

**REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
January 28, 2016**

At 7:03 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, January 28, 2016, 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 Mike Lambrix to approve the minutes of the Town Board meeting on January 5, 2016.

**MTN:
APPROVE PREVIOUS TOWN BOARD MINUTES**

Second: Jim Welch Vote: 3 Ayes. Carried

Councilman Pipitone abstained as he had been absent from the Organizational Meeting.

ATTENDANCE

Also attending was: Wayne County Interim Administrator Rick House, EMS Representative Mike Catalano, Julie Hartman, Charles Hartman, Mike Woodard, Matt Lamora, and Palmyra Code Enforcement Officer Pat Sheridan.

HEARING

HEARING

There was no official hearing this evening.

COMMUNICATIONS

COMMUNICATIONS

A letter was received from Mr. McGrath regarding his property located a 4712 Tellier Road. 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.

The survey map currently depicts 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.

REPORTS OF STANDING COMMITTEES

SUPERVISOR REPORTS

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

4712 TELLIER RD

1. **Property at 4712 Tellier Road:** 4712 Tellier Rd, and fact that the building was established before road, was discussed earlier in meeting.

RANDOM DRUG TESTING

2. **Energetix Random Drug Testing:** A letter was received from Energetix explaining that the FMSCA issued a notification that random drug testing in 2016 would be reduced from 50% to 25%. Energetix however stated that they believed the "bare bones" for testing would continue being 35-40%.

CSX & 4775 TELLIER RD

3. **CSX Update:** Conversation ensued regarding the removal of the House located at 4775 Tellier Rd that as noted by Councilman Welch, is a hazard because of its proximity to the CSX railroad tracks. It was stated that CSX required the demolition contractor to carry additional insurance, adding an additional \$20,000.00 to the project. However, shortly after the meeting, the Code Enforcement Officer received notification that they do not in fact need the additional insurance, and Empire will begin demolition shortly.
4. **Town Audit Teams:** Each year the town is required by law to conduct audits and report findings by the February town board meeting. The following auditors were assigned:

TOWN AUDIT TEAMS

Town Clerk Office/Tax Collection – Brad Cook and Mike Lambrix

Town Justice – Todd Pipitone

Book Keeper – Jim Welch

IMPACT THEATER

- 5. **Impact Theater:** Impact Theater is considering leasing offices at the Town Hall. No final decision has been made on their part, but Councilman Lambrix asked that if they do return, we take photos of the offices before they move in, and ask that they do not open the large sliding doors. It was commented that they were excellent tenants in the past.

- 6. **Professional Services Proposal from MRB Group:** After meeting with Supervisor Miller, the MRB Group offered a *Town Hall Interior Renovations & Security Improvements Study Proposal for Professional Services*. Some of the items this service would provide include prioritizing new security features, reviewing background information, documenting any hazardous materials encountered, and presenting the study report at a board meeting. The cost for this service is \$1,500.00, and will be voted on later in the evening.

**MRB GROUP-
TOWN HALL
SECURITY**

**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. **Reconciliation of Town Clerk’s Petty Cash:** Councilman Cook shared with the board the reconciliation of Town Clerk Funds memo prepared by the clerk’s office. On January 27th, the Town Clerk drawer, the Water Collection drawer, and the Tax Collection drawer all balanced. The Petty Cash fund was also reconciled, and balanced.

**TOWN CLERK
REPORT**

**RECONCILIATION
OF ALL PETTY CASH**

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

- 1. **Highway Department report for January:** Highway Superintendent Mike Boesel submitted the following report from December 22, 2015 through January 28th, 2016:

**HIGHWAY
DEPARTMENT
REPORT**

**Highway Superintendent Report
For Town Board Meeting
1/28/16**

Since the 12/22/15 Town Board meeting we have completed the following work:

**HWY REPORT
CONTINUED**

- **Plowing/Sanding** –To date this winter season we have made a total of 23 trips out of the barn. A comparison to this point of the past 5 winter seasons is below:
 - 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 689 tons of our 2800 ton allotment, which approximately 25% 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.

**SENATE
TRANSPORTATION
HEARING**

- **Senate/Assembly Transportation Hearing** - On 1/20/16, on behalf of our NYS Association of Town Superintendents of Highways, our NYSAOTSOH President Jeff Griswold and I submitted testimony at the Joint Senate/Assembly Transportation Hearing regarding the Governor's budget proposal. Our Assemblyman Bob Oaks was present at this meeting and has been a great supporter of our efforts for increased local transportation funding.

