

**REGULAR MEETING OF THE TOWN BOARD
EAST PALMYRA FIRE HALL
OCTOBER 22, 2015**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, October 22, 2015, at the East Palmyra Fire Hall, 2145 Whitbeck Road, 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:

- Kenneth Miller, Supervisor
- David Nussbaumer, Councilman
- James Welch, Deputy Supervisor
- Michael Lambrix, Councilman
- Todd Pipitone, Councilman

ROLL CALL

Motion was made by Dave Nussbaumer to approve the minutes of the Town Board meeting on September 24, 2015.

**MTN:
APPROVE
PREVIOUS
TOWN BOARD
MINUTES**

Second: Todd Pipitone Vote: 4 Ayes. Carried

Also attending was: Richard Hagar, Marc Carrier, Frank Vascukynas, William Unterborn, John Rush, Matt Lamora, Code Enforcement Officer Patrick Sheridan, and Highway Superintendent Mike Boesel.

ATTENDANCE

HEARING

There was no official hearing this evening.

HEARING

COMMUNICATIONS

A letter signed by Marc Carrier, Frank Vascukynas, and Richard Hagar regarding the Palmyra Municipal Dump sites was received and put in the board members mailboxes on October 21, 2015. Discussion was tabled at this time so that the board members would have ample time to review this letter.

**COMMUNICA-
TIONS**

PUBLIC INPUT

**PUBLIC INPUT –
MARC CARRIER
RE: GARNSEY RD
LANDFILL**

Marc Carrier briefly addressed the board voicing his (and his neighbors) concerns with regards to any contaminants that they feel may be found in the ground water located at the above mentioned dumpsites. His formal concerns, that are added to the already several concerns he has addressed in the past years, will be added to the minutes as found in the letter to the board, and will be **ATTACHMENT A**. Mr. Carrier asked that it be noted that it is time that this matter is taken seriously.

**LETTER IS
ATTACHMENT A**

REPORTS OF STANDING COMMITTEES

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

BUILDING SAFETY

1. **Building Safety Meeting with Town Hall Employees:** Supervisor Miller met with employees of the town hall, as well as the board, to devise a basic security plan for the Town Hall building. He stated that now that we had a basic mapped out plan; it was time to hire an engineering firm that could address knocking out walls, code, etc. Mr. Miller asked the CEO Patrick Sheridan to work with him to interview firms, and said that he would have a report by next meeting.

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

**TOWN CLERK
OFFICE REPORT**

1. **Town Clerk Office Report for October:**

Town Clerk's Office Report
October 22, 2015

Copies of preliminary budget were made for distribution to the public, and are available in the Town Clerk's office, legal notices for public hearings and preliminary budget were posted, and minutes were sent to the Board Members as well as department heads.

This month our office has been running as usual; hunting licenses and school taxes! So far we have collected \$13,232,644.73 (4376 properties paid so far) of the \$14,429,834.00 total warrant....about \$8 million came in the last few days of September! We were constantly with people at the counter, and Heidi and Joan did a fantastic job sending out the tax receipts as I entered the payments in those last penalty free days. It was also the last days for DMP's ("Doe" permits) and water payments! I am anticipating having the office open from 10 AM until Noon on Sunday November 1st, so our local hunters will have the opportunity to purchase the "first come first serve" second round of DMP's.

Celeste has continued working with the Archive and Record Management projects. She is working at completing all major projects before we hire a new part-time clerk, so that person could be trained at the upkeep of records management.

Heidi has continued to pursue past due dog owners, which has not only alerted us to dogs that are no longer here, but has reminded owners that they need to pay their licensing fees! Gary Rose, Animal Control Officer, has been working closely with Heidi to follow up with these owners before tickets are issued. Through dog licensing in September we sold 81 licenses totaling \$657.00, misc sales, including marriages licenses, hunting/fishing, vital record requests, Bingo proceeds, etc – added an additional \$7773.20. Total check disbursements for the month of September totaled \$8430.20.

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

**HIGHWAY
REPORT**

Councilman Welch deferred to Highway Superintendent Mike Boesel to present his report.

