

**PUBLIC HEARING FOR
CANALSIDE ESTATES MANUFACTURED HOME PARK
EXPANSION INTO PHASE 2
AND
REGULAR MEETING OF THE TOWN BOARD**

**PALMYRA TOWN HALL
DECEMBER 29, 2009**

At 7:30 p.m., Supervisor Lyon welcomed those in attendance and called the Public Hearing to order. The legal notice for the "Canalside Estates Manufactured Home Park Expansion—Special Use Authorization" had been previously posted and published in Town authorized newspapers, in accordance with the law. Supervisor Lyon asked Town Clerk Lynne Green to read the legal notice:

**WELCOME TO
PUBLIC HEARING**

LEGAL NOTICE

**TOWN OF PALMYRA
MORGAN MANAGEMENT, INC. – SPECIAL USE AUTHORIZATION
FOR CANALSIDE ESTATES MANUFACTURED HOME PARK EXPANSION**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Palmyra will hold a Public Hearing on Tuesday, December 29, 2009 at 7:30 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, to consider the application for Site Plan Approval for Phase II, at 4290 Palmyra-Newark Road (Route 31), for a Special Use Authorization on tax parcel #66111-00-115535.

**READING OF
LEGAL NOTICE FOR
HEARING**

Article III, Section 3.2(b) of the Palmyra Town Zoning Ordinance, which limits the uses of property in an Agricultural District to those permitted under Section 3.1, Paragraphs a-h states: "Use of land for other than farm purposes requires Special Authorization from the Town Board. Such Special Authorization is subject to Article VII, Section 7.1".

The property is located at 4290 Palmyra-Newark Rd. (Route 31), and is bounded on the North by property reputedly owned by the New York State Barge Canal; on the South by property reputedly owned by Chris Senecal and Matt Secore, tax parcel #66111-00-031596; on the East by property reputedly owned by: Perry Lafleur, tax parcel #66111-09-160642; Jeffrey Mashewske, tax parcel #66111-09-164622; Anthony DiSanto, tax parcel #66111-09-166609; Christopher Ellersick, tax parcel #66111-09-171586, Millard and Rebecca Knibbs, tax parcel #66111-09-176559; Wayne Kelley, tax parcel #66111-09-176548; Canalside Estates, tax parcel #66111-09-180538; State Route 31; Jean Wilda Payne, tax parcel #66111-13-232385; VFW Post 6778, tax parcel

#66111-13-189490; George and Shirley Tilburg, tax parcel #66111-13-198442; Willard and Luella Champlin, tax parcel # 66111-13-226424; and George Olejarski, tax parcel #66111-13-229404; and on the West by Jeffrey Smith and Paula Mazzei, tax parcel #66111-00-230754.

The Town Board will at said time and place hear all persons in support of the above application or any objections thereto. Persons may appear in person or by attorney or agent. The application is on file at the Town Clerk's Office, 1180 Canandaigua Road, and is available for review Monday through Friday, 8:00 AM – 5:00 PM.

BY ORDER OF THE TOWN BOARD

Dated: November 24, 2009

Lyndall Ann P. Green
Palmyra Town Clerk

Supervisor David Lyon announced that this is a hearing specifically for addressing waivers requested by Canalside Estates. Several issues he mentioned were the reduction of space between units, storage shed sizes, and the park's request for less than 12,000 sq. ft. of open—or community—space.

**TOWN BOARD
DISCUSSION**

The first presenter was Brian Sorochty from DDS Engineers, the firm hired by Morgan Management to represent them at the hearing. DDS Engineers had prepared and distributed before the meeting the "Engineer's Report and Stormwater Pollution Prevention Plan for Canalside Estates Phase II."

He began by stating that the current septic tanks have been certified as adequate for both Phases 1 and 2 of Canalside Estates. He said that to alleviate wastewater issues, DDS Engineers is now working with the NYS DEC to clear up this problem. He also felt the reduction of open space was not an issue to Seniors, who would not use the open space as much as young families would. This is a Senior Community, and their needs are different than other parks.

