

REGULAR MEETING OF THE TOWN BOARD

**PALMYRA TOWN HALL
AUGUST 23, 2012**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, August 23, 2012, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

CALL TO ORDER

As prescribed by law, a copy of tonight’s agenda was posted on the Town Hall bulletin board before the meeting, available for all to read.

**AGENDA
AVAILABLE TO
PUBLIC**

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
David Nussbaumer, Councilman
Michael Lambrix, Councilman
Councilman Todd J. Pipitone was excused

ROLL CALL

Also attending: Celeste Finewood Town Records Management Coordinator, Code Enforcement Officer Dan Wooden, and Roy Wilck.

**MEETING
ATTENDANCE**

Motion was made by Dave Nussbaumer to approve the minutes of the July 26, 2012 meeting of the Town Board.

**MTN: APPROVE
MINUTES OF
7/26/2012 TOWN
BOARD MEETING**

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

COMMUNICATIONS

Erie Canal Bridge Closings: Superintendent of Highways for Wayne County, Kevin Rooney, wrote the NYS Department of Transportation complaining about three bridges over the Erie Canal being closed recently due to unsafe conditions. Palmyra Highway Superintendent Mike Boesel received a copy of the letter and brought it to the Board’s attention. Supervisor Miller said there have been several letters from Wayne County Town Supervisors with concerns. This morning, Ken spoke with our Congresswoman, Ann Marie Buerkle, who asked for details about the bridges for follow-up.

**ERIE CANAL
BRIDGE
CLOSINGS**

REPORTS OF STANDING COMMITTEES

Economic Development, Appeals and Town Clerk's Office Committee – Todd Pipitone, Chairman

TOWN CLERK'S OFFICE REPORT FOR AUGUST

1. **Town Clerk's Office Report for August:** Town Clerk Lynne Green provided Board members copies of the office report for August. Pal-Mac school tax bills were picked up at the County and, after some recent changes, will be sent out August 31st.

PRESENTATION ON RECORDS MANAGEMENT

2. **Presentation on Records Management:** Deputy Clerk Celeste Finewood attended this evening to present information about the scope of Records Management and Archives, and to answer questions about the Town's Records Management program. This includes compliance with State records guidelines, and Palmyra's needs for the future. She added that Archives are part of the total Records Management program, and are strictly controlled by State retention requirements. Celeste As the accumulation of records becomes larger in the future, Celeste outlined some major technological advances that are available now, or will be available in the near future, such as optical character recognition (OCR) and waferfiche which will "enhance the ownership and custody of the Town's records. "

Highway Committee – James Welch, Chairman

1. **August Highway Report:** Although Highway Superintendent Mike Boesel wasn't in attendance this evening, he submitted the following report From July 26 to August 23, 2012:

*Highway Superintendent Report
for Town Board Meeting
8/23/2012*

AUGUST HIGHWAY REPORT

Since the 7/26/12 meeting we have completed the following work:

- *Chipsealing – Port Gibson and Palmer Road*
- *Paving – Crestwood Drive*
- *Wedging – Cornwall Road and S.Townline Road*
- *Inter-municipal Assistance*
 - *7/31/12 4 Palmyra trucks to Macedon for paving--
Hance Road*
 - *8/3/12- 3 Walworth trucks to Palmyra to assist with
chipsealing*
 - *8/15/12 1 Palmyra Bobcat/Mill/operator to Macedon to
assist with milling*

Other miscellaneous items include:

