

**REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
August 27, 2015**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, August 27, 2015, 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:

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

ROLL CALL

Motion was made by Dave Nussbaumer to approve the minutes of the Town Board meeting held on July 23, 2015.

**MTN:
APPROVE
PREVIOUS
TOWN BOARD
MINUTES**

Second: Mike Lambrix Vote: 3 Ayes. Carried

Councilman Pipitone abstained as he was absent from the July 23rd meeting.

Motion was made by Dave Nussbaumer to approve the minutes of the Emergency Town Board meeting held on July 28, 2015.

Second: Todd Pipitone Vote: 4 Ayes. Carried

Also attending was: TYCO Reps- Mike Bowden & Rob Cappuccio, Marc Carrier, Frank Vascukynas, Matt LaMora, Code Enforcement Officer Bob Grier, Assessor Elaine Herman, and Highway Superintendent Mike Boesel.

ATTENDANCE

HEARING

HEARING

There was no official hearing this evening.

COMMUNICATIONS

**COMMUNICA-
TIONS**

There were no official communications for this evening.

REPORTS OF STANDING COMMITTEES**Supervision---Animal Control, Historian, Finance: Kenneth Miller,
Chairman****TYCO INTEGRATED
SECURITY –
DISCUSSION
REGARDING
SECURITY IN THE
TOWN HALL**

1. TYCO Integrated Security: Supervisor Miller and Councilman Nussbaumer previously met with Rob Cappuccio and Michael Bowden, representatives from TYCO Integrated Security, to discuss some of the town hall security concerns. Supervisor Miller forwarded before this town board meeting, the specifications and costs that were discussed at his earlier meeting to the other board members. Mr. Cappuccio and Mr. Bowden were in attendance and presented the board with a security proposal and overview. The proposal included security cameras with digital recording, intrusion alarms, access control for the two main sets of doors, video surveillance that included a monitoring system to be located in the town clerk's office, "key fob" ease of entrance for employee entrance, selective door release ("buzzing people in"), and administrative privileges for surveillance remotely, in real time. All persons trying to gain admittance would need to have credentials (key fob or badge) or would need to be allowed in.

They further explained that they previously negotiated all pricing in this contract with New York State, and that these prices included one year of free maintenance. A full map and layout of the plan was also provided. Discussion ensued, and clarification of total price (approximately \$17,000.00), as well as what administrative rights could provide were answered. Councilman Lambrix asked how this could protect the people in the building as none of the building would actually be segregated. Mr. Cappuccio explained that he was requested to provide a surveillance plan, that this plan was not intended to enable a complete lockdown, and that he would be happy to provide such a lockdown plan if requested.

The board thanked the representatives for their time.

At this time, Congressman John Katko visited the Palmyra Town Hall, willing to answer any questions from his constituents. He stated that had visited numerous areas that day in our county, and that he wanted to continue what he's been doing and "pay attention to Wayne County". He gave a brief overview of what's been happening in Washington DC, including the upcoming Iran vote, and the very important highway bill. Katko added that it looks as if it will finally have a solution for the highway bill, which will mean more road projects completed and more jobs on the horizon.

Katko continued with discussing how he was personally serving on committees such as homeland security and the transportation council.

**VISIT FROM
CONGRESSMAN
JOHN KATKI**

A far as for homeland security he has recently been assigned to the Foreign Fighters Task Force and has visited Iraq to check on the situation with ISIS (Islamic State of Iraq and Syria).

**CONGRESSMAN
KATKO
CONTINUED**

Discussion continued, and included topics such as unfunded mandates and other costs pushed down from federal government, to states, that then in tern get passed on to the local governments. A final question included partitioning from New York City. Though Mr. Katko chuckled, he did say that he understood fully the vast difference between downstate and Upstate NY.

Councilman Pipitone asked what has been done to enhance economic development in our area. Katko said the biggest way has been to support local grant applications. He also said that he would be working on more legislation to adjust tax rates to close loopholes and help us become more competitive world wide.

