

**REGULAR MEETING OF THE TOWN BOARD  
PALMYRA TOWN HALL  
AUGUST 23, 2018**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, August 23, 2018, 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:

Supervisor Kenneth Miller  
James Welch, Deputy Supervisor  
Michael Lambrix , Councilman  
Bradley Cook, Councilman  
Todd Pipitone, Councilman

Motion was made by Mike Lambrix to approve the minutes of the regular Town Board meeting which took place on July 26th, 2018.

Second: Jim Welch                      Vote: 3 Ayes. Carried

Councilman Cook abstained as he was not in attendance for that meeting.

Motion was made by Todd Pipitone to approve the minutes of the Special Town Board meeting which took place on August 7th, 2018.

Second: Jim Welch                      Vote: 3 Ayes. Carried

Councilman Cook and Councilman Pipitone abstained as they were not in attendance for that meeting.

**ATTENDANCE**

Also attending was: Marc Carrier, Mike Catalano (EMS Advisory Board), Highway Superintendent Mike Boesel, and Bob Kelsch (Sun & Record Newspaper).

**HEARING**

There was no official hearing this evening.

**COMMUNICATIONS / PUBLIC INPUT**

None

**REPORTS OF STANDING COMMITTEES**

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

**1. Budget Workshop Dates:** Budget workshop dates were decided on at an earlier meeting, and will be held September 4<sup>th</sup>, 11<sup>th</sup> and 18<sup>th</sup> (if necessary) at 7 PM, at the Palmyra Town Hall.

**2. Property out Back:** Supervisor Miller has continued his conversation with Pastor Brassler regarding the 3.3 acres behind the Town Hall that the church would like to sell. Mr. Miller is proposing we pay \$5,000.00 from our parks budget, and budget the rest to be paid in 2019. The Pastor will be speaking to his community to see if that would be acceptable.

**3. Fingerlakes Ambulance:** A marked up copy of the agreement was received from Ken Beers, and was emailed to Supervisor & Mike Catalano last week. Mr. Miller and Mr. Catalano will continue their discussion regarding the agreement between the Town and Finger Lakes Ambulance.

**4. Preliminary Budget Update:** Supervisor Miller reminded the board that the “drop dead date” to submit their budgets and meet with the department heads is tomorrow. He also reminded them that it is impossible to have all the numbers filled into the budget by the book keeper as she has not received all the final figures for 2018.

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

**1. Town Clerk report for August:**

**TOWN CLERK OFFICE REPORT TO THE BOARD  
AUGUST 2018**

School taxes will be picked up from the county in the next few days, separated and processed, and will be mailed out to home owners and banks on Friday, August 31<sup>st</sup>. We will begin collecting on September 1<sup>st</sup>. Also, hunting licenses, along with DMP's, are now being sold.

Through dog licensing in July, we sold 104 licenses totaling \$806.00, misc sales, EZ Passes marriage licenses, hunting/fishing, vital record requests, zoning etc- added an additional \$5,482.00. Total check disbursements for the month of July were \$6,288.00.

The transition separating Village and Town Code Enforcement went smoothly. As requested by the Town Clerk and our Legal Counsel, the completed 2018 payment was made for \$18,600.00 to the Town from the Village, and the State provided proof that Mr. Hall was a Certified Code Enforcement Officer. All Village Code Enforcement Records were then turned over to the Village Clerk and Village Code Enforcement Officer. All items were organized, documented, and signed off by the Town Clerk, Town Code Enforcement Officer, Village Clerk, and Village Code Enforcement Officer, with the hopes that code enforcement, and all that it encompasses, will continue to run smoothly for the village residents.

Thank you to Heidi, Julie, and Joan for keeping the Town Clerk's office running smoothly while I was on vacation for a couple of days last week.

**2. Building Update:** Baker's Exterminating is coming to treat the hornets nest outside the town clerk office, above the code enforcement office, and above the door to the kennel outside.

**3. Notice of Petition:** Notice of petition from Bamberger properties (pertaining to school taxes) was received. The Town Clerk has copy if anyone would like to review.

**4. Preliminary Budget Update:** Councilman Cook and the town clerk met to discuss the 2019 budget, and it has already been turned into the book keeper.

