

**REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
NOVEMBER 26, 2013**

At 7:30 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Tuesday, November 26, 2013, at the Palmyra Town Hall, 1180 Canandaigua 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 F. Miller, Supervisor
- James Welch, Deputy Supervisor
- Michael Lambrix, Councilman
- David Nussbaumer, Councilman
- Todd J. Pipitone, Councilman

ROLL CALL

Also attending: Marc Carrier and Palmyra Highway Superintendent Mike Boesel.

ATTENDANCE

Motion was made by Todd Pipitone to approve the minutes of the October 24, 2013 Town Board meeting.

MTN: APPROVE MINUTES OF 10/24/2013

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

Motion was made by Dave Nussbaumer to approve the minutes of the November 7, 2013 Town Board meeting.

MTN: APPROVE MINUTES OF 11/7/2013

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

HEARING OPPORTUNITY: Notice was sent by the Code Enforcement Office to David Kern, of East Williamson, notifying him of his opportunity to meet with the Palmyra Town Board this evening, concerning his 4775 Tellier Road property. Ken asked those present if Mr. Kern was in attendance and would like to address the Board. No one responded. Mr. Kern was not present.

HEARING OPPORTUNITY FOR OWNER OF 4775 TELLIER RD. PROPERTY

COMMUNICATIONS

WAYNE COUNTY SHERIFF PRESS RELEASE

The Wayne County Sheriff issued a November 14th press release announcing the addition of Deputy Sheriff Robert Mansell to the Sheriff's Office Road Patrol.

REPORTS OF STANDING COMMITTEES

Economic Development, Appeals and Town Clerk's Office Committee – Todd Pipitone, Chairman

1. Town Clerk's Office Report for November:

- Lynne and Irene: The outstanding item this month was our "Great Computer Crash of November 2013. Joan Gates' PC crashed on November 6. Mid-day on Friday, November 8, Irene and Lynne were also affected. Integrated Systems was called and took our two PCs to their office to work on—over the weekend. Between working on them at their facility, as well as working here with the server, our PCs were not up until the afternoon of Thursday, November 14. Several documents were lost in the process, however, and had to be reconstructed—especially the important files and spreadsheets.
- Everyone: November 1st saw hunters return to our office to purchase doe permits, and other items we sell in connection with hunting licenses—46 transactions that day alone. So far, with 80 transactions, we received \$905.00 since November 1st.
- Lynne: Prepared agendas for two Town Board meetings in November, while completing the October 24th meeting minutes, along with the November 7th meeting minutes, for approval tonight.
- Lynne: Completed letters to those taxpayers who sent their tax payments too late for our office to collect. Their delay means added penalties for them, with payment to the Wayne County Treasurer.
- Irene: School taxes are completely done, balanced to the penny, and all unpaid taxes were handed over to the county. She was able to complete all balancing via e-mail/fax/mail with Wayne and Ontario Counties thanks to the new Williamson Law Book tax program we are using.
- Irene: Final school tax tally was \$13,222,893.15 collected, of a total \$14,047,130.11 of regular taxes and all \$531,472.03 in-lieu-of taxes. Total billed to the high school for our services was \$19,217.37!! \$4,217.00 more than we budgeted as income! (Up from \$17,620.69 last year.) The school's payment to the Town was approved at the November 12th School Board meeting, and we should receive payment shortly.

TOWN CLERK'S OFFICE REPORT FOR NOVEMBER

- Irene: She is already organizing the escrow information from mortgage lenders and coordinating information with the Assessor's office for collection of Town and County taxes, which starts January 1.
- Irene: Filed vital records, adding them to our computerized records. Prepared bank deposits, balanced accounts. Sent dog renewal notices and additional late-renewal postcards. Some genealogy, marriage, and death information requests.
- Irene: Attended the mandatory "NYS Department of Environmental Conservation" meeting in Victor on November 7th. Many new changes begin in February 2014 regarding hunting and fishing licensing. An overview was given of these changes, and of the new program to be used. More information follows when NYS works out the "bugs".
- Celeste: APPLICATION XTENDER Digitization and Scanning Project: Birth and Death records through 2012 are complete. Marriage records are near completion.
- Celeste: Records Scanned and OCR (2009 to current) Death: Village, Town---Birth & Marriage: complete. Burials, Board Meeting Minutes: To be complete by early December. Records have to be submitted to NanoArk for Waferfiche processing before the end of the year. I estimate these records will be ready for submittal by December 20th.
- Celeste: ARCHIVES--The Archive rooms no longer require the dehumidifiers, until humid weather returns.
- Celeste: Installed new monitor on my desktop, prepared Oct. monthly cashbook, updated Contracts and Agreements log.

