

**HEARING & REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
May 25th, 2023**

At 7:00 p.m., Deputy Supervisor Welch called to order the Town Board meeting and public hearing, scheduled for Thursday, 25th, 2023, at the Palmyra Town Hall, 1180 Canandaigua Rd, Palmyra, New York.

HEARING

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 before the hearing, in accordance with law.

**LEGAL NOTICE OF PUBLIC HEARING
OF PROPOSED LOCAL LAW**

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 May 25th, 2023 at 7:00 PM at 1180 Canandaigua Rd, Palmyra, New York, to discuss the proposed Local Law #2-2023 "Real Property Tax Levy Limit".

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

LOCAL LAW #2 – 2023 "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 2024 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 2024 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

REGULAR MEETING

Todd Pipitone made the motion to approve the minutes from the Regular Town Board meeting on April 27th, 2023, and the minutes from the Town Board meeting and Joint Village & Town Workshop on May 9th, 2023.

Second: Doug DeRue

Vote: 4 Ayes. Carried

ATTENDANCE

Also in attendance: Edward Doyle II, Chuck & Julie Hartman, Don Wilkins, Dave Pray, Dean Heckman, Jeremy & Shauna Bedette, Eric Vanderstynne Avory Fedor, Linda Valley, Mary Ann Williams, Aiden (sp?) Nice, Jeffrey Cook, Gigit Graham, Keith May, Casey Carpenter (Times), and Highway Superintendent Mike Boesel.

GUEST SPEAKER

Mike Catalano, our representative from the Wayne County EMS Advisory board, was unable to attend as the ambulance company was shorthanded, he will attend next month.

COMMUNICATIONS RECEIVED

Received from:

Jeremy M. Bedette
2477 Maple Avenue
Palmyra, New York 14522

Palmyra Town Board
1180 Canandaigua Road
Palmyra, New York 14522

May 24, 2023

Dear Town Board Members,

As I was growing up, my father always stressed upon me that character is what makes the man. I start with this, because it's something I've always held onto, and it helps to explain my current position regarding the

proposed Marquart Mobile Home Park Expansion. When I learned of the proposed expansion, I strongly opposed it. I stated on the record several of

the reasons my wife and I opposed the expansion. While my wife and I are one of the newest members to the Maple Ave community, we are one of the properties most affected by the proposal. We own the property directly North of the proposed expansion. One of the concerns, among others, that I voiced in September of 2022 was the issues we've had with park tenants trespassing on our property. Following the September 2022 Town Board meeting, I briefly spoke with Mr. Cook and voiced my concerns. At that time, Mr. Cook ensured us that he wanted to be a "good neighbor" and would "see what he could do" to reconfigure the proposal. He also offered several some "acreage" to neighbors to provide a "buffer". After a revised plan was presented that appeared worse than the original, another conversation was had with Mr. Cook. Mr. Cook again advised he would see what he could do to rework the proposal and bring the northern most trailer farther south, a boundary similar to the current park. As promised, Mr. Cook appeared to rework the plan and had another proposed plan created. This is the plan that is currently before the Board for a vote. This plan allows for an expansion but also aligns with "being a good neighbor" in our opinion. The new park only going as far north as the current park provides a requested "buffer" space for neighbors to the East and North. In my opinion, the new proposed plan accomplishes several things. It allows residents of the current park to receive much needed upgrades that Mr. Cook has already laid out such as paved roads, sewer upgrades, etc. The plan also allows for Mr. Cook to still invest in our community while holding to his goal of being a good neighbor.

Given the new proposed plan, my wife and I are not opposing the request. However, we would like to make sure several things that have been discussed are included. It would be our hope that the approval includes upgrades to the current park to start immediately, and that the new and current park have a "berm" just North of the park to extend the length of the property. This berm should be planted with evergreens running the length of the berm. The remaining acreage to the north of the berm, which Mr. Cook has offered to sell to neighbors at a fair value, should be deemed "forever green" if not sold. It would also be the request that attention would be given to protect wildlife and limit the effects on the green space during the construction phase. While my wife and I are not excited about another mobile home park in Palmyra and welcome the Board's vision to upgrade our community master plan, we cannot oppose the mobile home park expansion at this time. Mr. Cook appears to have listened to concerns of neighbors in the Maple Ave neighborhood and therefore in good faith, we cannot continue to oppose the request for a special use permit, given the outlined parameters.

