

**REGULAR MEETING OF THE TOWN BOARD
AUGUST 25, 2005**

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, August 25, 2005, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 8:00 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
- Michael Lambrix, Councilman
- Councilman James Welch was absent.

ROLL CALL

Also attending the meeting:

- Terry Mahoney 149 Fayette Street, Palmyra
- Roy C. Wilck 1561 E. Palmyra-Port Gibson Rd.
- Sarah Herendeen 116 Gates Street
- Joan Herendeen 116 Gates Street
- Michael Boesel Palmyra Highway Superintendent
- Robert Grier Palmyra Code Enforcement/Zoning

ATTENDANCE

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

**MTN: APPRV
7/28/2005 MTG
MINUTES**

Second: Mike Lambrix

Vote: 4 ayes. Carried.

COMMUNICATIONS

DEC letter and information about public meeting: The Town received a letter from the NY State Department of Environmental Conservation (NYSDEC) dated August 19, announcing a "public scoping meeting" to be held at 7 p.m. on September 7, 2005, at the Macedon Town Hall. This concerns the proposed expansion by High Acres Landfill and Recycling Center into the Town of Macedon, capable of handling up to 3,500 tons of trash per day. In

**LETTER FROM
NYS DEC
ANNOUNCING
PUBLIC
SCOPING
MEETING ON
9/7/05 AT
MACEDON
TOWN HALL**

addition to the letter is a "Preliminary SDEIS Outline High Acres Landfill and Recycling Center Parkway Expansion—Phase III" and the SEQR "Positive Declaration—Determination of Significance—Notice of Intent to Prepare a Draft EIS and availability of Scoping Outline for Public Comment and Public Scoping Session." Dave Lyon asked board members to try to attend the meeting.

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Kenneth Miller, Chairman

BUILDINGS AND GROUNDS REPORT FOR AUGUST

In Ken Miller's report of open action items this month, he said there were a few minor items which can easily be fixed. He is waiting for bids to be opened on August 31 for the contract to replace the roof at Town Hall.

Highway Committee – Michael Lambrix, Chairman

HIGHWAY DEPT. AUGUST REPORT

Highway Department monthly report: Mike Boesel submitted his August report, listing projects the crew has worked on throughout the month. The final phases of the ditch and reconstruction work on Shilling Road were worked on, including a gabion stone wall. East Palmyra-Port Gibson Road is open once again, with the tunnel completed under the road, for the Canalway Trail. All highway employees are now wearing bright safety yellow/green tee shirts during the construction season. Weather during August has been excellent for working outside on these projects.

Planning Committee – James Welch, Chairman

No report.

Zoning Committee – David Nussbaumer, Chairman

DISCUSSION OF TYPES OF WORK DONE IN CODE/ZONING OFFICE

1. August's CEO Report: Submitted by Code Enforcement/Zoning Officer, Bob Grier, the report shows the types of permits issued during the month. Grier was asked to give board members a description of a typical day's work. As he

detailed the kinds of things he does, it became clear that the volume of work in the town is daunting. In addition, inspections of new construction, water projects, etc. require repeated visits to each site. He stressed that the items he described are only for the town. Village issues are above what he related to the board. He said there are almost 800 rental units in the village which must be inspected by law at least once every three years.

- 2. Zoning Violations: Given the types of permits, inspections, etc. done on a regular basis by the Code/Zoning office, Grier described how zoning violations were frustrating to him. In addition to the time and work involved in day-to-day operations of his office, violators of zoning ordinances require repeated attention, legal expense to the town, and can drag on for years in and out of courts. Even after fines have been levied, many are not paid, and violators repeat their illegal acts over and over. The cost to town taxpayers increases each year.

**DISCUSSION
OF
PERSISTENT
ZONING
VIOLATIONS**

Councilman Nussbaumer expressed his opinion that if the job of cracking down on persistent violators is to be done properly, in addition to the normal workload and the required training that staff must attend, he feels the town must consider increasing staff in that office.

