

**REGULAR MEETING OF THE TOWN BOARD  
PALMYRA TOWN HALL  
November 23, 2021**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Tuesday, November 23, 2021, at the Palmyra Town Hall, 1180 Canandaigua Rd, Palmyra, New York.

Supervisor Miller led those present in the Pledge of Allegiance to the Flag.

Upon roll call, the following Board members were present:

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

Motion was made by Todd Pipitone to approve the minutes of the Town Board meeting which took place on October 28, 2021.

Second: Jim Welch

Vote: 4 Ayes. Carried

**ATTENDANCE**

There was no one else in attendance.

**HEARING**

There was no official hearing this evening.

**GUEST SPEAKER**

Mike Catalano, our representative from the Wayne County EMS Advisory board, was unable to attend.

**COMMUNICATIONS RECEIVED**

There were no additional communications received for the board members prior to the meeting.

**PUBLIC INPUT**

There was no public input this evening.

**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:**

**-Kenneth Miller, Chairman**

**1. Report from DEC Re: Water at Old Landfill:** The Supervisor stated that there was no new information to share regarding the old landfill.

**2. Retention of Shkolnik:** Proposal for Retention and Resolution authorizing the retention of Napoli Shkolnik, PLLC will be later this evening. Steve Aquarus (?) contacted Supervisor Miller regarding a law firm in NYC that was putting together a class action lawsuit against companies that make PFC's including such things as fire fighting foam chemicals. There would be no money spent in retaining them. The board was invited to contact Supervisor Miller with any further questions.

**3. Possible Cannabis Opt Out Local Laws:** Information was sent to the board via email for review before the meeting. There were links included to the NYS website. If it is decided, a Local Opt Out Law would have to be passed by next meeting with a hearing date set this evening. The Supervisor explained that if we do nothing this evening, we are in, and

stated that he did not feel the town would have a lot of concerns. The shops and smoking dens would most likely be in the village, and by being “in”, unless a different offer is made, we would “split” 50/50 any revenues.

Discussion ensued, and the general consensus of the board was to leave the law as is for now. It was also decided that the Supervisor would speak with the code enforcement officer and visit our local laws.

**4. Marquart Trailer Park Potential Sewer Project:** Supervisor Miller told the board that the owners of Marquart do not want to dedicate the project to the town because of costs. After much discussion, Councilman Cook stated that he would like it dedicated so that it would meet the high standards as it is now, Councilman DeRue question whether a 4” line could handle being fed to the current 12” line, and Councilman Pipitone stated he would like this done the right way. Finally, the board consensus was that they would like the project dedicated to the Town of Palmyra.

#### **Human Services: Town Clerk, Archives, and Town Hall Facility**

**-Councilman Bradley Cook**

#### **1. Town Clerk Report for November:**

**TOWN CLERK OFFICE**  
**REPORT TO THE BOARD**  
**NOVEMBER 2021**

In October, the Town Clerk’s office was focused on the end of school tax collection, “settling up” with Pal- Mac CSD, Wayne County and Ontario County, and issuing hunting licenses.

As for school tax collection, we ended up collecting \$16,779,752.41 of the \$17,548,927.15 total warrant. The amount billed to the Pal-Mac CSD for tax collection was \$19,911.34. (Or 4,621 of the 4,872 total properties)

Second round DMP’s (first come first served doe permits) became available on Monday, November 1<sup>st</sup>, so I came in to the town hall at 6:30 AM to accommodate our local hunters..... our many, many, many hunters!

We also were able to arrange and have the last boxes of records from 2021 scheduled for destruction picked up and shredded. The total for that was only \$145.00, so I did not have to go over budget (you gave me permission at the last meeting to do so if necessary).

Through dog licensing in October, we sold 31 licenses totaling \$271.00, misc. sales, including marriage licenses, hunting/fishing, vital record requests, E-Passes, FOIL requests, Bingo proceeds, Zoning etc – added an additional

\$3,880.75. Total check disbursements for the month of October totaled \$4,151.75. Heidi J. and Heidi S. have been working this month to find the "late" dog licensers. Covid seemed to have caused a problem with scheduling veterinarian appointments for rabies vaccines.... which is necessary when renewing a license.

