

**REGULAR MEETING OF THE TOWN BOARD  
PALMYRA TOWN HALL  
August 28, 2014**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, August 28, 2014, 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
- David Nussbaumer, Councilman
- Todd Pipitone, Councilman

Motion was made by David Nussbaumer to approve the minutes of the Town Board meeting on July 24, 2014.

**MTN:  
APPROVE  
PREVIOUS  
TOWN BOARD  
MINUTES**

Second: Mike Lambrix                      Vote: 3 Ayes. Carried

Councilman Pipitone abstained as he was absent from June meeting.

Supervisor Miller reminded the members of the board that they would not automatically receive a hard copy of the previous board minutes (they are e-mailed to them prior to the meeting) unless they are requested of the Town Clerk.

Also attending was: Ron Fannon, Carol Fannon, Marc Carrier, Kevin Carrier, Frank Vascukynas, Code Enforcement Officer Dan Wooden, Gary LaBerge, Earl Vanderwall, Tracy Vanderwall, Wayne Post Reporter John Addyman, and two unidentified gentlemen.

**ATTENDANCE**

**HEARING**

There was no official hearing this evening.

**HEARING**

**TIME SET ASIDE  
FOR MR. KERN TO  
SPEAK- NO SHOW**

**OPPORTUNITY FOR MR. KERN TO SPEAK WITH THE BOARD**

Mr. Kern was sent a letter, and was offered time to speak with the board this evening, regarding his property located at 4775 Tellier Rd. Supervisor Miller called to address Mr. Kern with no response, and then again, with again no response. Supervisor Miller asked that it be noted in the minutes that Mr. Kern was not in attendance at that time.

**LETTER FROM MR.  
CARRIER TO  
BOARD –  
ATTACHMENT A**

**COMMUNICATIONS**

A letter was received from Marc Carrier, and forwarded to the board before the meeting.

**THIS LETTER IS ATTACHMENT A**

**REPORTS OF STANDING COMMITTEES**

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

**DOT-FUNCTIONAL  
CLASSIFICATION  
OF RT. 21**

**1. Copy of letter to DOT requesting change of functional classification of NY RT 21 to a Principal Arterial Road:** Supervisor Miller reminded those in attendance that this topic was spoken of at last meeting, and that the board agreed that a letter of support should be written. A copy of the letter was distributed to the board. Mr. Miller asked Councilman Pipitone if he had any questions pertaining to this topic since he was not present at the last meeting. Mr. Pipitone did not.

**KOEBERLE FARM  
APPLICATION**

**2. Koeberle Farm Application:** The application for Koeberle Farms was submitted and received by New York State Farmland Protection.

**BUDGET  
WORKSHOP  
DATES**

**3. Discussion of Budget Workshop Dates:** A calendar was received by all board members prior to the meeting outlining dates in September to designate as Budget Workshops. Supervisor Miller pointed out that the primary dates to be approved later in the evening were September 9<sup>th</sup>, 15<sup>th</sup>, and 23<sup>rd</sup>, as well as October 14<sup>th</sup>, 2014 if needed. Mr. Miller informed the board that the reason they would not be meeting on September 16<sup>th</sup> was because there is an evening Wayne County Board meeting already scheduled.

**Human Services—Town Clerk, Archives, and Justices: Michael Lambrix, Chairman**

**NO TOWN CLERK  
REPORT FOR  
AUGUST**

- 1. **Town Clerk Office Report for August:** With approval from Councilman Lambrix, the August Board Report will be combined with September’s report.

**Public Works—Highway Department, Equipment, Facilities: James Welch, Chairman**

- 1. **Highway Department report for August:** Highway Superintendent Mike Boesel submitted the following report from July 25th, 2014 through August 28<sup>th</sup>, 2014.

