

**REGULAR MEETING OF THE TOWN BOARD  
PALMYRA TOWN HALL  
March 23, 2023**

At 7:00 p.m., Deputy Supervisor James Welch called to order the regular Town Board meeting, scheduled for Thursday, March 23, 2023, at the Palmyra Town Hall, 1180 Canandaigua 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  
Brad Cook, Councilman  
Todd Pipitone, Councilman

Supervisor Miller was absent.

Motion was made by Todd Pipitone to approve the minutes of the Town Board meeting which took place on February 23, 2023.

Second: Doug DeRue                      Vote: 4 Ayes. Carried

**ATTENDANCE**

Also in attendance: Don Wilkins, Dean Heckman, Jeremy & Shauna Bedette, Pat & Maggie Converse, Chuck & Julie Hartman, Marc Carrier, Eric Vanderstyn, Linda Valley, Georgeana (Gigit) Graham, Village Clerk Rebecca Wetherby, 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 for this evening.

**PUBLIC INPUT \*** **Gigit Graham, Liberty Street**, addressed the board with regards to the hiring of the bailiff. Mrs. Graham inquired as to why the town is hiring the bailiff now when she has already been the bailiff for years? Will the village be sharing that cost? Is this in addition to what she is paid by the village? Do the village police answer calls in the town, and does the village get reimbursed for those instances as the village tax payers are paying for that service?

Mr. Welch began by answering that after speaking with the new Police Chief, it was learned due to new state regulations, as well as bail reform, if you have a PD and a court, you cannot have a bailiff. However, if you have a court but no PD, you can hire the Bailiff. This scenario of the town hiring the current acting bailiff would be less expensive for the tax payers. The alternative would be to hire off duty officers that are much more expensive. This is transferring the cost from village to town, and the agreement will be discussed later in the meeting.

As far as Police calls to the town, Mr. Welch stated that this is up to 911 to decide what is the closest car for safety reasons. As far as reimbursements, both the village clerk and deputy supervisor were unsure and this would need to be researched thru the county.

#### **Board notes - the following will now appear on all 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 sent an email and requested that the Board take no further action on the original 50-lot proposal. He will be proposing a Special Use Permit for a 37-lot expansion. The process to apply for a special use permit will start all over again with the planning board.

Mr. Welch moved this item up on the agenda so that people could leave early from the board meeting if they wished.

**AGENDA ITEM**

**1. Approve: Resolution #8-2023:** Todd Pipitone made the motion to approve *Resolution #8-2023 - No Further Action on Originally Proposed Special Use Permit for The Marquart Village Mobile Home Park*, as written. Councilman DeRue seconded, and a roll call vote was requested.

Councilman Welch	Aye
Councilman DeRue	Aye
Councilman Cook	Aye
Councilman Pipitone	Aye

Vote: 4 Ayes. Carried

**RESOLUTION #8-2023  
NO FURTHER ACTION ON ORIGINALLY PROPOSED SPECIAL USE PERMIT  
FOR THE MARQUART VILLAGE MOBILE HOME PARK**

**WHEREAS**, special use permit #2022-06PB for the Marquart Village Mobile Home Park was reviewed by the Palmyra Planning Board on January 9, 2023; and

**WHEREAS**, the Palmyra Planning Board recommended to disapprove of Special Use Permit #2022-06PB; and

**WHEREAS**, under Section 501 of the MHP Ordinance, and following the conformity of this ordinance, the final decision was then given to the Palmyra Town Board; and

**WHEREAS**, concerns had been raised by neighbors to the north and east of the Marquart Village Mobile Home Park proposed project; and

**WHEREAS**, consideration of these concerns was made by Jeff Cook / Cook Properties, and a request was made via email by Glenn Thornton, PE representing Jeff Cook, that no action be taken on the previously submitted special use that included the 50-lot proposed expansion; and

**WHEREAS**, Jeff Cook / Cook Properties would like to instead propose and present a 37-lot expansion plan to the Palmyra Planning Board; then

**THEREFORE, BE IT RESOLVED**, that there will be no further action or vote by the Palmyra Town Board on the matter of Special Use Permit #2022-06PB, for a 50-lot expansion of the Marquart Village Mobile Home Park.

**Duly moved and carried by the Town Board of the Town of Palmyra on March 23, 2023.**

**2. Old Garnsey Road Landfill:** We are in discussion with LaBella and DEC for next steps to establish wetland boundaries and possible brush removal.