1. **Highway Department report for April:** Highway Superintendent Mike Boesel submitted the following report from September 24, 2015 through October 22, 2015.

**Highway Superintendent Report For
Town Board Meeting
10/22/15**

Since the 09/24/15 meeting we have completed the following work:

- Sweeping/Shoulder work - Temple and Hogback Hill Roads
- Inter-municipal Assistance
 - 10/1/15 3 Palmyra trucks to assist WC Hwy with paving on Macedon Center Rd.

Other miscellaneous items include:

- **Roadwork/Brush Mowing** – Summer roadwork is essentially complete. We intend to continue brush mowing roadsides as time and weather permit throughout the Fall/Winter months.
- **Striping** - WC Highway recently completed striping all our roads for the season.
- **Roadside Mowing** - Our summer roadside mowing program will be coming to an end soon.
- **Highway Department Improvements** - At the August TB meeting a decision was made to not pursue any of the 3 new highway facility options prepared by MRB Group. Since then we have used the past few weeks of nice Fall weather to paint the outside of the Town Highway main shop.

**HWY FACILITY
UPGRADES,
PAINTING ETC.**

- **Town Hall Sealcoat** - On Saturday September 26th, the Town Hall parking lots were seal coated by ER Shove Inc. We used our striping machine to re-strip the parking stalls.
- **Town Hall HC Ramp** - We started the Town Hall Handicap Ramp project late last week and are should be done with the frost-free foundation work this week and ready to pour the ramp next week.
- **Park Drive Boat Ramp Project** - The Town/Village Hwy and B&G crews have been working together at various times the past few weeks to put the finishing touches on this Village grant project. A concrete wall, curbs and gutters were recently installed as well as a timber guide rail within the parking area. Some brick pavers, benches, lights and boat dock remain to be installed. The street is intended to be re-paved next season.
- **Winter Preparations** – The barns have been full of sand and salt since the end of August. Plow frames have been re-installed on the entire truck fleet. We will slowly be taking tarps off trucks and installing sanders over the next several weeks.

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

BOAT RAMP PROJECTS

CONVENIENCE RAMP

Mr. Boesel added that the work on the convenience ramp may appear to be moving slowly, but it turned they will actually need to replace and clean packed drainage pipes as they go. Matt Lamora added that much of it is very brittle and breaks when they touch it. They hope to be pouring cement by next week.

ADVOCACY – HIGHWAY FUNDS GOING TO DOWNSTATE – AGAIN!

The Governor recently signed an agreement with mass transit authority to fill an \$11 Billion dollar deficit in downstate over the next 5 years. Last year they were given \$4 billion toward Tapanzee Bridge. This money is supposed to be used statewide, and even though upstate has 85% of the roads, most money goes downstate. Mr. Boesel stated that there is a dedicated highway fund that we each pay into when we buy gas that he does not feel is being used properly. Discussion ensued regarding this matter. He finally stated that Advocacy Day that usually begins in the spring has already begun this September!

GARNSEY RD LANDFILL SURVEY

SURVEY IS ATTACHMENT B

2. Survey of Garnsey Road closed Landfill: The Town Clerk supplied the board with a copy of the survey map of the one Garsey Road landfill. Mr. Welch asked Mr. Boesel if he had walked the survey, he had not but the deputy Hwy. Superintendent Michael Paul had. Because of the vegetation on the trees, it was hard to confirm, but they will go out and get a “shot” ribbon to ribbon to verify, once more leaves had fallen. This map will be **ATTACHMENT B.**

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

1. **Town Hall Items:** Mr. Pipitone stated that the town hall items are being taken care of as far as repairs, and other items of parking lot sealing and convenience ramp have already been discussed.

