

**PUBLIC HEARING
GINGER SULLIVAN
TACK SHOP IN THE SHED**

The Public Hearing scheduled to be held on Thursday, October 26, 2000, at the East Palmyra Fire Hall, East Palmyra, NY, to consider the application of Ginger Sullivan, 105 W. Pearl Street, Newark, NY, to open a tack shop at her parents' property located at 1569 East Palmyra-Pt. Gibson Road, was called to order by Town Supervisor David C. Lyon at 8:00 PM.

The legal notice, as published in the Courier-Journal, was read by the Town Clerk.

Those in attendance at this public hearing, in addition to the Town Board members included:

James A. Milliman	East Palmyra
Harry Wilkins	East Palmyra
John Rush	East Palmyra
Harlin Tyler	East Palmyra
Roy C. Wilck	Palmyra
Wallace R. Ingraham	East Palmyra
Ginger Sullivan	Newark/Palmyra
Dorothy Bouwens	Palmyra
Nelson F. Cook,	Palmyra Highway Superintendent

Supervisor Lyon opened this hearing to comments either for or against this application.

Roy Wilck said that he did not receive a letter regarding this public hearing and wondered if there had been a change in policy. Supervisor Lyon explained to Mr. Wilck that the Town occasionally got into trouble when we sent letters out; sometimes

a person that lived just outside the boundary but would still be affected by this variance to the zoning ordinance would not receive a notice and would like to have received one. Now there is a big red sign that is put in the front yard in order to notify the neighbors.

Mrs. Dorothy Bouwens told the board that she did not know a sign was going up in her yard. Supervisor Lyon told her that normally it is the property owner that is asking for the variance, in which case she would have known about the sign.

Wally Ingraham asked if his property taxes will change if this is permitted. Supervisor Lyon told him that the property itself is appraised as opposed to what you are doing on the property.

Wally Ingraham – Will there be a bunch of people looking into my back yard? We have a pool and we entertain out there a lot. I don't want your customers watching us enjoy our yard.

Ginger Sullivan said that she doubted their privacy would be interrupted in any way. Supervisor Lyon stated that the board could require a fence or trees etc. He asked Mr. Ingraham what he thought would be good screening. Mr. Ingraham said that he did not know; maybe it wouldn't be needed at all. Supervisor Lyon did tell him that the board tries not to place too many requirements on these variances.

Lynne Green asked if Mrs. Sullivan wanted to have her shop open seven days a week. Mrs. Sullivan said she did not

plan on that, unless this business takes off, of course, and she could quit her steady job. She expected that Sunday would be by appointment only.

Michael Lambrix asked if she would be doing any repairing of harnesses etc. She told him no repair work – sales only.

Supervisor Lyon asked if there were any more comments regarding this application. There being none, he directed the Town Clerk to read the recommendation from the Palmyra Planning Committee; an excerpt of which follows:

TOWN OF PALMYRA
PLANNING BOARD MINUTES
October 9, 2000

ITEM #4: Ginger Sullivan recommendation to Tn Board

Chairperson Kenneth Miller asked if there was any discussion or concerns regarding special use permit for a Tack Shop. The Board discussed the application. The Town Planning Board made a recommendation for approval of the special use permit to the Town Board.

Motion: James Cleason made a motion to recommend approval of the application for a special use permit for a Tack Shop.

2nd: Lyman Kaller

Vote: Unanimous

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Respectfully submitted,
Petra Anderson
Planning/Zoning Clerk

Supervisor Lyon again asked for any comments for or against this application and again there were none. He declared this hearing closed at 8:15 PM.

PUBLIC HEARING
STEVE AUSTIN
FURNITURE REFINISHING

The Public Hearing scheduled to be held on Thursday, October 26, 2000 at 8:15 PM at the East Palmyra Fire Hall, East Palmyra, NY, to consider the application of Steve Austin, 4540 North Creek Road, Palmyra, for a variance to the Zoning Ordinance of the Town of Palmyra to have an antique refinishing business at said address has been cancelled. Mr. Austin has withdrawn his application at this time.

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REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, October 26, 2000, at the East Palmyra Fire Hall, Palmyra, NY, was called to order at 8:20 PM by Town Supervisor David C. Lyon.

CALL TO
ORDR

PLEDGE OF
ALLEGIANCE

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

ROLL CALL

Upon roll call, the following Board members were present:

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

David Nussbaumer moved to approve the minutes
of September 28, 2000 as submitted.

