

**REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
February 23, 2017**

At 7:01 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, February 23, 2017, at the Palmyra Town Hall, 1180 Canandaigua Rd, Palmyra, New York.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Upon roll call, the following Board members were present:

ROLL CALL

- Kenneth Miller, Supervisor
- James Welch, Deputy Supervisor
- Michael Lambrix, Councilman
- Bradley Cook, Councilman

Councilman Todd Pipitone was absent.

**MTN:
APPROVE
PREVIOUS
TOWN BOARD
MINUTES**

Motion was made by Mike Lambrix to approve the minutes of the Special Town Board Meeting which took place on February 13, 2017.

Second: Brad Cook Vote: 3 Ayes. Carried

ATTENDANCE

Also attending was: EMS Representative Mike Catalano, Paul Bender ESQ, James Lawrence, and Highway Superintendent Mike Boesel.

ATTENDANCE

HEARING

There was no official hearing this evening.

HEARING

COMMUNICATIONS

There were no communications this evening.

**COMMUNICA-
TIONS**

PUBLIC INPUT

There was no public input this evening.

PUBLIC INPUT

SUPERVISOR
REPORTS

REPORTS OF STANDING COMMITTEES

**Supervision---Animal Control, Historian, Finance: Kenneth Miller,
Chairman**

1. Property Encroachment from Tellier Rd to West St: Supervisor Miller introduced Mr. Paul Bender ESQ (McGrath counsel), and explained to the board that the copies of the *revised* resolution, schedule A, and *unsigned* affidavit were what the Town clerk had supplied in the meeting packets. Mr. Bender explained that the changes that were requested by the board and the town's legal counsel were now reflected in the copies. He also told the board that the ROW would only be "temporary" until the building is no longer there or is altered in that area of question. This will all be filed with the county, and the deed and resolution would be attached to it. Copies will be given to the highway department, code enforcement and town clerk. An original signed resolution would be given to Mr. Bender only after a signed affidavit is received.

Supervisor Miller asked that the agenda items pertaining to this topic be moved up in the meeting.

Approve: Previous Resolution #6-2017 Encroachments to West St – McGrath Property: The previous version of this resolution was tabled at the last meeting. Mike Lambrix made the motion to approve the affidavit and resolution for encroachment to West St., from the McGrath property located at 4712 Tellier Rd, as originally written.

Second by James Welch. A roll call vote was requested.

Councilman Michael Lambrix	Naye
Councilman James Welch	Naye
Councilman Brad Cook	Naye

Vote: 3 Naye. Not carried.

Approve: Revised Resolution #6-2017 Encroachments to West St – McGrath Property: Mike Lambrix made the motion to approve the revised version of Resolution #6-2017, revised Affidavit, and revised Schedule A description of 4712 Tellier Rd, pending that a signed Affidavit be given to the Town Clerk, dated February 23, 2017 or later.

Second by Brad Cook. A roll call vote was requested.

Councilman Michael Lambrix	Aye
Councilman James Welch	Aye
Councilman Brad Cook	Aye
Supervisor Miller	Aye

Vote: 4 Ayes. Carried.

RESOLUTION #6-2017
RESOLUTION OF ENCROACHMENTS TO
WEST ST. IN PALMYRA NY
(4712 TELLIER RD - MCGRATH PROPERTY)

WHEREAS, William McGrath and Mary Kay McGrath, who currently reside at 119 Peirson Ave., Newark, New York 14513, are the owners of the building and premises lying at the intersection of Tellier Road (f/k/a Whitbeck Road, a/k/a North Creek Road), and West Street, in the hamlet of East Palmyra, Town of Palmyra, County of Wayne and State of New York, property tax ID # 66112-15-725462, which parcel is commonly known as 4712 Tellier Road, Palmyra, New York (Newark mail); reference is also made to their deed of conveyance which is dated July 13, 1988, and recorded in Wayne County Clerk's Office on July 20, 1988, reference Liber 827 of Deeds at page 182; and

WHEREAS, the building situated upon this parcel, a former church, is believed, based upon reference to the historic Atlas of 1879 and the Atlas of 1904, to be 100, or more, years old, and that the existing building on that premises may have even pre-existed the current public highway, West Street; and

WHEREAS, by reference to the surveys referenced below, the easterly property line of lands of this parcel, currently owned by the said William McGrath and Mary Kay McGrath, does extend to the centerline of West Street, but the distance from the foundation wall of the building upon that premises to the centerline of West Street, is, at the maximum, only 8 feet, which is less than the 16.50 feet available within the westerly right-of-way of West Street; the building itself does not contact the street's blacktop; and