**EQUIPMENT
PURCHASE
APPROVALS**

- **Advocacy Day Approval - CHIPs Funding** – Our annual Advocacy Day in Albany is coming up on Wednesday March 9th. This funding is critical to keeping our roads in good condition. The Governor's proposed budget calls for some historic increases in highway funding, however, we are in disagreement with certain provisions including how additional monies may be distributed. A majority of Superintendents from Wayne County are planning to attend again this year.
- **Equipment Purchase Approvals** - I am asking permission to place the order for the following equipment, all of which was budgeted for in our 2016 Budget.
 - **2016 Bobcat S650 Skid Steer**, cost NTE \$39,092.40, from DJM Equipment utilizing NYS OGS Contract #PC66576.
 - **2016 Bobcat E55 Mini Excavator**, cost NTE \$57,948.50, from DJM Equipment utilizing NYS OGS Contract #PC66576.
 - **2016 Ford F150 XLT 4x4 crew cab**, cost NTE \$35,584.04, from Van Bortel Ford piggybacking off the Chautauqua County Contract #E-11-14 PFTH 2016 Group 5, Item 2, Veh 3.
- **Palmyra Municipal Auction** – The date has been set for Saturday May 14, 2016. 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 not in attendance 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 14, 2016, and we should have a contract from Teitsworth by next month. He also noted that Resolution #5-2016, Bid

Award for one Unused 2016 (or Newer) Ford f-150 XLT Crew Cab 4-Wheel Drive, not to exceed \$35,584.04 would be voted on this evening. Mr. Boesel will also be asking permission to attend Advocacy Day.

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

Councilman Pipitone had nothing to report this evening.

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, 2016**

**JANUARY
ASSESSOR REPORT**

Agricultural, Senior Citizens, not-for-profits and limited income exemption forms were mailed out and are coming in very quickly now, especially since the 1099's for social security have been received. Some still need to wait until they get the rest of their 1099's like for interest, pensions, etc. Joan has sent out post cards to the Senior STAR exemption properties as a reminder that they are due by March 1st. Those applications were sent out in September and not all of them have been returned as of yet. The more we get in right now, the less people we will have to try to contact by phone later, as by the middle of February we will be adding the above listed applicants to that phone/postcard list of people to contact.

The Article 7 lawsuit for the 20 properties owned by the Bamberger's is nearing the end. I received an email from Mr. Villani with the breakdown of how the \$11,000 tax pay back for the last 6 years is for each municipal body. He would like a copy of the minutes that states that the Town approves the number that has been determined by a percentage of the whole based on tax rates. He will then present these minutes from all four governing bodies to the judge so the judge can sign the final judgment decree. The Town's portion of this amount is \$880. Enclosed in your packets is a copy of the order that will be finalized upon the receipt of all the minutes requested. Out of the 20 properties that were contested, only six (6) assessments are to be reduced for the 2016-2017 assessment roll. The other fourteen (14) are to remain the same, or in some cases where the appraisals came in higher than my assessment, I can raise them for the 2016-2017 assessment roll. Three of the eleven will definitely go up, as Bamberger's appraisals were higher than my assessments. The rest of the assessments are lower than the town's appraisal, but higher than Bamberger's appraisal; I will look at those and decide what to do with them. Three (3) of the properties were not appraised at all, so they will stay as they are for now.

**BAMBERGER
LITIGATION**

I also received an email from David Linger, Esq. of Hancock Estabrook, LLP Counselors at Law in regard to The Article 7 filed by Lor-Co property located at 505 West Main Street in the Village of Palmyra. We have hired Thurston, Casale & Ryan, LLC to do the appraisal for this property, but there has been a year added to what was originally requested by us, so they are looking for another \$7,250 plus an additional \$25 per hour for court preparation and testimony. There is a contract that needs approval by the board so Ken can sign it and return it to Thurston's appraisal company. Also, the school is now willing to participate in litigation cost where they were unwilling to do so in 2013. We should make sure that the school board passes a resolution to agree to share costs and submit it

**LOR-CO PROPERTY
LITIGATION**

to the County so they also will participate in the shared cost, making it a four way split instead of the current two-way between the Village and the Town.

Should you have any questions or concerns, I am in the office.

Councilman Lambrix pointed out that there was an e-mail from Mr. Villani asking for consent to pay our portion of the Bamberger litigation, as well as a contract to be signed later in the evening with an increase in appraisal/consulting fees from Thurston, Casale & Ryan, LLC, to be approved later this evening.

**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 23, 2015 through January 27, 2016. Councilman Lambrix invited all to read it at their leisure, but did point out that there will be no more verbal complaints accepted in the CEO office. Mr. Sheridan stated that in order to maintain accurate record keeping, all complaint forms would need to be filled out completely, may be submitted via e-mail, USPS, or in person, and are available at the www.palmyrany.com website as well as the Code Enforcement Office. The increase in fees that was approved at the last meeting will take effect on February 1st, 2016, and it was clarified that Village Trustee Rick Perry did understand the new fee schedule.