- **Canal Bridge Closures** – We still have no official correspondence from NYS DOT regarding the Galloway Bridge closure and no known plan for Division Street. The Port Gibson Road Bridge was inspected approximately 1.5 weeks ago and I understand load rating calculations are being performed and a likely downgrade is forthcoming. WC Hwy Supt Kevin Rooney, Sheriff Virts and I have all submitted our own correspondence letters to NYS DOT and we are hoping to schedule an upcoming meeting with DOT reps to discuss these and other recent Canal Bridge closures/downgrades across Wayne County. Public Safety is becoming a serious issue with so many closures. More info will be forthcoming.
- **Surface Treating** – Earlier this summer we chipsealed Jagger Road. On 8/3/12 we completed chipsealing on northern half of Port Gibson Road and the southern end of Palmer Road. Tomorrow we intend to complete chipsealing for the eastern half of Garnsey Road and all of Harris Road. This will complete our chipsealing for this summer.
- **Paving/Wedging** – We recently performed some hot-asphalt wedging on Cornwall Road and S. Creek Road. Over the next 30 days we intend to continue to perform some wedging to Floodman, Leroy, Hanagan, Cole, and Palmer Roads. We also recently completed re-paving on Crestwood Drive.
- **911 Calls** – We have had our share of WC-911 calls over the past 30 days that we have responded to:
 - 7/28/12 – tree down on the Canal Trail – deferred to Gary Hopkins
 - 7/29/12 – Catchbasin grate stolen from CB under Rt.21 bridge on Walker Road, installed barrel.
 - 8/5/12 – tree down blocking road on Division Street into wires, assisted NYSEG w/barricades
 - 8/15/12 – tree down on Jeffery Road, partial blocking, cleared debris
 - 8/16/12 – tree down on DeSmith Road, partial blocking, cleared debris
- **Red Barn Roof** – I recently met with some local contractors and I have a very good quote for installing a metal roof on the Red Barn and the associated Salt Barn roof from JZ Construction that I am requesting approval for.
 - Shop Hoist – Our shop hoist recently received its annual inspection. There were some suggested improvements. I am reviewing the quote from Filtrec for this work.
 - Radios – Since receiving approval at the last TB meeting for our radio upgrades this work has been completed and all our radios have been upgraded to be narrow-band compliant.

**AUGUST
HIGHWAY
REPORT**

Ken Miller expressed concern about a "ditch" that collects standing water on that property, and wants input from Mike Boesel before proceeding. He added he wants all Board members to go to Kent Street and look at it before the next meeting. David Gray has been cited by the Town and he's eager to sell. Dan Wooden issued a violation in April, and it is now posted as "unfit for occupancy." Also, if Gray were to demolish the buildings, he would need approval from Albany to take them down, for "possible asbestos." However, Dan Wooden thinks there's no DEC hazardous material on the property. Mike Lambrix wants to know if Mike Boesel thinks there's a reason to purchase it.

**KENT STREET
PROPERTY
AVAILABLE**

Mike Lambrix made the motion to table discussion on this property until the September 27th meeting, after the Board looks it over.

**MTN: TABLE
DISCUSSION OF
KENT ST.
PROPERTY TO
SEPT. MEETING**

Second: Dave Nussbaumer. Vote: 4 Ayes. Carried.

Operations and Planning Committee

- Mike Lambrix, Chairman

1. **Planning Board Meeting:** Minutes of the August 13th Planning Board meeting were available to Town Board members in their packets. There were no comments.
2. **Town Planning Board Member Replacement:** The Town did not receive a response from a person who had initially shown interest, and who had received a letter inviting him to the August 13th meeting. Ken suggested the Town may want to prepare a newspaper ad for publication.
3. **Handicapped Ramp at Town Hall:** The Handicapped Ramp, at the South end of Town Hall, which is over 25 years old, has cracks and chunks of cement missing from around the railing post footings. A request was sent out for bids to repair the ramp. Brad Jacobs & Sons Masonry, Inc. submitted 3 bids—a) repair ramp patching with cement and glue for short-term patching--\$825; b) replace ramp completely by demolishing current ramp and hauling away, pinning into existing building foundation and pouring and sealing concrete (5' x 25')--\$6,775; and c) repair ramp by cutting out about 1' of current ramp edge (1' x 25'), drilling and pinning into existing

**PLANNING BD.
MEETING
MINUTES OF
8/13/2012**

**TOWN
PLANNING
BOARD MEMBER
REPLACEMENT
NOT YET FOUND**

**HANDICAPPED
RAMP AT TOWN
HALL—REPAIR
OR REPLACE
QUOTES**

MTN: TABLE
REPAIR OR
REPLACE
HANDICAPPED
RAMP UNTIL 2
MORE ESTIMATES

concrete ramp, pouring new outside edge of ramp and sealing--\$2,100. Mike Lambrix wanted quotes from other vendors and made the motion to table this until we get estimates from two more vendors.

Second: Dave Nussbaumer. Vote: 4 Ayes. Carried.

