

**REGULAR MEETING OF THE TOWN BOARD  
PALMYRA TOWN HALL  
August 27, 2020**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, August 27, 2020, at the Palmyra Town Hall, 1180 Canandaigua Rd, Palmyra, New York.

The Town Board meeting was open to public and held in accordance to the rules for small meetings, with proper social distancing and masks were worn by all in attendance when necessary.

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

Motion was made by Todd Pipitone to approve the minutes of the regular Town Board meeting which took place on July 23, 2020.

Second: Jim Welch

Vote: 3 Ayes. Carried

**ATTENDANCE**

Also attending was: Highway Superintendent Mike Boesel, Tammy Hoflich, Terri Sargent, Doug DeRue, CEO Pat Sheridan, Andrew Lambrix, Casey Carpenter, Mr. & Mrs. Joby Lawson, and Marc Carrier.

**COMMUNICATIONS RECEIVED**

None received for this meeting.

**GUEST SPEAKERS**

None for this meeting.

**HEARING**

There was no official hearing this evening.

**PUBLIC INPUT**

*\*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.*

There was no public input for the meeting.

**REPORTS OF STANDING COMMITTEES**

**Supervision---Animal Control, Historian, Finance: Kenneth Miller, Chairman**

**1. Update regarding Garnsey Rd Closed Landfill:** Supervisor Miller commented that he had a conference call with LaBella and our attorney. Testing has been done, and they are now working on the site characteristic report.

**2. Cable Television Franchise Agreement:** Computel Consultants will be acting as our agent and reviewing our Spectrum cable franchise agreement to determine if funds may be due to the town for past underpayment. It is their business to find any discrepancies in billing and have the money returned to us. If they recoup money owed to us, there is no charge, but if they find reserves owed that are not legitimate, we pay them 40% of the amount. Mr. Miller asked for permission to sign the contract at this time. There will be further discussion in executive session because of potential litigation involved.

**Approve: Supervisor to sign Contract with Computel:** Jim Welch made the motion to authorize the supervisor to sign the agreement with Computel Consultant, so they may act as our agent and consultant.

Second: Todd Pipitone      Vote: 3 Ayes. Carried

**3. 2021 Budget workshop dates:** Tuesday September 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, and October 6<sup>th</sup> (if necessary), 2020 at 7 pm, at the Palmyra Town Hall. There is a vote later to accept those dates.

**4. Discussion regarding a Town Justice and 5<sup>th</sup> Board Member:** There will be discussion in executive session regarding the mixed information he is receiving about the Town Justice position. Mr. Miller surveyed the 14 other supervisors and so far all towns said they have 2 justices. If the town wished to change that, it would have to be done by referendum.

**5. Move September meeting to the E. Palmyra Fire hall:** Supervisor Miller would like to move the September meeting to the East Palmyra Fire Hall and he will contact them to arrange this. The board agreed. The town clerk will alert the public via legal notice and website once Mr. Miller verifies it is okay with the fire hall.

**6. After Hours / Regular Hours Building Usage:** Impact Theater, Boy Scouts, and the Community Center would like to resume regular classes and rehearsals. Kristi (Zumba instructor) has submitted a proposed plan on how she would handle cleaning before and after her classes. Supervisor Miller stated he thought that after hours should be allowed beginning September 1st and that he was also going to speak with the other department heads to see how they felt about reopening as the Town Clerk already has. Mr. Cook asked, though it was necessary for the Town Clerk office to open, is it was even necessary for the other offices to be open to the public? The clerk stated that her office's business is quite different and requires more face to face contact, and agreed that Mr. Miller should discuss with the other department heads as well as the cleaner.

**7. Ag & Markets Dog Control Officer Inspection and Municipal Shelter Reports:** The Town received the Ag & Markets Dog Control Officer Inspection and Municipal Shelter Reports, both completed on July 1, 2020. Both the Animal Control Services and Shelter were rated "Satisfactory".

**Supervisor Miller asked the Town Clerk to read the following proclamations to the family members and public that were in attendance this evening.**

**8. Approve: Proclamation Recognizing Mike Lambrix:**

**PROCLAMATION RECOGNIZING**

*Michael Lambrix*

**WHEREAS**, the Town Board of the Town of Palmyra, County of Wayne, State of New York, would like to note the nearly 25 years of service to the Town by Town Councilman Michael Lambrix; and

**WHEREAS**, these many years of service to the Town of Palmyra have benefited the Town and its Residents in many ways; and

**WHEREAS**, the Town Board of the Town of Palmyra recognizes the leadership Michael Lambrix has brought to the Town as a whole;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Palmyra wishes to express its appreciation and deep gratitude to Councilman Michael Lambrix for the Time, Effort, and Devotion (and sometimes unyielding decision making!) shown as Town Councilman for the Town of Palmyra these many years; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Palmyra hereby proclaims that Michael Lambrix has set the example for future Councilpersons in guiding the Town, through a time of growth and change for the better; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Palmyra wishes Town Councilman Michael Lambrix many fruitful and enjoyable years in retirement, and a never ending supply of sunscreen!

