

**REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
August 25, 2022**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, August 25th, 2022, 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
Brad Cook, Councilman
Todd Pipitone, Councilman

Councilman Doug DeRue was absent.

Motion was made by Brad Cook to approve the minutes of the Town Board meeting which took place on July 28th, 2022.

Second: Todd Pipitone Vote: 3 Ayes. Carried

Motion was made by Jim Welch to approve the minutes of the Special Town Board meeting which took place on August 24th, 2022.

Second: Brad Cook Vote: 3 Ayes. Carried

Todd Pipitone abstained as he was absent.

ATTENDANCE

Also in attendance: Casey Carpenter from the Wayne Times, Chuck & Julie Hartman, Highway Superintendent Mike Boesel, and Marc Carrier.

HEARING

There was no official hearing this evening.

GUEST SPEAKER

WC EMS Board Representative Mike Catalano was unable to attend.

COMMUNICATIONS RECEIVED

None at this time

PUBLIC INPUT

None this evening.

NOTE:

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

**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. Update on Old Landfill: Mr. Miller explained that they only had rough numbers from the engineer, and are waiting for more of a contract or plan from the DEC.

2. Update on Proposed Marquart Sewer Project: Supervisor Miller spoke with Glenn Thorton, and learned that they are still interested in pursuing the project. it does look as if the project would have to be dedicated to the town, which is a scenario actually preferred by the board.

3. Update on Western Wayne Regional Waste Water Treatment Plant (WWTP): A letter of support for a project grant was submitted August 24, 2022, and a Memorandum of Understanding and Agreement for the WCWSAWRWP is attached for the board to review. There will be approval asked later this evening for the supervisor to sign agreement after our legal counsel has approved it.

4. Follow Up Regarding Animal Shelter Agreement W/ Village, And the Hiring of Tracy Brown (Animal Control) Permanently: Supervisor Miller will speak to Ms. Brown before the next meeting so that the board can appoint her until the end of this year.

5. Update on Pilot Agreement for Vienna Place: Mr. Miller will send a response that Pilot agreements are made thru the county, and will forward the owners the appropriate contact information. He feels that the agreement would not change with the town.

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

-Councilman Bradley Cook

1. Town Clerk Report for August:

TOWN CLERK OFFICE
REPORT TO THE BOARD
August 2022

School taxes will be picked up from the county in the next week (we hope!!), separated and processed, and will be mailed out to home owners and banks on Wednesday, August 31st. The county has made some program changes, and has already hit some little bumps! We will begin collecting on September 1st. Also, hunting licenses, along with DMP's, are now being sold. Also, I will be in at 7:00 AM on November 1st to distribute the 2nd round of permits that are 1st come 1st served.

The preliminary department head budget for 2023 was due on August 22nd, and the town clerk budget was shared with councilman Brad Cook on August 19, 2022. After this evening's meeting, the legal notices for the Budget workshops will be published.

The town received a notice that we donated over 1203 pounds of E-Scrap (at no cost to the town) contributing to the \$12,696.63 donated to Camp Good Days and Special Days.

Through dog licensing in July, we sold 71 licenses totaling \$561.00, misc sales, EZ Passes, marriage licenses, hunting/fishing, vital record requests, zoning etc- added an additional \$3,977.90. Total check disbursements for the month of July were \$4,538.90. August is looking to be a busy month issuing marriage licenses!

We have sold 28 E-ZPasses so far this year, and I am asking for approval this evening to purchase 25 more. This is a budgeted purchase, and the Town earns \$4.00 per unit sold.

Thank you to Heidi J. & Heidi S. for running the Town Clerk's office while I was away on vacation!

2. Building Update: We have had door repairs, weed maintenance and weed spraying. Andy Jacobs has removed the railing and repaired the concrete around the south entrance.

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

1. Mike Boesel Honored for his Commitment to Education: Councilman Welch congratulated Highway Superintendent Boesel on behalf of the Town Board for his hard work. He has attended Highway Superintendents School for the past 15 yrs. and was honored for his commitment to furthering his education for the “greater good of the community” in which he serves.

