

**SPECIAL MEETING OF THE TOWN BOARD**

**PALMYRA TOWN HALL**

**APRIL 30, 2009**

At 7:30, Supervisor Lyon called the town board meeting to order, approved by the Town Board for Thursday, April 30, 2009, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

**CALL TO ORDER**

The following legal notice announcing this special meeting was published and posted:

**LEGAL NOTICE**

PLEASE TAKE NOTICE that there will be a meeting of the Palmyra Town Board on Thursday, April 30, 2009, 7:30 p.m., at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, for the purpose of considering the following Water Improvement Areas: Johnson Road Water Improvement Area, Floodman Road Water Improvement Area, Parker Road Water Improvement Area, and South Creek Road Water Improvement Area; as well as any other matters of Town business deemed appropriate.

**LEGAL NOTICE  
ANNOUNCING  
SPECIAL BOARD  
MEETING**

Dated: April 23, 2009

Lyndall Ann P. Green  
Palmyra Town Clerk

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

**PLEDGE TO THE  
FLAG**

Upon roll call, the following board members were present:

David C. Lyon, Supervisor  
Kenneth Miller, Councilman  
David Nussbaumer, Councilman  
Councilman Michael Lambrix was absent.  
Councilman James Welch was absent.

**ROLL CALL**

Also attending the meeting: Palmyra Code Enforcement Officer Bob Grier, Town residents Robert W. Colletta, Elaine Morse, Cheryl Smyers, and Roger Shaner.

**MEETING  
ATTENDANCE**

**COMMUNICATIONS**

**LANDMARK  
SOCIETY 2009  
PRESERVATION  
CONFERENCE  
INVITATION**

1. Landmark Society 2009 Preservation Conference: Email was received this month from the Landmark Society of Western New York inviting Supervisors, Town Board Members, Planning Board members, Zoning Board members, and potential Heritage or Preservation Board of Commission Members to their 2009 Preservation Conference on May 2nd, at Medina, NY.

**CANAL  
EXPERIENCES IN  
HERITAGE  
TOURISM  
INVITATION**

2. Heritage Tourism--Upcoming Erie Canal Adventures: Three different Canal experiences are being featured in May. Palmyra Mayor Vicky Daly emailed the Town to encourage participating in at least one experience, sponsored by the Western Erie Canal Alliance, which represents Wayne, Monroe, Orleans, Niagara and Erie counties.

**SAFE DIGGING  
SEMINAR FOLLOW-  
UP**

3. Program About Safe Digging: As a follow-up to last week's meeting, Town Clerk Lynne Green inquired if any Town Board member planned to attend the Underground Damage Prevention and Safe Digging program on Sunday, May 3rd. No one was planning to attend.

**STILLWOOD STUDY  
CENTER UPCOMING  
OPEN HOUSE**

4. Stillwood Study Center Open House: On Saturday, May 9th, at the Stillwood Study Center on Shilling Road, there will be an Open House for community members. Town Officials were among those receiving invitations to the event.

**INFORMATIONAL ITEMS**

**INVITE TO  
MEMORIAL DAY  
PARADE FOR  
TOWN OFFICIALS**

1. Palmyra Memorial Day Parade: Once again, Town Officials have been invited to participate in the Memorial Day parade on Monday, May 25, 2009. Beginning at 9 a.m. at the Palmyra Elementary School, it will end at the Veterans Memorial in the Palmyra Cemetery with the annual Memorial Service.

Board members agreed to participate in this parade, with several continuing on to participate in the parade and ceremony at the East Palmyra Cemetery.

- 2. Executive Order to Help Reduce Property Taxes: An email was received from the office of New York State Governor David A. Paterson. It is an Executive Order Establishing Measures to Evaluate Costs of Mandates on Local Government to Advance Property Tax Relief.

**EXECUTIVE ORDER  
TO HELP REDUCE  
PROPERTY TAXES**

The Executive Order is included with these minutes as Attachment A.

**AGENDA ITEMS**

- 1. PROCLAMATION: Emergency Medical Services Week: The following proclamation was introduced before the Town Board designating the week of May 17 to 23, 2009 as Emergency Medical Services Week.

**PROCLAMATION**

**To Designate the Week of May 17 to 23, 2009,  
as Emergency Medical Services Week**

WHEREAS, emergency medical services is a vital public service; and  
WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW, THEREFORE, I, David C. Lyon, Supervisor of the Town of Palmyra, State of New York, in recognition of this event, do hereby proclaim the week of May 17 through 23, 2009, as

**EMERGENCY MEDICAL SERVICES WEEK**

with the theme, EMS: A Proud Partner in Your Community.