Thank you,
Jeremy Bedette

PUBLIC INPUT None for that evening

BOARD NOTE:

The following statement is now to be included on all public agendas:

**If you are attending a Town Board Meeting have not signed up for Public Participation Section of the Town Board Meeting pursuant to the rules which have been established (24 hrs prior to start of meeting), then you will not be able to express your opinion. As a courtesy to those who attend the Board Meeting, you are requested not to interrupt the meeting, and refrain from conversation that would interfere with those attending being able to hear the Board transact its business. If in fact someone interferes with the meeting or the conversation with other spectators should require a warning and it is ignored, the person could be charged with Disorderly Conduct. For public hearings, speaking will be limited to topics on the agenda.*

REPORTS OF STANDING COMMITTEES

Supervision---Animal Control, Historian, Justices, and Finance as well as:

Public Works: Highway Department, Equipment and Facilities:

-Deputy Supervisor James Welch

Deputy Supervisor Welch will report on behalf of the Supervisor, as well as his own department.

1. Discussion Regarding proposed Marquart Mobile Home Park Special Use Permit: Jeff Cook /Cook Properties is now proposing a Special Use Permit for a 37-lot expansion at the Marquart Village Mobile Home Park. The newest proposal was brought before the Planning Board on April 10th, 2023, and was not approved. There was a Public Hearing on May 9th, and the board voiced that they wanted to decide at the regular May town board meeting. CEO Sheridan made a request at that last meeting/hearing that the board review Section 501 (5-9) of the Town of Palmyra Mobile Home Park Ordinance, and that a condition of the permit is that the design meet the requirements of the Palmyra Mobile Home Park Ordinance.

The decision regarding the special use permit will be to:

- **Approve the special use permit for an expansion of the park**
- **Approve the special use permit with conditions, or**
- **Disapprove the permit as the planning board recommended.**

Rather than wait for the end of the meeting when the agenda items are voted on, it was decided to move up this agenda item for vote.

AGENDA ITEM

1. Approve: Special Use Permit for a 37-lot expansion at the Marquart Village Mobile Home Park: Brad Cook made the motion to approve, with the following conditions, the Special Use Permit for a 37-lot expansion at the Marquart Village Mobile Home Park which was submitted to the Palmyra Planning Board on April 10th, 2023.

Approval would be based on the following conditions:

- 1) Current Park becomes 90% Occupied before park expansion permit is issued.
- 2) Current Park becomes 100% compliant with Town CEO before park expansion permit is issued.
- 3) All units within the current park become hooked up to new Park owned sewer system before park expansion permit is issued.
- 4) Expansion of new park only goes to the North within 100 feet of existing parks north property line.
- 5) Property North of the parks becomes forever wild and undisturbed.
- 6) No Further expansion of this park for next 50 years.
- 7) Trees, landscaping, burm on north end of the parks.
- 8) Design meets the requirements of the Mobile Home Park Ordinance of the Town of Palmyra.

The motion was seconded by Todd Pipitone and a roll call vote was requested.

Doug DeRue, Councilman	AYE
Brad Cook, Councilman	AYE
Todd Pipitone, Councilman	AYE
James Welch, Deputy Supervisor	AYE

4 AYES. Carried.

REPORTS CONTINUED

2. Old Garnsey Road Landfill: The DEC and LaBella met onsite on May 24th to review the wetland boundary map prepared by LaBella, and Highway Superintendent Mike Boesel attended on behalf of the Town. A slight boundary adjustment will now be made by LaBella, and they will prepare a new work plan for moving forward.

3. Highway Department report for May:

**HIGHWAY SUPERINTENDENT REPORT
FOR TOWN BOARD MEETING
05/25/23**

Since the 4/27/23 meeting we have completed the following work:

- Hauling Stone for road projects
- Treework – Walker Rd, Fagner Rd, Jagger Rd
- Ditching/Culvert Work – Cambier Rd, Arthurton Rd, Rolfe/Bear Hill
- Inspections Completed – Fire Extinguishers, Vehicles, Oil/Water separator

- **Personnel** – Chris Bratt started back mowing with us on 5/9/23. He has currently mowed all of the northern half of Town and will finish the south side this week, thus completing one round of mowing on our Town Roads. He will start mowing County Roads next week, then start back around the Town.

- **Training** - On 5/2/23, our entire crew attended, and we hosted a Work Zone Safety Seminar at the Palmyra Town Hall for approximately 100 area municipal highway workers. This was a free seminar put on by our insurance provider, NYMIR. My Annual Highway School at Ithaca College is June 5-7th.

- **Upcoming Road Projects** – Since we did not host an Auction this May, we were able to get started earlier on a few of our various summer road projects. In the past couple weeks, we made considerable progress on Rolfe Dr and have concrete gutters scheduled for mid-June. We also replaced culvert pipes on Arthurton Drive and Bear Hill Drive. We completed a shoulder widening project on Port Gibson Rd. We intend to be on several other roads this summer including but not limited to Cambier, Fagner, Dey, Sheridan, Port Gibson, Vault and a several of our subdivision roads like Meadow, Clover, Wheel-in-Circle, Betty, Bonnie, Arthurton, East and West Streets in E.Palmyra, along with a few other roads.

