

REGULAR MEETING OF THE TOWN BOARD

**PALMYRA TOWN HALL
SEPTEMBER 24, 2009**

At 7:34 p.m., Supervisor Lyon called to order the town board meeting, scheduled for Thursday, September 24, 2009, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

CALL TO ORDER

Supervisor Lyon led those present in the Pledge of Allegiance to the Flag.

PLEDGE TO THE FLAG

Upon roll call, the following board members were present:

- David C. Lyon, Supervisor
- James Welch, Councilman
- David Nussbaumer, Councilman
- Michael Lambrix, Councilman
- Kenneth Miller, Councilman

ROLL CALL

Also attending the meeting: Palmyra residents Rebecca and Ben McCormick, David Pray, Tim Rifenberg, Roy Wilck, Code Enforcement Officer Bob Grier; and *Courier-Journal* reporter Billie Rae Walker.

MEETING ATTENDANCE

Motion was made by Dave Nussbaumer to approve the minutes of the August 27, 2009 meeting of the Town Board.

**MTN: APPROVE
8/27/2009 TOWN
BOARD MEETING
MINUTES**

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

COMMUNICATIONS

1. Sewer Charges on Division Street: Last month, a letter was approved by the Town Board, which was drafted by Palmyra Attorney Paul Rubery, to Rebecca and Ben McCormick, homeowners on Division Street, asking them to reimburse the Town for sewer usage over the last three years, which had not been billed by the Wayne County Water and Sewer Authority. The McCormicks had sent to each Board member, correspondence between them and the Town about sewer installation and usage. They stated the Town should bear some

**SEWER CHARGES
ON DIVISION
STREET
DISCUSSION**

responsibility for not communicating with the Water and Sewer Authority after the McCormicks had paid all the hookup charges.

After reading the correspondence and listening to the McCormicks' plea, Councilman Dave Nussbaumer stated he felt these back charges shouldn't be "dropped in the homeowners' lap" without some consideration. He then made the motion that they should only be responsible to pay half the back charges--\$723.50--divided into 10 quarterly payments.

**MTN: McCORMICK
REPAYMENTS FOR
HALF OF OWED
AMOUNT**

Second: Ken Miller

Roll Call Vote:

David Lyon	Nay
Ken Miller	Aye
Dave Nussbaumer	Aye
Mike Lambrix	Nay
Jim Welch	Nay

MOTION FAILED

Motion Failed.

Mike Lambrix offered a second motion. He proposed a \$900 repayment, of 10 quarterly payments at \$90 each

Second: Jim Welch

Roll Call Vote:

David Lyon	Aye
Ken Miller	Aye
Dave Nussbaumer	Nay
Mike Lambrix	Aye
Jim Welch	Aye

**MTN: McCORMICK
REPAYMENT OF
\$900.00 IN 10
PAYMENTS. TERMS
OF AGREEMENT.**

Motion Carried.

MOTION CARRIED

Supervisor Lyon told the McCormicks that an agreement will be drawn up. Dave Lyon will sign on behalf of the Town. The McCormicks will also sign. Payments will be made to the Town of Palmyra. Ken Miller asked that the agreement will allow the McCormicks the option of paying off the balance early if they so desire. Also included in the agreement will be a penalty if a payment is missed when it comes due.

**LETTER FROM
RESIDENT WITH
CONCERNS ABOUT
PALMYRA
COMMUNITY
LIBRARY VOTE**

2. Letter Concerning Library Election: In 2008, a public vote was taken to change the Palmyra King's Daughters Free Library to the Palmyra Community Library. The original request to the Town for a public vote was made at the Town Board meeting on February 28, 2008. Results of the public vote show that the resolution to establish a Community Library passed by three votes. Since then, several residents have expressed various concerns about the voting.

On September 4, 2009, a resident of Walker Road wrote a letter of concern to members of the Town Board. Since several legal issues were referred to in the letter, Board members decided to place any action on hold until the October meeting, allowing Town Attorney Paul Rubery to check out the allegations and make a recommendation to the Board.

**LIBRARY ACTION
TABLED UNTIL
OCTOBER MEETING**

REPORTS OF STANDING COMMITTEES

**Buildings and Grounds Committee – Kenneth Miller,
Chairman**

Ken Miller reported that lights outside the Town Hall on the Northeast corner of the building have been repaired and replaced. Several minor repairs have been made inside the building. Lang Heating is scheduled October 29th for its annual servicing of the 6 furnaces in the basement and one in a main floor closet.

