

**REGULAR MEETING OF THE TOWN BOARD
AND PUBLIC HEARINGS
EAST PALMYRA FIRE HALL
OCTOBER 25, 2018**

At 7:00 p.m., Supervisor Miller called to order the Town Board meeting and public hearing, scheduled for Thursday, October 25, 2018, at the East Palmyra Fire Hall, 2145 Whitbeck Road, Palmyra, New York.

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.

Public Hearing for
VILLAGE OF PALMYRA FIRE PROTECTION DISTRICT
EAST PALMYRA FIRE PROTECTION DISTRICT
PORT GIBSON FIRE PROTECTION DISTRICT

WHEREAS, the Fire Protection District Contracts are about to expire and a three-year contract for East Palmyra, Port-Gibson, and Village of Palmyra, 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 25th day of October, 2018 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: October 11, 2018
BY ORDER OF THE PALMYRA TOWN BOARD

At 7:00 PM Supervisor Miller opened the hearing for the Village of Palmyra Fire District; and as no one asked to speak the hearing was closed at 7:04 PM.

At 7:05 PM Supervisor Miller opened the hearing for the Port Gibson Fire District; and as no one asked to speak the hearing was closed at 7:09 PM.

At 7:10 PM Supervisor opened the hearing for the East Palmyra Fire District; and as no one asked to speak the hearing was closed at 7:12 PM.

2nd HEARING

The following is the second 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 the law:

LEGAL NOTICE OF PUBLIC HEARING
OF PROPOSED LOCAL LAW #1 – 2018
"Real Property Tax Levy Limit"

PLEASE TAKE NOTICE that there will be a public hearing of the Palmyra Town Board in the County of Wayne and State of New York on October 25th, 2018 at 7:15 PM at East Palmyra Fire Hall, 2145 Tellier Road, East Palmyra, New York, to discuss the proposed Local Law #1-2018 "Real Property Tax Levy Limit".

1. That the said Local Law is to read as follows:

RESOLUTION #20- 2018

LOCAL LAW #1 – 2018 "Real Property Tax Levy Limit"

Section 1. Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Palmyra pursuant to General Municipal Law §3-c, and to allow the Town of Palmyra to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by the vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Palmyra, County of Wayne, is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

DATED: October 11, 2018

BY ORDER OF THE PALMYRA TOWN BOARD

At 7:15 PM Supervisor Miller opened the hearing to discuss the proposed **Local Law #1-2018 "Real Property Tax Levy Limit"** ; and as no one asked to speak the hearing was closed at 7:19 PM.

REGULAR TOWN BOARD MEETING

At 7:20 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, October 25, 2018, at the East Palmyra Fire Hall, 2145 Whitbeck Road, 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
Todd Pipitone, Councilman

Motion was made by Todd Pipitone to approve the minutes of the Town Board meeting from September 27, 2018.

Second: Mike Lambrix

Vote: 4 Ayes. Carried

Motion was made by Todd Pipitone to approve the minutes of the Town Board Workshop on October 16, 2018.

Second: Mike Lambrix

Vote: 4 Ayes. Carried

Also attending was: John Rush, Robert Grier (CEO), Don Wilkins, Linda and Bill Guest, Ernest Rothfus (e. Palmyra Fire Dept), Derry Jackson, Mary Jackson, Robert Kelsch (Sun & Record), Jeanne Garlock, Jerry and Cindy Langer, Charles Wirth, Allen Depew, Joseph Molach, Sue Hartman, John Newell, Mike Catalano, Patti and Steve Perrone, L. Lucianovic, Alex Collom, Casey Carpenter, Highway Superintendent Mike Boesel, and Marc Carrier.

COMMUNICATION RECEIVED

A copy of the communication between the DEC and Marc Carrier was received by Supervisor Miller (via e-mail) on 10/10/2018. It was an update of the status of the investigation of the Palmyra Landfill. A copy of this communication will be **ATTACHMENT A**.

PUBLIC INPUT

William and Linda Guest (South Creek Rd): Mrs. Guest read publicly, and then provided the town clerk, a written statement voicing her concerns with regards to the property adjoining theirs, where an abandoned school now stands. She feels it is now “junkyard status” with unregistered vehicles, boats, campers, scrap metal and rats. Her initial concern was that it was being taken off the tax rolls, until she found out that the back taxes had been paid. Discussion ensued and Supervisor Miller thoroughly explained the statuses of various properties in this state of disrepair. Robert Grier, from the Code Enforcement office, also explained that this property, and the matter of its clean up, was now in the hands of the courts. If the court deadlines were not met, there would be consequences. Mrs. Guest’s letter will now be **ATTACHMENT E**.

