

**REGULAR MEETING OF THE TOWN BOARD**

**PALMYRA TOWN HALL  
AUGUST 26, 2010**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, August 26, 2010, 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
- David Nussbaumer, Councilman
- Todd J. Pipitone, Councilman

**ROLL CALL**

Also attending the meeting: *Wayne Post* reporter Billie Rae Walker; Palmyra Highway Superintendent, Michael Boesel and Code Enforcement Officer Dan Wooden.

**MEETING ATTENDANCE**

Motion was made by Dave Nussbaumer to approve the minutes of the August 10, 2010 meeting of the Town Board.

**MTN: APPROVE MINUTES OF 8/10/2010 TOWN BOARD MEETING**

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

**COMMUNICATIONS**

**Wayne County Sheriff's Office Monthly Report:** Supervisor Miller provided Board members with the July 2010 statistics in Palmyra and around Wayne County from the Sheriff's office.

**WAYNE COUNTY SHERIFF'S REPORT FOR JULY 2010**

**REPORTS OF STANDING COMMITTEES**

**Economic Development and Appeals Committee  
– Todd Pipitone, Chairman**

**NO COMMITTEE REPORT AT THIS TIME**

Councilman Todd Pipitone said there was no report at this time.

## Highway Committee – James Welch, Chairman

**August Highway Department Report:** Highway Superintendent Mike Boesel reported on his department's activity from July 22 through August 26:

Highway Superintendent Report  
For Town Board Meeting 08/26/10

Since the 7/22/10 meeting we have completed the following work:

- Brushmowing – South Creek Road
- Ditching – Port Gibson Road
- Cut Shoulders – South Creek Road
- Tree Work – South Creek Road
- Storm culvert work – South Creek Road
- Hauling – hauled 3/8's stone for our road projects
- Inter-municipal Assistance
  - o 7/21/10 – 7/22/10 - 2 Palmyra trucks + 2 ground guys to Marion for wedging
  - o 7/28/10 - 1 Walworth grader operator assisting on S. Creek box out
  - o 8/3/10 – 2 Walworth trucks assisting on S. Creek grinding
  - o 8/3/10 & 8/4/10 - 1 Marion roller + grader w/operator on S. Creek Road after grind
  - o 8/4/10 - 2 Palmyra trucks to Arcadia for stone/oil
  - o 8/13/10 – 1 Walworth grader/operator grading on Vault Road
  - o 8/18/10 & 8/19/10 – 2 Arcadia + 2 Marion + 2 Walworth trucks assist with paving
  - o 8/24/10 - Palmyra loader and widener + operators to Walworth for shoulders
  - o 8/25/10 & 8/26/10 - 1 Lyons + 2 Walworth + 3 Marion trucks assist with chip sealing
  - o 8/25/10 & 8/26/10 - 1 Arcadia roller + 1 Ontario roller assist with chip sealing

Other miscellaneous items include:

- **South Creek Road & Vault Road** – We have been working on S. Creek Road and Vault Road most of the past 30 days and cold-mixed paved last week with Midland Asphalt and trucking assistance from Arcadia and Marion.
- **Chipsealing** – We recently completed surface treating to Cambier Road, Dey Road, Sheridan Road, O'Meal Road, and 2.0 miles on the north end of Schilling Road. This work was done with the Town of Marion and assistance with Lyons, Walworth and Ontario.

**HIGHWAY  
REPORT FOR  
AUGUST 2010**

- **Canandaigua Street Project Update** – Rizzo Construction has completed all water and storm sewer work. The full detour is currently in effect. The culvert at Brookside is currently being replaced. The east side of the road is almost completely boxed-out and granite curbing was starting to be installed today in front of the Primary School. Rizzo will continue to fill the road box with stone and asphalt courses over the next couple weeks on the east side of the road. They will then transfer traffic onto the east side and start the west side box-out.

