

REGULAR MEETING OF THE TOWN BOARD

**PALMYRA TOWN HALL
APRIL 22, 2010**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, April 22, 2010, at the East Palmyra Fire Hall, Tellier Road, East 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, Councilman
- Michael Lambrix, Councilman
- Todd J. Pipitone, Councilman
- David Nussbaumer, Councilman

ROLL CALL

Also attending the meeting: Harry Wilkins and Roy C. Wilck

MEETING ATTENDANCE

Motion was made by Mike Lambrix to approve the minutes of the March 25, 2010 meeting of the Town Board.

Second: Todd Pipitone Vote: 4 Ayes. Carried.
Dave Nussbaumer abstained because he was absent.

MTN: APPROVE MINUTES OF TOWN BOARD MEETING 3/25/2010

Motion was made by Mike Lambrix to approve the minutes of the April 13, 2010 meeting of the Town Board.

Second: Jim Welch Vote: 3 Ayes. Carried.
Todd Pipitone and Mike Lambrix abstained as they were absent.

MTN: APPROVE MINUTES OF TOWN BOARD MEETING 4/13/2010

COMMUNICATIONS

1. **Wayne County Sheriff's Office Monthly Report:** Supervisor Miller obtained a copy of the March 2010 report from the office of Wayne County Sheriff Barry Virts, with information about Palmyra complaints, arrests, motor vehicle accidents, etc. Total complaints received for the month = 205. This includes all information from the Sheriff's office, including town and village. Ken thought this report would interest Town Board members.

WAYNE COUNTY SHERIFF'S OFFICE MONTHLY REPORT FOR MARCH 2010

LETTER OF CONGRATULATIONS FOR EAGLE SCOUT

- 2. **Letter of Congratulations Request:** The request was received to have the Town congratulate new Eagle Scout Dustin Styles, of Palmyra Boy Scout Troop 96. The Town Clerk will send the letter to Dustin.

WATER IMPROVEMENT AREAS CONSTRUCTION UPDATE

- 3. **Water Improvement Areas Update:** Town Clerk Lynne Green attended an Update meeting of the construction of the Johnson/Floodman/Parker Water Improvement Areas. Parker Road laying of water main is complete as of April 22. Digging is now in progress on Floodman and Port Gibson Roads. Expected time for installation is three weeks. Next will be Johnson Road, starting at the Village line.

REPORTS OF STANDING COMMITTEES

NO REPORT FROM ECONOMIC DEVELOPMENT & APPEALS COMMITTEE

Economic Development and Appeals Committee – Todd Pipitone, Chairman

Todd Pipitone had no new news to report this month.

Highway Committee – James Welch, Chairman

- 1. **April Highway Department Report:** Although Highway Superintendent Mike Boesel is on vacation, he submitted his report through April 22:

APRIL HIGHWAY DEPARTMENT REPORT

Highway Superintendent Report
For
Town Board Meeting
04/22/10

Since the 3/25/10 meeting we have completed the following work:

- Routine equipment servicing to most vehicles.
- Plowing/Sanding – None.

Other miscellaneous items include:

- **Street Sweeping/Yard Cleanup** – Completed
- **Palmyra Municipal Auction** – The date is Saturday May 8, 2010. An Auction Surplus list is attached.
- **NYSERDA Energy Audit** – Scheduled for April 30, 2010.
- **Canandaigua Street Project** – Scheduled to start on May 3, 2010.
- **Equipment -**
 - **Plows, Plow equipment & Sanders** – All removed from trucks, cleaned, painted & “summer-ized”
 - **10-Wheel Truck Update** –I expect to receive the truck next week.
 - **Bobcat Purchase** – I expect to receive the new skid steer next week
 - **Auction & Scrap Surplus Lists** – Attached

**APRIL HIGHWAY
DEPARTMENT
REPORT**

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

2. **Surplus and Scrap Lists for Disposal:** Mike Boesel provided the Board with two lists for items needing to be disposed of. The first list he recommended to be included in the Municipal Auction on May 8th:

Highway Dept Items:

- (1) 2009 S220 Bobcat skidsteer loader
- (1) T-16 plow and frame
- (1) Alto Pressure Washer

