

**REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
February 28, 2019**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, February 28, 2019, at the Palmyra Town Hall, 1180 Canandaigua Rd, Palmyra, New York.

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

Upon roll call, the following Board members were present:

Kenneth Miller, Supervisor
James Welch, Deputy Supervisor
Michael Lambrix, Councilman
Brad Cook, Councilman

Councilman Todd Pipitone was absent at the beginning of the meeting, however, did arrive at 7:05 PM.

Motion was made by Mike Lambrix to approve the minutes of the regular Town Board meeting which took place on January 24, 2019.

Second: Jim Welch

Vote: 3 Ayes. Carried

ATTENDANCE

Also attending was: Marc Carrier, Stephen Carrier, Beth Hoad, Shelley Carrier, Jim Lester, David Koeberle, Oliver Koeberle, Kathy Hill, Highway Superintendent Mike Boesel, Casey Carpenter (WC Times), Karene Christopherson, Frank Vascukynas, Joe Loyselle, Code Enforcement Officer Pat Sheridan, Scott Comegys, Mr. & Mrs. Hagar, Frank Irace, John Newell (Dolomite), and Robert Kelsch (Sun& Record).

Representative from Dolomite to Discuss Discontinuance of Palmer Road

Supervisor Miller invited Mr. John Newell to comment and take questions regarding the discontinuance of Palmer Rd. He simply stated that he felt the resolution that will be presented is mutually beneficial for the town as

well as Dolomite. Dolomite will not only be cleaning what has basically become a dumpsite, but are also offering fair market value for the materials found there. Mr. Newell offered to answer any further questions, but there were none.

HEARING

There was no official hearing this evening.

COMMUNICATIONS

On February 19, 2019, Marc Carrier and Frank Vascukynas asked that the door hanger that was brought to their properties on Garnsey Rd., be shared at the meeting to notify the public. The door hanger from the Angela Martin, Public Health Specialist, DOH NYS, reads as follows: *"Sorry We Missed You! Today we came to your house to talk with you about recent water sampling results for Perfluorinated Compounds (PFCs) in your area. Please give us a call to discuss possible sampling of your well at (518) 402-7880. We look forward to speaking with you."* **(ATTACHMENT A)**

Mr. Miller stated that he and Mike Boesel walked with the two representatives from the health department thru the landfill area. The Health Department is offering to test wells and gather data, and their main concern was for people drinking the water. Because of information shared from the WCWSA, Mr. Miller was unaware of anyone actually using their wells for drinking until two spoke up in the audience, one actually living on Garnsey Rd., one on the corner of Hammond Rd and Garnsey Rd.

Public Input

Marc Carrier (399 Garnsey Rd) and Frank Vascukynas (910 Garnsey Rd), both requested to speak regarding the Garnsey Road landfill area and the above notice that was left at their properties.

Mr. Vascuyknas began. He stated that the flyers were distributed by the public health department (Angela Martin, Environmental Exposure) because of PFCs detected in a well drilled last summer, in one of the oldest areas of the landfill. He explained the bio-cumulative adverse effects of exposure (including cancer, thyroid issues, and weakened immunities), and that with his conversation with Ms. Martin suggested that it could be very hazardous, that they should not even consume food grown in this area, and that it may become a Superfund Area. Further conversation ensued and Mr. Vascukynas shared the information that he found on the internet with regards to "Superfunds". His information is found below, and is also **ATTACHMENT D**. Supervisor Miller assured the public that this area has not been deemed a Superfund area.

What is Superfund?

Thousands of contaminated sites exist nationally due to hazardous waste being dumped, left out in the open, or otherwise improperly managed. These sites include manufacturing facilities, processing plants, landfills and mining sites.

In the late 1970s, toxic waste dumps such as Love Canal and Valley of the Drums received national attention when the public learned about the risks to human health and the environment posed by contaminated sites.

In response, Congress established the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) in 1980.

CERCLA is informally called Superfund. It allows EPA to clean up contaminated sites. It also forces the parties responsible for the contamination to either perform cleanups or reimburse the government for EPA-led cleanup work.

When there is no viable responsible party, Superfund gives EPA the funds and authority to clean up contaminated sites.