**HIGHWAY  
REPORT FOR  
AUGUST 2010**

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

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

1. **Planning Board:** Mike Lambrix noted there was no Planning Board meeting during August.
2. **Proposed Property Maintenance Ordinance:** Dan Wooden, Palmyra Zoning and Code Enforcement Officer, prepared a draft of a proposed "Property Maintenance Ordinance" for Board members to review. He intends that it would be in addition to the current "Town Zoning Regulations" as an addition to Article VI under Section 605. It is similar to the ordinance adopted by the Village last year. Dan feels this will strengthen the case for cleaning up abandoned and nuisance property situations faster. Mike Lambrix asked Board members to review the proposed ordinance so it can be discussed at the September Board meeting.
3. **Painting of Cupola:** The cupola at the top of Town Hall is in need of painting before winter sets in. Mike and Supervisor Miller made a list of the specifications needed in accomplishing this project, including scraping, priming, and painting. It also includes the request for a warranty from the painter about how long it will last. The following legal notice was printed in *The Times of Wayne County* announcing the request for bids:

**NO PLANNING  
BOARD  
MEETING IN  
AUGUST**

**PROPOSED  
PROPERTY  
MAINTENANCE  
ORDINANCE**

**REQUEST FOR  
BIDS FOR  
PAINTING OF  
CUPOLA AT  
TOWN HALL**

**LEGAL NOTICE**

**NOTICE OF SOLICITING BIDS FOR TOWN HALL**

**LEGAL NOTICE  
REQUESTING  
BIDS FOR TOWN  
HALL CUPOLA  
PAINTING**

NOTICE IS HEREBY GIVEN that the Town of Palmyra is soliciting bids for painting the cupola on the Town Hall. Location is 1180 Canandaigua Road (Route 21 South), Palmyra. A copy of the specifications is available at the Town Clerk's office, between office hours of 8 a.m. and 5 p.m. Monday through Friday.

Bids are due at 10 a.m. on September 22, 2010. The Town of Palmyra reserves the right to reject any or all bids.

For further details, contact Town Supervisor Ken Miller at 315-597-2324.

**Zoning Committee – David Nussbaumer, Chairman**

**ZONING/CODE  
ENFORCEMENT  
OFFICE REPORT  
FOR AUGUST**

- 1. **Code Enforcement/Zoning Office Report:** August's CEO Report was distributed to Board members. Dan Wooden was able to answer questions they had.

**NO ZONING  
BOARD  
MEETING IN  
AUGUST**

- 2. **Zoning Board Meeting:** There was no meeting of the Zoning Board of Appeals during August.

**STATUS OF  
MANUFAC-  
TURED HOME  
PARKS ANNUAL  
PERMITS**

- 3. **Manufactured Home Parks Annual Permits:** Code Enforcement Officer Dan Wooden prepared a memo to Board members, along with the corroborating paperwork, for renewals of annual permits, along with results of his inspections, for five of the six manufactured home parks in the Town: Canalside Estates, Maple Creek Park, Pine Tree Park, Trolley Road Park, and Valley View Park. Marquart Village has submitted its paperwork, but is still working on the list of violations before Dan will give it formal approval.

**936 GARNSEY  
RD. PROPERTY  
CLEANUP  
STATUS AND  
OPTIONS**

- 4. **Garnsey Road Property Cleanup:** Dan Wooden referred to the court order that the property at 936 Garnsey Road has a September 1, 2010 cleanup deadline. The order gives the Town the authority to do the cleanup work after that or have it done by a private firm. Dan had also contacted Beck's Recycling Center on Route 21 South to see if they would do the cleanup. They would be willing to remove the scrap items, take out their costs, and write a check to the Town for the remainder. Ken Miller said the Christophersons contacted him requesting yet another extension. He did not grant the request.

Dan requested that the Board decide at its September meeting if the Town will do the cleanup, or if it should be hired out—if the owner hasn't cleaned up the property by the deadline.

**INFORMATIONAL ITEMS**

1. **Assessor's Report for August:** Board members received the Assessor's August Report, showing that there was one property owner who filed a Small Claims hearing in Palmyra. An Article 7 Court Proceeding has been filed on the Town by Mr. and Mrs. Gerald Bamberger on the assessments of sixteen parcels they own in the Village of Palmyra. Elaine has already met with attorney Katie Villani on behalf of the town.
  
2. **Resolution: Payment of Litigation Costs for Challenges to Assessments—Bamberger:** Board members received the following Resolution for payment of litigation costs involving challenges to Real Property Assessments, specifically for the Bamberger properties. This resolution lists the four municipalities that would be affected by changes in the assessment of the Bamberger properties: County of Wayne, Town of Palmyra, Village of Palmyra and Palmyra-Macedon Central Schools. It states that these four stakeholders will share the costs involved in litigation and associated court fees when it goes to court on October 7<sup>th</sup>. It requires approvals by all Boards of these stakeholders, and signatures for each municipality:

