

**REGULAR TOWN BOARD MEETING**

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, December 14, 2000, at the Village Hall, 144 East Main Street, Palmyra, NY, was called to order at 7:30 PM by Town Supervisor David C. Lyon.

CALL TO ORDR

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

PLEDGE OF ALLEGIANCE

Upon roll call, the following Board members were present:

ROLL CALL

- Town Supervisor - David C. Lyon
- Town Board Members: - David Nussbaumer
- Michael Lambrix
- Lynne Green
- James Welch

Others present at this meeting included:

- Julie Philipp Daily Messenger
- Catherine Contant Deputy Clerk, Palmyra
- Sylvia A. Huff Palmyra
- Petra Anderson Clerk to the Supervisor
- Bobby Grier Building Inspector
- Vicky Daly Palmyra
- Illegible Palmyra
- Nelson F. Cook Superintendent of Highways, Palmyra

David Nussbaumer made a motion to approve the minutes of November 9, 2000 and November 21, 2000 as submitted.

MTN TO APPR MINUTES OF NOV 9, 2000 & NOV 21, 2000

Seconded by: Michael Lambrix Carried: Unanimously

**COMMUNICATIONS**

1. Sewer petition from Bear Hill/Rolfe Street residents (Petition only represented 11 properties out of a total of 26 properties. A more suitable petition will be sent

to Mr. Frank Hasseltine in order for him to obtain a more legal petition.)

**Reports of Standing Committees**

**Assessment Committee – Lynne Green, Chairman**

1. Assessor Update

ASSESSOR  
UPDATE

No report at this time.

**Highway Committee – David Nussbaumer, Chairman**

1. Agreement – Snow and Ice on County Roads – 2000=2001

MTN TO APV  
SNOW & ICE  
AGREEMENT  
2000-2001

David Nussbaumer moved to approve the agreement entitled “Snow and Ice control on County Roads (2000-2001 Winter Season” with a lump-sum fee per mile of \$3,080.

Seconded by: Michael Lambrix Carried: Unanimously

2. Budget Transfer

The following budget adjustment was moved by David

MTN TO APV  
BUDGET  
TRANSFER

Nussbaumer:

	<u>FROM</u>	<u>TO</u>
	Machinery-Personal Svc DA5130.100 \$824.73	Machinery-Equipmnt DA5130.400 \$824.73
	Snow Removal-Prsnl Svc DA5142.100 \$1017.25	Snow Removal – Contractual DA5142.400 \$1017.25

Second: Michael Lambrix Carried: Unanimously

BID  
OPENING  
V HOPPER  
SPREADER

3. Results of bid opening for a new “V” hopper spreader

Mr. Cook informed the board that he had sent out five bids but had only received the following two back:

T-W Truck Equippers, Inc.  
174 Colvin Street  
Rochester 14611  
Phone 716-235-4500

Smith Sander S5V-13HC      \$10,356  
Access Ladder    \$360  
Tie Down Bracket Kit    \$200  
Tailgate Latch Bar    \$100

Tracey Road Equipment  
6803 Manlius Center Road  
Box 489  
E. Syracuse, NY 13057

Henderson  
FSH-2034                      \$10,705

MTN TO APV BID  
FOR V HOPPER  
SPREADER

David Nussbaumer moved to accept the bid from T-W Truck Equippers, Inc., 174 Colvin Street, Rochester, 14611, at a cost not to exceed \$10,356; subject to approval of Paul T. Rubery Esq. (Tracey Road Equipment does not meet the specs)

Seconded by: Michael Lambrix      Carried: Unanimously

**Planning Committee – James Welch, Chairman**

1.Reappoint James Hodock to the Town Planning Board (5 year term)

MTN TO REAPPT  
JAMES HODOCK  
TN PLNG BOARD

James Welch moved to reappoint James Hodock to the Town Planning Board for a five year term beginning January 1, 2001 and terminating December 31, 2005.