**3. Vienna Place Apartments:** Vienna Place Apartments have produced the payment in-lieu-of tax agreement with the parameters approved at the last meeting. Tonight, there is an authorizing resolution that will need to be approved as well.

**4. Discussion of Paying Town & Village Bailiff:** The bailiff was approved at the last meeting to be paid \$20.91 per hour to cover town court. The village would like the town to cover the village court bailiff in-lieu- of the costs of training etc. Annual cost is approximately \$1,150.00 per year... or about 4-6 hrs. per month. If the town is in favor of this, it will cost the town approximately an additional \$1,700.00 per year, but the village would be willing to pay for all training, the \$650.00 uniform allowance, pay for new equipment as well as pay for peace officer school. They will also make sure that all is kept in compliance.

**5. Highway Department report for March:**

**Highway Superintendent Report  
For Town Board Meeting  
3/23/23**

Since the 2/23/23 Town Board meeting we have completed the following work:

- **Plowing/Sanding** – Since the last meeting we have made 18 trips. To date 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:
  - March 2022 - 86 trips.
  - March 2021 - 69 trips.
  - March 2020 - 88 trips.
  - March 2019 - 113 trips.
  - March 2018 – 106 trips.
- **Salt Orders** – So far for the month of March we have ordered 300 tons of salt. For the winter season we have received 1267 tons of our 2600-ton allotment, or approximately 48% of our allotment. The salt barn is currently at  $\frac{3}{4}$  capacity, and the mix barn is nearly empty. To reach our required 70%, we need ~560 tons, which we will need to fill both barns before next season. Salt currently costs ~\$63/ton and we have still have \$75k unexpended. I feel we are in good shape.
- **Advocacy Day - CHIPs Funding** – Our annual Advocacy Day in Albany for more transportation funding was 3/7 and 3/8. Since our visit, I understand the Senate and Assembly 1-house budgets do propose additional funding, but it remains to be seen if the Governor agrees. This

is exciting news with regards to increased transportation funding, particularly as inflation has skyrocketed the price of oil, fuel, asphalt, pipe, and building materials. I expect more information very soon. Below is a couple pictures from our event.

- **Brush Mowing/Tree Work** – This month we completed brush mowing on Harris and Lusk Roads. We have also continued around the entire Town picking up loads of dead tree debris.
- **Sign Replacement Project** – On 2/2, we started replacing road signs on Plow Route #1, in the northwest portion of the Town. On 2/14, we started replacing signs in Plow Route #2, in the north-central part of Town. Last week, we picked up the road signs for Plow Route #3, which we hope to install next week. As the weather remains cooperative, we should be able to complete this project. We will continue to work clockwise around the Town, moving next to Rt.6 (East Pal), then Rt.5 (SE side).
- **Training/Personnel** –
  - 3/9/23 – The crew attended a free all-day MSHA training seminar held at Palmyra Hwy by NYS DOL.
  - 3/14/23 - The crew took part in a free Sexual Harassment webinar at Palmyra Hwy by NYMIR.
  - 3/21/23 – The entire crew attended a free 2.5hr Certified Excavator training in Cdga by UDIG-NY.
  - 3/22/23 – Jake Hilton, Chad Shaffer and I attended a workshop on *Reducing Liability for Highway & Public Works Departments* at Livingston Co. Govt Center, instructed by Cornell Local Roads Program
  - 3/23/23 – The crew attended their annual hearing tests held at WC Hwy Dept
  - 5/2/23 – Work Zone Safety Seminar coming up (free) at Palmyra Town Hall hosted by NYMIR

Annual Highway School – Ithaca College – June 5-7<sup>th</sup>

- **Winter Equipment and Yard Cleanups** – We started sweeping in various locations around the Town today. In the coming weeks we will start snow fence removal and yard cleanup work. Most of the trucks remain setup with plows/wings/sanders, although we will slowly start to undress them as the weather continues to improve.
- **Palmyra Municipal Auction** – Our 37<sup>th</sup> Annual event is scheduled for Saturday May 13, 2023. Last year we continued with a ‘live’ auction with masks optional. But I am hearing of some possible format changes for this year. More information to come.

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



Councilman Welch also asked the Highway Superintendent if there was a substance testing agreement that needed to be signed? Mr. Boesel explained there was only one company in Wayne County that performed this service, and that a contract was not necessary.

