

REGULAR MEETING OF THE TOWN BOARD FEBRUARY 26, 2004

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, February 26, 2004, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 7:30 PM 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
Michael Lambrix, Councilman
James Welch, Councilman
Kenneth Miller, Councilman

Councilman David Nussbaumer was absent

ROLL CALL

Also present at the meeting were:

Nelson F. Cook, Palmyra Highway Superintendent
Todd J. Pipitone, reporter for the *Courier-Journal*
Bob Grier, Palmyra Code Enforcement/Zoning Officer

Motion was made by Michael Lambrix to approve the minutes of the January 29, 2004 meeting of the Town Board.

Second: Ken Miller

Vote: 4 ayes

**MTN: APPRV.
MINUTES OF
1/29/2004 MTG.**

COMMUNICATIONS

1. Erie Canalway Trail from Palmyra to Newark: The NYS Thruway Authority and the NYS Canal Corporation, sent a "beginning design" and map of a planned Canalway Trail project from Palmyra to Newark. The proposal calls for the East Palmyra-Port Gibson Road north of the Widewaters bridge to be closed during the construction for about three weeks later this year. Comments are welcomed by the Canal Corporation.
2. Commendations of Animal Control Officer, Gary Rose: Lynn Crane, Rabies/West Nile Virus Program Coordinator for the Wayne County Public Health Service wrote a letter to Supervisor David Lyon commending Palmyra's Animal Control Officer, Gary Rose, for his "abundance of knowledge, experience, integrity and good-humored willingness to whatever it takes to get a job done."

**ERIE
CANALWAY
TRAIL DESIGN
FOR CON-
STRUCTION
FROM
PALMYRA TO
NEWARK**

**LETTERS OF
COMMENDA-
TION TO
ANIMAL
CONTROL
OFFICER,
GARY ROSE**

In addition, Supervisor Lyon added a letter of his own, on behalf of the Palmyra Town Board and the town staff, thanking Gary for "The hard work...done for many years [which] has not only been noticed, but is very much appreciated...." He added, "We wish to recognize your dedication to the job, to the residents whom you serve, and to the proper and caring handling of the animals you deal with."

**DIVISION ST.
DRAINAGE
PROBLEM**

3. Division Street Drainage Problem: Letter was received late from Sue and Bruce MacWhorter of Division Street, and was summarized by Supervisor Lyon. The complaint was made of drainage and/or flooding problems at their property ever since the installation of the sewer pipes on Division Street. The Town Clerk was directed to turn the letter over to Highway Superintendent Nelson Cook. He will meet with Supervisor Lyon and Councilman Michael Lambrix to address the issue.

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Ken Miller, Chairman

**UPDATE OF
PARKING LOT
LIGHTING**

1. Update on outside lights at Town Hall: Jay Harding has completed the task of getting all the parking lot lights working, as well as the light to the Town Hall sign. They are working just fine. Ken Miller has adjusted the timers as the days get longer to save on electricity.

**SNOW AND ICE
DAMAGE TO
TOWN HALL
UPDATE**

2. Snow and ice damage to Town Hall: While the leaking from the roof has stopped, a list has been compiled which shows where the leaks occurred. This issue will be reviewed in the Spring to determine what will need to be done to remedy the situation.

**KEYS TO TOWN
HALL**

3. Keys to Town Hall: To address the security issue of who has keys to the Town Hall, as well as keys to different parts of the building, Ken Miller received a copy of the Master Key Log and will be making recommendations to the Board in the future.

Highway Committee – Michael Lambrix, Chairman

1. Highway Department Update: Highway Superintendent Nelson Cook reports that the his crew has gotten a little break, as there hasn't been much snowfall lately. They have been repairing equipment, such as an excavator which blew an oil pump, and working on the new locker room at the highway barns. He submitted a "Town/Village/County Snow Cost Report" to board members.

**HIGHWAY
DEPT UPDATE**

Councilman Michael Lambrix commended the Highway Department crew through our bad weather saying they had done a great job. He asked Cook to "thank the gentlemen, please."

2. Revisit resolution to borrow for a front-end loader: In order to borrow funds at favorable bank rates for completing the payment of a front-end loader for the Highway Department, it was necessary to amend the resolution which had been passed on January 29, 2004. Supervisor Lyon explained that the revised terms of the resolution would not hold the lender to the 1.6% rate for the second year of the loan. The lender would quote us a rate next year for the last phase of the loan.

