

REGULAR MEETING OF THE TOWN BOARD DECEMBER 22, 2005

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, December 22, 2005, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 7:30 p.m. by Town Supervisor David C. Lyon.

**CALL TO
ORDER**

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

**PLEDGE OF
ALLEGIANCE**

Upon roll call, the following board members were present:

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

ROLL CALL

Also attending the meeting:

Todd Pipitone Palmyra *Courier-Journal* reporter
Bob Grier Palmyra Code/Zoning Officer

**MEETING
ATTENDANCE**

Motion was made by Dave Nussbaumer to approve the minutes of the November 28, 2005 meeting of the Town Board.

**MTN: APPRV
11/28/2005 MTG
MINUTES**

Second: Michael Lambrix

Vote: 5 ayes. Carried.

COMMUNICATIONS

1. USDA Notification of eligibility for funding for Parker-Cambier Water District: The proposed water project was reviewed by the USDA Rural Development office and is eligible for USDA Rural Development financing, conditional upon Fiscal Year 2006 funding. The estimated funding is determined with a combination of a loan and a grant. Now, the full application for funding can be submitted.

**USDA
NOTIFICATION
OF ELIGIBILITY
FOR FUNDING
FOR PARKER-
CAMBIER
WATER
DISTRICT**

2. USDA Notification of eligibility for funding for Johnson-Floodman Water District (including South Creek Rd.): The proposed water project was reviewed by the USDA Rural Development office and is eligible for USDA Rural

**USDA
NOTIFICATION
OF ELIGIBILITY
FOR FUNDING
FOR
JOHNSON-
FLOODMAN
WATER
DISTRICT**

Development financing, conditional upon Fiscal Year 2006 funding. The estimated funding is determined with a combination of a loan and a grant. Now, the full application for funding can be submitted.

DEC FACT SHEET FOR GARLOCK RENOVATION WORK PLAN AVAILABLE TO PUBLIC

3. DEC Fact Sheet for Garlock Renovation Work Plan: Part of the total Garlock Sealing Technologies, LLC. renovation includes a Brownfield Cleanup Program. The Town received a copy of the Fact Sheet entitled " Draft Remedial Investigation Work Plan Available for Public Comment." The NYSDEC "is accepting written public comments about the draft Remedial Investigation Work Plan for 30 days from December 5, 2005 through January 4, 2006."

OFFICIAL RESULTS OF NOVEMBER ELECTION FOR TOWN BOARD MEMBERS

4. Official Results of Wayne County's voting in the November election: Details of the voting for local officials in the November 8th election were received by the Town. It was presented to Town Board members for information only.

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Kenneth Miller, Chairman

Ken Miller reported that the chimney work has been completed by Brad Jacobs. The scaffolding will be coming down soon.

REPORT OF WORK BEING DONE AROUND TOWN HALL DURING DECEMBER

Highway Superintendent Mike Boesel installed reflectors on each side of the driveway entrance to the parking lot at Town Hall.

The American Red Cross in Wayne County sent to Ken a Shelter Survey Report. Our building (excluding private offices) meets the criteria for an Evacuation Shelter. The town should be receiving the paperwork to sign shortly. The Shelter Survey Report was given to Town Clerk Lynne Green for filing.

Ken plans to do minor repair work next week in various places around Town Hall.

Highway Committee – Michael Lambrix, Chairman

- 1. Highway Department Monthly Report: In his report for December, Highway Superintendent Mike Boesel outlined projects his crew has worked on during the month. Plowing/sanding runs on 14 of last 24 days. Problems with the 1994 Ford (T-12) truck were noted, as well as roof leaks in the lower red barn.

**HIGHWAY DEPT.
MONTHLY
REPORT**

- 2. Annual Contract with Wayne County Highway Department: The Wayne County Highway Department has sent copies of the agreement with the Town of Palmyra Highway Department for the 2005-2006 Winter Season, for board approval and signatures. Dave Nussbaumer made the motion to accept the agreement with the Wayne County Highway Department.

**ANNUAL
CONTRACT WITH
WAYNE COUNTY
HIGHWAY DEPT.
FOR 2005-2006
WINTER SEASON**

Second: Mike Lambrix Vote: 5 ayes. Carried.