**NEW COMPLAINT
FORM**

3. Minutes from Zoning Board Meeting for January: There was no meeting in January.

4. Minutes from Planning Board Meeting for August: There was no meeting in January.

INFORMATIONAL ITEMS

1. **2016 Wayne County Tax Rates:** A copy of the 2016 Wayne County Tax Rates was included in the board packets for review.
2. **Letter from Charles Hartman:** Mr. Hartman wrote to the Town Board expressing his interest in filling the vacancy on the Board of Assessment Review, and was included in the board's information.
3. **Notification from Steve Hays:** Mr. Hays also notified the board of his interest in filling the vacancy on the Town Planning Board.
4. **Holiday Party:** An invitation to an after holiday party on February 6th was e-mailed to Town employees.

- 5. **EMS Advisory Board:** Mike Catalano, our representative for the EMS Advisory Board was in attendance. He said that there was only a brief meeting in January, but that Finger Lakes covered all but two calls, and that there seems to be an influx of mutual aiding. Supervisor Miller also thanked Mr. Catalano for taking the time to give him a tour of NAVA.

- 6. **Genesee / Finger Lakes Regional Planning Council:** The Regional Planning Council is offering webinars; information was included in the board packets.

- 7. **Presentation of Proclamation to Celeste Finewood:** Unfortunately, Ms. Finewood was unable to attend, but a framed proclamation thanking her for her many years of service, that was approved at the previous town board meeting, will be given to her by the Town Clerk.

EMS ADVISORY BOARD REPORT

REGIONAL PLANNING COUNCIL

RETIREMENT PROCLAMATION-CELESTE FINWOOD

AGENDA ITEMS

- 1. **Approve: Latest Draft of Settlement for Bamberger Litigation:** Todd Pipitone made the motion to give consent to the latest draft of settlement stipulation and consent order, with the Towns portion not to exceed \$880.00. Discussion ensued, and it was again clarified that the Village would pay \$2,750.00, Pal-Mac CSD \$5,610.00, and Wayne County \$1,760.00, leaving our portion to pay \$880.00. Mr. Miller again asked for the vote.

MTN: APPROVE LATEST SETTLEMENT FOR BAMBERGER LITIGATION

Second: Mike Lambrix Vote: 4 Ayes. Carried

- 2. **Approve: Resolution #4-2016: Official Undertaking of Municipal Officers:** Todd Pipitone made the motion to approve the Official Undertaking of Municipal officers. Each year, those Town officers and appointees who handle money are named and asked to sign the following resolution so there is evidence of them being bonded and insured. Motion seconded by Jim Welch. Mr. Miller asked for a roll call vote:

MTN: APPROVE RESOLUTION 4-2016 OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

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

Vote: 4 Ayes. Carried

MTN: APPROVE RES #5-2016 BID AWARD FOR TRUCK

3. Approve: Resolution #5-2016: Bid Award for 2016 F-150 Truck: Mike Lambrix made the motion to approve the Bid Award for one unused 2016 (or newer) Ford F-150 Crew Cab 4-Wheel Drive, not to exceed \$35,584.04, from Van Bortel Ford, piggybacking off the Chautauqua Contract #E-11-14 PFTH 2016 Group 5, Item 2, Veh 3.

Second: Todd Pipitone Vote: 4 Ayes. Carried

MTN: APPROVE STEVE HAYS TO PLANNING BOARD

4. Approve: Appointment of Steve Hays to Town Planning Board: Mike Lambrix made the motion to approve the appointment of Steve Hays to fill a vacancy on the Town Planning Board , for a term beginning January 2016 thru December 31, 2019.

Second: Todd Pipitone Vote: 4 Ayes. Carried

MTN: APPROVE CHUCK HARTMAN TO BOARD OF ASSESSMENT REVIEW

5. Approve: Appointment of Charles Hartman to Board of Assessment Review: Mike Lambrix made the motion to approve the appointment of Charles Hartman to fill a vacancy on the Board of Assessment Review , for a term beginning January 2016 thru September 30, 2020.

Second: Todd Pipitone Vote: 4 Ayes. Carried

MTN: APPROVE INCREASE IN APPRAISAL FEES W/ REGARDS TO LOR-CO

6. Approve: Increase in Appraisal / Consulting fees for Thurston, Casale, & Ryan , LLC w/ regards to LOR-CO: Todd Pipitone made the motion to approve the increase of \$7,250.00 for additional years of appraisal values for LOR-CO, plus an increase of \$25.00 per hour for court preparation and testimony by Thurston, Casale, & Ryan, LLC. This motion was seconded by Jim Welch.

MTN: ENTER INTO EXEC. SESSION

Todd Pipitone made the motion to enter into executive session at 8:01 PM to discuss this particular litigation.