Supervisor Miller and the board thanked the Congressman for visiting, and invited him to return whenever he is in the area.

Supervisor Miller returned the board to the topic at hand which was security concerns in the town hall. Further discussion ensued, and Councilman Pipitone reminded the board of the NYMIR report that was submitted addressing security concerns. The Town Clerk went on record as saying she would like barrier glass at her office counter as recommended in the NYMIR representatives report. Mr. Lambrix agreed that it would be beneficial and a place to start. He also volunteered to contact Morrison Security (that Mr. Lambrix has worked with elsewhere) and have them contact Supervisor Miller to give another estimate/plan.

**RETURN TO
TOPIC OF
SECURITY IN
TOWN HALL
BUILDING**

Supervisor Miller asked for a motion to table this subject. Councilman Nussbaumer made the motion to table this subject until next meeting. Mr. Pipitone also offered to take it upon himself to find out more about the security glass as it seemed to be a reasonable place to start. The board agreed.

**MTN: TABLE
TOPIC OF
SECURITY**

Second: Todd Pipitone

Vote: 3 Ayes. Carried

2. Dates for Budget Workshops: Tuesday September 8th, Monday September 14th, Tuesday September 22nd, and if needed, Tuesday October 13th are the chosen dates for budget workshops to be approved later this evening. All meeting would begin at 7 pm.

**DATES FOR
BUDGET
WORKSHOP**

**HIGHWAY FACILITY
PLAN**

3. Highway Facility Plan: Supervisor Miller previous to this meeting asked the Town Clerk to research the details of a major appropriation such as the highway facility. Legal counsel was called, and it was found that this would be at least a 3 month+ process, that we would need to hire bond council, approve passing of a resolution subject to the bonding resolution, and put it out for bid. This project would be subject to Local Finance law #10, and Law #220 of Highway Law. Also, this would need to go up for permissive referendum, and if it is challenged (which would probably be challenged because of cost) would need to be put to vote during special election, or wait two years to be put on regular ballot. Sheltering of village equipment may add another “wrinkle” as the contract with them says that the town board will discuss any changes in facility. The Supervisor pointed out that it is not impossible to pursue, but we need to follow the proper procedures and also look at other options.

Further discussion followed, and question of whether or not the existing barn could be heated, if a pole barn should be looked at instead, and if either choice could be insulated. Councilman Lambrix offered to take Councilman Nussbaumer and Hwy Superintendant Mike Boesel on a tour of a heated metal facility that is currently being used where he is employed. Code Enforcement Officer, Bob Grier, offered to assist Highway Superintendent Mike Boesel with any plan that developed. Mr. Boesel said he was not opposed to taking the year to further research the options for the truck barn. He reminded the board that there were still many problems (leaking roofs, etc) to be addressed at the current facility.

**IMMEDIATE NEEDS
IN HIGHWAY
FACILITY**

It was decided that the town board and Mr. Boesel will continue to work together on this topic, Mr. Boesel will make a list of projects that need to be immediately addressed at the highway facility, and the town clerk will include updates for the town board meetings as needed.

**Human Services—Town Clerk, Archives, and Justices: Michael Lambrix,
Chairman****1. Town Clerk Office Report for August:****TOWN CLERK OFFICE
REPORT****TOWN CLERK OFFICE REPORT TO THE BOARD**
AUGUST 2015

Thank you to Heidi, Celeste, and Joan for keeping the Town Clerk’s office running smoothly while I was on vacation.

School taxes were picked up from the county, have been separated and processed, and will be mailed out to home owners and banks on Monday, August 31st. We will begin collecting on September 1st. Also, hunting licenses, along with DMP’s, are now being sold.

Celeste has continued working with the Archive and Record Management projects. We received the invoice for the certification, shredding and destruction of 33 boxes (over 256 lbs!) of “expired” records....only \$28.26!

TOWN CLERK
REPORT
CONTINUED

Through dog licensing in August, we sold 108 licenses totaling \$995.00, misc sales, EZ Passes marriage licenses, hunting/fishing, vital record requests, etc- added an additional \$2913.91. Total check disbursements for the month of July were \$3908.91.

