

**REGULAR MEETING OF THE TOWN BOARD
AND PUBLIC HEARINGS
EAST PALMYRA FIRE HALL
OCTOBER 23, 2014**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting and public hearing, scheduled for Thursday, October 23, 2014, at the East Palmyra Fire Hall, 2145 Whitbeck 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:

ROLL CALL

- Kenneth Miller, Supervisor
- James Welch, Deputy Supervisor
- Michael Lambrix, Councilman
- David Nussbaumer, Councilman
- Todd Pipitone, Councilman

Motion was made by David Nussbaumer to approve the minutes of the Town Board meeting from September, 2014.

MTN: APPROVE PREVIOUS TOWN BOARD MINUTES

Second: Jim Welch Vote: 3 Ayes. Carried
Councilman Pipitone abstained as he was absent.

Also attending was: John Rush, Marc Carrier, Code Enforcement Officer Dan Wooden, John McMenamin, Joan Knapp, Evan Knapp, Sheriff Barry Virts, Kenneth Wales, Scott Foti from the DEC, and Frank Vascukynas.

ATTENDANCE

HEARING

The following legal notice is for three public hearings scheduled for this evening. The following is the legal notice that had been printed in the Town’s official newspaper, *The Times of Wayne County*, and posted on the Town Hall’s bulletin board previous to these hearings, in accordance with law.

HEARING

LEGAL NOTICE
PUBLIC HEARING

VILLAGE OF PALMYRA FIRE PROTECTION DISTRICT
EAST PALMYRA FIRE PROTECTION DISTRICT
PORT GIBSON FIRE PROTECTION DISTRICT

**COPY OF LEGAL
NOTICE FOR FIRE
HEARINGS**

WHEREAS, the 2014-2015 Fire Protection District Contracts are about to expire and another two-year contract is to be considered for each of these three (3) Fire Protection Districts, and

WHEREAS, a Public Hearing is required by law,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Palmyra, Wayne County, will meet at the East Palmyra Fire Hall, 2145 Tellier Road, East Palmyra, New York, on the 23rd day of October, 2014 for the purpose of considering contracts proposed by said Town Board to be entered into with the Village of Palmyra at 7:00 p.m., the Port Gibson Fire Department at 7:05 p.m., and the East Palmyra Fire Department at 7:10 p.m., for the furnishing of fire protection to said Town, at which time and place the Palmyra Town Board will consider such proposed contracts and all persons interested in same.

AND BE IT FURTHER RESOLVED that the Town Board will, at said times and place, hear all persons in favor of, or against, items within said contracts. Interested persons may be heard in person, by attorney or agent, or in writing.

DATED: September 26, 2014

BY ORDER OF THE PALMYRA TOWN BOARD

As prescribed by law, a copy of tonight’s agenda was posted on the Town Hall bulletin board before the meeting, and copies were at the sign-in table in the East Palmyra Fire Hall for all to read.

Supervisor Miller stated that the contracts have been available in the Town Clerk’s office for the past month, and that the board will be asking if anyone would like to comment about them. He would first give a few minutes to look them over once again.

In the meantime, Mr. Miller introduced Sheriff Barry Virts, who was visiting that evening. The Sheriff stated that he periodically visits board meetings around the county when he is invited or in the area. He shared information from a press release dated October 14th, 2014, announcing the civil service exam for a “Correction Officer” in Wayne County. The deadline for filing is December 1, 2014, and the exam date is January 10, 2015. The position pays competitive wages ranging from \$18.68 (trainee) to \$24.90, plus benefits, for full time correction officers. There is no age limit for a correction officer.

GUEST:
WC SHERIFF BARRY
VIRTS

Mr. Miller stated that he and the Sheriff spent a good portion of the day together touring the Ontario County 911 facility, and call center. Wayne County is looking to update our own center.

NYSDEC-DIVISION OF MATERIAL MANAGEMENT - At this time, there was a break in the hearing to allow Mr. Scott Foti (actually was scheduled for before the hearing), from the NYSDEC- Division of Material Management, time to discuss the previous closing of the landfill on Garnsey Rd, answer a series of questions e-mailed to him earlier from the board, and allow this topic to be closed finally after the meeting this evening. Supervisor Miller explained that the board invited Mr. Foti to the meeting to reassure the community that the landfill was indeed closed properly many years ago, and that there are no further issues with it today. Mr. Foti stated he was happy to come and finally put this issue to rest as many man hours from his office have already been spent on this particular issue.