Seconded by: David Nussbaumer      Carried: Unanimously

**Zoning Committee – Michael Lambrix, Chairman**

1.Budget Transfer

MTN TO APV A  
BUDGET  
TRANSFER

Michael Lambrix moved to approve the following budget transfer:

<u>From</u>	<u>To</u>
CEO/Contractual Exp- Legal Fees B8015.402     \$1090.96	CEO/Contractual Exp- Eng Fees B8015.409     \$1852.50
CEO/Equipment B8015.200     \$ 761.54	
CEO/Contractual Exp/ Office Supplies B8015.400     \$114.43	CEO/Contractual Exp/ Telephone B8015.403     \$ 114.43

MTN TO APT  
ARTHUR  
WILLIAMS TO  
REP TNPLNG  
BOARD

Seconded by: James Welch     Carried: Unanimously

2. Appointment of attorney for Town  
Zoning/Planning Boards

Michael Lambrix moved to appoint Arthur Williams, of Nesbitt & Williams, as the attorney to represent the Town Planning Board and the Town Zoning Board.

Seconded by: James Welch

Roll Call vote as follows:

Town Councilman David Nussbaumer	-	Naye
Town Councilman Lynne Green	-	Naye
Town Councilman Michael Lambrix	-	Aye
Town Councilman James Welch	-	Aye
Town Supervisor	-	Aye

Motion carried.

4. Special use for Ginger Sullivan – tack show

SPEC USE FOR  
GINGER  
SULLIVAN –  
TACK SHOP  
UPDATE

It has been reported to the board that Ginger Sullivan no longer desires the special use permit she had applied for with the Town of Palmyra. Thus far she also has not signed the special use permit agreeing with the stipulations set down by the Town of

Palmyra Board. A letter will be sent to Ms. Sullivan to inquire of her plans and ask her to notify the town of her intentions.

**AGENDA ITEMS**

- 1. Resolution – Purchase Offer

MTN TO APV  
PURCHASE  
OFFER – NEW  
BUILDING

David Nussbaumer moved the following resolution:

**TOWN OF PALMYRA, COUNTY OF WAYNE, STATE OF NEW YORK  
LEGAL NOTICE**

**PLEASE TAKE NOTICE** that the following Resolution was adopted by the Town Board of the Town of Palmyra, at a regular meeting of the Town Board on the 14<sup>th</sup> day of December 2000.

RESOLUTION

**WHEREAS**, the Town of Palmyra has been notified that its existing town office does not comply with existing rules and regulations of the State of New York, and

**WHEREAS**, after much investigation and since the Town of Palmyra has not been able to acquire suitable space for the town offices in the Village of Palmyra, and

**WHEREAS**, the Town has received the opportunity to acquire by lease and/or purchase suitable space for town offices in the Town of Palmyra, and

**WHEREAS**, the Town Board wished to obtain said building and the land on which it is located for a sum not to exceed \$500,000 and

**WHEREAS**, the Town has received an engineering report from its consulting engineers which establish that the building is physically in good condition.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board shall enter into a contract to purchase the premises at 1180 Canandaigua Road in the Town of Palmyra, consisting of an existing building located on 2.44 acres for \$500,000, subject to:

- a) obtaining clear marketable title;

- b) obtaining a clear environmental report;
- c) obtaining approval of a serial bond not to exceed \$450,000 for a period of 20 years;
- d) the approval of the purchase agreement by the Town Consulting Attorney;
- e) obtaining a title policy in a form satisfactory to the Town Consulting Attorney.

This resolution is subject to a permissive referendum pursuant to Section 91 of the Town Law, and

**BE IT FURTHER RESOLVED**, that a true copy of this resolution shall be published in the Town newspaper and posted as required by Town Law.

**By order of the Town Board of the Town of Palmyra.**

Dated: December 14, 2000

Seconded by: Michael Lambrix

Roll Call Vote:

James Welch	Aye
Michael Lambrix	Aye
Lynne Green	Aye
David Nussbaumer	Aye
Supervisor Lyon	Aye

Motion Carried.

APVL OF  
RESOLUTN  
CAPITOL  
FACILITIES  
RESERVE

2. Resolution – Capitol Facilities Reserve

The following resolution was moved by David Nussbaumer:

**TOWN OF PALMYRA, COUNTY OF WAYNE, STATE OF NEW YORK  
LEGAL NOTICE**

**PLEASE TAKE NOTICE** that the following Resolution was adopted by the Town Board of the Town of Palmyra, at a regular meeting of the Town Board on the 14<sup>th</sup> day of December, 2000.