**ASSESSOR'S  
REPORT FOR  
AUGUST**

**RESOLUTION  
FOR PAYMENT  
OF LITIGATION  
COSTS FOR  
CHALLENGES TO  
ASSESSMENTS--  
BAMBERGER**

**RESOLUTION**

**Payment of Litigation Costs  
Involving Challenges to Real Property Assessments**

**Concerning Notice of Petition to Review Tax Assessments  
Made for the Year 2010**

WHEREAS, from time to time, the Town of Palmyra has challenges to assessments of Real Property in the Town; and  
 WHEREAS, litigation costs of these challenges can be more than the Town can anticipate and afford; and  
 WHEREAS, Bamberger Wayne Properties, LLC, et al. have filed grievances, after receipt of the decision by members of the Palmyra Board of Assessment Review, claiming excessive and

unequal values against the assessments for the properties listed in the attached list of sixteen (16) Village of Palmyra parcels; and

WHEREAS, Bamberger Wayne Properties, LLC, et al. request that the 2010 assessment roll be reviewed, using evidence to show that the assessment of said parcels of real property may be illegal and erroneous; and

WHEREAS, the Town of Palmyra, the Village of Palmyra, the Palmyra-Macedon Central School District and the County of Wayne are all stakeholders in resolving this issue equitably, in accordance with Real Property tax law; and

WHEREAS, the County of Wayne has already established minimum standards for participation and permitted change in an assessment challenge.

NOW, THEREFORE, BE IT RESOLVED that all four (4) stakeholders will share equally in litigation costs and associated court fees for this assessment challenge; and

BE IT FURTHER RESOLVED that proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies; and

BE IT FURTHER RESOLVED that the Palmyra Sole Assessor will answer this Notice of Petition in the above-referenced matter and will meet at an *ex parte* Special Term of the of the Supreme Court, to be held in the Seventh Judicial District at the Hall of Justice, in the Village of Lyons for the County of Wayne, New York, on the 7<sup>th</sup> day of October, 2010, at 9:30 a.m., or as soon thereafter as counsel can be heard, for review under Article 7 of Real Property Tax Law, as set forth in said petition on the attached list of tax parcels.

DATED: August 26, 2010

**RESOLUTION FOR PAYMENT OF LITIGATION COSTS FOR CHALLENGES TO ASSESSMENTS-- BAMBERGER**

**MINUTES OF PALMYRA COMMUNITY LIBRARY BOARD MEETING**

- 3. **Palmyra Community Library:** In their packets, Town Board members each received a copy, for their information, of the July 15, 2010 Library Board of Trustees meeting minutes.

**BUDGET REVIEW MEETINGS FOR 2011 BUDGET**

- 4. **Budget Review Meetings:** Ken Miller reminded Board members that 2011 budget review meetings will be held the evenings of September 7, 15 and 22.

**NOTIFICATION OF PROPERTY REZONING IN MARION**

- 5. **Rezoning of Property in Town of Marion:** The Town of Marion notified the Town of Palmyra that at a Public Hearing on August 9, 2010, a Marion property was rezoned from low residential to business district, and that clerks of neighboring towns were to be notified.

6. **Morrison Excavating Quarterly Report and Payment:** During August, the Town received the payment for the second quarter of 2010 from Morrison Excavating. Inc., for gravel removed from the Division Street pit. **MORRISON EXCAVATING QUARTERLY REPORT & PAYMENT**
7. **Public Input:** Although this item was on the agenda, there was no one present who wished to speak at this time. **NO PUBLIC INPUT**

## AGENDA ITEMS

1. **Resolution: Court Costs Incurred During Challenges to Real Property Assessments:** Having discussed this item already, Mike Lambrix made the motion to approve the Resolution for Palmyra Bamberger properties, with the Town of Palmyra paying one-fourth of litigation costs, with the Village of Palmyra, the Palmyra-Macedon School District and the County of Wayne responsible for the other three-fourths of the costs. **MTN: APPROVE RESOLUTION TO PAY ¼ COURT COSTS INCURRED IN BAMBERGER PROPERTIES LITIGATION**
- Second: Dave Nussbaumer Vote: 5 Ayes. Carried.
2. **Request to Let Bids for Painting of Cupola at Town Hall:** Having discussed this item already, Mike Lambrix made the motion to approve the advertising for bids to paint the cupola atop Town Hall. He also stipulated it be done before winter, that it carry a three-year minimum warranty, and that the legal notice be approved by the Supervisor before it is printed. **MTN: APPROVE REQUEST TO LET BIDS TO PAINT TOWN HALL CUPOLA**
- Second: Dave Nussbaumer Vote: 5 Ayes. Carried.
3. **Approve 2010-2011 Manufactured Home Park Permits:** Having Heard Zoning/Code Enforcement Officer Dan Wooden's report on the status of the Annual Renewal for Parks in Palmyra, Dave Nussbaumer made the motion to approve the 2010-2011 permits for Canalside Estates, Maple Creek, Pine Tree Park, Trolley Road and Valley View Manufactured Home Parks; and to include Marquart Village when Wooden is satisfied that all pending violations on his list have been approved. **MTN: APPROVE 2010-2011 MANUFACTURED HOME PARK PERMITS**
- Second: MikeLambrix Vote: 5 Ayes. Carried.