TOWN CLERK'S
OFFICE
REPORT
FOR NOVEMBER

2. **Water Rate Changes from WCWSA:** Todd Pipitone asked the Town Clerk to obtain a list of the water rate changes for the past 10 years, that the Wayne County Water & Sewer Authority (WCWSA) has charged Palmyra customers. Sheryl LaDelfa, from WCWSA, provided the list of charges per 1,000 gallons. Each Board member received a copy.

WATER RATE
CHANGES FROM
WCWSA FOR
LAST 10 YEARS

Highway Committee – James Welch, Chairman

1. **November Highway Report:** Superintendent Mike Boesel submitted the following report From October 24 – November 26:

Highway Superintendent Report
For Town Board Meeting of 11/26/2013

Since the 10/24/13 Town Board meeting we have completed the following work:

HIGHWAY
DEPARTMENT
REPORT FOR
NOVEMBER

**HIGHWAY
DEPARTMENT
REPORT FOR
NOVEMBER**

- *Plowing/Sanding –To date this winter season we have made a total of 6 trips out of the barn. A comparison to this point of the past 3 winter seasons is below:*
 - *November 2012 - 1 trips.*
 - *November 2011 - 0 trips.*
 - *November 2010 - 0 trips*
 - *.*
- *Inter-municipal Assistance*
 - *10/29/13 - Palmyra mini exc/operator to Walworth for storm pipe assistance*
 - *10/30/13 - Palmyra mini exc/operator to Walworth for storm pipe assistance*
- *Brush Mowing – We intend to continue brush mowing and tree trimming operations as time permits thru the rest of the year and as the winter season permits.*
- *Winter Preparations – All the trucks are now in winter mode. We have also been hauling some sand and some surface treating stone for next summer.*
- *Snow Fence – We started our snow fence installations last week and hope to continue after Thanksgiving.*
- *Generator Grant – I submitted our generator grant on 10/30/13 but have yet to hear anything.*
- *Hogback Road – Dolomite Tunnel Proposal – On 11/13/13, Dolomite/AL Blades started their conveyor pipe tunnel project. On 11/21/13, they completed the project, including asphalt restoration. The project looks good. We have a Highway Permit 149 on the agenda for approval tonight.*
- *Tellier Road House - On 10/25/13, the Highway Crew boarded up the first floor windows and doors of the vacant Tellier Road home.*

**SOFTWARE
CHANGES AT
HIGHWAY
DEPARTMENT—
UPGRADE**

2. **Software Changes Information:** The Highway Department currently uses DOS as its software, and they need to convert it to Windows. Mike Boesel also has talked with Mayor Piccola of the Village, and he’s agreeable. Other Board members agreed that Highway needs an upgrade. Mike Lambrix wants to know how the costs of this total package, with the software, would be divided with the Village. He doesn’t want the Town to have to pay for all the new purchases. This prompted further discussion, so it was decided to hold a mid-month Town Board meeting on Tuesday, December 10th at 7:30 p.m. to discuss this issue, along with other concerns, such as the smoking policy, Union contract, possible time clock usage, new software and hardware update, concern for training and support, and village/town purchases.

**NEED TO
COORDINATE
WITH VILLAGE**

Ken said perhaps there shouldn't be a motion tonight, but rather he, Mike Boesel and Mayor Piccola should "get together and see what the Village is willing to share."

**NEED TO
COORDINATE
WITH VILLAGE**

- 3. **Snow and Ice Contract with Wayne County:** Wayne County submitted their Snow and Ice Contract with Palmyra for the 2013-2014 winter season. Mike Boesel said although the "numbers went down slightly, because the price of salt went down," the numbers look good for this year.

**SNOW AND ICE
CONTRACT WITH
WAYNE COUNTY**

- 4. **Dolomite Tunnel Proposal Under Hogback Hill Road:** Highway Permit #149 is the correct document between the Town and Dolomite, according to Dave Doyle of MRB Group for the tunnel to be approved. A deposit of an amount that would be needed to put the road back into its original condition was discussed—should something happen to the tunnel, or if the gravel is "mined out." Apparently, there's not a firm number yet for it. The question was brought up as to the form of the escrow—a bond, or escrow?