Supervisor Lyon asked the Town Clerk to read into the minutes a letter addressed to the Town Board, and received prior to the public hearing:

"To: Town Board of Palmyra
1180 Canandaigua Road
Palmyra, NY 14522

"Date: December 23, 2009

"I am writing in reference to the request for approval of Phase II of the expansion of Canalside Estates.

"We have considerable problems with water runoff of the area primarily due to lack of storm sewers and the fact the ground is clay and does not perk well. I live in the Phase I area on Lot 19, I know you have plans to change some of Phase I but, the plans do not include our area which is beyond Lot 38 and Lot 16. On the plot plan there appears a storm sewer running approximately southeast to northwest but the landscape of the ground does not direct the water to the drains. There should be some type of swale running parallel with the storm line. When ever it rains the runoff comes across the road from the hill in back and settles in the vacant lots on either side of us and in our lawn. There is water laying in the vacant lots practically all summer. Also there is considerable ponding at the further end of the road. We would like the Board to address this problem before committing to further expansion. I know the previous park manager Bob Magin was aware of this problem when he was here and had taken many photos of the problem and tried to have management correct this problem.

**OPEN LETTER TO
MGMT OF
CANALSIDE
ESTATES FROM A
RESIDENT—STORM
SEWERS**

"Thank you for your consideration.

"Ronald and Arleen Madsen
4215 Canalside Drive
Palmyra, NY 14522"

**TOWN PLANNING
BOARD MEETING
MINUTES
RECOMMENDA-
TIONS**

Next, the Board addressed the discussion and recommendations of the Town Planning Board, found in the minutes of their meeting on December 14, 2009.

Due to the length of the minutes, Dave Nussbaumer made the motion to waive the reading of the Town Planning Board's minutes.

**MTN: WAIVE ORAL
READING OF TOWN
PLANNING BOARD
MEETING MINUTES**

Second: Mike Lambrix Vote: 5 Ayes. Carried.

Board members went through the items listed in the minutes with minimal discussion.

In addition, Board members had a copy of the minutes of the Wayne County Planning Department meeting held December 9, 2009. This letter was short, so Town Clerk Lynne Green read it aloud:

**WAYNE COUNTY
PLANNING
DEPARTMENT
RECOMMENDATION
FOR PHASE II
EXPANSION**

"At its regular meeting on December 9, 2009, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the final site plan for Phase II with the following conditions (that pertain

**WAYNE COUNTY
PLANNING
DEPARTMENT
RECOMMENDA-
TION FOR PHASE II
EXPANSION**

to the entire 3-phase development): 1) all necessary NYSDEC and NYSDOH permits/approvals (storm water and erosion and sediment control and sanitary sewer) are obtained, 2) adequate open space and recreation area is provided and 3) NYS Uniform Fire Prevention and Building Codes must be met.

“The Board still suggests that given the total number of units proposed (149), another access should be provided to NYS Rt. 31. If the NYS DOT will not permit another access, the Board strongly encourages the property owner to contact the V.F.W. There may be an opportunity to obtain an easement (for emergency vehicle access only) that would link Canalside to the VFW’s driveway/paved area and ultimately Rt. 31. The Board felt a crash gate should be installed to discourage thru traffic between the two properties, if the VFW would even consider the proposal.”

Canalside Estates resident Ronald Madsen was in attendance. He again stated his request to address storm sewage problems before allowing more expansion. Councilman Dave Nussbaumer agreed. Dave Lyon asked what can be done about sewage on the ground.

**STORM SEWER
COLLECTION TANK
RECENT
PROBLEMS**

The second presenter from DDS Engineers, Bryan Dibble, notified the Board that their storm sewer collection tank has an alarm, which had problems recently. It has now been fixed. Dave Lyon asked how this addressed the drainage issue. Dibble said some plans to fix the draining problems had been taken to Code Enforcement Officer Bob Grier’s office, and had already been approved.

