

**REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
January 26, 2017**

At 7:02 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, January 26, 2017, at the Palmyra Town Hall, 1180 Canandaigua Rd, 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
- Todd Pipitone, Councilman
- Bradley Cook, Councilman

Motion was made by Todd Pipitone to approve the minutes of the Organizational Meeting and Town Workshop meeting which took place on on January 10, 2017.

**MTN:
APPROVE PREVIOUS TOWN BOARD MINUTES**

Second: Jim Welch Vote: 3 Ayes. Carried

Councilman Lambrix abstained as he had been absent from the meeting.

ATTENDANCE

Also attending was: EMS Representative Mike Catalano, Richard Hagar, Marc Carrier, Frank Vancukynas, and Palmyra Code Enforcement Officer Pat Sheridan.

ATTENDANCE

HEARING

There was no official hearing this evening.

HEARING

COMMUNICATIONS

There were no communications this evening.

COMMUNICATIONS

PUBLIC INPUT

Mr. Marc Carrier provided the board with a letter from the “Garnsey Rd Residents” and asked: who was the custodian of the landfill on Garnsey Rd. (referred to as Landfill #3), stated that there were at least two families that were still using only well-water, and submitted a piece of pipe from 910 Garnsey Rd. that the residents thought was troubling. The board later determined that the “pipe” was actually a piece of electrical conduit. Mr. Carrier also submitted photos of foam that was forming at the entrance of the landfill after heavy rains. The letter and photos will be **ATTACHMENTS A and B**

The residents also offered to send video of the foam forming at the landfill to the Town Clerk to share with the board. That has not yet been received.

**SUPERVISOR
REPORTS****REPORTS OF STANDING COMMITTEES**

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

1. **Town Credit Card:** Supervisor Miller stated that he is currently researching and preparing a credit card policy for the Town of Palmyra. He is currently tailoring the examples he has received to more closely meet the town’s needs and concerns.
2. **Impact Theatre Van:** Unfortunately, Impact Theatre will not be receiving the van that they were expecting, but the board discussed the issue of parking nonetheless. It was the general consensus that as our tenants, there was no issue with them parking a vehicle here as long as they parked close to the code vehicles allowing for our snow plows.
3. **Minnow Brook:** Supervisor Miller will be requesting approval to attend the *Local Leaders Conference: Smart Management for Small Communities* at Minnow Brook Lodge, Blue Mountain Lake, NY. Mr. Miller will be using a town truck to save on costs.
4. **Town Hall Parking Lot Lighting:** The Supervisor invited a representative from “lime” to do a free energy assessment as recommended by NYSEG. He shared the results, discussion ensued, and at this time it did not seem prudent to spend over \$14,000.00 (unbudgeted) for new LED light bulbs at the Town Hall facility. The *return of investment* for this project was more than 5 years.

Supervisor Miller will be contacting Highway Superintendent to have several lights tended to that are out in the town hall parking lot. He stated that in past years the town contacted the village workers to fix the bulbs, but now the town has its own bucket truck that can be used. Mr. Miller was going to check the supply closets for extra light bulbs.

5. Property Encroachment from Tellier Rd to West St: One year ago, Mr. McGrath sent a letter regarding his property located at 4712 Tellier Road. At that time Mr. McGrath asked that the town of Palmyra send a letter to Mr. Paul Bender, ESQ, stating that there were no outstanding code issues with this property and that there was an error on the property map from 2014.

At that time, the survey map depicted a solid property line running through the center of the building, which should instead be dotted. Mr. Miller stated in his letter to the attorney's office that if they drafted a resolution explaining that the building was established long before the road, our town board would approve it to satisfy any concerns a buyers bank may have.

A resolution and affidavit from Mr. Benders office (Mr. McGrath's lawyer) was received this week a year later), and is on the agenda items for approval this evening. After a lengthy discussion, it was brought to the board's attention by our legal council that there may be some issues including: possible modifications and what bringing it up to code might entail, future snow plowing, and possible liabilities.

Councilman Lambrix will inquire with our insurance carriers as to a "Hold Harmless" policy that may answer to some of these questions and will discuss his findings with the board. The Town Clerk was directed to have Mr. Bender call Mr. Lambrix directly regarding anything about this matter.

Councilman Pipitone suggested that after this has all been reviewed, one letter, including the Highway Superintendent, Code Enforcement and Board Members be submitted on behalf of the town.

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

1. Town Clerk Report: The Town Clerk explained because of the busyness of tax collection time, the January and February report will be combined next month.