I encourage the community to observe this week with appropriate programs, ceremonies and activities.

Dated: April 30, 2009

**PROCLAMATION:  
EMERGENCY  
MEDICAL SERVICES  
WEEK MAY 17-23**

**MTN: APPROVE  
PROCLAMATION  
FOR EMERGENCY  
SERVICES WEEK**

Dave Nussbaumer made the motion to approve the proclamation for Emergency Medical Services Week.

Second: Ken Miller                      Vote: 3 ayes. Carried.

2. Action: Concerning the Resolution and Order Creating the Johnson Road Water Improvement Area:

Dear Mr. Supervisor and Members of the Town Board:

I am the duly elected Town Clerk.

The Town Board adopted a resolution on March 26, 2009, creating the Johnson Road Water Improvement Area, subject to a permissive referendum.

No Petition For A Referendum, as set forth in the Resolution Creating the Johnson Road Water Improvement area, has been filed in my office within the required statutory period.

Very truly yours,  
Lyndall Ann P. Green  
Palmyra Town Clerk

**MTN: PROCEED ON  
JOHNSON ROAD  
WATER  
IMPROVEMENT  
AREA**

With the notice that no petition for a referendum had been received by the Town, Councilman Ken Miller made the motion to proceed to the next step in the Johnson Road Water Improvement Area by informing the MRB Engineering Group to prepare the specifications and appropriate paperwork for bidding.

Second: Dave Nussbaumer      Vote: 3 ayes. Carried.

3. Action: Concerning the Resolution and Order Creating the Floodman Road Water Improvement Area:

Dear Mr. Supervisor and Members of the Town Board:

I am the duly elected Town Clerk.

The Town Board adopted a resolution on March 26, 2009, creating the Floodman Road Water Improvement Area, subject to a permissive referendum.

No Petition For A Referendum, as set forth in the Resolution Creating the Floodman Road Water Improvement area, has been filed in my office within the required statutory period.

Very truly yours,  
Lyndall Ann P. Green

Palmyra Town Clerk

With the notice that no petition for a referendum had been received by the Town, Councilman Dave Nussbaumer made the motion to proceed to the next step in the Floodman Road Water Improvement Area by informing the MRB Engineering Group to prepare the specifications and appropriate paperwork for bidding.

**MTN: PROCEED ON FLOODMAN ROAD WATER IMPROVEMENT AREA**

Second: Ken Miller                      Vote: 3 ayes. Carried.

4. Action: Concerning the Resolution and Order Creating the Parker Road Water Improvement Area:

Dear Mr. Supervisor and Members of the Town Board:

I am the duly elected Town Clerk

The Town Board adopted a resolution on March 26, 2009, creating the Parker Road Water Improvement Area, subject to a permissive referendum.

No Petition For A Referendum, as set forth in the Resolution Creating the Parker Road Water Improvement area, has been filed in my office within the required statutory period.

Very truly yours,  
Lyndall Ann P. Green  
Palmyra Town Clerk

With the notice that no petition for a referendum had been received by the Town, Councilman Dave Nussbaumer made the motion to proceed to the next step in the Parker Road Water Improvement Area by informing the MRB Engineering Group to prepare the specifications and appropriate paperwork for bidding.

**MTN: PROCEED ON PARKER ROAD WATER IMPROVEMENT AREA**

Second: Ken Miller                      Vote: 3 ayes. Carried.

5. Action: Concerning the Resolution and Order Creating the South Creek Road Water Improvement Area:

On April 7, 2009, Town Clerk Lynne Green received the following petition in her office:

To: The Town Clerk, Town of Palmyra, County of Wayne, State of New York

**PETITION RECEIVED FROM RESIDENTS OF THE SOUTH CREEK ROAD WATER IMPROVEMENT AREA**

We, the undersigned, constituting more than a majority of the owners of taxable real property in the South Creek Road Water Improvement Area of the Town of Palmyra, Wayne County, New York as represented on the Tax Roll of 2009, the Assessor do hereby petition with protest against the Order and Resolution creating the South Creek Road Water Improvement Area adopted March 26, 2009.