Sites evaluation-This stage includes a review of historical information and includes visiting a site to evaluate the potential for a release of hazardous substances. EPA determines if the site poses a threat to people and the environment and whether hazards need to be addressed immediately or additional site information will be collected.

Remedial-This stage involves an evaluation of the nature and extent of contamination at a site and assessing potential threats to human health and the environment. This stage of the process also includes evaluation of the potential performance and cost of the treatment options identified for a site.

Records of decisions-The ROD explains which cleanup alternatives will be used at NPL sites. Leading up to the issuance of the ROD, the EPA recommends a preferred remedy and presents the cleanup plan in a document called a Proposed Plan for public comment. Following the public comment period, the EPA issues a final Record of Decision.

Remedial Action-Detailed cleanup plans are developed and implemented during the remedial design/remedial action (RD/RA) stage. Remedial design includes development of engineering drawings and specifications for a site cleanup. Remedial action follows design, and involves the actual construction or implementation phase of site cleanup.

It was then Marc Carriers turn to speak, in which he read the following statement to the Town Board. This will also be **ATTACHMENT E**.

TO PALMYRA TOWN BOARD.

1 OF 2 ME.

FEB 28, 2019

WE ARE HERE TO SPEAK TO THE CHEMICALS FOUND SEEPING IN SURFACE WATER AND ALSO IN GROUND WATER FROM THE INACTIVE LAND FILLS THAT THE TOWN OF PALMYRA OWNS.

THESE HAVE BEEN ONCE AGAIN ~~DISCOVERED~~ DISCOVERED IN TESTING DONE ON DECEMBER 23 2017, ~~AND~~ AGAIN IN THE LAST SEVERAL MONTHS.

AS THERE HAVE ALSO BEEN FOUND VARIOUS CHEMICALS & COMPOUNDS REECHING IN TESTING DONE ~~ON BEHALF OF THE TOWN~~ ON BEHALF OF THE TOWN OF PALMYRA BTWN THE YEARS OF 1988 & 1991. AGAIN IN 1995 DURING TESTING ON BEHALF OF NEW YORK STATE, A REPORT THAT WE WOULD COME TO LEARN IS MISSING 42 PAGES. SOMETHING NEW YORK STATE CAN NOT EXPLAIN.

THESE CONTAMINANTS SUCH AS BENZENE, TOLUENE, ARSENIC, MERCURY, MANGANESE TO NAME A FEW HAVE THE POTENTIAL TO TRAVEL MANY MILES FROM THE SOURCE. HIGHLIGHTING, THIS IS NOT A GARNSEY ROAD PROBLEM, BUT A REGIONAL PROBLEM.

WE HAVE ASKED THIS BOARD COUNTLESS TIMES TO ADDRESS THESE ~~ISSUES~~ ISSUES. OR TO EVEN CONSIDER THEM REASONABLY.

OUR UNDERSTANDING IS THAT THE STATE OF NEW YORK, ~~HAS~~ NOW HAVING THESE LATEST TEST RESULT, HAS MADE A REQUEST TO THE TOWN OF PALMYRA TO APPROVE AN ORDER OF CONSENT. THAT THEY MAY BE ABLE TO TAKE THE LEAD IN CONTAINING THESE PLUMES. ALSO THAT THERE ARE SUPERFUNDOS ALLOCATED @ THE FEDERAL LEVEL FOR THIS WORK.

2 of 2

WE UNDERSTAND THAT WHEN CONSIDERING THE SCOPE OR THE UNKNOWN THREAT THESE SITES POSE, IT IS A DIFFICULT AND UNCOMFORTABLE CONVERSATION TO HAVE, AND IT'S TRAGIC FOR EVERY PERSON INVOLVED ON BOTH SIDES OF THIS BENCH.

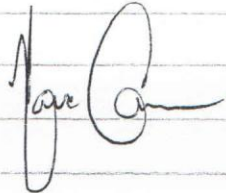
WHAT ARE THE BENEFITS OF IGNORING IT ANY FURTHER? OR TO DEFLECT FROM ANY ATTENTION, OR INTEREST OF ADDRESSING THESE ISSUES.

A COMMENT WE HAVE SHARED IN THE PAST BARES REPEATING; MAY WE TAKE THIS OPPORTUNITY TO DEAL WITH THIS IN A WAY THAT IS MORE CONSIDERATE OF THE NEXT GENERATION.

