

**REGULAR MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
February 28, 2019**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, March 28, 2019, 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
Michael Lambrix, Councilman
Brad Cook, Councilman
Todd Pipitone, Councilman

Motion was made by Mike Lambrix to approve the minutes of the regular Town Board meeting which took place on February 28, 2019.

Second: Jim Welch

Vote: 4 Ayes. Carried

ATTENDANCE

Also attending was: Marc Carrier, Kathy Hill, Casey Carpenter (WC Times), Mike Catalano (Wayne County EMS), and Robert Kelsch (Sun& Record).

HEARING

There was no official hearing this evening.

COMMUNICATIONS

A letter from Frank Vascukynas, received March 27, 2019, is found below and will be **ATTACHMENT A**

March 27, 2019

On March 26th, 2019 at 5:27pm I received a call back from Supervisor Ken Miller. I simply asked him "What is going on with the landfill and testing". He replied he has not heard anything from Health Department or anyone else re: the landfill testing. I reminded him that he had met with a team from the Health Department in February to walk around the landfill area's in question. I then asked him why he had not inquired about these results. I reminded him of what I had shared in the February Town Meeting per my discussion with the team leader of Department of Health (Angela Martin) investigating the results found from samples tested. I asked him once again why he had not contacted State re: results and he did not answer. I reminded Mr. Miller that as an elected government official it would be his job to follow up with the results and inform the public concerned, he did not respond to that either.

Back in October I stopped by Supervisor Miller's office and asked what he found out about tests of samples taken from the wells installed back in July 2018. He stated that something of concern was detected in one of the wells, and was writing a letter to send out to residents on Garnsey Rd. I asked him if he would read that letter at following town meeting and he told me he would. Meeting came and went without a mention of it, nor did he mail out letters to inform public. During our phone

conversation I asked him why he did not send out letters and he told me he is not legally obligated to do so. He stated it is being handled by a team in Albany. I mentioned that it is the State Health Department and they informed the neighbors about the pollution and seepage leaving Garnsey Rd dumps and that it IS traveling into and onto other properties. Something he should've already known about. I also informed him we do have test results from water tests done of ground samples done in December 2017 near these dumps.

These results are extremely above any safe standards for several types of metals, carcinogens and other toxic liguids and compounds. He stated he does not have those results as well. I also told Miller that those results are the reason that the new test wells were installed. Another fact he claims not to know. I then asked why he and town board have done nothing to assist us with this problem and have only tried to silence us in hopes that we will go away and forget all of this. Miller had no response to that question. Again I informed him that Angela Martin from NYS Health Department Bureau of Environmental Exposure Investigation had informed me of her findings, and the future activities as far as air quality testing, soil samples, ect. There are it seems many things Mr. Miller claims he has no knowledge of.

He mentioned to me that every town has these old dumps, and I agree, but not every town has a toxic waste site. Mr Miller has been in this town long enough to know that Garlocks among others had dumped their wastes there for years. Again no

response. Over five years we have shown the Palmyra Town Council photographs, invited them to come see these areas of concern, and even gave them samples. The board has asked concerned Garnsey Rd. residents to submit questions but to this day those questions remain unanswered. We have been shouted at and told until we have proof of these toxic levels they have nothing to say. Now that we do have proof that hazardous waste exists they appear uninformed of any of the same information we have found out. The board has not even shown any concern to even bother getting test results of the surface water entering other properties. It seems closing down a road for a gravel mining company, bullet proof glass and added security in the town hall, mowing branches 50ft from the road and constructing new town barns are more important to this board than toxic substances, people's health concerns, not to mention wildlife and farms. The state had to inform me of this because local government has chosen not to.

Frank Vascukynas
 3/27/19
910 Garnsey Rd

Palmyra Ny 14522

Public Input

Tracy Vanderwall requested earlier in the month to be able to address the board. She is not in attendance this evening.

Marc Carrier also requested to be put on the agenda under Public Input, and provided test results from Garnsey Rd. that were collected in December 2017. The copies that Mr. Carrier dropped off (on March 28) were copies of sample results collected by TestAmerica, Buffalo. Copies were given to each Town Board Member. **ATTACHMENT B**

Mr. Carrier was denied time to speak with the board as the Supervisor stated that had already received the information before the meeting. A very heated discussion then ensued.