Dated: August 27, 2020

**9. Approve: Proclamation Honoring William Abbott:**

**PROCLAMATION OF APPRECIATION**

**With the Passing of**

*William E. Abbott*

The Town Board was saddened to learn of the death of Justice William Abbott and wishes to recognize his years of dedicated service to the Town.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Palmyra does hereby pause in its deliberation to express its sympathy to the family of William E. Abbott, his daughters Tammy and Terri; grandchildren Corey, Logan, Adriana, and Stefanie; great grandson Landon and other family members.

**WHEREAS**, the Town wishes to recognize Judge Abbotts more than 40 years of service to the community as Palmyra Town Justice, and

**BE IT FURTHER RESOLVED**, that the Board recognizes the loss to the Town of Palmyra and its employees, and the Town especially wants the public, and Judge Abbotts family, to know how much he will be missed, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Palmyra wishes to express its deep gratitude to William E. Abbott for the time and effort in serving the Town of Palmyra these many years; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Palmyra wishes to thank the family of William E. Abbott for sharing his talents, dry sense of humor, and service to the people of Palmyra, and for supporting William as he carried out his duties.

Dated: August 27, 2020

**10. Approve: Proclamation Honoring Fred Lawson:**

**PROCLAMATION OF APPRECIATION**

**With the Passing of**

*Fred Lawson*

**WHEREAS**, the Town Board of the Town of Palmyra, County of Wayne, State of New York, mourns the passing of Fred Lawson, along with his family, friends and Palmyrans; and

**WHEREAS**, the Town Board recognizes his over 36 years of service, and lifelong career, to the Town of Palmyra by Fred Lawson in many capacities including Deputy Highway Superintendent and Motor Equipment Operator; and

**WHEREAS**, the Town Board of the Town of Palmyra appreciates the outstanding and heartfelt commitment that Fred Lawson had brought to the Town as a whole;

**WHEREAS**, these many years of service to the Town of Palmyra have benefited the Town and its residents in so many ways; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Palmyra wishes to express its deep gratitude to Fred Lawson for the time and effort in serving the Town of Palmyra for many years; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Palmyra wishes to thank the family of Fred Lawson for sharing his never ending smile, talents, and service with the people of Palmyra, and for supporting Fred in carrying out his various Town duties.

Dated: August 27, 2020

**Human Services: Town Clerk, Archives, and Town Hall Facility****- Councilman Bradley Cook**

**1. Town Clerk Report for August:** The town clerk will combine August with September as she had been on vacation for two weeks. The clerk did want to thank Heidi and Sheelah for “holding down the fort” in her absence.

**2. Building Update:** The “Batman” came out to address our bat issues, and Councilman Cook will be meeting with a tile person with regards to the entry ways. There will be approval asked for the cost of a security gate to be used in the hallway to block off the assessor and code offices until they are open to the public, not to exceed \$600.00. The town clerk has a call into Betlem Heating and Cooling for a price on maintenance and one new AC unit - our usual representative has retired, so “Fran” will be contacting her with a date to visit.

**Public Works: Highway Department, Equipment and Facilities****- Councilman James Welch****1. Highway Department report for August:**

**Highway Superintendent Report  
For Town Board Meeting  
08/27/2020**

Since the 7/23/20 Town Board meeting we have completed the following work:

- Hauling 1A Stone for chip sealing roads and spoil dirt from shop
- Fog Sealing - Walker, Cornwall, S. Townline and Faas Roads
- Chip sealing – Parker, Desmith, Galloway, Hanley
- Inter-municipal Assistance
  - 7/28/20 1 Palmyra loader/widener to assist Walworth Hwy with shoulder work
  - 8/11-12/20 2 Palmyra trucks assist WC Hwy with shoulder work
  - 8/14/20 Palmyra & Williamson trucks assist with milling in Village (birdsall/w.charl)
  - 8/17-18/20 Williamson/Mac/Marion/Wal assist Pal Hwy with paving in Village
  - 8/25-26/20 Williamson/Mac/Marion/Wal assist Pal Hwy with chipsealing in Town
  - 8/27/20 Palmyra Bobcat skidsteer/mill assist Macedon Hwy with pavement rebate work