The contract with the Wayne County Highway Department is included with these minutes as Attachment A.

Planning Committee – James Welch, Chairman

Construction on Division Street: Councilman Jim Welch asked Bob Grier for an update on the construction of the apartment complex on Division Street. Bob said the first building is enclosed, and the second will get its roof this week. Buildings 3 and 4 have been started. Within the next two weeks building 1 will be weathertight. By March the first building should be substantially completed.

**UPDATE ON
DIVISION STREET
APARTMENT
COMPLEX
CONSTRUCTION**

Zoning Committee – David Nussbaumer, Chairman

- 1. CEO Report: Code Enforcement Office Bob Grier submitted his report which summarizes activity through December 22, 2005. A cover page to his activity printout indicates that the town had its day in court with alleged zoning violator John Dibert, of North Creek Road.

**CEO REPORT
FOR DECEMBER**

**SPECIAL USE
AUTHORIZA-
TION
WITHDRAWN**

- 2. Special Use Authorization request: Tonight was scheduled to have been a public hearing for Raymond and Judy Tuuri to run a kennel at 1400 Hammond Road, Palmyra. During December, their request was withdrawn.

- 3. Appoint attorney for Building Department: Bob Grier requested that Bruce Rosekrans, partner in the Converse & Morell Law Firm, be appointed represent the town's building and zoning department in legal matters. As a matter of explanation, Bob noted that Wayne County allows local municipalities to appoint attorneys, theoretically to represent the people. John Morell has already been thus appointed. Now, the town wishes to allow Bruce Rosekrans to represent us as well, by an official appointment. He has already begun this in the John Dibert case.

Discussion included the option to appoint the firm of Converse & Morell, rather than specific attorneys in the practice. Bob said that was at the pleasure of the board. Dave Lyon explained that there is no way to know who future law partners will be, and how conversant they will be with local town issues, so his preference was to appoint each specific attorney.

Dave Nussbaumer made the motion to appoint Bruce Rosekrans as an attorney for the Building and Zoning Department in legal matters.

Second: Mike Lambrix

Vote: 5 ayes. Carried.

**MTN: APPOINT
ATTORNEY FOR
BUILDING/
ZONING DEPT.**

INFORMATIONAL ITEMS

**TOWN CLERK'S
OFFICE
MONTHLY
REPORT**

- 1. Town Clerk's Office Report for December: Substantial progress on scanning grants has been made during December. A laser printer and other archival supplies were purchased with 2005 funds. Several aerial photos of Palmyra are being professionally mounted and framed to preserve them. The thought is to hang them at the Town Hall—in the hall or large meeting room—once they are complete. Economic development during December included "Canaltown Candlelight Christmas" event the weekend of December 2-4 and groundbreaking of a new building at Garlock Sealing Technologies, kicking off the multi-million-dollar project of new construction and renovations to the facility. Town taxes have now been received from the county and are being prepared to be mailed out December 30th.

- 2. Public Information Meeting scheduled for water districts:
 During December the town received word that it is eligible for funding of two proposed water districts with loans and grants through the Rural Development office of the U.S. Department of Agriculture. This allows the town to proceed, by first informing residents of the proposals. Dave Lyon had a letter sent to all residents of the proposed water districts who own properties on Parker, Cambier, Johnson, Floodman and South Creek Roads informing them of an informational meeting on December 29th, at 7:30 p.m. at the Town Hall. MRB Group presenters, along with Marty Aman of the Wayne County Water and Sewer Authority will answer residents' questions. No motion was necessary from the board.

PUBLIC INFORMATION MEETING SCHEDULED FOR TWO PROPOSED WATER DISTRICTS

AGENDA ITEMS

- 1. Renew Agreements for 2006:
 - a. Dave Nussbaumer made the motion to approve the following agreement for 2006 between the town, village and Palmyra Community Center, Inc.:

AGREEMENT

TOWN OF PALMYRA, VILLAGE OF PALMYRA & PALMYRA COMMUNITY CENTER, INC.