CAPITAL FACILITIES RESOLUTION

**WHEREAS**, the Town of Palmyra has previously established a Capital Facilities Reserve of some \$80,000; and

**WHEREAS**, the Town has developed a plan to purchase

a site and a building to use for a Town Hall; and

**WHEREAS**, it is proposed to use an amount not to exceed \$60,000 of the Capital Facilities Reserve to purchase the proposed Town Hall.

**NOW, THEREFORE, BE IT RESOLVED** that the Town shall expend from the Capital Facilities Reserve account a sum not to exceed \$60,000 for the purchase of a site and building for a Town Hall. The \$60,000 is to provide \$50,000 for a down payment and the balance to cover closing costs; and

**BE IT FURTHER RESOLVED**, that this resolution is subject to a permissive referendum; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall post and publish this resolution as required by law.

**By order of the Town Board of the Town of Palmyra.**

Dated: December 14, 2000  
Palmyra, NY

Seconded by: Michael Lambrix                      Carried: Unanimously

3. Resolution – Bond

The following resolution was moved by David Nussbaumer:

**TOWN OF PALMYRA, COUNTY OF WAYNE, STATE OF NEW YORK  
LEGAL NOTICE**

**PLEASE TAKE NOTICE** that the following Resolution was adopted by the Town Board of the Town of Palmyra, at a regular meeting of the Town Board on the 14<sup>th</sup> day of December, 2000.

**RESOLUTION FOR ISSUANCE OF SERIAL BONDS TO PURCHASE PROPERTY**

**WHEREAS**, the Town of Palmyra has agreed to purchase certain property for a Town Hall for \$500,000, and

**WHEREAS**, the Town of Palmyra is proposing to finance said purchase by the issuance of Serial Bonds in the amount \$450,000 over a period of 20 years at an interest rate not to

exceed 5% which obligations are to be issued pursuant to the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED

1. The specific purpose and/or object for which the obligations are to be issued pursuant to this resolution is to finance the cost of acquisition of land and buildings for a Town Hall.
2. The maximum cost of said acquisition of land and buildings for use as a Town Hall is \$500,000. The plan of financing the said cost is as follows: \$50,000 is to be used from the capital reserve fund of the Town pursuant to this Resolution and the balance of the cost is to be provided by the issuance of serial bonds in the amount of \$450,000 pursuant to this Resolution.
3. The following determinations are hereby made.
  - a) The period of probably usefulness of the building is 20 years.
  - b) The subdivision of paragraph 11 of the Local Finance Law which is applicable in the circumstances is paragraph 11b.
  - c) The proposed maturity of the obligations authorized by this resolution will not be in excess of 20 years.
4. The Town of Palmyra shall issue its serial bonds in the amount of \$450,000 and expend \$50,000 from its capital reserve for buildings to finance such cost in accordance with the financial plan set forth above. The bonds and notes shall be dated approximately as of the date of delivery of the title to said land and the power to fix and determine the exact date of said obligation is hereby delegated to the Supervisor.
5. The single bond shall be numbered 1 and shall be in the denomination of \$450,000 and shall be payable in annual installments in the amount of \$36,112.50. The power to determine the date upon which said installment shall become due and payable is hereby delegated to the Supervisor. The bond shall be issued in registered form without coupons and shall not contain a power to convert to other form. The bond shall bear interest at a rate not exceeding 5% per annum payable annually. Payments of the interest shall be evidenced by a notation thereof on the bond at the time of the payment. The bond shall be in



substantially the form annexed hereto.

- 6. The Supervisor is hereby delegated the power to prepare such bonds and notes and to sell the obligations at private sale at not less than par and at the sale to fix the interest rate to be borne by the obligations within the limitations set forth in this Resolution. The Supervisor shall deliver the obligations to the purchaser thereof only against the purchase of the land. The powers delegated to the Supervisor by this Resolution shall be exercised in conformity with the provisions of the Local Finance Law.
- 7. This Resolution is subject to a permissive referendum pursuant to Section 35 of the Local Finance Law. The permissive referendum is subject to Town Law §91.

