

VILLAGE OF PALMYRA BOARD OF TRUSTEES  
REGULAR MEETING  
September 8, 2014      7:00 p.m.

**ROLL CALL:** Present: Mayor Piccola, Trustees Husk, Nolan, Luke and Perry and Attorney Williams.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE:** Mayor Piccola requested that a moment of silence be observed in honor of slain Rochester police officer, Daryl Pierson.

**CALL TO ORDER:** Mayor Piccola called the meeting to order at 7:00 p.m.

**REGULAR MEETING**

**APPROVAL OF ABSTRACTS:** Motion was made by Trustee Nolan, second by Trustee Husk to approve the Abstract 3B, vouchers 210-248 for \$25,920.00 and Abstract 4A vouchers 249-299 for \$100,385.90. Vote, 4 ayes. CARRIED.

**APPROVAL OF MINUTES:** Motion was made by Trustee Husk, second by Trustee Nolan to approve the minutes from August 4, 2014 as submitted. Vote, 4 ayes. CARRIED.

**CORRESPONDENCE/ANNOUNCEMENTS:**

- NYS Dept. of Health notification to inspect 9/8 Water plant
- WCVOA Dinner, Sept. 17, Log Cabin Restaurant
- Budget reports – distributed to Dept. Heads and Board members
- The next Board meeting will be Sept. 22nd

**TRUSTEE REPORTS:**

**Trustee Husk** reviewed the written report from Supt. Hopkins; report will be on file in the office of the Clerk, highlighting that the work on the gazebo/bandstand is being scheduled to begin, starting with the iron support columns, and the dying trees on Hyde Parkway will be replaced sometime in September. On Aug. 27<sup>th</sup>, Brian Stratton, Director of Canals, NYS Thruway and Canal Corporation, was on hand in the marina to award the Village's Harbor Host program the honor of becoming an official Canal Ambassador. Motion was made by Trustee Husk, second by Trustee Perry to approve a sixty-day extension, by Nov. 8<sup>th</sup> to Supt. Hopkins to use his vacation time. Vote, 4 ayes. CARRIED. Sgt. Baker passed the Sergeant's exam; we are just waiting for Village of Palmyra list of candidates.

**Trustee Luke** reported that she completed the audit of the Village court records and docket on Sept. 3, 2014. No discrepancies or irregularities were found. The Annual Audit Checklist will be on file in the office of the Village Clerk Treasurer.

The Dady Brothers concert in the park was a success and about 200 people attended. Fall community events being considered are the movie and garage sale in the park on Sept. 19, and the Trick or Treat on Main St. coinciding with the haunted house at the Palmyra Community Library. The Pirates are not sure they are going to have their annual ball; more on that later. And finally, she is looking into the Erie Canalway grant program.

Motion was made by **Trustee Perry** second by Trustee Husk, to approve the Class of 1984's 30 year class union in the Fairgrounds. 4 ayes. CARRIED.

**Trustee Nolan** - no report.

**Attorney Williams** reported that he had sent Chapter 194 to Village email but Clerk Lynch said legal did not get placed in time, therefore motion as made and seconded to set a public hearing for Chapter 194 Yard and Property Maintenance for September 22. Vote, 4 ayes. CARRIED.

For the Highway Department, **Mayor Piccola** reported that Walker and parts of Prospect Street will be paved tomorrow, Kent St. will be milled, recycled and recoated as the W. Charlotte project has been postponed.

**NEW/OLD BUSINESS:**

**RESOLUTION: ESTABLISH CAPITAL PROJECT FOR ASBESTOS**

**ABATEMENT ON WATER LINE:** Motion was made by Trustee Nolan, second by Trustee Perry to establish capital project H11 Raw Water Line Asbestos Abatement. Vote, 4 ayes. CARRIED.