JANUARY 1, 2006 - DECEMBER 31, 2006

AGREEMENT made this **22nd day of December, 2005**, between and among the **TOWN OF PALMYRA**, a municipal corporation, hereinafter referred to as the "Town", the **VILLAGE OF PALMYRA**, a municipal corporation, hereinafter referred to as the "Village", and the **PALMYRA COMMUNITY CENTER, INC.**, a not-for-profit corporation, hereinafter referred to as the "Community Center", all with offices located in Palmyra, Wayne County, New York.

WITNESSETH:

WHEREAS, the Community Center is a not-for-profit corporation formed to create, administer, and underwrite a youth and recreational program for the residents of the Town and Village of Palmyra; and

WHEREAS, the Community Center needs support for its program, not only from private and charitable sources, but from the municipalities; and

WHEREAS, the programs operated by the Community Center are carried out in such a manner that they conform to the standard established by the State of New York and the Federal Government so that the supporting municipalities may

MTN: APPROVE ABSTRACTS 92 AND 93

MTN: ADJOURN MEETING

receive total or partial reimbursement from the State or Federal Government for funds of the municipality expended in support of the program; and

WHEREAS, pursuant to the applicable statutes, when two or more municipalities participate in a youth or recreational program, one of the municipalities must act as the fiscal disbursing agency; and

WHEREAS, the Village also supports the Community Center programs; and

WHEREAS, the Town supports the Community Center programs; and

WHEREAS, the Village has in the past and does hereby agree to act as the fiscal disbursing agency for the purpose of disbursing those funds which the Town and Village provide to support the Community Center program,

NOW, THEREFORE, in consideration of the premises and covenants contained herein, it is mutually agreed as follows:

1. The Community Center shall create, administer and underwrite with financial assistance from the Village and the Town, a youth and recreational program for all the residents of the Village and Town of Palmyra for the calendar year ending **December 31, 2006**. Except as stated herein, the Community Center shall not receive additional funds from the Village and Town.
2. The Community Center, upon receipt of the funds hereinafter described, agrees to conduct a youth and recreational program in accordance with the program outlined to the Town and Village at the Budget Meeting held in the **Fall of 2005** for the purpose of establishing the amount of support needed from the Town and the Village for the Community Center in the year **2006** and as said program has been increased and enhanced to the date of this Agreement. The Community Center Board of Directors agree in calendar year **2006** to provide recreational sites, equipment and fixtures necessary to carry on the programs of the Community Center. The Board of Directors shall also appoint a director to implement and supervise all of the activities of the Community Center. The Community Center shall be protected by the liability insurance secured by the Village of Palmyra and the Town of Palmyra will be endorsed thereon. The Community Center agrees that the program will be operated through **December 31, 2006** with reasonable rules and regulations. The Community Center agrees that all residents of the Town and the Village will be admitted to said programs to the extent of the designed capacity and upon the condition that they have and will in the future obey the reasonable rules and regulations established by the Community Center and it agrees that the rules and regulations will conform to all State and Federal requirements, and that the Community Center will comply with all applicable laws, rules and regulations to maintain its not-for-profit status and when funded, the eligibility requirements necessary for the municipalities to receive the maximal reimbursement allowed by the State and Federal governments for the type of program which the Community Center agreed to operate for the calendar year **2006**.
3. In the event that the Community Center shall fail to complete its obligations or breach said obligations, then in that event the contributions of the Town and

Village shall be terminated and the Town and Village shall not be obligated to make any further payments for or on behalf of the Community Center as of the date of termination. In the event that the Town and Village has prepaid its funds in whole or in part, then so much of said funds that have been unearned for each full month shall be repaid by the Community Center to the Village. (For the purpose of computing this amount, the total contribution of the Town and Village shall be divided by 12 and each 1/12 shall equal one month. If 3 months remain when the Town and Village terminates, then 3/12 of the Town and Village payment provided for herein shall be returned.

4. In addition to all of the other obligations contained herein, the Community Center shall render a report not less often than annually or at such other times as the Town and Village shall request as to the programs conducted, the supervision, the hours of attendance, the number attending and such other items as the Town and Village may request from time-to-time. With each annual report, the Community Center shall file a list of the current officers of the Board of Directors.