- **Summer Road Work** – In July we chip sealed and fog sealed 3.9 miles of our Town Roads. This week we chip sealed another 3.84 miles, bringing our total miles to 7.74 miles. These included Parker, Desmith, Galloway and Hanley Roads. In the coming week we intend to fog seal these same roads.
- **Johnson Road Project** –The week of August 17<sup>th</sup>, WC Highway closed Johnson Road south of E. Foster Street for the replacement of two large culvert pipes and relocation of about 150 LF of the Village RAW Waterline. The water main relocation and first culvert has been completed. Over the next 2 weeks they intend to complete the second pipe and all asphalt patching.
- **Vienna Road Projects** – NYSEG and DDS Contractors have essentially completed all work in Palmyra related to the gas main installation except final tie-over to new main later this Fall. They have completed 7 of 8.5 miles of new installation and are approximately 18-days ahead of their schedule. Over the past couple weeks; the WC Hwy Department has now started their road re-paving project on Vienna Road, from NY Rt.31 to the Manchester TL. Earlier this week they completed the grinding/recycling phase. They are hoping to finish pave the first week in September.
- **Bridges – Port Gibson Road** – The week of August 10<sup>th</sup>, NYS DOT and Crane Hogan Structural Systems closed the Port Gibson Road Bridge over the Erie Canal. I inquired how the project is going and they are only on week 3 of the 6+ month project, so there wasn't much to report yet, but is moving along.
- **Winter Prep** –The Salt Contract expires on 8/31 and the new Contract comes into effect on Sept 1<sup>st</sup>. The price is staying the same for the upcoming season, \$54.90/ton. We are currently at 76% of our requested allotment for this past season. We will start to re-stock with sand and salt soon.
- **Fred Lawson Proclamation** – Thank you for honoring Fred tonight with a TB Proclamation of Appreciation. Fred was a dedicated and proud employee of the Town and mentor of mine.

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

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

Nothing to report at this time



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

**1. Assessor's Office Report for August:** The Town Assessor will combine the August and September reports at the September 2020 meeting.

**2. CEO Report for August:** Code Enforcement Officer Pat Sheridan submitted a report to the Board Members that included a list of building permits and certificates of compliance for July 21, 2020 thru August 25, 2020. Councilman Pipitone invited the board members to read at their leisure.

**3. Minutes from Zoning Board Meeting for August, 2020:** There were none for this month

**4. Minutes from Planning Board Meeting for August 10th, 2020:** The minutes from the August 10th, 2020 Planning Board Meeting were shared with the board. Part of this meeting was to review the proposed solar law.

**INFORMATIONAL ITEMS**

There were no additional informational items shared at the meeting.

**AGENDA ITEMS**

**1. Approve: Approve dates for 2021 Budget Workshops:** Todd Pipitone made the motion to approve the 2021 Budget Workshop dates of September 8<sup>th</sup>, 15<sup>th</sup>, and 22<sup>nd</sup>, as well as October 6<sup>th</sup> (if necessary), 2020 at 7 pm, at the Palmyra Town Hall.

Second: Jim Welch

Vote: 3 Ayes. Carried

**2. Approve: Member of Board of Assessment Review:** Todd Pipitone made the motion to approve Charles Hartman to continue serving on Board of Assessment Review for a term beginning October 1, 2020 and ending September 30, 2025.

Second: Brad Cook

Vote: 3 Ayes. Carried

**3. Approve: Purchase of Dell Optiplex 5070 Computers for both the Code Office and Town Clerk's Office:** Todd Pipitone made the motion to approve budgeted purchases of Dell Optiplex 5070 computers, not to exceed \$920.00 for each computer, for both the Code Enforcement Office and Town Clerk's office. By ordering both at the same time we were able to save \$36.00 per unit.

Second: Jim Welch

Vote: 3 Ayes. Carried

**4. Approve: Purchase of Portable folding Security Gate:** Brad Cook made the motion to approve purchase of portable security gate to block the west hallway towards the assessor's office and code enforcement, not to exceed \$600.00, including shipping.

