

**REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
AUGUST 22, 2013**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, August 22, 2013, at the Palmyra Town Hall, 1180 Canandaigua 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:

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

ROLL CALL

Also attending: Code Enforcement Officer Dan Wooden, John Rush, Earl Vanderwall, Tracy Vanderwall, Marc Carrier and Palmyra Highway Superintendent Mike Boesel.

ATTENDANCE

Motion was made by Dave Nussbaumer to approve the minutes of the July 25, 2013 Town Board meeting.

MTN: APPROVE MINUTES OF 7/25/2013

Second: Jim Welch

Vote: 5 Ayes. Carried.

COMMUNICATIONS

There were no communications this evening.

NO COMMUNICATIONS

REPORTS OF STANDING COMMITTEES

**Economic Development, Appeals and Town Clerk’s Office
Committee – Todd Pipitone, Chairman**

Town Clerk's Office Report for August:

- REQUEST: “Records Management on the Cloud”--Permission for Celeste to attend free Cloud Computing Workshop given by Ricoh Solutions on Tuesday, September 10 at their office, 345 Woodcliff Drive, Rochester--from 10 a.m. to noon. This will give her a great opportunity to meet with the Ricoh team and expand her knowledge of records management on the cloud. She would be willing to forego mileage, if her two hours there would be paid as “business” hours.
- Lynne: Thanks to the Town Board for increasing Celeste's hours during September.
- Lynne: Thanks to Ken putting up the bulletin board for Legal and Official notices. It helps separate these out from the volume of bulletin board items of activities around town.
- Lynne: Ken asked me to research the closing of the Garnsey Road municipal landfill in the 1980s. This meant going back in Town records, several days of looking up old Board minutes and Paul Rubery's old files, and then preparing a report to Ken with details.
- Lynne: Several pre-School-Tax-Collection items were taken care of—including preparing, posting and having published the appropriate legal notices.
- Lynne: Prepared the two resolutions for tonight's Board meeting— involving two challenges to the assessment/tax payment, in which the Town, Village, School and County are all named, requesting sharing of payment for legal costs. Received correct wording for resolutions from attorney.
- Lynne: Ken asked me to itemize Hunting/Fishing sales, day-by-day, since they went on sale Monday, August 12: 8/12—\$735 (18 sold); 8/13—\$342 (15 sold); 8/14--\$216 (6 sold); 8/15--\$106 (2 sold); 8/16--\$192 (6 sold); 8/19--\$166 (6 sold); 8/20--\$295 (11 sold); 8/21--\$218 (5 sold); 8/22-\$180 (3 sold). For 9 days: Total received \$2,450. Total licenses sold = 72.
- Irene: School taxes are here! Now to sort through thousands of bills to send to mortgage lenders, etc. We've received tax calls in the office, and I've answered more questions on behalf of school officials. Bills are sent August 31, and we begin collection September 1st.
- Irene: Completed preliminary 2013-2018 Town Clerk budgets, correlated and listed budgeted items on spreadsheets (where necessary). May need explanation during or before budget workshops! Dog licensing budget listed separately. Celeste: prepared the Archives budget separately.
- Irene: August again saw an increase in marriage licenses, handicapped parking permits, and Certificates of Residency for Wayne Co. students. Many genealogical requests & searches this month.
- Irene: Sent dog renewal notices and late renewal postcards. 106 August dog transactions (\$998) so far.
- Irene: Filed all vital records, adding them, as always, to the computerized records as received. Prepared all bank deposits, balanced accounts.