**GUEST:
SCOTT FOTI,
NYSDEC
REGARDING
GARNSEY RD.
LANDFILL**

He went on to explain that Mark Amann, the DEC Engineer for our county, has done numerous inspections on Garnsey Rd., and does not see any problem at this time. Mr. Foti said that if there were ever any issues, they would be dealing with the Town directly as they own the property, and they (the DEC) will keep an eye on the situation. That being said, he also pointed out that the older landfill was opened and closed before any regulations existed, therefore they have no jurisdiction over it. The newer one was closed in compliance. There was question about a red liquid in the area which is very common, and is in fact an iron feeding bacteria that lives in water that has high iron content. It may or may not be related to the dump, but it is not toxic. It was also reported that there was an “oily sheen”, but it is rather a rainbow substance, and not oil, which is another micro-organism. Mr. Foti was unaware of anyone in that area that needs to drink that water that they are all on public water. Finally, the samples that were provided at the last board meeting were not done by a lab technician, with proper laboratory procedures, and should not be taken into account.

Councilman Welch asked as to the physical location of any homes as compared to dump site. Mr. Foti said it appears to be 300 feet from the dump. Only recommendation for upkeep is to try to mow over it once in a while to keep woody growth and sumac, etc. from growing over the cap. He also stated that grass is good, as it holds the soil together.

Another question was in regards to coal ash. Mr. Foti explained that coal ash is an innocuous “thing”, and is approved for many uses, still sometimes used as daily cover for waste, an ingredient in concrete, and road surfacing, etc.

Further discussion ensued as Mr. Foti scanned over the questions that he was sent, but had already covered most.

Finally, Councilman Pipitone asked if a person contacted the EPA, would the DEC have been contacted. Mr. Foti stated that the EPA does not have a strong solid waste program, delegates those issues to the states, and that they have definitely not contacted the DEC regarding our landfill.

Supervisor Miller thanked Mr. Foti for coming to the meeting and answering our questions.

Sheriff Virts asked if Mr. Foti would mind answering questions outside of meeting so that the board could continue with the meeting that was scheduled.

RETURN TO HEARING

Supervisor Miller returned us to the hearings scheduled beginning with the Port-Gibson Protection District Hearing. As we waited for any questions, Mr. Miller read the rules of conduct for a hearing. He then made a motion to open all three hearings at the same time.

Second: Dave Nussbaumer Vote: 3 Ayes. Carried

Todd Pipitone was opposed.

Supervisor Miller asked again if anyone would like any input regarding the contracts. He pointed out that we the Town do not have a fire department of our own, but that we contract with the Village, East Palmyra and with Port Gibson. Mr. Wales asked if this was a monetary contract, Mr. Miller answered that yes, it was.

Second call for input, there was none. Councilman Nussbaumer made the motion to close the hearings.

Second: Jim Welch Vote: 3 Ayes. Carried

COMMUNICATIONS

Supervisor Miller shared that there were two letters of communication for the board this evening; one a letter from the DOT stating that they had completed their investigation on Walker Rd. , and found no reason to lower the speed limit on that road at this time, and the second being a letter to the board from Marc Carrier regarding the Garnsey Rd. landfill. Both letters were shared with the board previous to the meeting.

**GARNSEY RD.
LANDFILL AND EPA**

**MTN: OPEN ALL 3
FIRE HEARINGS AT
ONCE**

**MTN:
CLOSE FIRE
HEARING**

COMMUNICATIONS:

**DOT-WALKER RD &
MARC CARRIER,
GARNSEY RD
LANDFILL**

Mr. Wales, of Walker Rd., spoke up and wanted to thank the board and town for their efforts in the matter of the Walker Rd speed limit. Councilman Pipitone wanted it noted in the minutes that he felt this was an abomination, and that the speed limit should be adjusted on that road. Councilman Nussbaumer agreed, and some discussion ensued. We were reminded by Supervisor Miller that we are not allowed to govern the speed limits on our own roads. Supervisor made the motion to wave the reading of both of these letters.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried

OPPORTUNITY FOR JOHN McMENAMIN TO ADDRESS THE BOARD

Supervisor Miller introduced John McMenamin who wanted to address the board regarding “Washington’s ‘Fair Housing’ Assault on Local Zoning.” He wanted to alert the board that in July, HUD published its proposal on “Affirmatively Furthering Fair Housing”. He explained that this would give the agency power to dismantle local zoning so communities could be told what is considered the right mix of economic, racial and ethnic diversity. He also explained that any limits to size, type, height and density of buildings are “restrictive practices”, and could be a real detriment to our local, historical community. Councilman Nussbaumer stated that they are trying to change our demographics.