Thank you to the highway guys that came to switch the archive staging room with the tourism room! With the start of COVID we had installed a drop box into what was the tourism room, so we had been unable to open the information/ tourism room, now we can!

Irene Unterborn  
Palmyra Town Clerk  
November 17, 2021

**2. Building Update:** Airquip HVAC was at the town hall the day of the meeting getting an estimate ready for the annual fall cleaning of our heating units. Betlem is no longer able to service us as we are a commercial/government entity. The cost for Airquip is \$2067.12 annually, and the previous cost for Betlem was \$2410.00 annually. Permission to sign agreement is on the agenda later.

**Public Works: Highway Department, Equipment and Facilities**

**- Councilman James Welch**

**1. Highway Department report for November:** Highway Superintendent Mike Boesel was unable to attend the meeting. Councilman Welch reported that they already had one trip out of the barn already (snow!), and that there was just one minor breakdown which is expected. He also reported that they are back to almost a full crew.

**Town Development: IT & Phones, Fire Protection Contracts, and Strategic Plans**

**- Councilman Doug DeRue**

**1. Fire Contracts Are Under Review:** Councilman DeRue reported that all fire contracts were done, signed and finalized.

**Government Operations: Assessor, Youth & Aging, and Code  
Enforcement / Planning Board - Councilman Todd Pipitone**

**1. Assessor's Office Report for November:**

**REPORT TO THE TOWN BOARD  
FROM THE ASSESSOR'S OFFICE  
NOVEMBER 19, 2021**

We are still sending out 1<sup>st</sup> year enhanced (senior) STAR exemption forms as requested by those that currently have the basic STAR exemption. If there are issues for those receiving the STAR check, we are directing them to call the state. As always, any new owners are sent the information on how to apply for STAR Credit (this is for both basic and enhanced).

The Senior Citizen exemption (low-income seniors) will be changing this year. The income limits will be the same, however the law has changed, and the income used will be the 2020 income for the 2022 roll (this is the same as the STAR exemption). We send these forms out December 31<sup>st</sup>. We are hoping this does not cause a lot of confusion for our seniors. The state will be updating the forms and the handouts soon, hopefully in the next couple of weeks.

**\*\*\*Also, we will need two (2) new members for the Board of Assessment Review. Richard Green has decided not to be reappointed after many years as a member of the Board of Assessment Review. It is not easy to find someone to serve on this board, so it is going to take time to find someone who is willing to do the job, the search needs to start now. We are working on an update for 2022 and it will be a very busy year for the Grievance Board. \*\*\***

If you have any questions or concerns, I am in the office most of the time.

The board requested that the town clerk put an 'ad' together for FB and the website, and to have prospective board members contact the assessor.

**2. CEO Report for November:** Code Enforcement Officer Pat Sheridan submitted a report to the Board Members that included a list of building permits and certificates of compliance for October 26, 2021 thru November 23, 2021.

**3. Minutes from Zoning Board Meeting for November:** There was no Zoning Board meeting for the month of November.

**4. Minutes from Planning Board Meeting for November:** There was no Zoning Board meeting for the month of November.

**INFORMATION**

None for this month

**AGENDA ITEMS**

**1. Approve: Resolution #13-2021 Authorizing the Retention of Napoli Shkolnik, PLLC:** Todd Pipitone made the motion to approve Resolution #13-2021 Authorizing the Retention of Napoli Shkolnik, PLLC, as written below.