**TOWN CLERK'S
OFFICE
REPORT
FOR AUGUST**

- Celeste: Processed June 2013 Monthly Cashbook Reports. Everything balanced.
- Celeste: Archives: I connected with an end-user at BOCES Monroe County who volunteered to assist me at no cost. She came here and assisted me with Application Xtender.
- Celeste: APPLICATION XTENDER Digitization and Scanning Project: Began to research and evaluate Optical Character Recognition (OCR) software applications to find best fit for our records management needs. My goal is to find a software application that could reside on all three of our PCs. This would allow each of us to create OCR PDFs when electronic versions of files are finalized – such as meeting minutes, contracts, resolutions, local laws to name a few, making them much easier to import them into Application Xtender in the future.
- Celeste: We are at a standstill with new scanning until the OCR problem is resolved. I have narrowed my software selection down to either Acrobat or Nuance. Both are excellent. Nuance has been highly recommended by Application Xtender users. Pricing is within budgeted dollars.
- Celeste: I am checking out competitors to Biel’s to see if we can get better service at less cost for ApplicationXtender next year. Will update the Board on progress.
- Celeste: Performed general office requirements based on customer demands, processed July 2013 Monthly Cashbook Reports, finalized budget requirements for Archives to meet 8/26/2013 deadline.

TOWN CLERK’S
OFFICE
REPORT
FOR AUGUST

2. **Request for Celeste to Attend Free Seminar:** Celeste Finewood has learned of a workshop titled “Records Management on the Cloud”—about the coming wave of storage for large documents and huge files. The two-hour workshop is held on Woodcliff Drive in Victor, and is free. Celeste is willing to forego mileage if her two hours there would be paid as “business” hours.

REQUEST FOR
CELESTE TO
ATTEND FREE
SEMINAR

Highway Committee – James Welch, Chairman

1. **August Highway Report:** Superintendent Mike Boesel submitted the following report From July 25 to August 22:

*Highway Superintendent Report
For Town Board Meeting of 8/22/2013*

Since the 7/25/13 Town Board meeting we have completed the following work:

HIGHWAY
DEPARTMENT
REPORT FOR
AUGUST

- *Inter-municipal Assistance*
 - 7/30/13 – 7/31/13- 1 WC grader operator to Pal Hwy to wedge Hanagan & Parker Rds.
 - 7/31/13 & 8/1/13 - 2 Palmyra trucks to Arcadia for trucking assistance (Canal Trail)
 - 8/6/13 – 8/7/13 - Pal and Marion crews work together on Parker Road shoulders
 - 8/8/13 - Pal and Macedon crews work together wedging Haak Road
 - 8/13/13 - 1 Palmyra Bobcat/Mill/operator to Macedon at Yellow Mills Rd
 - 8/13/13 - 1 WC grader operator to Pal Hwy to wedge Schilling Rd
 - 8/14/13 - 1 Lyons, 1 Arcadia, 3 Marion, 1 Walworth trucks to Pal for chipsealing
 - 8/20/13 - 1 Palmyra roller operator to Walworth at Downs Road
 - 8/22/13 - 1 Marion, 3 Walworth, 1 Williamson trucks to Palmyra for chipsealing
- **Quaker Road Culvert Project** – This past week we completed a big culvert replacement project on Quaker Road, between Maple Ave and Daansen Road. The existing 24” CMP was replaced with a 42” pipe over a two-day project. WCSWCD surveyed and sized the pipe for me. Randy Schwartz assisted on the replacement of this culvert with his excavator.
- **Brush Mowing**– We continue to brush mow roadsides and trim the backside of all our guiderails with our excavator. We recently finished Vienna Street and Parker, Jeffery, Cole, and Leroy Roads in the NW corner of Town and plan to continue working west to east.
- **Generator Grant** – We submitted our application package for the Fuel Island Generator Grant on Wednesday July 31st, prior to the due date of August 1st. I hope to hear something in the next few weeks.
- **Surface Treating/Wedging** –
 - On 8/15/13, Midland Asphalt assisted us with chipsealing on Cole, Leroy, Haak Road, and most of Jeffery Road. We will be completing the remainder of Jeffery Road soon.
 - On 8/22/13, Suit Kote assisted us with chipsealing on Floodman Road and the south end of Schilling Road (N.Creek to Goldsmith).
- **Winter Preparations** – On 8/12/13, I placed a 233 ton order for salt with Cargill, which completes our minimum 70% allotment for the 2012/13 winter season. We received the salt order today. Our barns are full and ready for the winter season.

