

**REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
MAY 28, 2015**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, May 28, 2015, 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
- David Nussbaumer, Councilman
- Todd J. Pipitone, Councilman
- Michael Lambrix, Councilman

Motion was made by David Nussbaumer to approve the minutes of the Town Board meeting on April 23th, 2015.

**MTN:
APPROVE
PREVIOUS
TOWN BOARD
MINUTES**

Second: Mike Lambrix

Vote: 4 Ayes. Carried

Also attending was: Adam Breen, Kyle Homer, Yvonne Kelly, Matt LaMora, Marc Carrier, Richard Hagar, Palmyra Code Enforcement Officer Robert Grier, and Palmyra Highway Superintendent Mike Boesel.

ATTENDANCE

HEARING

There was no official hearing this evening.

HEARING

COMMUNICATIONS

Letters from Marc Carrier, Frank Vascukynas, and Richard Hagar were received and put in the board members mailboxes on March 16, 2015, however, discussion was tabled until this meeting so that the board

**COMMUNICA-
TIONS**

members would have ample time to review the materials. The Town Supervisor asked that this topic continue to be tabled until the June 2015 meeting.

**ATTACHMENT A –
LETTER FROM
MARC CARRIER**

An additional letter from Marc Carrier was received on May 27th, and was shared with the board. This letter discusses additional concerns with the closed landfill on Garnsey Road, and will be **ATTACHMENT A**.

Correspondence was received from Leah Bamberger, President of BM and BW, LLC, regarding water that is coming down the hill in back of a property located at 218 East Jackson Street. Though this letter was sent to the Town Board, care of the Town Clerk, Supervisor Miller asked if this matter should be tabled until next meeting, but Councilman Nussbaumer noted that this is a Village issue and will be dealt with by the Village Board.

**PUBLIC INPUT –
ADAM BREEN**

PUBLIC INPUT

Adam Breen, who has been residing at 4000 State Rt 31, Palmyra, for the past four years, addressed the board regarding a yard and basement flooding issue which has been recurring over the last 1 1/2 years. He stated that it is the conclusion from many professionals that the water is coming from a hill behind his house. This is apparently a new issue since his neighbor received permission, as well as the proper permits, to build a pole barn on the property. A portion of the property was filled which changed the grade of the hill directing the water towards his home. Mr. Breen's full address to the board, as well as photos that he provided, will be **ATTACHMENT B**.

**ATTACHMENT B-
PRESENTATION
FROM ADAM
BREEN RE:
FLOODING ON HIS
PROPERTY**

Supervisor Miller asked if either CEO Bob Grier or Highway Superintendent Mike Boesel had been informed of this situation. Mr. Grier stated that under threat of legal action contained in Mr. Breen's address, he will not make a statement without legal council, and suggested that the board not comment at this time either.

Mr. Miller asked Mr. Breen to contact him directly and meet with him in his office to discuss the issue, with no promise for any action at this time.

REPORTS OF STANDING COMMITTEES

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

1. Sick Day Policy – Clarification (had been tabled at the April meeting):

This topic was originally tabled at March meeting, and Supervisor Miller asked that it be kept tabled until the June meeting of the Town Board.

**SICK DAY POLICY –
STILL TABLED
FROM MARCH
MEETING**

**2. Possible Amendment to the Inter-municipal Agreement for
Administration, Maintenance and Repair of the Village Highway System
(had been tabled at the April meeting):**

Before the March 2015 meeting, the Village Board had approached the Town Board of the Town of Palmyra, and asked for a change in the way that they fund repairs of their vehicles. Mr. Miller asked that Councilman Pipitone and Councilman Nussbamer address this issue, as well as the Highway Superintendents salary, with the Mayor. Supervisor Miller also asked that this topic be kept tabled until the June meeting of the Town Board.

**AMENDMENT TO
INTERMUNICIPAL
AGREEMENT –
STILL TABLED
FROM MARCH
MEETING**

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

1. Town Clerk Office Report for May:

**TOWN CLERK OFFICE REPORT TO THE BOARD
MAY 2015**

**TOWN CLERK
REPORT FROM
MAY**

At the end of April (after the last meeting) Heidi and I attended the NYS Town Clerk Conference in Rochester, NY. Between the two of us, we were able to cover numerous breakout sessions and learned many new rules, regulations, and changes that our state will be implementing.