Second: Mike Lambrix Vote: 4 Ayes. Carried

MTN: EXIT EXEC. SESSION

At 8:14 PM Todd Pipitone made the motion to exit executive session.

Second: Brad Cook Vote: 4 Ayes. Carried

Again, Todd Pipitone made the motion to approve the increase of \$7,250.00 for additional years of appraisal values for LOR-CO, plus an increase of \$25.00 per hour for court preparation and testimony by Thurston, Casale, & Ryan, LLC.

Second: Jim Welch Vote: 4 Ayes. Carried

7. Approve: Supervisor to sign new agreement with Thurston, Casale, & Ryan, LLC: Todd Pipitone made the motion to approve the supervisor to sign the new agreement with Thurston, Casale, & Ryan , LLC.

MTN: ALLOW
SUPERVISOR TO
SIGN CONTRACTW/
THURSTON, CASALE,
& RYAN

Second: Jim Welch Vote: 4 Ayes. Carried

8. Approve: Highway Department to Purchase 2016 Bobcat E55 Mini Excavator : Jim Welch made the motion to approve purchase of a 2016 Bobcat E55 Mini Excavator, not to exceed \$57,948..50, from DJM Equipment, utilizing NYS OGS contract #PC66576.

MTN: APPROVE
PURCHASE OF
BOBCAT
EXCAVATOR

Second: Todd Pipitone Vote: 4 Ayes. Carried

9. Approve: Highway Department to Purchase 2016 Bobcat s650 Skid Steer: Jim Welch made the motion to approve purchase of a 2016 Bobcat s650 Skid Steer, not to exceed \$39,092.40, from DJM Equipment, utilizing NYS OGS contract #PC66576.

MTN: APPROVE
PURCHASE OF
BOBCAT SKID STEER

Second: Brad Cook Vote: 4 Ayes. Carried

10. Approve: Highway Superintendent to attend Advocacy Day: Jim Welch made the motion to approve the Highway Superintendent to attend Advocacy Day, March 8 & 9, 2016, in Albany, not to exceed \$150.00.

MTN: APPROVE
HWY
SUPERINTENDENT
TO ATTEND
ADVOCACY DAY

Second: Todd Pipitone Vote: 4 Ayes. Carried

11. Approve: Voting Delegates for the Annual Business Meeting for the Association of Towns: Todd Pipitone made the motion to approve Sandy Pagano as Delegate, and Carrie Bower as Alternate, both of the Town of Macedon, to act as delegates for the Town of Palmyra at the Annual Business Meeting for the Association of Towns on February 17, 2016, and to cast the vote on behalf of the Town of Palmyra.

APPROVE
DELEGATES FOR
MEETING

Second: Todd Pipitone Vote: 4 Ayes. Carried

12. Approve: MRB Group to Provide Professional Services regarding Town Hall Security Improvements: Todd Pipitone made the motion to approve the MRB Group to provide a security improvement study as outlined in their Proposal for Professional Services, not to exceed \$1,500.00. The motion was seconded by Jim Welch. Discussion ensued,

MTN: APPROVE
MRB GROUP TO
PROVIDE SERVICES
REGARDING
BUILDING SECURITY

and it was clarified that this would provide the town with a complete package of needs to hand to a contractor to be sure that the project would be done properly. Representatives from the MRB Group, as well as a Security Consultant, visited the town hall and reviewed the concerns that had been discussed at an employee meeting, and viewed drawings that the town employees provided, so that they would be more familiar with the existing building. It was also pointed out that because of concerns that arose in August of 2015; discussion regarding security has been ongoing with the board, resulting in \$25,000.00 being budgeted in 2016 for the security of the town employees. Finally, the Code Enforcement Officer made the recommendation that the Town move forward with the MRB Group as they can come up with options for security in order of importance, as well as compliance. Supervisor Miller asked for a roll call vote:

Councilman Lambrich	Nay
Councilman Welch	Aye
Councilman Pipitone	Abstained – Mr. Pipitone did not feel that he had enough information to vote on this.
Councilman Cook	Aye
Supervisor Miller	Aye

3 Ayes. Vote Carried

**MTN: APPROVE
CLAIMS AND
EXPENDITURES**

Claims and Expenditures: Todd Pipitone made the motion to approve claims and expenditures in the January 2016 abstract, voucher #4934 thru #5094, totaling \$147,791.33.

Second: Mike Lambrich

Vote: 4 Ayes. Carried

**MTN: ADJOURN
MEETING**

Adjourn Meeting: At 8:29 PM, Todd Pipitone made the motion to adjourn the meeting.

Respectfully submitted,

Irene Unterborn
Town Clerk

NEXT MEETING: THURSDAY FEBRUARY 25, 2016
7:00 PM – PALMYRA TOWN HALL