**HWY REPORT  
FOR AUGUST**

**Highway Superintendent Report  
For Town Board Meeting  
08/28/14**

Since the 07/24/14 meeting we have completed the following work:

- Cut Shoulders/Ditching/Treework – Walker Road, Goldsmith and Lusk Roads
- Shoulder work - Trolley Road, S.Townline Road and Faas Roads
- Hauling - Stone and sand
- Inter-municipal Assistance
  - 8/5/14 1 Palmyra Bobcat/Mill/operator to Macedon
  - 8/6/14 2 Palmyra trucks to Walworth for surface treating
  - 8/26/14 1 Lyons truck to Palmyra for paving assistance on Goldsmith/Lusk Rds
  - 8/27/14 1 Lyons & 1 Macedon truck & 1 Mac laborer for paving assistance again.
  - 8/28/14 1 Palmyra Bobcat/Mill/operator to Macedon

Other miscellaneous items include:

- **Galloway Bridge**– On the evening of our last TB meeting, 7/24/14, Galloway Road Bridge was closed indefinitely. But on 8/5/14, after making some quick repairs, the NYS DOT re-opened it with a load restriction reduced from 18 Tons down to 8 Tons. This tonnage currently allows us to only plow the road with a pickup. I have been discussing this issue with NYS DOT.
- **Port Gibson Road Bridge** - Sometime in the coming weeks, Port Gibson Road Bridge will be closing for some repairs. I understand these repairs to be relatively minor and they expect to re-open in a day or two without

**GALLOWAY  
BRIDGE CLOSING**

**PT. GIBSON  
BRIDGE**

any load restrictions. I will keep you all informed as I receive any new information.

**AUGUST HWY  
REPORT CONT.-**

- **Roadwork** – On August 26/27th, Suit Kote assisted us with cold-mix paving Goldsmith and Lusk Roads. Sometime in the next 2 weeks we will need to stone/oil these two roads to seal them up for winter and also add shoulders. Also over the next few weeks we intend to perform surface treating work to Desmith Road and Hanley Road.
- **Winter Preparations** – On 8/6/14, I placed a 570 ton order for salt with American Rock Salt, which brought us to 130% of our requested allotment for the 2013/14 winter season. We received the salt order and have been hauling in sand for mixing. We are still working on filling our barns for the winter season. We started hauling sand over the past couple weeks as well.

Councilman Jim Welch explained that Mr. Boesel was not able to attend this evenings meeting, but that they spoke in length regarding the Port-Gibson Bridge closing. The DOT at that point had changed schedule three times within the hour , and they may not get to work on it until the following week.

Councilman Lambrix said that he did see men working, or perhaps inspecting, the bridge that day.

**YEARLY SALT  
ORDER**

Mr. Welch also wanted it noted that HWY Supeintendent Boesel placed a 570 ton salt order before the yearly price increase, resulting in a substantial savings for our tax payers.

Councilman Nussbaumer stated that he approves and likes the sharing of equipment that we do with other towns.

**Economic Development/Planning—Grounds, IT, Strategic Plans: Todd Pipitone, Chairman**

**TOWN HALL  
REPORT:  
PROJECTOR AND  
COMPREHENSIVE  
PLAN**

1. **Town Hall:** Councilman Pipitone informed the board that he is currently researching projectors for the town, trying to find the best one for our use. He also wanted to let the board know that as far as a potential update to the comprehensive plan; that talk would have to be considered during the budget workshops.

Supervisor Miller added that the “Village Crew” did a very nice cleaning up and working around the outside of the Town Hall, removing old bushes around the facility parking lots, and replacing it all with decorative stone.

**VILLAGE CREW  
COMMENDED  
FOR WORK**

Mr. Miller invited all in attendance to take a walk around the grounds to see a “project well done”.

**Government Operations—Assessor, Youth & Aging, Code Enforcement, Fire Protection Contracts: David Nussbaumer, Chairman**

1. **Assessor’s Office Report for August:** No report for August at this time.
2. **Code Enforcement/Zoning Office Report- August:** Code Enforcement Officer Dan Wooden submitted a report to the Board Members including a list of building permits and certificates of compliance for Jan. 1 through August 28th, 2014. Councilman Nussbaumer invited all to read it at their leisure.
3. **Minutes from Zoning Board Meeting for August:** There was no meeting in August.
4. **Minutes from Planning Board Meeting for August:** There was no meeting in August.