Celeste and I also took 32 boxes of records that were scheduled for destruction to the Wayne ARC facility in Newark for shredding. The consumers that work there do an excellent job with our records at a very small cost.

On May 23rd, Fingerlakes Ambulance held a CPR training class here at the Town Hall. While they were here, I asked that they check our AED units. Our units are in working order, and the AED pads will not expire until December 28, 2016.

Through dog licensing in April, we sold 130 licenses totaling \$1,202.00, misc sales, EZ Passes, (which are selling well!), marriage licenses, hunting/fishing, vital record requests, etc- added an additional \$4,817.71. Total check disbursements for the month of May were \$6,019.71.

TOWN CLERK
REPORT
CONTINUED-
REQUEST TO
INCREASE PETTY
CASH

2. **Request to increase Petty Cash from \$100 to \$200:** The Town Clerk made the request to increase the petty cash from \$100.00 to \$200.00. Mr. Lambrix stated that he thought the increase was a necessity at this time as the Town Clerk Office is now mailing out (certified) court appearance tickets for animal control. This matter will be voted on late this evening.

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

1. **Highway Department report for May:** Highway Superintendent Mike Boesel submitted the following report from April 23th, 2015 through May 28, 2015.

HWY.
DEPARTMENT
REPORT FOR MAY

**Highway Superintendent Report
For Town Board Meeting
5/28/15**

Since the 4/23/15 Town Board meeting we have completed the following work:

- Drainage work – Stafford Road & Hogback Hill Road
- Cracksealing - Stafford, Division, Betty, Bonnie, Meadow, Clover, Bear Hill, Rolfe, Crestwood
- Hauling - 3/8 washed stone for chipseal, gravel and #2 stone
- **Palmyra Municipal Auction** – May 9th we held our 30th Palmyra Municipal Auction. The Auction was very successful again with sales over \$5 million. Below is a summary of the bigger ticket items we sold from our Auction surplus list and the price the items sold for.

MUNICIPAL
AUCTION RESULTS

2015 Auction Surplus List Results

Highway Dept Items - Selling Price:

- (1) 2014 S650 Bobcat skidsteer loader - \$36,000.00
 - (1) 2006 Ford F250 XLT 4x4 w/plow - \$15,500.00
 - miscellaneous storm pipe - \$3,125.00
 - brush mower - \$2,500.00
- **Personnel** –
 - Gerald East started as a summer laborer with us on 5/12/15
 - Chris Bratt started back mowing with us on 5/12/15.
- **Winter Equipment and Yard Cleanups** – Most of our sanders have been cleaned and put away for the summer. Most of our plows/wings have been cleaned up and re-painted and the trucks have been setup for summer use. We completed yard cleanups around the Town and also around the highway barn in preparation for the Auction.
- **Salt Orders** – We ended the winter season utilizing 2228 tons of our 2800 ton allotment, which approximately 79% of our requested allotment. My new salt allotment is due on 5/30/15 and I requested the same 2800 tons as this past season. We still have approximately \$37.5K to use for the remainder of the Town fiscal year which should allow for ~ 800 additional tons of salt to be ordered which would bring us to 108% of our allotment.

- **Training/Personnel –**
 - 4/30/15 - The entire crew attended PESH refresher training on Excavation & Trenches, Chainsaw & Powertool Safety, and Slips, Trips & Falls at Macedon Fire Dept.
 - 5/14/15 - I attended Stormwater Management training class put on by Cornell Local Roads Program.
 - 5/19/15 - The entire crew attended Workplace Violence and Sexual Harassment training put on by NYMIR at the Palmyra Town Hall.
 - 5/20/15 - I attended Powers & Duties of Local Highway Officials training class put on by CLRP.

- **Shop Hoist:** We completed many of our annual inspections in the past 60 days as noted on my April report. Since then we completed all our vehicle inspections and I have received our Shop Hoist inspection report which although is not tagged out of service, it does need to have some short term and long term work.