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

**1. Town Clerk Report for March:**

**TOWN CLERK OFFICE REPORT TO THE BOARD  
MARCH 2023**

Through dog licensing in February 2023, we sold 95 licenses totaling \$801.00, misc sales, and marriage licenses, hunting/fishing, vital record requests, FOIL requests, Zoning & Escrow etc- added an additional \$3,327.10. Total check disbursements for the month of February were \$4,128.10. We have included a half page reminder letter with the tax receipts again this year, reminding dog owners to license their dogs, and reminding landlords to tell new tenants to license pets as well.

March has been steady with Town and County tax collection and water payments. So far, since January 1, we have collected \$5,273,883.91 of the \$5,930,022.53 tax warrant.... leaving just \$658,307.56 to be collected until the final deadline of March 31st.

I attended the Association of Towns Meeting & Training School February 19-22, 2023, and came back with so much valuable information! I met with people that could assist in grants and writing a new comprehensive plan (working with the village), learned about common pitfalls in budgeting, fiscal responsibilities as town clerk and of the governing board, expectations and safety as tax collector, regulations for cannabis, and so much more! As I explained to Deputy Supervisor Welch & Councilman Cook when we met to discuss it all, there are ten classes per hour to choose from, and I look forward to attending next year to gather even more helpful information. It was also very interesting to represent the Town as a delegate at the Legislative Program. With the 11 proposed resolutions we voted on, it was made clear that the state is trying to take power away from the local level government (and our communities) so they can control our zoning, land, housing, courts, etc and impart even more unfunded mandates on us and drive our taxes even higher. It was a unanimous vote in all cases for the Association to fight all the proposed changes.

Ontario Lock and Key came in to access the door lock situation in the building and will get back to me by next week with a proposal.

**2. Building Update:** The town clerk met with Ron today from Ontario Lock and Key. He will send over a proposal that I will first review with other employees to make sure I did not forget anything! I will then present the whole thing to the board. Councilman Cook is waiting to hear back from a contractor regarding the deterioration of the ceiling in the meeting room.

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

**1. Grant Opportunities for Town and Village:** The town clerk has spoken to grant writers (from MRB and LaBella) to see what might be available for writing a new comprehensive plan, and to help with visions/infrastructure needs/planning in Palmyra. Both companies thought it would look better when applying for most grants to start with a new plan, (ours has not been updated since 2004) and would be willing to speak with both boards since this is a shared project. Once a company is chosen, there will public committees and teams that will need to be formed. The Town Clerk will contact both companies, and work with the village clerk, to set up a meeting time with both boards to meet with them.

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

**-Councilman Doug DeRue**

**1. Assessor's Office Report for March:** The assessors March report will be combined with April 2023.

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

**3. Minutes from Zoning Board Meeting from March:** None from this month.

**4. Minutes from Planning Board Meeting from March 13, 2023:** Minutes from the Planning Board meeting from March 13, 2023 were shared with the board.



**INFORMATION**

There is another Wayne County Electronics Recycling Event taking place on April 4 & 5, 2023. To register for a specific time slot, you must call 315-946-7200.

**AGENDA ITEMS CONTINUED FROM EARLIER IN MEETING**

**2. Approve: Resolution #7-2023:** Todd Pipitone made the motion to approve the Vienna Place Authorizing Resolution #7-2023, as written. Councilman DeRue seconded, and a roll call vote was requested.

Councilman Welch	Aye
Councilman DeRue	Aye
Councilman Cook	Aye
Councilman Pipitone	Aye

Vote: 4 Ayes. Carried

**Resolution # 7-2023**

**AUTHORIZING RESOLUTION**

*(Vienna Place Apartments – Authorizing Transfer and PILOT Agreement)*

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF PALMYRA (THE “TOWN”) AUTHORIZING (i) THE TRANSFER OF A CERTAIN AFFORDABLE HOUSING FACILITY (AS FURTHER DEFINED HEREIN) FROM PALMYRA VILLAGE APARTMENTS, L.P. (HEREIN, THE “OWNER”) TO PROVIDENCE VIENNA HOUSING DEVELOPMENT FUND COMPANY, INC.; (ii) THE DISSOLUTION OF THE OWNER IN ACCORDANCE WITH ARTICLE V OF THE PRIVATE HOUSING FINANCE LAW (“PHFL”); (iii) THE PROVISIONS OF A REAL PROPERTY TAX EXEMPTION AND RELATED PAYMENT IN LIEU OF TAX AGREEMENT (“PILOT AGREEMENT”) FOR THE BENEFIT OF THE BUYER IN ACCORDANCE WITH ARTICLE XI OF THE PHFL; AND (iv) THE EXECUTION AND DELIVERY OF THE PILOT AGREEMENT, ALONG WITH RELATED DOCUMENTS.