— WE EXPECT A HEARING ON THIS IN THE NEAR FUTURE.

— WE EXPECT PUBLIC NOTIFICATION & OUTREACH

— AND WE EXPECT OUT OF COMMON DECENCY THIS BE TAKEN SERIOUSLY.



REPORTS OF STANDING COMMITTEES

Supervision: Animal Control, Human Resources, Historian, and Finance - Supervisor Ken Miller

1. Land purchase behind town hall: The final agreement has been signed between the Town of Palmyra and the Palmyra Bible Baptist for the purchase of approximately 3.3 acres of land behind the Town Hall. The assessor has written a letter stating that the \$13,000.00 paid was fair market value. **(ATTACHMENT B)**

2. Discontinuance of Palmer Rd: Agreement has been finalized as per board requests at last meeting, and there will be approval asked for this evening.

3. Solar Energy System Law: The example of Macedon's *Solar Energy System Law* was emailed to the board on February 25th, to give members time to review and discuss later in the meeting. One thought is to wait until March to include new verbiage that won't be in effect in NYS until March 1st, 2019. Another is to have the board issue moratoria for Solar Energy until the facts are all researched. This would need to be done by local law as well. No decision was made by the board as to what they would like done at this point. There have been no formal commercial applications as of yet, and this would not effect any personal use applications.

4. LaBella Wastewater Treatment Plant SEQR Evaluation: The LaBella Regional Wastewater Treatment Plant SEQR Evaluation of Project Scope changes will be kept in the Town Clerk's office if anyone would like to review. Attorney Paul Rubery has been reviewing the entire process to be sure that the Palmyra users are being treated fairly.

5. Fingerlakes Ambulance: The agreement with Fingerlakes Ambulance is now available for review. Mr. Miller said there were corrections and updates, and that the biggest change was to times frames and response times. The board asked that this be reviewed every two years. **(ATTACHMENT F)**

6. Highway Beautification Law: After doing state wide surveillance, the NYS DOT sent a map, which was shared with Code Enforcement, of all illegal signs to be followed up on. The Highway Superintendent also looked at the map provided by the state, but found it to be useless in identifying where the supposed signs actually are.

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

1. Town Clerk Report for February:

**TOWN CLERK OFFICE
REPORT TO THE BOARD
FEBRUARY 2019**

January and February have been steady with Town and County tax collection and water payments. So far, since January 1, we have collected \$4,259,601.15 of the \$5,082,442.29 tax warrant....leaving just \$823,847.37 to be collected until the final deadline of March 31st. One half of the total warrant was received in the last week of January alone!!

Through dog licensing in January, we sold 106 licenses totaling \$865.00, misc sales – FOIL requests, marriage licenses, hunting/fishing, vital record requests, zoning etc- added an additional \$4,007.12. Total check disbursements for the month of January were \$4,872.12. With the town tax receipts, we have included a small mailer to remind the public that all dogs need to be licensed annually, which has already resulted in numerous “new dogs” being registered with us. We have been working on a lengthy research project for the town attorney that has also kept us very busy the past couple of weeks.

I applied to the Wayne County Clerks Association for a scholarship, to use towards the Town Clerk Conference in Syracuse in May. The board has already approved this budgeted expense (thank you!), but I am hoping to offset some of the cost with the scholarship. As always, these meetings are very important as it is where I learn new rules, regulations, and laws that are essential to serving as Palmyra Town Clerk.

2. Audit of CFO Records: The Chief Fiscal officer’s records audit was completed on February 12, 2019 by Councilmen Cook & Pipitone. (Town clerk has copy if anyone would like to review)

3. Audit of Courts: The Town Supervisor and Book Keeper completed the audit of courts on February 20, 2019. (Town clerk has copy if anyone would like to review)

4. Audit of Town Clerk & Tax Collector: The Town Clerk and Tax Collector’s audit was completed on February 8, 2019 by Councilman Welch. (Town clerk has copy if anyone would like to review)

It was added by Mr. Miller and Mr. Cook that the town hall building faired well during the windstorms, and that they are working further on door quotes for the back hallway.