INFORMATIONAL ITEMS

- 1. Assessor's Report for August: Elaine Herman, Palmyra Assessor, submitted her report of activity in her office during August. Work in the office is updating changes to property information, as well as readying paperwork for field reviews and next year's tax roll.
- 2. Town Clerk's Office Report for August: Information about the doings at the Town Clerk's office include web details about the two grants which the town was awarded, and the addition of Irene Unterborn to the office staff on an as-needed, part-time basis. She was in training during August so she will be ready for the heavy month of September using all the office machines and procedures. School tax bills will be mailed out August 31st.

**ASSESSOR'S
REPORT FOR
AUGUST**

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

AGENDA ITEMS

**MTN: HIRE
SARAH
HERENDEEN AS
TOWN
HISTORIAN**

1. Recommendation for Town Historian position: Since the resignation of Beth Hoad as Town Historian, three applicants were interviewed to replace her. Supervisor Dave Lyon announced that he was recommending that Sarah Herendeen be hired to be the new Town Historian. Dave Nussbaumer made the motion to hire Sarah Herendeen as Town Historian.

Second: Mike Lambrix

Vote: 4 ayes. Carried.

Since Sarah was in attendance at the meeting, at 8:33 p.m., the board took an informal break to introduce themselves and welcome Sarah to the new position.

**MTN: ACCEPT
PROPOSAL BY
STU BROWN TO
UPDATE TOWN
ZONING
ORDINANCE**

2. Proposal for updating town zoning ordinance: Stuart I. Brown Associates, Inc. has been contacted to update the town zoning ordinance. Stu's proposal includes meetings and community outreach, review existing zoning code, map and draft revision, preparing revisions to the zoning code, recommend changes to administrative forms and procedures, SEQR compliance, and adoption procedures. Anticipating staff hours and project costs, he proposed a cost of \$7,650 to accomplish this. Mike Lambrix made the motion to accept the proposal offered by Stuart I. Brown Associates, Inc. not to exceed \$7,650.

Second: Dave Nussbaumer

Vote: 4 ayes. Carried.

**MTN: DECLARE
TWO FOLDING
DOORS AS
SURPLUS**

3. Declare equipment as surplus: Two folding (accordion style) doors are no longer needed by the town. The new expansion of the Palmyra Community Center is in need of folding doors. Mike Lambrix made the motion to declare two folding doors as unserviceable and surplus.

Second: Ken Miller

Vote: 4 ayes. Carried.

4. Approve expenses for Assessment proceedings: Dave Lyon apprised the board of a suit against the town in which an assessment on a property is being challenged. Since the tax bill of this property is over \$56,000 annually, it is necessary to get an expert appraisal. The estimate of the cost of the

appraiser and legal services depends on whether or not this can be settled out of court. If it goes to trial, costs may go as high as \$20,000. A minimum estimate is \$10,000. Since the Palmyra-Macedon School district, Wayne County and the town are all involved in the settlement, expenses are expected to be split three ways.

Ken Miller made the motion to approve expenses for legal and expert testimony in the assessment proceedings, not to exceed 1/3 of \$20,000.

MTN: APPROVE EXPENSES FOR ASSESSMENT PROCEEDINGS

Second: Dave Nussbaumer Vote: 4 ayes. Carried.

- 5. Resolution: Garnsey-Shilling Area Water District: In order to complete the paperwork for the water district, and to authorize final payment to the contractor, a resolution was required. Three originals of the following resolution are to be sent to MRB Group, project engineers:

FINAL PAYMENT RESOLUTION
GARNSEY-SHILLING AREA WATER DISTRICT

The following Resolution was offered by Councilman Michael Lambrix, who moved its adoption, seconded by Councilman Kenneth Miller, to wit:

RESOLUTION: ACCEPT GSAWD AS COMPLETE AND AUTHORIZE FINAL PAYMENT

WHEREAS, the Wayne County Water and Sewer Authority (the Contractor) has completed the construction and installation of the water distribution system and appurtenant facilities in accordance with the bid specifications, plans and contract specifications heretofore approved by the Town Board in regard to the above Project; and