**REVISIT
RESOL FOR
FRONT-END
LOADER****Planning Committee – James Welch, Chairman**

1. Economic Task Force update: Councilman Welch said he had attended the Palmyra Economic Task Force meeting on February 12 as the Town's representative. The group worked on their mission statement, which focuses on promoting economic growth and tourism in both the town and village. He has the draft of the statement if other board members are interested in looking it over.
2. New Fee Schedule for building permits, etc.: Welch met during the month with Code Enforcement Officer Bob Grier concerning the new building fee schedule.
3. Palmyra Comprehensive (Master) Plan: Supervisor Lyon said that he and Town Clerk Lynne Green attended the meeting on February 19 with Stuart Brown Associates' representatives to look at the current Master Plan (dated 1998), update it, and prepare it for final approval by both town and village boards. He said he

**ECONOMIC
TASK FORCE
UPDATE****NEW
BUILDING FEE
SCHEDULE****COMPREHEN-
SIVE (MASTER)
PLAN MTG.**

hopes that both Jim Welch and Dave Nussbaumer will be able to attend the next meeting on March 18.

**UPDATE ON
CARRIER
PROPERTY ON
TROLLEY RD**

4. Update of Carrier property on Trolley Road: Jim Welch asked Bob Grier what the status is of the Carrier property which has been in litigation. Grier explained Kevin must file a new application, as the most recent ruling from Wayne County says the property's status must revert to its status as of 2001.

**ZONING &
PLANNING
CONTRACT
WITH VILLAGE**

5. Zoning and Planning contract with village: Assistant Code Enforcement Officer Dan Wooden, Bob Grier, Dave Lyon and Village Trustee Chris Piccola met on February 25 to review the zoning and planning contract between the town and the village. It will be forthcoming.

Zoning Committee – David Nussbaumer, Chairman

**CEO MONTHLY
REPORT**

1. Code Enforcement Officer's monthly Update: CEO Bob Grier submitted a report dated February 26 which includes information on building permits, a court update on pending cases, and a proposal for revising swimming pool permits.

**PROPOSED
BUILDING FEE
SCHEDULE**

2. Modifying the Building Fee Schedule: Bob Grier requested that the proposed new fees be included with the March 25th board meeting agenda.

INFORMATIONAL ITEMS

**RPT TO THE
BOARD FROM
TOWN CLERK'S
OFFICE**

1. Report to the Board—Town Clerk's office: Highlights of work done during February are highlighted in this month's report, written and submitted by Deputy Town Clerk Betsy Lewis. The Town has received quite a few genealogical requests. Archival organizing, indexing, copying and preserving during the past year is paying off in finding family history information quickly, yet not putting added strain on fragile records. Collecting town/county taxes continues through March 31 in the Clerk's office.

- 2. Assessor's Report: Assessor Elaine Herman is in the final phase of the assessment update. This includes visiting, photographing and assigning a tentative value to each tax parcel in the town and village.
- 3. Annual Financial Report: Dave Lyon reports that the annual financial report for fiscal 2003 is complete. The legal notice to this effect reads:

**ASSESSOR'S
MONTHLY
REPORT**

**ANNUAL
FINANCIAL
REPORT FOR
FISCAL 2003
COMPLETE**

**LEGAL NOTICE
TOWN OF PALMYRA ANNUAL FINANCIAL REPORT
FISCAL YEAR 2003**

NOTICE IS HEREBY GIVEN, that the 2003 Annual Financial Report for the Town of Palmyra has been filed with the Office of the State Comptroller and with the Palmyra Town Clerk.

Said report is available for viewing by any interested party at the Town Clerk's Office, 1180 Canandaigua Road, during regular business hours.

Dated: February 26, 2004
Lyndall Ann P. Green
Palmyra Town Clerk

The legal notice has been published and sent into the NYS Comptroller's office in Albany.

AGENDA ITEMS

- 1. Wayne County Empire Zone Annual Boundary Amendment: One business within the Town of Palmyra has applied for inclusion in the Wayne County Empire Zone. The town board was requested to pass a resolution of support to change the boundaries of the Zone for 2004. In Palmyra, Ultimate Recycled Plastics was included in the new boundary amendment. A resolution of support and concurrence with the Wayne County Empire Zone revision application was presented to board members. The Boundary Amendment is attached as Appendix A.

