "Model Plan"—Deferred Compensation Plan:** The following resolution for the Deferred Compensation Plan was presented to the Town Board for approval:

**Deferred Compensation Committee Resolution
to Amend and Restate the Model Plan**

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Town of Palmyra (the "*Model Plan*") and offers the Model Plan for adoption by local employers;

WHEREAS, the Town of Palmyra, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Town of Palmyra;

WHEREAS, effective December 7, 2007 the Board amended the Model Plan to adopt provisions

- Expanding the eligibility for unforeseeable emergency withdrawals
- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Town of Palmyra has concluded that it is prudent and appropriate to

**RESOLUTION:
DEFERRED
COMPENSA-
TION
COMMITTEE
RESOLUTION TO
AMEND AND
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MODEL PLAN**

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amend the Deferred Compensation Plan for Employees of the Town of Palmyra by adopting the amended Model Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Palmyra hereby amends the Deferred Compensation Plan for Employees of the Town of Palmyra by adopting the amended Model Plan effective December 7, 2007, in the form attached hereto as Exhibit A.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Wayne County, New York this August 25, 2011 and directed that it be filed as appropriate.

The Summary of Changes to the Model Plan Document (Effective January 1, 2007) is as follows:

The New York State Deferred Compensation Board voted to amend the Plan Document for the Deferred Compensation Plan of the Town of Palmyra, commonly referred to as the Model Plan Document, on December 7, 2007. The following is a summary of those amendments.

**SUMMARY OF
CHANGES TO
THE MODEL
PLAN
DOCUMENT**

- Expansion of Unforeseeable Emergency Withdrawal Provision – An Unforeseeable Emergency relating to a Participant’s Plan beneficiary, even if the beneficiary is not a spouse or dependent, will be included for purposes of determining eligibility. (Section 6.2(a))
- Withdrawals for Law Enforcement Officers – Permits law enforcement officers, firefighters, member of a rescue squad or ambulance crew who have retired for service or disability to request a distribution of up to \$3,000 annually to pay for health insurance or qualified long term care premiums for themselves, their spouse or dependents. The distribution must be paid directly to the insurance provider. (Section 7.3(a)(iv))
- Transfer Assets to Non-spousal Beneficiary – A beneficiary of a deceased Participant who is not the spouse of the deceased Participant may transfer assets directly to an IRA. Under previous law, only a surviving spouse could transfer a deceased Participant’s assets to an IRA. (Section 7.5(a)(ii))
- Direct Rollover to a Roth IRA – A participant who is eligible to receive a distribution may rollover all or a portion of their Plan account to a Roth IRA. The participant’s modified adjusted gross income cannot exceed \$100,000. The income limit applies to both single Participants and joint income of married Participants. Beginning in 2010, the income limit will no longer apply. Participants who are married but file married filing separately are not eligible. The participant will be required to pay income taxes on the rollover in the year of the rollover. (Section 7.5(a)(iii))

Deferral Limits for 2008

Regular Deferral Limit	Additional Deferral for Age 50 and Over Participants	Maximum Retirement Catch-Up Deferral
\$15,500	\$5,000	\$15,500

Participants who become Age 50 at any time during calendar year 2008 are eligible to make Age 50 and Over Catch-Up Contributions.

Participants who are eligible to retire in 2011 or sooner without a reduction in benefits are eligible to participate in the Retirement Catch-Up provision in 2008. The additional amount that a participant may contribute under the Retirement Catch-Up provision is based on the difference between the amount contributed to the Plan in past years and the maximum amount that could have been contributed to the Plan in those years ("underutilized deferrals").

A participant may not make Age 50 and Over contributions and Retirement Catch-Up contributions during the same time. However, if a participant is participating in the Retirement Catch-Up provision and is, also, eligible to make Age 50 and Over contributions, the higher contribution maximum may be used.

Mike Boesel said it can impact employees, although it offers the option to join.

Councilman David Nussbaumer made the motion to approve the Resolution to Amend and Restate the "Model Plan" for the Deferred Compensation Plan, and requested a roll call vote.

Second: Jim Welch Motion carried.

Vote:	Todd Pipitone	Aye
	James Welch	Aye
	Michael Lambrix	Aye
	David Nussbaumer	Aye
	Kenneth Miller	Aye

SUMMARY OF CHANGES TO THE MODEL PLAN DOCUMENT

MTN: APPROVE RESOLUTION TO AMEND AND RESTATE THE MODEL PLAN FOR DEFERRED COMPENSATION PLAN

3. Approve: Attendance at Fall Highway Conference:

Mike Boesel requested attendance at the Fall Highway Conference on September 27-30, which had been budgeted. Dave Nussbaumer made the motion for Mike to attend the conference, not to exceed \$485.

Second: Jim Welch Vote: 5 Ayes. Carried.

MTN: APPROVE ATTENDANCE AT FALL HIGHWAY CONFERENCE

**MTN: APPROVE
TOWN CLERK
TRAINING
MEETINGS**

4. **Approve: Town Clerk Training Meetings:** Since the Wayne County Town Clerks, Deputies and Tax Collectors Association meets on a regular basis throughout each year, and since mileage expenditures must now be pre-approved by the Town Board, motion was made by Todd Pipitone to approve attendance at these meetings, including mileage, for the rest of 2011. This avoids having to approve each month's meeting expenses at each month's Town Board meeting.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried.
1 Nay. Mike Lambrix

**MTN: APPROVE
TRAINING FOR
DEPUTY CODE
ENFORCEMENT
OFFICER**

5. **Approve: One-Day Training for Deputy Code Enforcement Officer:** Bob Grier wishes to attend a one-day training seminar in Montour Falls. There is no charge to attend the seminar, but mileage reimbursement is requested. Dave Nussbaumer made the motion for Bob to attend the conference, with mileage reimbursement.

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

With his seconding, Mike Lambrix had the motion expanded to include that Bob write down the odometer reading beforehand.

**MTN: APPROVE
ABSTRACT #220**

6. **Approve Claims and Expenditures on Abstract #220:** Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #220, that includes Voucher Numbers 12479 through 12537 for \$113,047.54.

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

**MTN: ADJOURN
MEETING**

7. **Motion to Adjourn:** At 7:30 p.m., Todd Pipitone made the motion to adjourn the meeting.

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

**NEXT TOWN BOARD MEETING
THURSDAY, SEPTEMBER 22, 2011, 7:00 P.M.
PALMYRA TOWN HALL**