

REGULAR MEETING OF THE TOWN BOARD

**PALMYRA TOWN HALL
SEPTEMBER 23, 2010**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, September 23, 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, Bailey Boesel, Code Enforcement Officer Dan Wooden, and Roy C. Wilck, East Palmyra resident.

MEETING ATTENDANCE

Motion was made by Dave Nussbaumer to approve the minutes of the August 26, 2010 meeting of the Town Board.

MTN: APPROVE MINUTES OF 8/26/2010 TOWN BOARD MEETING

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

COMMUNICATIONS

Scheduled Presentation of Alternative to Painting Cupola:

Richard Deys asked to present an alternative to Town Board members for removing old paint from the cupola at Town Hall. He had also submitted a bid for the job. Unfortunately, Mr. Deys had not arrived at this meeting, so no presentation was made.

SCHEDULED PRESENTATION ABOUT ALTERNATIVE TO PAINTING TOWN HALL CUPOLA

REPORTS OF STANDING COMMITTEES

NO COMMITTEE
REPORT AT THIS
TIME

Economic Development and Appeals Committee – Todd Pipitone, Chairman

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

Highway Committee – James Welch, Chairman

September Highway Department Report: Highway Superintendent Mike Boesel reported on his department's activity from August 26 through September 23:

Highway Superintendent Report
For Town Board Meeting 09/23/10

Since the 8/26/10 meeting we have completed the following work:

- Inter-municipal Assistance
 - 8/31/10 – 9/7/10 - Palmyra V/T crews work together on S.Crk/Wash drive aprons
 - 9/9/10 - 1 Palmyra bobcat/operator to Macedon Hwy – Yellow Mills Rd
 - 9/14/10 – 1 Marion trucks assisting on S. Creek shoulders
 - 9/14/10 - 2 Palmyra trucks to Macedon paving Yellow Mills Rd
 - 9/15/10 – 9/19/10 Canaltown Days setup and event
 - 9/22/10 - Palmyra V/T crews grind/mill Canandaigua Street
 - 9/23/10 - 3 Palmyra trucks to Walworth for seal coat work – Kutruff Rd
 - 9/23/10 - 3 Walworth trucks to Palmyra for seal coat work – Vault/S.Crk
 - 9/23/10 - 1 Arcadia rubber tire roller to Palmyra for Vault/S. Creek

HIGHWAY
REPORT FOR
SEPTEMBER

Other miscellaneous items include:

- **South Creek Road & Vault Road** – Most of the work we have done in the past 30 days has been on these two roads. We installed shoulders, repaired driveway aprons and gave the roads a final seal coat today. Late next week they will be striped by WC Hwy.
- **Winter Preparations** – I ordered and received 500 tons of salt on August 30th to beat the price increase on September 1st. The sand/salt barn and the salt barn are full and ready for winter.

Canandaigua Street Project Update –The culvert at Brookside Terrace has been replaced. The east side of the road is essentially completed up to binder course. Rizzo construction started to box-out of the west side of the street yesterday. With good weather they hope to have the entire street paved in the next 30 days.

**HIGHWAY
REPORT FOR
SEPTEMBER 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 called attention to the minutes, including the Public Hearing, on September 13, 2010. He asked if anyone had any questions about it. No one did.

**PLANNING
BOARD MEETING
MINUTES OF
9/13/2010**

2. **Proposed Property Maintenance Ordinance:** Last month, Board members received a copy of a draft for a proposed "Property Maintenance Ordinance" to review. Code Enforcement Officer Dan Wooden said the draft is now in the hands of attorney John Morell. Jim Welch asked why Dan feels this ordinance is necessary since we already have a nuisance abatement law. Dan replied that the nuisance abatement law requires the town to go through the courts to receive the authority to order the property owner to make the changes necessary. This Property Maintenance Ordinance authorizes the Code Enforcement Officer to follow up immediately, making enforcement easier, faster and less expensive to the town.

**PROPOSED
PROPERTY
MAINTENANCE
ORDINANCE**

Dan Wooden listed the steps he is taking to have this ordinance put into place:

- a. Have the proposal written in form of a local law.
- b. Have the Town Planning Board and Wayne County Planning Board review it.
- c. Set a Public Hearing at a Town Board meeting for public input and adoption.
- d. Send adopted law to the State for final approval.