MTN TO APV
MINUTES OF
09/28/2000

Seconded by: Michael Lambrix

Carried: Unanimously

COMMUNICATIONS

- 1. Economic Development Committee – Trick or Treating on Main Street – 10/28 (The Town Clerk will have her office open to hand out candy)

REPORTS OF STANDING COMMITTEES

Assessment Committee – Lynne Green, Chairman

- 1. Assessor Update

ASSESSOR
UPDATE

Lynne Green reported that the assessor’s office will be closed in the PM every first Monday of the month to enable the assessor and her clerk to attend the monthly meeting at the County.

Highway Committee – David Nussbaumer, Chairman

- 1. Highway Supt. Update

HIGHWAY
UPDATE

Nelson F. Cook, Highway Superintendent, told the board that his crew has been getting sand and salt in and getting the equipment ready for the winter.

Lynne Green asked how the fire at the Macedon Town Barns will affect us. Mr. Cook told her that we have finished up the roadside mowing for them; we cannot loan them any trucks because we do not have any extra; we have given them a desk and some chairs and we will help out whenever and wherever we can.

MACEDON
FIRE
DISCUSSED

CEO UPDATE

Planning Committee – James Welch, Chairman

- 1. CEO Update

Robert Grier, CEO, gave each board member a calendar of work done in October. He also told them that the work on the North Sewer Project has been started.

Zoning Committee – Michael Lambrix, Chairman

- 1. Special Use Application – Ginger Sullivan – Subject of Public Hearing

MTN TO APV
SPEC USE
FOR GINGER
SULLIVAN –
TACK SHOP

Michael Lambrix moved to approve a Special Use Variance for Ginger Sullivan to have a tack shop at 1569 East Palmyra-Port Gibson Road, Palmyra, with conditions to be set and said conditions to include (1) Sunday by appointment only and (2) a visual block towards the Ingrahams' property if and when it may be necessary.

Seconded by: David Nussbaumer Carried: Unanimously

AGENDA ITEMS

- 1. Reminder of Public Hearing to consider the Tentative Budget for 2001

REMINDER OF
PUBLIC HEAR
BUDGET 2001

The Public Hearing to consider the Tentative Budget for 2001 will be held at the Village Hall on Thursday, November 9, 2000 at 7:30 PM.

2. Resolution to Amend and Restate the Deferred Compensation Model Plan

RESO TO
AMND AND
RESTATE
DEFERRED
COMP MODEL
PLAN

The following resolution was moved by Supervisor Lyon:

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Model Deferred Compensation Plan for Employees of the Town of Palmyra (the "Model Plan") and offers the Model Plan for adoption by local employers;

WHEREAS, the Town of Palmyra, pursuant to Section 5 and Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Town of Palmyra;

WHEREAS, effective January 11, 2000, the Board amended the Model Plan to include modifications required by the U.S. Department of Treasury Internal Revenue Service (the "Internal Revenue Service") in conjunction with a favorable letter ruling that is issued concerning the status of the Model Plan as an "eligible deferred compensation plan" under Section 457(b) of the Internal Revenue Code and to permit participants who elect to receive the benefit distributions in the form of a larger initial distribution followed by smaller installment payments to delay the commencement of installment payments for a period of just less than two years from the payment of the initial distribution;

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Town of Palmyra has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Palmyra by adopting the amended and restated Model Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Palmyra hereby amends the Deferred Compensation Plan for Employees of the Town of Palmyra effective October 26, 2000 by adopting the amended and restated Model Plan effective January 1, 2000, in the form attached hereto as Exhibit A.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Wayne County, New York this

October 26,2000 and directed that it be filed as appropriate.

Seconded by: Michael Lambrix
Executed by: David C. Lyon, Supervisor
David Nussbaumer, Councilperson
Lynne Green, Councilperson
Michael Lambrix, Councilperson
James Welch, Councilperson

3. Approval of Bond Counsel Agreement – Town of Palmyra Division Street Sanitary Sewer Project

MTN TO APV
BOND
COUNCIL
NORTH SWR
DISTRICT

The following was moved by Michael Lambrix:

October 6, 2000
Town of Palmyra Board
Town Hall
201 East Main Street
Palmyra, New York 14522

Re: Town of Palmyra. Wayne County. New York
\$248,000 General Obligation (Serial) Bonds for North Sewer
District

To The Members of The Town Board:

Harris Beach & Wilcox, LLP is pleased to submit this proposal to serve as Bond Counsel to the Town of Palmyra (the "Town") in connection with the issuance of its \$248,000 aggregate principal amount serial bonds to finance the improvements to be included in the North Sewer District.

This letter will set forth a summary of the services we expect to provide as bond counsel and an estimate of the proposed fees we would charge the Town for such services.

