

## **REGULAR MEETING OF THE TOWN BOARD**

### **PALMYRA TOWN HALL AUGUST 27, 2009**

At 7:36 p.m., Supervisor Lyon called to order the assembled group of about 150 residents for a public informational presentation on the Farmland Protection Grant Program.

Property owners of 7 acres of land or larger had received letters from Supervisor Lyon inviting them to listen to the presentation. Ora Rothfuss—Wayne County Agricultural Specialist—stated he would explain what Farmland Protection is, what it means to individual property owners, and what Federal and State grants are available. He described the program as a Land Use Planning Tool. It works with the current zoning laws, based on the town's Comprehensive Plan.

By having the State, the local municipality, or a Land Trust purchase easements on these agricultural lands, development rights are extinguished. Sometimes, mining rights are extinguished also.

**INFORMATIONAL  
MEETING ABOUT  
FARMLAND  
PROTECTION  
GRANT PROGRAM**

In addition, part of the plan includes conservation—treatment of soil—and forest management. Grant sources include Environmental Protection (EPA) funds, as well as other farm land, parks, historic places, etc. grants. Rothfuss said the plan works best if the Town is the lead applicant. At best, the process is slow, with the usual time frame around 3 years. Many documents are needed to complete the process, including easements, surveys, title insurance, stewardship fees, etc. Only two farmers per Town per year are accepted. The least amount of acreage included in the program is 40 acres, while most successful farms for grant money are at least 100 acres.

The State program is extremely competitive, so it would mean looking to put together viable programs.

One question that was asked was why Palmyra landowners who own 7 acres or more were invited to the meeting, if such large acreage is required. Supervisor Lyon explained that the Town Board was not aware of the parameters of these grant programs before the meeting. In addition, he said that if people wanted to participate—perhaps in conjunction with another farmer—we didn't want to leave them out of the presentation of information.

Dave Lyon asked what the next step is for us. Rothfuss said we need to see if anyone comes forward. If so, the process can start in January.

**INFORMATIONAL  
MEETING CLOSED**

At 8:50 p.m., Supervisor Dave Lyon asked if there were any more questions. Hearing none, he declared the meeting closed. There were handouts available for the taking, and several people approached Ora Rothfuss directly with individual questions. There was a break for a few moments at this time.

**MEETING  
ATTENDANCE**

Attending the meeting were Lloyd and Joan Knapp, Loran Hotel, Margaret Green, Bob Mattar from Rock Island, WI, Nicole Ellsworth, Tom Malone, Lloyd Morse, Leatrice M. Kemp, Beth Hoad, Roger Cabic, Robert Barry, Paul Erkkila, Anne Marion, Howard and Loretta Bartlett, Max Albertson, Tim Ludwig, Ed and Judy Gebhardt, Kathy Cleason, Roy C. Wilck, Kevin Johnson, William E. Herman, Christopher Sears, Jim Blazey, Mr. and Mrs. Richard Judd, Bernie Maurer, Marc Carrier, Leonard Christopher, Tom Finewood, Jeff Pieters, Barb DeLue, George Glann, Claude Gramse, Daniel Casella, Bruce Decker, Joe Wizeman, Charles and Darlene Leeuwen, Wendy DeVinny, Greg and Karen Leisten, Nancy McCarthy, Stephen Skvarek, Andy and Ann Steensma, Jack and A.J. Priebe, Robert and Elaine Colletta, Cheryl Smyer, Wayne Eidman, Al Drake, Phil Peck, Bill and Mariette Towles, Lorraine Morrissey, David Baker, Keith Klaver, Jake Habecker, Tom and Patti LaSalle, Francine Lennox, Sandra Van Hanaghan, Frederick and Phyllis Noto, Kathy and Dave Wind, Jerry and Marilyn Footer, Tom Ghidu, Roger Fox, Edwin Hand, Jim and Sandy Boening, Marci and Rod Brown, David Baker, Beth Welsh, Gary Vercrouse, Ramona and Joseph Scharett, Gordon and Kathy DeMay, Lisa Haschman, Kela and Lloyd Wilson, Harry and Sandy Hansen, Craig and Carrie Finley, Judy Humphrey and Joan DeCann, Jeff Smith, Gary and Beth Wildey, George and Gail Harmston, Charles Knowlton, Frank E. Koeberle, William J. Koeberle, Bethany and Scott Canegys, William aBush, Jim and Connie Bailey, Rick Pulver, Charles J. Bond, Steve Mitchell, Amy Holtz, Code Enforcement Officer Bob Grier; Highway Superintendent Mike Boesel, and *Courier-Journal* reporter Billie Rae Walker.