At this time, Supervisor Miller asked Mike Catalano if he wanted to speak with regards to the Wayne County EMS Advisory Board. Mr. Catalano reported that a 3 year contract had been signed between the town and Fingerlakes Ambulance. He also informed the board of a costly (\$40-\$50,000.00) EMS study that will help each agency serve the public better in Wayne County. This study should take 6-8 months.

Reports of Standing Committees

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

1. Land purchase behind town hall: The town planning board approved the subdivision of said property at their March meeting, which was the final part to officially approving purchase of land behind town hall. After many months of discussion and tabling this matter, the judge has approved the court order for this exchange, and the final approval of the purchase of land from the Palmyra Bible Baptist Church is this evening.

2. Marion Comprehensive Plan: The Town of Marion Comprehensive plan was received on March 19th, and was emailed to the Town Board members. It is now available for public review in the Town Clerk's office. The notice of hearing is April 12, 2019, and we have 30 days to review and issue comments if necessary.

3. Car for John Koeberle: John Koeberle purchased a property from Wayne County on Hogback Hill Rd. Later, a car was found in the bushes, and he now asking the town board to award ownership of the car to him so that it can be registered.

4. Letter received from Garnsey Rd Resident: A letter was received from a resident on Garnsey Rd, but permission was not granted to share it with the public at this time. Mr. Miller will revisit this at the next meeting.

5. 2018 Annual Financial Report: The following legal notice was placed in the newspaper, and the report is available in the Town Clerk's office for review.

**LEGAL NOTICE
TOWN OF PALMYRA ANNUAL FINANCIAL REPORT
FISCAL YEAR 2018**

NOTICE IS HEREBY GIVEN, that the 2018 Annual Financial Report for the Town of Palmyra has been filed with the Office of the State Comptroller and with the Palmyra Town Clerk.

Said report is available for viewing by any interested party at the Town Clerk's office, 1180 Canandaigua Road, Palmyra, during regular business hours: 9 a.m. to 5 p.m., Monday through Friday.

Dated: March 20, 2019

6. Garnsey Rd. Fact Sheet: (Added item) Supervisor Miller has spoken to not only the NYS Department of Health representatives that visited the closed landfill on Garnsey Rd., but to their department head as well. The DOH and DEC have agreed to put together a fact sheet of what exactly was done, as well as, depending on their findings, what may need to be done. The conference call between our LaBella representative Dan Noll, Ken Miller and the DOH has not been set up yet. As soon as this fact sheet is received, it will be available on the town website, www.palmyrany.com , and posted publicly for review.

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

1. Town Clerk Report for March:

TOWN CLERK OFFICE REPORT TO THE BOARD
MARCH 2019

Through dog licensing in February 2019, we sold 85 licenses totaling \$691.00, misc sales, and marriage licenses, hunting/fishing, vital record requests, FOIL requests, zoning etc- added an additional \$2,194.10. Total check disbursements for the month of February were \$2,885.32.

EZ Pass sales have increased as the weather has gotten nicer, and with the board's approval, I would once again like to put an article in the paper stating that they are available for purchase at the town hall, along with a few other things happening in the Town Clerk's office (ie. Fishing/hunting licenses etc).

March has been steady with Town and County tax collection and water payments. So far, since January 1, we have collected \$4,435,055.88 of the \$5,082,442.29 tax warrant....leaving just \$650,725.58 to be collected until the final deadline of March 31st.

2. DOT and the Discontinuance of Palmer Rd: The approved resolutions were sent to DOT regarding the discontinuance of Palmer Rd, and the return receipt was mailed back to the town clerk. We are awaiting confirmation letter from the DOT.

3. Needs at the Town Hall: The large chandelier in entrance may need to be replaced as the bulbs keep burning out, and the light switches on west side of large meeting room need to be addressed as they spark and sizzle when you turn them on. Also, Frontier glass is providing a second quote on locks for doors. Supervisor Miller said that he will change the bulbs in the chandelier, and call an electrician to check the light switches.