- **Red Barn Incident** – Andy Jacobs started working on the Red Barn repairs this week. Bracing was installed last week and yesterday he removed all the damaged block from the front wall. Soon he will start placing/setting new block to rebuild the front wall. Attached is a progress picture from yesterday. I continue to work with our insurance adjuster on this repair.
- All the damaged hydraulic hoses on the excavator were also repaired in the last couple weeks.
- **Sanitary Sewer Project Update** – In the past 30 days, Villager Construction has completed installation of the 8" HDPE forcemain on two of our Town roads, Desmith and Schilling Roads. They started from Marion Sewer Plant and have been working south towards Palmyra Village and are currently working along the west side of NY Rt.21 near Cole Rd intersection. Ultimately, they will also come across the front of the Highway Department property, down Kent Street and under the Canal. A portion of Kent St will thus be repaved.

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





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

1. Town Clerk Report for April & May:

**Town Clerk Office Report
April & May 2023**

We finished the month of March having collected \$5,398,154.47 of the original Town & County Tax Warrant of \$5,930,022.53. The Town's share, this year, of the penalties paid was \$4,670.00. Our community paid more during the non-penalty phase (which is a good thing!), which meant the penalties paid (town's share) was less than usual.

Through dog licensing in March 2023, we sold 133 licenses totaling \$1,045.00, misc sales, marriage licenses, hunting/fishing, vital record requests, EZ-Pass, zoning, escrow deposits etc- added an additional \$4,900.00. Total check disbursements for the month of March were \$5,945.00.

Through dog licensing in April 2023, we sold 80 licenses totaling \$621.00, misc sales, marriage licenses, hunting/fishing, vital record requests, EZ-Pass, zoning,

escrow deposits, etc- added an additional \$3,625.00. Total check disbursements for the month of April were \$4,246.50.

I attended the 41st Annual NYS Town Clerk Association Conference on April 23-26, 2023 in Syracuse, NY. I was able to participate in the following:

NYSTCA Annual Business Meeting (where, along with others, I was recognized again for earning my Registered Municipal Clerk qualifications), Committee on Open Government (FOIL Requests), General Town Law, Electronic Death and Birth Registration, Changes in Marriages Law, Open Government Round Table, Ethics, Communications, DEC and Notary Law. There are so many changes in NYS law and how these topics are handled!

Unfortunately, there were many other classes that I wish we could have attended, but it is impossible as they occur simultaneously. I did try to grab as much written information from those other classes, and the members of the WC Town Clerks Association shared what we each had. A big thank you to Heidi and Heidi for running the office so smoothly while I was gone!

A reminder to the board – please complete the annual Workplace Violence and Sexual Harassment training from NYMIR if you have not already. The town clerk's office (along with the historian's office) have already completed ours. Thank you to the highway crew for cleaning and vacuuming after their huge training meeting here at the town hall!!

So far in April & May, I have met with the plasterer, painter, lock smith, furnace people, have placed ads for a replacement assessor, and have facilitated joint meetings with the village regarding a new comprehensive plan. I will by the time of the meeting, have taken minutes notes for the Board of Assessment Review on May 23rd...I believe there will be 17 hearings.

As always, please feel free to contact me with any questions.

2. Building Update: Locks are still being worked on (please bring both sets of keys for a while 😊!) Dube plaster for 3 major areas in town hall totals \$10,800.00, and the painting (Clingerman) inside the building is \$9,550.00, which also includes the preparation and painting of the small assessor's office. Asking for approval later.

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

1. Grant Opportunities for Town and Village: The town and village had a joint workshop with grant writers (from MRB and LaBella) to see what services might be available for writing a new comprehensive plan, and to help with visions/infrastructure needs/planning in Palmyra. More discussion was necessary and the boards met again on May 9th, 2023. Though both companies were quite knowledgeable and professional, it

was felt mutually by the Town & Village boards that MRB was a better fit for this project. The town clerk has reached out to Matt Horn (MRB) and asked for a formal proposal that he can present at the next joint board meeting on June 22, 2023. The formal proposal was sent to both boards on May 24, 2023 for review.

Government Operations: Assessor, Youth & Aging, and Code Enforcement/Planning Board
-Councilman Doug DeRue

1. Assessor's Office Report for May:

**ASSESSOR'S OFFICE REPORT
MAY 2023**

We currently have 17 grievances filed for the 2023 hearing that will take place on Tuesday May 23rd, 2023, from 3pm-8pm. Seven informal hearings (meetings held with property owners), pictures taken at various properties and a walk through, have already taken place in preparation for BAR hearing.