Zoning and Assessor’s Office Committee
– David Nussbaumer, Chairman

ASSESSOR’S
AUGUST REPORT

1. **Assessor’s Office Report for August:** Assessor Elaine Herman is in the process of determining the final value for each parcel. She also received one Small Claims petition filed against the Town this year.

CODE
ENFORCEMENT/
ZONING OFFICE
AUGUST REPORT

2. **Code Enforcement/Zoning Office Report:** August CEO Reports were included in Board packets. There were no comments from the Board about them.

REQUEST FOR
APPROVAL OF
UPCOMING
TRAINING
SEMINARS FOR
CODE/ZONING
OFFICE

3. **Upcoming Training Seminars for Code/Zoning office:** Approval is requested for Dan and Bob to attend training sessions in Henrietta on August 28 and 29, and again on September 26 and 27. Although there is no fee for the seminars, and Dan would use Town transportation, Bob would need Board approval for reimbursement for mileage.

Also included in Board packets was an email from the Wayne County Planning Board listing Training Dates and Topics for the remainder of 2012. These are also open to Town Board members.

REUEST
REPLACEMENT
PC FOR OFFICE

4. **Replacement Computer for Code/Zoning Office:** The request is made to purchase a new PC for Code/Zoning office. He likes what Petra ordered, and provided information about that model for Board consideration, with an estimate of \$870.30. Jim Welch wanted to know if Dan uses specialized software. Ken answered that the Town owns the licenses, “and everything else can be uploaded.” Also, the new PC would be compatible with the laptop that is currently in use in the Code Enforcement office.

- 5. **Zoning Board of Appeals Meeting in August:** Minutes of the August 9, 2012 Zoning Board meeting were included in Board members’ packets. There were no comments.

ZONING BOARD MEETING OF 8/9/2012 MINUTES

- 6. **Follow-Up on Nuisance Properties:** When asked about the current status of the Lyon Road nuisance property, Dan Wooden said the court deadline was August 20th. Dan will check with the judge to know the next step to take.

FOLLOW-UP ON NUISANCE PROPERTIES—REQUEST FOR COURT STATUS

Mike Lambrix asked about the Christopherson property on Garnsey Road, to see if the rusted heavy equipment has been cleaned up or moved out. Dan says it’s still in the hands of the attorney, but he thinks Christophersons have property in Arcadia, as things appear to be moved there.

Town Clerk Lynne Green was asked to send a letter to Judge Rodman, on behalf of the Board, to find out the court status for Christophersons and have information back from him by the next Board meeting.

Ken added he was visited by Earl Vanderwall requesting information from the Assessor—the tool she uses to compare various properties. Ken told them that is not a service we provide, and to try an appraiser.

REQUEST OF ASSESSOR

INFORMATIONAL ITEMS

- 1. **Contracts Discussion:** Mike Lambrix announced all three fire departments have been contacted about renewing their contracts. Two of the three are currently gathering information and will meet shortly.

FIRE DEPTS. CONTRACT RENEWAL IN PROGRESS

- 2. **Excavation Payment:** Another quarterly check was received paying for gravel removed from the Division Street gravel pit—for the 2nd Quarter of 2012—by Morrison Excavating, Inc.

EXCAVATION PAYMENT FROM MORRISON

- 3. **Upcoming 2013 Budget Workshops:** Dates for the Board to meet with Department heads to go over their proposed 2013 budget requests are: September 4, 11, and 25, at 7:30 p.m. at the Town Hall.

DATES FOR 2013 BUDGET WORKSHOPS

LETTER OF
CONGRATULA-
TIONS TO
EAGLE SCOUT

4. **Letter of Congratulations to Eagle Scout:** Copies of a congratulatory letter written by Ken Miller to Boy Scout Troop 96 Eagle Scout Quinton Jones were distributed to Board members.

PROPOSED
STANDARDIZED
TIME SHEET
FOR HOURLY
EMPLOYEES

5. **Proposed Standardized Time Sheet:** Ken would like to have one time sheet form for all hourly employees—full-time or part-time. Board members received a copy of the proposed time sheet, and Ken said he would set up formulas so they can automatically calculate the total number of hours an employee has worked. Jim Welch said he'd be interested to get feedback from department heads.