Dan's proposal also states "adoption of this ordinance would be the first step in being able to clean up abandoned or foreclosed properties. The second step would be to adopt a "Shared Services" agreement with the Village to allow the Village

Cemetery and Parks Department to do the lawn maintenance work, or to make other arrangements with the Highway Department, or with a private lawn care contractor.

**PAINTING OF
TOWN HALL
CUPOLA**

3. **Painting of Town Hall Cupola:** Last month, bids were let out for scraping, priming and painting the cupola atop the Town Hall, along with surrounding trim. Five bids were received ranging from \$2,490 to \$4,200.

Discussion took place about the range of prices, and that one bidder uses a new process of "sandblasting" the old paint off, that is particularly effective in trim work that is hard to sand by hand. The bidder who uses this technique had told Supervisor Miller that he wished to speak to the Board about his technique, but he hadn't shown up at the meeting thus far. No decision was made at this point.

**PHASE 2 OF
TOTAL
FURNACE
REPLACEMENT
PROJECT**

4. **Furnace Replacement:** A proposal was received by Lang Heating and Cooling, Inc., of Webster, for Phase 2 of Total Furnace Replacement Project at Town Hall. The estimate, at \$12,670.00 had been included in the 2010 budget. Councilman Lambrix said this is part of the Town Hall's project to update and be more cost effective.

**REVISIT NORTH
CREEK ROAD
SPEED
REDUCTION**

5. **Revisit North Creek Road Speed Reduction:** Mike Lambrix noted that he recently followed up on the NY State denial of a speed limit reduction to 45 mph on North Creek Road. He contacted State authorities and asked them to come out again in June. To date, he hasn't been notified that they have honored his request, but he plans to continue pursuing this issue.

Zoning Committee – David Nussbaumer, Chairman

**CEO REPORT
FOR
SEPTEMBER
2010**

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

**ZONING BOARD
MEETING
MINUTES OF
9/9/2010**

2. **Zoning Board Meeting:** Minutes of the September 9, 2010 Town Zoning Board of Appeals meeting were included in Board members' packets. There were no comments from the Board.

3. **Manufactured Home Parks Annual Permits:** Code Enforcement Officer Dan Wooden updated Board members on the status of the last mobile home park that doesn't have a current 2010-2011 annual permit—Marquart Village. He said it has either been sold, or is about to be. Seven items that were cited by him must be taken care of before the new owner purchases the park.

4. **Garnsey Road Property Cleanup:** Dan Wooden notified the Board that the September 1 cleanup deadline came and went without the property being done although quite a lot has recently been cleaned up. Owners asked the Supervisor for further extensions and were denied. The Board was willing to authorize someone to finish the job. They liked Wooden's idea of using Beck's Recycle Center on Route 21 South to complete the work, but acknowledged that it would need to be coordinated with the County Sheriff's Department and the NY State Police. Ken Miller wants to put together a contract that is approved by the Board to officially authorize the final cleanup, to include having Beck's haul the equipment off the property, get the scrap value, take their costs out, and give the Town the remainder. Dave Nussbaumer recommended that any contract be double-checked by Town Attorney Paul Rubery, even it means an extra meeting for the Board, to have it meet legal muster. Ken Miller agreed to take care of this, and proposed a special meeting on October 12, if the contract is ready to be approved and signed, to take care of it.

**MANUFACTURED
HOME PARK
PERMIT UPDATE
--MARQUART
VILLAGE STILL
NOT IN
COMPLIANCE**

**UPDATE ON
GARNSEY ROAD
PROPERTY
CLEANUP WITH
PROPOSED
CONTRACT WITH
BECK'S
RECYCLING**

INFORMATIONAL ITEMS

1. **Assessor's Report for September:** Board members received the Assessor's September report, that notes a change in the basic STAR Exemption requirements. Now, a person can be under age 65, own and live in the home as a primary residence, but his income must be under \$500,000. The State has not told assessors how to verify this income, however. She notes this would involve about 1600 to 1700 residents in the town.