**AUCTION
SURPLUS LIST
FOR DISPOSAL**

Code Enforcement Office Items:

- (1) Harvard 13 inch TV - #LH 009448
- (1) HP Printer – Desk Jet 712C
- (1) Panasonic telephone – KX-TC197-B
- (1) Sony Mavica Camera with batter charger
- (1) Uniden Satellite receiving & remote – UST 2300
- ITT wall phone

The second list has greater value as scrap, and he recommended that these items be sold directly to scrap dealers:

Highway Scrap Surplus List

SCRAP SURPLUS LIST FOR DISPOSAL

- (1) Alamo flail mower
- (1) T-12 Tarrant sander (Model number unknown)
- (1) T-14 Tarrant sander Model A-01-AN-3033-A04-2940
- (1) Orange Viking snow plow Model 135HSE9 Serial P55973
- (1) Red plow (make/model unknown)
- (1) Red Harder slide-in sander (model unknown)
- (2) drag boxes (model unknown)

3. Extended Warranty Discussion for JD 644 Loader:

Action had been tabled at the April 13th meeting so Board members could look over the options available for extending the warranty on the JD 644 Loader. Councilman Jim Welch explored the options with Mike Boesel before this meeting and asked questions. He learned that the warranty is transferable with the machine, should it be sold in the future. Mike's recommendation was to go with the following option: 60 months coverage on the drive train and hydraulic system only, rather than on the full machine. *"There is no deductible on power train repairs. There is a \$200 deductible for repairs that fall in the hydraulic or full machine category of repair"* states the details of the agreement with Five Star Equipment, Inc., 60 Paul Road, Rochester, NY 14624. The pricing for 60 months/2,500 hours of coverage is \$4,235.

EXTENDED WARRANTY FOR 644 LOADER

An added note from Five Star states: *"The time and hours stated are total times and hours from the date of purchase. Therefore, as it is near the first anniversary of ownership, you would need to deduct 12 months and 463 hours from the stated coverage."*

Facilities, Operations and Planning Committee – Mike Lambrix, Chairman

NO PLANNING BOARD MEETING THIS MONTH

Mike Lambrix reported although there was no Planning Board meeting during April, he would be meeting with Supervisor Miller this coming month to discuss a furnace replacement.

Zoning Committee – David Nussbaumer, Chairman

CEO REPORT FOR APRIL

CEO Report: April's CEO Report was distributed to Board members. Bob was on vacation this week, but the CEO Report was provided by Denise Sellers. She also noted there was no Zoning Board meeting this month.

INFORMATIONAL ITEMS

1. **Assessor's Report for April:** Board members read the Assessor's Report without comment. Included with the report was a letter from the State Board of Real Property Services in Albany, stating: "*Based on the stated uniform percentage of value, the State Board has established the following special equalization rates for the 2010 assessment roll as indicated below.*" For all categories, the 2010 Special Equalization Rate is 100.00%. Grievance Day is scheduled for May 25th. Ken Miller said Elaine is doing a good job as Assessor.

**ASSESSOR'S
REPORT FOR
APRIL**

2. **Town Clerk's Office Report for April:** Board members read the Town Clerk's Office Report without comment.

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

3. **Morrison Excavating Quarterly Report and Payment:** During April the Town received the payment for the first quarter of 2010 from Morrison Excavating. Inc., for gravel removed from the Division Street pit.

**MORRISON
EXCAVATING
QUARTERLY
REPORT &
PAYMENT**

4. **Public Input:** Roy Wilck was in attendance, wanting to state again his concern that a regional ambulance service may not be the most efficient and timely way to service those in the East Palmyra area. He suggested having Newark Ambulance be called first for that area, allowing the ambulances to cross town lines. Another consideration is the cost to the patient of Newark Ambulance vs. Palmyra Ambulance. Ken Miller reassured him that these are being looked into, and asked Roy to put his ideas in writing in a letter to him.