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

**1. Highway report for August:**

**Highway Superintendent Report  
For Town Board Meeting  
8/23/18**

Since the 7/26/18 Town Board meeting we have completed the following work:

- **Brushmowing/Tree work** – Quaker and Maple
- **Inter-municipal Assistance**
  - 8/3/18 2 Palmyra trucks to assist Newark Hwy with hauling
  - 8/15/1 2 Palmyra trucks to assist Newark Hwy with hauling
  - 8/16/18 2 Palmyra trucks to assist Newark Hwy with hauling
- **Microburst** – On 8/14 we had a very localized microburst in the East Palmyra area around 730am. We had trees down blocking roads on Port Gibson Road, Hogback, Floodman and Garnsey Roads. Roads were reopened fairly quickly except for Floodman which had down wires as well.
- **Newark Marion Road Pit** – We started some cleanup work in our Pit on Newark Marion Road. We need to renew our Mine Permit in October. I have been working with WC Hwy on the renewal paperwork.
- **Sand/Salt Barn** – In the past few week we made some repairs to the rear (west) wall of the sand salt barn, including re-bracing, and also had the interior walls recoated.
- **Truck Barn Project** – In the past 30 days, LeFrois Builders/Western Concrete has completed the installation of the concrete floor and aprons. This week, Martins Door Service installed all the overhead doors. Our Palmyra Hwy Crew also installed and has been painting the fire retardant plywood and all the bollards are now complete. We also competed the storm drain line for the roof downspout collection system. I have contacted all subcontractors about the schedule. Tomorrow, RL Powers intends to start installation of the overhead heat system. Remaining electrical work is scheduled for September to tie all systems together.
- **Kent Street Watermain** – Our Highway Facility Main Shop, and all residences on Kent Street, are now tied over to the new 6” watermain. The water clarity is noticeably clearer.

- **Winter Prep** – In the next week, I will need to consider placing an order for road salt. The Salt Contract expires in 8/31 and the new Contract comes into effect on Sept 1<sup>st</sup>. We will also start to re-stock with sand soon.

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

**2. Highway facility update:** See report above.

**3. Palmer Rd Closing:** Attorney John Morrell and a representative from Dolomite said there is a process to close Palmer Road, and Mr. Miller said that it should not cost the Palmyra residents anything. A proposal to release the easement to the road will be needed.

**4. Preliminary Budget Update:** Councilman Welch stated that he and Highway Superintendent Mike Boesel have met numerous times, but there were decisions that needed to be made as a board. Some examples were the cost/use of propane for the new facility as it has never been budgeted for, and the cost of diesel fuel. Last year diesel was budgeted at \$2.00, but it has been running about \$2.29 lately. Will the price go up or down?

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

**1. Fire Contracts:** Councilman Pipitone had nothing further to add regarding the upcoming Fire Contracts as they have spoken briefly, but have not met yet due to scheduling conflicts. The Village is also gathering insurance information and costs at this time. The board agreed if they cannot come up with actual figures, then simply add 2% and move ahead.

**2. Preliminary Budget Update:** Councilman Pipitone met with the Assessor on August 14<sup>th</sup>, and her budget is ready to turn in.

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

**1. Assessor's Office Report for August:**

**REPORT TO THE TOWN BOARD  
FROM THE ASSESSOR'S OFFICE  
AUGUST 20, 2018**

I have received a small claims petition for the one person who filed for grievance (the BAR did not change the assessment). I have not heard from a hearing officer yet to set up a hearing.

We will be sending out Enhanced (Senior) STAR renewals at the end of the month. The state has made changes to the STAR exemption again and all renewals will also be signing up for the IVP (Income Verification Program) if they want to continue to receive the Enhanced STAR. This is mandatory. Any first year enhanced STAR applications will include the form for IVP.

Data mailers that went out in June are still coming in, however I think most of what we are going to get has already come in.

As always, if you have any questions or concerns, please don't hesitate to contact me.

**2. Code Enforcement/Zoning Office Report- August:** Code Enforcement Officer Pat Sheridan submitted a report to the Board Members that included a list of building permits and certificates of compliance for July 24, 2018 thru August 21, 2018. Mr. Lambrix invited all to read it at their leisure.