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|----|---|--|
| 2. | <u>Cooperative Generator Grant:</u> Mike said he was working on a grant cooperatively with the school, village and town for a generator, to be housed at the Highway Barns, and available in the event of power outage. | COOPERATIVE
GENERATOR
GRANT
INFORMATION |
| 3. | <u>Max Albertson Property Follow-Up:</u> Not satisfied with the Town Board's letter several months ago, Palmyra resident, Max Albertson, wants the Highway Department to look at his vacant Shilling Road property that he considers landlocked, due to the resurfacing of Shilling Road by the Highway Department years ago. Mike Boesel, along with Jim Welch and Code Enforcement Officer Dan Wooden agreed to look into the matter once again and make a recommendation by the next Town Board meeting in September. | MAX ALBERTSON
PROPERTY
FOLLOW-UP |

Planning and Operations Committee

--Mike Lambrix, Chairman

- | | | |
|----|--|---|
| 1. | <u>Town Planning Board Meeting:</u> Minutes of the August 12 th Planning Board meeting were available to Town Board members. They had no comment. | PLANNING
BOARD MEETING
MINUTES |
| 2. | <u>Town Planning Board Replacement:</u> During this past month, Ken received word of a recently-moved-to-Palmyra resident who has Planning Board experience. He will check it out and get back to the Board. | TOWN PLANNING
BOARD
REPLACEMENT
UPDATE |
| 3. | <u>Town Hall Item—South Door Key Lock:</u> The outside lock on the Town Hall's South door has not been working properly lately. Some keys wouldn't work at all, reported Mike Lambrix. Ken says the lock has now been replaced and is working fine. | BUILDING SOUTH
DOOR KEY LOCK
PROBLEM FIXED |
| 4. | <u>Town Hall Item—Outside Lights:</u> The floodlight at the back corner of the Town Hall behind the kitchen, as well as the light that illuminates the flags on the flagpole at the front of Town Hall are not working properly. Ken said he has contacted local electrician Jay Harding to fix the lights. | TOWN HALL
OUTSIDE LIGHTS
TO BE FIXED |

**GUTTERS AND
DOWNSPOUTS
AT TOWN HALL
NEED CLEANING**

- 5. **Town Hall Item—Gutters and Downspouts:** The gutters and downspouts around Town Hall are now plugged up. With the increased amount of rains this summer, they have filled up with debris. Tim Vienna reported their sad condition and wants to know if it's okay to talk with the village about having them cleaned out, as part of our outside maintenance contract for Town Hall upkeep.

**TRIM AT TOWN
HALL NEEDS
PAINTING**

- 6. **Town Hall Item—Paint Trim Around Building:** Mike Lambrich noted the need for repainting the trim around Town Hall, as outside exposure to the elements has peeled off the paint in various parts of the façade. He said he is waiting for another estimate.

**ANNUAL
INSPECTION OF
FIRE & HEAT
DETECTION
SYSTEM**

- 7. **Town Hall Item—Annual Inspection of Fire and Heat Detection System:** Ken noted the inspection is needed only once a year, and we have honored the quote we have received in the past.

Zoning and Assessor's Office Committee

--David Nussbaumer, Chairman

**ASSESSOR'S
OFFICE AUGUST
REPORT**

- 1. **Assessor's Office Report for August:** Assessor Elaine Herman submitted the following report:

AUGUST 22, 2013

It has been quiet in the office this last month with just the usual daily routine of keeping up with new sales and exemptions. We are still filing files from the update and getting the office back in order from all the work that was done in the last year in preparation and execution of the 2013 Final Assessment Roll.

Many questions are being asked about the new STAR renewal requirements for property owners who are receiving the Basic STAR. I now have a handout in my office with information on what the procedure is for the reapplication process. (See attached) Property owners in Wayne County who have the Basic STAR on the 2013 Final Assessment Roll will be getting a letter from the State next week with instructions on what to do to reapply for the STAR for the 2014 Assessment Roll. This procedure may be done on-line or over the phone. The letter will contain a code that will be needed to complete the process. If someone does not get a letter, they can call the hot line to get their code and continue with the process of re-registering.