**MTN: APPROVE
EMPIRE ZONE
BOUNDARY
AMENDMENT
RESOLUTION**

Michael Lambrix made the motion to approve the following resolution:

**TOWN OF PALMYRA
RESOLUTION OF SUPPORT AND CONCURRENCE
WITH THE WAYNE COUNTY EMPIRE ZONE
REVISION APPLICATION**

WHEREAS, New York State has created the Empire Zone program to encourage industrial and commercial development in selected areas across the State, and

WHEREAS, Wayne County, as an eligible municipality, received designation of an Empire Zone made up of sub-zones including portions of the Village of Newark, and

WHEREAS, under current designation, Wayne County has the ability to amend the Zone boundaries to allow additional acreage, and

WHEREAS, Wayne County intends to revise the Wayne County Empire Zone boundaries to encourage industrial and commercial development and allow for the creation of an additional sub-zone in the Town of Palmyra (detailed in attached Schedule A- Wayne County Annual Boundary Amendment- 2004), and

WHEREAS, the Town of Palmyra is committed to the development of new business within the proposed sub-zone, and

WHEREAS, the Town of Palmyra wishes to support and concur with the Empire Zone revision application,

NOW, THEREFORE, be it resolved that the Town of Palmyra Board, in its capacity as governing body of the Town of Palmyra, does hereby support and concur with the Wayne County Empire Zone revision application.

Resolution was adopted on February 26, 2004

David C. Lyon, Supervisor, Town of Palmyra

Lyndall Ann P. Green, Town Clerk

Second by: Ken Miller

Vote: 4 ayes

- 2. Revisions to USDA Rural Development funding: Supervisor Lyon explained that recent revisions to the United States Department of Agriculture (USDA) Rural Development Funding Program for water and sewer projects in New York State has a direct impact on Palmyra. We may not be able to qualify for future projects, making them unaffordable for local residents. Mike Lambrix made the motion to approve a resolution in opposition to these new funding cuts:

**MTN: APPRV
RESOL. IN
OPPOSITION
TO U.S.D.A.
FUNDING CUTS
FOR PUBLIC
WATER &
SEWER
PROJECTS**

RESOLUTION IN OPPOSITION TO FUNDING CUTS

WHEREAS, The Town of Palmyra has learned of recent revisions to the United States Department of Agriculture (USDA) Rural Development Funding Program for public water and sewer projects in New York State, and

WHEREAS, these funds have been of vital importance to local

governments in making hundreds of water and sewer projects affordable through a combination of low-interest loans and need-based grants, and

WHEREAS, the median household income formula currently being used in our region has significantly reduced the number of communities that are eligible for grant assistance through Rural Development, and

WHEREAS, we believe that this new funding formula will have a devastating impact upon our communities,

BE IT THEREFORE RESOLVED that the Town Board of the Town of Palmyra respectfully requests assistance in reviewing the recent changes to the Rural Development funding program in New York, and in helping to restore grant funding eligibility to those communities that have previously been eligible.

BE IT FURTHER RESOLVED that if New York State is to continue to protect our fresh water resources through the extension of sanitary sewers and to provide municipal water to those areas of greatest need, we must find a way to keep the Rural Development program as a viable funding option for the greatest number of municipalities.

David C. Lyon, Town Supervisor

David Nussbaumer, Councilman

Michael Lambrix, Councilman

James Welch, Councilman

Kenneth Miller, Councilman

Dated: February 26, 2004

Second: Jim Welch

Vote: 4 ayes

After the vote, Supervisor Lyon added that Wayne County has sent this resolution to other counties in this area, as their funding has been affected also.

3. Renew Newport Alliance Agreement: Each year, the Town agrees with The Newport Alliance, the Occupational Health Division of Newport Hospital to provide medical review services and results for drug and alcohol testing of employees and new hires who would be performing safety-sensitive functions. A copy of this agreement is attached as Appendix B.

**MTN: APPRV.
AGREEMENT
WITH THE
NEWPORT
ALLIANCE FOR
DRUG &
ALCOHOL
TESTING**

Michael Lambrix made the motion to approve the agreement with The Newport Alliance for these testing services.

Second: Ken Miller

Vote: 4 ayes

4. Statewide Wireless Network Notice of Intention to Act as Lead Agency: Letter was received from the State Office for Technology in Albany concerning the proposed development of a Statewide Wireless Network (SWN) for communications

services to enable public safety and public service entities to better respond to and protect the citizens. "The proposed SWN project is intended to...replace deteriorating infrastructure and [meet the] need for instant, rapid, secure communications capabilities between public safety authorities across multiple jurisdictions."

**MTN: APPRV.
STATE OFFICE
FOR TECHNO-
LOGY TO ACT
AS LEAD FOR
STATE WIRE-
LESS
NETWORK
PROJECT**

The State Office for Technology (OFT) proposes to act as lead agency for the SEQRA review of this project. After a few questions, the board had no objections to the OFT acting as lead agency. Mike Lambrix made the motion to approve the NY State Office for Technology as the lead agency for a Statewide Wireless Network as it affects the Town of Palmyra.