Second: Doug DeRue                      Vote: 4 Ayes. Carried

**RESOLUTION #13-2021 OF THE TOWN OF PALMYRA, NY  
AUTHORIZING THE RETENTION OF NAPOLI SHKOLNIK, PLLC**

WHEREAS, Napoli Shkolnik PLLC, attorneys at law, are uniquely familiar with the effects of perflourinated compounds (PFC’s) or any unregulated contaminants in the water supply wells, and the ability to recover for damages in the event of its presence within the Town’s water supply wells, including its landfill and other properties, and

WHEREAS Napoli Shkolnik PLLC, made a proposal to the Town of Palmyra to represent its interests to recover damages that have resulted and will result from such PFC’s or other unregulated contaminants in the water, and

WHEREAS law firm has agreed to do such litigation for the Town of Palmyra on a contingent fee basis and will not charge the Town of Palmyra for its services unless a recovery occurs for the Town, now, therefore, be it.

RESOLVED, the Town of Palmyra hereby authorized the retention of the services of Napoli Shkolnik PLLC, pursuant to the terms of the fee proposal offered to the Town of Palmyra, as more fully set forth in the retainer agreement, and be it further

RESOLVED that the Town hereby authorizes Ken Miller, as the Town of Palmyra’s Supervisor to execute Napoli Shkolnik PLLC retainer agreement, and be it further

RESOLVED, that the Town hereby authorize, Ken Miller to cause same to be delivered to Napoli Shkolnik PLLC.

**By Order of the Town Board at a Meeting on November 23, 2021**

**2. Approve: Approve Supervisor to Sign Agreement for Retainer with Napoli Shkolnik, PLLC:** Todd Pipitone made the motion to approve the Town Supervisor to sign the Retainer Agreement with Napoli Shkolnik, PLLC to represent the Town of Palmyra in the investigation and any resulting litigation regarding any possible contamination of the town’s real property and groundwater supply, at no cost to the town.

Second: Doug DeRue                      Vote: 4 Ayes. Carried

**3. Approve: Agreement with Village, Town and Community Center for 2022:** Todd Pipitone made the motion to approve the agreement between the Village of Palmyra, Palmyra Community Center, and Town of Palmyra for 2022, with payment to Village for this agreement not to exceed \$48,000.00.

Second: Brad Cook                      Vote: 4 Ayes. Carried

It was noted that the Palmyra Community Center is now getting some funding from the Town of Macedon as well.

**4. Approve: Martin Beckenbach to continue on the Town Planning Board:** Todd Pipitone made the motion to approve Martin Beckenbach to continue on the Town Planning Board with his new term beginning on January 1<sup>st</sup>, 2022, and ending December 31, 2026.

Second: Brad Cook                      Vote: 4 Ayes. Carried

**5. Approve: AirQuip Heating and Air Conditioning for service of Heating and Cooling System:** Brad Cook made the motion to approve supervisor to sign agreement with AirQuip Heating and Air Conditioning, for service of Heating and Cooling System for two trips per year. Trip #1 will include heating tune up, cleaning and inspections, Trip #2 will include Air Conditioning tune-up, cleaning and inspection service, with all filters included, not to exceed \$2, 100.00

Second: Jim Welch                      Vote: 4 Ayes. Carried

#### **MOTION TO APPROVE CLAIMS AND EXPENDITURES**

Todd Pipitone made the motion to approve claims and expenditures November 2021 – Vouchers #2021-1027 thru #2021-1128 totaling \$205,235.05.

Second: Jim Welch                      Vote: 4 Ayes. Carried

#### **ENTER INTO EXECUTIVE SESSION**

At 7:43 PM, Councilman Pipitone made the motion to enter into executive session to discuss particular personnel.

Second: Jim Welch                      Vote: 4 Ayes. Carried

**EXIT EXECUTIVE SESSION**

At 8:08 PM, Councilman Welch made the motion to return from executive session.

Second: Todd Pipitone

Vote: 4 Ayes. Carried

**MOTION TO ADJOURN**

At 8:09 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Brad Cook

Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn  
Town Clerk

**REGULAR TOWN BOARD MEETING**  
**Tuesday, December 28, 2021**  
**7:00 PM – Palmyra Town Hall**