Homeowners with the Senior or Enhanced STAR are not part of this process. They still have to reapply every year with the Assessor's office or participate in the automatic income verification program, as they have in past years.

Anyone who has a question may call the office and we will give them what information we have.

**ASSESSOR'S
OFFICE AUGUST
REPORT**

- 2. **Code Enforcement/Zoning Office Report:** Dan Wooden submitted a list of permits issued from January 1st through August 22nd.

**CODE
ENFORCEMENT/
ZONING OFFICE
REPORT**

- 3. **Zoning Board of Appeals Meeting:** Minutes of the August 8th Zoning Board meeting were available to Board members. There was no comment at this time.

**ZONING BOARD
MEETING**

INFORMATIONAL ITEMS

- 1. **Reports by Sheriff:** Included in Board packets was a copy of the July 2013 Sheriff's Monthly report of Tickets by Town.

**SHERIFF'S
REPORT**

- 2. **Palmyra Smoking Policy Update:** Supervisor Miller has spoken with Palmyra Mayor, Chris Piccola, about the Village's Non-Smoking policy, which has already been sent to the Union. He added "ours will mirror theirs." Ken said the Town's policy should be ready for the next meeting.

**PALMYRA
SMOKING
POLICY UPDATE**

- 3. **East Palmyra Cemetery Update:** After last month's discussion, on July 29th, K & D Disposal personnel brought their mowing equipment to the cemetery and mowed a large area of it. Others volunteered as well, including the Palmyra Highway Department, and weed-whacked, especially around grave sites. John Rush stated they still need help mowing and weed whacking. Ken said he'd talk with the Mayor, to speak with Gary Hopkins, Head of Parks and Cemeteries for the Village, and he also encouraged John Rush and Don Wilkins to attend a Village Board meeting with an update. Rush added, "we need a long-term plan."

**EAST PALMYRA
CEMETERY
UPDATE**

- 4. **Morrison Excavating Quarterly Payment:** Payment for the Division Street gravel pit was received in July from Morrison Excavating, Inc. for the second quarter of 2013.

**MORRISON
QUARTERLY
GRAVEL PIT
PAYMENT**

LETTER OF SUPPORT FOR GARLOCK

- 5. **Letter of Support for Garlock Grant:** Garlock Sealing Technologies in Palmyra has a goal of becoming a "True Green" campus and facility. Letters of recommendation were solicited to be sent to the Regional Economic Development Council with the hope that local support will allow Garlock's application for the Green Innovation Grant Program to be approved. Town Supervisor Ken Miller and Village Mayor Christopher Piccola prepared a joint letter of support.

PROFESSIONAL DEVELOPMENT TRAINING FOR ELECTED OFFICIALS

- 6. **Professional Development Training for Elected Officials:** Professional Development Training is available for elected officials in Rochester on October 30th. Those wishing to attend "Effectively Facilitating Heated Meetings" should let their wishes be known.

PUBLIC INPUT

- 7. **Public Input:** Once again, Earl Vanderwall spoke out on the Town's closing the former dump on Garnsey Road. Councilman Dave Nussbaumer and Earl talked about it being a village and a town dump in the '80s and '90s. Earl also complained about the communications tower at the top of Garnsey Road. Mike Lambrix said there is now a moratorium on dumping at the former Garnsey Road dump. Marc Carrier restated that he is concerned with the possible environmental impact to adjacent properties, and that lax laws in years past can produce "significant damage" now, especially to nearby deep wells. The DEC is the agency that monitors former landfills. Marc was also concerned about high assessments near the former landfill.

AGENDA ITEMS

MTN: DATES FOR 2014 TOWN BUDGET WORKSHOPS AND PUBLIC HEARING

- 1. **Approve Dates for 2014 Town Budget Workshops and Public Hearing:** A schedule of 2014 Budget Workshops was set up by Supervisor Miller for the Town Board, to consider the proposed budgets by the different Town departments. Dates proposed are September 10th and September 17th, as well as just before the September 26th Town Board meeting and just before the October 22nd Board meeting at the East Palmyra Fire Hall. The Public Hearing would be held on Thursday, November 7th, and the 2014 budget vote would be held right after that. Mike Lambrix made the motion to approve these dates concerning the 2014 Town budget.