LETTER OF
GRATITUDE
FOR FLAGS
FROM
AMERICAN
LEGION

6. **Letter of Gratitude for Flags:** Ken also sent a letter to Jim Arthurton, Director at the Palmyra American Legion, James R. Hickey Post #120 thanking them for their donation of an American flag that's flown on the flagpole in front of Town Hall.

7. **Out-of-District Water User Hook-Up Requests:** The Town of Palmyra received a "Water Memorandum Agreement" and an "Out-of-District Water User Contract" from Brian C. and Jean E. Hausman, of 3480 South Townline Road, Town of Manchester, Ontario County, requesting an "out-of-district" water hook-up to the South Townline Road water pipe.

OUT-OF-
DISTRICT
WATER USER
HOOK-UPS—
MANCHESTER
AND MARION

This agreement includes the Hausmans, Town of Palmyra, Town of Manchester, and Wayne County Water and Sewer Authority. Ken is requesting the authority to sign the papers, on behalf of the Town of Palmyra, when all parties are in agreement with the terms. (Resolution #21-2012)

In addition, two Palmyra residents on Sherwood Road, which straddles the boundary between Palmyra and Marion, are requesting water service from the Town of Marion, since the Marion water line ends close to their homes. The agreement would be between the Town of Palmyra, Town of Marion, Gregory Young at 2860 Sherwood Road, William Mullen at 2846 Sherwood Road, and the Wayne County Water and Sewer Authority. (Resolution #22-2012)

We also learned that the two Sherwood Road residents may share the cost of digging one ditch from the road to their adjacent homes, but each home is required to have its separate water pipe from the road hook-up.

- 8. **Follow-Up on Integrated Systems—Options for Off-Site Back-Up to Server:** Discussion about off-site server backup centered on if there is a discount for prepayment or for a lump-sum payment. Integrated Systems said no. Also, a question arose whether the preferred backup would be 50 gig or 100 gig. The Town will go ahead and schedule the installation. Formal approval at September’s Board meeting, after details are clarified.

- 9. **Impact Theatre—Lease Changes:** The current lease for Impact Theatre is about to roll over for another three years, unless there are changes. Currently, the theatre troupe is renting a room at the Town Hall for storage, at \$50 per month. They have expressed the need to rent a second, smaller storage room, and suggested a \$25 monthly rental fee. In addition, they request their lease be considered annually, with rollover if there are no changes.

- 10. **Public Input:** East Palmyra resident Roy Wilck had a request of Dan Wooden, the Code Enforcement Officer. Two properties near his home are in various stages of disrepair. 1669 Port Gibson Road has not had its front yard mowed for years. 1555 Port Gibson Road has a large amount of garbage in need of disposal and, since the home is now in foreclosure, Roy wonders if the owner has been cited by Wooden and how/when the garbage will be removed.

**FOLLOW-UP ON
OPTIONS FOR
OFF-SITE
BACKUP TO
SERVER**

**IMPACT
THEATRE LEASE
CHANGE
REQUESTS**

**PUBLIC INPUT—
DISREPAIR OF 2
PROPERTIES ON
EAST PALMYRA-
PORT GIBSON
ROAD**

AGENDA ITEMS

- 1. **Approve: Town Supervisor’s Use of Credit Card:** The 2012 Purchasing Policy includes stipulation that Board approval is needed for using one’s personal credit card to pay for a Town purchase, whether in store or online. Ken Miller requests Board approval to purchase a DVD Burner for the PC in the Town Historian Beth Hoad’s office. Cost estimate is \$17 plus shipping charges. Jim Welch made the motion to approve the use of Ken’s personal credit card to purchase a DVD Burner plus shipping charges.

**MTN:
AUTHORIZE
SUPERVISOR TO
USE PERSONAL
CREDIT CARD
FOR DVD
BURNER
PURCHASE**

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried.

MTN: APPROVE
PURCHASE OF
SERVER SWITCH

- 2. **Approve: Emergency Purchase of 24-Port gb Ethernet Switch for Town’s Server at \$881.45:** Ken Miller said this purchase was a necessity, as the Server switch was not working properly. Councilman Mike Lambrix made the motion to approve purchase of the Ethernet Switch for \$881.45.

Second: Jim Welch

Vote: 4 Ayes. Carried.

