

**REGULAR TOWN BOARD MEETING**

The regular meeting of the Town Board, Town of Palmyra, held on Thursday, September 28, 2000 at 8:00 PM at the Village Hall, 144 East Main Street, Palmyra, New York, was called to order by Town Supervisor David C. Lyon.

CALL TO ORDR

Supervisor Lyon lead those present in the Pledge of Allegiance to the Flag.

PLEDGE OF ALLEGIANCE

Upon roll call, the following board members were present:  
Town Supervisor – David C. Lyon  
Town Board Members – David Nussbaumer  
Lynne Green  
James Welch

ROLL CALL

(Michael Lambrix was absent)

Others present at this meeting included:

Julie Philipp – Daily Messenger  
Nelson F. Cook – Superintendent of Highways

MTN TO APV  
MINUTES OF  
08/24/00

David Nussbaumer moved to approve the minutes of the August 24, 2000 meeting of the Town Board, as submitted.

Seconded by: James Welch      Carried: Unanimously

**COMMUNICATIONS**

CMMNCATIONS

1. Macedon Chamber of Commerce  
    Referred to the Palmyra Economic Development  
    Chairman
2. Rochester Museum and Science Center – Quality in  
    Government Day  
    Registration form for seminar if anyone is  
    interested
3. Submission of petition to extend public water line –  
    Sherwood Road

This petition was accepted by the Board

REPORTS OF STANDING COMMITTEES

ASSESSOR  
UPDATE

**Assessment Committee – Lynne Green, Chairman**

1. Assessor Update

Ann Vingee-Taber, Sole Assessor, submitted a written report to the board.

EXEMPTION  
HANDOUT

2. Review exemption handout

Supervisor Lyon suggested that the board members take said handouts home and look them over carefully. If they have any questions, they should contact Ms. Taber.

HIWY SUPER  
UPDATE

**Highway Committee – David Nussbaumer, Chairman**

1. Highway Superintendent Update

Nelson Cook, Highway Superintendent, reported to the board that they are presently fixing a truck, the fuel station is being upgraded and they are getting the equipment ready for snow removal.

CEO UPDATE

**Planning Committee – James Welch, Chairman**

1. CEO Update

Robert Grier, Code Enforcement Officer, stated that there is a lot going on right now; there is a big push for end of the year. His department has taken in \$30,000.00 so far and had anticipated only \$25,000.00 for the year.

**Zoning Committee – Michael Lambrix, Chairman**

1. Appoint ZBA member (Doug DeRue) 5 year term  
10/01/00 – 9/30/05

David Nussbaumer moved to appoint Doug DeRue to the Zoning Board of Appeals for a 5 year term beginning 10/01/2000 and ending 09/30/2005.

MTN TO APT  
D. DERUE TO  
ZBA THRU 2005

Seconded by: Lynne Green Carried: Unanimously

At this time, Supervisor Lyon reminded the board that there is a opening on the Board of Assessment Review. He told them a appointment prior to the new year is best because of the schooling involved.

REMINDER OF  
OPENING ON  
BD OF  
ASSESSMENT  
REVIEW

2. Resolution – Nuisance Property, 2206 Whitbeck Road

The following resolution was moved by James Welch:

RESOLUTION –  
NUISANCE  
PROPERTY

WHEREAS, on the 28<sup>th</sup> day of September, 2000, information was presented to the Town Board of Palmyra showing the property at 2206 Whitbeck Road continued to be in violation of Local Law No. 2 of 1999, entitled “The Property Nuisance Abatement Law of the Town of Palmyra.”

THEREFORE, after due notification to the property owners and allowing sufficient time to abate the violations and not having done so,

BE IT RESOLVED, that the Town Board of Palmyra directs the Town Highway Superintendent or their agent to cause the cleanup of said property and the cost of that cleanup be assessed to the land on which the nuisance is located.

Seconded by: David Nussbaumer Carried: Unanimously

3. Set Public Hearing Date – Ginger Sullivan – Special Use Application – Tack Shop

David Nussbaumer moved to set a Public Hearing date of Thursday, October 26, 2000, to consider the application of Ginger Sullivan, 105 W. Pearl Street, Newark, NY, for use of her

MTN TO SET  
PUB HEARING  
DATE 10/26/00  
G. SULLIVAN

parents' property at 1569 East Palmyra-Pt. Gibson Road, for a variance to the Zoning Ordinance of the Town of Palmyra to open a tack shop in the shed. Said hearing will be held at the East Palmyra Fire Hall, East Palmyra, NY, at 8:00 PM.