**CALL TO ORDER**

At 8:57 p.m., Supervisor Lyon called to order the Town Board meeting, scheduled for Thursday, August 27, 2009, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

**PLEDGE TO THE  
FLAG**

Supervisor Lyon led those present in the Pledge of Allegiance 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**

Motion was made by Dave Nussbaumer to approve the minutes of the July 23, 2009 meeting of the Town Board.

**MTN: APPROVE  
7/23/2009 TOWN  
BOARD MEETING  
MINUTES**

Second: Jim Welch

Vote: 5 Ayes. Carried.

**COMMUNICATIONS**

Letter from Town Resident About Sewer Fees: Town Counsel Paul Rubery received a letter from a Division Street resident who claims her sewer usage bill is too high. He explained how the Sewer Rent Laws work for Town residents, and that the Town has an arrangement with the Village to pay them for the use of their treatment plant and collection system. Discussion by Board members included the fact that she had not paid for sewer usage for some time and an invitation for her to come before the Board if she wishes. Collection now means higher individual payments to catch up. The Town's last alternative would be to add her back payments to her tax bill. Mike Lambrix made the motion to send out the letter to recoup the sewer payments that are now in arrears.

**MTN: SEND  
LETTER TO TOWN  
RESIDENT ABOUT  
SEWER FEES &  
PAYMENT DUE FOR  
PAST USAGE**

Second: Ken Miller

Vote: 5 Ayes. Carried.

**REPORTS OF STANDING COMMITTEES**

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

Ken Miller reported that no major projects are going on at the moment. Some re-caulking of windows, some re-lamping, and minor painting on the front of the building have been worked on. Major painting of the front portico is needed, but the painter would

**BUILDINGS AND  
BROUNDS REPORT**

need to use a bucket truck to reach the higher places. Other building projects will be worked on as funds are available.

### **Highway Committee – James Welch, Chairman**

August Highway Department Report: Palmyra Highway Superintendent Mike Boesel was at tonight's meeting, but had to leave during the initial presentation. He submitted his Highway Report as of August 27, 2009:

Highway Superintendent Report  
For Town Board Meeting 8/27/09

Since the 7/23/09 meeting we have completed the following work:

- Cutting Shoulders – Lusk Road
- Shoulder Work – Quaker Road, Port Gibson Road, Dey Road, Sheridan Road, Walker Road
- Surface Treating – Quaker Road, Daansen Road, Walker Road
- Hauling – Stone for Hyde Parkway project
- Inter-municipal Assistance
  - 8/14/09 – Two trucks from T/Walworth and two trucks/rubber tire roller from WC Hwy for stone/oil.
  - 8/27/09 - One Palmyra truck to T/Walworth for paving project.

### **AUGUST HIGHWAY DEPARTMENT REPORT**

Other miscellaneous items include:

- **SMSI Grant 07-08** – All equipment is bought and paid for. I was not able to make the reimbursement submission this past month. I intend to submit for our second (final) reimbursement next week.
- **Wedging** – We have been making progress with our asphalt wedging efforts this summer. We are intending to continue tuning up Port Gibson Road, Cambier, and some select other areas in the coming weeks.
- **Surface Treating** – We recently surface treated Division Street in June, and Quaker/Daansen and Walker Roads on August 14<sup>th</sup>. We intend to be surface treating Hogback Road and Galloway Road tomorrow.
- **Mowing** – Chris Bratt started roadside mowing on May 19<sup>th</sup> and is nearing completion of 3 rounds.