Councilman Cook asked that it be noted that he was pleased that Code Enforcement was very proactive in dealing with this property.

Charles Wirth (Port Gibson Rd): Mr. Wirth voiced his concern with regards to the tar and stone that was laid on Palmyra Port Gibson Rd as well as other roads in the East Palmyra area. He feels that “nothing has stuck”, and that there are actually strips that are worn back down to the original base, which makes it exceptionally dangerous for cyclists. Mr. Boesel stated that nothing had changed in the tar and stoning process, except that he was now using a local source, Dolomite, for the same size stone. Mr. Boesel and Mr. Wirth agreed to speak after the meeting.

Reports of Standing Committees

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

1. Purchase of land from Palmyra Baptist Bible Church: Supervisor Miller was tabled last meeting, and Supervisor Miller asked that it be tabled again.

2. Consideration of discontinuance of Palmer Rd: Dolomite is asking that the Town of Palmyra consider the discontinuance of Palmer Rd, and an example of the letter sent to all emergency personnel from Mike Boesel was shared with the board. A representative from Dolomite explained that this would help with the mining strategy in the long run, and take the maintenance burden off the town, as well as take care of the ongoing safety issues (like drag racing). The resolution, map and application will be **ATTACHMENT B**.

3. Harassment Guidelines and Form: The new harassment guidelines and form, as recommended by NYMIR, was previously sent to board via email for review. It is on agenda for approval this evening.

4. Release of Statutory Installment Bond: The release of the Statutory Installment Bond in the amount of \$450,000.00, for the purchase of the Palmyra Town Hall, from the Church of Jesus Christ of Latter Day Saints in April 2002, has been received. We as a Town are now debt free with regards to the purchase of the Town Hall, and a copy of the released bond from the LDS Church is now **ATTACHMENT C**.

5. WCWSA agreement w/ Towns of Macedon, Marion, and Village of Palmyra: The board members received a final copy of the WCWSA agreement w/ Towns of Macedon, Marion, and Village of Palmyra. This has been approved by the Town legal, and the copies will now be signed by the supervisor, as previously approved by the Palmyra Town Board in September 2018.

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

1. Town Clerk's Office Report for October:

**Town Clerk's Office Report
For October 2018**

September was as usual; very busy with hunting & fishing licenses, and school taxes! By the end of September we had collected \$14,266,376.93 of the \$15,898,332.46 total warrant. Approximately \$9,000,000.00 of payments from the larger mortgage brokers, mail, and public were received in the last few days of September! Once again, Heidi, Julie, and Joan did a fantastic job helping the hundreds of people that came in at that time, and keeping up with opening mail, and then sending out the tax receipts after I had entered the payments in those last penalty free days. End of September was also the last days for DMP's ("Doe" permits) and water payments! I am anticipating having the office open at 7 AM on Thursday November 1st, so our local hunters will have the opportunity to purchase the "first come first serve" second round of DMP's.

We have 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. In August we sold 75 licenses totaling \$603.00, misc sales, including marriages licenses, hunting/fishing, vital record requests, Bingo proceeds, Zoning etc – added an additional \$8,936.33. Total check disbursements for the month of August totaled \$9,539.33. In September we sold 57 licenses totaling \$441.00, misc sales, including marriages licenses, hunting/fishing, vital record requests, Bingo proceeds, Zoning etc – added an additional \$8,624.95. Total check disbursements for the month of September totaled \$9,065.95.

So far, October has kept this office busy playing catch up with the many other things we take care of on a regular basis, numerous legal notices, firming up contracts, resolutions, local laws, etc. and further collection of taxes.

Irene Unterborn
Palmyra Town Clerk

2. Building: The Town Hall Parking lot was crack sealed on October 19, 2018. The town clerk asked if next time it could perhaps be done in the evening, or on the weekend.