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

1. **Assessor’s Office Report for October:**

**REPORT TO THE TOWN BOARD
FROM THE ASSESSOR’S OFFICE
OCTOBER 22, 2015**

**ASSESSOR’S
REPORT**

We got the results of our three small claims hearings this month. The hearing officer did not change the assessment on the two properties that are located in the Canalside Manufactured Home Park. Both of the assessments on these two properties were lowered by the Board of Assessment Review in May. The third property that is located on Tellier Road was withdrawn by the property owner. The reason for the withdrawal was because the hearing officer asked if there was any reason that this parcel should not be heard before him. I sent a letter to both the hearing officer and the property owner stating that this property was not owner occupied, therefore not eligible for small claims court. Apparently, the property owner called the hearing officer and questioned the letter and he told him that his petition was not going anywhere as the law stated the property must be owner occupied to go to small claims court. His petition would be disqualified. He could still file Article 7 proceedings against the town if he desired. He has thirty (30) days in which to do so, which still gives him time to file as I received the decision on September 28, 2015. I doubt that he will file proceedings against the Town, as the expense is way more than he would ever get back out of the tax settlement.

**SMALL CLAIMS
HEARINGS**

We are still having Enhanced (senior) STAR applications being returned to the office.

We are still working on the Bamberger Article 7 lawsuit. There is another pre-trial hearing on November 24, 2015. We are getting closer to settling this matter, but I cannot guarantee when that day will be here. Also on your agenda is a request by Mr. Villani to have some response to the settlement agreement that the Town will agree with the results of the last pre-trial hearing. He is doing the same with the school, village and county so he knows how to respond to the defendants and the judge about what all parties are willing to settle for.

**BAMBERGER
LAWSUIT**

2. **Litigation Regarding Bamberger Properties:** This topic will be held until later in the evening when they will go into executive session.

CODE
ENFORCEMENT
REPORT

3. **Code Enforcement/Zoning Office Report- October:** Code Enforcement Officer Pat Sheridan submitted a report to the Board Members including a list of building permits and certificates of compliance for January 1, 2015 through October 22, 2015. Councilman Nussbaumer invited all to read it at their leisure. Mr. Sheridan introduced himself to the public as the new Code Enforcement. His experience includes 8 years of employment as the Chili, NY Code Enforcement Officer.

3. **Minutes from Zoning Board Meeting for October:** There were no meeting minutes available at this time.

4. **Minutes from Planning Board Meeting October:** There were no meeting minutes available at this time.

POSSIBLE
DEMOLITION OF
4775 TELLIER RD

5. **Possible Demolition of Property:** As per default judgment and order entered in March, Mr. Kern had until August 31, 2015 to bring property up to code, or demolish it. If not completed by Sept. 1, 2015," the town may demolish the structure and levy the costs on Mr. Kern's", or current owner's, "Property Taxes". Mr. Miller stated that he would like visit the property with Hwy Superintendent Boesel to see if whether or not the Town can demolish it, as well as cost of doing so, and then speak to an attorney to find out what they need to do to dispose of it properly and what documentation might be needed. Some discussion amongst the board ensued, and the CEO agreed that since they were unsure of what is contained inside because of the age, this was the correct course of action at this point.

RESIGNATION
LETTER- MAUREEN
DENNISTON FROM
BOARD OF
ASSESSMENT
REVIEW

6. **Resignation Letter Received from Member of Board of Assessment Review:** A resignation letter from Board of Assessment Review Member Maureen Denniston was received. Mrs. Denniston was moving out of the area and therefore could not continue in her position. The Town Board asked that the Town Clerk send a letter to thank her for her dedicated service. David Nussbaumer made the motion to accept the letter of resignation.

Second: Todd Pipitone

Vote: 4 Ayes. Carried

INFORMATIONAL ITEMS

1. **EMS Advisory Board:** There was nothing new to report at this time. **HALLOWEEN
TRAFFIC
CRACKDOWN**

2. **Wayne County Sheriff's Office:** Mr. Miller had just received e-mail regarding a Halloween Traffic Crackdown that he will forward to the board.