2. Highway Department report for August:

**Highway Superintendent Report
For Town Board Meeting
8/25/22**

Since the 7/28/22 Town Board meeting we have completed the following work:

- Brushmowing/Tree work – Cambier, Dey, Sheridan, Fagner, Jagger, Hogback
- Hauling – sand and various stone for projects and spoil material from shop
- Microseal/Slurry – Omeal, Hogback, Crestwood

- **Summer Road Work** – on 8/19 we microsealed/slurry sealed on Omeal, Hogback and Crestwood. Tomorrow, weather-permitting, we are intending to chipseal on Eckert Road and Hazen Lane. Earlier this summer we hot-asphalt wedged on Cambier, Dey, Sheridan, Fagner, Hogback and Garnsey. Later this summer we still have drainage work and culvert projects on Daansen Road, Vault Road and Rolfe Drive.

- **Rolfe Drive Project** – Earlier this summer our project was halted due to some boundary line and ROW issues that were new to me. I have had 2 meetings to resolve the issues with the new homeowners, Jennifer and Chris Stell, their attorney John Morrel and our attorney Paul Rubery. We hope to start work again in the coming weeks. We are awaiting the preparation of some new easements along with a ROW boundary extension on Rolfe Drive.

- **Winter Prep** – Earlier this week I placed a 250-ton order for salt, hauled over 1000 tons of sand, and essentially filled the sand/salt barn. The current Salt Contract expires next week on 8/31 and the new Contract comes into effect on Sept 1st with a 10-15% increase. We are currently at 94% of our requested allotment for this past season. I intend to place another order and beat the increase in the next few days.

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

Town Development: IT & Phones, Fire Protection Contracts, and Strategic Plans
- Councilman Doug DeRue

Mr. DeRue was absent this evening and will report next month.

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

1. Assessor's Office Report for August:

**REPORT TO THE TOWN BOARD
FROM THE ASSESSOR'S OFFICE
AUGUST 19, 2022**

After the Final Roll was filed with the Town Clerks office before July 1st as prescribed by law. Property owners who filed a grievance with the Board of Assessment Review had until July 31, 2022 to file a small claims application against the Town. We had three property owner's files with the Town, but there is a fourth that did not file with the Town.

An Article 7 was filed for both Willow Landing both properties on Division Street and they have also added the Towpath properties on Canal Street in the Village to their complaints. I have forwarded the information/documents to James O'Shea at Hancock Estabrook, LLP.as well as having Irene produce the resolutions for cost sharing.

A backup was sent to the County at the end of July for school tax purposes.

Also, we are going to be short two (2) Board of Assessment Review members for the 2023 Grievance hearings. This should be done as soon as possible.

As always, if you have any questions or concerns, I can be contacted in my office most days.

2. Assessor Responses to Assessment Questions from Tracy Vanderwall:

The Town Clerk received the following from Councilman Pipitone on August 25, 2022, and was asked to include in the Board meeting packets, and then the minutes. These were questions asked to Councilman Pipitone by Tracy Vanderwall, and answered by Assessor Joan Gates.

Councilman: She stated that as a landlord many of her properties went up, but that another landlord that has 32 properties has not been raised in 7 – 14 yrs. Why is this so?

Assessor: *Changes have been made over the years to what these people own at the time (they are all in poor to fair condition and not kept up). Anytime they go up they bring a number of properties to court -Article 7. So yes they do tend to change but not much due to condition or court actions.*

Councilman: Ms. Vanderwall also questioned why none of the business assessments went up when many of them are renting apartments above?

Assessor: *Businesses were not selling. Therefore, I did not change them. I had 1 or 2 sales and they both sold at or below current (2019) assessment.*

Councilman: She also stated that the information given was not correct, there were discrepancies between 2 family and 3 family?