**By order of the Town Board of the Town of Palmyra.**

Dated: December 14, 2000  
Palmyra, NY

- 4. Set Public Hearing Date (12/28/00) – Patchin-dog kennel – 2948 NYS Rt. 21N

SET PUB HEAR  
DATE FOR  
PATCHIN – DOG  
KENNEL

Michael Lambrix moved to set December 28, 2000 at 7:30PM in the Village Hall, 144 East Main Street, Palmyra, as the date to consider the application from Mr. & Mrs. Patchin to have a dog kennel for approximately 50 dogs on property located at 2948 NYS Rt 21N.

Seconded by: David Nussbaumer    Carried: Unanimously

- 5. Appointment of Deputy Tax Collector by the Town Tax Collector  
December 5, 2000

AJPPTMNT OF  
DEPUTY TAX  
COLLECTOR

To the Clerk of the Town of Palmyra

As Tax Collector for the Town of Palmyra, I hereby appoint Beverly E. Hickman, Town Clerk, to act as Deputy Tax Collector, effective immediately.  
Sally I. Lynch  
Tax Collector – town of Palmyra

6. Resolution – Tax Collector position

The following resolution was moved by David Nussbaumer:

MTN TO APV  
RESOLUTION  
ABOLISHING  
THE POSITION  
OF TAX  
COLLECTOR

A RESOLUTION ABOLISHING THE POSITION OF TAX COLLECTOR IN THE TOWN OF PALMYRA

WHEREAS, the Town Tax Collector has resigned; and  
WHEREAS, by law the duties can be preformed by the Town Clerk; and  
WHEREAS, the Town Board has decided for public convenience to abolish the position of Tax Collector.  
NOW, THEREFORE, BE IT RESOLVED, that the position of Tax Collector of the Town of Palmyra is hereby abolished effective immediately; and  
BE IT FURTHER RESOLVED, that the taxes will be collected by the Town Clerk of the Town of Palmyra at the Town Clerk’s Office; and  
BE IT FURTHER RESOLVED, that a copy of this resolution be published once in the official newspaper of the Town.

BY ORDER OF THE TOWN BOARD  
December 14, 2000

Seconded by: Michael Lambrix Carried: Unanimously

7. Resolution Honoring Sally I. Lynch

Lynne Green moved the following resolution:

RESOLUTION  
HONORING  
SALLY I.  
LYNCH TAX  
COLLECTOR

RESOLUTION IN HONOR OF  
SALLY I. LYNCH, TOWN TAX COLLECTOR

WHEREAS, the Town has received the written resignation of Sally Lynch as Town Tax Collector for the Town of Palmyra, County of Wayne and State of New York, and  
WHEREAS, Sally Lynch has served honorable and diligently the people of the Town of Palmyra for 33 years as Town Tax Collector of the Town of Palmyra, and  
WHEREAS, Sally Lynch’s dedication to her office and to the Town of Palmyra has been outstanding, and  
WHEREAS, Sally’s service to the Town of Palmyra has been unparalleled and an inspiration to all who know her, and  
WHEREAS, it is with regret that the Town has learned that Sally has elected to move to the Town of Manchester which prevents her from continuing to serve as the Town Tax Collector for the Town of Palmyra.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Palmyra does hereby pause in its deliberation to recognize Sally Lynch for her long and dedicated service rendered to the people of the Town of Palmyra, and

BE IT FURTHER RESOLVED, that the Town Board and the Town of Palmyra employees congratulate Sally on her retirement and wish her many happy years in the future.

BY ORDER OF THE TOWN BOARD  
DECEMBER 14, 2000  
BEVERLY E. HICKMAN  
TOWN CLERK

STATUS OF  
CABLE TV  
AGREEMENT

8. Review Cable TV Agreement

David Nussbaumer reported that among other things, they have asked to have another local educational channel added and this was agreed upon. He said the committee has done a lot of work on this and they should be able to have a contract in a few months. He added that Edwin Wheeler has worked with him on this committee.