**Public Works: Highway Department, Equipment and Facilities -
Councilman James Welch**

1. Highway Department report for February:

**Highway Superintendent Report
For Town Board Meeting
02/28/19**

Since the 01/24/19 meeting we have completed the following work:

- **Plowing/Sanding** –To date this winter season we have made a total of 99 trips out of the barn.
A comparison to this point of the past 5 winter seasons is below:
 - January 2018 - 90 trips.
 - January 2017 - 68 trips.
 - January 2016 - 50 trips.
 - January 2015 - 97 trips.
 - January 2014 - 110 trips.

Other miscellaneous items include:

- **Salt Orders** – So far for the month of February we have ordered 421 tons of salt. For the winter season we have ordered 1817 tons of our 2600-ton allotment, or approximately 69% of our allotment.
- **Winter Fleet Maintenance** – Over the past 30 days we have continued with general maintenance on the entire fleet.
- **Advocacy Day - CHIPs Funding** – Next week I will be attending our annual Advocacy Day in Albany on Wednesday March 6th. Last year we received money in two existing programs, PAVE-NY and BRIDGE-NY, and another 1-year program Extreme Winter Recovery (EWR), but no increase to our CHIPs base funding. This year the Governor proposes to keep CHIPs flat again, continue with PAVE-NY/BRIDGE-NY, but not EWR. A total of 15 active and retired Highway Superintendents from Wayne County are planning to attend again this year.
- **Extreme Weather** – February 2019 has been a rollercoaster for extreme weather, precipitation and temperatures. We've had 5 ice events totaling 7 days, 2 60-degree plus record warmth days, and 2 high wind events one of which closed schools. We had one tree fall on Cambier/Fagner during the first wind event and one tree fall on Jagger Road and several sign issues during the most recent event.

- **Palmer Road** – Tonight’s agenda includes potential Town Board action regarding the discontinuance of the north section of Palmer Road between Hogback Hill Road and Whitbeck Road. Since the last TB meeting, I have been working with our Town Attorney John Morrell to get the most appropriate wording included in these Resolutions as well as the necessary NYS DOT paperwork requirements.
- **Personnel** – In December, Village Employee Ron Terwilliger unexpectedly passed away. Since that time the Village hired seasonal employee Doug Synesael into full-time employment. On February 20th, Jordan Blankenberg started for the Village in the winter seasonal position until April.
- **Palmyra Municipal Auction** – The date has been set for Saturday May 11, 2019. I will have the Auction Contract on the March agenda for approval.
- **Village Budget** – It’s budget season in the Village and I have another budget meeting coming up soon.

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

2. Highway Superintendent Boesel Awarded Master Level III: The Cornell Local Road’s Program Road Masters are “individuals who strive to build strong foundations in technical and management skills in local highway communities across New York State”. Mr. Boesel added that this was an education process that began for him in 1992. Congratulations Mr. Boesel for being recognized for your commitment! **(ATTACHMENT C)**

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

1. Fire Insurance update: The Village sent a voucher for the 40% of the new Firefighters Cancer Coverage as per Town/Village agreement dated November 20, 2018, for Jan-Dec 2019. The total is \$2,329.00 /40% or \$931.60 billed to Town. After some discussion, the board requested Mr. Pipitone obtain a copy of the actual bill/amendment page as received by the Village from VanParys, as was stated in the agreement.

Supervisor Miller added that he and the Bookkeeper met with Spectrum with regards to the extreme rate hike at the highway, and spoke about any potential options for savings. There are some changes that would show a savings with a short return for investment. The Town Clerk went on record as saying that whatever changes are made, a landline is still required in the Town Clerk Office. There are numerous reasons including being able to upload postage for the meter and receiving / sending numerous tax bills and dog licensing information.

Government Operations: Assessor, Youth & Aging, Code Enforcement/Planning Board, and Justices - Councilman Michael Lambrix

1. Assessor's Office Report for January and February:

**REPORT TO THE TOWN BOARD
FROM THE ASSESSOR'S OFFICE
February 22, 2019**

We have been very busy these last two months. Getting everything finished for this phase of the update as well as all of our exemptions coming in. Notices for the update will be mailed on March 1st. This is also the deadline for all of our exemptions to be into the office.