MTN: APPROVE
TOWN OF
ARCADIA TO
ACT AS LEAD
AGENCY IN
ARCADIA HILLS
LANDFILL
PROPOSAL

- 3. **Approve: Town of Arcadia as Lead Agency for Arcadia Hills Landfill Proposal:** A letter to Supervisor Miller from the Supervisor of the Town of Arcadia, Richard Colacino, asked for Palmyra Town Board to agree “that the Arcadia Town Board should act as Lead Agency” for a SEQRA review of the Arcadia Hills Landfill proposal. After discussion of Arcadia’s request, and with information received from the Town of Sodus, consensus of the Palmyra Town Board was not to support the request. In order to vote on the request, a motion had to be on the table. Mike Lambrix made the motion to approve the Town of Arcadia request to act as Lead Agency in this matter.

Second: Dave Nussbaumer A roll call vote was requested.

| | |
|-------------------------------|-----|
| Supervisor Kenneth Miller | Nay |
| Deputy Supervisor James Welch | Nay |
| Councilman David Nussbaumer | Nay |
| Councilman Michael Lambrix | Nay |

Councilman Todd Pipitnewas excused.

ROLL CALL
VOTE—
DEFEATED

Vote: 4 Nays. Defeated.

Town Clerk Lynne Green was directed to send out a letter to the Town of Arcadia with the results of the Palmyra Town Board’s vote.

RESOLUTION 18-
2012: SET
PUBLIC
HEARING FOR
LOCAL LAW #1
FOR 2012—2%
TAX CAP
OVERRIDE

- 4. **Resolution #18-2012—Set Public Hearing for Local Law #1 for 2012—2% Tax Cap Override:** A Public Hearing must be conducted before approving a Local Law. Resolution #18-2012 reads as follows:

PROPOSED LOCAL LAW NO. 1
OF THE YEAR 2012

BE IT RESOLVED, that proposed Local Law No.1 of the year 2012, A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c, be given to the Palmyra Town Board, and

BE IT FURTHER RESOLVED that the Town Board hold a Public Hearing on said Proposed Local Law at the Palmyra Town Hall, 1180 Canandaigua Road, in the Town of Palmyra, New York at 7:00 p.m. on Thursday, September 27, 2012.

BE IT FURTHER RESOLVED that the Town Clerk publish, or cause to be published, a public notice in the official newspaper of the Town of said public hearing at least ten (10) days prior thereto, and

BE IT FURTHER RESOLVED that the Town Clerk post on the Town Hall bulletin board a public notice at least ten (10) days prior thereto.

**MTN: SET
PUBLIC
HEARING DATE
FOR PROPOSED
LOCAL LAW #1
FOR 9/27/2012**

Councilman Dave Nussbaumer made the motion to set the public hearing date for the proposed Local Law No. 1 of the Year 2012—2% Tax Cap Override—for Thursday, September 27, 2012, at 7 p.m.

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

- 5. **Approve: Purchase of PC for Code Enforcement/Zoning Office:** With a quote of \$870.30, plus any miscellaneous installation expenses, and with Dan Wooden’s assurance that the expense had been budgeted, Dave Nussbaumer made the motion to approve the purchase of a computer for the Code/Zoning office, not to exceed \$1000.

**MTN: PURCHASE
PC FOR CODE/
ZONING OFFICE
NOT TO EXCEED
\$1000**

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

- 6. **Approve: Code Enforcement Training:** Both Dan Wooden and Bob Grier are required to take training classes each year. On August 28 and 29 and on September 26 and 27, in Henrietta, seminars are offered. Although there are no fees to attend, Board approval is required, plus mileage expenses when personal vehicles are used for transportation.

**MTN: APPROVE
CODE
ENFORCEMENT
TRAINING
CLASSES PLUS
MILEAGE**

Dave Nussbaumer made the motion to have Dan and Bob attend these seminars, with reimbursement for mileage, if needed.

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

- 7. **Resolution #20-2012: Setting the Public Hearing for Community Development Block Grant Projects:** At the request of the Wayne County Industrial Development Agency (IDA) block grant applications are needed to propose possible

community development projects in the Town of Palmyra. The following resolution is proposed to set the public hearing for these projects on September 27, 2012, at 7:10 p.m.