Seconded by: James Welch Carried: Unanimously

- 4. Set Public Hearing date – Special Use Application – Stephen Austin – Antique Refinishing

SET PUB HEARING  
DATE – 10/26/00 –  
S. AUSTIN

David Nussbaumer moved to set Thursday, October 26, 2000 to hold a Public Hearing to consider the application of Stephen Austin, 4540 North Creek Road, Palmyra, to have a antique refinishing business at his address. Said hearing will be held at the East Palmyra Fire Hall, East Palmyra, NY at 8:15 PM.

Seconded by: James Welch Carried: Unanimously

**AGENDA ITEMS**

- 1. Resolution – Annexation of vacant parcel to Village

RESOLUTION TO  
ANNEX VACANT  
PARCEL TO  
VILLAGE

The following resolution was moved by David Nussbaumer:

RESOLVED, that the Town of Palmyra allow the annexation to the Village of Palmyra, of the Allendale Columbia School property, a 4.2 acre parcel of vacant land. This is contingent upon the owner, developer, or Village of Palmyra installing a gravity sewer from the present village sewer line on East Foster Street to the end of Rolfe Street according to engineers and approved by the Town Board of the Town of Palmyra.

Seconded by: James Welch Carried: Unanimously

- 2. Resolution – Contract approval for legal services, North Sewer District

RESOLUTION TO  
CONTRACT FOR  
LEGAL SERVICES  
NORTH SEWER  
DISTRICT

David Nussbaumer moved to authorize David C. Lyon, Town Supervisor, to sign the following agreement between the Town of

Palmyra and Paul T. Rubery, Attorney at Law, for an amount not to exceed \$1,300.00:

RESOLUTION  
CONT – N S D

September 7, 2000

Dear Board Members:

I have agreed to serve the Town of Palmyra as local counsel to assist in the legal matters associated with the construction and temporary financing of the North Sewer District. I will agree to perform the following services as set forth below:

- A. Review contract documents.
- B. Prepare and/or review easements.
- C. Prepare papers for issuing a Bond Anticipation Note and an Opinion satisfactory to the purchaser of the Bond Anticipation Note.
- D. Be available to respond to questions that may be raised during construction.
- E. Assist and respond to Town Management Consultant and Town Bond Counsel.

The rate will be \$125.00 per hour. It is anticipated that except for services under subparagraph D and E above, the total anticipated expenditure would not exceed \$1,300.00. Any travel, photocopying, or long distance phone charges will be at the Town reimbursed rate, if available; if not at my out-of-pocket costs.

If the above is acceptable, kindly arrange to have the enclosed copy of this letter executed in the space provided and return it to me at your convenience. I appreciate the opportunity to be of service.

Very truly yours,  
Paul T. Rubery

We accept the above proposal and authorize Paul T. Rubery to perform the services set forth herein.

Dated: 09/28/2000

Town of Palmyra, NY  
BY David C. Lyon  
Supervisor

Seconded by: Lynne Green      Carried: Unanimously

MTN TO EST  
A PETTY  
CASH FUND  
FOR  
COLLECTION  
OF SCHOOL  
TAXES

**3. Establish petty case fund for School Tax Collection - \$100**

David Nussbaumer moved to establish a petty cash fund in the amount of \$100.00 to aid in the collection of school taxes.

Seconded by: James Welch Carried: Unanimously

RESOLUTN  
TO SET  
ARCHIVES  
WEEK

**4. Resolution – Archives Week – October 9-14, 2000**

The following resolution was moved by Town Supervisor David

C. Lyon:

WHEREAS, the historical records of the Town of Palmyra in Palmyra, Wayne County, New York, are crucial to the way we understand our past and plan for our future; and

WHEREAS, these records have been professionally administered and made accessible by dedicated, yet often unheralded, archivists; and

WHEREAS, the work of these archivists and the importance of these records programs seldom receive the recognition they deserve;

NOW, THEREFORE, I, David C. Lyon, Supervisor of the Town of Palmyra declare the period of October 8 – 15, 2000 to be Archives Appreciation Week throughout the Town of Palmyra, and urge my fellow citizens to participate in the special activities and learn more about the importance of archives and historical records in our communities.

Seconded by: David Nussbaumer Carried: Unanimously

PRESNTATN  
OF  
TENTATIVE  
BUDGET  
2001

**5. Presentation of Tentative Budget to Town Board**

The Tentative Budget for the calendar year 2001 was presented to the Town Board members by Town Clerk, Beverly E.

Hickman.