WHEREAS, by a certain resolution adopted September 28, 2000, (the “**Prior Exemption Resolution**”), the Town of Palmyra (the “**Town**”), as Supervisory Agency pursuant to Article V of the Private Housing Finance Law (“**PHFL**”), authorized a partial real property tax exemption (the “**Prior Exemption**”) for the benefit of Palmyra Village Apartments, L.P. (the “**Owner**”), a New York limited partnership and redevelopment company established pursuant to Article V of the PHFL and relating to the development of a certain affordable senior housing project (herein the “**Project**”) consisting of 24 affordable living apartments, along with related improvements, collectively known as “Vienna Place Apartments” and located at 3510 Vienna Street in the Town of Palmyra, Wayne County, New York (the “**Property**”, which is more particularly described as Tax Map No. 65111-09-198526); and

WHEREAS, in accordance with the Prior Exemption Resolution and pursuant to Section 125 of the PHFL, the Town and Owner entered into a certain Redevelopment Company Agreement, dated as of September 28, 2000 (herein, the "**Owner PILOT Agreement**"), wherein the Owner is required to make certain payments to the Town in lieu of real property taxes equal to 10% of the Owner's annual "shelter rent" (as defined therein) for a term of twenty-five (25) years through the assessment year 2026, unless terminated sooner; and

WHEREAS, the Owner has entered into a certain purchase and sale agreement, dated as of December 13, 2021, with Providence Vienna Housing Development Fund Company, Inc. (the "**Company**" or "**HDFC**") relating to the acquisition of the Property by the HDFC from the Owner (the "**Transfer**"), with such Transfer being subject to the approval of the Town pursuant to Section 122 of the PHFL; and

WHEREAS, the HDFC has been established as a "**housing development fund company**" and upon acquisition, the Company's ownership of the Property shall constitute a "**housing project**" as such terms are defined within Section 572 of the PHFL; and

WHEREAS, the HDFC and Vienna Place Partners LLC, a New York limited liability company (the "**Beneficial Owner**") intend to enter into a certain Declaration on Interest and Nominee Agreement (herein, the "**Nominee Agreement**"), whereby the HDFC shall hold legal title to the Property solely as nominee for and on behalf of the Beneficial Owner, with the Beneficial Owner retaining all of the equitable and beneficial ownership of the Project and Property, which in all events shall be owned by the Beneficial Owner and operated by the Beneficial Owner as an affordable housing project pursuant to and in accordance with the Nominee Agreement and (a) a certain Regulatory Agreement entered into by the Owner with the Housing Trust Fund Corporation, dated as of October 16, 2001 and (b) a Low-Income Housing Credit Regulatory Agreement, entered into by the Owner with the New York State Division of Housing and Community Renewal, dated as of October 22, 2001, (collectively, the "**Regulatory Agreement**"); and

WHEREAS, in furtherance of the Transfer, the Town, the HDFC and the Beneficial Owner have negotiated a certain successor Payment in-lieu-of Taxes Agreement (the "**PILOT Agreement**") pursuant to Section 577 of the PHFL, whereby the HDFC will make (or cause to be made by the Beneficial Owner pursuant to the Nominee Agreement) certain PILOT Payments for the benefit of the affected taxing jurisdictions including the Town of Palmyra, County of Wayne and Palmyra-Macedon Central School District; and

WHEREAS, pursuant to PHFL Section 123(4), the Transfer will require the voluntary dissolution of the Owner subject to the consent of the Town (the "**Dissolution Approval**"); and

WHEREAS, pursuant to PHFL Section 123(3), the Dissolution Approval requires that provisions be made for payment in full of the remaining balance of principal and interest due or unpaid upon any mortgage upon Property; and

WHEREAS, pursuant to PHFL Section 123(2), and upon termination of the Prior Exemption, the Owner is required to pay over to the Town any surplus funds held by Former Owner (the "**Surplus Payment**"), after payment by the Owner to applicable shareholders, partners, members or beneficiaries, and as the case may be, income debenture certificate holders, of no more than the par value of their shares or amount of their capital and the face value of their income debenture certificates with accrued and unpaid distributions or interest in respect of such capital and income debenture certificates; and

WHEREAS, pursuant to PHFL Section 123(1), if the Prior Exemption is terminated for any reason, the Town may require payment by the Owner of all or portions of the total of all accrued taxes for which the Prior Exemption was granted (the "**Tax Payment**"); and