WHEREAS, it has been determined that that the building, and some other items, on that premises, does encroach over the westerly right-of-way line of West Street and into the actual right-of-way of that highway; and

WHEREAS, West Street is a dead end highway and there are only five (5) residential building parcels upon that street; the various individuals who reside upon, and use, West Street, and the general public, do not appear to have been inconvenienced by that said building's encroachment for all these many years; and

WHEREAS, the Town of Palmyra has been able to review that parcel, the building upon that parcel and the West Street right-of-way, together with a map of survey and subdivision completed on, and dated, or about September 23, 2014, by R Morris Surveying PLS PLLC, Robert F. Morris, III, L.S., which map was filed in the Wayne County Clerk's Office, in Lyons, NY, on October 14, 2014, as Map # M031005, concerning that parcel and the encroachments defined in that map, and the Town of Palmyra did not find that the building, and such other encroachments, present an issue for the general public, or for the Town of Palmyra, or for its highway department. That that map was revised by Robert Morris on or about January 29, 2016, as Project No. 02327R, to modify the said existing westerly right-of-way line of West Street, to show that the said westerly right-of-way line, where it contacts the easterly part of the building on that parcel, is now modified and to show a modified right-of-way line which will lie roughly 0.5 feet outside of the existing (2017) wall of that said building, and which shall then conform to the exterior wall of that said building, and such map does define an area of 0.005 acres which shall be excluded from that said westerly right-of-way of West Street. That by reference to that said 2016 map, the new right-of-way line is now shown as being 0.5 feet easterly of the existing building foundation line, where that foundation lies easterly of the original right-of-way line of West Street, as that street was originally surveyed and defined by the 2014 subdivision and survey map referenced above; and

WHEREAS, the Code Officer of the Town of Palmyra has also reviewed the property, 4712 Tellier Road, Palmyra, New York, and has not found that such encroachment(s) does present a Code violation.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Palmyra does agree that:

1. The westerly right-of-way line of West Street, at the point where such line does first contact the easterly foundation wall of the building on the at 4712 Tellier Road, Palmyra, New York, shall be modified, consistent with that said second map of survey completed by Robert Morris, d/b/a R Morris Surveying PLS PLLC, dated January 29, 2016 (which map shall be filed in the Wayne County Clerk's Office consistent with this Resolution), in order to remove that portion of the West Street right-of-way which is defined to, and which does lie within, the foundation lines of that building, as defined by that said 2016 map, and that that part of the right-of-way shall no longer constitute a part of the right-of-way of the said West Street, thereby deleting an area of 0.005 acres, as more fully defined upon that said 2016 survey map, from the West Street right-of-way, in order to remove the conflict of that building and the said West Street right-of-way; and

2. The modification of that right-of-way line, and the right-of-way itself is also understood to be a temporary modification, which change shall continue only as long as that building does exist, and only until such time as that said building is damaged, destroyed, moved or removed from the premises, at that time the modification, and reduction, of the West Street right-of-way, as defined at paragraph #1 above, would terminate, and the westerly right-of-way line of West Street would then automatically revert to the original street line as defined by the prior filed survey of 2014, and after that date, any replacement building to be built

upon 4712 Tellier Road, Palmyra, New York, would need to be built in such fashion as required to be completed consistent with the then existing Code Requirements of the Town of Palmyra; and

3. That the Town of Palmyra should allow, as a temporary license, for the benefit of the premises, its current owners: **William McGrath and Mary Kay McGrath**, and their successors and/or assigns, the other lessor encroachments defined upon both the 2014 map and the 2016 map, by Morris, as referenced above, each of which map are, or will be, filed in the County Clerk's Office, to continue to encroach over the westerly right-of-way line, and into the said West Street right-of-way, upon the condition and with the understanding that if any of the other items is damaged, modified or replaced, then the same would be re-built consistent with any then existing Code Requirement of the Town of Palmyra, and that that item would then be moved to a location, and/or rebuilt, outside of (west of) the originally defined right-of-way of West Street, and as to that item, the license granted herein would be terminated, and full compliance with the then existing Code Requirements of the Town of Palmyra would then be required; and

4. Further, although the building and other items are all situate upon, and within, lands as originally deeded and titled to **William McGrath and Mary Kay McGrath**, the building and those additional items do also lie within the highway right-of-way, even as modified. It is understood that **William McGrath and Mary Kay McGrath**, and/or their successors, and assigns, may need, from time to time, to access the building and/or those other structures from a point inside of the town's right-of-way in order to maintain, paint or repair those structures. It is understood that **William McGrath and Mary Kay McGrath**, and/or their successors, and assigns may enter into and over the said street right-of-way, as required, at reasonable times, as required, to maintain and/or repair that the part of the building, and/or sidewalk, fence or asphalt, etc., which do currently encroach into the right-of-way of West Street.