**NO  
ASSESSORS  
REPORT FOR  
AUGUST**

**CEO REPORT**

**NO ZONING OR  
PLANNING BD.  
MEETING IN  
AUGUST**

**INFORMATIONAL ITEMS**

1. **Wayne County Sheriff’s Office:** Supervisor Miller provided a copy of the report of calls to the Sheriff’s office, as well as Sheriff Barry Virts’ monthly column. The topics covered included Nationwide Prescription Dug “take Back Day”, Stop-DWI Report, Training, and Service recognition.
2. **Flu Clinic at Town Hall:** There will be a public flu clinic at the Town Hall on September 16<sup>th</sup>, 2014, 2:30- 4:30 PM. All are welcome.
3. **Wayne County Ag. Development Board Breakfast:** An invitation for a breakfast at the Cornell Cooperative Extension Wayne County was extended to the board, planning board members, town clerk, and assessor. Richard Ball, Commissioner of NYS Dept. of Agriculture will be speaking. The breakfast is on September 26<sup>th</sup> at 8:15 AM. RSVP is required.

**SHERIFF’S REPORT**

**FLU CLINIC  
SCHEDULED**

**DOLOMITE LAND EXPANSION**

- 4. **Notice of Completed Application for Mined Land Expansion for Dolomite:** The application includes land straddling Whitbeck and Palmer Roads. The entire packet is available for review in the Town Clerk’s Office.

**PRIMARY ELECTION**

- 5. **Primary Election:** There is a Democratic Primary Election here at the Town Hall, from noon until 9PM, on September 9<sup>th</sup>, 2014.

**AGENDA ITEMS**

**MTN: APPROVE RES. #15-2014: SHARED LITIGATION COSTS - BAMBERGER**

- 1. **Resolution #15-2014: Shared Payment of Litigation Costs:** Todd Pipitone made the motion to adopt the resolution for shared payment of litigation costs involving challenges to real property assessments.

**RESOLUTION #15-2014**

**Payment of Litigation Costs Involving Challenges to Real Property Assessments**

**Concerning Notice of Petition to Review Tax Assessment Made for the Year 2014**

**WHEREAS**, Bamberger Wayne Properties has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2010 in Wayne County Supreme Court under index number 77472; and

**WHEREAS**, because the litigation costs of these challenges can be more than the Town can anticipate and afford, and the effects of such litigation extend additionally to the School, Village and County tax base, the County of Wayne has adopted a policy of participating in the costs and expense of such litigation, and has approved the above litigation for county, village and school participation by resolution 884-19 dated December 10, 2010, and has previously approved this challenge for participation in challenges for years 2010, 2011, 2012, and 2013, under indexes 71365, 71359, 74640, and 71654, and,

**WHEREAS**, subsequent actions have been commenced by the petitioner for the same and additional properties for the year 2014 meet the county thresholds as to amount of reduction sought, and

**WHEREAS**, the Town of Palmyra, through its attorney, requested village, school and county participation in 2014, and

**WHEREAS**, Bamberger Wayne Properties, LLC, et al. have filed grievances, after receipt of the decision by members of the Palmyra Board of Assessment Review, claiming excessive and unequal values against the assessments for the properties listed in the list below of twenty (20) Village of Palmyra parcels; and

**WHEREAS**, Bamberger Wayne Properties, LLC, et al. request that the following assessment rolls be reviewed, using evidence to show that the assessment of said parcels of real property may be illegal and erroneous; and

2014: Index No: 77472  
 Assessment: 1,582,200  
 Grievance: 852,000  
 In dispute: 730,200 > \$50,000 > 10%

***Bamberger Wayne Properties, LLC Palmyra Parcel ID Numbers:***

65111-05-174865 , 64111-11-748685,  
 64111-11-735653 , 64111-11-737509,  
 64111-12-773735 , 64111-11-625642,  
 64111-11-651564 , 64111-11-733561,  
 64111-11-518610 , 64111-11-914730,  
 64111-12-918604 , 64111-12-756646,  
 64111-12-756623 , 64111-11-749673,  
 64111-11-726589 , 64111-11-520649,  
 64111-12-954617 , 64111-12-752553,  
 64111-11-556588 , 64111-12-752562.