**SEPTEMBER
BUILDINGS &
GROUNDS REPORT**

Highway Committee – James Welch, Chairman

September Highway Department Report: Mike Boesel was not in attendance as he is attending a State Highway Conference. Councilman Jim Welch said he had spoken with Mike before he left about several issues. Mike turned in the paperwork for final reimbursement on our SMSI Grant 07-08. We were very successful in receiving the equipment we asked for cooperatively with the Village of Palmyra, Town of Macedon and Town of Walworth.

**SEPTEMBER
HIGHWAY
DEPARTMENT
REPORT**

In addition, the Highway Department had worked this month on South Creek Road, doing major work filling in banks and road edges to prepare for paving next year.

**Planning & Economic Development Committee – Mike Lambrich,
Chairman**

**PLANNING BOARD
SEPT. MEETING
MINUTES
INCLUDED**

Mike Lambrich noted that the minutes of the September 14th Planning Board meeting were included with the Board’s information tonight. Board members read the report without comment.

Zoning Committee – David Nussbaumer, Chairman

SEPTEMBER CEO REPORT

- 1. CEO Report: September's CEO Report was distributed to Board members. They read it and had a question or two, which Bob Grier answered. One development this month was on the O'Meal Road property. The owner had taken some trees down and now wants the town to take out the stumps.

PROPERTIES INVOLVED IN LEGAL ACTION

- 2. Zoning Issues: There are currently four properties in various stages of legal action. Bob had talked with the attorney, who updated him on the status of each. Two will be delivered papers soon to appear before the court. There is an injunction on work on the North Creek Road property.

TOWN HALL FIRE EXTINGUISHERS SERVICED

- 3. Fire Extinguishers: Bob reported that the annual servicing of Town Hall fire extinguishers has just taken place. They are now filled to appropriate levels and ready for any emergency.

ASSESSOR'S SEPTEMBER REPORT

INFORMATIONAL ITEMS

- 1. Assessor's Report for September: Board members read the Assessor's Report without comment.

TOWN CLERK'S OFFICE SEPTEMBER REPORT

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

WIND FARM INFORMATION

- 3. Letter About Wind Farm in Town of Italy: Since harnessing wind energy may be an issue in the future for Palmyra, Dave Nussbaumer passed along a letter he had received addressed to the Town of Italy residents concerning a proposed wind farm. For informational purposes, the two-page letter is attached with these minutes as Attachment A.

AGENDA ITEMS

- 1. Regional Ambulance Subcommittee: A letter was received from the District Office of Palmyra-Macedon Central Schools, as part of their Shared Services Initiative, to participate on a Regional Ambulance Subcommittee. This is part of an ongoing process to

share services between municipalities and reduce expenses. Dave Lyon suggested that the Town Board send a letter of support for this. Several area municipalities have been invited to attend a meeting on October 14th. Things are now in the planning stages, and determining who's interested. Mike Lambrix made the motion to send a letter of support and to send a representative from the Town Board.

**MTN: PARTICIPATE
IN REGIONAL
AMBULANCE
SUBCOMMITTEE**

Second: Jim Welch Vote: 5 ayes. Carried.

It was decided that Supervisor Dave Lyon would be the Town Board representative to this subcommittee.

- 2. Approve Tentative 2010 Town Budget: Supervisor Dave Lyon told Board members that since their last budget discussion, an increase in the Tourism budget by \$100 was needed to cover an increase in the Finger Lakes Tourism Alliance next year. He also took half the cost of a truck out of the budget. Tax rates are down from last year; however, this translates into about a \$.10 increase in town and village tax rates.

Fire districts are still under contract until next year. Water and sewer rates are fairly stable.

**MTN: APPROVE
TENTATIVE 2010
TOWN BUDGET**

Dave Nussbaumer made the motion to approve the Tentative 2010 Town Budget.

Second: Jim Welch Vote: 5 Ayes. Carried

Once the Tentative Budget has been approved, it becomes the Preliminary Budget, which will be presented at the Budget Public Hearing.

- 3. Schedule Budget Public Hearing: Mike Lambrix made the motion to schedule the Budget Public Hearing for Thursday, November 5, 2009, at the Palmyra Town Hall, beginning at 7:30 p.m.