A copy of the current owners' affidavit, in the form of their application for this action, and as the foundation for this Resolution, shall also be recorded in the Wayne County Clerk's Office, at the Owners' expense, together with this Resolution, and that both of those documents, together with copies of both the 2014 and the 2016 map, shall also be filed with the Palmyra Town Clerk, the Palmyra Code Office and the Palmyra Highway Department.

A vote was had, and the Palmyra Town Board did approve the Resolution.

DATED: February 23, 2017

Human Services: Town Clerk, Archives, and Town Hall Facility - Councilman Bradley Cook

1. Town Clerk Report for January and February:

TOWN CLERK OFFICE REPORT TO THE BOARD **FEBRUARY 2017**

All four Petty Cash drawers were balanced to the penny. The clerk's checkbook and all year end bank statements also balanced. Comptroller recommended audit check lists were completed and filed with the town clerk for not only the Town Clerk's Office and Tax Collection (audit performed by Councilmen Cook and Pipitone), but the book keeper as well (audit performed by Councilman Welch).

January and February have been steady with Town and County tax collection and water payments. So far, since January 1, we have collected \$3,991,966.76 of the \$4,891,004.17 tax warrant....leaving just \$899,300.28 to be collected until the final deadline of March 31st. One half of the total warrant was received in the last week of January alone!! Water collection transactions have substantially increased in number as Newark and Lyons no longer collect on behalf of the Wayne County Water and Sewer Authority.

Through dog licensing in January, we sold 144 licenses totaling \$1257.00, misc sales – FOIL requests, marriage licenses, hunting/fishing, vital record requests, zoning etc- added an additional \$3989.90. Total check disbursements for the month of January were \$5246.90.

I met with 3 different sign companies. One company that will be doing the signs for the internal glass doors, and two companies are submitting proposals for internal directional and accessible signs. I am expecting all proposals shortly.

2. Building update: As well as sign companies, the door representative was also in. Rekeying of doors and keypads are being priced.

3. NYSTCA Annual Conference: The NYSTCA Annual Conference is in Rochester, NY April 24-26, 2017. Approval will be asked for later in evening for Town Clerk and Deputy to attend. Mr. Cook pointed out that this is a budgeted expense.

Supervisor Miller stated that he would provide the clerk with the Justice audit forms that he completed.

Public Works: Highway Department, Equipment and Facilities - Councilman James Welch

1. **Highway Department report for February:** Highway Superintendent Mike Boesel submitted the following report from January 27th through February 23rd, 2017:

Highway Superintendent Report For Town Board Meeting 02/23/17

Since the 01/26/17 meeting we have completed the following work:

- **Plowing/Sanding** –To date this winter season we have made a total of 68 trips out of the barn. A comparison to this point of the past 5 winter seasons is below. The average of the 5 seasons below is 70.
 - February 2016 - 47 trips
 - February 2015 - 97 trips
 - February 2014 - 109 trips
 - February 2013 - 60 trips
 - February 2012 - 39 trips
- **Salt Orders** – To date this winter season we have ordered approximately 1663 tons of our 2800 ton allotment, which approximately 69% of our requested allotment.
- **Winter Fleet Maintenance** – Over the past 30 days we have continued with general maintenance on the entire fleet. Over the next couple months we will bring in various 'summer'-related pieces of equipment for their annual servicing and maintenance work.
- **Advocacy Day Approval - CHIPs Funding** – Our annual Advocacy Day in Albany is coming up on Wednesday March 8th. This funding is critical to keeping our roads in good condition. Last year we received new money in two new programs, PAVE-NY and BRIDGE-NY, but no increase to our CHIPs base funding. This year the Governor proposes to keep CHIPs flat again, but continues with the 2 new programs. All but one of Superintendents from Wayne County is planning to attend again this year. I'll keep you posted on our event.