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

1. **Highway Department report for October:**

**Highway Superintendent Report
For Town Board Meeting
10/25/18**

Since the 9/27/18 Town Board meeting we have completed the following work:

- **Summer Road Work** - Summer roadwork is essentially complete. We intend to continue brush mowing roadsides and performing tree work as time and weather permit throughout the Fall/Winter months. We may also continue with some drainage work on Walker Road as time and weather permits.
- **Roadside Mowing** - Our summer roadside mowing program is coming to an end very soon. Chris Bratt continues to do an excellent job and we intend to have him back for another season next Spring.
- **Winter Preparations** – We have begun to review our snow plows/wings, sanders and tire situations and get trucks serviced and prepared for the winter season. The sand/salt barns are ready for winter too.
- **Newark Marion Road Pit** – I had been working with WC Hwy, NYS DEC and Chris Lyon on the renewal paperwork last month. This week we received our new Mine Permit which is good for the next 5 years.
- **Truck Barn Project** – Last Wednesday October 17th, we held our Grand Opening Worker Appreciation celebration from 8am-10am along with a ribbon cutting. As you know, this event was very well attended. Thank you again for this project. Upgrades to our existing shop electrical panel, including removal of overhead electric to underground conduit is next on our todo list.

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

2. **Snow and Ice removal contract:** The Snow and Ice removal contract between Wayne County and the Town of Palmyra is on the agenda for approval this evening. The Highway Superintendent approves of the figures provided by the county.

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

1. **The 3 Fire Protection Contracts** : Councilman Pipitone again pointed out, as previously discussed during the earlier hearings, that the approvals for these contracts are on the agenda later in evening.

Government Operations: Assessor, Youth & Aging, Code Enforcement/Planning Board, and Justices - Councilman Michael Lambrix**1. Assessor's Office Report for October:****REPORT TO THE TOWN BOARD
FROM THE ASSESSOR'S OFFICE
OCTOBER 18, 2018**

As you know Enhanced or Senior STAR renewal and IVP (Income Verification Program) applications were mailed out the same time that the school bills were mailed and they are now being returned. New home owners who signed up for the STAR checks should have received them by now. New home owners can still sign up to receive checks for this year.

Anyone who has questions about their STAR check can call (518) 457-2036.

Scott has been busy helping update inventory using Pictometry. Pictometry was flown in April of this year. We have been finding sheds as well as other structures. We also find that some things have been removed. This is a very good way to update our inventory, especially for things you cannot see from the road.

The update pictures for the Town are done (by the time you read this report). I am hoping to have some of the village completed before the snow flies.

As a reminder we need a member for our Board of Assessment Review. Someone needs to be appointed soon. It is not easy to find someone to serve on this board, so it is going to take time to find someone who is willing to do the job. This year (2019) as you know is an update year and it will be busier than a normal Grievance.

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

2. Code Enforcement/Zoning Office Report- October: Code Enforcement Officer Pat Sheridan submitted a report to the Board Members prior to the meeting including a list of building permits and certificates of compliance for September 20, 2016 through October 25, 2016.

3. Minutes from Zoning Board Meeting for October: There was no meeting minutes included at this time.

4. Minutes from Planning Board Meeting: Minutes from Planning Board Meeting from October 9, 2018 were shared with the board.

Informational Items

1. Mike Catalano EMS Report: Mr. Catalano will be meeting with the Town Supervisor, Village Mayor, and representatives from Fingerlakes Ambulance after the holiday season. One of the main concerns with regards to the contract with Fingerlakes Ambulance is the fact that the average response time 5-6 yrs ago was under 9 minutes, and it is now under 15 minutes. That response time will hopefully get better once the Route 21 Bridge is reopened.

2. Results of Palmyra Community Library Trustee Election: Final Vote, Palmyra Community Library, Palmyra, NY 14522, October 10, 2018, Election of Three Trustees: (4 year term – Nov. 1, 2018 – Oct. 31, 2023) showing that candidates Deborah Nagle received 30 votes, and Ian Priestly received 27 votes, zero write in votes, along with the signatures of the two Election Officials: Joan Lusk and Cheryl Deys. Also, the Pioneer Library System named the Palmyra Community Library Board, *Library Board of the Year 2018*.

3. Emergency Community Closings: FOX Rochester, Channel 13 has now designated all religious organizations as “web only” and advised their parishioners, members or congregants to check 13wham.com instead of their televisions for any weather emergencies.