2. **Town Clerk's Office Report for August/September:** The Town Clerk's office is in the busiest month of the year, which includes heavy customer service of Certificates of Residency, School Tax payments, Hunting and Fishing

**ASSESSOR'S
REPORT FOR
SEPTEMBER 2010**

**TOWN CLERK'S
OFFICE REPORT
FOR SETEMBER
2010**

licenses, water payment due dates for Palmyra residents, 2011 budget preparation, training on new dog license software, heavy phone requests for school tax information, daily tax bank deposits, a Historical Records Security workshop, and a Primary Election at Town Hall on September 14.

3. **Palmyra Community Library:** Minutes for the August meeting of the Library Board of Trustees was not available yet on their Web site. However, the Pal-Mac School District issued a letter entitled "Public Library Tax Q & A" to answer the following questions being asked by Palmyra residents:

- Why does a separate Public Library Tax appear on the school tax bill?
- When did Palmyra-Macedon CSD voters approve a public library tax?
- Why is the amount of the 2010 Public Library Tax only half as much as it was in 2009?
- Am I still required to pay the Public Library Tax even if I live in a different town?
- Under what circumstances would the amount of the Public Library Tax be increased, decreased, or eliminated?
- How can a proposition to change the amount of the Public Library Tax be placed on the ballot?

Discussion included the information that a petition is needed to put a proposition on next year's School Budget vote, to remove Palmyra residents from having to pay for the Macedon library on the School tax bill.

4. **Support for Natural Gas Drilling:** The Town of Barker, in Broome County, has asked each town in New York State to consider the following:

"Considering New York State's nearly bankrupt condition, and considering the wealth of natural gas production available to totally eliminate that said condition, the Town of Barker has passed a resolution to support horizontal drilling in the Marcellus Shale formation.

"We are respectfully requesting your Town Board give consideration to joining us in urging the approval of horizontal gas drilling in New York State."

**PALMYRA
COMMUNITY
LIBRARY
INFORMATION
ABOUT TAX ON
SCHOOL TAX
BILLS**

**BOARD
CONSIDERATION
OF SUPPORT
FOR NATURAL
GAS DRILLING**

Dave Nussbaumer said he attended a seminar on this topic, and stressed that horizontal drilling would need tight controls and contracts. Mike Boesel said while he is all for new technologies, it is important to make sure roads and infrastructure are not compromised, as other communities have experienced. Resident Roy Wilck was acknowledged by Supervisor Miller and he added that, with natural gas, all ingredients used in such operations must be disclosed. His concerns include residuals in ground water and lakes contaminating fresh water. Mike Boesel suggested that there be public input before a final Board vote is taken. Consensus among Board members was that this item should be tabled until the next Board meeting.

**BOARD
CONSIDERATION
OF SUPPORT
FOR NATURAL
GAS DRILLING**

5. **Fleet Assessment Study Results:** Earlier this year, the Town Board approved having a representative from Just Document Solutions visit the various Town offices to assess current office equipment and procedures and evaluate ways to be more efficient and help reduce costs. The result, a free study entitled "A Fleet Assessment Study for Town of Palmyra" was distributed to Board members for their perusal.

**FLEET
ASSESSMENT
STUDY RESULTS**

6. **Fall 2010 Regional Local Government Workshop:** The Genesee/Finger Lakes Regional Council sent us Fall 2010 Regional Local Government Workshop information for the November 19th meeting in Mount Morris. Councilman Dave Nussbaumer, who has attended the workshops in the past, encouraged other Board members to attend.

**FALL 2010
REGIONAL
LOCAL
GOVERNMENT
WORKSHOP**

7. **Excellence in Equity Award:** Assessor Elaine Herman received an Excellence in Equity 2010 Award, from the New York State Department of Taxation and Finance—Office of Real Property Tax Services. It actually recognizes the Town of Palmyra "for its efforts to provide property owners with fair and equitable assessments on the 2010 roll. Palmyra has qualified for this award for four years."

**EXCELLENCE IN
EQUITY AWARD
FOR FAIR AND
EQUITABLE
ASSESSMENTS
FOR FOUR
YEARS**

8. **Public Input:** Although this item was on the agenda, there was no one present who wished to speak at this time.

PUBLIC INPUT

AGENDA ITEMS

MTN: APPROVE
2011
PRELIMINARY
BUDGET

1. **2011 Tentative Budget:** Copies of the 2011 Tentative Budget were distributed to Board members. Dave Nussbaumer made the motion to approve the 2011 Tentative Budget.