Dave Lyon asked what assurance the Town has that Phase 2 will not have the problems found in Phase 1. Dibble said that Morgan Management had recently purchased the park from the people they had sold it to earlier. Morgan Management had been much more responsive to taking care of problems and resident concerns.

Grier suggested Phase II could be approved contingent on resolving draining issues in Phase I, before construction starts in Phase II.

**SECOND
DRIVEWAY TO
ROUTE 31
DISCUSSION**

Dave Lyon also asked about a second driveway for access, as recommended by the County Planning Board. Dibble explained there are topological constraints in having a second driveway along the big curve. They had already talked with the VFW. No solution has been proposed from the fire safety concerns. Bob Grier said the State had denied two proposed access routes.

Discussion then turned to distance issues between units. Councilman Jim Welch expressed concern about not being able to

drive a fire truck between units. Bob Grier agreed, and added that the problem really comes from “dealing with a 50-year-old mobile home ordinance,” and that most of the homes in Canalside Estates are double-wide units, 28 feet wide. “Problems occur trying to put a new unit in a 1967 lot layout.”

**SPACE BETWEEN
UNITS AND FIRE
SAFETY**

Supervisor-Elect Ken Miller asked what the alarm was for in the sewage overflow issue. Dibble answered that an alarm should sound if there is a backup, but it had malfunctioned. Bob Grier added there is both a visual and sound alarm, which have been rectified now.

**PUBLIC HEARING
CLOSED**

Supervisor Lyon asked if there were any more questions or concerns. Hearing none, he declared the hearing closed at 8:02 p.m.

At 8:03 p.m., Supervisor Lyon called the Town Board meeting to order, scheduled for Tuesday, December 29, 2009, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

**CALL TO ORDER

PLEDGE TO FLAG**

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

Upon roll call, the following board members were present:

- David C. Lyon, Supervisor
- James Welch, Councilman
- Michael Lambrix, Councilman
- David Nussbaumer, Councilman
- Ken Miller, Councilman

ROLL CALL

Also attending the meeting: Code Enforcement Officer Bob Grier, Wayne County Clerk Mike Jankowski, James Bonsignore, Brian Sorochty and Bryan Dibble from DDS Engineers, Ron and Arleen Madsen, Sylvia Lyon and Palmyra Highway Superintendent Mike Boesel.

**MEETING
ATTENDANCE**

Before proceeding further, Ken Miller spoke up, recognizing Wayne County Clerk Mike Jankowski, and Supervisor Dave Lyon’s wife, Sylvia, attending the meeting this evening, and thanked them for coming.

**MTN: APPROVE
MINUTES OF
12/3/2009 TOWN
BOARD MEETING**

Motion was made by Dave Nussbaumer to approve the minutes of the December 3, 2009 meeting of the Town Board.

Second: Jim Welch

Vote: 5 Ayes. Carried.

COMMUNICATIONS

- 1. Collecting Town/County Taxes: Town/County tax bills will be mailed to Palmyra residents on December 31. January starts the 3-month collection period. The following legal notice was posted according to law, and published in the approved Town newspapers:

LEGAL NOTICE

**TOWN OF PALMYRA
NOTICE OF RECEIPT OF
TAX ROLL AND WARRANT**

TAKE NOTICE that I, Lynne Green, the undersigned Receiver of Taxes for the Town of Palmyra, County of Wayne and State of New York, have duly received the tax roll and warrant for the collection of Town and County taxes within the Town of Palmyra of the year 2010, and that same can be paid by mail or at the Town Clerk's Office, Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York 14522, during business hours of 8:00 a.m. through 5:00 p.m. Monday through Friday.