2. Town Clerk Office Audit: Councilman Cook and Councilman Pipitone performed an audit of the Town Clerk financials and found all to balance. The town clerk once again offered the blank audit forms from the Comptrollers office to the other board member so that they can finish their audits of the Town Justice and Book Keeper before the February meeting.

3. Town Hall Facility: Councilman Cook, the town clerk, and book keeper, will be meeting in the beginning of February to discuss the various projects, indoors as well as out, that need to be completed, and are budgeted for in 2017. Once we have completed our walk thru, Mr. Cook will present our recommendations to the board.

The board as a whole made a request to remove all of their personal phone numbers from the web-site, and replace it with the town clerks phone number for any contact. Supervisor Miller requested that his cell number still be included on the web listing. The town board member phone listings were removed that evening from the web site.

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

- 1. Highway Department report for January:** Highway Superintendent Mike Boesel was absent, but submitted and discussed with Councilman Welch the following report from December 22, 2016 through January 26th, 2017:

**Highway Superintendent Report
For Town Board Meeting
01/26/17**

Since the 12/22/16 meeting we have completed the following work:

- **Plowing/Sanding** –To date this winter season we have made a total of 42 trips out of the barn. A comparison to this point of the past 5 winter seasons is below. The average of the 5 seasons below is 38.
 - January 2016 - 23 trips
 - January 2015 - 54 trips
 - January 2014 - 60 trips
 - January 2013 - 32 trips
 - January 2012 - 22 trips.
- **Salt Orders** – To date this winter season we have ordered approximately 1135 tons of our 2800 ton allotment, which approximately 47% of our requested allotment.
- **Winter Fleet Maintenance** – Over the past 30 days we have continued with general maintenance on the entire fleet. Over the next couple months we will bring in various 'summer'-related pieces of equipment for their annual servicing and maintenance work.
- **Advocacy Day Approval - CHIPs Funding** – Our annual Advocacy Day in Albany is coming up on Wednesday March 8th. This funding is critical to keeping our roads in good

condition. Last year we received new money in two new programs, PAVE-NY and BRIDGE-NY, but no increase to our CHIPs base funding. This year the Governor proposes to keep CHIPs flat again, but continues with the 2 new programs. All but one of Superintendents from Wayne County are planning to attend again this year.

- **Senate/Assembly Transportation Hearing** - In mid February, on behalf of our NYS Association of Town Superintendents of Highways, I will be submitting testimony at the Joint Senate/Assembly Transportation Hearing regarding the Governor's budget proposal. Last year, our Assemblyman Bob Oaks was present at this meeting and he has been a great supporter of our efforts for increased local transportation funding.
- **Highway Facility BCS Update** - Our Hwy Facility Task Force of Bob Grier, Councilman Cook, Councilman Welch and I have continued to work diligently on this project over the past 30 days. On 1/10/17, Kara Kling from Bluescope flew in from Kansas to meet with us and representatives from LeFrois Construction to re-discuss project scope and their initial Proposal. Since this meeting we have been busy figuring out project financials with our Town Attorney, drafted a tentative project critical timeline, had conversations with the BOE regarding special elections, prepared for the SEQR process, and have been awaiting a revised Proposal from Bluescope. We have been informed a revised Proposal could be forwarded by this afternoon, 1/26/17 for possible discussion/review at tonight's TB meeting. I am hoping a Public Informational Meeting can be scheduled for our February Workshop date at the Highway Department.
- **Highway Clerk Position** - Sandy Farbizio was hired as our highway department clerk as of January 1st and I would like to thank the entire Town Board for allowing me to fill this position. Sandy is very hard working, very efficient, and knows the job very well. Thank you!
- **Palmyra Municipal Auction** – The date has been set for Saturday May 13, 2017. I hope to have the Auction Contract on the February or March agenda for approval.
- **Village Budget** – Its budget season in the Village and I have my first budget meeting coming up soon.

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

Councilman Welch explained that though Highway Superintendant Boesel was unable to attend this evening, they had spent a couple hours discussing the highway report, and that Mr. Welch would be glad to address any questions that may arise. He pointed out that the highway auction was slated for May 13, 2017, and we should have a contract from Teitsworth by next month.

Mr. Welch also added that though the Blue Scope plan for the highway barn was not received as expected for this evenings meeting, he did receive some great financial news and asked if the board would like to enter into executive session.

EXECUTIVE SESSION

At 7:32 PM Councilman Pipitone made the motion to enter into executive session to discuss matters of fiduciary direction for the matter of the highway barn.

Second: Brad Cook

Vote: 4 Ayes.

EXIT EXECUTIVE SESSION

At 7:51 PM Councilman Pipitone made the motion to return from executive session.