**PAYMENT OF LITIGATION COSTS INVOLVING CHALLENGES TO REAL PROPERTY ASSESSMENTS:**

Motion was made by Trustee Husk, second by Trustee Perry to adopt the following resolution:

*Concerning Notice of Petition to Review Tax Assessment Made for the Year 2014*

**WHEREAS**, Bamberger Wayne Properties has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2010 in Wayne County Supreme Court under index number 77472; and

**WHEREAS**, because the litigation costs of these challenges can be more than the Town can anticipate and afford, and the effects of such litigation extend additionally to the School, Village and County tax base, the County of Wayne has adopted a policy of participating in the costs and expense of such litigation, and has approved the above litigation for county, village and school participation by resolution 884-19 dated December 10, 2010, and has previously approved this challenge for participation in challenges for years 2010, 2011, 2012, and 2013, under indexes 71365, 71359, 74640, and 71654, and,

**WHEREAS**, subsequent actions have been commenced by the petitioner for the same and additional properties for the year 2014 meet the county thresholds as to amount of reduction sought, and

**WHEREAS**, the Town of Palmyra, through its attorney, requested village, school and county participation in 2014, and

**WHEREAS**, Bamberger Wayne Properties, LLC, et al. have filed grievances, after receipt of the decision by members of the Palmyra Board of Assessment Review, claiming excessive and unequal values against the assessments for the properties listed in the list below of twenty (20) Village of Palmyra parcels; and

**WHEREAS**, Bamberger Wayne Properties, LLC, et al. request that the following assessment rolls be reviewed, using evidence to show that the assessment of said parcels of real property may be illegal and erroneous; and

2014:	Index No: 77472
Assessment:	1,582,200
Grievance:	852,000
In dispute:	730,200 > \$50,000 > 10%

***Bamberger Wayne Properties, LLC Palmyra Parcel ID Numbers:***

65111-05-174865 , 64111-11-748685,  
64111-11-735653 , 64111-11-737509,  
64111-12-773735 , 64111-11-625642,  
64111-11-651564 , 64111-11-733561,  
64111-11-518610 , 64111-11-914730,  
64111-12-918604 , 64111-12-756646,  
64111-12-756623 , 64111-11-749673,  
64111-11-726589 , 64111-11-520649,  
64111-12-954617 , 64111-12-752553,  
64111-11-556588 , 64111-12-752562.

**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 above action meets the thresholds the County of Wayne has already established minimum standards for participation and permitted change in an assessment challenge,

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Palmyra approves this latest proceeding for participation by all four (4) stakeholders who will share equally in litigation costs and associated court fees for this assessment challenge; and

**BE IT FURTHER RESOLVED** that proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies; and

**BE IT FURTHER RESOLVED** that the Town of Palmyra will pay its equal share of the legal and appraisals costs of this litigation and hereby requests approval for county, school and village participation in this litigation commenced under the index number set forth above for the year 2014,

Dated: August 28, 2014

<hr/> Kenneth F. Miller, Palmyra Town Supervisor	<hr/> Date Approved
<hr/> Christopher Piccola, Palmyra Village Mayor	<hr/> Date Approved
<hr/> Robert R. Ike, Ed.D., Superintendent Pal-Mac CSD	<hr/> Date Approved

Vote, 4 ayes. CARRIED.

**CANALTOWN DAYS STREET & PARKING RESTRICTIONS:** Motion was made by Trustee Husk, second by Trustee Nolan to adopt the following Canaltown Days street closings, parking and event restrictions:

**PARKING PROHIBITED ON BOTH SIDES OF THE STREET:**

Gates Street-the entire length	Hansen Street-the entire length
Walker Street-the entire length	Cuyler Street-Main to Charlotte
Liberty Street-the entire length	Canal Street-the entire length
Carroll Street-the entire length	Willow Street-the entire length
Brookside Terrace-the entire length	Canandaigua-the entire length
Maple Ave.-from Canal St. to Quaker	E. Charlotte- the entire length
Main St. - 21S to Mill Street	Williams St.-the entire length
E. Jackson St.-the entire length	Church St.-the entire length
Tremont St.-the entire length	Fayette St.-Main to Walker St.
Sunset Dr.-the entire length	Market St.-Main to Canal St.
Birdsall Pkwy.-the entire length	Mill St.-the entire length
Prospect Dr.-the entire length	West Foster St.-the entire length
Hyde Pkwy.-the entire length	Stafford St.-the entire length

**HANDICAPPED PARKING ONLY -**

Canandaigua St.- East side from Main St. to Jackson St.

**ELEMENTARY SCHOOL:**

Authorize Police Chief to restrict parking according to School District and Fire Chief request.

The Police Chief and Highway Superintendent are both authorized to make additions and deletions as required.