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

1. Highway Department report for March:

**Highway Superintendent Report
For Town Board Meeting
03/28/19**

Since the 02/28/19 meeting we have completed the following work:

- **Plowing/Sanding** –To date this winter season we have made a total of 113 trips out of the barn.
A comparison to this point of the past 5 winter seasons is below:
 - March 2018 - 106 trips.
 - March 2017 - 90 trips.
 - March 2016 - 53 trips.
 - March 2015 - 114 trips.
 - March 2014 - 128 trips.

Other miscellaneous items include:

- **Salt Orders** – So far for the month of March we have ordered 207 tons of salt. For the winter season we have ordered 2024 tons of our 2600-ton allotment, or approximately 78% of our allotment.
- **Fleet Maintenance** – Over the past 30 days we have continued with general maintenance on the entire winter fleet and summer equipment. Our pumps, tampers, rollers, grader, sweepers, tractors, and several trucks have all been serviced and we are ready for the changing of the seasons.
- **Advocacy Day - CHIPs Funding** – On March 5-6th, I attended our annual Advocacy Day in Albany. While the Gov kept CHIPs flat and cut the EWR money, the Senate and Assembly have since submitted their budgets and both included the EWR money along with continuing the PAVE-NY and BRIDGE-NY programs. The Senate added \$150M for base CHIPs increase along with \$65M EWR. However, the Assembly only added the \$65M EWR. We are hopeful to get the \$65M EWR money reinstated but have little hope for any CHIPs increase. A total of 15 active and retired Highway Superintendents from Wayne County attended again this year.
- **Brush Mowing** – As time and weather has permitted, we have continued brush mowing roadsides. We have recently been on the following roads: S.Townline, Trolley, Garnsey, Hogback, Eckert, P.Gibson.
- **Winter Cleanup** – This week we took down all our snow fence. We also started yolk-raking various locations that are dry. In the coming weeks we plan to start sweeping and repairing plow damage.
- **New Equipment** – On 3/26/19 our new 2019 JD644K loader arrived. We have been cleaning-up our 2014 CAT950 loader and getting it ready for the Auction. Pictures were recently taken and our loader will be in the RTI marketing material for the next 1.5 months. Thank you for this equipment upgrade!

- **Palmer Road** – Last month the TB voted to Discontinue the north portion of Palmer Road. Since then the documents have been signed by all parties and forwarded to NYS DOT to remove the road from our inventory. In the next 30-day we hope to perform the work necessary to officially close this section.
- **Palmyra Municipal Auction** – The date has been set for Saturday May 11, 2019. I have the Auction Contract on the agenda for approval. I will have an Auction surplus list for the April meeting.
- **Village Budget** – It's budget season in the Village. I believe their proposed budget is nearly complete.

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

2. Mowing on County Roads: The agreement for Mowing on County Roads is under review by Mr. Boesel, and is on the agenda for approval this evening once he double checks the new figures provided by the county.

3. Municipal Auction Agreement with Teitsworth: The agreement with Teitsworth for the Municipal Auction in May 2019 is on the agenda for approval this evening. All points in the contract remained the same as previous years.

Councilman Cook asked how we were doing as far as propane use (cost) this year and the status of our grant for the highway facility. Supervisor Miller said that the book keeper will be putting the final numbers for propane purchases together soon, and that as far as the grant, all our submissions are complete. Mr. Miller stated that he will check on the status of the grant.

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

- Councilman Todd Pipitone

1. Fire Insurance: Original invoices, as well as all certificates, were received from the village as requested. The Town Clerk offered the complete copy if the board needed to review it.

2. Phone system: Previous to the evenings meeting, Councilman Lambrix requested to go into Executive Session to discuss the \$3,500.00 that the town was unable to retrieve from ASTRA telephone for a system that did not work and was removed from the town hall. Mr. Pipitone felt there was nothing that could be done to get our money back short of hiring a collection agency, or pursuing litigation. It was decided they would indeed discuss this in executive session later in the meeting.

Government Operations: Assessor, Youth & Aging, Code Enforcement/Planning Board, and Justices

-Councilman Michael Lambrix

1. Assessor's Office Report for March: The Assessors report will be a March/April combined report and will submitted at the April regular town board meeting.