The new contact info for *Village Code Enforcement* is as follows: Monday thru Thursday 10AM – 2PM, email is [palmyravillageceo@gmail.com](mailto:palmyravillageceo@gmail.com), and phone number is 585-278-4938. Village Code Officer Ronald Hall is located at 149 East Main St in the Park and Club rooms (Sexton Building) across from the Village Hall. All changes have been made on the website. Supervisor Miller will contact 911 and emergency responders with the changes.

**3. Minutes from Zoning Board Meeting for March:** None

**4. Minutes from Planning Board Meeting on July 9<sup>th</sup>, 2018:** Minutes from the July 9th, 2018 Planning Board meeting were shared with the board.

**5. Preliminary Budget Update:** Mr. Lambrix and Mr. Sheridan have been working closely on the CEO budget.

**Information**

1. **Mike Catalano- EMS Advisory Report:** There was no monthly meeting except for Mr. Catalano's meeting with Supervisor Miller to discuss the Finger Lakes Ambulance agreement. The only concern at this time is that the response time has been creeping up a little.
  
2. **Democrat & Reform Primary:** There will be a Democratic and Reform Primary here at the Town Hall on Thursday September 13, 2018, 12 noon – 9 PM.
  
3. **Pistol Permit Education Course:** There will be a Pistol Permit Education Course for obtaining Utah and Florida licenses held at the Town Hall on October 13<sup>th</sup>. There will be two course times, one 8 AM-Noon, and the second 1-5PM. Pre registration will be required and details can be found at [www.safeinrochester.com](http://www.safeinrochester.com)

**Agenda Items**

1. **Approve: Exchange of \$13,000.00 for 3.3 acres of Land behind the Palmyra Town Hall:** Approve the exchange of \$13,000.00 for approximately 3.3 acres of land from the Palmyra Bible Baptist Church, located east and behind the Town Hall. The town would agree to pay any legal fees, survey, and court costs, and will only be acted upon if approved by both parties. This topic was tabled at the last meeting and the Supervisor asked that it still be tabled until the September meeting.
  
2. **Approve Contract and Agreement for Out-of-District Water User:** Mike Lambrix made the motion to approve the Supervisor to sign the contract and agreement, as well as water memorandum agreement, for the out of district water user located at 3341 Shilling Road, Palmyra NY, 14522. Both agreements are as written below. The water main easement has been received (signed by grantor, Gerald East), and both contracts and agreements have been approved by legal counsel.

Second: Jim Welch

Vote: 4 Ayes. Carried

**TOWN OF PALMYRA  
OUT-OF-DISTRICT WATER USER CONTRACT**

The undersigned, being the owner(s) of premises at 3341 Shilling Road, (Parcel ID #65113-00-560980), Palmyra, New York, herein requests permission to connect to the existing water system and extend water service to the premises subject to the following terms and conditions:

1. The Town of Palmyra is selling only surplus water and cannot guarantee the pressure flow or even that water will be received at any or all times at the subject property.
2. The owner(s) understand that a line approved by the Wayne County Water and Sewer Authority will be installed at the owner(s) expense serving the water district. Despite the owner(s) expense in installing the line, if a public water line is installed to extend the water district, the owner(s) will have to join the district and pay for the public water main installation, which will pass the owner(s) property and hook up to the public water main at the time the use of the main is available, without any credits for the payments made pursuant to this contract.
3. All work shall be performed in compliance with the Water Ordinance of the Town of Palmyra.
4. The Owner(s) herein acknowledge that municipal water is being supplied to them outside the boundaries of the existing water district as a convenience and due to the personal necessity for the health and welfare of the residents of the premises. It is further agreed that the present owner(s), or their successor(s) to the property, will either sign the petition or vote for the creation of a new water district or extension to the existing district to acquire the municipal supply, should said new district or extension of a district be proposed and would include said premises.
5. Owner(s) agree to allow access at all reasonable times for purposes of checking the meter and service; however, the owner(s) will be responsible for maintenance of the water line.
6. The owner(s) herein agree to pay the quarterly costs determined by the Town Board for this service. Failure to pay these charges will be cause to shut off the supply. The owner(s) will sign a memorandum of this agreement to be filed in the Clerk's Office of the County of Wayne.
7. The rate to be charged for water shall be the rate charged all consumers of water in the Town of Palmyra, as billed by the Wayne County Water and Sewer Authority. In addition, the owner(s) shall be charged as additional water rent a sum annually equal to the rate paid annually by residents of the Town of Palmyra Central Water District as a part of the Town and County tax. Said additional charge is to be paid within 30 days of the date it is billed. The rate is computed by multiplying the assessed value of the property times the rate established for property in the Central Water District.
8. Owner(s) shall be responsible for all connection charges, the meter and installation of owner(s) line from the curbside to the owner(s) house.
9. The obligation of the Town to furnish water to the premises shall be subject to the Town's ability to obtain water from its source. The Town shall not be responsible for any acts beyond its control, which interferes with the supply of water to the premises. Owner(s) will comply with all applicable laws, rules and regulations including but not limited to preventing back flow to the public water supply.