**HWY. DEPT. REPORT
CONTINUED-
TRAINING**

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

Highway Superintendent, Mike Boesel, added that the municipal auction was over, and that the auction grossed approximately \$5,025,000.00. He also stated that he needed to request next years salt allotment, and requested the same amount as last year. He further explained that though this winter was incredibly tough, we are still at 79% of what we were allowed. Though he does not like to order before knowing the price (pricing will be available in July or August) he felt this was a prudent amount because of rumors that prices will be higher due to a shortage. Mr. Miller asked when we needed to purchase by, and Mr. Boesel answered that September 1st was the date that the contract expires.

**MUNICIPAL
AUCTION RESULTS**

Mr. Boesel concluded with stating that the MRB Group is working on alternatives for the highway barn construction, and hopes to have something by the June meeting.

**MRB PLANNING FOR
POSSIBLE HWY
BARNs**

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

1. Town Hall Items: Supervisor Miller began the discussion of town hall maintenance with the topic of changing the lighting in the town hall. He stating that utilizing the highway department to change light bulbs, etc. was not “free labor”, and that by using them for this purpose is taking them away from other highway projects. Mr. Pipitone commented that he agreed with that statement, but was still not sure that the quote we received from Blue Rock Energy was “worth it” if we did not see a saving for 5 yrs. Mr. Pipitone requested that the Town Clerk contact our representative from Blue Rock Energy to meet with the board for the June meeting. Supervisor Miller will provide the clerk with the contact information.

BLUE ROCK ENERGY

Mr. Pipitone also informed the board that we received a quote from Wayne ARC for cleaning the facility that will save the town quite a substantial amount of money per year. Mr. Miller asked that it be included in the minutes that the main concern was insurance as brought up by NYMIR. Mr. Lambrix pointed out that Wayne ARC is insured, and that they will provide a rider naming the town as insured.

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

**ASSESSOR'S
OFFICE REPORT
FOR MAY**

1. **Assessor's Office Report for May:** Assessor Elaine Herman submitted the following report:

**REPORT TO THE TOWN BOARD
FROM THE ASSESSOR'S OFFICE
MAY 27, 2015**

May has been a busy month with preparing for grievance day. I had to "sit with the roll" as prescribed by law for two (2) hours one night and for four (4) hours one Saturday. I prepared information to present to the BAR members so they could see what sales have occurred in the last year to help them with their decisions. I had a meeting with the BAR, but only one member attended this year, so the information was mailed to the other two members who were eligible to sit on the board this year. Derry Jackson was unable to attend this year and Rob Magde did not get his required training, so he was unable to sit also. Tuesday, May 26, was grievance day and things went as expected. There were two meetings in the afternoon and eight in the evening. The BAR was able to make their decisions between meetings, so they do not have to return other than the chairperson to sign the notices that need to be sent to the property owners informing them of the decision made by the BAR.

CEO REPORT

2. **Code Enforcement/Zoning Office Report- May:** Code Enforcement Officer Bob Grier submitted a report to the Board Members including a list of building permits and certificates of compliance for Jan. 1 through May 28, 2015.

ZONING MEETING

3. **Zoning Board Meeting in May:** There was no meeting of the Zoning Board in the month of May 2015.

**PLANNING BOARD
MEETING**

4. **Planning Board Meeting on May 11th:** Minutes from the May 11th Planning Board meeting were shared with the board.

**POSSIBLE HIRING
OF CLERK FOR
CEO**

5. **Hiring of Clerk for CEO Office:** Councilman Nussbaumer stated that the Code Enforcement Office needs help now, as the part-time CEO hiring last month did not work out. Mr. Nussbaumer asked that CEO Grier and Mr. Miller get together to discuss which direction should be taken. (Full or part-time, etc...)