Second: Todd Pipitone

Vote: 3 Ayes. Carried

**5. Approve: Adoption of the new Retention and Disposition Schedule for the New York Local Government Records (LGS-1):** Todd Pipitone made the motion to adopt the new *Retention and Disposition Schedule for the New York Local Government Records (LGS-1)*, beginning January 1<sup>st</sup>, 2021, as written below:

Second: Jim Welch

Vote: 3 Ayes. Carried

**RESOLUTION #9-2020**  
**ADOPTION OF THE RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK**  
**LOCAL GOVERNMENT RECORDS (LGS-1)**

**WHEREAS**, the Town of Palmyra has followed the NYS MU-1 schedule which is a revised edition of Records Retention and Disposition Schedule MU-1, originally issued in 1988, and lastly revised in 2003; and

**WHEREAS**, this revised Records Retention and Disposition Schedule indicates the minimum length of time that officials of Cities, Towns, Villages and Fire Districts must retain their records before they may be disposed of legally; and

**WHEREAS**, the State Archives and Records Administration (SARA), State Education Department, previously encouraged the systematic disposal of unneeded records using the MU-1, no longer finds the schedule adequate;

**THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Palmyra that the *Retention and Disposition Schedule for the New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted, beginning January 1<sup>st</sup>, 2021, for use by all officers and legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Retention and Disposition Schedule for the New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

### **MOTION TO ENTER INTO EXECUTIVE**

At 7:43 PM, Councilman Pipitone made the motion to enter into Executive Session. Supervisor Miller explained to the public that they would be discussing and voting in executive session, per our legal council, as it pertained to litigation. The Town clerk will briefly report on the vote upon return.

Second: Jim Welch

Vote: 3 Ayes. Carried

### **EXIT EXECUTIVE SESSION**

At 8:21 PM, Todd Pipitone made the motion to exit executive session.

Second: Todd Pipitone

Vote: 3 Ayes. Carried

### **TOWN CLERK REPORT OF VOTE DURING EXECUTIVE SESSION**

During executive session, the board reviewed the many years of effort by the Code Enforcement office with regards to property maintenance code violations and voted to approve Resolution #8-2020 Authorizing Commencement of Litigation.

Jim Welch made the motion to approve Boylan Code to commence litigation, as follows:

Second: Todd Pipitone

Vote: 3 Ayes. Carried

**RESOLUTION #8-2020**  
**AUTHORIZING COMMENCEMENT OF LITIGATION**

WHEREAS, the Town of Palmyra has been engaged in protracted code enforcement efforts for many years against property located at 2351 Lyon Road (the "Property") for various Town property maintenance code violations including but not limited to the accumulation or storage of rubbish, the accumulation or storage of inoperable motor vehicles, the parking, keeping, or maintenance of tractor-trailers or road machinery, and the operation of an unlawful salvage yard in an AR Agricultural/Residential zoned district; and

WHEREAS, the Property is owned by David Morrison; and

WHEREAS, the aforementioned violations continue to this day and despite the best efforts of the Town Code Enforcement Officer in pursuing the said violations in Town Court, Mr. Morrison has failed and refused to remedy the violations and bring the Property into compliance with the Town Zoning Regulations; and

WHEREAS, the Town Court is without jurisdiction to impose injunctive relief to order Mr. Morrison to correct the said violations and restrain him from continuing to violation the Town Zoning Regulations, but that the Town may pursue such remedies in Supreme Court pursuant to New York Town Law; and

WHEREAS, the Town Code Enforcement Officer, and special counsel for the Town have recommended the commencement of litigation against Mr. Morrison in Supreme Court to obtain injunctive relief to abate the violations and to restrain further violations at the Property;

WHEREAS, the Town Board believes that the commencement of such action would be in the best interest of the Town because the ongoing property maintenance violations at the Property constitute a threat to the public health, safety, and well-being of Town residents, and are an eye-sore and nuisance;

NOW, THEREFORE, BE IT:

RESOLVED, that Boylan Code, LLP, special counsel to the Town, is hereby authorized to commence litigation against Mr. Morrison to obtain injunctive relief, to pursue any and all fines, costs, and penalties permitted by law, and to take any and all further action as may be reasonably required to prosecute and obtain the abatement and restraint of the aforementioned violations at the Property.

**MOTION TO APPROVE CLAIMS AND EXPENDITURES**

Todd Pipitone made the motion to approve claims and expenditures for the month of August 2020, Vouchers #677 thru #787, totaling \$145,931.11.

Second: Brad Cook            Vote: 3 Ayes. Carried

**ADJOURN MEETING**

At 8:23 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Jim Welch            Vote: 3 Ayes. Carried

Respectfully submitted,

Irene Unterborn  
Town Clerk

**BUDGET WORKSHOPS (IF APPROVED)**

**September 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, and Oct 6<sup>th</sup> (if necessary) 2020 at 7 pm, at the  
Palmyra Town Hall**

**REGULAR TOWN BOARD MEETING**

**THURSDAY SEPTEMBER 24<sup>th</sup>, 2020**

**7:00 PM – East Palmyra Fire Hall**