**WHEREAS**, the Town of Palmyra, the Village of Palmyra, the Palmyra-Macedon Central School District and the County of Wayne are all stakeholders in resolving this issue equitably, in accordance with Real Property tax law; and

**WHEREAS**, the above action meets the thresholds the County of Wayne has already established minimum standards for participation and permitted change in an assessment challenge,

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Palmyra approves this latest proceeding for participation by all four (4) stakeholders who will share equally in litigation costs and associated court fees for this assessment challenge; and

**BE IT FURTHER RESOLVED** that proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies; and

**BE IT FURTHER RESOLVED** that the Town of Palmyra will pay its equal share of the legal and appraisals costs of this litigation and hereby requests approval for county, school and village participation in this litigation commenced under the index number set forth above for the year 2014,

**BY ORDER OF THE TOWN BOARD**

Adopted this 28<sup>th</sup> day of August, 2014,  
 at the meeting of the Palmyra Town Board.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried

**MTN: APPROVE  
RE. #16-2014:  
HEALTH BENEFITS**

**2. Resolution #16-2014: Health Benefits Resolution:** This topic was discussed last month, and it did indeed require a resolution to be voted on. Mike Lambrix made the motion to approve this resolution which reflects the current plan names and rates after completing the "Open Enrollment" period for Town Employees.

**Resolution #16-2014**

**Health Insurance Benefits Resolution**

**WHEREAS,** the Town has completed its open enrollment, and

**WHEREAS,** the Town has reviewed the health insurance benefits, and has balanced this with the needs of its employees,

**NOW, THEREFORE, BE IT RESOLVED,** the Health Insurance Benefits for Current Employees for Enrollment period of July 1, 2014 thru June 30, 2015, are as follows,

- 1. Effective July 1, 2014, the Town of Palmyra will make available to its full-time salaried employees, its full-time hourly employees and its full-time elected officials the following health insurance benefits.

- A. The Town will furnish health insurance at no cost to the employee for a single participant in the "SimplyBlue Plus-Platinum 3 Plan" and a single participant in the "Guardian Dental Low Plan".

OR

- B. The Town will pay a sum equal to seventy percent (70%) of the cost of the "SimplyBlue Plus-Gold 4 Plans" or the "SimplyBlue Plus-Platinum 3 Plans" and the "Guardian High Plans". The employee will pay the balance of thirty percent (30%) through payroll deductions. The deductions will start when the insurance is effective.

OR

- C. For those eligible employees who elect not to participate in either of the above plans, and elect not to participate in any of the Town of Palmyra's health insurance plans during the calendar year, the Town will give the employee a credit of Five hundred Dollars (\$500.00) per calendar year for any employee that has been employed the entire calendar year. The sum credited will be paid to the eligible employee with the last payroll of the calendar year.

- 2. Effective July 1, 2014, the Town of Palmyra will make available to current part-time elected officials the following health insurance benefit.



- A. The Town of Palmyra will pay Three Hundred Sixty Dollars (\$360.00) per month of any health insurance plan available through the Town for each full month the employee works. Any amounts due over and above the Three hundred Sixty (\$360.00) will be taken through a payroll deduction. The deductions will start when the insurance is effective.

OR

- B. For those eligible employees who elect not to participate in the above health insurance plan; the Town will give the employee a credit of Five Hundred Dollars (\$500.00) per calendar year for any employee that has been employed the entire calendar year. The sum credited will be paid to the eligible employee with the last payroll of the calendar year.
3. **Health Insurance Benefits for part-time employees hired after January 1, 2008:** After January 1, 2008, all new part-time employees: salary, hourly and elected will not be eligible to receive health insurance benefits from the Town of Palmyra. These employees will not be allowed to participate in the Town's health insurance program.
4. **Health Insurance Benefits for Employees who receive \$430.00 Benefit:** The employees who are currently receiving a credit of Four Hundred Thirty Dollars (\$430.00) per month toward health insurance will continue to receive that credit as long as they continue to be employed in the same capacity for the Town. When that person is no longer an employee of the Town, then the credit of Four Hundred Thirty Dollars (\$430.00) per month will terminate.
5. **Health Insurance Benefits for Employees who Retire:** Employees hired after January 1, 1987, who retire with 15 years of service and attain the age of 55 will be entitled to participate in the medical and dental plan as a single member subject to the cap imposed by the Town at the time of retirement. The current cap is Two Hundred Fifty Five Dollars (\$255.00) per month. The retiree's spouse is entitled to participate in the Town medical and dental plan by paying the cost of coverage.

The Town will permit (preapproved) retirees who are entitled to receive contributions from the Town toward their health insurance to elect plans not sponsored by the Town. The Town upon proof of payment of the coverage for one year (1) will reimburse the retiree for the cost of the coverage up to the annual reimbursement cap, which the Town had adopted at the time of their retirement.

