

**REGULAR MEETING OF THE TOWN BOARD
EAST PALMYRA FIRE DEPARTMENT
April 27, 2023**

At 7:00 p.m., Deputy Supervisor Jim Welch called to order the Town Board meeting, scheduled for Thursday, April 27, 2023, at the East Palmyra Fire Department, 2145 Tellier Rd, Palmyra, New York.

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

Upon roll call, the following Board members were present:

James Welch, Deputy Supervisor
Doug DeRue, Councilman
Todd Pipitone, Councilman
Brad Cook, Councilman

Supervisor Kenneth Miller was absent.

Motion was made by Todd Pipitone to approve the minutes of the Regular Town Board meeting which took place on March 23rd, 2023, and to also approve the minutes from the Town Board meeting and Joint Village & Town Workshop on April 10th, 2023.

Second: Brad Cook Vote: 4 Ayes. Carried

ATTENDANCE

Also in attendance: Joan Knapp, Casey Carpenter (Times), Chuck & Julie Hartman, Jeanne Garlock, Dean Heckman, Jeremy Bedette, Eric Vanderstynne, Gigit Graham, Tracy Vanderwall, Marc Carrier, Don Wilkins, and Highway Superintendent Mike Boesel.

HEARING

There was no official hearing this evening.

GUEST SPEAKER

Mike Catalano, our representative from the Wayne County EMS Advisory board, was unable to attend.

COMMUNICATIONS RECEIVED

There were no additional communications received from the public.

PUBLIC INPUT

There was no public input.

NOTE:

The following statement is now to be included on all public agendas:

**If you are attending a Town Board Meeting have not signed up for Public Participation Section of the Town Board Meeting pursuant to the rules which have been established (24 hrs prior to start of meeting), then you will not be able to express your opinion. As a courtesy to those who attend the Board Meeting, you are requested not to interrupt the meeting, and refrain from conversation that would interfere with those attending being able to hear the Board transact its business. If in fact someone interferes with the meeting or the conversation with other spectators should require a warning and it is ignored, the person could be charged with Disorderly Conduct. For public hearings, speaking will be limited to topics on the agenda.*

REPORTS OF STANDING COMMITTEES

Supervision---Animal Control, Historian, Justices, and Finance as well as:

Public Works: Highway Department, Equipment and Facilities:

-Deputy Supervisor James Welch

Deputy Supervisor Welch will report on behalf of the Supervisor, as well as his own department.

1. Discussion Regarding proposed Marquart Mobile Home Park Special Use Permit: Jeff Cook /Cook Properties is now proposing a Special Use Permit for a 37-lot expansion at the Marquart Village Mobile Home Park. The newest proposal was brought before the Planning Board on April 10th, 2023, and was not approved. There will need to be another public hearing (perhaps May 9th) with vote within 45 days (if necessary to wait again) for the board to decide to:

- **Approve the special use permit for an expansion of the park**
- **Approve the special use permit with conditions, or**
- **Disapprove the permit as the planning board recommended.**

The recommendation from the Planning Board, along with minutes from the Planning Board meeting of April 10th are **ATTACHMENT A**.

2. Old Garnsey Road Landfill: LaBella has completed the wetland delineation and sediment control plan. Map is **ATTACHMENT B**

3. Vienna Place Apartments: Vienna Place Apartments (Sermar Management) have submitted their 2021 and 2022 Financial Statements, and were submitted to the board for review.

4. MOU between Village and Town for Court: Approval for agreement between the village and town regarding the bailiff is on the agenda this evening.

5. 2022 Annual Financial Report: The 2022 Annual Financial Report for the Town of Palmyra has been filed with the Office of the State Comptroller and with the Palmyra Town Clerk. This can also be emailed to anyone that might be interested in viewing it. The following legal notice was posted as required by law:

**LEGAL NOTICE
TOWN OF PALMYRA ANNUAL FINANCIAL REPORT
FISCAL YEAR 2022**

***NOTICE IS HEREBY GIVEN**, that the 2022 Annual Financial Report for the Town of Palmyra has been filed with the Office of the State Comptroller and with the Palmyra Town Clerk.*

Said report is available for viewing by any interested party at the Town Clerk's office, 1180 Canandaigua Road, Palmyra, during regular business hours: 9 a.m. to 5 p.m., Monday through Friday.