The State was in on Thursday (21st) so we could get everything ran and print our notices. We had some computer issues yesterday with both the program and the server. They will be coming back out on Monday to print the notices. Then we will get them all ready to go out on Friday the 1st.

We have sent out reminder post cards to those that have not returned their exemption applications for both our Sr. (enhanced) STAR list as well as our Sr. Citizen list.

This week will be very busy with everything that is going on. March will also be a very busy month.

If you have any questions or concerns, I am in the office most of the time.

2. Code Enforcement/Zoning Office Report- February: Code Enforcement Officer Pat Sheridan submitted a report to the Board Members that included a list of building permits and certificates of compliance for January 22, 2019 thru February 26, 2019. Councilman Lambrix invited all to read it at their leisure.

3. Code Enforcement Updates: CEO Pat Sheridan was in attendance, and Supervisor Miller suggested that because of their nature (litigation) the Court Cases and Future Enforcement of Local Laws for Rental Inspections be talked about later in executive session.

1) Solar Systems: Mr. Lambrix asked which portions of the Macedon Law should be changed to reflect Palmyra's needs with regards to Solar Systems. Mr. Sheridan explained that he is still working through those changes in our own local zoning regulations, and that this evening is to decide whether to pursue a local law issuing moratoria on Solar Energy, or a local law changing our zoning regulations. Discussion ensued, but no decision was made by the board.

2) Open Court Cases – saved for executive session later in evening.

3) Future Enforcement of Local Laws for Rental Inspections – saved for executive session later in evening.

4. Minutes from Zoning Board Meeting from February: None for this month.

5. Minutes from Planning Board Meeting from February: Minutes from the Planning Board Meeting from February 11, 2019 were shared with the board.

INFORMATION

Informational Items

1. Jon Rodman provided a copy of NYS Law Section 65-A: "Liability of Towns and Superintendents of highways in certain actions". This is being reviewed, and is now filed in the Town Clerk's Office.
2. The Supervisor shared a letter from Senator Pam Helming's Office, notifying the board that Palmyra's Ms. Marya Vande-Doyle has been nominated for the NYS Senate Women of Distinction Award. Congratulations Ms. Vande-Doyle!

Agenda Items

1. Approve: Robert Grier to Perform odd Jobs as needed at the Town Hall: Jim Welch made the motion to approve Robert Grier to perform odd jobs around the town hall, as needed, at a rate of \$20.00 per hour. Councilman Cook asked that it not exceed \$1,000.00 as it was not in this year's budget.

Second: Mike Lambrix

Vote: 4 Ayes. Carried

2. Approve: Resolution #6-2019 Regional Wastewater Treatment Plan Project: Todd Pipitone made the motion to approve Resolution #6-2019-Regional Wastewater Treatment Plan Project, as follows:

Brad Cook seconded the motion, and a roll call vote was requested.

Councilman Lambrix	Aye
Councilman Welch	Aye
Councilman Pipitone	Aye
Councilman Cook	Aye
Supervisor Miller	Aye

Vote: 5 Ayes. Carried

**RESOLUTION #6-2019
REGIONAL WASTEWATER TREATMENT
PLANT PROJECT**

BE IT RESOLVED, the Town Board hereby requests, pursuant to Public Authorities Law §1199-ee, that the Wayne County Water and Sewer Authority provide wastewater treatment and conveyance services for the benefit of the sewer users located in the existing Sewer District in the Town of Palmyra and to the out of district user including but not limited to the North Sewer District Southwest Quadrant Sewer District, Stafford Road Sewer District, Extension No. 1 Stafford Road and any additional Sewer District or out of district user to be established with the approval of the Town Board, and all additional future sewer users and districts to be established with approval of the Town Board to be connected to the sewer conveyance system and Western Regional Wastewater Treatment Plant to be construed owned and operated by the Wayne county Water and Sewer Authority.