Advertisements for a Code Enforcement Officer, as well as clerk, were placed on behalf of the Code Enforcement Office. By next month I will be placing an ad for a part-time Records Management Coordinator/Clerk for the Town Clerk’s office...

The Town Clerk read the following from the report:

After twelve years of service to the Town of Palmyra, Celeste has elected to retire as of December 18, 2015. Her knowledge and regular service to the town, along with her sense of humor, will be hard to replace!

CELESTE
FINWOOD
ANNOUNCES
RETIREMENT

2. Bakers Exterminating: The Town Clerk and book keeper first tried their hand at removing the wasps outside the clerk’s window, but it was found that the wasps had moved in to the eaves. Bakers exterminating took care of that problem.

WASP
REMOVAL

3. Notice of Retirement: Celeste Finewood, Records Management Coordinator, provided a notice of retirement effective December 18, 2015. Mrs. Finewood has expressed interest in continuing on an “on call” employee.

4. Peddlers Permit: The local Police Department has requested certain changes to our peddlers permit. The permit will now also include a social security number and includes the question, “*Have you ever been convicted of a felony, misdemeanor or violation of any municipal local law except with relation to illegal parking?*” This will make the background check process easier for all involved. At this time Councilman Lambrix made the motion to accept these changes and to increase the fee from \$25.00 per person per annum, to \$50.00 per person per annum.

UPDATE/
CHANGES TO
PEDDLER
PERMIT

Second: Dave Nussbaumer Vote: 3 Ayes. Carried
1 Nay. (Councilman Pipitone)

HIGHWAY
DEPARTMENT
REPORT

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

1. **Highway Department report for February:** Highway Superintendent Mike Boesel submitted the following report from July 23, 2015 through August 27, 2015.

Highway Superintendent Report
For Town Board Meeting
08/27/15

Since the 7/23/15 Town Board meeting we have completed the following work:

- Drainage work – Hogback Hill Road, Desmith Road, Walker Road
- Brush mowing/Tree work - Hogback Hill Rd
- Hauling - sand, 1A stone, 1B stone, millings, asphalt
- Inter-municipal Assistance
 - 7/28/15 2 Walworth trucks, 1 loader op, 1 roller op for chipsealing assistance
 - 7/28/15 3 Williamson trucks for chipsealing assistance on Goldsmith/Lusk
 - 7/31/15 2 Pal trucks, 1 loader op, 1 ground guy assist Walworth Hwy
 - 8/14/15 1 Pal sweeper and 1 truck assist Williamson Hwy sweeping their Town Park
 - 8/14/15 2 Pal trucks assist Lyons Hwy with hauling millings from Lyons Village
 - 8/19/15 1 Lyons truck assist Pal Hwy with paving Temple Road
 - 8/25/15 1 Pal truck assist Lyons Hwy with paving in Lyons Village
 - 8/27/15 2 Marion trucks assist Palmyra with chipsealing on Division Street
 - 8/27/15 1 Ontario roller assist Palmyra with chipsealing on Division Street
- **Rainy Weather Continued** – Similar to my July and August TB reports we continued to have some heavy rain events thru August that caused us to patrol and repair various areas of the Town. On Monday August 10th, we had 2.5" of rain in our hwy rain gauge from 2:30 to 4:30pm. WC911 called for a severe shoulder washout on Desmith Road at 4:30pm where Nelson Cleayson had recorded over 4" of rain already. I called in half the crew to patrol, place barrels and cones and sweep various washouts. By morning we had recorded 4.25" in our shop rain gauge. On August 20th, from 3-6pm we recorded 2" of rain and had to patrol again. We spent the next few days after each event cleaning up, sweeping, re-ditching, fixing washouts, and re-opening pipe inverts.
- **Surface Treating/Upcoming Roadwork** - Earlier this summer we slurry sealed several subdivision areas of the Town. In the past 30 days we chipsealed Goldsmith and Lusk roads, cold-mix paved Temple Road, and today we surface treated Division Street. In the next couple weeks we intend to pave Hogback Hill Road between North Creek and Port Gibson Road.