TAKE FURTHER NOTICE that taxes may be paid on or before February 5, 2010 without charge or interest. On all taxes received after such date, there shall be added interest of 1% if paid on or before March 5, 2010, and an additional 2% after March 5, 2010. The last day of Town/County tax collection will be March 31, 2010.

TAKE FURTHER NOTICE that Town/County taxes may be paid in two installments, with the first half paid on or before February 5, 2010 without charge or interest. If the second installment is paid between February 6 and March 5, 2010, there shall be added interest of 1% of the remaining amount. If the second installment is paid between March 6 and March 31, 2010, there shall be added interest of 2% of the remaining amount.

FURTHER NOTICE IS GIVEN that there will be a \$20.00 fee for all returned checks.

TAKE FURTHER NOTICE that pursuant to the provisions of law, the tax roll of the Town of Palmyra will be returned to the County Treasurer of the County of Wayne on the first day of April, 2010.

DATED: December 30, 2009

Lynne Green
Receiver of Taxes
for the Town of Palmyra

**LEGAL NOTICE FOR
UPCOMING
TOWN/COUNTY TAX
COLLECTION**

- 2. North Creek Road Speed Limit Update: Letter was received in December from David C. Goehring, Regional Traffic Engineer for the NYS Department of Transportation, who states:

“Per the joint request, Form TE-9 of the Palmyra Town Board and Wayne County Superintendent of Highways Kevin Rooney, this office will investigate traffic conditions on North Creek Road, C.R. 223, between South Creek Road and a point .05 miles east of Route 31, relative to the establishment of a lower speed limit.

“Upon completion of this study, you will be notified of our determination.”

**N. CREEK RD.
SPEED LIMIT
UPDATE**

- 3. Comptroller Letter About Parker Road Water Improvement Area: Mitchell S. Morris, Associate Counsel at the NYS Office of the State Comptroller, wrote Town Attorney Paul Rubery on December 3, 2009, concerning the status of the Parker Road Water Improvement Area:

“This will acknowledge receipt of your letter enclosing a resolution of the Town of Palmyra dated November 30, 2009, which withdraws the application in the above-captioned matter.

“Based on the recitations in the resolution, the cost of the improvement area will be below the threshold provided in Town Law ss209-q(13) and, therefore, the State Comptroller’s approval of the establishment of the water improvement area is not required under Town Law Article 12-C.

“Thank you for informing us of the change in status of this application. We hereby close our file in this matter.”

**COMPTROLLER
LETTER
SAYING PARKER
RD. WATER
IMPROVEMENT
AREA DOESN'T
REQUIRE
COMPTROLLER'S
APPROVAL**

- 4. Approval to Proceed from State Comptroller’s Office: On December 23rd, the following two approvals were received in the Town Clerk’s Office from the NYS Department of Audit and Control:

In the Matter of the Application of the Town Board of the Town of Palmyra, Wayne County, New York, for permission of the State Comptroller to provide Johnson Road Water Improvement Area in said town, pursuant to Article 12-C of the Town Law

WHEREAS, application has been duly made to the undersigned by the town board of the Town of Palmyra, Wayne County, New York, by its town supervisor, pursuant to Article 12-C of the Town Law, for the permission of the State Comptroller to provide a water improvement, to be designated Johnson Road Water Improvement Area, in said town in accordance with such application and resolution of the town board adopted on March 26, 2009; and

**APPROVAL
FROM STATE
COMPTROLLER'S
OFFICE TO
PROCEED WITH
JOHNSON RD.
WATER
IMPROVEMENT
AREA**

WHEREAS, we are informed that the United States Department of Agriculture, Office of Rural Development, has written a Letter of Conditions indicating that the town is eligible for a grant and loan for this improvement; and

WHEREAS, the undersigned has duly examined such application, and various related documents attached thereto,

NOW, THEREFORE, pursuant to such examination and upon such application of the town board of the Town of Palmyra, the undersigned does hereby find and determine after due deliberation:

1. That the public interest will be served by providing Johnson Road Water Improvement Area in accordance with such application.
2. That the cost of the proposed improvement will not be an undue burden upon the property that will bear the cost thereof.