3. Approve: Resolution#7-2019 Consent of Discontinuance of Part of Palmer Road: Jim Welch made the motion to approve Resolution #7-2019 Consent of Discontinuance of Part of Palmer Road, as written below:

Second: Mike Lambrix

Vote: 4 Ayes. Carried

**RESOLUTION #7- 2019 FOR
CONSENT OF DISCONTINUANCE
PART OF PALMER ROAD
NYS HIGHWAY LAW ARTICLE 8, SECTION 171(2)**

WHEREAS, Dolomite Products Company Inc. is the sole owner of the following three properties (hereinafter the "Properties"):

1. Tax Map No. 066111-00-976854
2. Tax Map No. 066111-00-839880
3. Tax Map No. 066111-00-999593; and

WHEREAS, Dolomite Products Company Inc. (the "Applicant") has submitted an application dated September 24, 2018, for the discontinuance of the portion of Palmer Road in the Town of Palmyra located north of Hogback Hill Road and west of Whitbeck Road, as more fully described in said application and as also shown and described on the attached NYSDOT Local Highway Inventory Template and Map (collectively the "NYSDOT Highway Inventory Template") to be filed with the NYSDOT; and

WHEREAS, the Properties are the only properties adjacent to the portion of Palmer Road that the Applicant is asking the Town to discontinue and, therefore, no other property owner relies on this portion of Palmer Road for access; and

WHEREAS, the Properties each have frontage, and, therefore, access to other public highways as follows:

Tax Map No. 066111-00-976854 has frontage on Whitbeck Road

Tax Map No. 066111-00-839880 has frontage on Whitbeck Road and Eckert Road

Tax Map No. 066111-00-999593 has frontage on Hogback Hill Road; and

WHEREAS, the public has the continued use of other public highways in the area to access and connect to all other roads and properties; and

WHEREAS, the Applicant represented to the Town that the portion of Palmer Road it is asking the Town to discontinue is only used by the public as a shortcut between Whitbeck Road and Hogback Hill Road, as a drag strip and to access the Applicant's property on either side of this portion of Palmer Road to dump garbage and rubbish, without permission, on Applicant's property; and

WHEREAS, the Town Board recognizes that this portion of Palmer Road is of no proper or necessary use by the public; and

WHEREAS, the Town would be further benefited by the discontinuance of this portion of Palmer Road in that it would no longer have the care and expense of maintaining, plowing, sanding, repairing and insuring this portion of Palmer Road.

WHEREAS, the Town of Palmyra Highway Superintendent sent letters out on October 11, 2018 to State, County and Local first responders and school districts that would be affected by the discontinuance of this portion of Palmer Road and did not receive any feedback that the discontinuance of that portion of Palmer Road would have negative impact on them.

WHEREAS, Whereas, the Town Board of the Town of Palmyra held a Town Board meeting at the East Palmyra Fire Hall on October 25, 2018 whereby the Applicants' Application for Discontinuance of Palmer Road was an Agenda Item and the Board did not receive any additional Public Input that the discontinuance of that portion of Palmer Road would have any negative impacts.

NOW, THEREFORE, We, Councilpersons of the Town Board of the Town of Palmyra, Wayne County, New York, having read the application of Dolomite Products Company Inc., and it appearing that there are no other persons or entities, other than this Applicant, owning any premises to which said portion of said highway is adjacent, and it further appearing that said portion of said highway sought to be discontinued has become unnecessary and useless except to the Applicant, do hereby resolve to consent, pursuant to Section 171 of the Highway Law of the State of New York, that the said portion of the highway sought to be discontinued and described in the application, be discontinued by **May 1st, 2019**; said portion being described as follows:

The portion of Palmer Road in the Town of Palmyra, Wayne County, New York located north of Hogback Hill Road and west of Whitbeck Road, and being more fully described in the aforesaid application.

Further, do hereby resolve that the Town of Palmyra Highway Superintendent file the NYSDOT Highway Inventory Template with the NYSDOT for the discontinuance of the said portion of Palmer Road.