**HIGHWAY REPORT
CONTINUED**

- **Winter Preparations** – Throughout the month of August I have placed 4 individual 200 ton orders of salt with American Rock Salt, which will bring us to 110% of our requested allotment for the 2014/15 winter season. We have received 3 of these orders and have been hauling in sand for mixing. We are now approximately 3/4's full of sand/salt but this last order may fill our mix barn. The price of salt is going up ~5% this next contract which starts on Sept 1st.
- **Highway Department Improvements** - At our June TB meeting, Scott Bova and Dave Doyle presented 3 optional layouts of some potential highway department improvements. This past month I visited the progress at the Phelps Highway project. I am hoping we can continue moving forward on some potential improvements to our own highway facility.

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

Following the conversation regarding the highway facility earlier in the evening, Mr. Boesel said that he had nothing further to add to his report at this time.

2. Greene Land Surveying: A written estimate was received by Green Land Surveying in the amount of \$750.00, for the determination of property lines, and to delineation of them, on Garnsey Rd. No further estimates that had been requested were received. An approval will be asked for later in the evening. Hwy Superintendent Mike Boesel also did not receive any further formal estimates.

**GREENE LAND
SURVEYING FOR
GARNSEY RD**

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

1. Town Hall Items: Councilman Pipitone reported that a further detailed repair estimate for town hall was received from John Frederick, and was reviewed and approved by book keeper Petra Anderson, and Supervisor Miller. Mr. Frederick requested a deposit (which has been arranged) so that he can order supplies. Mr. Lambrix asked if he had presented the town with proof of insurance. He had.

**TWN HALL ITEMS:
REPAIRS**

2. Bat Removal Quote: After a bat sighting by a contractor looking for roof leaks in the attic, Supervisor Miller contacted *All Animal Control* and asked that an inspection and quote for nuisance removal be provided. The estimate for bat exclusion and prevention services (removal, sealing of all crevices and holes, sealing and rodent proofing air conditioners, removal of guano and urine saturated material... etc, with 5 year warranty) was \$5450.00. Councilman Pipitone asked the Supervisor to check with the Animal Control Officer to see if there was another nuisance control company that does bat removal and request another quote.

**BAT REMOVAL
QUOTE**

Further discussion ensued regarding the roof leaks and other repairs that need to be, and are on the repair quote from John Frederick, completed.

**ASSESSOR
MONTHLY REPORT**

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

1. Assessor's Office Report for August: Elaine Herman, the Palmyra Assessor, was asked to comment regarding current litigation involving the Town of Palmyra. Many of the facts that she could comment on in public session were included in the following report that was submitted.

**REPORT TO THE TOWN BOARD
FROM THE ASSESSOR'S OFFICE
AUGUST 26, 2015**

**BAMBERGER
LITIGATION**

August has been a busy month this year as I have been working on our two Article 7 certioraris that have been filed against the town. The first one is the properties that are owned by the Bamberger's. They first filed suit on 16 properties, adding four more the next year. This all started in 2010, but we are hoping that in the very near future this will be resolved. Both sides have had to provide the court with court ready appraisals. Bambergers' submitted theirs a couple of months ago. Our appraiser did a lot of the work, but was told by our attorneys to hold off with the actual paper copies and to give us verbal reports. Both sets of appraisals came in with in 15% of my assessments. There is a conference call in September between the judge and all the attorneys involved to see what comes next. Our attorneys are going to try to settle this among themselves and present this settlement to the judge. That is our goal, as the next step would be to actually go to trial and that would cost us \$12,700 more for our paper appraisals, plus \$125 per hour (\$1,000 for an eight hour day with travel) for our appraiser to testify in court. I have contacted our attorney and let him know that we all feel no refund, but if that is not possible, to start the refund at \$5,000 and work his way up if he has to. This is still less expensive to the tax payer than going to trial.