Second: Jim Welch

Vote: 4 Ayes.

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

Councilman Pipitone announced that the new telephones had arrived and were being installed into the rest of the town offices. Supervisor Miller asked Mr. Pipitone to expound on the matter of 911. He explained that it was an additional \$1.81 surcharge on each phone, per month, to be able to dial out to 911. EMS Advisory Board representative Mike Catalano, who was still in attendance, added that he thought the town was exempt from having to pay those costs and felt that is was prudent to have a public phone to use in case of emergency. Mr. Miller also pointed out that two of the three offices that have a fax machine, will still have access. Mr. Catalano also questioned what would someone do if they were injured or stopped breathing in the gym, and may or may not have access to a cell phone? Mr. Pipitone will be looking into different options for the town such as a public "emergency only" phone in the main hallway near the AED and stickers for each town phone that says that you can not dial out to 911. Mr. Pipitone stated that he would also research our exemption status and report to the board, and Mr. Miller will find out exactly how many land lines (fax) still exist in the building before they decide on whether or not to pay the additional for 911 services.

Government Operations: Assessor, Youth & Aging, Code Enforcement/Planning Board, and Justices

-Councilman Michael Lambrix

1. Assessor's Office Report for January:

**REPORT TO THE TOWN BOARD
FROM THE ASSESSOR'S OFFICE
JANUARY 26, 2017**

**JANUARY
ASSESSOR REPORT**

We are processing all the exemptions for the 2017 assessment roll now, senior citizens, Enhanced STAR, agricultural, etc. This is an ongoing process. We still have at least half of the applications that need to be submitted to us before March 1, 2017.

I submitted a request for an opinion of value for the Garlock plant on Division Street to Karen Ambroz, the County Real Property Tax Director. She has approved my request and I will now contact GAR to get them the information that they will need to come up with that opinion. This is at no cost to the Town, as the County has a contract with GAR to provide assistance to the assessors for these opinions on industrial and complex commercial properties. Garlock's has a twenty year (20) IDA PILOT agreement with the County, but after year ten (10) years the taxes are a percentage of the assessment. Ten years was last year, 2016, and they have built and remodeled many structures in the last ten (10) years. I have also just submitted a request for several other opinions. I will let you know when I hear back from Karen on those and the outcome.

Also attached is a copy of my latest education report from the State. I will not need any more education before my retirement this fall.

As always, if you have any questions or concerns, please do not hesitate to contact me at any time.

Mr. Lambrix pointed out that Joan Gates was attending Assessor training school, and that Elaine Herman's continuing education status was included. This will be **ATTACHMENT C**.

**CODE
ENFORCEMENT
MONTHLY REPORT**

2. Code Enforcement/Zoning Office Report- January: Code Enforcement Officer Pat Sheridan submitted a report to the Board Members including a list of building permits and certificates of compliance for December 20, 2016 thru January 24, 2017. Councilman Lambrix invited all to read it at their leisure. Councilman Cook requested that Code Enforcement look into the property located on the north side of the railroad tracks on Maple Avenue that appears to have sheds and fences made of pallets and tarps etc.

3. Purchase of Truck for Code Enforcement: Councilman Lambrix wanted to comment on the Resolution #5-2017 and asked that a "rollover through auction" netting at least \$2,000.00, be added to the resolution. The Town clerk explained that we were "piggybacking" our purchase on the purchase and bids made in Chautauqua County Department of Facilities, that we cannot change the existing resolution or make such a guarantee, and would need to introduce an additional resolution in the future. Further discussion ensued, and the board with ideas for an a resolution with policy for selling our vehicles every couple of years, and what amount of profit we should receive. Mr. Pipitone stated that he would also like to know how owning a new truck will affect our insurance. Mr. Miller and Councilman Welch said that he did not think that it would impact it very much, but at this time they do not know how much. Mr. Pipitone finally stated that the board will come up with that additional resolution after further discussion.

4. Minutes from Zoning Board Meeting for January: Minutes from the January 12th, 2017 meeting were shared with the board.

5. Minutes from Planning Board Meeting for August: Minutes from the January 9th, 2017 meeting were shared with the board.

6. Board of Assessment Review: The Town Clerk informed the board that we had not yet received letters of interest from any one the community to serve on the Board of Assessment Review. There had been a want ad placed in the Times of Wayne County earlier in the month.

INFORMATIONAL ITEMS

1. Thank You from Mercy Flight: The board received a formal thank you from Mercy Flight for the \$500.00 that was sent to them. This amount had been budgeted for in the previous year.