Assessor: *I am not sure what she means by this. I use 2 and 3 families to compare to each other due to the few of each that there is. I try to stick closer to size as a couple of the 3 families I had were quite large.*

Councilman: Why did some only go up a small amount when 5 houses away they went up tens of thousands?

Assessor: *This depends on a lot of factors. Size, lot size improvements conditions etc. You can use the same comps on 2 different properties and come up with very different answers.*

Councilman: She wondered why there wasn't a formula that could be easily understood and used?

Assessor: *There is no formula. I take all the sales and make(adjust) the model that is used to calculate as many differences as I can. Some are done by hand as the computer cannot calculate them. I use percent of cost for porches and decks. I calculate price per sq ft for houses by type and age as well as size. This also includes garages, pools and sheds. This is usually done in the year(spring) before I actually start my reval/update. It is a lot of analysis done to get the model to be the best I can get it.*

Councilman: She wondered why bidding wars were used because they were in fact "stress sales" and should not be used as accurate comparison figures, that this will cause people to lose their homes and end as more rental properties in Palmyra?

Assessor: If it was just one house I would agree, but it is not. The state is using ALL of these sales as arm's length (usable) sales. This is what they are using when it comes to our equalization rates. If I do not use them then there is no point to doing an update and our equalization rate will just keep falling.

If I did not do a reval/update this year we would have gone from 89% to about 77%

3. CEO Report for August: Code Enforcement Officer Pat Sheridan submitted a report to the Board Members that includes a list of building permits and certificates of compliance for July 26th, 2022 thru August 23rd, 2022.

4. Minutes from Zoning Board Meeting from August: None from this month.

5. Minutes from Planning Board Meeting from August 8, 2022: Minutes from the Planning Board meeting were distributed to the Town Board members.

INFORMATION

None this evening

REGULAR AGENDA ITEMS

1. Approve: Dates for 2023 Budget Workshops: Brad Cook made the motion to approve Budget Workshop dates of Tuesday September 6th, Tuesday September 13th, Tuesday September 20th, and Tuesday October 4th (If necessary), with a Special board meeting to approve the tentative 2023 budget on Sept 27th, 2022.

Second: Jim Welch

Vote: 3 Ayes. Carried.

The Town Clerk will now publish these in the newspaper.

2. Approve: Resolution #11-2022 Payment of Litigation Costs Involving Challenges to Real Property Assessments (Includes Town of Palmyra, Wayne County and Pal-Mac CSD): Todd Pipitone made the motion to approve Resolution #11-2022- Payment of Litigation Costs Involving Challenges to Real Property Assessments Concerning Notice of Petition to Review Tax Assessments commencing in the Year 2022, as written.

Second: Jim Welch

Vote: 3 Ayes. Carried.

RESOLUTION #11-2022
Payment of Litigation Costs Involving Challenges to Real Property Assessments
Concerning Notice of Petition to Review Tax Assessments
commencing in the Year 2022
(Includes Town of Palmyra, Wayne County and Pal-Mac CSD)

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

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

WHEREAS, Willow Landing Assoc, LP, Willow Landing II Assoc, LP, and Conifer Realty LLC, and Towpath Housing Development Fund Corp. 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 1969 Division St. & 1977 Division St., known and designated as tax map numbers 543689 64112-19-638188 and 543689 64112-19-619245, both within the Town of Palmyra, all with the County of Wayne, State of New York; and

WHEREAS, Willow Landing Assoc, LP, Willow Landing II Assoc, LP, and Conifer Realty LLC, Towpath Housing Development Fund Corp. request that, commencing with the 2022 assessment rolls, be reviewed, using evidence provided by the petitioner to show that the assessment of said parcel of real property may be illegal and erroneous; and

WHEREAS, the Town 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; and

WHEREAS, the Palmyra-Macedon Central School District has already established minimum standards for participation in an assessment challenge; and

NOW, THEREFORE, BE IT RESOLVED that all three (3) stakeholders will share equally in litigation costs, review costs, appraisal fees, and associated court fees for this assessment challenge; and

BE IT FURTHER RESOLVED those proceedings may involve the County Attorney and Town Attorney, and Pal-Mac CSD Attorney as consultants regarding appraisals and/or settlement strategies; and

BE IT FURTHER RESOLVED that the Town of Palmyra hereby requests approval for county and school participation in this litigation commencing with the year 2022, and ending in the year that the litigation and appraisal process for this property is complete.