4. Fall 2018 Local Government Workshop: The Fall 2018 Local Government Workshop will be held Wednesday November 14, 2018, at the Quality Inn & Suites in Batavia NY. All concerned citizens, board members and municipal employees are invited to attend. Phone 1-585-344-2100 to pre-register by November 6th, 2018.

5. Smart 911: The supervisor wanted to remind those present that the county is participating in the Smart 911 emergency program, and that brochures were available this evening, as well as at the Town Clerk’s office.

Agenda Items

1. Approve: Contract with Port Gibson Fire Protection District: Todd Pipitone made the motion to approve the Contract with the Port Gibson Fire Protection District for the years 2019-2021.

Second: Mike Lambrix

Vote: 4 Ayes. Carried.

2. Approve: Contract with East Palmyra Fire Protection District:

Todd Pipitone made the motion to approve the Contract with the East Palmyra Protection District for the years 2019-2021.

Second: Mike Lambrix Vote: 4 Ayes. Carried.

3. Approve: Contract with Village of Palmyra Fire Protection District: Todd Pipitone made the motion to approve the Contract with the Village of Palmyra Fire Protection District for the years 2019-2021.

Second: Mike Lambrix Vote: 4 Ayes. Carried.

4. Approve: Resolution #20-2018 - LOCAL LAW #1 – 2018 “Real Property Tax Levy Limit”: Todd Pipitone made the motion to approve Resolution #20-2018 - LOCAL LAW #1 – 2018 “Real Property Tax Levy Limit” as written below:

Second: Mike Lambrix Vote: 4 Ayes. Carried.

RESOLUTION #20- 2018

LOCAL LAW #1 – 2018 “Real Property Tax Levy Limit”

Section 1. Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Palmyra pursuant to General Municipal Law §3-c, and to allow the Town of Palmyra to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by the vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Palmyra, County of Wayne, is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

5. Approve: Resolution #21-2018 Consent of Discontinuance for a part of Palmer Rd:

Todd Pipitone made the motion to approve Resolution #21-2018 Consent of Discontinuance for a part of Palmer Rd NYS Highway Law Article 8, Section 171 (2), after it is approved by the Town of Palmyra legal counsel. Brad Cook seconded the motion. Mike Lambrix then made the motion to table this discussion and vote until the next meeting.

Second: Brad Cook Vote: 4 Ayes. Carried.
TABLED

6. Approve: Approve Harassment Guidelines and Forms: Todd Pipitone made the motion to approve the new Harassment Guidelines and Forms, as set forth and approved by NYMIR, in response to the new NYS Labor Law. (Will become **ATTACHMENT D**)

Second: Mike Lambrix Vote: 4 Ayes. Carried.

7. Approve: Supervisor to sign Agreement for Snow and Ice Removal on County Roads for 2019:

Todd Pipitone made the motion to approve the Supervisor to sign Agreement for Snow and Ice Removal on County Roads for 2019.

Second: Jim Welch Vote: 4 Ayes. Carried.

8. Approve: Proclamation for Derry Jackson: Mike Lambrix made the motion to accept the Proclamation for Derry Jackson thanking him for his service:

Second: Jim Welch Vote: 4 Ayes. Carried.

PROCLAMATION of APPRECIATION

Derwent Jackson

WHEREAS, the Town Board of the Town of Palmyra, County of Wayne, State of New York, would like to note the many, many years of service on the Palmyra Board of Assessment Review by Derwent Jackson; and

WHEREAS, these numerous years of service to the Town of Palmyra have benefited the Town and its Residents in many ways; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Palmyra wishes to express its appreciation to Derwent Jackson, and wishes him much luck on any future endeavors.

By order of the Town Board, October 25th, 2018

Motion to approve claims and expenditures: Todd Pipitone made the motion to approve the claims and expenditures for October 2018 – Vouchers # 1038 thru #1145 totaling \$77,349.61.

Second: Brad Cook

Vote: 4 Ayes. Carried.

Motion to Adjourn: At 8:12 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Brad Cook

Vote: 4 Ayes. Carried.

Respectfully submitted,

Irene Unterborn
Palmyra Town Clerk

PUBLIC BUDGET HEARING AND MID-MONTH MEETING:
Tuesday November 6, 2018 7:00 PM - Palmyra Town Hall

NEXT REGULAR MEETING:
TUESDAY NOVEMBER 20, 2018 7:00 PM – PALMYRA TOWN HALL