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

- 2. **Approve: Resolution #19-2013—Payment of Litigation Costs Involving Challenges to Real Property Assessments:** Concerning Notice of Petition to Review Tax Assessments Made for the Year 2013 for Lor-Co, LLC. Since four taxing municipalities are involved, this resolution allows all four “stakeholders to share equally in litigation costs and associated court fees for this assessment challenge.”

RESOLUTION #19-2013

*Payment of Litigation Costs Involving Challenges
to Real Property Assessments
Concerning Notice of Petition to Review Tax Assessments
Made for the Year 2013*

WHEREAS, from time to time, the Town of Palmyra has challenges to assessments of Real Property in the Town; and

WHEREAS, litigation costs of these challenges can be more than the Town can anticipate and afford; and

WHEREAS, Lor-Co., LLC, et al. have filed grievances, after receipt of the decision by members of the Palmyra Board of Assessment Review, claiming excessive and unequal values against the assessment for the property located at 505 West Main Street, Village of Palmyra , County of Wayne, State of New York, known and designated as tax map number 543601-64111-10-329705; and

WHEREAS, Lor-Co., LLC, et al. request that the 2013 assessment roll be reviewed, using evidence to show that the assessment of said parcel of real property may be illegal and erroneous; and

WHEREAS, the Town of Palmyra, the Village of Palmyra, the Palmyra-Macedon Central School District and the County of Wayne are all stakeholders in resolving this issue equitably, in accordance with Real Property tax law; and

WHEREAS, the County of Wayne has already established minimum standards for participation and permitted change in an assessment challenge.

NOW, THEREFORE, BE IT RESOLVED that all four (4) stakeholders will share equally in litigation costs and associated court fees for this assessment challenge; and

BE IT FURTHER RESOLVED that proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies; and

BE IT FURTHER RESOLVED that the Palmyra Sole Assessor will answer this Notice of Petition in the above-referenced matter and will appear before the Wayne County Supreme Court, at the Courthouse, 54 Broad Street, Lyons, New York 14489, on the 5th day of September, 2013, at 9:30 a.m., or as soon thereafter as counsel can be heard, for review under Article 7 of Real Property Tax Law, as set forth in said petition on the previously-listed tax parcel (Index No. 76052).

**RESOLUTION
#19-2013—
PAYMENT OF
LITIGATION
COSTS
INVOLVING
CHALLENGES TO
REAL PROPERTY
ASSESSMENTS—
LOR-CO, LLC**

WHEREAS, Bamberger Wayne Properties, LLC, et al. have filed grievances, after receipt of the decision by members of the Palmyra Board of Assessment Review, claiming excessive and unequal values against the assessments for the properties listed in the list below of sixteen (16) Village of Palmyra parcels; and

WHEREAS, Bamberger Wayne Properties, LLC, et al. request that the following assessment rolls be reviewed:

- 2011: Index No. 73159
 - Assessment: 1,205,900
 - Grievance: 723,400
 - In dispute: 482,500 > \$50,000 > 10%
- 2012: Index No: 74640
 - Assessment: 1,275,600
 - Grievance: 743,400
 - In dispute: 532,200 > \$50,000 > 10%
- 2013: Index No: 76054
 - Assessment: 1,579,200
 - Grievance: 832,200
 - In dispute: 838,200 > \$50,000 > 10%

Bamberger Wayne Properties, LLC
Palmyra Parcel ID Numbers:

- 65111-05-174865, 64111-11-748685,
- 64111-11-735653, 64111-11-737509,
- 64111-12-773735, 64111-11-625642,
- 64111-11-651564, 64111-11-733561,
- 64111-11-518610, 64111-11-914730,
- 64111-12-918604, 64111-12-756646,
- 64111-12-756623, 64111-11-749673,
- 64111-11-726589, 64111-11-520649.