I, THOMAS P. DiNAPOLI, Comptroller of the State of New York, do hereby order that such application of the town board of the Town of Palmyra for permission to provide Johnson Road Water Improvement Area be, and the same hereby is, approved and I do hereby permit the said improvement in accordance with the description referred to in a resolution of March 26, 2009, at a cost not to exceed \$315,800, including any applicable aid.

Executed in duplicate under my hand and the seal of the Comptroller of the State of New York, at the City of Albany, New York this 18th day of December, 2009.

Thomas P. DiNapoli, State Comptroller
By Steven J. Hancox, Deputy Comptroller

In the Matter of the Application of the Town Board of the Town of Palmyra, Wayne County, New York, for permission of the State Comptroller to provide Floodman Road Water Improvement Area in said town, pursuant to Article 12-C of the Town Law

WHEREAS, application has been duly made to the undersigned by the town board of the Town of Palmyra, Wayne County, New York, by its town supervisor, pursuant to Article 12-C of the Town Law, for the permission of the State Comptroller to provide a water improvement, to be designated Floodman Road Water Improvement Area, in said town in accordance with such application and resolution of the town board adopted on March 26, 2009 and December 3, 2009; and

WHEREAS, we are informed that the United States Department of Agriculture, Office of Rural Development, has written a Letter of Conditions indicating that the town is eligible for a grant and loan for this improvement; and

**APPROVAL
FROM STATE
COMPTROLLER'S
OFFICE TO
PROCEED WITH
JOHNSON RD.
WATER
IMPROVEMENT
AREA**

**APPROVAL
FROM STATE
COMPTROLLER'S
OFFICE TO
PROCEED WITH
FLOODMAN RD.
WATER
IMPROVEMENT
AREA**

WHEREAS, the undersigned has duly examined such application, and various related documents attached thereto,

NOW, THEREFORE, pursuant to such examination and upon such application of the town board of the Town of Palmyra, the undersigned does hereby find and determine after due deliberation:

1. That the public interest will be served by providing Floodman Road Water Improvement Area in accordance with such application.
2. That the cost of the proposed improvement will not be an undue burden upon the property that will bear the cost thereof.

**APPROVAL
FROM STATE
COMPTROLLER'S
OFFICE TO
PROCEED WITH
FLOODMAN RD.
WATER
IMPROVEMENT
AREA**

I, THOMAS P. DiNAPOLI, Comptroller of the State of New York, do hereby order that such application of the town board of the Town of Palmyra for permission to provide Floodman Road Water Improvement Area be, and the same hereby is, approved and I do hereby permit the said improvement in accordance with the description referred to in a resolution of March 26, 2009 and December 3, 2009, at a cost not to exceed \$492,200, including any applicable aid.

Executed in duplicate under my hand and the seal of the Comptroller of the State of New York, at the City of Albany, New York this 18th day of December, 2009.

Thomas P. DiNapoli, State Comptroller
By Steven J. Hancox, Deputy Comptroller

REPORTS OF STANDING COMMITTEES

**Buildings and Grounds Committee – Kenneth Miller,
Chairman**

Ken Miller reported that there is a new snow shoveler whose job it is to keep sidewalks, ramps and entrances clear of snow and ice, and to salt them. Also an electrician was brought in to fix minor wiring items around the Town Hall building. There was an emergency this past month where heat was not circulating in certain offices. A blower motor was replaced and fixed the problem. In 2010, the Town will get back on track for heater replacement, Ken said.