MTN TO AUTH  
SUPER. TO  
SIGN  
CONTRACT  
W/PAYCHEX  
FOR SEC. 125  
OF IRS

9. Resolution – Section 125 Plan

The following resolution was moved by David Nussbaumer:

RESOLUTION  
AUTHORIZATION FOR SUPERVISOR TO SIGN CONTRACT  
WITH PAYCHEX FOR SECTION 125 OF IRS

RESOLVED, that the Town Board of Palmyra authorize the Supervisor to sign the contract with Paychex dated 12/14/2000 to implement Section 125 of the Internal Revenue Service to allow medical deductions by employees before Federal and FICA taxes at a one-time setup cost of \$500.00 and a monthly fee of \$32.50.

Seconded by: Michael Lambrix Carried: Unanimously

10. Budget Transfer

MTN TO APV  
BUDGET  
TRANSFERS

Supervisor Lyon moved the following budget transfers:

<u>FROM</u>		<u>TO</u>	
General Fund			
Supervisor-Clerk/Per Svcs		Supervisor-Contractual Expense	
A1220.101	\$ 159.50	A1220.400	\$ 159.50
Town Clerk-Clks/Per Svcs		Town Clerk-Equipment	
A1410.102	\$2005.04	A1410.200	\$ 378.02
		Town Clerk-Dep C;l/Per Svces	
		A1410.101	\$1627.02

Animal Control-  
Contractual Expense  
A3510.400      \$ 133.98

Animal Control-  
Equipment  
A3510.200      \$ 133.98

Elections- Cont. Exp  
A1450.400      \$ 50.18  
Contingency Expense  
A1990.400      \$ 539.42

Elections-Persnl Svcs  
A1450.100      \$ 589.60

Part-Town  
Contingency Account  
B1990.400      \$ 10.00

Vital Stats-Prsnl Svcs  
B4020.100      \$ 10.00

Water Tank Project  
Contingency Expense  
HW1990.401    \$15701.52

Legal/Admin/Misc/Trns Line  
HW8320.241    \$15701.52

Seconded by: David Nussbaumer      Carried: Unanimously

MTN TO APV  
CORPORATE  
BANKING  
RESO – TN &  
COUNTY TAX

11. Corporate Banking Resolution (for Town & County tax account)

Michael Lambrix moved to approve the Corporate Banking Resolution with HSBC as required by same and regarding the Town & County Tax Account.

Seconded by: Lynne Green      Carried: Unanimously

12. Approve signatures for signing checks Town & County Acct

David Nussbaumer moved to authorize two (2) out of any three (3) of the following signatures be required to sign checks on the Town & County Tax

Account:      Beverly E. Hickman AND/OR

                 Catherine C. Contant AND/OR

                 Lynne Notareschi

Seconded by: Michael Lambrix      Carried: Unanimously

MTN TO APV  
PURCHASE  
OF USED  
OFFICE  
FURNITURE

13. Purchase of used office equipment

David Nussbaumer moved to approve the purchase of several pieces of used office furniture at a cost not to exceed \$1125.00.

Seconded by: Michael Lambrix      Carried: Unanimously

MTN TO  
DECLARE  
GATEWAYU  
PENTIUM 233  
SURPLUS

14. Declare Gateway Pentium 233 surplus equipment

Michael Lambrix moved to declare the Gateway Pentium 233 of no value and therefore surplus equipment.

Seconded by: David Nussbaumer      Carried: Unanimously

David Nussbaumer moved to approve payment of the claims and expenditures as shown on Abstract #12, Vouchers 1068 – 1163 for a total of \$79,826.03.

MTN TO APV  
PAYMENT  
OF CALIMS  
ABSTRCT 12

Second: Michael Lambrix                      Carried: Unanimously

Supervisor Lyon reminded the board that the next meeting will be held on Thursday, December 28 at 7:30 PM.

MEETING  
REMINDER

Michael Lambrix made a motion to adjourn this meeting of the Town Board, Town of Palmyra.

MTN TO  
ADJOURN

Second: David Nussbaumer                      Carried: Unanimously

Respectfully submitted,

Beverly E. Hickman  
Town Clerk