4. **Approve Resolution to modify 2010 budget, and 8/28/2010 Budget Adjustments:** The following Budget Adjustments were proposed for the 2010 budget:

Resolution to modify the 2010 Budget with an increase to General Fund revenue account **A3060 – Records Management** in the amount of **\$4,213.00** and an increase to General Fund expense account **A1460.200 – Records Management/Equipment** in the amount of **\$4,213.00** to reflect grant money the Town received.

GENERAL FUND

**(1) Increase budget for:** Assessor – Equipment  
Expense Acct# A1355.200 Amount: \$ 1,171.00

**Decrease budget for:** Assessor – Contractual  
Expense Acct# A1355.400 Amount: \$ 299.00

**Decrease:** Fund Balance Account# A0909  
Amount: \$ 872.00

Budget adjustment reflects replacement of broken air conditioner and purchase of software with STAR funds.

**(2) Increase budget for:** Town Clerk – Personal  
Svc/Casual Clerk Expense Acct#A1410.104  
Amount: \$ 804.14

**Decrease budget for:** Town Clerk – Contractual Expense  
Acct#A1410.400 Amount: \$ 804.14

Budget adjustment reflects scheduling change of personnel.

**(3) Increase budget for:** Computer Support –  
Equipment Expense Acct#A1680.200  
Amount: \$ 3,495.00

**Decrease budget for:** Contingent Account Expense  
Acct#A1990.400 Amount: \$ 3,495.00

Budget adjustment reflects replacement of server.

Second: Todd Pipitone      Vote: 5 Ayes. Carried.

MTN: APPROVE  
RESOLUTION TO  
MODIFY 2010 BUDGET  
AND 8/26/2010  
BUDGET  
ADJUSTMENTS



5. **Garnsey Road Property Cleanup:** To accompany the earlier discussion, Dave Nussbaumer made the motion to approve Dan Wooden to pursue Beck's Recycling Center and follow up on the court order to clean up the Garnsey Road property after September 1, if the owner hasn't done so. Dave also stipulated that this is pending Dan's approval of a contract with Beck's.
- Second: Mike Lambrix                      Vote: 5 Ayes. Carried.
- MTN: APPROVE  
GARNSEY ROAD  
PROPERTY  
CLEANUP &  
CONTRACT FOR  
RECYCLING
6. **Approve Abstracts #200 and #201:** Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #200, that includes Voucher Numbers 11536 through 11543 for \$22,025.82; and Abstract #201, that includes Voucher Numbers 11544 through 11611 for \$78,196.40.
- Second: Mike Lambrix                      Vote: 5 Ayes. Carried.
- MTN: APPROVE  
ABSTRACTS  
#200 AND #201
7. **Executive Session:** At 7:32 p.m., Mike Lambrix made the motion to enter Executive Session, to discuss matters of personnel.
- Second: Dave Nussbaumer              Vote: 5 Ayes. Carried.
- MTN: ENTER  
EXECUTIVE  
SESSION
8. **Leave Executive Session:** At 8:40 p.m., Mike Lambrix made the motion to leave Executive Session.
- Second: Dave Nussbaumer              Vote: 5 Ayes. Carried.
- MTN: LEAVE  
EXECUTIVE  
SESSION
9. **Motion to Adjourn:** At 8:41 p.m., Jim Welch made the motion to adjourn the meeting.
- Second: Mike Lambrix                      Vote: 5 Ayes. Carried.
- MTN: ADJOURN  
MEETING

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk

**NEXT TOWN BOARD MEETING**  
**THURSDAY, SEPTEMBER 23, 2010, 7:00 P.M.**  
**PALMYRA TOWN HALL**