**STREET CLOSINGS FOR CANALTOWN DAYS:**

Saturday (approximately 9 am to 6 pm Main St. (21S to Holmes St.)  
Sunday (approximately 9 am to 6 pm) Main St. (21S to Cuyler St.)

**CLOSING FOR FLOAT COMPETITION**

Saturday (approximately 1 pm to 6 pm) - Claremont Park

**CLOSING FOR PARADES:**

**GRAND PARADE - SATURDAY (approx. 2 - 6 pm)**

Stafford Street from Foster Street intersection to Main St.  
Main Street from Hyde Pkwy to Holmes  
Holmes from Main St. to Canal St.  
Canal St. from Holmes to Williams St.  
Williams St. from Canal St. to Main St.

**HORSE PARADE - SUNDAY (approx. 2 - 3 pm)**

Gates St. from Jackson to Main St.  
Main St. from Gates to Holmes  
Holmes from Main St. to Canal St.  
Canal St. from Holmes to Williams  
Williams St. from Canal St. to Main St.

BE IT RESOLVED that the sale of “Poppers” (throwable fireworks), stink bombs and liquid string during any parade in the Village of Palmyra be prohibited and further that the sale or use of at or during CanalTown Days is hereby prohibited.

Be it further resolved that that Bicycles, skateboards, and roller blades be prohibited during CanalTown Days, on Main Street between the intersections of Canandaigua/Church Streets and Fayette/Market St., the Display and Vendor areas and the Palmyra Elementary School grounds.

Be it further resolved that animals including but not limited to dogs and snakes be prohibited during CanalTown Days in these same areas. This restriction shall not apply to “seeing eye” guide dogs.

Vote, 4 ayes. CARRIED.

**BAND STAND:** In order to proceed with much needed repairs to the gazebo/bandstand in the park, motion was made by Trustee Luke, second by Trustee Nolan to adopt the following Permissive Referendum:

**PERMISSIVE REFERENDUM**

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of the Village of Palmyra, Wayne County, New York, adopted a resolution during a meeting on September 8, 2014 subject to Permissive Referendum as follows;

BE IT RESOLVED that a sum up to and not to exceed FORTY THOUSAND (\$40,000) shall be expended from the Capital Reserve Parks (HR8) for the bandstand structure repairs.

Following publication, the foregoing resolution shall be posted in six (6) conspicuous places and in accordance with Section 9-902 of Village law, shall take effect in thirty (30) days.

BY ORDER OF THE VILLAGE BOARD

Palmyra, New York  
Alicia M. Lynch  
Village Clerk

Dated: Sept. 8, 2014  
Completion: Oct. 8, 2014

Vote, 3 ayes. CARRIED. Trustee Perry abstained.

**PROSPECT HILL FIREWOOD:** The Building and Grounds crew is planning to drop dumpsters on Prospect Hill once the ground freezes and start clearing wood from the tree tops left after the tree harvest. There is an interested party in purchasing the wood.

**PARK DR. PROJECT CONTRACT: EXTENSION NEEDED:** Due to the extremely wet conditions this summer, the Park Drive project has not been completed. The Village will need to submit a letter requesting an extension on our contract. Supt. Boesel feels it can be completed by the end of 2015 and will be preparing a time line to submit with our request.

**GAS AND ELECTRIC: NOCO QUOTE:** Mayor Piccola explained the possible gas and electric savings the Village would realize if changing our supplier to NOCO. An extra benefit of making this change will be the structure of their invoicing versus the very confusing billing of our current supplier, Direct Energy. Motion was made by Trustee Nolan, second by Trustee Husk to authorize the Mayor to sign the contract for energy supply with NOCO as outlined by Mayor Piccola. Vote, 4 ayes. CARRIED. We will be on a yearly review basis.

**EXECUTIVE SESSION:** Motion was made and seconded to enter executive session for discussion of a litigation matter filed with the department of Labor by a former employee at 7:45 p.m. Vote, 4 ayes. CARRIED.

**PUBLIC SESSION:** Motion was made and seconded to re-enter public session at 8:10 p.m. with no action having taken place. Vote, 4 ayes. CARRIED.

**ADJOURNMENT:** Motion by Trustee Nolan, second by Trustee Husk to adjourn at 8:10 p.m. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch  
Clerk Treasurer