We represent that the Order and Resolution creating the South Creek Road Water Improvement Area be submitted to the owners of real property in the improvement area as reflected in the Assessor's Tax Rolls for 2008 a special Town election for their approval or disapproval, in accordance with Town Law §91.

**PETITION  
RECEIVED FROM  
RESIDENTS OF THE  
SOUTH CREEK  
ROAD WATER  
IMPROVEMENT  
AREA**

Seven (7) South Creek Road residents had signed this petition on April 4, before bringing it to the Town Clerk's office on April 7. After discussion with Counsel, we were told that the signers had to be active registered voters. A trip to the Wayne County Board of Elections by the Town Clerk substantiated their claim as legitimate signers. Counsel also advised that these petitioners sign a new petition before the 30-day waiting period ended on April 26, in the presence of a Notary Public.

The next meeting of the Town Board was April 23rd, at the East Palmyra Fire Hall. All of the signers attended the meeting. Afterwards, they were each asked to sign a new petition in the presence of the Town Clerk, who would check and notarize each signature. This new petition could still be submitted within the required statutory period. The wording of this new petition, provided by legal Counsel, is as follows:

**PETITION TO SUBMIT PROTESTED RESOLUTION OF  
TOWN BOARD TO REFERENDUM OF TOWN ELECTORS**

To the Town Clerk of the Town of Palmyra, County of Wayne, New York:

We, the undersigned, constituting more than a majority of electors of the Town of Palmyra, qualified to vote upon a proposition to raise and expend money in the Town of Palmyra, do hereby petition and protest against a resolution adopted on March 26, 2009, concerning the South Creek Road Water Improvement Area.

We request that the resolution be submitted to the qualified electors of the Town of Palmyra at a special Town election for their approval or disapproval, in accordance with Town Law § 91.

**NEW PETITION  
REQUIRED WITH  
NOTARIZATION**

In addition, each petitioner signed an individual statement and had his or her signature notarized:

I, \_\_\_\_\_ (Name) \_\_\_\_\_, state I am a qualified resident of the South Creek Road Water Improvement Area. I reside at \_\_\_\_\_ (address) \_\_\_\_\_, Palmyra, New York and am an owner of the premises at \_\_\_\_\_ (address) \_\_\_\_\_ and entitled to vote in District No. 5 of the Town of Palmyra, Wayne County, New York.

**INDIVIDUAL STATEMENT SIGNED BY EACH PETITIONER AND NOTARIZED**

Each of the individuals whose names are subscribed to this Petition sheet containing 7 signatures subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement shall subject me to the same penalties as if I had been duly sworn.

Dated: April 23, 2009

Petitioners also knew that a Board meeting would be convened on Thursday, April 30th--after the 30-day waiting period had ended--to take action on the individual water improvement areas.

Between April 23 and April 30, Town Supervisor Dave Lyon and Town Clerk Lynne Green scrutinized the new petition, verified the legitimacy of each petitioner, double-checked the number of South Creek Road owners of property, and realized that from every angle possible, the petitioners constitute a majority.

**VERIFICATION OF PETITIONERS**

At the meeting on the 30th, Supervisor Lyon explained to the other Board members that they hold the decision-making power. To include South Creek Road in this batch of water improvement areas would most likely lead to a referendum. To remove this area from the rest of the others would mean that this is the end of pursuing water for this road at this time.

After a moment or two of consideration and discussion, Councilman Dave Nussbaumer made the motion to drop this water improvement area from being considered with this project, and to proceed no further.

**MTN: PROCEED NO FURTHER WITH SOUTH CREEK ROAD WATER IMPROVEMENT AREA**

Second: Ken Miller

Vote: 3 ayes. Carried.

**UPDATE ON TOWN  
NUISANCE  
PROPERTIES**

6. Update on Town Nuisance Properties: Bob Grier met with Counsel concerning the North Creek Road property. Action is proceeding there. Action is also proceeding with the Trolley Road property. For the others, it was suggested that each owner give Bob Grier a list of the things they plan to do so he can monitor the improvement.

**MTN: ADJOURN  
MEETING**

7. Motion to Adjourn: At 7:42 p.m., Ken Miller made the motion to adjourn the meeting.

Second: Dave Nussbaumer      Vote: 3 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk

Attachment A: Executive Order From the Desk of New York State Governor David A. Paterson to Help Reduce Property Taxes:

**NEXT TOWN BOARD MEETING:  
THURSDAY, MAY 28, 2009, 7:30 P.M.  
PALMYRA TOWN HALL**