Dated: March 31, 2023

*Irene E. Unterborn
Palmyra Town Clerk*

6. Highway Department report for April:

**HIGHWAY SUPERINTENDENT REPORT
FOR TOWN BOARD MEETING
04/27/23**

Since the 3/23/23 meeting we have completed the following work:

- **Plowing/Sanding** – We made 0 trips since the March meeting. To end this winter season, we have made a total of 59 trips out of the barn. A comparison to this point of the past 5 winter seasons is below:
 - April 2022 - 92 trips. April 2021 – 71 trips.
 - April 2020 – 88.5 trips.
 - April 2019 – 114 trips. April 2018 – 109 trips.

Other miscellaneous items include:

- **Salt Orders** – We haven't made any additional salt orders since March 1st. For the winter season we used 1267 tons of our 2600-ton allotment, or approximately 48%. The salt barn is currently at $\frac{3}{4}$ capacity, and the mix barn is nearly empty. We need ~560 tons to meet our 70% requirement, which will help fill both barns. Salt currently costs ~\$63/ton and we still have \$64k unexpended. We will be in good shape to start the next season.
- **CHIPs/PAVE/EWR/POP Funding** – Until the passage of the 23-24 NYS Budget or any emergency funding, NYS municipalities do not currently have access to our various state-funded sources, like CHIPs, PAVE, EWR and POTHOLE. The good news is that both the Senate and Assembly added some money, but it remains to be seen if a final agreement can be made. I will get official tallies from NYS DOT as soon as the Budget passes.
- **Inspections:**
 - Fire Extinguishers – all Hwy Dept fire extinguishers are scheduled for inspection in May by P.A.T.I.
 - Vehicle Inspections – most Hwy Dept vehicles have received annual inspections thru April 2023.
 - Chainfall Inspection – our annual chainfall inspections are in the process of being scheduled.
 - Lifting Chains - all our lifting chains are scheduled for inspection by Cook Iron in May.
 - Oil/Water Separator – schedule for cleanout in the next 2 weeks by NOCO.
- **Training/Personnel** – Next Tuesday morning, 5/2/23, we are hosting a Work Zone Safety Seminar at the Palmyra Town Hall. This is a free seminar put on by our insurance provider, NYMIR. I understand about 90+ are registered for the event, including our entire crew. My Annual Highway School at Ithaca College is June 5-7th.
- **Winter Equipment and Yard Cleanups** – Most of our winter equipment was slowly put away throughout the past couple weeks. Over the past couple days, we have been cleaning and spraying our sanders/salters and putting them away too. We have also completed snow fence removal, road sweeping, our snowplow damage, and started cleaning up around the Hwy property.
- **Palmyra Municipal Auction** – This year would have marked our 37th year. However, after discussions with Teitsworth, there will be no auction this year. The internet and covid have changed the landscape for a viable auction. Equipment delays due to covid supply disruptions combined with the ease of monthly internet auctions are the primary factors. We didn't have anything to sell for our own auction either as we are still awaiting delivery of 2 new pickups and 1 dump truck.

- **Camera Equipment** – Last evening I was informed by two witnesses of some individuals stealing metal from our scrap metal pile. While responding, I also had to turn away an out-of-town contractor who was looking to dump tree and log debris in our brush pile. I am going to re-start looking into camera equipment to help monitor the highway grounds. I have been working with Palmyra PD about the observed theft.
- **Red Barn Incident** – The afternoon of our last TB meeting, 3/23/23, we had an incident while parking our rubber tire excavator in the Red Barn. Attached is a picture. In the past 30 days I've been meeting and speaking with various adjustors, structural engineers, and mason and getting repair quotes. So far, everything has been covered under our insurance. Building Inspector Pat Sheridan has been assisting me. Any questions, comments or concerns I will be glad to answer.



7. Highway Structure Damage: It was necessary to call in a structural engineer to assess damage to one of the highway structures, and an agreement was signed with Bison Engineering to visit the site. These charges, as well as the cost of fixing the structure, will be covered by insurance.

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

1. Town Clerk Report for April: The town clerk report for April will be combined with May as I just returned from the annual Town Clerk Conference and Training.