2. Wayne County EMS Advisory Board: Mike Catalano, our representative for the EMS Advisory Board was in attendance. He informed the board that he is now the EMS Advisory Chair, and asked Supervisor Miller if we were contracted with Fingerlakes Ambulance, and if there was a provision for time requirement for backfill of service? Mr. Miller said we did not because there was no money exchanged. Mr. Catalano recommends that we look into that, and offered to share an example of a contract used in the Town of Sweden at next months meeting.

**EMS ADVISORY
BOARD REPORT**

3. Concerns for Property Near Conifer Drive: Supervisor Miller informed the board that he had received a complaint from a resident on Meadow Drive of windows being shot out by BB gun, swearing, as well as other concerns. Mr. Miller researched the number of emergency calls last year to Willow Landing Apartments in one year. Last year there were 151 emergency calls (broken down into approx. 30 categories), as well as 29 calls to Fingerlakes Ambulance! Mr. Pipitone asked the Supervisor for a copy of that report. Discussion ensued, and it was the board consensus that Supervisor Miller should send a letter to Conifer, voicing the concerns that the board and neighborhood have. It was suggested that a comparison of the same size area be included in the correspondence.

AGENDA ITEMS

1. Approve: Resolution #5-2017 –Bid Award for a 2017-F-150 Truck for the Code Enforcement Department: Mike Lambrix made the motion to approve the bid award for a new 2017-F-150 XLT Super Cab, 4 wheel drive truck for the Code Enforcement Department, not to exceed \$30,716.64. Todd Pipitone seconds the motion and roll call vote was requested.

Councilman Lambrix	Aye
Councilman Welch	Aye
Councilman Pipitone	Aye
Councilman Cook	Aye

Vote: 4 Ayes. Carried

The board said they will come up with another resolution regarding resale of this vehicle.

2. Approve: Supervisor to attend Local Leaders Conference: Mike Lambrix made the motion to approve the supervisor to attend Local Leaders Conference: Smart Management for Small Communities, not to exceed \$270.00 plus mileage, April 25-27, 2017, at Minnow Brook Lodge, Blue Mountain Lake, NY. Mr. Miller will try to take a town vehicle to save on mileage.

Second: Brad Cook

Vote: 4 Ayes. Carried

3. Approve: Resolution #6-2017 Encroachments to West St – McGrath Property: Mike Lambrix made the motion to approve the affidavit and resolution for encroachment to West St., from the McGrath property located at 4712 Tellier Rd. Todd Pipitone seconded the motion to get it on the floor. Much discussion had ensued earlier in the meeting regarding plowing, liability insurance, approval letters requested etc. Todd Pipitone therefore made the motion to table this resolution until the February 23rd meeting, after Mr. Lambrix had a chance to review and discuss the matter with our town counsel as well as the McGrath legal counsel.

Second: Mike Lambrix

Vote: 4 Ayes. Carried

ADDITIONAL APPROVAL ITEMS:

4. Approve: Declare Town as Lead Agency for Town Highway Truck Storage Building: James Welch made the motion to Declare the Town Board of the Town of Palmyra as Lead Agency on the Short Form SEQR as pertaining to the Highway Truck Storage Building.

Second: Mike Lambrix

Vote: 4 Ayes. Carried

5. Approve: Special Meeting and Workshop on MONDAY February 13, 2017: Councilman Welch made the motion to have a Special Meeting and Workshop on Monday February 13th, 2017, 7:00PM at the Highway Barn. This will be a Public Information meeting regarding the proposed Highway Truck Barn in the Town of Palmyra.

Second: Brad Cook

Vote: 4 Ayes. Carried

The Town Clerk submitted a legal notice and advertisement in the newspaper the following day.

Claims and Expenditures: Todd Pipitone made the motion to approve claims and expenditures in the January 2017 abstract, voucher #6290 thru #6458, totaling \$178,412.10.

Second: Mike Lambrix

Vote: 4 Ayes. Carried

Adjourn Meeting: At 8:48 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Brad Cook

Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

ATTACHMENT A & B

**LETTER AND 2 PHOTOS FROM
GARNSEY RD RESIDENTS**

ATTACHMENT C

**ASSESSOR'S CONTINUING ED
STATUS**

SPECIAL MEETING AND WORKSHOP: MONDAY FEBRUARY 13, 2017
7:00 PM AT THE HIGHWAY BARN

**THE PUBLIC INFORMATION MEETING IS REGARDING THE PROPOSED NEW
HIGHWAY TRUCK BARN FOR THE TOWN OF PALMYRA.**

NEXT REGULAR MEETING: THURSDAY FEBRUARY 23, 2017
7:00 PM – PALMYRA TOWN HALL