**DOLOMITE
TUNNEL
PROPOSAL
UNDER
HOGBACK HILL
ROAD**

A copy of the "Permit Issued Under Section 149 of the Highway Law" is included with these minutes as Attachment A.

ATTACHMENT A

Mike added the tunnel construction is complete now, as it had to be done before winter set in.

Planning and Operations Committee

--Mike Lambrix, Chairman

- 1. **Town Planning Board Meeting:** Minutes of the November 11th Planning Board meeting were provided to Board members. There were no comments.
- 2. **Town Hall Items Update:** No Town Hall items were discussed tonight.
- 5. **Revisit Town Employee Smoking Policy:** At the last Board meeting, Mike Lambrix he wanted to revisit the Town's recently-passed Employee Smoking Policy. Tonight, Mike said he would like to amend the third offense, thinking it's too harsh to dismiss an employee for three offenses of smoking

**NOVEMBER
PLANNING
BOARD MEETING**

**NO TOWN HALL
ITEMS UPDATE**

**REVISIT
EMPLOYEE
SMOKING POLICY**

**REVISIT
EMPLOYEE
SMOKING
POLICY**

on Town property. His thought is that the Town and Village should be similar—to be consistent. Jim Welch said that since the Village is unionized, their negotiated contract has a pretty complex disciplinary procedure. Ken said when he meets with Mayor Piccola, he would discuss this. Dave Nussbaumer then suggested that Mike Lambrix should come up with a solution. Todd added that since smokers tend to cost the Town more for health issues, maybe they should pay higher insurance rates.

Ken said the issue should be added to the December 10th Board meeting for further discussion.

Zoning and Assessor's Office Committee

--David Nussbaumer, Chairman

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

NOVEMBER 25, 2013

The office is running smoothly. We are still taking in STAR applications and answering a lot of STAR questions due to the State's implementation of the reapplication of the Basic STAR with the Department of Taxation and Finance.

There is still a lot of confusion among the general public about this program, but a recent report put out shows that 71% of the population in Palmyra who are required to do this reapplication have already done so. The State is now in the process of sending out postcards to the 29% who have not reapplied for the Basic STAR with them. It is my understanding that Palmyra residents should already have received them, as one property owner did come into the office with one of these postcards. The next step is that the State will send out removal notices of the Basic STAR sometime toward the end of December or early next year. If anyone knows any young (under 65) people whom need to sign up, please ask them if they have done so and if they have not, remind them that they must do so within the next month. If they have any questions, they may call the assessor's office to get the information they need to reapply.

This month I have gone to Auburn for the mandatory ethics class and to Batavia for a class on conservation easements and wetlands. Both classes were very informative and helpful. Together these two classes satisfy my continuing education credits I need for the 2013 to 2014 year.

**ASSESSOR'S
OFFICE REPORT
FOR NOVEMBER**

- 2. **Decisions of Assessment Hearing Officers** On September 23 and 26, hearings were held for the Decker, Fannon and Vanderwall properties that had their assessments challenged. Copies of the decisions of the Hearing Officers were included in Town Board members’ packets of information. Ken Miller stated these decisions by the Hearing Officers are valid, and “we have no further say in the matter.”

DECISIONS OF
ASSESSMENT
HEARING
OFFICERS
- 3. **Bamberger Properties—Letter from Attorney:** At Town request, Anthony J. Villani, P.C., attorney, sent Supervisor Miller an update on the status of Bamberger Wayne Properties, LLC in the midst of assessment challenges for several years. As of November 17, 2013, he concludes “...we do not believe there is any basis for us to recommend that any adjustment be made to the values placed on these properties by the Town assessor.” Ken Miller added that this multi-year challenge has “cost taxpayers literally tens of thousands of dollars.”

BAMBERGER
PROPERTIES
ATTORNEY
UPDATE LETTER
TO TOWN
- 4. **Code Enforcement/Zoning Office Report:** Dan Wooden’s computer was affected during early November, and his CEO Report information was not available this evening.

NO CODE
ENFORCEMENT/
ZONING OFFICE
REPORT
- 5. **Tellier Road Follow-Up:** Since the property owner, David Kern, did not appear before the Town Board this evening, Code Enforcement Officer Dan Wooden said he will prepare the papers to go before the judge. “It will be the judge’s decision now, as the process is in the hands of the courts,” he added. Dan said he will continue the process.