LOR-CO

The other certiorari that we are dealing with is Lor-Co, LLC located at 505 West Main Street in the village. Earlier this week I heard from our attorney, Mr. Linger that he had a court order for appraisals to be submitted to the court in 120 days from August 3, 2015. We have not heard anything from this proceeding in two years since they originally filed, as they failed to file any paper work last year, so this came out of the blue for everyone. I have since talked with an appraiser and have an estimate for him to do this appraisal, which is on the agenda for you to consider later in this meeting. So we need to move ahead on these proceedings also.

I have also been preparing to defend three (3) small claims petitions that were filed against the town. I just got word this week of when and where these hearings are going to be, which is September 10th at the Wayne County Courthouse in Lyons at 10AM, 11AM and noon. Needless to say, I have not been out at all this month to take photos. I am hoping I can get back into the swing of that after the small claims hearings.

Joan has been busy getting all the enhanced STAR forms printed along with the accompanying letter, folding and stuffing them into envelopes so that they can be mailed out next week when Irene mails the school tax bills. There are over 300 of these letters that will be mailed out next week.

CEO Robert Grier asked if the costs involved in these cases were shared. She answered that they were shared, depending on the case; with the village and school, but only if they agree to pursue the litigation.

MTN: ENTER INTO EXECUTIVE SESSION

At 8:15 PM, Councilman Pipitone made the motion to enter into Executive session to discuss current litigation, and included Assessor Elaine Herman.

Second: Mike Lambrix Vote: 4 Ayes. Carried

At 8:20 PM, Councilman Pipitone made the motion to return from Executive Session.

MTN: RETURN FROM EXECUTIVE SESSION

Second: Mike Lambrix Vote: 4 Ayes. Carried

After returning from executive session, Councilman Lambrix commended Elaine Herman for doing a "tremendous job" as our town assessor, and further commented that we could not have hoped for a more competent person in that office.

2. Code Enforcement/Zoning Office Report- August: Code Enforcement Officer Bob Grier submitted a report to the Board Members including a list of building permits and certificates of compliance for Jan. 1 through August 27, 2015.

CODE ENFORCEMENT REPORT

3. Zoning Board Meeting in July: There was no meeting of the Zoning Board in the month of July 2015.

4. Planning Board Meeting on August 10th: Minutes from the August 10th Planning Board meeting were shared with the board.

5. Statement regarding Daniel Delpriore: A formal statement was provided by the board to answer any questions regarding the arrest of former Code Enforcement Officer Daniel Delpriore. This statement is **ATTACHMENT A.**

DANIEL DELPRIORE FORMAL STATEMENT

6. Letter of Resignation from CEO Daniel Delpriore: A letter of resignation was received by former Code Enforcement Officer Daniel Delpriore. This letter will be **ATTACHMENT B.**

RESIGNATION LETTER FOR CEO DANIEL DELPRIORE

7. Employment Ads for Code Enforcement Office: The town clerk's office assisted in running employment ads in numerous publications and "on-line" for the position of part-time Clerk to the CEO, and for a full-time

AD FOR CEO

**CEO REPORT
CONTINUED**

Code Enforcement Officer. CEO Bob Grier stated that had received numerous applications, and that he would be conducting the initial interviews, (along with the Supervisor if he would like to be included), and begin the hiring process. Mr. Grier welcomed any of the board members to participate in interviewing with any applicants that are called back for final review. Matt Lamora, currently employed by the Town Highway Department, stated that he had questions regarding his application for the Code Enforcement Officers position.

**MTN: ENTER INTO
EXECUTIVE**

At 8:56 PM, Councilman Pipitone made the motion to enter into executive to discuss this particular matter of personnel, and included Mr. Lamora.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried

**MTN: RETURN
FROM EXECUTIVE
SESSION**

At 9:10 PM, Councilman Nussbaumer made the motion to return from Executive Session.

Second: Todd Pipitone

Vote: 4 Ayes. Carried

INFORMATIONAL ITEMS**EMS REPORT**

1. **Mike Catalano – EMS Advisory Board:** EMS representative Mike Catalano stated that there was no meeting to report on.