**TOWN OF PALMYRA  
WATER MEMORANDUM AGREEMENT  
3341 Shilling Road, Palmyra, NY 14522**

**AGREEMENT** dated this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the TOWN OF PALMYRA, a municipal corporation with an office located at 1180 Canandaigua Road, Palmyra, County of Wayne and State of New York, herein after called "Party of the First Part" and Gerald East Jr., who resides at 4535 Minsted Road, Marion, NY 14505 and owns property at 3341 Shilling Road, in the Town of Palmyra, County of Wayne and State of New York (Tax ID #65113-00-560980), hereinafter called "Party of the Second Part".

**WITNESSETH:**

**WHEREAS**, the Party of the First Part and the Party of the Second Part have heretofore on the year and day first above written entered into a contract for the sale of water by the Party of the First Part to the Party of the Second Part to supply water to 3341 Shilling Road, Palmyra, NY, and

**WHEREAS**, the Party of the Second Part is outside of an existing water district in the Town of Palmyra, and

**WHEREAS**, the contract for the sale of water by the Party of the First Part to the Party of the Second Part for property located at 3341 Shilling Road, Palmyra, NY contains clauses concerning the price of water and the terms and conditions of delivery and sale of the water to the premises occupied by the Party of the Second Part and

**WHEREAS**, it is the desire of the Party of the First Part and the Party of the second Part to give notice to the existence of said contract to any successors in interest of the Party of the Second Part who might purchase the premises described in Schedule A annexed hereto and made part of, and

**WHEREAS**, pursuant to the terms of the contract of even date herewith between the Party of the Second Part and the Party of the First Part a memorandum of the contract should be filed of even date in the Wayne County Clerk's office and said contract should be executed in a manner required for the filing of Deeds.

**NOW, THEREFORE**, in consideration of the premises and covenants herein, it is mutually agreed as follows:

1. That this memorandum shall be filed in the Wayne County Clerks' Office at the expense of the Party of the Second Part and the schedule attached hereto and shall constitute notice to any purchaser of the premises described in the schedule attached hereto that service of the water to the premises is subject to certain conditions all as contained in a contract, a copy of which has been furnished to the Party of the Second Part and the original of which is filed in the office of the Clerk of the Town of Palmyra.

2. That said contract covers the cost of the services and sale of water to said premises and the costs apportioned upon said premises by virtue of receipt of said water through a water district in the Town of Palmyra and other current terms and conditions of delivery and restrictions upon said service and sale of water.

3. That the Party of the Second Part has as a condition precedent entered into the agreement even date herewith and this memorandum and have caused the same to be filed in the Wayne County Clerk's Office.

**IN WITNESS WHEREOF**, the parties hereto have signed and sealed this document the year above written.

**Motion to approve claims and expenditures** Todd Pipitone made the motion to approve claims and expenditures for the month of August 2018, Vouchers #793 thru #894, totaling \$318,581.74.

Second: Jim Welch

Vote: 4 Ayes. Carried

**Adjourn Meeting:** At 7:47 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Jim Welch

Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn  
Town Clerk

**Budget Workshops**  
**Tuesday September 4<sup>th</sup>, 11<sup>th</sup>, and 18<sup>th</sup> (if necessary), 2018**  
**7:00 PM – Palmyra Town Hall**

**Regular Town Board Meeting**  
**Thursday September 27, 2018**  
**7PM – Palmyra Town Hall**