**BUILDINGS &
GROUNDS
COMMITTEE
MONTHLY
REPORT**

Highway Committee – James Welch, Chairman

1. December Highway Department Report: Highway Superintendent Mike Boesel submitted to Town Board members his December Highway Department Report:

Highway Superintendent Report For Town Board Meeting---12/29/09

Since the 11/24/09 meeting we have completed the following work:

- Brushmowing – Hogback Road, Hazen Lane
- Snowfence Installation – around most of Town
- Hauling Sand
- Guiderail Maintenance – Vienna Street, Quaker Road,

Hogback Road

- Plowing/Sanding – We had one of the lightest Decembers in recent years. To date this season we have made a total of 26 trips out of the barn. In December 2007 we had made 33 trips and December 2008 we had 44 trips.

Other miscellaneous items include:

- **Winter Preparations** – Most of our snowfence has been installed.
- **Salt Orders** – To date this December we have ordered 600 tons.
- **Treework** – As time and weather permits throughout the winter we will be performing some treework on our roads and some continued brushmowing.
- **Canandaigua Street Project** – On December 14th there was a Bid Opening for the Canandaigua Street Reconstruction Project within the Village limits. Rizzo Construction is currently the apparent low bidder. However, no award for the project has been made yet. A Spring 2010 start date is still anticipated with construction ongoing throughout the summer. I will explain the traffic detour.
- **NYSERDA Energy Audit** – On 12/17, Ken Miller and I attended an APWA Luncheon in Penfield regarding ‘Funding our Public Works Projects’. From this meeting we learned about possible funding sources for various projects. Particularly, I am interested in approval from the Board to have a NYSERDA Energy Audit performed on all our Town-owned buildings. The apparent cost is \$100 per electric meter. Once the Audit is completed, additional NYSERDA funding opportunities could become available to us for additional improvements.
- **Street Lights** – On 12/24 I faxed a ‘Street Light Outage Report’ to NYSEG for several lights in the Town and Village.

DECEMBER
HIGHWAY
DEPARTMENT
REPORT

INCLUDING
INFORMATION
ABOUT
NYSERDA ENERGY
AUDIT

- **Equipment** – In the past month we have performed routine truck/equipment maintenance and servicing in preparation for the winter season. Most of the trucks and equipment have been serviced.

**DECEMBER
HIGHWAY
REPORT**

- **Contracts for Board Approval**

- Snow and Ice Control on County Roads – 2009-2010 Winter Season
- Kopykat – Copier Service Agreement renewal

Any questions, comments or concerns I will be glad to answer. (Revised)

2. NYSERDA Energy Audit: Mike Boesel expanded on the Energy Audit item in his report. He and Ken Miller attended a meeting on “Funding our Public Works Projects” and the value of having Energy Audits performed on all Town-owned buildings (Highway Department and Town Hall). Bob Grier and Ken Miller noted that other opportunities open up after the audit, such as qualifying for grants for additional funding opportunities.

**NYSERDA
ENERGY
AUDIT
INFORMATION**

3. Snow and Ice Control on County Roads Agreement: Mike was asked if any terms had changed on the 2009-2010 agreement with the County for snow and ice control. Mike answered that previous contracts’ costs were set up on a per-trip basis, whereas the new contract specifies actual costs of plowing runs. He said each year his department makes about 100 plowing runs.

**SNOW & ICE
CONTROL ON
COUNTY ROADS
AGREEMENT FOR
2009-2010
WINTER SEASON**

4. Supervisor-Elect Gets Tour: Supervisor-Elect Ken Miller and Board Chairman of the Highway Committee Jim Welch met with the Highway Department and went on a tour of their facilities. Ken expressed that he was very impressed.

**TOUR OF
HIGHWAY
FACILITIES**

**Planning & Economic Development Committee – Mike Lambrix,
Chairman**

**NO NEW
DISCUSSION ON
PLANNING BOARD
MTG. MINUTES**

The Town Planning Board meeting minutes had been discussed in the Public Hearing. There was no new discussion here.