TELLIER ROAD
ABANDONED
PROPERTY
FOLLOW-UP
- 6. **Zoning Board of Appeals Meeting:** There was no meeting of the Zoning Board of Appeals during November.

NO ZONING
BOARD MEETING
IN NOVEMBER

INFORMATIONAL ITEMS

- 1. **“Save Energy, Save Dollars” Upcoming Workshop:** On December 12, the Cornell Cooperative Extension will be presenting a workshop to learn about reducing energy bills and methods of low-cost, no-cost energy conservation. The meeting, at 7 p.m., will be held in the Large Meeting Room at Town Hall. Ken encouraged those present to attend.

SAVE ENERGY,
SAVE DOLLARS
PRESENTATION
12/12/2013 AT
TOWN HALL

ELECTRICAL
VEHICLE SUPPLY
EQUIPMENT
LETTER OF
INTEREST

- 2. Flyer—Electrical Vehicle Supply Equipment: A letter from MyFleetDept.com, provides Electric Vehicle Supply Equipment to this region. They are looking to find a EV Charging Station in our area. They cite “current funding assistance available to our region for EV infrastructure.” Board members received a copy of his letter.

PUBLIC INPUT

- 3. Public Input: No comments were made by the public.

AGENDA ITEMS

- 1. Approve Contract: Highway Snow & Ice—2014—with Wayne County: Jim Welch made the motion to tpprove the 2014 Highway Snow and Ice contract with Wayne County.

MTN: APPROVE
CONTRACT—
HIGHWAY SNOW
AND ICE 2014
WITH WAYNE
COUNTY

Second: Mike Lambrix Vote: 5 Ayes. Carried.

Ken Miller reminded the Town Clerk that Petra Anderson, Town Bookkeeper, is to receive a copy after all the signatures are complete.

A copy of the 2014 Highway Snow & Ice Contract is included with these minutes as Attachment B.

ATTACHMENT B

- 2. Approve: Permit Issued for Hogback Hill Road Tunnel to Dolomite Products Company: Questions of future liability to the Town concerned Board members about the project. Board members also wanted time to carefully read the Permit that was presented to them this evening. Their thoughts were to have Supervisor Miller sign a permit contingent upon an agreed amount for reclamation. Jim Welch made the motion to table this issue until the December 10th meeting of the Board.

MTN: APPROVE
PERMIT ISSUED
FOR HOGBACK
HILL ROAD
TUNNEL—TABLE
ASSESSOR’S
OFFICE REPORT
FOR SEPTEMBER

Second: Mike Lambrix Vote: 5 Ayes. Carried.

- 3. Claims and Expenditures: Dave Nussbaumer made the motion to approve claims and expenditures of Vouchers #1741 through #1857, included in the Abstract of November 2013, totaling \$192,699.37.

APPROVE
CLAIMS &
EXPENDITURES
FOR NOVEMBER
2013

Second: Mike Lambrix Vote: 5 Ayes. Carried.

- 4. **Enter Executive Session:** At 8:37 p.m., Dave Nussbaumer made the motion to enter Executive Session to discuss matters of personnel.

MTN: ENTER EXECUTIVE SESSION

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

- Exit Executive Session:** At 9:13 p.m., Todd Pipitone made the motion to exit Executive Session.

MTN: EXIT EXECUTIVE SESSION

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

- 5. **Motion to Adjourn:** At 9:14 p.m., Mike Lambrix made the motion to adjourn the meeting.

MTN: ADJOURN MEETING

Second: Jim Welch

Vote: 5 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

ATTACHMENT A: "PERMIT ISSUED UNDER SECTION 149 OF THE HIGHWAY LAW" BETWEEN THE TOWN SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF PALMYRA AND DOLOMITE PRODUCTS COMPANY, INC., d/b/a A.L. BLADES

ATTACHMENT B: "2014 AGREEMENT FOR SNOW AND ICE CONTROL ON COUNTY ROADS BETWEEN THE COUNTY OF WAYNE AND THE TOWN OF PALMYRA"

NEXT TOWN BOARD MEETING:

**TUESDAY, DECEMBER 10, 2013, 7:30 P.M.
PALMYRA TOWN HALL**