Willow Landing and Towpath sent their 2023 Grievance paperwork in via priority/delivery confirmation mail. I have spoken to the lawyers that are working with this, Hancock Estabrook, LLP. Due to them needing permission for settlement agreements, I reached out to Deputy Supervisor Welch to contact the Lawyer.

Sales for the month of April were: 7 Village and 8 Town sales, transfers, and quit claim sales.

Several residents have come in and called regarding letters that they have received from the state regarding their exemptions. The Assessor's office does not handle these at all BUT given that the letter is requesting personal information and income verification they are being brought in. A lot of the residents are elderly and do

not understand what is being requested of them or are afraid it is some sort of identity theft. Just explaining who is requesting what to them and helping them fill out the paperwork is all they need.

I also plan to send out an update of Grievance after the hearings are completed.

If you have any questions or concerns, please feel free to reach out to me.

Thank you,
Julie Hartman

Mr. DeRue commented that he felt grievance day went smoothly this past Tuesday.

2. Letter of appreciation for his positive experience in Assessors office:

Mr. Prizzi forwarded a letter informing the board after his very pleasant experience with Julie in the assessor's office on May 3rd, 2023, and was read out loud by Doug DeRue.

3. CEO Report for May: Code Enforcement Officer Pat Sheridan submitted a report to the Board Members that includes a list of building permits and certificates of compliance for April 25, 2023 thru May 23, 2023.

4. Minutes from Zoning Board Meeting from May: None for this month.

5. Minutes from Planning Board Meeting from May: None for this month.

INFORMATION

The Palmyra Town Hall will be a Primary Election Poll site on June 27th, 2023, from 6 AM – 9 PM, for Districts 4 & 6.

The Palmyra (Village) Fire Hall will be the Primary Election Poll location for Districts 1, 2, 3, & 5.

AGENDA

2. Approve: Local Law #2-2023 Real Property Tax Levy Limit: Todd Pipitone made the motion to approve Local Law #2-2023 "Real Property Tax Levy Limit", as written:

Second: Doug DeRue 4 Ayes. Carried

LOCAL LAW #2 – 2023 "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 2024 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

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Section 5. Effective Date.

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

3. Approve: Purchase of NYS E-ZPasses to be sold in the Town Clerk Office: Todd Pipitone made the motion to purchase NYS E-ZPasses to be sold in the Town Clerk Office, not to exceed \$525.00. This is a budgeted purchase.

Second: Brad Cook 4 Ayes. Carried

4. Approve: Plaster Repair and Painting of Large Meeting Room, Kitchen, Tourism Room: Brad Cook the motion to approve plaster repair and painting of large meeting room, kitchen, and tourism room, all labor and materials included, not to exceed \$19,175.00.

Second: Todd Pipitone 4 Ayes. Carried

Mr. Cook said that we did receive multiple bids and have money set aside over the past few years for this project. We will require a certificate of insurance for all work done.

5. Approve: Painting of Assessor's Office: Doug DeRue made the motion to approve the preparation and painting of the smaller assessor's office, all labor and materials included, not to exceed \$1,175.00.

Second: Todd Pipitone 4 Ayes. Carried

6. Approve: RESOLUTION #10-2023 Transfer of Funds: Todd Pipitone made the motion to approve Resolution #10-2023 for Transfer of Funds, as written:

Second: Doug DeRue 4 Ayes. Carried

**RESOLUTION #10-2023
TRANSFER OF FUNDS**

BE IT RESOLVED, that the Town Board authorizes the transfer of funds in the amount of \$20,350 from the Town Hall Repairs Reserve to General Fund. The intended use of the funds is for plaster repair and painting of large meeting room, kitchen, information room and assessor's office.

**Duly moved and carried by the Town Board of the Town of Palmyra on
May 25th, 2023**

MOTION TO APPROVE CLAIMS AND EXPENDITURES

Todd Pipitone made the motion to approve claims and expenditures for May 2023, Vouchers #2023-492 thru #2023-588 totaling \$69,221.16

Second: Brad Cook 4 Ayes. Carried.

MOTION TO ENTER INTO EXECUTIVE SESSION

At 7:27 PM, Brad Cook made the motion to enter executive session to discuss personnel, and invited Acting Assessor Julie Hartman to join them.

Second: Todd Pipitone 4 Ayes. Carried.

Deputy Supervisor stated that they may or may not be making a decision when they return from session, and all are invited to remain.

MOTION TO EXIT EXECUTIVE SESSION

At 7:50 PM, Todd Pipitone made the motion to enter executive session.

Second: Brad Cook 4 Ayes. Carried.

MOTION TO ADJOURN

At 7:52 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Jim Welch Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

(as reported by Deputy Town Clerk Heidi Jarvis)

Regular Town Board Meeting
& Joint Village and Town Meeting
Thursday, June 22nd, 2023
7:00 PM – Palmyra Town Hall