**JOHN
MCMENAMIN
REGARDING
“FAIR HOUSING”
ASSAULT ON
LOCAL ZONING**

Supervisor Miller thanked Mr. McMenamin for sharing this information.

REPORTS OF STANDING COMMITTEES

**Supervision---Animal Control, Historian, Finance: Kenneth Miller,
Chairman**

1. Letter from CSX to Mr. Kern Regarding Tellier Rd. Property : Supervisor Miller said that he was very pleased and impressed by the letter sent to Mr. Kern from CSX. Nathan Floyd from CSX addressed the state of disrepair of the property as well as the potential safety and operational issue for CSXT. Mr. Floyd had also invited Mr. Kern to contact him to discuss a remedy for these issues.

**CSX LETTER RE:
TELLIER RD
PROPERTY**

2. Letter from NYS Association of Counties: The Supervisor received a letter that listed all the surrounding counties that have thus far expressed concerns, and passed resolutions, opposing the raising, and changing of the Lake Ontario water levels. This could mean severe damage to the

**ASS. OF
COUNTIES AND
LAKE LEVELS**

south side of the lake. Councilman Pipitone pointed out that the current Congressman, Congressman Dan Maffei (D), was in favor of this, even with its negative impact.

**Human Services—Town Clerk, Archives, and Justices: Michael Lambrix,
Chairman**

1. Town Clerk Office Report for October:

**OCTOBER TOWN
CLERK REPORT**

TOWN CLERK OFFICE REPORT TO THE BOARD
October 2014

After last month's meeting:

Copies of preliminary budget were made for distribution to the public and are available in the Town Clerk's office, legal notices for public hearings and preliminary budget were posted, and minutes were sent to the Board Members as well as department heads. I attended a "Pictometry" class at the Wayne County Public safety building, and though the information was geared mostly towards the assessors and code enforcement officers, I did find the basic information helpful for our needs in the clerk's office. Many hunters request a "bird's eye view" of property boundaries at this time of year, which I can now provide if the other offices are not available.

General Information:

This month our office has been running as usual; hunting licenses and school taxes! So far we have collected \$12,987,631.71 (4393 properties paid so far) of the \$14,248,954.00 total warrant.....about \$6 million came in the last few days of September! We were constantly with people at the counter, and Heidi and Joan did a fantastic job sending out the tax receipts as I entered the payments in those last penalty free days. It was also the last days for DMP's ("Doe" permits) and water payments!

Celeste has continued working with the Archive and Record Management projects. She has been very involved in reviewing/removing/ archiving all contracts, removing expired files and moving them to archival status. She will be presenting an updating list of all files to me as requested.

Heidi has continued to pursue past due dog owners, which has not only alerted us to dogs that are no longer here, but has reminded owners that they need to pay their licensing fees! Gary Rose, Animal Control Officer, has been working closely with Heidi to follow up with these owners before tickets are issued. Through dog licensing in September we sold 124 licenses totaling \$1227.00, misc sales, including marriages licenses, hunting/fishing, vital record requests, Bingo proceeds, etc – added an additional \$9,105.06. Total check disbursements for the month of September totaled \$10332.06.

Councilman Lambrix thanked the Town Clerk for her focused and direct reports.

Public Works—Highway Department, Equipment, Facilities: James Welch, Chairman

1. **Highway Department report for August:** Highway Superintendent Mike Boesel submitted the following report from September 25, through October 23, 2014.

**Highway Superintendent Report
For Town Board Meeting
10/23/14**

**OCTOBER
HIGHWAY
REPORT**

Since the 09/25/14 meeting we have completed the following work:

- Shoulder work - Schilling, Desmith, Harris, Hanley Roads
- Hauling - Stone and sand
- Inter-municipal Assistance
 - 10/1/14 - 4 Arcadia & 4 Walworth trucks to Palmyra for paving assistance
 - 10/8/14 - 1 Palmyra Loader/Widener w/operators to Arcadia for shoulder work

Other miscellaneous items include:

- **Brush Mowing** – We have recently completed work on Harris Road, spot work on Schilling Road, Floodman, Port Gibson and Jeffery Roads. We intend to move toward Jagger Road soon.
- **Roadwork** – On October 1st, Midland Asphalt assisted us with their novachip surface treatment to Hanley and Desmith Roads. On the 7th we installed the shoulders essentially completing the project. Sometime in the next few weeks we intend to replace all the road sign on these two roads as well as Goldsmith and Lusk Roads. This will complete our roadwork for this summer.
- **Striping** - WC Highway recently completed striping all our roads for the season.
- **Roadside Mowing** - Our summer roadside mowing program will be coming to an end soon.
- **Winter Preparations** – We will soon be re-installing all our plow frames on the trucks and recently completed some work to one of our sanders. We have been hauling sand and will continue to as well.