**RESOLUTION
#20-2013—
PAYMENT OF
LITIGATION
COSTS
INVOLVING
CHALLENGES TO
REAL PROPERTY
ASSESSMENTS—
BAMBERGER**

using evidence to show that the assessment of said parcels of real property may be illegal and erroneous; and

WHEREAS, the Town of Palmyra, the Village of Palmyra, the Palmyra-Macedon Central School District and the County of Wayne are all stakeholders in resolving this issue equitably, in accordance with Real Property tax law; and

WHEREAS, the County of Wayne has already established minimum standards for participation and permitted change in an assessment challenge,

NOW, THEREFORE, BE IT RESOLVED that all four (4) stakeholders will share equally in litigation costs and associated court fees for this assessment challenge; and

BE IT FURTHER RESOLVED that proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies; and

BE IT FURTHER RESOLVED that the Town of Palmyra hereby requests approval for county, school and village participation in this

MTN:
RESOLUTION
#20-2013—
PAYMENT OF
LITIGATION
COSTS
INVOLVING
CHALLENGES TO
REAL PROPERTY
ASSESSMENTS—
BAMBERGER

*litigation commenced under the index number set forth above for the years 2011, 2012 and 2013,
Dated: August 22, 2013*

Councilman Todd Pipitone made the motion to approve Resolution #20-2013—for Bamberger.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

Ken signed the resolution on behalf of the Town Board.

4. **Approve: Attendance at Free Records Management**

Workshop: This month’s Town Clerk’s Office Report to the Board detailed information of an upcoming free workshop in Rochester concerning “Records Management on the Cloud.” Todd Pipitone made the motion to approve having Celeste Finewood attend this workshop during the workday, including mileage reimbursement.

MTN; APPROVE
ATTENDANCE AT
RECORDS MGMT
WORKSHOP

Second: Dave Nussbaumer Vote: 4 Ayes. Carried.
Mike Lambrix voted Nay.

5. **Approve: Attendance at Professional Development Training for Elected Officials—“Effectively Facilitating Heated Meetings”:**

The one-day training meeting in Rochester, specifically for elected officials, on October 30, sounded good to Board members. Ken recommended that at least one Town Board member attend. Mike Lambrix made the motion to approve having a Board member attend, at the cost of \$85 plus mileage.

MTN: APPROVE
ATTENDANCE AT
PROFESSIONAL
DEVELOPMENT
TRAINING FOR
ELECTED
OFFICIALS
MEETING

Second: Dave Nussbaumer Vote: 5 Ayes. Carried.

Ken added that interested Board members should register through him.

6. **Claims and Expenditures:**

Dave Nussbaumer made the motion to approve claims and expenditures of Vouchers #1469 through #1540, and Pre-Paid vouchers #AUG 2013-1 through #AUG 2013-5, included in the Abstract of August 2013, totaling \$68,538.97.

MTN: APPROVE
CLAIMS &
EXPENDITURES
FOR AUGUST

Second: Mike Lambrix Vote: 5 Ayes. Carried.

7. **Enter Executive Session:** At 7:34 p.m., Jim Welch made the motion to enter Executive Session to discuss matters of pending litigation.

Second: Todd Pipitone Vote: 5 Ayes. Carried.

**MTN: ENTER
EXECUTIVE
SESSION**

- Exit Executive Session:** At 8:40 p.m., Mike Lambrix made the motion to exit Executive Session:

Second: Jim Welch Vote: 5 Ayes. Carried.

**MTN: EXIT
EXECUTIVE
SESSION**

8. **Motion to Adjourn:** At 8:41 p.m., Dave Nussbaumer made the motion to adjourn the meeting.

Second: Todd Pipitone Vote: 5 Ayes. Carried.

**MTN: ADJOURN
MEETING**

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

NEXT TOWN BOARD MEETING:

**THURSDAY, SEPTEMBER 26, 2013, 7:00 P.M.
PALMYRA TOWN HALL**