Second: Mike Lambrix Vote: 5 Ayes. Carried.

Once the Tentative Budget is approved, it becomes the 2011 Preliminary Budget.

MTN: SET
PUBLIC
HEARING FOR
2011 FINAL
BUDGET ON
11/9/2010

2. **Schedule 2011 Budget Public Hearing for November 9:** Mike Lambrix made the motion to schedule the Public Hearing on the Final 2011 Budget for Tuesday, November 9, 2010, at 7:00 p.m., at the Palmyra Town Hall.

Second: Jim Welch Vote: 5 Ayes. Carried.

MTN: APPROVE
LANG HEATING
& COOLING
PROPOSAL FOR
PHASE 2 OF
FURNACE
REPLACEMENT
PROJECT

3. **Total Furnace Replacement Project—Phase 2:** In accordance with the proposal that Lang Heating and Cooling, Inc. made on August 30, 2010, for Phase 2 of the Total Furnace Replacement Project, Mike Lambrix made the motion to approve the proposal, not to exceed \$12,670.00. This expense had been included in the 2010 budget.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

MTN:
CONTRACT
CUPOLA
PAINTING TO
SANDMAN'S
SANDBLASTING

4. **Contract for Painting Cupola at Town Hall:** After brief discussion, Dave Nussbaumer made the motion to award the contract for painting the Town Hall cupola to Sandman's Sandblasting, out of Manchester, NY, not to exceed their bid amount of \$2,490, which was the lowest bid. The award is also contingent upon satisfactory references and referrals.

Second: Mike Lambrix Vote: 5 Ayes. Carried.

FALL LOCAL
GOVERNMENT
WORKSHOP
ITEM TABLED

5. **Fall 2010 Regional Local Government Workshop:** The Board agreed to table this item until the October meeting so they could look over the brochure and decide if they would be able to attend. No motion was offered.

6. **Set Public Hearing Date for Proposed Property Maintenance Ordinance:** Mike Lambrix made the motion to set the Public Hearing on the proposed Property Maintenance Ordinance for Thursday, October 28, 2010, at 7:00 p.m. in the East Palmyra Fire Hall, just ahead of the regularly-scheduled Town Board meeting.
- MTN: SET PUBLIC HEARING DATE FOR PROPOSED PROPERTY MAINTENANCE ORDINANCE
- Second: Dave Nussbaumer Vote: 5 Ayes. Carried.
7. **New Board Member Liaisons:** Since the Highway and Code Enforcement Departments have Board Member liaisons that work with them, Supervisor Miller announced that the Town Clerk's and Assessor's offices would now have Board liaisons also. Mike Lambrix made the motion to appoint Dave Nussbaumer to work with the Assessor's office, and to appoint Todd Pipitone to work with the Town Clerk's office.
- MTN: APPOINT BOARD MEMBER LIAISONS FOR ASSESSOR'S AND TOWN CLERK'S OFFICES
- Second: Jim Welch Vote: 3 Ayes. Carried.
Dave Nussbaumer and Todd Pipitone abstained.
8. **Approve Abstracts #202 and #203:** Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #202, that includes Voucher Numbers 11612 through 11615 for \$20,338.26; and Abstract #203, that includes Voucher Numbers 11616 through 11674 for \$255,063.16.
- MTN: APPROVE ABSTRACTS #202 AND #203
- Second: Mike Lambrix Vote: 5 Ayes. Carried.
9. **Executive Session:** At 7:40 p.m., Dave Nussbaumer made the motion to enter Executive Session, to discuss matters of possible litigation.
- MTN: ENTER EXECUTIVE SESSION
- Second: Jim Welch Vote: 5 Ayes. Carried.
10. **Leave Executive Session:** At 8:45 p.m., Mike Lambrix made the motion to leave Executive Session.
- MTN: LEAVE EXECUTIVE SESSION
- Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

MTN:
ADJOURN
MEETING

11. **Motion to Adjourn:** At 8:47 p.m., Todd Pipitone made the motion to adjourn the meeting.

Second: Jim Welch

Vote: 5 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

NEXT TOWN BOARD MEETING

**THURSDAY, OCTOBER 28, 2010, 7:00 P.M.
EAST PALMYRA FIRE HALL**