2. Building Update: I met with Ron from Ontario Lock and Key and will be asking for an approval not to exceed \$1,500.00 to change all locks and cut new keys. I also met with Mike Dube about plaster in meeting room, kitchen, and tourism room. The cost of material and labor for the meeting room is \$7,200.00, the kitchen is \$1,600.00, and the tourism room is \$1,400.00. Estimate for painting those rooms from Clingerman was \$8375.00. Additional quotes will be coming.

AirQuip was here two days and finished cleaning and servicing all heating and cooling systems in the Town Hall. The 23 yr old permanent unit in the TC office *might* need to be changed....we will have to wait and see how it does on a warm day. Town Hall property and gutter maintenance will be completed soon.

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

1. Grant Opportunities for Town and Village: The town and village had a joint workshop with grant writers (from MRB and LaBella) to see what services might be available for writing a new comprehensive plan, and to help with visions/infrastructure needs/planning in Palmyra. More discussion is necessary and the boards are looking at meeting again on May 9th, 2023 at 7:30 PM. The board has been investigating the references supplied by both MRB and LaBella.

**Government Operations: Assessor, Youth & Aging, and Code
Enforcement/Planning Board -Councilman Doug DeRue**

1. Assessor's Office Report for April: None for this month.

2. CEO Report for April: Code Enforcement Officer Pat Sheridan submitted a report to the Board Members that includes a list of building permits and certificates of compliance for March 21, 2023 thru April 25, 2023.

3. Minutes from Zoning Board Meeting from April: There was no Zoning Board meeting in April 2023.

4. Minutes from Planning Board Meeting from April 10th, 2023: Minutes from the Planning Board meeting from April 10th, 2023 were shared with the board.

INFORMATION

None for this evening.

AGENDA ITEMS

1. Approve: Cost of Locks and Keys throughout the Town Hall: Brad Cook made a motion to approve Ontario Lock and Key to change all locks and cut new keys for the Town Hall, not to exceed \$1,500.00.

Second: Todd Pipitone Vote: 4 Ayes. Carried

2. Approve: Public Hearing Date for Proposed Expansion for Marquart Mobile Home Park: Todd Pipitone made a motion to approve Public Hearing and Special Meeting Date of Tuesday May 9th, 2023, at 7:00 PM to review the decision made by Palmyra Town Planning Board on April 10th, 2023, and to review supporting information for and against the proposed expansion.

Second: Doug DeRue Vote: 4 Ayes. Carried

3. Approve: Agreement with Wayne County for Mowing on County Roads: Todd Pipitone made a motion to approve the Deputy Supervisor to sign the agreement with Wayne County for Mowing on County Roads commencing on April 27th, 2023 and ending on December 31st, 2023. A copy of the agreement had been reviewed by Mr. Boesel and Mr. Welch.

Second: Brad Cook Vote: 4 Ayes. Carried

4. Approve: Town & Village Joint Workshop to discuss a new Comprehensive Plan: Todd Pipitone made the motion to approve a joint Town & Village Workshop on May 9th, 2023, at 7:30 PM following the hearing that evening.

Second: Brad Cook Vote: 4 Ayes. Carried

5. Approve: Bid received from Frederick's Lawn & Landscape for Lawn Cutting: Brad Cook made the motion to approve a bid received from Frederick's Lawn & Landscape for Lawn Cutting of properties in violation of Chapter 605 in the Town of Palmyra. The fee would be \$150.00 for lawns under twelve inches high, and \$200.00 for lawns over twelve inches high.

Second: Todd Pipitone Vote: 4 Ayes. Carried

6. Approve: Hearing Date for Local Law #2-2023 Real Property Tax Levy Limit: Todd Pipitone made the motion to approve a public hearing of the Palmyra Town Board in the County of Wayne and State of New York on May 25th, 2023 at 7:00 PM at 1180 Canandaigua Rd, Palmyra, New York, to discuss the proposed Local Law #2-2023 "Real Property Tax Levy Limit". This is an annual law per NYS!

Second: Doug DeRue Vote: 4 Ayes. Carried

LOCAL LAW #2 – 2023 "Real Property Tax Levy Limit"

Section 1. Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Palmyra pursuant to General Municipal Law §3-c, and to allow the Town of Palmyra to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by the vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Palmyra, County of Wayne, is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered. **Section 5.**

Effective Date This Local Law shall take effect immediately upon filing with the Secretary of State

MOTION TO ENTER INTO EXECUTIVE SESSION

At 7:25 PM, Todd Pipitone made the motion to enter executive session to discuss matters of particular personnel, and asked Julie Hartman to join them.