- **Hyde Parkway** – For the past month, and in between the above-mentioned work, we have been working diligently on getting our Village street project, Hyde Parkway, paved before school starts. We intend to complete that project next week.
- **Microfilm Camera** – On August 19<sup>th</sup>, we went to the Ontario County Complex, Records and Archives Office to pickup a microfilm camera.
- **NYSERDA Grant Opportunity** – Over the past 30 days I have been discussing a possible grant application regarding the highway complex.

**AUGUST HIGHWAY DEPARTMENT REPORT**

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

**Planning & Economic Development Committee—Mike Lambrix, Chairman**

**PLANNING BOARD MEETING MINUTES OF 8/10/2009 DISTRIBUTED**

Planning Board meeting minutes of August 10<sup>th</sup> were distributed to Board members.

**Zoning Committee – David Nussbaumer, Chairman**

**CEO REPORT FOR AUGUST**

1. CEO Report: August's Code Enforcement Officer's Report was distributed to Board members. They read it and asked Bob Grier for an update on two nuisance properties in the Town.
2. Nuisance Properties Update: Bob said the property owner on North Creek Road has some State permits, but no local permits have been filed nor approved. However, the owner has been busy working his salvage business. Bob talked with the Division of Motor Vehicles and found that the owner doesn't require approval from the Town to get a scrap permit and bring in junked vehicles. The Town can pursue having his permits removed or revoked, as well as working with Counsel to go through the Court system. We have received paperwork needed to proceed to prosecute.

**UPDATE ON NORTH CREEK RD. NUISANCE PROPERTY**

**UPDATE ON GARNSEY RD. NUISANCE PROPERTY**

Concerning the Garnsey Road nuisance property, the owner's brother has done some cleaning up, even though he has had some health issues to deal with this past year. He estimates it would take him another year to be done. Dave Lyon said that given the amount of "stuff," a year is a good timeframe. Board

**GARNSEY ROAD  
PROPERTY TO  
REVISIT IN ONE  
YEAR**

members asked Bob to update the Board monthly, as well as to send the owner a letter with the progress report. Bob said he will see how things develop on a monthly basis.

After more discussion by the Board, consensus was reached that, with monthly progress reports from Bob, the Board will review the progress in one year and decide if legal action will need to be taken.

**LYON/O'MEAL  
ROAD VIOLATIONS  
CLOSE TO COURT  
ACTION**

Concerning the Lyon/O'Meal Road nuisance property, the owner met with Bob and Dave Lyon. Violations deadlines have come and gone. The owner has been given notice, but there has been no movement. Bob will serve him with a second notice now, and if there is no new progress, take him to court.

**POLITICAL SIGNS  
AROUND TOWN  
CANNOT BE  
PLACED TOO  
EARLY**

- 3. Campaign Signs in Town and Village: Councilman Dave Nussbaumer had spoken with Code Enforcement Officer Bob Grier about campaign signs that have appeared recently on residents' lawns. Since there is a Primary this year, signs are now permitted for those running in the Primary. Signs for candidates running in the November 3<sup>rd</sup> General Election may be placed after September 24<sup>th</sup>.

**INFORMATIONAL ITEMS**

**ASSESSOR'S  
REPORT FOR  
AUGUST**

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

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

- 2. Town Clerk's Office Report for August: New hunting licenses went on sale mid-August, and sales have been brisk, although hunters are not pleased with higher fees this year. School tax bills were printed, picked up yesterday and are now being prepared for mailing August 31<sup>st</sup>. Software for taxes has been loaded. A large mailing was sent to larger landowners in the Town inviting them to the presentation tonight.

**AGENDA ITEMS**

- 1. Route 31 East Sewer Project—Proposal for Services: Stu Brown Associates agreed to prepare an income survey to be

sent to residents of the Route 31 East Sewer Project to “determine Palmyra’s eligibility for grant and loan interest financing.” The “project may qualify for poverty-level assistance rather than the assistance...based on the Town’s median household income.” His fee for services is \$700 plus direct reimbursement of cost for postage. Board members discussed his proposal and fee. If lower income can be verified, there are other funding sources, such as Small City Grants, that Stu Brown can apply for. Councilman Mike Lambrix made the motion to accept Stu Brown’s proposal.