- **Senate/Assembly Transportation Hearing** - On Wed February 15th, on behalf of our NYS Association of Town Superintendents of Highways, I assisted in submitting testimony at the Joint Senate/Assembly Transportation Hearing regarding the Governor's budget proposal. Assemblyman Bob Oaks was present at this meeting and he has been a great supporter of our efforts for increased local transportation funding.
- **Association of Towns Annual Conference** - On Mon February 20th - Wed Feb 22nd, I attended the AoT Annual Conference in NYC. I met NYS Comptroller Thomas DiNapoli and heard speeches from US Attorney Preet Bharara and Senator Charles Schumer. I attended several classes I attended over the 2.5 days including representing Palmyra as our Delegate along with Supervisors Tony Verno from T/Williamson and Laurie Crane from T/Huron. On March 2nd there is a big rally planned for all elected officials to attend in Albany which is being organized by the AoT. More info is coming very soon. The theme of this year was 'Towns Stand Together'
- **Highway Facility BCS Update** - Our Hwy Facility Task Force of Bob Grier, Councilman Cook, Councilman Welch and I have continued to work diligently on this project over the past 30 days. On February 8th, we had received a new proposal from Bluescope for a \$542K project but we continue to analyze our funding options. On February 13th, we held a special TB Meeting/Public Informational Meeting at the Highway Department. At this time we are continuing to discuss and evaluate our options with the Town Attorney and the Town Bookkeeper.
- **Brushmowing/Tree work** - We have performed brush mowing and tree work on Stafford Road, Parker Road, Leroy Road and Hanagan Road
- **Palmyra Municipal Auction** – The date has been set for Saturday May 13, 2017. I hope to have the Auction Contract on the March agenda for approval.
- **Village Budget** – Budget season continues in the Village. The next meeting is scheduled for 3/6/17.

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

Mr. Boesel stated that the NYSAT is “fired up and sick of the towns being accused by the governor” of being the problem even though we do all we can do by already sharing & providing many services to the public, and dealing with the unfunded mandates that are forced upon us. Mr. Boesel also stated that one of speakers commented that President Trump is trying to “make America great again” and trying to keep jobs here in our country. He agreed with the speaker that along with our different purchasing procedures, we should also try to buy things made in the USA when feasible.

2. **Highway Facility Update** – Topic of finances for the highway barn will be discussed later in meeting.

3. **NYSEG Excavation Permit:** Councilman Welch asked that a NYSEG Excavation Permit for residential area of Stafford St. be added to the agenda for approval later in the evening. The highway superintendent will forward the permit to the Town Clerk.

4. **Chief fiscal officer/book keeper audit:** Chief fiscal officer/book keeper audits were completed on Feb. 17, 2017 and filed with Town Clerk.

Town Development: IT & Phones, Fire Protection Contracts, and Strategic Plans - Councilman Todd Pipitone

1. **Telephone Update:** In Councilman Pipitone's absence, Supervisor Miller reported that the town hall employees will have telephone training on March 2nd at 9 AM in the Town Clerk office, with the switch to the new phone system going live on Friday March 3rd. Supervisor Miller offered to send a reminder to the employees. Councilman Cook inquired as to whether we currently have a contract with Time Warner, which we do not. The clerk informed the board that we are now working month to month until they make decisions as to which lines they are keeping, etc.

Government Operations: Assessor, Youth & Aging, Code Enforcement/Planning Board, and Justices

- Councilman Michael Lambrix

1. Assessor's Office Report for February-

**REPORT TO THE TOWN BOARD
FROM THE ASSESSOR'S OFFICE
FEBRUARY 21, 2017**

We have been extremely busy this month with the STAR, agricultural and senior citizens exemptions as well as explaining to people who purchased their homes after March 2015 that they now need to sign up with the State for the STAR tax credit. Our seniors are getting older every year and their memories are not as good as they used to be as well as their organizational skills. This is making it harder for their families to find the information that we need to grant the exemptions, so many of the caretakers have to make multiple visits to get us all the information that we need, thus increasing our load of repeat visitors.

Joan went to Syracuse for a week last month for a required class for assessors. Attached is her summary of that week.

Also attached is a list of courses being offered by NYS in Batavia. The classes that Joan has signed up to take are:

1. *RPS V4 Tentative and Final roll preparation*
Thursday, March 23, 2017
2. *Introduction to RPS V4 Valuation*
Thursday – Friday, June 15 – 16, 2017
3. *Residential Manual Model in V4*
Thursday August 24, 2017
4. *Agricultural Assessment and Valuation in V4*
Thursday, June 22, 2017
5. *Introduction to RPS V4 Commercial Valuation*
Wednesday – Thursday, September 20 – 21, 2017
6. *Ethics*
March 24, 2017

The cost is free so all the Town will have to pick up is her lunch, tolls and mileage. They are necessary for her so she can do an update in a year or so as our level of assessment is dropping this year from 100% to 98%.