**MTN: SCHEDULE
BUDGET PUBLIC
HEARING FOR
11/5/2009**

- 4. NYS DOT Large Truck Regulation: Information was received that an Upstate Safety Task Force has been studying proposed truck traffic regulations and their impact on local communities. A 45-day public comment period has been implemented and "concerned individuals, businesses and organizations" were

**PROPOSED LARGE
TRUCK
REGULATIONS**

invited to comment on these regulations. Since Palmyra has been directly impacted by an increased volume of heavy trucks for quite a few years, those who had been involved with the Truck Traffic Committee were emailed and asked to send in their comments to the Governor’s Office for Regulatory Reform.

MTN: SEND LETTR OF SUPPORT FOR PROPOSED TRUCK TRAFFIC LEGISLATION

Dave Nussbaumer made the motion to send a letter of support for the proposed legislation, requesting relief in Palmyra, and signed by the Supervisor.

Second: Mike Lambrix Vote: 5 Ayes. Carried.

5. Reappointments: Several terms of office for various town boards are about to expire:

MTN: REAPPOINT ROXANNE KACHEL TO ZONING BOARD

Dave Nussbaumer made the motion to reappoint Roxanne Kachel to another 5-year term to the Town Zoning Board, with an expiration date of September 30, 2014.

Second: Mike Lambrix Vote: 5 Ayes. Carried.

MTN: REAPPOINT ROB MAGDE TO BOARD OF ASSESSMENT REVIEW

Ken Miller made the motion to reappoint Rob Magde to another 5-year term to the Board of Assessment Review, with an expiration date of September 30, 2014.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

MTN: REAPPOINT NEIL GATES TO TOWN PLANNING BOARD

Mike Lambrix made the motion to reappoint Neil Gates to another 5-year term to the Town Planning Board, with an expiration date of December 30, 2014.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

MTN: APPROVE PINE TREE MOBILE HOME PARK PERMIT FOR 2009-2010

6. Mobile Home Park Permit: Application was received this month from the owner of Pine Tree Park on Route 31 East.

Mike Lambrix made the motion to approve the Mobile Home Park Permit for Pine Tree Park for 2009-2010.

Second: Ken Miller Vote: 5 Ayes. Carried.

- 7. Septic Sludge Permit: Application was received from Jeffrey T. East, of East's A-1 Septic Tank Service and Excavating, Inc., to renew his Septic Sludge Permit for 2009-2010. Mike Lambrix made the motion to approve East's A-1 Septic Tank Service for another year.

MTN: APPROVE SEPTIC SLUDGE PERMIT FOR EAST'S A-1 SEPTIC TANK SERVICE

Second: Jim Welch

Vote: 5 Ayes. Carried.

- 8. Constitutional Convention: Palmyra Village Mayor Vicky Daly received a letter from Assembly Minority Leader Brian M. Kolb asking for support for convening a "non-partisan, grassroots 'People's Convention to Reform New York' in 2011, rather than waiting until 2017. The Village Board approved supporting this Constitutional Convention, and the Mayor passed the information on to Supervisor Dave Lyon. After reading the letter and some brief discussion, Town Board members agreed to support this effort. Dave Nussbaumer made the motion to send a letter from the Board "wholeheartedly supporting" a 2011 Constitutional Convention.

MTN: APPROVE LETTER OF SUPPORT FOR 2011 CONSTITUTIONAL CONVENTION

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

- 9. Approve Abstracts #179 and #180: Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #179, that includes Voucher Numbers 10597 through 10601 for \$24,088.13, and Abstract #180, that includes Voucher Numbers 10602 through 10664 for \$226,076.90.

MTN: APPROVE ABSTRACTS #179 AND #180

Second: Ken Miller

Vote: 5 Ayes. Carried

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

MTN: ADJOURN MEETING

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

REMINDER: NEXT MEETING AT EAST PALMYRA FIRE HALL

At the end of the meeting, Town Clerk reminded the Board and those in attendance that next month's Town Board meeting will be held at the East Palmyra Fire Hall, at 7:30 p.m.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

ATTACHMENT A: Letter from Ecogen Wind LLC, proposing a Wind Farm,
including a list of benefits to Town of Italy residents.

**NEXT TOWN BOARD MEETING:
THURSDAY, OCTOBER 22, 2009, 7:30 P.M.
EAST PALMYRA FIRE HALL**