**MTN: APPROVE  
FEE FOR INCOME  
SURVEY**

Second: Dave Nussbaumer                      Vote: 5 Ayes. Carried.

2. Approve Appraisal Service for Marquart Village: Paperwork was received to continue their case against the Town started last year. Midland Appraisal has been used by the Town in previous years and has given us good service. Dave Nussbaumer made the motion to approve Midland Appraisal to represent the Town.

**MTN: APPROVE  
APPRAISAL  
SERVICE FOR  
MARQUART  
VILLAGE**

Second: Ken Miller                                      Vote: 5 Ayes. Carried.

3. Approve Attorney Fees Associated with Legal Action: There will be attorney fees associated with the legal action for Marquart Village, as well as the appraisal service. Dave Nussbaumer made the motion to approve paying the attorney fees.

**MTN: APPROVE  
ATTORNEY FEES  
ASSOCIATED WITH  
LEGAL ACTION**

Second: Ken Miller                                      Vote: 5 Ayes. Carried.

4. Use of Town Hall for Palmyra King’s Daughters, Inc.: Request was made by Palmyra King’s Daughters, Inc. to store a 4-drawer file cabinet at Town Hall when the library moves from its present location on Cuyler Street to the new building on East Main Street. There is space at Town Hall in a storage closet. Dave Nussbaumer made the motion to approve of Palmyra King’s Daughters, Inc. storing a 4-drawer file cabinet at the Town Hall, with the provision that the Town is not responsible for the contents of, nor any damages to, the cabinet. The Town assumes no liability for the cabinet, and that this agreement is for temporary storage.

**MTN: APPROVE  
STORAGE OF FILE  
CABINET BY KING’S  
DAUGHTERS**

Second: Mike Lambrix                                      Vote: 5 Ayes. Carried.

**MTN: APPROVE  
MOBILE HOME  
PARK PERMITS  
FOR 2009-2010**

5. Approve Mobile Home Park Permits for 2009-2010: The following Mobile Home Parks have applied to have their Mobile Home Park Permits renewed for 2009-2010: Valley View Mobile Home Park, Marquart Village, Trolley Road Mobile Home Park, and Canalside Estates Manufactured Home Park. They have each completed the application and paid the associated permit fee. Mike Lambrix made the motion to approve these four Mobile Home Park Permits.

Second: Dave Nussbaumer                      Vote: 5 Ayes.  
Carried.

6. Resolutions to Correct Typos in Previous Resolutions: In the Resolution and Order Establishing the Parker Road Water Improvement Area, approved on March 26, 2009, some typographical errors were found, and a new resolution had to be approved:

In The Matter of the Creation of Parker Road Water Improvement Area  
in the Town of Palmyra, County of Wayne, State of New York  
Pursuant to Article 12C of the Town Law

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**CORRECT TYPOS IN  
PREVIOUS  
RESOLUTIONS TO  
ESTABLISH  
PARKER AND  
FLOODMAN ROADS  
WATER  
IMPROVEMENT  
AREAS**

WHEREAS, it appears that there was a typographical error in the Resolution creating the Water Improvement Area, and

WHEREAS, it appears that the cost of the improvement in the Parker Road Water Improvement Area was advertised and the Improvement Area as created \$178,000.00, and

WHEREAS, the cost should have recited \$128,700.00, and

WHEREAS, the cost of the Water Improvement Area is less than the advertised cost, and

WHEREAS, there will be no adverse affect on the residents of the area,

NOW, THEREFORE, be it resolved that the Resolution creating the Parker Road Water Improvement Area is amended *nunc pro tunc* to read \$128,700.00, and

BE IT FURTHER RESOLVED, that the Town Clerk shall file the Resolution with the appropriate authorities, and

BE IT FURTHER RESOLVED, that the officers of the Town shall be authorized to execute any and all other documents necessary to amend the Resolution.