LEGAL NOTICE

Town of Palmyra, NY

NOTICE OF PUBLIC HEARING

**New York State Community Development Block Grant Small
Cities Program**

The Town of Palmyra, New York will hold a public hearing on September 27, 2012, at 7:10 PM at the Town Hall, 1180 Canandaigua Road, Palmyra, NY to obtain the input of citizens, particularly low- and moderate-income persons, with regard to the Small Cities Community Development Block Grant Program (CDBG). The CDBG program is administered by the NYS Housing Trust Fund, Office of Community Renewal (OCR). Citizens are invited to participate in the development of the Town's Community Development project including assessing community development needs and priorities.

At the public hearing the Town will describe the types of grant assistance available from the New York State Office of Community Renewal and will seek comments and suggestions from the public as to proposed uses of Community Development Block Grant funds. The types of activities that may be undertaken with Community Development Block Grant program funds include acquisition and disposition of real property, public facilities and improvements, clearance activities, public services, payment of non-federal share of another federal program, removal of architectural barriers, relocation, rehabilitation and preservation activities, economic development and job creating activities. Approximately \$28 million in CDBG funds are available through the Consolidated Funding Application (CFA) for Public Infrastructure, Public Facilities, Economic Development, Small Business Assistance, NY Main Street and Rural Area Revitalization. The Town will also explain the primary and national objectives of the program, the State's CDBG requirements, the process and timeline for submitting application(s) through CFA and the timing of award announcements.

A draft application for Community Development Block Grant assistance will be reviewed. The Town proposes to submit an application for the Fiscal Year 2012 Community Development Block Grant (CDBG) under the New York State Office of Community Renewal's Small Cities Economic Development Program. The application will be on behalf of Faradyne Motors LLC in an amount not to exceed \$340,000. The Grant would allow Faradyne Motors LLC to purchase and install production and R & D equipment at facilities located at 2077 Division Street, Palmyra, NY 14522. The total project cost is estimated at \$8,000,000. No Town match is required. The project, if funded, will make available 24 full time jobs, 13 jobs of which are for low- and moderate-income persons. No displacement of persons will be proposed. It is anticipated that the application will

**RESOLUTION
#20-2012 SET
PUBLIC
HEARING FOR
COMMUNITY
DEVELOPMENT
BLOCK GRANT
PROJECTS**

be submitted by September 30, 2012 and the project activities completed by December 31, 2014. All citizens, including those in the project area, are encouraged to attend the hearing to consider the potential impacts and benefits of the proposed project for Faradyne Motors LLC and to provide suggestions and comments about the proposed application.

The Town will provide information at the hearing to comply with the legislative and program requirements that govern the Small Cities Program. The Town Offices are in compliance with the accessibility standards set forth in the American's with Disabilities Act. Hearing disabled persons, or those with Limited English Proficiency who wish to attend should call (315) 597-5521 not less than 48 hours before the hearing to make arrangements for an interpreter, if needed. Written public comments will also be accepted.

Dated: August 23, 2012

Councilman Dave Nussbaumer made the motion to set the Public Hearing for this program at 7:10 p.m. on September 27, 2012, at Palmyra Town Hall.

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

**MTN: APPROVE
RESOLUTION
#20-2012 SET
PUBLIC
HEARING FOR
COMMUNITY
DEVELOPMENT
BLOCK GRANT
PROJECTS**

- 8. **Approve: Impact Theatre—Change in Rental Agreement with Town:** Board members agreed to modify the current rental lease with Impact Theatre to include renting of two storage rooms at Town Hall—one at \$50/month, the second at \$25/month. In addition, the lease will be reviewed each year, with an annual rollover if there are no changes in terms. Dave Nussbaumer made the motion to modify the current lease with the new terms, starting October 1, 2012.

Second: Jim Welch

A roll call vote was requested.

| | |
|-------------------------------|-----|
| Supervisor Kenneth Miller | Aye |
| Deputy Supervisor James Welch | Aye |
| Councilman David Nussbaumer | Aye |
| Councilman Michael Lambrix | Aye |

Councilman Todd Pipitone was excused.

Vote: 4 Ayes. Carried.

