

VILLAGE OF PALMYRA BOARD OF TRUSTEES
REGULAR MEETING
September 9, 2013 7:00 p.m.

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

PLEDGE OF ALLEGIANCE

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

REGULAR MEETING

APPROVAL OF MINUTES: Motion was made by Trustee Husk, second by Trustee Perry, to approve the minutes from August 5, 2013 as submitted. Vote, 4 ayes. CARRIED.

APPROVAL OF ABSTRACTS: Motion was made by Trustee Nolan, second by Trustee Perry to approve payment of Abstract #3B of August 20, vouchers 210-260 for \$69,768.33, Abstract #3C of August 22, vouchers 261-262 for \$1700.00, Abstract #4A of September 9, vouchers 263-315, for \$97,655.44. Vote, 4 ayes. CARRIED.

PRESENTATION: Mayor Piccola introduced Robert Ike, Pal-Mac CSD Superintendent and asked Chief Dalton, Sgt. Showman, Clerk Burditt, Officer Smith and Officer Husk to come forward. Mr. Ike presented the police department with a plaque from the Pal-Mac Partners for a Safe Learning Environment, in recognition of their services to the students and staff of the Palmyra Macedon Central School District.

ANNOUNCEMENTS/CORRESPONDENCE: The following correspondence has been received and is on file in the office of the Clerk Treasurer:

- NYS Retirement – Projections of 2015 contributions
- WCVOA – Dinner mtg. Sept 18
- Receipt of PILOT paperwork for Palmyra Properties LLC (Crane)
- NYSEG Notification of additional street light added to billing (Trustee Husk has been unable to locate the pole, a call is into NYSEG)
- Harbor Host report from Vicky Daly
- New WECA Project Mgr. announced – Beth Kravetz

TRUSTEE REPORTS:

Trustee Husk reviewed the report from Buildings and Grounds Supt. Hopkins. The police door is next up on their schedule. The Park and Club room roof repair which will be paid by Direct TV, will be repaired in house. The release form must be signed by the tenant and sent back to Direct TV with the understanding that when the check arrives, the tenant will turn it over to the Village.

Trustee Luke reported that she has completed her audit of the Village Court records and dockets and there were no abnormalities. Motion was made by Trustee Luke, second by Trustee Nolan to formally acknowledge said completion of the audit of the court records and note a job well done by Court Clerk Patty Peterson as always. Vote, 4 ayes.

CARRIED. Pirate Weekend was a big success. The August Music in the Park, the Dady Bros., drew people from as far away as Dansville. She will be getting together with Irene Unterborn to discuss future events.

Trustee Nolan - no report.

Reporting for the Fire Department, **Trustee Perry** moved to accept Andy Curry for membership into the Fire Department following completion of the appropriate training and a satisfactory physical examination. Second was made by Trustee Nolan. Vote, 4 ayes, CARRIED.

Additionally for the Fire Department, Jeff Bulman has resigned his position as 14-4 Third Assistant Chief. Based upon recommendation from the Fire commissioners, motion was made by Trustee Perry, second by Trustee Husk to name Robert Devlin to fill this vacancy. Vote, 4 ayes. CARRIED.

Discussion took place about the unapproved auction event by Hoyt at fairgrounds. Several trucks knocked down wires trying to gain access to the grounds. While on the subject of the Fairgrounds, Mayor Piccola reported on the correspondence back and forth between him and Fair President Pam Ferrenti. The Fair Association was put on notice regarding their temporary Certificate of Occupancy and the installation of the fire suppression system in the building that houses the Pal-Mac Rotary. President Ferranti reported that the Fair Association and Pal-Mac Rotary have every intention of installing the Ansel System before the building permit expires on Dec. 1; if not completed by then they will get an extension from the Code Office. President Ferranti asked for written confirmation that the Fair will not be in jeopardy of having the all-ready approved programs scheduled cancelled. Mayor Piccola asked that such confirmation be sent and include a reminder that ALL non-agricultural events must have prior approval of the Board. In the future, all approved events will be submitted to the Police Department and they shall be authorized to shut down any unapproved events on behalf of the Village Board.

Attorney Williams – no report.

Mayor Piccola gave an update on the West Foster St. project; the curbs will be poured tomorrow, milling and paving should take place the last week of Sept. or the first week in October.

NEW/OLD BUSINESS:

LETTER OF RESIGNATION AND REQUEST FOR LATERAL TRANSFER:

Motion was made by Trustee Husk, second by Trustee Nolan to accept Officer John Vicaretti's resignation as of Sept. 15th with regrets and to approve his request for a lateral transfer to the East Rochester Police Department. Vote, 4 ayes. CARRIED.