2. CEO Report for March: As well as the CEO report, the board members were given a copy of the proposed Town Zoning/Code changes, and the proposed two Solar Local Laws. One is an actual zoning law, and one an actual assessment law that is under review by Paul Rubery, and will be finalized soon.

3. Minutes from Zoning Board Meeting from March: None

4. Minutes from Planning Board Meeting from March 11, 2019: Minutes from the March 11th, 2019 Planning Board meeting were shared with the board.

Informational Items

1. Preparedness Planning: There is a series of no- cost workshops entitled ***Emergency Preparedness -Creating Watershed Resiliency in Your Community***. Homeowners, board members, business owners, elected officials and municipal staff are invited to attend April 4th, 25th, and May 19th 6PM – 8:30 PM, at the Elks Lodge in Wolcott. For more information visit: <http://efc.syr.edu/preparedness-planning/>

Agenda Items

1. Approve: Highway Superintendent to sign 2019 Highway Auction Agreement: Jim Welch made the motion to approve the Highway Superintendent to sign the 2019 Highway Auction Agreement with RTI Auctions (Roy Teitsworth Inc). The auction will take place on May 11th, 2019, beginning at 9 AM.

Second: Mike Lambrix

Vote: 4 Ayes. Carried

2. Approve: Supervisor to Sign Contract with County for Mowing on County Roads: Jim Welch made the motion to approve the Supervisor to sign the contract for County for Mowing on County Roads, Commencing April 1, 2019 and ending on December 31, 2019, with final approval from the Highway Superintendent.

Second: Brad Cook

Vote: 4 Ayes. Carried

3. Approve: Supervisor to Sign Agreement at Closing for exchange of \$13,000.00 for 3.3 acres of Land behind the Palmyra Town Hall:

As discussed at previous meetings, Brad Cook made the motion to approve the Supervisor to sign agreements at closing with Palmyra Bible Baptist Church for the exchange of thirteen thousand dollars (\$13,000.00), for approximately 3.3 acres of land, located east and behind the Town Hall. One thousand dollars (\$1,000.00) will be paid as deposit. As also previously discussed, the town would agree to pay any legal fees, surveys, and court costs.

Todd Pipitone seconded, and a roll call vote was requested.

Councilman Welch	Aye
Councilman Lambrix	Aye
Councilman Pipitone	Aye
Councilman Cook	Aye
Supervisor Miller	Aye

Vote: 5 Ayes. Carried

4. Approve: Motion to Award Ownership of Abandoned Car to John

Koeberle: Mike Lambrix made the motion to award ownership of an abandoned car, AS IS, found on his property on Hogback Hill Rd, to John Koeberle.

Second: Brad Cook

Vote: 4 Ayes. Carried

Motion to approve claims and expenditures: Mike Lambrix made the motion to approve claims and expenditures for the month of March 2019, Vouchers #270 thru #382, totaling \$101,016.98.

Second: Brad Cook

Vote: 4 Ayes. Carried

Motion to enter into Executive Session to discuss pending Litigation: At 7:22 PM, Mike Lambrix made the motion to enter inter executive session to discuss pending litigation. The town clerk was invited into this session.

Second: Brad Cook

Vote: 4 Ayes. Carried

Motion to Return from Executive Session: At 8:00 PM, Todd Pipitone made the motion to return from executive session.

5. Approve: Supervisor to Sign Legal Retainer with Bowitch and Coffey, LLC: Todd Pipitone made the motion to approve the Supervisor to sign a legal retainer with Bowitch and Coffey, LLC, with respect to all environmental legal issues relating to the former Landfill located on Garnsey Road, Palmyra NY, including with respect to the NYSDEC concerns regarding the landfill site, at a rate of \$215.00 per hour, as all is written in agreement. **ATTACHMENT C**

Second: Brad Cook

Vote: 4 Ayes. Carried

Adjourn Meeting: At 8:01 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Jim Welch

Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

ATTACHMENT A

LETTER FROM FRANK VASCUKYNAS

ATTACHMENT B

**GARNSEY RD TEST RESULTS PROVIDED BY
MARC CARRIER**

ATTACHMENT C

RETAINER WITH BOWITCH & COFFEY, LLC

Regular Town Board Meeting
Thursday April 25, 2019
7:00 PM - East Palmyra Fire Hall