**MTN: APPROVE
CHANGES IN
RENTAL
AGREEMENT
WITH IMPACT
THEATRE**

- 9. **Resolution #21-2012: Authorize Palmyra Supervisor to Sign Out-of-District Water Agreement with the Town of Manchester:** The Town of Palmyra received two documents: *Town of Palmyra Water Memorandum Agreement*, and *Town of Palmyra Out-of-District Water User Contract*,

already signed by Brian C. Hausman and Jean E. Hausman, and notarized. They are requesting water service from the Town of Palmyra water line on South Townline Road. In order to receive the Town of Palmyra’s approval, an authorized signer needs to be designated by the Town Board, and the signature must be notarized.

ATTACHMENT A

A copy of both of these documents is attached to these minutes as Attachment A.

The following resolution authorizes the Palmyra Town Supervisor to sign both of these documents on behalf of the Town of Palmyra:

RESOLUTION #21-2012

**TO AUTHORIZE THE SUPERVISOR TO SIGN
OUT-OF-DISTRICT WATER SERVICE AGREEMENTS
ON BEHALF OF THE TOWN OF PALMYRA
WITH THE TOWN OF MANCHESTER**

**RESOLUTION
#21-2012:
AUTHORIZE
TOWN
SUPERVISOR TO
SIGN OUT-OF-
DISTRICT
WATER SERVICE
AGREEMENT ON
BEHALF OF
TOWN OF
PALMYRA WITH
MANCHESTER**

***WHEREAS**, the Town of Palmyra has received notification that residents who live on the border of the Town of Manchester, adjacent to the Town of Palmyra, wish to hook up to established water lines in the Town of Palmyra; and*

***WHEREAS**, out-of-district requests for water service from Palmyra have been made in the past, with permission from the requestor’s town, the Town of Palmyra, and the Wayne County Water and Sewer Authority; and*

***WHEREAS**, out-of district water users are aware they will pay water rates, hook-up fees and other fees established by the Wayne County Water and Sewer Authority that may be greater than Palmyra residents pay for these services; and*

***WHEREAS**, agreements between the requestor of water service, the Town of Palmyra, the Town of Manchester, and the Wayne County Water and Sewer Authority, are necessary to complete the requirements for hook-up;*

***NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Palmyra agrees to enter into an agreement for out-of-district water usage with:*

Brian C. and Jean E. Hausman, 3480 South Townline Road, and the Town of Manchester; and

***BE IT FURTHER RESOLVED**, that the Town Board of the Town of Palmyra hereby appoints the Palmyra Town Supervisor to sign the pertinent water user documents, on behalf of the Town of Palmyra, to accomplish the out-of-district user’s agreement with the Town of Palmyra.*

***IN WITNESS WHEREOF**, the undersigned have executed this Resolution in Wayne County, New York this 23rd day of August, 2012.*

BY ORDER OF THE PALMYRA TOWN BOARD

Dave Nussbaumer made the motion to approve Resolution #21-2012, authorizing the Supervisor to sign the agreements with Manchester mentioned above.

Second: Mike Lambrix Vote: 4 Ayes. Carried.

**MTN: APPROVE
RESOLUTION
#21-2012:
AUTHORIZING
SUPERVISOR TO
SIGN OUT-OF-
DISTRICT
WATER SERVICE
AGREEMENT
WITH
MANCHESTER**

- 10. **Resolution #22-2012: Authorize Palmyra Supervisor to Sign Out-of-District Water Agreements with the Town of Marion:** Two residents on Sherwood Road wish to receive water service from the Town of Marion that has a water line near their homes. In order to receive the Town of Palmyra’s approval, an authorized signer needs to be designated by the Town Board. The following resolution authorizes the Palmyra Town Supervisor to sign these agreements with the property owners and the Town of Marion on behalf of the Town of Palmyra:

RESOLUTION #22-2012

TO AUTHORIZE THE SUPERVISOR TO SIGN
OUT-OF-DISTRICT WATER SERVICE AGREEMENTS
ON BEHALF OF THE TOWN OF PALMYRA
WITH THE TOWN OF MARION

WHEREAS, the Town of Palmyra has received notification that Palmyra residents who live on the border of the adjacent Town of Marion wish to hook up to established water lines in the Town of Marion; and