Second: Jim Welch Vote: 4 Ayes. Carried

MOTION TO EXIT OUT OF EXECUTIVE SESSION

At 7:37 PM, Todd Pipitone made the motion to exit executive session.

Second: Brad Cook Vote: 4 Ayes. Carried

7. Approve: Accept Resignation from the Town Appointed Assessor:

Todd Pipitone made the motion to accept the resignation (letter) from Joan Gates, Palmyra Appointed Assessor, made effective immediately. Doug DeRue seconded, and a roll call vote was requested.

- Aye Deputy Supervisor James Welch
- Aye Councilman Doug DeRue
- Aye Councilman Brad Cook
- Aye Councilman Todd Pipitone

ABSENT Supervisor Kenneth Miller

Vote: 4 Ayes. Carried

8. Approve: Town Property Access Request from USDA: Todd Pipitone made the motion to approve the Deputy Supervisor to sign access request from US Department of Agriculture to trap European Cherry Fruit Flies on town owned property.

Second: Doug DeRue Vote: 4 Ayes. Carried

9. Approve: MOU between Village and Town for Court Coverage: Todd Pipitone made the motion to approve Agreement & Memorandum of Understanding between Town & Village of Palmyra for Court Coverage, as written:

Second: Doug DeRue

Vote: 4 Ayes. Carried

**Agreement & Memorandum of Understanding
Town & Village of Palmyra Court Coverage**

AGREEMENT made this 27th day of April, 2023, by and between the Village of Palmyra, a municipal corporation with an office at 144 East Main ST, Palmyra NY 14522, hereinafter referred to as "Village" and the Town of Palmyra, a municipal corporation with an office at 1180 Canandaigua Road, Palmyra NY 14522, hereinafter referred to as "Town".

THE FOLLOWING IS MUTUALLY AGREED UPON AS FOLLOW:

- 1) Patricia Burditt has been hired as the Town Constable for the Town of Palmyra to serve as the Bailiff for the Town of Palmyra Court at the pay rate of \$20.91 an hour, effective March 7, 2023.
- 2) The Town of Palmyra agrees to allow Patty Burditt to also serve as the Bailiff for the Village of Palmyra Court at the same rate of pay. The Town has agreed to cover the salary while she is serving as the Bailiff for the Village of Palmyra Court.
- 3) The Village agrees to continue to provide Patricia Burditt ("Constable") with her \$650 Uniform allowance which she will utilize as by the Bailiff during her duties for both courts.
- 4) The Village will cover the costs associated with obtaining Identification associated with her new title of Town Constable.
- 5) The Village agrees to cover the cost associated with on-going training including the Basic Peace Officer School which the Constable will need to attend to maintain compliance with DCJS.
- 6) The Village will supply the Constable with Body Worn Armor that will be worn during her duties as a Bailiff.
- 7) The Constable will utilize her personally owned firearm which she will qualify annually with the Village of Palmyra Police Department.
- 8) Any additional duties above the scope of this MOU will be left up to the Boards of Both Corresponding Municipalities.
- 9) This agreement will be reassessed annually on, or by October 1st for approval by the Town Supervisor and Village Mayor.

THIS AGREEMENT has been approved by the Village and Town Boards at a regular meeting authorizing this Agreement to be executed by the Village Mayor and the Town Supervisor.

MOTION TO APPROVE CLAIMS AND EXPENDITURES

Todd Pipitone made the motion to approve the April 2023 claims and expenditures – Vouchers #2023-378 thru #2023-491 totaling \$83,338.36.

Second: Brad Cook

Vote: 4 Ayes. Carried

MOTION TO ADJOURN

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

Second: Doug DeRue

Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

**ATTACHMENT A Planning Board Recommendation for Marquart
Mobile Home Park**

ATTACHMENT B Old Landfill Wetland Delineation Map

**Public Hearing, Meeting and Village &
Town Joint Workshop
Tuesday May 9th, 2023
7:00 PM - Palmyra Town Hall**

**Regular Town Board Meeting
Thursday May 26, 2022
7:00 PM - Palmyra Town Hall**