RESOLUTIONS FOR SHARING LEGAL FEES:LOR-CO, BAMBERGER:

Motion was made by Trustee Perry, second by Trustee Nolan to adopt the following resolution as previously adopted by the Town Board and known as their Resolution #19-2013:

PAYMENT OF LITIGATION COSTS INVOLVING CHALLENGES TO REAL PROPERTY ASSESSMENTS

Payment of Litigation Costs Involving Challenges to Real Property Assessments
Concerning Notice of Petition to Review Tax Assessments Made for the Year 2013

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

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

WHEREAS, Lor-Co., 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 assessment for the property located at 505 West Main Street, Village of Palmyra, County of Wayne, State of New York, known and designated as tax map number 543601-64111-10-329705; and

WHEREAS, Lor-Co., LLC, et al. request that the 2013 assessment roll be reviewed, using evidence 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.

NOW, THEREFORE, BE IT RESOLVED that all four (4) stakeholders 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 Palmyra Sole Assessor will answer this Notice of Petition in the above-referenced matter and will appear before the Wayne County

Supreme Court, at the Courthouse, 54 Broad Street, Lyons, New York 14489, on the 5th day of September, 2013, at 9:30 a.m., or as soon thereafter as counsel can be heard, for review under Article 7 of Real Property Tax Law, as set forth in said petition on the previously-listed tax parcel (Index No. 76052).

Dated: August 9, 2013

	Board of Supervisors approved on
James A. Marquette, Wayne County Administrator	
	Town Board approved on
Kenneth F. Miller, Palmyra Town Supervisor	
	Village Board approved on
Christopher Piccola, Palmyra Village Mayor	
	Board of Education approved on
Robert R. Ike, Ed.D., Superintendent Palmyra-Macedon Central Schools	

Vote, 4 ayes. CARRIED.

Motion was made by Trustee Perry, second by Trustee Nolan to adopt the following resolution as previously adopted by the Town Board and known as their Resolution #20-2013:

Concerning Notice of Petition to Review Tax Assessments Made for the Years 2011, 2012 and 2013

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 71365; and
WHEREAS, because the litigation costs of these challenges can be more than the Town can anticipate and afford, 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
WHEREAS, subsequent actions have been commenced by the petitioner for the same and additional properties for the years 2011, 2012 and 2013 and
WHEREAS, the Town of Palmyra, through its attorney, requested village, school and county participation in each of these three additional years, and
WHEREAS, the prior policy of the County was to include subsequent challenges to the same property without additional resolutions so long as the amounts at issue remained within the parameters set by the county, and
WHEREAS, by e-mail dated August 9, 2013, the County Attorney notified counsel to the Town that the resolution was limited by its terms to index number 71365 so that additional resolutions should be obtained to avoid any question of participation, 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 sixteen (16) Village of Palmyra parcels; and
WHEREAS, Bamberger Wayne Properties, LLC, et al. request that the following assessment rolls be reviewed:

2011: Index No. 73159		
Assessment:	1,205,900	
Grievance:	723,400	
In dispute:	482,500 > \$50,000 > 10%	Bamberger Wayne Properties, LLC
2012: Index No: 74640		
Assessment:	1,275,600	Palmyra Parcel ID Numbers:
Grievance:	743,400	65111-05-174865, 64111-11-748685,
In dispute:	532,200 > \$50,000 > 10%	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.

2013: Index No: 76054
Assessment: 1,579,200
Grievance: 832,200
In dispute: 838,200 > \$50,000 > 10%

using evidence to show that the assessment of said parcels 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,
NOW, THEREFORE, BE IT RESOLVED that all four (4) stakeholders 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 hereby requests approval for county, school and village participation in this litigation commenced under the index number set forth above for the years 2011, 2012 and 2013,

Dated: August 22, 2013

Board of Supervisors approved on

James A. Marquette, Wayne County Administrator

Town Board approved on

Kenneth F. Miller, Palmyra Town Supervisor

Village Board approved on

Christopher Piccola, Palmyra Village Mayor

Board of Education approved on

Robert R. Ike, Ed.D., Superintendent
Palmyra-Macedon Central Schools

Vote, 4 ayes. CARRIED.