WHEREAS, out-of-district requests for water service between Towns have been made in the past, with permission from the requestor’s Town, the Town with the water service, and the Wayne County Water and Sewer Authority; and

WHEREAS, out-of district water users are aware they will pay water rates, hook-up fees and other fees established by the Wayne County Water and Sewer Authority that may be greater than Marion residents pay for these services; and

WHEREAS, agreements between the requestor of water service, the Town of Palmyra, the Town of Marion, and the Wayne County Water and Sewer Authority, will be necessary to complete the requirements for hook-up;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Palmyra agrees to enter into agreements for out-of-district water usage with:

- *Gregory Young, 2860 Sherwood Road, and the Town of Marion,*
- *William Mullen, 2846 Sherwood Road, and the Town of Marion,*

BE IT FURTHER RESOLVED, that the Town Board of the Town of Palmyra hereby appoints the Palmyra Town Supervisor

**RESOLUTION
#22-2012:
AUTHORIZE
TOWN
SUPERVISOR TO
SIGN OUT-OF-
DISTRICT
WATER SERVICE
AGREEMENT
WITH MARION**

MTN: APPROVE
RESOLUTION
#22-2012:
AUTHORIZING
SUPERVISOR TO
SIGN OUT-OF-
DISTRICT
WATER SERVICE
AGREEMENT
WITH MARION

to sign the pertinent water user documents, on behalf of the Town of Palmyra, to accomplish the out-of-district users' agreements with the Town of Marion.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Wayne County, New York this 23rd day of August, 2012.

BY ORDER OF THE PALMYRA TOWN BOARD

Jim Welch made the motion to approve Resolution #22-2012, authorizing the Supervisor to sign the agreements with Marion mentioned above.

Second: Dave Nussbaumer Vote: 4 Ayes. Carried.

MTN: APPROVE
JZ
CONSTRUCTION
FOR HIGHWAY
DEPARTMENT
ROOF
REPLACEMENTS

11. **Approve: JZ Construction for Highway Department Roof Replacements:** Jim Welch made the motion to approve \$13,300 to have two roofs replaced by JZ Construction at the Town Barns, pending approval of the attorney.

Second: Dave Nussbaumer Vote: 4 Ayes. Carried.

MTN: APPROVE
CONTRACT WITH
HUMAN
RESOURCE
CONSULTANT
FOR
NEGOTIATIONS

12. **Approve: Contracting with Human Resource Consultant for Legal Negotiations:** In order to hire a Human Resource Consultant to work with the Town during negotiations, the Town Board must approve having the Supervisor work with one. Mike Lambrix made the motion to approve the Supervisor to contract with Joanne Giuffrida as a Human Resource Consultant for legal negotiations.

Second: Dave Nussbaumer Vote: 4 Ayes. Carried.

MTN: APPROVE
CLAIMS &
EXPENDITURES
IN ABSTRACT OF
7/27/2012 THRU
8/23/2012

13. **Approve: Claims & Expenditures Shown in the Abstract of 7/27/2012 through 8/23/2012:** Councilman Dave Nussbaumer made the motion to approve the claims and expenditures shown in the Abstract of 7/27/2012 through 8/23/2012, including vouchers 88-181, with a grand total of \$123,745.52.

Second: Mike Lambrix Vote: 4 Ayes. Carried.

- 14. **Motion to Adjourn:** At 8:46 p.m., Mike Lambrix made the motion to adjourn the meeting.

MTN: ADJOURN MEETING

Second: Jim Welch Vote: 4 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

RESOLUTION #18-2012: **Set Public Hearing for Local Law #1 for 2012—2% Tax Cap Override**
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RESOLUTION #20-2012: **Setting the Public Hearing for Community Development Block Grant Projects:**

RESOLUTION #21-2012: **Authorize Palmyra Supervisor to Sign Out-of-District Water Agreement with the Town of Manchester**

RESOLUTION #22-2012: **Authorize Palmyra Supervisor to Sign Out-of-District Water Agreement with the Town of Marion**

ATTACHMENT A: **Town of Palmyra Water Memorandum Agreement and Town of Palmyra Out-of-District Water User Contract** between Palmyra and Manchester

NEXT TOWN BOARD MEETING:

THURSDAY, SEPTEMBER 27, 2012, 7:00 P.M.
PALMYRA TOWN HALL