SERVICES

As bond counsel to the Town, we would prepare the bond resolution, review agreements prepared by Environmental Facilities Corporation ("EFC"), draft related documents and opinions and prepare the Certificates of Determination. We will arrange for delivery of the Bonds to EFC, or its designee. Finally, we will render our approving Bond Counsel opinion regarding the validity, enforceability and status of the Bonds.

Enclosed with this letter (original only) is a profile of our firm's public finance department which contains an in-depth description of the services we typically provide our municipal clients.

FEES AND SERVICES

For a serial bond issue of approximately \$248,000 to provide long-term financing for this project and which will be used to refinance all

previously-issued bond anticipation notes which are then outstanding, our fee would be \$2,000 plus disbursements for direct out-of-pocket costs, such as long distance telephone calls, photocopying and facsimile charges, postage and courier charges, and travel costs, if any. Our fee would be payable upon issuance of the Bonds and we will bill the Town at that point.

The above fee quote is based upon our understanding of the project being financed and the Town's current needs. In the event that there is a change in circumstances which warrants significantly greater Bond Counsel services than which are normally required in connection with the type of transaction outlined above, we would contact you to arrange for an appropriate adjustment in our Bond Counsel fee, in an amount to be agreed upon with the Town.

If you find this arrangement satisfactory, please sign this letter and the enclosed copy hereof indicating the Town's acceptance of these terms on the signature line provided below and return the signed copy to my attention.

Thank you for considering Harris Beach & Wilcox to serve as Bond Counsel to the Town, Charles Schachter of our office will be working on this matter. If you have any questions regarding this proposal, the scope of our services or the financing in general, please do not hesitate to call me or Charlie.

Very truly yours,
Shawn M. Griffin

TOWN OF PALMYRA

By: David C. Lyon

Title: Supervisor

Dated: 10/26/2000

pc: Paul T. Rubery, Esq.
William Reemtsen
Charles I. Schachter, Esq.

Seconded by: David Nussbaumer Carried: Unanimously

- 4. Extend length of sewer agreement between the Town of Palmyra and the Village of Palmyra to 21 years

Michael Lambrix moved the following resolution:

**ADDENDUM TO
INTERMUNICIPAL AGREEMENT BETWEEN THE
VILLAGE OF PALMYRA AND THE TOWN OF PALMYRA
FOR SEWAGE COLLECTION AND TREATMENT SERVICES**

THIS AGREEMENT, dated the 26th day of October, 2000 and executed in duplicate by and between the Village of Palmyra, the party of the first part, a municipal corporation with its principal offices located at 144 East Main Street, Palmyra, New York, hereinafter referred to as the "Village", and

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the Town of Palmyra, the party of the second part, a municipal corporation with its principal offices located at 201 East Main Street, Palmyra, New York, hereinafter referred to as the "Town", both parties herein being situated in the County of Wayne and State of New York

RECITATION:

1. The parties hereto entered into an intermunicipal agreement dated the 26th day of August, 1999 for the "Village" to receive wastewater effluent (sewer discharge) from the "Town" at various points in the "Village" network and transmit it to the "Village" wastewater disposal plant for processing.
2. "Town" has applied for bonding to fund an improvement to its wastewater collection system.
3. Institutions which are willing to fund the improvement, require proof that that the wastewater generated in the "Town" will be treated by a municipal-run wastewater treatment plant during the period the bonds are unpaid.
4. The bonds will be issued for a twenty-year period.
5. The parties hereto are willing to extend the existing wastewater treatment agreement dated August 26, 1999 to the 31st day of March 2021.

NOW, THEREFORE, in consideration of the covenants herein it is mutually agreed as follows:

1. The parties agree to extend the terms of service of the intermunicipal wastewater treatment agreement dated August 26, 1999 to continue from the 26th day of October, 2000 to the 31st day of March, 2021.
2. The extension of the intermunicipal agreement has been approved by the Village Board and the Town Board and the boards have authorized the Mayor of the Village and the Supervisor of the Town to execute this agreement and bind the parties hereto.

IN WITNESS WHEREOF, the parties caused this agreement to be executed in duplicate as of the day and year first above written, each of which shall constitute an original for all purposes.