4. Approve: Highway Superintendent to sign Resolution #8-2019 Order of Discontinuance of Part of Palmer Road: Todd Pipitone made the motion to allow the Highway Superintendent to sign Resolution #8-2019 Order of Discontinuance of Part of Palmer Road, as written below:

Second: Mike Lambrix

Vote: 4 Ayes. Carried

**RESOLUTION #8-2019 ORDER OF DISCONTINUANCE
PART OF PALMER ROAD
NYS HIGHWAY LAW ARTICLE 8, SECTION 171(2)**

WHEREAS, Dolomite Products Company Inc. (the "Applicant") has submitted an application dated September 24, 2018, for the discontinuance of a part of Palmer Road in the Town of Palmyra as described in said application; and

WHEREAS, there is attached to said application a written release from all damages executed by Dolomite Products Company Inc., the owner of all of the lands affected thereby, and of all of the lands which the said portion of the highway sought to be discontinued is adjacent; and

WHEREAS, there is also attached to said application the written consent of a majority of the members of the Town Board of said Town of Palmyra to the discontinuance of this portion of Palmer Road; and

WHEREAS, Palmer Road is an improved highway and has heretofore been constructed in the Town of Palmyra and includes a portion thereof located north of Hogback Hill Road and west of Whitbeck Road, said portion being more fully described in the aforesaid application and as shown and described on the attached NYSDOT Local Highway Inventory Template and Map (collectively the "NYSDOT Highway Inventory Template") to be filed with NYSDOT; and

WHEREAS, the Applicant represented to the Town that traffic on the portion of Palmer Road that the Applicant is seeking the Town to discontinue is generally limited to the Applicant; and

WHEREAS, it further appears that the Applicant herein is the only person owning any land abutting on or adjacent to the portion of said highway sought to be discontinued, and that no claim for damages is made; and

WHEREAS, the public has the continued use of other public highways in the area to access and connect to all other roads and properties; and

WHEREAS, the portion of Palmer Road that the Applicant is asking the Town to discontinue is only used by the public on a limited basis and the cost to maintain said section of road outweighs the benefit of keeping it open; and

WHEREAS, the Applicant represented to the Town that the portion of Palmer Road that it is asking the Town to discontinue is only used by the public as a shortcut between Whitbeck Road and Hogback Hill Road, as a drag strip and to access the Applicant's property on either side of this portion of Palmer Road to dump garbage and rubbish without permission on its property; and

WHEREAS, this portion of Palmer Road is of no proper or necessary use by the Public; and

WHEREAS, the Town would be further benefited by the discontinuance of this portion of Palmer Road in that it would no longer have the care and expense of maintaining, plowing, sanding, repairing and insuring this portion of Palmer Road; and

WHEREAS, the Town of Palmyra Highway Superintendent sent letters out on October 11, 2018 to State, County and Local first responders and school districts that would be affected by the discontinuance of this portion of Palmer Road and did not receive any feedback that the discontinuance of that portion of Palmer Road would have negative impact on them.

WHEREAS, the Town Board of the Town of Palmyra held a Town Board meeting at the East Palmyra Fire Hall on October 25, 2018 whereby the Applicants' Application for Discontinuance of Palmer Road was an Agenda Item and the Board did not receive any additional Public Input that the discontinuance of that portion of Palmer Road would have any negative impacts.

NOW, after due deliberation of the matter, it is hereby determined that the portion of Palmer Road sought to be discontinued has become unnecessary, except to the Applicant;

NOW, THEREFORE, I, the undersigned, Highway Superintendent of the Town of Palmyra, Wayne County, New York, pursuant to Section 171 of the Highway Law of the State of New York, do hereby order the discontinuance of that certain portion of the Town Highway by May 1st, 2019, described as follows:

The portion of Palmer Road in the Town of Palmyra, Wayne County, New York located north of Hogback Hill Road and west of Whitbeck Road, and being more fully described in the aforesaid application.

THEREFORE, pursuant to New York State Highway Law, Section 171(2), said portion of the Palmer Road above described and described in said application, is hereby ordered discontinued and the undersigned will file the NYSDOT Highway Inventory Template with the NYSDOT.

5. Approve: Town Supervisor to sign Resolution #9-2019 Road Closure Decommission Agreement: Todd Pipitone made the motion to allow the Town Supervisor to sign Resolution #9-2019 Road Closure Decommission Agreement, as written below:

Second: Mike Lambrix

Vote: 4 Ayes. Carried

**RESOLUTION #9-2019 ROAD CLOSURE
DECOMMISSIONS AGREEMENT**

THIS ROAD CLOSURE DECOMMISSION AGREEMENT (hereinafter the "Agreement"), dated as of February 28, 2019, by and between **TOWN OF PALMYRA**, a municipal-benefit corporation with office at 1180 Canandaigua Road, Palmyra, New York 14522 (the "Town") and **DOLOMITE PRODUCTS COMPANY, INC.**, a New York corporation with office at 1150 Penfield Road, Rochester, NY 14624 (the "Company").