**PUBLIC INPUT:
REGIONAL
AMBULANCE
SERVICE
CONCERNS**

AGENDA ITEMS

1. **Approve Revised "Standard Work Day and Reporting Resolution":** At the April 13 Town Board meeting, the Standard Work Day and Reporting Resolution was approved by the Board. After the meeting, the Town Clerk received a **revised** Standard Work Day and Reporting Resolution, which included two more columns than the original resolution. This resolution provides information to the New York State

**STANDARD
WORK DAY AND
REPORTING
RESOLUTION**

Retirement System for elected officials and appointed officials who do not sign time sheets to record time worked on their jobs. A copy of the resolution is provided below:

STANDARD WORK DAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the Town of Palmyra hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs per day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
SUPERVISOR	Kenneth Miller	7	1/2010-12/2011	N	20.0
COUNCILMAN	David Nussbaumer	6	1/2010-12/2013	N	4.05
TOWN JUSTICE	Terry Rodman	6	1/2010-12/2013	N	11.94
Appointed Officials					
CODE OFFICER	Robert Grier	7	1/2010-12/2010	N	20.0
ASSTCODE OFCR	Daniel Wooden	6	1/2010-12/2010	N	20.0
BOOKKEEPER	Petra Anderson	7	1/2010-12/2010	N	20.0
ASSESSOR	Elaine Herman	7	10/2007-9/2013	N	20.0
COURT CLERK	Patricia Peterson	6	1/2010-12/2010	N	10.0

I, Lyndall Ann P. Green, clerk of the governing board of the Town of Palmyra, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 22nd day of April, 2010, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board consists of five (5) members, and that five (5) of such members were present at such meeting and that three (3) of such members voted in favor of the above resolution.

**MTN: APPROVE
REVISED
STANDARD
WORK DAY AND
REPORTING
RESOLUTION**

Mike Lambrix made the motion to approve the revised Standard Work Day and Reporting Resolution.

Second: Jim Welch Vote: 3 ayes. Carried.
Dave Nussbaumer and Todd Pipitone voted Nay.

Councilman Dave Nussbaumer wanted it noted in the minutes that he thinks this is a waste of taxpayer's money.

- 2. **Approve Budget Adjustment:** Board members were given a request to increase account B8015.100S – CEO/Personal Services by \$15,590.40, and to decrease account B0599 – Appropriated Fund Balance by \$15,590.40. After brief discussion, it was decided to table this budget adjustment until the next Town Board meeting. Mike Lambrix made the motion to table it.

**MTN: TABLE
BUDGET
ADJUSTMENT
TO MAY BOARD
MEETING**

Second: Jim Welch Vote: 4 ayes. Carried.
Dave Nussbaumer voted Nay.

- 3. **Municipal Auction Surplus List and Highway Scrap Surplus List:** The lists provided to Board members and itemized above by Mike Boesel were reviewed. The first list includes items from the Highway and Code Enforcement departments to be included in the Municipal Auction on May 8. The item listed as “(1) Sony Mavica Camera with batter charger” should be amended to (1) Sony Mavica Camera with battery charger”.

The second list contains scrap metal from the Highway Department, which is to be disposed of by a dealer in scrap metal. Metal prices are high at this time, so that would give the most return for the product.

**MTN: APPROVE
MUNICIPAL
AUCTION
SURPLUS LIST
AND HIGHWAY
SCRAP
SURPLUS LIST**

Jim Welch made the motion to approve the Municipal Auction Surplus and Highway Scrap Surplus Lists as amended.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

- 4. **Approve Budget Modification Resolution:** The following budget modification for the Johnson/Floodman/Parker Roads Water Improvement Areas was requested to be included in this evening’s minutes as a Resolution, by Kathy Dear of Stuart I. Brown, Inc.:

WHEREAS, the Town of Palmyra developed the budget for the Johnson/Floodman/Parker Roads Water Improvement Areas based on estimates for various administrative costs, and

WHEREAS, the actual costs for the Miscellaneous Expenditures will be more than the budgeted amounts,

BE IT RESOLVED, that the Town Board of the Town of Palmyra hereby authorizes an increase in the budget for Miscellaneous costs from \$5,000 to \$7,000, with the project contingency to be reduced by a corresponding amount.