GARLOCK FINED

2. **Garlock Fined for Brownfield Clean-up:** Garlock paid \$100,000.00 fine for Brownfield Clean-up program violations. DEC issued the consent order requiring the civil penalty because Garlock failed to comply with important post-cleanup requirements that are designed to protect public health.

**DEFENSIVE
DRIVING COURSE**

3. **Defensive Driving Course:** A Defensive driving course is being offered at Palmyra Community Library on October 6& 8, 2015. It is open to the public and the cost is \$25.00.

FLOODLAIN MNG.

4. **NYS Floodplain Management:** Information regarding a full day training session on NYS Floodplain Management and Coastal Erosion was shared with the board.

**HCCO
PROFESSIONAL
SERVICES**

5. **HCCO 360- Professional Services:** This service includes a comprehensive financial report and written monthly executive summary that could be used by the board. Materials to review were included in the board packets.

**WC SHERIFF'S
REPORT**

6. **Sheriff's Report:** This month's sheriff's report included the number of tickets, motor vehicle accidents, and arrests per town.

7. Updated Tax Rates for 2015: The updated Wayne County village, town, and school tax rates for 2015 now included the Pal-Mac School District. Supervisor Miller pointed out that the Gananda School District has a higher rate than we do.

**UPDATED TAX
RATES FOR 2015**

AGENDA ITEMS

1. Approve: Formally Accept Resignation of Code Enforcement Officer: Todd Pipitone made the motion to formally accept the resignation letter from Code Enforcement Officer Daniel Delpriore. The Supervisor asked for a roll call vote, including himself.

**MTN: APPROVE
RESIGNATION OF
CEO DANIEL
DELPRIORE**

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

Vote: 5 Ayes. Carried

2. Approve: Dates for Budget Workshops: Dave Nussbaumer made the motion to accept the dates for the Budget Workshop as Tuesday September 8th, Monday September 14th, Tuesday September 22nd, and if needed, Tuesday October 13th, 2015, all beginning at 7PM.

**MTN: APPROVE
DATES FOR
BUDGET
WORKSHOP**

Second: Todd Pipitone Vote: 4 Ayes. Carried

3. Approve: Greene Land Surveying PLLC for Garnsey Rd Property: Jim Welch made the motion to hire Greene Land Surveying PLLC to survey the closed landfill property on Garnsey Rd not to exceed \$750.00.

**MTN: APPROVE
GREENE LAND
SURVEYING**

Second: Dave Nussbaumer Vote: 4 Ayes. Carried

4. Approve: Thurston, Casale & Ryan, LLC, Real Estate Appraisers: Dave Nussbaumer made the motion to hire Thurston, Casale, and Ryan, LLC, not to exceed \$8000.00, for the purpose of real estate appraisal and consulting in regards to the property in the Village of Palmyra know as Spillway Park, located at 505 W. Main Street. Contract signed by the Supervisor is **ATTACHMENT C**.

**MTN: APPROVE
REAL ESTATE
APPRAISERS**

Second: Mike Lambrix Vote: 3 Ayes. Carried
Todd Pipitone - Nay

**MTN: APPROVE
CLAIMS AND
EXPENDITURES**

Claims and Expenditures: Dave Nussbaumer made the motion to approve claims and expenditures in the August 2015 abstract, voucher #4372 thru #4493, totaling \$110,737.43.

Second: Mike Lambrix

Vote: 4 Ayes. Carried

**MTN: ADJOURN
MEETING**

Adjourn Meeting: At 9:20 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

ATTACHMENT A: OFFICIAL TOWN BOARD STATEMENT REGARDING DANIEL DELPRIORE

ATTACHMENT B: RESIGNATION LETTER FROM DANIEL DELPRIORE

ATTACHMENT B: CONSULTING AND APPRAISAL CONTRACT WITH THURSTON, CASALE & RYAN, LLC

NEXT REGULAR MEETING
Thursday, September 24, 7:00 PM,
PALMYRA TOWN HALL