5. The Town shall pay to the Village for the calendar year **2006**, the sum of **TWENTY EIGHT THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$28,750.00)**. In the event that any portion of this Agreement shall be deemed to be not valid and binding, then only that portion of this Agreement shall fail and not the balance of this Agreement. Said amount shall be paid in equal, quarterly installments on or before the 30th day of March, June, September and December in the year **2006**, subject to the terms of this Agreement.

MTN: APPROVE AGREEMENT WITH VILLAGE AND PALMYRA COMMUNITY CENTER FOR 2006

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

TOWN OF PALMYRA	Supervisor David C. Lyon
VILLAGE OF PALMYRA	Mayor Victoria W. Daly
PALMYRA COMMUNITY CENTER	Director William Campbell

Second: Mike Lambrix Vote: 5 ayes. Carried.

b. Dave Nussbaumer made the motion to approve the following agreement for 2006 between the town and Palmyra King's Daughters Free Library, Inc.:

**AGREEMENT
TOWN OF PALMYRA AND
PALMYRA KING'S DAUGHTERS FREE LIBRARY INC.
JANUARY 1, 2006 - DECEMBER 31, 2006**

MTN: APPROVE AGREEMENT WITH PALMYRA KING'S DAUGHTERS FREE LIBRARY FOR 2006

AGREEMENT made this **22nd day of December, 2005**, by and between the TOWN OF PALMYRA, a municipal corporation located in the County of Wayne and State of New York, hereinafter referred to as "the Town" and PALMYRA KINGS DAUGHTERS FREE LIBRARY, INC., a membership corporation with office and principal place of business located in the Town of Palmyra, County of Wayne, and State of New York, hereinafter referred to as "the Library".

WITNESSETH:

WHEREAS, the Library is a free library operated for the benefit of all of the residents of the Town of Palmyra who conform to the rules and regulations of its use established by the Library; and

WHEREAS, the Library is in need of funds to provide service to the residents of the Town of Palmyra; and

WHEREAS, the Town is desirous of furnishing and assisting in furnishing free library service to the residents of the Town of Palmyra;

NOW, THEREFORE, in consideration of the premises and covenants contained herein, it is mutually agreed as follows:

1. The Library shall furnish the usual library services and make the same available to all of the residents of the Town of Palmyra pursuant to the rules and regulations adopted by the Board of Trustees of the Library for a period of one (1) year beginning on the **1st day of January, 2006, and terminating on the 31st day of December, 2006, inclusive.**

2. That in consideration of the rendering of said service by the Library, the Town Board hereby agrees to pay to the Library for services rendered for one (1) year the sum of **Twenty-two Thousand Two Hundred Fifty Dollars (\$22,250.00)**. Said sum is to be paid in equal quarterly installments on or before the 30th day of March, June, September, and December during the year **2006**. Said payments shall not commence until after the adoption and approval of the terms of this contract and its ratification by the Board of the Library and the Town Board of the Town. In the event that for any reason library service is discontinued, then in that event, the Library shall in any year in which payment has been received repay the Town the sum of One Thousand Eight Hundred Fifty-Four Dollars and 17/100 (\$1,854.17) for each month remaining in said calendar quarter in which the Library shall not furnish free library service to the residents of the Town of Palmyra. Said payment to the Library pursuant to the terms of this contract shall be made pursuant to a voucher executed by an officer of the Library designated by a Resolution to sign such voucher filed with the Town.

3. This Agreement shall automatically be renewed on a year-to-year basis unless either party to this contract shall give written notice to the other party of its desire to terminate, amend, or modify this contract on or before September 5th of any calendar year.

IN WITNESS WHEREOF, the parties hereto have caused their hands and seals to be affixed the year and day first above written.

TOWN OF PALMYRA

Signatures of Town Clerk, Supervisor and Town Councilmen

PALMYRA KINGS DAUGHTERS FREE LIBRARY, INC.

Signatures of Secretary and President of the Board of Trustees

Second: Ken Miller Vote: 5 ayes. Carried.

c. Mike Lambrix made the motion to approve the Second Amendment of Inter-Municipal Agent for Administrator of Enforcement of Zoning and Building Codes and Planning Services Toward Village of Palmyra, NY.