Councilman Jim Welch explained that Mr. Boesel was not able to attend this evenings meeting, but that they spoke in length and if there were any questions they could be directed to him, and he would get the answer.

**OCTOBER TOWN
HALL REPORT –
PROJECTOR
PURCHASE**

Economic Development/Planning—Grounds, IT, Strategic Plans: Todd Pipitone, Chairman

1. **Town Hall:** Councilman Pipitone investigated the best projector for the needs of us here at the Town Hall. The Epson EX5220, XGA, Wireless 3000 Lumens Color projector, available through Amazon, seems to be the best for our use. This could be used for training at the highway department and during budget discussions. The cost would be \$500.00 including shipping. Supervisor Miller asked this purchase be added to the agenda this evening.

Government Operations—Assessor, Youth & Aging, Code Enforcement, Fire Protection Contracts: David Nussbaumer, Chairman

**OCTOBER
ASSESSOR REPORT**

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

**REPORT TO THE TOWN BOARD
FROM THE ASSESSOR'S OFFICE
October 22, 2014**

The Senior STAR renewals are still being returned on a daily basis as well as first time Basic STARs from new homeowners.

I have received my password to access Pictometry on-line. I have looked at it, but have not had time yet to get into all the aspects of what we can do, but now we don't have to have the program installed on our computers anymore. This is one less thing that would have to be reinstalled if one of them happens to need replacing, as this program is not on the remote server. Also, I haven't looked yet, but I have been told that we have now have access to more than just Wayne County. How much more I am not sure of at this time, but have heard it is all adjacent counties, Monroe, Ontario, Seneca and Cayuga.

Thanks for approving my part time help. She has been working in the office two or three mornings a week all month and has gotten a lot of filing done. There is more to go, but she is making a good dent in cleaning things up and getting it all put in its place. The tops of the file cabinets are getting cleaned off. This is very helpful for me, as I would not have the time to do this myself.

As always, I am available if you have any questions.

**OCTOBER CODE
ENFORCEMENT
REPORT**

2. **Code Enforcement/Zoning Office Report- September:** Code Enforcement Officer Dan Wooden submitted a report to the Board Members including a list of building permits and certificates of compliance for Jan. 1 through October 23, 2014. Councilman Nussbaumer invited all to read it at their leisure.

Code Enforcement Officer Dan Wooden added that the complaint has been filed with the court regarding the Tellier Rd. property, and his office is awaiting a schedule from the judge. He also informed the board that an application was received to build a new home in Palmyra, making it the sixth one this year! Councilman Welch asked where the new home was being built, and was informed that it will be on the corner of Jeffery Rd. near Parker Rd. Mr. Welch also asked what was being done with the house next to Cross Creek Church. Mr. Wooden explained it was purchased at a tax auction and donated to the church. They will be using it as part of their parking lot, as either an entrance or exit, he was not sure at this point.

COMPLAINT TO COURT RE: TELLIER RD PROPERTY

- 3. **Minutes from Zoning and Planning Board Meeting from October 9th, 2014:** There was a combined meeting this month of the Planning and Zoning boards, and minutes were shared with the Town Board this evening.

COMBINED PLANNING/ ZONING MEETING

INFORMATIONAL ITEMS

- 1. **Wayne County Sheriff’s Office:** Supervisor Miller reminded those in attendance of the “Corrections Officer” career that was spoken about earlier that evening with Sheriff Virts.
- 2. **Letter from NYS Office of Parks, Recreation, and Historic Preservation of Historic Places:** It was recommended to the State Review Board and SHPO, that the NYS Barge Canal in multiple counties be nominated to the National Register of Historic Places. As of earlier that day, it had been accepted.
- 3. **Palmyra Community Library Election:** The Palmyra Community Library held an election to fill one board of trustee position. Deborah Nagle ran unopposed and received 37 votes.

INFORMATIONAL ITEMS: WC SHERIFF OFFICE

CANAL ON HISTORIC PLACES

PALMYRA COMMUNITY LIBRARY ELECTION

AGENDA ITEMS

- 1. **Approve: Contract with Port Gibson Fire Protection District for Two (2) Years:** After having posted the legal notice for the hearing held earlier this evening, and after having published the notice in the Town’s official newspaper—according to law, and after hearing no comments from the public, whether yea or nay at the public hearing, Councilman Todd Pipitone made the motion to approve the 2015-2016 contract between the Town of Palmyra and the Port Gibson Fire Department for Fire Protection.