Dated: August 27, 2009

And in the Resolution and Order Establishing the Floodman Road Water Improvement Area, approved on March 26, 2009, some typographical errors were found, and a new resolution had to be approved:

In The Matter of the Creation of Floodman Road Water Improvement Area in the Town of Palmyra, County of Wayne, State of New York Pursuant to Article 12C of the Town Law

WHEREAS, it appears that there was a typographical error in the Resolution creating the Water Improvement Area, and

WHEREAS, it appears that the cost of the improvement in the Floodman Road Water Improvement Area was advertised and the Improvement Area as created \$497,500.00, and

WHEREAS, the cost should have recited \$492,200.00, and

WHEREAS, the cost of the Water Improvement Area is less than the advertised cost, and

WHEREAS, there will be no adverse affect on the residents of the area,

NOW, THEREFORE, be it resolved that the Resolution creating the Floodman Road Water Improvement Area is amended *nunc pro tunc* to read \$492,200.00, and

BE IT FURTHER RESOLVED, that the Town Clerk shall file the Resolution with the appropriate authorities, and

BE IT FURTHER RESOLVED, that the officers of the Town shall be authorized to execute any and all other documents necessary to amend the Resolution.

Dated: August 27, 2009

**CORRECT TYPOS IN PREVIOUS RESOLUTIONS TO ESTABLISH PARKER AND FLOODMAN ROADS WATER IMPROVEMENT AREAS**

**MTN: CORRECT TYPOS IN PREVIOUS RESOLUTIONS**

Mike Lambrix made the motion to approve the two resolutions correcting the typos from the previous resolutions.

Second: Dave Nussbaumer                      Vote: 5 Ayes. Carried.

- 7. Resolution to Defer Water Improvement Area Issues to State Comptroller: The following resolution was offered to take care of any unresolved issues or approvals needed to complete the Floodman Road Water Improvement Area, the Johnson Road Water Improvement Area, and the Parker Road Water Improvement Area:

**RESOLUTION TO DEFER ANY FUTURE WATER IMPROVEMENT AREA ISSUES TO STATE COMPTROLLER**

In the Matter of the Floodman Road Water Improvement Area, the Johnson Road Water Improvement Area, and the Parker Road Water Improvement Area

in the Town of Palmyra, County of Wayne, State of New York

BE IT RESOLVED that the Town Board of the Town of Palmyra be authorized to seek the approval of the Office of State Comptroller for the Floodman Water Improvement Area, the Johnson Road Water Improvement Area, and the Parker Road Water Improvement Area.

Dated: August 27, 2009

**MTN: RESOLUTION TO DEFER ANY FUTURE WATER IMPROVEMENT AREA ISSUES TO STATE COMPTROLLER**

Motion made by Councilman Michael Lambrix  
Motion seconded by Councilman David Nussbaumer

Vote

**ROLL CALL VOTE**

Roll Call Vote:	Supervisor David Lyon	Aye
	Deputy Supervisor James Welch	Aye
	Councilman David Nussbaumer	Aye
	Councilman Michael Lambrix	Aye
	Councilman Kenneth Miller	Aye

**SCHEDULE BUDGET WORKSHOPS**

8. Schedule Budget Workshops: In order to prepare the 2010 budget, Supervisor Lyon announced that it is necessary to schedule the following Budget Workshops: September 3, September 10 and September 17, all starting at 7:30 p.m., in the CEO Office.

**MTN: APPROVE ABSTRACTS #177 & #178**

9. Approve Abstracts #177 and #178: Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #177, that includes Voucher Numbers 10534 through 10540 for \$25,113.05, and Abstract #178, that includes Voucher Numbers 10541 through 10596 for \$33,696.66.

Second: Mike Lambrix

Vote: 5 Ayes. Carried

**MTN: ADJOURN MEETING**

10. Motion to Adjourn: At 9:32 p.m., Dave Nussbaumer made the motion to adjourn the meeting.

Second: Ken Miller

Vote: 5 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk

**NEXT TOWN BOARD MEETING:  
THURSDAY, SEPTEMBER 24, 2009, 7:30 P.M.  
PALMYRA TOWN HALL**