MTN: APPROVE AMENDMENT WITH VILLAGE FOR CEO SERVICES

Second: Dave Nussbaumer Vote: 5 ayes. Carried

This agreement is listed at the end of these minutes as Attachment B.

- 2. Resolution: 2005 End-of-year budget adjustments: In order to close out the 2005 fiscal year, Dave Lyon read the following resolution:

MTN: APPROVE FINAL ADJUSTING OF BUDGETARY JOURNAL ENTRIES TO CLOSE OUT 2005 FISCAL YEAR

Be it resolved, that the Town of Palmyra bookkeeper, Petra Anderson, be authorized to make any necessary adjusting and budgetary journal entries in closing the 2005 fiscal year.

Mike Lambrix made the motion to approve this resolution.

Second: Ken Miller Vote: 5 ayes. Carried.

- 3. Resolution: Town/Village Shared Municipal Services Grant Application: At its meeting on December 19, 2005, the Village Board approved a resolution to apply for a grant in collaboration with the town to make sewer system improvements, which both town and village share. The following resolution was introduced to town board members:

RESOLUTION: APPROVE GRANT APPLICATION FOR SHARED MUNICIPAL SERVICES TO IMPROVE VILLAGE SEWER SYSTEM

**RESOLUTION
SHARED MUNICIPAL SERVICES INCENTIVE GRANT**

The Town of Palmyra will apply, in conjunction with the Village of Palmyra, for a shared municipal services grant, for the purpose of collaboration on the operation and maintenance of the Palmyra Village sewer system which serves both communities.

Receipt of the grant would lead to improved efficiency in operation and lower operating costs for both the Town and Village of Palmyra.

December 22, 2005

Lynne Green

Palmyra Town Clerk

Supervisor Dave Lyon explained there is no cost to the town or village to pursue the grant, and that the work would be done in-house, along with the Water and Sewer Authority.

**MTN: APPROVE
SHARED
SERVICES
GRANT
APPLICATION**

Ken Miller made the motion to approve this resolution.

Second: Dave Nussbaumer Vote: 5 ayes. Carried

**MTN: SCHEDULE
2006 BOARD
ORGANIZA-
TIONAL MEETING
FOR 1/5/2006**

4. Schedule 2006 Organizational Meeting: Dave Nussbaumer made the motion to schedule the 2006 Organizational Meeting of the Town Board on Thursday, January 5, 2006, at 7:30 p.m., at the Town Hall.

Second: Mike Lambrix Vote: 5 ayes. Carried.

**MTN: SCHEDULE
PUBLIC HEARING
FOR TWO
PROPOSED
WATER
DISTRICTS**

5. Schedule Public Hearing for Proposed Water Districts: The proposed Parker-Cambier and Johnson-Floodman water districts will require a public hearing, after the informational meeting on December 29, 2005.

Mike Lambrix made the motion to schedule the public hearing for Thursday, January 26, 2006, at 7:30 p.m. in the Town Hall.

Second: Ken Miller Vote: 5 ayes. Carried.

**MTN: APPROVE
ABSTRACTS #94
AND #95**

6. Approve Abstracts #94 and #95: Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #94 (for vouchers already paid), which includes Voucher Numbers 6747 through 6754, for \$286,681.23 and Abstract #95, (for vouchers to be paid) which includes Voucher Numbers 6755 through 6834 for \$108,695.74.

Second: Mike Lambrix Vote: 5 ayes. Carried.

**MTN: ADJOURN
MEETING**

7. Motion to Adjourn: At 7:56 p.m., Mike Lambrix made the motion to adjourn the meeting.

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

Attachment A: The Wayne County Highway Department agreement with the Town of Palmyra Highway Department for the 2005-2006 Winter Season

Attachment B: Agreement-- Second Amendment of Inter-Municipal Agent for Administrator of Enforcement of Zoning and Building Codes and Planning Services Toward Village of Palmyra, NY.

**NEXT MEETING:
TOWN ANNUAL ORGANIZATION MEETING
THURSDAY, JANUARY 5, 2006, AT 7:30 P.M.
PALMYRA TOWN HALL**