**BUDGET
MODIFICATION
RESOLUTION
FOR JOHNSON/
FLOODMAN/
PARKER WATER
IMPROVEMENT
AREAS**

MTN: APPROVE BUDGET MODIFICATION RESOLUTION FOR JOHNSON/FLOODMAN/PARKER WATER IMPROVEMENT AREAS

Councilman Todd Pipitone asked if this is essentially a change order. Supervisor Miller said yes. The discussion centered around what costs these are and why they are requested to be increased. Dave Nussbaumer made the motion to approve this budget modification resolution.

Second: Todd Pipitone Vote: 4 Ayes. Carried.

Mike Lambrix abstained as he had not yet read the modifications.

Discussion continued after the vote for a few moments. Mike Lambrix then made the motion to rescind the previous approval, requesting the Town Clerk contact Kathy Dear to get a list of the items that are expected to be increased in the previous resolution.

Second: Todd Pipitone

Vote: Mike Lambrix, Todd Pipitone and Ken Miller voted to rescind the previous motion.

Jim Welch and Dave Nussbaumer voted **not** to rescind the previous motion.

MTN: RESCIND APPROVAL ON PREVIOUS MOTION—OBTAIN LIST OF ITEMS IN BUDGET MODIFICATION

PREVIOUS MOTION RESCINDED

The previous motion was rescinded 3 votes to 2.

- 5. **Approve Johnson/Floodman/Parker Water Contractor's Application for Payment No. 1:** With Parker Road water lines installed, the contractor (Wayne County Water and Sewer Authority) is requesting approval of releasing funds for the first portion of the project construction, in the amount of \$222, 168.97. Mike Lambrix made the motion to approve the release of \$222,168.97 for Payment No. 1 to the contractor.

MTN: APPROVE JOHNSON/FLOODMAN/PARKER WATER CONTRACTOR'S APPLICATION FOR PAYMENT NO. 1

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

- 6. **Approve Warranty Extension for 2009 JD 644 Loader:** From among the list of options offered by Five Star Equipment, Inc., Jim and Mike were recommending the warranty extension for 60 months/2,500 hours on the Power Train, plus Hydraulic coverage, with the understanding that there is no deductible for power train repairs, and a \$200 deductible for hydraulic repairs.

WARRANTY EXTENSION FOR 2009 JD 644 LOADER

After a short discussion, Dave Nussbaumer made the motion to approve the warranty extension for the 2009 JD 644 Loader, using the 60-month/2,500 hours option for power train + hydraulic coverage, not to exceed \$4,235.

**MTN: APPROVE
WARRANTY
EXTENSION FOR
2009 JD 644
LOADER**

Second: Jim Welch Vote: 5 Ayes. Carried.

7. **Approve Official Newspaper Name Change:** At the Organization Meeting on January 7, 2010, one of the two official newspapers for the Town is The Palmyra *Courier-Journal*. The Town was recently notified that as of May 5, 2010, the *Courier-Journal's* name would be changing to the *Wayne Post*, with coverage directed mostly to the Southwest portion of Wayne County, including Newark. For purposes of legal notices and newspaper coverage, it was deemed wise to approve the *Wayne Post*, owned by Messenger Post Media out of Canandaigua, as one of the Town's two official newspapers. Dave Nussbaumer made the motion to approve the *Wayne Post* as an official Town newspaper.

**MTN: APPROVE
NAME CHANGE
FOR OFFICIAL
TOWN
NEWSPAPER AS
WAYNE POST**

Second: Mike Lambrix Vote: 4 Ayes. Carried.
Todd Pipitone abstained, as he is a reporter for the *Courier-Journal*.

8. **Approve Abstracts #192 and #193:** Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #192, that includes Voucher Numbers 11204 through 11210 for \$24,079.83, and Abstract #193, that includes Voucher Numbers 11211 through 11275 for \$91,522.35.

**MTN: APPROVE
ABSTRACTS
#192 AND #193**

Second: Todd Pipitone Vote: 5 Ayes. Carried.

9. **Adjourn Meeting:** At 7:39 p.m., Mike Lambrix made the motion to adjourn the meeting.

**MTN: ADJOURN
MEETING**

Second: Jim Welch Vote: 5 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

NEXT TOWN BOARD MEETING
THURSDAY, MAY 27, 2010, 7:00 P.M.
PALMYRA TOWN HALL