WHEREAS, the Project Engineer has certified to the Town Board that the Project has been completed, has filed a Certificate of Substantial Completion with the Town Board, and has recommended that final payment be made by the Town Board to the Contractor.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Palmyra, Wayne County, New York, as follows:

Section 1. Based on the recommendation of the Project Engineer, the Town Board hereby accepts the water distribution system facilities constructed within the Garnsey-Shilling Area Water District as completed, and hereby authorizes the Supervisor to tender final payment therefore to Wayne County Water and Sewer Authority.

Section 2. This Resolution shall take effect immediately.

The question of adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

**ROLL CALL
VOTE ON THE
RESOLUTION**

Supervisor David Lyon	VOTING	Aye
Councilman Kenneth Miller	VOTING	Aye
Councilman David Nussbaumer	VOTING	Aye
Councilman Michael Lambrix	VOTING	Aye
Councilman James Welch	Absent	

The Resolution was thereupon declared duly adopted this 25th day of August, 2005.

Lyndall Ann P. Green
Palmyra Town Clerk

6. Authorize new lease with Power Personnel: The Town and Power Personnel have renewed the lease for the two rooms that are used at the Town Hall. The new lease is for October 1, 2005 through September 30, 2006, and is signed by Supervisor Lyon and Vicky Golding, Branch Manager.

**MTN:
AUTHORIZE NEW
LEASE WITH
POWER
PERSONNEL**

Dave Nussbaumer made the motion to authorize the new lease between the town and Power Personnel for two rooms in the Town Hall.

Second: Mike Lambrix Vote: 4 ayes. Carried.

7. Town Clerks' Regional meeting in Geneva: Notice was received that the NY State Town Clerks Association, Inc. will be holding a Regional Meeting on Monday, September 19, in Geneva to update clerks on new dog licensing laws, as well as Board of Elections issues. The cost for the day, including lunch, is \$25. Mike Lambrix made the motion to authorize the Town Clerk to attend the regional meeting, at a cost of the \$25 registration fee plus mileage.

**MTN: APPROVE
REQUEST TO
ATTEND
REGIONAL TOWN
CLERKS ASSN.
MTG. IN GENEVA**

Second: Dave Nussbaumer Vote: 4 ayes. Carried.

8. Set public hearing date for replacement of mobile home: Request has been made to replace a mobile home on Division Street with a new manufactured home. Mike Lambrix made the motion to schedule this public hearing on Thursday, September 22, 2005, at 8:00 p.m.

**MTN: SET
PUBLIC HEARING
DATE FOR
9/22/05 TO
REPLACE
MOBILE HOME**

Second: Dave Nussbaumer Vote: 4 ayes. Carried.

- 9. Approve Abstracts #86 (for vouchers already paid) & Abstract #87 (for vouchers to be paid): Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #86, which includes Voucher Numbers 6426 through 6431, for a total amount of \$21,896.96; and Abstract #87, which includes Voucher Numbers 6432 through 6490, for a total amount of \$17,007.86.

**MTN: APPROVE
ABSTRACTS #86
AND #87**

Second: Mike Lambrix Vote: 4 ayes. Carried.

- 10. Motion to enter executive session: At 8:43 p.m., Ken Miller made the motion to enter into executive session to discuss matters of personnel.

**MTN: ENTER
INTO EXECUTIVE
SESSION**

Second: Mike Lambrix Vote: 4 ayes. Carried.

Only board members remained in the meeting room. At 8:50 p.m., Supervisor Lyon convened the executive session. He declared the board out of executive session at 9:20 p.m.

At 9:21 p.m. Dave Nussbaumer 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

**NEXT MEETING: THURSDAY, SEPTEMBER 22, 2005, AT 8:00 P.M.
PALMYRA TOWN HALL**