WITNESSETH:

WHEREAS, the Company has submitted an application dated September 24, 2018, for the discontinuance of a part of Palmer Road in the Town of Palmyra as described in said application; and

WHEREAS, Michael Boesel, the Town Highway Superintendent, signed an Order dated February 28th, 2019 for the discontinuance of part of Palmer Road pursuant to NYS Highway Law Article 8, Section 171(2) and such Order was filed in the Office of the Town Clerk of the Town of Palmyra on 28th, 2019; and

WHEREAS, the Town passed a Resolution on February 28, 2019 for the consent to discontinue part of Palmer Road pursuant to NYS Highway Law Article 8, Section 171(2); and

WHEREAS, the Company has agreed in principal to purchase the asphalt from the part of Palmer Road to be discontinued to be used for asphalt millings (the "Asphalt Millings") in consideration for \$5,000 worth of sand to be provided to the Town, to be calculated at the Wayne County bid price in effect on the date or dates the Town picks up the sand from the Company, plus reimbursement of the cost of the installation of safety barriers and signage (collectively the "Road Closure Costs") at the ends of the discontinued part of Palmer Road (collectively the "Sand and Road Closure Costs").

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties hereto agree as follows:

1. The Company agrees to buy the Asphalt Millings from the Town in consideration of the Sand and Road Closure Costs.

2. The Company shall reimburse the Town the cost of the Road Closure Costs within 30 days of the Company's receipt of the invoice from the Town.

3. The Sand is to be made available for pick up by the Town from the Company as requested by the Town.

4. This Agreement shall be governed by, construed in accordance with and enforceable under the laws of the State of New York without regard to principles of conflicts of laws.

5. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and said counterparts shall constitute but one and the same instrument and shall be binding upon each of the undersigned as fully and completely as if all had signed the same instrument.

6. This Agreement shall be binding upon the parties hereto, their successors and assigns and Indemnitors and their respective successors, assigns, executors, administrators, legal representatives, distributees and fiduciaries and shall inure to the benefit of each Indemnitee.

6. Approve: Boylan Code Law Firm: Todd Pipitone made the motion to use Boylan Code as law firm to prosecute particular violations of all Town Codes, Local Laws, and Ordinances at the rate of \$185.00 per hour. Councilman Welch added that both Attorney Paul Rubery, and Attorney John Morell recommended this action as they do not have the same experience in litigation as Boylan Code.

Second: Mike Lambrix

Vote: 4 Ayes. Carried

Motion to approve claims and expenditures: Todd Pipitone made the motion to approve claims and expenditures for the month of February 2019, Vouchers #127 thru #269, totaling \$647,989.44.

Second: Brad Cook

Vote: 4 Ayes. Carried

Supervisor Miller asked that it be noted that he will be out of town from March 13-23rd, 2019, and that Councilman Welch will "be in charge".

Motion to enter into Executive session: At 8:09 PM, Mike Lambrix made the motion to enter into executive session to discuss current litigation, and invited CEO Pat Sheridan to join them in session.

Second: Todd Pipitone

Vote: 4 Ayes. Carried

Motion to enter into Exit Executive session: At 8.56 PM, Mike Lambrix made the motion to exit executive session.

Second: Todd Pipitone

Vote: 4 Ayes. Carried

Adjourn Meeting: At 8:57 PM, Brad Cook made the motion to adjourn the meeting.

Second: Mike Lambrix

Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

ATTACHMENT A Door Hanger from NYS Dept. of Health fro Garnsey Road residents.

ATTACHMENT B Agreement with Palmyra Baptist Church – purchase of land.

ATTACHMENT C Master Level III Award for Highway Superintendent

ATTACHMENT D “What is Superfund” –Information from Frank Vascukynas

ATTACHMENT E Letter from Marc Carrier re Garnsey Rd Landfill

ATTACHMENT F Agreement between Town & Finger Lakes Ambulance

Regular Town Board Meeting
Thursday March 28, 2019
7:00 PM - Palmyra Town Hall