WHEREAS, subject to the conditions set forth herein, including payment by the Owner of the Surplus Payment and Tax Payment, the Town desires to (i) authorize the Transfer; (ii) provide the Dissolution Approval for the Owner; (iii) provide the Company with an exemption from real property taxes pursuant to Section 125 of the PHFL; and (iv) authorize the execution and delivery of the PILOT Agreement with the Company, along with related documents.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF PALMYRA AS FOLLOWS:

Section 1. Pursuant to PHFL Sections 122 and 123(4), the Town as Supervisory Agency hereby authorizes and consents to the Transfer and hereby provides the Dissolution Approval, subject to the following conditions:

- Prior to the date of Transfer, Owner and the Company shall certify to the Town, acting by and through the Supervisor of the Town (the "**Supervisor**") and Town Attorney, that as of the date of Transfer, provisions shall be made for payment in full of the remaining balance of principal and interest due or unpaid upon any mortgage upon the Property;
- In furtherance of the Property remaining an affordable housing project pursuant to Article XI of the PHFL, the Town hereby waives any applicable Tax Payment that would otherwise be due in connection with the termination of the Owner PILOT Agreement;
- Prior to the date of Transfer, the Owner shall certify to the Town, acting by and through the Supervisor and Town Attorney, the amount of Surplus Payment, such certification to be accompanied with audited financial statements, and as of the date of Transfer, Owner shall pay all applicable amounts of Surplus Payment to the Town, plus all costs of the Town accrued in connection with reviewing and approving the matters outlined herein;
- On or before the date of Transfer, the Company shall provide the Town with confirmation of the assumption of the Regulatory Agreement relating to the Project and Property;

- On or before the date of Transfer, Owner and Company shall confirm title transfer with the Town, including the provision of the applicable deed, closing statement, mortgage discharge(s) and related documents; and
- On or as of the date of Transfer, the Company shall execute and deliver the PILOT Agreement, along with related documents.

Section 2. Subject to the completion of the Transfer through acquisition of the Property by the Company in accordance with the terms contained herein, and pursuant to and in accordance with Section 577 of the PHFL, the Town hereby authorizes and approves an exemption from real estate taxes for the Property for the benefit of the HDFC and Property, subject to the Company's execution of the PILOT Agreement.

Section 3. The Town hereby authorizes the Supervisor to execute and deliver (i) documents and certificates necessary in connection with the Dissolution of the Owner; and (ii) the PILOT Agreement, in substantially the form attached hereto as **Exhibit A**, with such changes as may be authorized by the Supervisor and Town Attorney.

Section 4. The officers, employees and agents of the Town are hereby authorized and directed for and in the name and on behalf of the Town to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Town with all of the terms, covenants and provisions of the documents executed for and on behalf of the Town.

Section 5. These Resolutions shall take effect immediately.

**3. Approve: Cost of Village and Town Bailiff:** Todd Pipitone made the motion to approve the cost of the Village & Town court bailiff be paid by the town of Palmyra. In-lieu-of this payment, the cost of training, \$650.00 uniform allowance, new equipment, peace officer training, and making sure that all is complying will be taken care of by the village. The town realizes that the average cost is expected to be approximately \$1150.00 per year (4-6 hours per month), that the bailiff will be turning in a timesheet to get paid, and that the agreement will be revisited in 2 years as the estimate of hours is just that, an estimate. The village police chief is putting together a memorandum of understanding. Councilman DeRue seconded, and a roll call vote was requested.

Councilman Welch	Aye	
Councilman DeRue	Aye	
Councilman Cook	Nay	
Councilman Pipitone	Aye	Vote: 3 Ayes 1 Nay. Carried

**4. Approve: Accept the Audits of Court, Chief Financial Officer and Town Clerk & Tax Collector:** Todd Pipitone made the motion to accept the 2022 Audits of Court, Chief Financial Officer and Town Clerk & Tax Collector.

Second: Doug DeRue                      Vote: 4 Ayes. Carried

**MOTION TO APPROVE CLAIMS AND EXPENDITURES**

Todd Pipitone made the motion to approve claims and expenditures March 2023 – Vouchers #2023- 249 thru #2023-377 totaling \$268,664.85.

Second: Brad Cook                      Vote: 4 Ayes. Carried

**MOTION TO ADJOURN**

At 7:28 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Brad Cook                      Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn  
Town Clerk

**Regular Town Board Meeting**  
**Thursday, April 27th, 2023**  
**7:00 PM – East Palmyra Fire Hall**