Seconded by: David Nussbaumer Carried: Unanimously

5. Resolution for repayment terms on EFC loan – Roll call vote

The following resolution was moved by David Nussbaumer:

RESOLUTION OF THE TOWN BOARD OF THE TOWN
OF PALMYRA AUTHORIZING THE SUPERVISOR OF THE
TOWN TO MAKE CERTAIN DETERMINATIONS WITH
RESPECT TO THE ISSUANCE OF SERIAL BONDS FOR THE
CONSTRUCTION OF THE NORTH SEWER DISTRICT

WHEREAS, the Town Board of the Town of
Palmyra, Wayne County, New York previously adopted a
Bond Resolution on July 27, 2000 (the "Bond

Resolution”), authorizing the issuance of its serial bonds in the principal amount of up to \$300,000 to finance the construction of improvements for the North Sewer District; and

WHEREAS, the Town Board now desires to delegate certain authority to the Supervisor of the Town, as the Chief Fiscal Officer, to make certain determinations with respect to said bonds, including, without limitation, the determination that said bonds should provide for substantially level debt service;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Palmyra, Wayne County, New York as follows:

Section 1. That subject to the provisions of the Bond Resolution and the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewal of said obligations and of Sections 21.00,50.00,54.90, 56.00 through 60.00 and 63.00 of the Local Finance Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes, and prescribing terms, form and content as to the sale and issuance of bonds authorized by the Bond Resolution, including, without limitation, the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and of the renewals of said bond anticipation notes, are hereby delegated to the supervisor of the Town as the Chief Fiscal Officer of the Town.

Section 2. This Resolution shall take effect immediately.

Seconded by: Michael Lambrix

Roll call vote as follows:

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

Carried: Unanimously

- 6. Resolution between Town of Palmyra and WCWSA for Town to Assume Responsibility for Maintenance – Roll Call vote

The following resolution was moved by Michael Lambrix:

RESO BTWN
TN OF PAL &
WCWA FOR
TN TO
ASSUME
RESPNSBLITY
4 MNTNCE

**A RESOLUTION EXPRESSING THE TOWN OF PALMYRA'S
INTENT TO ASSUME RESPONSIBILITY FOR MAINTAINING THE
TOWN OF PALMYRA'S WASTEWATERCOLLECTION SYSTEM**

Whereas, the Town of Palmyra (hereinafter "TOWN") has entered into an agreement with the Wayne County Water and Sewer Authority (hereinafter "WCWSA") dated August 24, 2000 whereby the WCWSA shall, for a fee, manage, maintain and operate the TOWN'S wastewater collection system on behalf of the TOWN for the term of the agreement said term to expire on December 31, 2001, and

Whereas, said agreement contains provisions that said agreement shall automatically renew for one additional term of five (5) years upon the expiration of the initial term unless either party provides the other party written notice of its intent not to renew said agreement at least ninety (90) days prior to the expiration of the term, and

Whereas, the TOWN intends to finance a portion of the cost of the construction of the TOWN'S wastewater collection system with a loan through the New York State Environmental Facilities Corporation (hereinafter "EFC"), and

Whereas, EFC, as a condition for making said loan, requires that provisions be in place to ensure the uninterrupted and continued management, operation and maintenance of the TOWN'S wastewater collection system throughout the term of the EFC loan, said loan term running for a period of twenty (20) years from the date of the closing of the EFC loan,

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF PALMYRA, that in the event that the TOWN or the WCWSA elect not to renew the management, maintenance and operation agreement between the two parties or in the event that the TOWN and the WCWSA are unable to negotiate a successor agreement at any time during the term of the EFC loan, the TOWN shall assume all responsibility for the TOWN'S wastewater collection system immediately upon the expiration of said agreement between the TOWN and the WCWSA and the TOWN shall take whatever steps necessary to ensure the uninterrupted and continued management, operation and maintenance of the TOWN'S wastewater collection system throughout the remainder of the term of the EFC loan.

Seconded by: James Welch

Roll Call vote as follows:

Town Board Members	- David Nussbaumer - Aye
	- Lynne Green - Aye

- Michael Lambrix - Aye
 - James Welch - Aye
 Town Supervisor - David C. Lyon - Aye
 Carried Unanimously

David Nussbaumer moved to approve payment of the claims and invoices submitted for payment, according to Abstract #10 with totals of \$44,869.16.

MTN TO APV
 PAYMNT OF
 CLAIMS ON
 ABSTRACT
 #10

Seconded by: Michael Lambrix Carried: Unanimously

Michael Lambrix moved to set a public hearing date of Tuesday, November 21, 2000 at the Village Hall, at 7:30 PM to consider the application of Donald Reneers, 889 East Palmyra-Port Gibson Road, Palmyra, to manufacture recycled plastic lumber at said location.

MTN TO SET
 PUB HEARING
 DATE FOR D.
 RENEERS
 RECYCLD
 PLASTIC
 LUMBER

Seconded by: David Nussbaumer Carried: Unanimously

The motion to adjourn this meeting of the Town Board was offered by David Nussbaumer, seconded by Michael Lambrix and carried unanimously.

MTN TO
 ADJOURN

Respectfully submitted,

Beverly E. Hickman
 Town Clerk