Second: Jim Welch

Vote: 4 ayes

- 5. Amend the resolution to borrow funds for a front-end loader: As discussed earlier in the Highway Department's report, a resolution was needed to amend the terms for the borrowing of funds for a front-end loader:

**MTN: RESOL.
TO AMEND
TERMS FOR
BORROWING
OF FUNDS FOR
FRONT-END
LOADER**

Michael Lambrix offered the following resolution and moved its adoption:

"CAPITAL NOTE RESOLUTION OF THE TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK (THE TOWN) ADOPTED FEBRUARY 26, 2004 AUTHORIZING THE PURCHASE OF A FRONT-END LOADER FOR HIGHWAY MAINTENANCE AND CONSTRUCTION, INCLUDING EQUIPMENT AND APPARATUS USED IN CONNECTION THEREWITH. STATING THE ESTIMATED MAXIMUM COSTS OF SAID PURCHASE IS \$165,790.00 APPROPRIATING SAID AMOUNT THEREFORE AND AUTHORIZING THE ISSUANCE OF A \$100,000.00 CAPITAL NOTE OF THE TOWN AND THE ISSUANCE ON THE ON THE ANNIVERSARY OF SAID CAPITAL NOTE A \$50,000 CAPITAL NOTE OF THE TOWN WHICH WILL BE ALL DUE ON THE SECOND ANNIVERSARY OF THE ISSUANCE OF THE \$100,000 CAPITAL NOTE TO FINANCE A PORTION OF SAID APPROPRIATION. STATING THAT THE PERIOD OF PROBABLE USEFULNESS IS TEN (10) YEARS AND PROVIDING FOR THE LEVYING OF TAX TO BE COLLECTED TO PAY THE PRINCIPAL OF AND INTEREST ON SAID CAPITAL NOTES."

THIS AMENDS A CAPITAL NOTE RESOLUTION DATED JANUARY 29, 2004.

RECITALS

WHEREAS, the Town of Palmyra, Wayne County, New York, (the Town) adopted a resolution authorizing the advertisement for bids for the sale to the Town of a front-end loader; and

WHEREAS, on the 26th day of December, 2003, sealed bids were opened and read aloud at the Town Offices, the place specified in said notice; and

WHEREAS, no award to the successful bidder shall be made unless and until (i) the contract shall have been approved by the County Superintendent and (ii) the Capital Note Resolution authorizing such purchase shall have been duly adopted by the Town Board of the Town,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF PALMYRA, COUNTY OF WAYNE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board) AS FOLLOWS:

Section 1. Town of Palmyra, Wayne County, New York, (the Town) is hereby authorized to purchase a front-end loader for highway maintenance and construction, including equipment and apparatus used in connection therewith, pursuant to said advertisement and invitation to bid filed with the Town Clerk on December 26, 2003, all as hereinabove referred to in the Recitals hereof.

Section 2. The estimated maximum costs of said purchase, including preliminary costs and costs incidental thereto and the financing thereof, is \$165,790.00 and said amount is hereby appropriated therefore. The sum of Sixty-five Thousand Seven Hundred Ninety Dollars (\$65,790.00) will be paid from the current appropriation less the income from the sale of the existing front-end loader estimated to be Sixty-six Thousand Dollars (\$66,000.00). To finance a portion of said appropriation, a capital note of the Town is hereby authorized to be issued in the principal amount of \$100,000.00 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (Local Finance Law). Pursuant to the Law the Capital Note may be paid over two years with a Capital Note not to exceed \$50,000.00 to be issued for the second year.

Section 3. The plan of financing is as follows: the sum of \$65,790.00 shall be paid from current funds from Highway No. 3 account; and the balance of said cost is to be provided by the issuance of a capital note in the amount of \$100,000.00 for a period of two years which note may be paid in part by the issuance of a Capital Note in the amount of \$50,000.00 on the first anniversary date which shall be paid with interest not more than two years from the date of the original Capital Note in the amount of \$100,000.00 all pursuant to this resolution.

Section 4. There is hereby authorized the levy of a tax to be collected in installments to pay the principal of and interest on said capital notes.

Section 5. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which the capital note authorized by this resolution is to be issued, within the limitations of Section 11.00(a)(28) of the Local Finance Law, is Ten (10) years.

(b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the capital note authorized by this resolution.

(c) The proposed maturity of the capital notes authorized by this resolution will not exceed two (2) years.

Section 6. The capital note authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law, and said capital note shall be a general obligation of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said capital note and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the capital note (or portion thereof) to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and the Local Finance Law, and pursuant to the provisions of Section 50.00 and Sections 56.00 to 60.00 of the Local Finance Law, the powers and duties of the Town Board relative to prescribing the terms, form and content as to the sale and issuance of the capital note hereby authorized, or the renewals thereof, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The validity of the capital note authorized by this resolution may be contested only if

(a) such obligation is authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after date of such publication, or

(c) such obligation is authorized in violation of the provisions of the Constitution.