**BY ORDER OF THE TOWN BOARD**

Adopted this 28<sup>th</sup> day of August, 2014,  
at the meeting of the Palmyra Town Board.

Second: Todd Pipitone

Vote: 4 Ayes. Carried.

MTN: APPROVE  
RES. # 17-2014:  
STANDARD  
WORK DAY  
REPORTING

**3. Resolution #17-2014: Standard Work Day Reporting Resolution:**

Todd Pipitone made the motion to approve this resolution that includes revisions and corrections to the previous filings that were done incorrectly in past years. The current Town Clerk stated that The Standard Day Reporting Resolution was double checked for accuracy by the NYS Comptrollers office, and will be done each January after any new appointments or elections.

ATTACHMENT B

Second: Dave Nussbaumer                      Vote: 4 Ayes. Carried

**THE OFFICIAL NYS FORM USED FOR THIS RESOLUTION WILL BE ATTACHMENT B** - Please note it will be posted for 30 days and will not take effect until October 2<sup>nd</sup>, 2014.

MTN: APPROVE  
DATES FOR  
PUBLIC HEARING

**4. Approve: Dates for Budget Workshops and Public Hearing:**

Todd Pipitone made the motion to approve the dates: September 9, 15, and 23<sup>rd</sup>, 2014, as well as October 14<sup>th</sup>, if needed, for the Budget Workshops and Public Hearings. Mr. Pipitone also requested that they be posted on the [www.palmyrany.com](http://www.palmyrany.com) website.

Second: Mike Lambrix                      Vote: 4 Ayes. Carried

MTN: APPROVE  
ROB MAGDE FOR  
BOARD OF  
ASSESSMENT  
REVIEW

**5. Approve: Rob Magde to continue on Board of Assessment Review:**

Dave Nussbaumer made the motion to re-appoint Rob Magde to serve on the Board of Assessment Review for a five year term beginning October 1, 2014, and ending September 30, 2019.

Second: Todd Pipitone                      Vote: 4 Ayes. Carried

MTN: APPROVE  
LETTER OF  
SUPPORT FOR  
GINNA NUCLEAR  
POWER PLANT

**6. Approve: Letter of Support for Ginna Nuclear Power Plant:**

Supervisor Miller shared with the board information that he received last week at a semi-annual communication and update meeting with Ginna Power Plant. Mr. Miller added that Ginna does a wonderful job with the surrounding towns, and is looking for support to commit with Rochester Gas and Electric (RG&E). These letters of support would be welcomed by both the residents and town boards, and should be forwarded to the Public Service Commission.

Todd Pipitone asked that the exclamation point be removed from the 2<sup>nd</sup> paragraph, and then made the motion to approve the letter of support.

Second: Dave Nussbaumer                      Vote: 4 Ayes. Carried

**PUBLIC INPUT**

**PUBLIC INPUT**

Supervisor Miller asked if anyone had contacted the Town Clerks office to ask to address the board. There was not.

**Claims and Expenditures:** Dave Nussbaumer made the motion to approve claims and expenditures in the August 2014 abstract, voucher #3068 thru #3172, totaling \$193,657.37

**MTN: APPROVE CLAIMS AND EXPENDITURES**

Second: Mike Lambrix

Vote: 4 Ayes. Carried

**Enter Executive Session:** At 7:14 PM, Councilman Nussbaumer made the motion to enter into executive session to discuss pending litigation.

**MTN: ENTER EXECUTIVE SESSION**

Second: Mike Lambrix

Vote: 4 Ayes. Carried

**Exit Executive Session:** At 7:38 PM, Councilman Nussbaumer made the motion to return from executive session.

**MTN: EXIT EXECUTIVE SESSION**

Second: Mike Lambrix

Vote: 4 Ayes. Carried

**Adjourn Meeting:** At 7:39 PM, Todd Pipitone made the motion to adjourn the meeting.

**MTN: ADJOURN MEETING**

Second: Jim Welch

Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn  
Town Clerk

**ATTACHMENT A: LETTER TO THE BOARD FROM MR. MARC CARRIER**

**ATTACHMENT B: RESOLUTION #17-2014 STANDARD WORKDAY  
RESOLUTION (NYS FORMS)**

**NEXT REGULAR MEETING**  
**Thursday September 25th, 2014, 7:00 PM, PALMYRA TOWN HALL**