DRY HYDRANT AT MARINA: As a result of the fire on Main Street this spring, a dry hydrant will be installed at the marina. It will allow the Fire Department to pump water out of the Canal easier when needed, especially during a fire emergency. Motion was made by Trustee Perry, second by Trustee Husk to permit installation of the dry hydrant at the Marina. Vote, 4 ayes. CARRIED.

VILLAGE PARK GAZEBO USAGE AND METAL DETECTING IN THE PARK
Motion was made by Trustee Perry, second by Trustee Husk to allow use of the gazebo providing anyone reserving it carries a \$2,000,000 liability insurance policy, naming the Village as additionally insured. Vote, 4 ayes. CARRIED. The Board discussed metal detecting in the park. Supt. Hopkins feels it is a liability issue. Chief Dalton feels that at the very least, they should have permission. Mayor Piccola suggested that if any officer or one of the crew from Buildings and Grounds sees someone in the park with a metal detector, they should stop, ask their name, tell them there is no policy against it but if the park is not left as they found it they will be asked not to come back.

SEQR, NEGATIVE DECLARATION FOR PARK DR. PROJECT: Motion was made by Trustee Nolan, second by Trustee Perry to re-adopt the Short Environmental Assessment Form for the Canal Terminal Area Improvements as originally signed by former Mayor Daly on June 2, 2008 and declare that the Park Dr. boat launch

improvement and parking area project, also known as H55, will have no negative impact on the environment. Vote, 4 ayes. CARRIED.

ESTATE OF CHESTER FAAS: WAIVER OF FEES REQUEST: Motion was made by Trustee Husk, second by Trustee Perry to waive any disinterment and re-interment fees and consent to the relocation for the Faas estate in Section C, Lot 48, Grave 3 to Grave 2. Vote, 4 ayes. CARRIED. Attorney Williams prepared a letter for Mayor Piccola which will be countersigned by someone from the Faas estate.

HOMECOMING PARADE REQUEST: Motion was made by Trustee Luke, second by Trustee Nolan to approve the Homecoming Parade for Sept. 27 at 6:00 pm, the same route as last year, subject to approval of the Police Chief. Vote, 4 ayes. CARRIED.

MARINA OVERNIGHT DOCKAGE: The Board discussed overnight docking at the Marina. Attorney Williams said we need to pass a local law to better enforce any restrictions. Before any decision is made the Clerk will find out what is in place in Fairport, Newark, Perinton and Pittsford and further discussion was tabled.

UNSAFE BUIDINGS: Chief Dalton urged the Board to remind the Code Enforcement Officer to submit a list to the County 911 of Unsafe Buildings.

CANALTOWN DAYS STREET & PARKING RESTRICTIONS: Motion was made by Trustee Husk, second by Trustee Luke to adopt the following restrictions for CanalTown Days, Sept. 13-15, 2013:

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 Jackson
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: ayes. CARRIED.

PEDDLAR PROBLEMS: Discussion took place about peddlars and felonies. The Village Hall staff will make sure every applicant answers the question regarding a felony and not issue a permit for those that have had an unsuitable felony. The Police Department will run applicant background checks.

PROSPECT HILL FORESTRY PROJECT AND FIREWOOD: The Board discussed the letter from resident Jace Hudak regarding deficiencies with the Forestry Stewardship plan. The Village had specifically excluded the tree tops from Corey Figueiredo’s responsibility. Supt. Hopkins will ask Corey Figueiredo to write a contract and something for solicitation of bids for removal of the tree tops.

PARKING FOR CANALTOWN DAYS IN THE FAIRGROUNDS: Motion was made by Trustee Nolan, second by Trustee Luke to approve parking in the Fairgrounds for CanalTown Days. Vote, 3 ayes, 1 nay, Trustee Perry. CARRIED.

PARK DRIVE HOUSE: Chief Frederick asked when the Park Drive house could be used for training. Supt. Hopkins and Chief Frederick will look at the house first. Motion was made by Trustee Perry, second by Trustee Nolan to approve use of the Park Drive house for fire training purposes, contingent upon the safety inspection and until such time as demolition occurs. Vote, 4 ayes. CARRIED.

TURNOUT GEAR: Chief Frederick reported that the turnout gear should be coming in sometime in September and he invited the Village Board to Fire training.

PAYROLL CHECK EARLY: Motion was made by Trustee Nolan, second by Trustee Luke to issue the check to Patti Burditt for Payroll 10, on October 17 instead of October 18. Vote, 4 ayes. CARRIED.

ADJOURNMENT: Motion by Trustee Husk, second by Trustee Nolan, to adjourn at 8:40 p.m. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Clerk Treasurer