6. Set Public Hearing Date – Preliminary Budget 2001

David Nussbaumer moved to set a date of Thursday, November 9<sup>th</sup> at the Village Hall at 7:30 PM to consider the Preliminary Budget for the calendar year 2001.

Seconded by: James Welch Carried: Unanimously

MTN TO SET PUBLIC HEARING DATE OF 11/09/00 TO CONSIDER PRELIMINARY BUDGET 2001

7. SERMAR Senior Citizen housing project – PILOT agreement

Lynne Green moved the following resolution:

**CERTIFICATE OF APPROVAL OF SUPERVISING AGENCY**

SERMAR SR CITIZEN HOUSING PROJECT – PILOT AGRMNT

**WHEREAS**, Article 5 of the Private Housing Finance Law of the State of New York (the "Enabling Act") provides for the creation of redevelopment companies for the purposes set forth in the Enabling Act; and

**WHEREAS**, Section 102 of the Enabling Act provides that the "Supervising Agency" of a redevelopment company in a municipality not having a comptroller shall be the chief financial officer of such municipality; and

**WHEREAS**, there is no comptroller of the Town of Palmyra; and

**WHEREAS**, the chief financial officer of the Town of Palmyra, New York is David Lyon; and

**WHEREAS**, the Enabling Act provides that a redevelopment company be created as a limited partnership by filing with the Supervising Agency a copy of the Certificate of Limited Partnership, as filed, and at the same time filing with the Supervising Agency of the municipality in which the redevelopment company is to be created a Certificate of Creation of redevelopment company complying with the terms of Section 103 of the Enabling Act and the limited partnership agreement under which the limited partnership was organized;

**WHEREAS**, Section 104 of the Enabling Act further provides that such filing with the Supervising Agency shall not occur without the prior written consent of the Supervising Agency; and

**WHEREAS**, the General Partner of Palmyra Village Apartments, L.P., a limited partnership organized pursuant to the laws of the State of New York (the "Company") has submitted to the undersigned for filing copies of: (a) the Certificate of Limited Partnership the Company; (b) the Limited Partnership Agreement of the Company; and (c) a Certificate of Creation of a redevelopment company; and

**WHEREAS**, Section 104 of the Enabling Act also provides that the terms and conditions of the Limited Partnership Agreement of the proposed redevelopment company shall be subject to the approval of the Supervising Agency; and

**WHEREAS**, the undersigned has reviewed the Certificate of Limited Partnership and the Limited Partnership Agreement filed by the General Partner of the Company and hereby approves the terms and conditions contained therein; and

**WHEREAS**, the undersigned has reviewed the Certificate of Creation of Redevelopment company filed by the General Partner of the Company and has determined that it complies with Section 103 of the Enabling Act; and

**WHEREAS**, the Company plans to developed a 24 unit affordable senior citizen apartment building known as "Palmyra Village Apartments" located at 3510 Vienna Street in the Town of Palmyra, New York; and

**WHEREAS**, the Project is the construction of a new apartment building and all changes in the Town map, and zoning amendments and variances, have been received by the Project; and

**WHEREAS**, this Company has submitted the development plan to the Town of Palmyra Planning Board who has approved the plan;

**NOW, THEREFORE**, the undersigned hereby certifies that:

1. the Certificate of Limited Partnership of the Company is approved;
2. the Limited Partnership Agreement of the Company is approved;
3. consent is given to the filing of the Certificate of Creation of a Redevelopment



- Company, submitted by the General Partner of the Company, and the same if hereby filed;
4. it is determined that construction of a 24 unit affordable senior citizen apartment building in the Town of Palmyra is necessary and convenient for the public purpose, as defined in the Enabling Act; and
  5. the preparation and submission of the plan of the Project is satisfied pursuant to Section 114 of the Enabling Act.

Dated as of 09/28/2000

David C. Lyon,  
Chief Financial Officer

Seconded by: David Nussbaumer    Carried: Unanimously

8. Next Town Board Meeting in East Palmyra, October 26 at 8:00 PM

(Information only)

MTN TO APV  
PAYMENT OF  
CLAIMS ON  
ABSTRACT #9

At this time David Nussbaumer moved to approve payment of the claims and expenditures as shown on Abstract #9.

Seconded by: Lynne Green    Carried: Unanimously

David Nussbaumer then moved to adjourn this meeting of the Town Board, Town of Palmyra.

MTN TO ADJRN  
THIS TN BOARD  
MEETING

Carried by: James Welch    Carried: Unanimously

Respectfully submitted,

Beverly E. Hickman  
Town Clerk