3. **19th Annual Wayne County Job Fair:** The WC Job Fair will be taking place at the Palmyra VFW on November 19th, from 1-4pm. Supervisor Miller said that he usually attends so that he can greet and welcome the attendees. **JOB FAIR**

4. **NYSEG Reminder to be prepared for Power Outages:** As part of preparedness month in NYS NYSEG & RG&E wanted to encourage customers to create an emergency plan and portable supply kit with enough food, water, medications, and other supplies to last 7-10 days. Mr. Miller attended a similar informational seminar at Ginna in which people learned what to include in their "Go Bag". **PREPARE FOR
POWER OUTAGES**

5. **Invitation to Join Congressman Katko at Sampson Flag Dedication:** An invitation to join Congressman Katko at the Palmyra Village Hall, at 1:15 pm on November 13, 2015 to present Preservation Commission with Sampson Flag, was shared with the town Board. **SAMPSON FLAG
PRESENTATION AT
VILLAGE HALL**

6. **Reforming the Energy Vision:** Information was received from the Department of Public Service, which included and invitation to public hearings to seek consumer input regarding the proceedings and practices aligning the electric utility regulation and practices. The closest hearing will take place on November 5th, at the Rochester City Hall at 6pm. **UTILITY
REGULATIONS**

7. **Palmyra Community Library Trustee Election:** The Palmyra Community Library Trustee Election was held on 10/13/2015. Carolyn Bradstreet, Sandra Goehle and Courtney Marr will be serving as the new Trustees from November 1, 2015 thru October 31, 2019. **LIBRARY TRUSTEE
ELECTION**

8. **Government Finance Institute:** There is a seminar being offered, *Fundamentals of Accounting and Financial Reporting in the Public Sector*, November 16-17, 2015 in Syracuse, NY. Supervisor Miller will be asking for approval to attend, and not to exceed \$400.00. Mr. Pipitone asked where this would be taken out of the budget. Mr. Miller stated that it would come out of the supervisor's budget line. David Nussbaumer made the motion to allow Mr. Miller to attend not to exceed \$400.00. **GOVERNMENT
FINANCE INSTITUTE**

Second: Jim Welch

Vote: 4 Ayes. Carried

AGENDA ITEMS

**MTN: APPROVE:
DEMOLITION OF
4775 TELLIER RD**

1. Approve: Demolition of 4775 Tellier Rd: Mike Lambrix made the motion to proceed with the demolition of 4775 Tellier Rd as provided by the courts Default Judgment and Order, dated March 3, 2015, and to levy **all** costs on the current owners property tax.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried

Further discussion ensued regarding proximity to railroad tracks and safety, when the work should be completed, what to do with the waste (and what kind of waste there may be), and who should perform the demolition. Mr. Lambrix offered to meet at the property with the Supervisor.

**MTN: APPROVE:
CLAIMS AND
EXPENDITURES**

Claims and Expenditures: Dave Nussbaumer made the motion to approve claims and expenditures in the October 2015 abstract, voucher #4583 thru #4695, totaling \$90,288.42

Second: Mike Lambrix

Vote: 4 Ayes. Carried

**MTN: ENTER
EXECUTIVE SESSION**

Motion to Enter into Executive Session: At 7:34 PM, Councilman Nussbaumer made the motion to enter into executive session to discuss current litigation.

Second: Todd Pipitone

Vote: 4 Ayes. Carried

**MTN: RETURN
FROM EXEC.
SESSION**

Motion to Return from Executive Session: At 7:35 PM, Councilman Lambrix made the motion to return from executive session.

Second: Todd Pipitone

Vote: 4 Ayes. Carried

**MTN: APPROVE:
SETTLEMENT
OPTION
BAMBERGER
LITIGATION**

2. Approve: Authorization of Settlement Option: Councilman Pipitone made the motion to authorize our legal council to provide a settlement option not to exceed \$11,000.00, to be divided proportionately between the Town of Palmyra, Village of Palmyra, and Pal-Mac CSD, and Wayne County with regards to the ongoing Bamberger litigation.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried

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

**MTN: ADJOURN
MEETING**

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

ATTACHMENT A

**LETTER FROM MARC CARRIER, FRANK
VANCUKYNAS, AND RICK HAGAR**

ATTACHMENT B

GARNSEY RD LANDFILL SURVEY MAP

NEXT PUBLIC HEARING: THURSDAY November 5, 2015
7:00 PM - Palmyra Town Hall

NEXT REGULAR BOARD MEETING: TUESDAY November 24, 2015
7:00 PM – Palmyra Town Hall