- 6. **Notice of Public Hearing for Marion on June 8, 2015:** A copy of the notice for public hearing from the Town of Marion was included in the board packets. The hearing is for the purpose of amending the Zoning Ordinance. PUBLIC HEARING
FOR MARION
ZONING

- 7. **Notice from NYS Department of Taxation and Finance:** A notice was received, and shared with the board, from the NYS Department of Taxation and Finance that Rob Magde failed to attend the Board of Assessment Review Training, which is required once every five years during their appointment. BRD OF ASSESS.
REVIEW
TRAINING

- 8. **The New York Sun-Initiative – Solar Powering New York:** Councilman Nussbaumer attended the Annual Regional Local Government Workshop earlier this month and learned of a program called the NYS Unified Solar Permit. If the town board passes a resolution to allow this permitting process, the town will be paid \$2500.00 from NYSERDA. Discussion ensued, and it was decided that this topic will be revisited after the board has time to review the information included in their packet. SOLAR POWER
NYSERDA

- 9. **Manufactured Home Permit:** The annual manufactured home permit for Old Dutch Properties (Maple Creek MHP), located at 1688 Rt 21 will be voted on this evening. Supervisor Miller asked Mr. Grier if there were any issues with the par that needed to be discussed, there were not. ANNUAL
MANUFACTURED
HOME PERMIT

INFORMATIONAL ITEMS

- 1. **EMS Advisory Board:** Supervisor Miller spoke with our representative to the EMS Board, and was informed that there was no report this evening as the meeting had been cancelled. EMS ADVISORY-
NO REPORT THIS
MONTH

- 2. **Wayne County Sherriff's Office:** There were three reports/press releases shared with the board: a summary of calls/tickets month to date, "Click it or Ticket" press release, and a notice of the Memorial Day DWI crackdown May 22-26, 2015. WC SHERIFF

- 3. **US Army Corps of Engineers:** Included in the board packets was a letter received from the US Army Corps a notice for a proposed maintenance dredging project in our area. This NYSCC proposes maintenance dredging of the navigational channel of the Barge Canal on an as needed basis to address re-silting of the channel over a ten year period. CORPS OF ENG.
PROPOSED
DREDGING

WC HEALTH
REPORT

4. **Wayne County Report:** The *Wayne County Report to the Health and Medical Committee Financial Report* will be available for review in the Town Clerk's office.

2015-16 COUTNY
BUDGET IMPACT
REPORT

5. **2015-16 Budget Impact Report:** The *2015-16 Budget Impact report for Wayne County* will be available for review in the Town Clerk's office.

AGENDA ITEMS

MTN: APPROVE
INCREASE IN
PETTY CASH

1. **Approve: Increase of Town Clerk Petty Cash:** Mike Lambrix made the motion to increase the amount of petty cash in the Town Clerk's Office from \$100.00 to \$200.00. This will be re-evaluated at the December 2015 Board meeting.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried.

MTN: APPROVE
ANNUAL MAN.
HOME PARK
PERMIT

2. **Approve: Manufactured Home Park's Annual Permit:** Dave Nussbaumer made the motion to approve the annual manufactured home permit for Maple Creek MHP located at 1688 Route 21.

Second: Todd Pipitone

Vote: 4 Ayes. Carried.

MTN: APPROVE
CLAIMS AND
EXPENDITURES

- Motion to Approve Claims and Expenditures:** Dave Nussbaumer made the motion to approve claims and expenditures in the June 2015 abstract, voucher #4115 thru 4143, totaling 67,790.23.

Second: Todd Pipitone

Vote: 4 Ayes. Carried

MTN: ENTER EXEC
SESSION

- Motion to Enter into Executive Session:** At 7:26 PM, Councilman Pipitone made the motion to enter into executive session to discuss a particular matter of personnel.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried

MTN: EXIT EXEC
SESSION

- Motion to Return from Executive Session:** At 7:59 PM, Councilman Nussbaumer made the motion to return from executive session.

Second: Todd Pipitone

Vote: 4 Ayes. Carried

Adjourn Meeting: At 8:00 PM, Dave Nussbaumer made the motion to adjourn the meeting.

Second: Mike Lambrix

Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

ATTACHMENT A: LETTER FROM MARC CARRIER RE: LANDFILL

ATTACHMENT B: ADAM BREEN PRESENTATION RE: PROPERTY
FLOODING ON ROUTE 31

NEXT MEETING
Thursday JUNE 25, 2015, 7:00 PM
PALMYRA TOWN HALL