The Ethics class does cost money, but because she is a new member of the New York State Assessors' Association, it is free. This is something new this year that the NYSAA is offering to new members, one free seminar. Again, this will only cost lunch, tolls and mileage.

I am asking for your approval for her to take these courses. She can cancel her reservation if you do not wish to send her, but if she hadn't signed up when she did she would not be able to attend the first 5 classes, as they are already full. They can only accommodate 12 people in their computer room in the States Batavia office.

Should you have any questions of concerns, we are always available.

Report submitted from Joan Gates, Clerk to the Assessor:

"I attended the class titled "The Application of the Three Approaches to Value" in Syracuse (January 23 – January 27). The three approaches to value are the cost approach, the sales comparison approach and the income capitalization approach. This information is used to determine property values which I will use all the time as an assessor."

2. Code Enforcement/Zoning Office Report- February: Code Enforcement Officer Pat Sheridan submitted a report to the Board Members including a list of building permits and certificates of compliance for January 24, 2017 through February 21, 2017. Councilman Lambrich invited all to read it at their leisure.

3. Minutes from Zoning Board Meeting for February: None provided at this time.

4. Minutes from Planning Board Meeting for February: None provided at this time.

Information

1. Press Release – NYS Stop DWI Association: A press release was forwarded via e-mail announcing that Sheriff Virts joined the Board for the NYS Stop DWI Association.

2. Mike Catalano- EMS Advisory Report: Mr. Catalano reported that there was a change in management at Fingerlakes Ambulance, and that Ken Beers would now take the position that Bill Comella previously held there.

Agenda Items

1. Approve: Town Clerk & Deputy Town Clerk to attend NYS Town Clerk

Association Meeting: Brad Cook made the motion to approve the Town Clerk and Deputy to attend NYS TCA meetings in Rochester NY April 24-26, 2017 in Rochester NY, not to exceed \$500.00 including registration, meals and mileage.

Second: Mike Lambrix

Vote: 3 Ayes. Carried

2. Approve: Clerk to the Assessor to attend ORPTS Training Classes:

Mike Lambrix made the motion to approve the clerk to the Assessor to attend eight (8) separate ORPTS Training meetings on Batavia to take place between April and September 2017, not to exceed \$795.00 including mileage, tolls, and food. Seconded by Brad Cook. Mr. Cook then made the motion to table this item until after executive session.

EXECUTIVE SESSION

At 7:35 PM Councilman Lambrix made the motion to enter into executive session to discuss matters of particular personnel, upcoming litigation and fiduciary direction for the matter of the highway barn.

Second: Brad Cook

Vote: 3 Ayes. Carried.

EXIT EXECUTIVE SESSION

At 8:04 PM Councilman Lambrix made the motion to return from executive session.

Second: Jim Welch

Vote: 3 Ayes. Carried.

Once again, Mike Lambrix made the motion to approve the clerk to the Assessor to attend eight (8) separate ORPTS Training meetings on Batavia to take place between April and September 2017, not to exceed \$795.00 including mileage, tolls, and food.

Second by Jim Welch. A roll call vote was requested.

Councilman Michael Lambrix	Aye
Councilman James Welch	Naye
Councilman Brad Cook	Aye
Supervisor Miller	Aye

Vote: 3 Ayes. Carried.

3. Approve: NYSEG Excavation Permit: Councilman Welch made the motion to allow the Supervisor to sign the Excavation permit for NYSEG for the residential area of Stafford Rd, making sure that the stake out also includes the sewer lines.

Second: Mike Lambrix

Vote: 3 Ayes. Carried

Claims and Expenditures: Mike Lambrix made the motion to approve claims and expenditures in the February 2017 abstract, voucher #6459 thru #6571, totaling \$494,715.35.

Second: Brad Cook

Vote: 3 Ayes. Carried

Adjourn Meeting: At 8:35 PM, Mike Lambrix made the motion to adjourn the meeting.

Second: Brad Cook

Vote: 3 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

Regular Town Board Meeting
Thursday March 23, 2017
7:00 PM – PALMYRA TOWN HALL