Dated: August 25, 2022

3. Approve: Resolution #12-2022 Payment of Litigation Costs Involving Challenges to Real Property Assessments (Includes Town of Palmyra, Village of Palmyra, Wayne County and Pal-Mac CSD): Todd Pipitone made the motion to approve Resolution #12-2022 Payment of Litigation Costs Involving Challenges to Real Property Assessments Concerning Notice of Petition to Review Tax Assessments commencing in the Year 2022, as written.

Second: Jim Welch

Vote: 3 Ayes. Carried.

RESOLUTION #12-2022
Payment of Litigation Costs Involving Challenges to Real Property Assessments
Concerning Notice of Petition to Review Tax Assessments
commencing in the Year 2022
(Includes Town of Palmyra, Village of Palmyra, Wayne County and Pal-Mac CSD)

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

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

WHEREAS, Willow Landing Assoc, LP, Willow Landing II Assoc, LP, and Conifer Realty LLC, and Towpath Housing Development Fund Corp. 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 201 Canal St. & 250 Canal St., known and designated as tax map numbers 543601 64111-07-714772 and 543601 64111-11-719749, both within the Village of Palmyra, all with the County of Wayne, State of New York; and

WHEREAS, Willow Landing Assoc, LP, Willow Landing II Assoc, LP, and Conifer Realty LLC, Towpath Housing Development Fund Corp. request that, commencing with the 2022 assessment rolls, be reviewed, using evidence provided by the petitioner 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; and

WHEREAS, the Palmyra-Macedon Central School District has already established minimum standards for participation in an assessment challenge; and

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

BE IT FURTHER RESOLVED those proceedings may involve the County Attorney and Town Attorney, Village Attorney, and Pal-Mac CSD Attorney as consultants regarding appraisals and/or settlement strategies; and

BE IT FURTHER RESOLVED that the Town of Palmyra hereby requests approval for county, village, and school participation in this litigation commencing with the year 2022, and ending in the year that the litigation and appraisal process for this property is complete.

Dated: August 25, 2022

4. Approve: Purchase of E-ZPasses: Brad Cook made the motion to approve the purchase of 25 NYS E-ZPasses not to exceed \$525.00. This is a budgeted purchase, and will be the last purchase of passes for 2022.

Second: Todd Pipitone Vote: 3 Ayes. Carried.

5. Approve: Supervisor to Sign MOU regarding the WCWSA Western Regional Wastewater Project: Brad Cook Made the motion to approve the Supervisor to sign the MOU regarding the WCWSA Western Regional Wastewater Project, after the town legal counsel has approved it.

Second: Jim Welch Vote: 3 Ayes. Carried.

MOTION TO APPROVE CLAIMS AND EXPENDITURES

Todd Pipitone made the motion to approve claims and expenditures for August 2022 – Vouchers #2022-863 thru #2022-960 totaling \$112,667.36

Second: Brad Cook Vote: 3 Ayes. Carried.

As a last note, the board asked that the town clerk include the approval of animal control office until the end of the year at the September 6th, 2022 meeting.

MOTION TO ADJOURN

At 7:20 PM, Jim Welch made the motion to adjourn the meeting.

Second: Todd Pipitone

Vote: 3 Ayes. Carried.

Respectfully submitted,

Irene Unterborn
Town Clerk

Budget Work Shops
Sept 6th, Sept 13th, Sept 20th, Oct 4th (if needed) and a
Special Board Meeting to Approve Tentative Budget – Sept 27th, 2022
Palmyra Town Hall
7:00 PM - Palmyra Town Hall

Regular Town Board Meeting
Thursday September 22, 2022
7:00 PM - Palmyra Town Hall