MTN: APPROVE PORT GIBSON FIRE CONTRACT

Second: Dave Nussbaumer Vote: 4 Ayes. Carried

**MTN: APPROVE
EAST PALMYRA FIRE
CONTRACT**

2. **Approve: Contract with East Palmyra Fire Protection District for Two (2) Years:** After having posted the legal notice for the hearing held earlier this evening, and after having published the notice in the Town's official newspaper—according to law, and after hearing no comments from the public, whether yea or nay at the public hearing, Councilman Todd Pipitone made the motion to approve the 2015-2016 contract between the Town of Palmyra and the East Palmyra Fire Department for Fire Protection.

Second: Dave Nussbaumer Vote: 4 Ayes. Carried

**MTN: APPROVE
VILLAGE FIRE
CONTRACT**

3. **Approve: Contract with Village of Palmyra Fire Protection District for Two (2) Years:** After having posted the legal notice for the hearing held earlier this evening, and after having published the notice in the Town's official newspaper—according to law, and after hearing no comments from the public, whether yea or nay at the public hearing, Councilman James Welch made the motion to approve the 2015-2016 contract between the Town of Palmyra and the Village of Palmyra Fire Department for Fire Protection. Councilman Pipitone seconded the motion in order to get conversation on the floor.

Supervisor Miller stated that he met with the Mayor for about an hour discussing sharing of information, budgeting, and planning. Mr. Miller also requested a plan in writing for the next few years. This was agreed upon by the Village Mayor Christopher Piccola, and he said that Village Board member, Rick Perry, would put a plan together so that in the future they would know where and why things were agreed upon. Mr. Miller met with legal counsel, Paul Rubery, and it was suggested that we make sure that the money was being put in a reserve fund, and to also make sure the Village is adhering to the legal restrictions. It was asked what amount is put in the reserve. The amounts are \$2500 for building and \$3500 for equipment reserve, above and beyond the amount negotiated. By law the town has to provide fire protection, but the village does not.

Councilman Welch called for a roll call vote.

ROLL CALL VOTE

James Welch, Deputy Supervisor - Aye
Michael Lambrix, Councilman - Nay
David Nussbaumer, Councilman - Nay
Todd Pipitone, Councilman - Aye, with reservation
Kenneth Miller, Supervisor - Aye

Vote: 3 Ayes. Carried Motion Carried

Councilman Lambrix suggested that we do not actually sign the contract until after receiving the plan, even though it was approved to be signed. Discussion ensued regarding the state of the Village Fire Department.

ADDITIONAL AGENDA ITEM ADDED

4. Approve: Purchase of Epson EX5220 Projector: Todd Pipitone made the motion to approve the purchase of the Epson EX5220 projector, not to exceed \$500, including shipping. Councilman Welch asked if it was budgeted for. It was not.

**MTN: APPROVE
PURCHASE OF
PROJECTOR**

Second: Dave Nussbaumer Vote: 4 Ayes. Carried

Claims and Expenditures: Dave Nussbaumer made the motion to approve claims and expenditures in the October 2014 abstract, voucher #3272 thru #3355, totaling \$152,526.61.

**MTN: APPROVE
OCTOBER CLAIMS
AND
EXPENDITURES**

Second: Jim Welch Vote: 3 Ayes. Carried

Motion to enter into Executive Session: Todd Pipitone made the motion to enter into executive session at 7:55 PM.

**MTN: ENTER
EXECUTIVE
SESSION**

Second: Dave Nussbaumer Vote: 4 Ayes. Carried

Motion to Return from Executive Session: Dave Nussbaumer made the motion to return from executive session at 8:01 PM.

**MTN: RETURN
FROM EXECUTIVE
SESSION**

Second: Todd Pipitone Vote: 4 Ayes. Carried

Adjourn Meeting: At 8:02 PM, Todd Pipitone made the motion to adjourn the meeting.

**MTN: ADJOURN
MEETING**

Second: Dave Nussbaumer Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

ATTACHMENT A: ***2015-2016 Port Gibson Fire Department Contract***

ATTACHMENT B: ***2015-2016 East Palmyra Fire Department
Contract***

ATTACHMENT C: ***2015-2016 Palmyra Fire Department Contract
Between Town of Palmyra and Village of Palmyra***

**NEXT PUBLIC HEARING: THURSDAY November 6, 2014
7:00 PM – Palmyra Town Hall**

**NEXT REGULAR BOARD MEETING: TUESDAY November 25, 2014
7:00 PM – Palmyra Town Hall**