Section 9. The Town Clerk is hereby directed to cause this capital note resolution, together with a certain notice substantially in the form prescribed by Section 81.00 of the Local Finance Law, to be published, in full, in the *Courier-Journal*, a newspaper published in Wayne County, New York, and having a general circulation in the Town.

Section 10. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by James Welch and duly put to a vote on roll call, which resulted as follows:

**ROLL CALL
VOTE**

Supervisor David Lyon	VOTING	aye
Councilman David Nussbaumer	VOTING	(absent)
Councilman Michael Lambrix	VOTING	aye
Councilman James Welch	VOTING	aye
Councilman Kenneth Miller	VOTING	aye

6. Set Public Hearing date for Special Use Authorization—Judy Casler: Application was received from Judy Casler for Special Use Authorization to operate a Nail Salon on Cole Road. Michael Lambrix made the motion to schedule the hearing at 7:30 p.m. on March 25, 2004.

**MTN: SET
PUBLIC
HEARING DATE
FOR JUDY
CASLER**

Second: James Welch

Vote: 4 ayes

7. New IT Computer Support Agreement: Supervisor Lyon reported that he, Petra Anderson and Betsy Lewis had interviewed two businesses offering IT computer support, as well as consulting with Wayne County Data Processing to replace The P.C.E.R., who will no longer be able to provide support services. The decision was made to propose Integrated Systems of Victor, NY, to the Board for approval. There are eight technicians who do the work, and are available for "pretty instantaneous service." They have agreements with the Town of Walworth and with the Village of Newark. Petra checked with these municipalities and found them satisfied with their service.

Customers are offered "priority" service if they pre-pay for a block of hours. The more hours are pre-paid, the less the per-hour fee is for their services.

Dave Lyon recommended the town try out a 25-hour block of time at \$85/hour. Although the county services were \$60/hour, they would be available only on an as-available basis. Since we have had some immediate needs for service in the past, Lyon felt this option would be unacceptable.

Ken Miller asked Lyon if emergency response and routine work would be at the same rate. Lyon said yes. Mike Lambrix made the motion to approve the agreement between the Town and Integrated Systems for computer service support as outlined above.

**MTN: APPRV.
INTEGRATED
SYSTEMS TO
PROVIDE
COMPUTER
SERVICE
SUPPORT**

Second: James Welch

Vote: 4 ayes

8. 2004 Crop Walk Sunday, May 2—Request endorsement and support: Letter was received from Paula Knorr requesting the town board's endorsement and support of its fundraising efforts on behalf of Church World Service, a division of the National Council of Churches and the local Palmyra-Macedon-Farmington Clergy Council. A

**MTN: APPRV
SUPPORT &
ROUTE FOR
CROPWALK
2004**

portion of the proceeds is retained in the local community to help feed the hungry. The letter includes a Certificate of Liability Insurance for the walkers, naming the Town of Palmyra as additional insured. Motion to support them and approve the route was made by Michael Lambrix.

Second: Ken Miller

Vote: 4 ayes

**MTN: APPRV
ABSTRACT
#62**

- 9. Motion to approve claims and expenditures shown on Abstract #62: Includes voucher numbers 4847 through 4935 for a total of \$184,603.98.

Mike Lambrix made the motion to approve claims and expenditures as shown on Abstract No. 62.

Second: James Welch

Vote: 4 ayes

**MTN:
ACCEPT 2003
BOOKS OF
TOWN
JUSTICES**

- 10. Audit the 2003 books of Justices Rodman and Abbott: At 7:59 p.m. the board recessed to take the time to audit the books of Justices Rodman and Abbott for 2003. At 8:11 p.m. the board reconvened. Mike Lambrix made the motion to accept the books of the two Town Justices for the year 2003.

Second: Ken Miller

Vote: 4 ayes

**MTN:
ADJOURN
MEETING**

- 11. Motion to Adjourn: At 8: 13 p.m. Ken Miller made a motion to adjourn the meeting.

Second: Mike Lambrix

Vote: 4 ayes

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

Appendix A: Wayne County Empire Zone Annual Boundary Amendment 2004, Schedule A.

Appendix B: The Newport Alliance Agreement for employee drug/alcohol testing.

Appendix C: Integrated Systems Professional Services Agreement: computer Support.

**NEXT MEETING: THURSDAY, APRIL 22, 8:00 p.m.
EAST PALMYRA FIRE HALL**