Zoning Committee – David Nussbaumer, Chairman

CEO REPORT FOR DECEMBER

- 1. CEO Report: December's CEO Report was distributed to Board members. In addition, Bob Grier updated the Board on the nuisance properties on O'Meal and Garnsey Roads:

UPDATE ON MORRISON AND CHRISTOPHERSON NUISANCE PROPERTIES

Morrison trial date will be set by March 10. Christopherson pled guilty to 2 of 3 counts. Dave Nussbaumer and Bob Grier to put together a conditional agreement, which is a timeframe to remove all equipment

ZONING BOARD MEETING MINUTES OF NOVEMBER 12

- 2. Zoning Board Meeting: The Town Zoning Board of Appeals met on November 12, 2009, but minutes were not available at the November meeting. Minutes of that meeting were now available for Town Board members to read. They did so without comment.

INFORMATIONAL ITEMS

NO ASSESSOR'S REPORT FOR DECEMBER

- 1. Assessor's Report for December: There was no Assessor's Report for December.

NO TOWN CLERK'S REPORT FOR DECEMBER

- 2. Town Clerk's Report for December: There was no Town Clerk's Report December.

AGENDA ITEMS

CANALSIDE ESTATES REQUEST FOR SPECIAL USE PERMIT DISCUSSION

- 1. Canalside Estates—Authorization for Special Use Permit: Board members had their own thoughts on the issues raised in the Planning Board meeting, the Public Hearing this evening, as well as the recommendations made by the County Planning Board. It was then decided that more time was needed to go over each waiver request. Dave Lyon suggested this discussion could be tabled until the January 28th meeting, so Board members could meet with Canalside Estates and Planning Board members to come to an agreement on several individual conditions. These conditions could be presented to the full Board at the January meeting.

Dave Nussbaumer made the motion to table the Special Use Permit authorization until the January 28, 2010 Town Board meeting so Town Board and Planning Board members could work out the individual terms of the permit with representatives from Canalside Estates, and make a recommendation to the Town Board.

MTN: CANALSIDE ESTATES REQUEST FOR SPECIAL USE PERMIT TABLED UNTIL JAN. 28, 2010 TOWN BOARD MEETING

Second: Mike Lambrix Votes: 5 Ayes. Carried.

- 2. Resolution: Budgetary Authorization to Close 2009 Financials:
Ken Miller made the motion to approve the following resolution:

RESOLUTION: BE IT RESOLVED, that the Town Board authorizes Petra Anderson, Town of Palmyra Bookkeeper, to make any necessary adjusting and budgetary journal entries in closing the 2009 fiscal year.

RESOLUTION: BOOKKEEPER TO MAKE BUDGETARY ADJUSTMENTS TO CLOSE 2009 BOOKS

Second: Dave Nussbaumer Votes: 5 Ayes. Carried.

- 3. Approve: Contract with Humane Society of Wayne County:
The Town received a new contract for 2010-2011 from the Humane Society of Wayne County. Animal Control Officer Gary Rose has read it and approves of the terms for the next two years. Mike Lambrix made the motion to approve the Wayne County Humane Society Agreement for Shelter Services for the years 2010 through 2011 with the Town of Palmyra:

THE WAYNE COUNTY HUMANE SOCIETY AGREEMENT FOR SHELTER SERVICES

CONTRACT WITH WAYNE COUNTY HUMANE SOCIETY FOR 2010-2011

THIS AGREEMENT, made this 29th day of December, 2009, pursuant to the provisions of Sections 115 and 116 of the Agriculture and Markets Law, by and between the Town of Palmyra, a municipal corporation in the State of New York, party of the first part, and the Wayne County Humane Society, a corporation organized and existing pursuant to the Not-For-Profit Corporation Law of the State of New York, and having its office and principal place of business at 1475 County House Road, Lyons, New York, party of the second part,

WITNESSETH:

FIRST: The party of the second part, in consideration of the payment to it by the party of the first part of the sums of money to be paid in the manner and at the times hereinafter particularly described, hereby covenants and agrees that:

1. The party of the second part will provide and maintain a shelter for animals in such shelter and will humanely euthanized or make available for adoption seized domestic animals not redeemed as provided in Article 7 of the Agriculture and Markets Law. Such shelter shall at all times during the term hereof be under the care and charge of a competent employee and shall be open to the public at reasonable hours.
2. The party of the second part will not turn domestic animals away from the shelter if brought to the shelter by individuals from a contracting Town/Village. The Animal Control Officer will be notified when dog turnovers are made. The shelter personnel will require a D.L. 18 at this time. The Animal Control Officer will be given pertinent information on the dog and the person making the turnover.
3. The party of the second part will follow the provisions of Article 7 of the Agriculture and Markets Law and any rules and regulations promulgated pursuant thereof in relation to the holding, care, adoption, licensing, redemption and disposition of seized animals.
4. The party of the second part will file and maintain a complete record of any turnover and subsequent disposition of any dog in the manner prescribed by the Commissioner of Agriculture and Markets, as well as any other records required by Article 7.
5. The party of the first part will control its impound fees.

SECOND: In consideration of the performance by the party of the second part of the terms of this Agreement, the party of the first part hereby agrees to pay the party of the second part in accordance with the attached schedule of charges, whenever applicable, to be billed and payable on a monthly basis. Injured animals brought in by a DCO or any duly authorized Town/Village officer of the party of the first part, must be seen and treated by a veterinarian before being left with the party of the second part, and be accompanied with veterinarian instructions for care. Party of the first part is responsible for veterinary bills in all cases.

Mike Lambrich made the motion to approve the Agreement for Shelter Services with the Wayne County Humane Society for 2010 and 2011.

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

The contracted charges for drop-offs, after-hours assistance, admission, boarding, euthanizing, disposal, travel to veterinarian, etc., are included with these minutes as Attachment A.

**CONTRACT WITH
WAYNE COUNTY
HUMANE SOCIETY
FOR 2010-2011**

**MTN: APPROVE
AGREEMENT FOR
SHELTER SERVICES
WITH HUMANE
SOCIETY**

- 4. Resolution: Approve Agreement Between Town and Village for Office for the Administration and Enforcement of Zoning and Building Codes: The following Agreement is to replace the expiring Agreement. It has already been approved by the Palmyra Village Board of Trustees and was signed by the Mayor, Victoria Daly, on December 16:

AGREEMENT

THIS AGREEMENT, made as of the 15th day of December, 2009, by and between the Village of Palmyra, a municipal corporation, organized and existing pursuant to the laws of the State of New York, and the Town of Palmyra, a municipal corporation with offices located at No. 1180 Canandaigua Road, Route 21, Palmyra, Wayne County, New York.

WHEREAS, the Town of Palmyra currently mains an office for the administration and enforcement of zoning and building codes within the Town of Palmyra, and

WHEREAS, the Village of Palmyra does not maintain its own office for the administration and enforcement of zoning and building codes within the Village of Palmyra, and

WHEREAS, the Town and Village have previously entered into Agreements wherein the Village contracts with the Town for the services of the Town’s Code Enforcement Office for the administration and enforcement of zoning and building codes within the Village of Palmyra, and

WHEREAS, the parties desire to renew that Agreement between the Town and the Village at the expiration of the current Agreement, which is due to expire on December 31, 2009.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter expressed, it is hereby agreed by and between the parties hereto as follows:

- 1. **Term.** The term of this agreement shall be for a period of three years beginning on January 1, 2010 and terminating December 31, 2012.
- 2. **Services.** The Town, through its duly appointed agents and employees, shall, within the corporate limits of the Village of Palmyra, make all building construction inspections required under the New York State Uniform Fire Prevention and Building Codes, the International Code and the Code of the Village of Palmyra on behalf of the Village during the term of this Agreement for the consideration set forth herein. These services shall be that are customary in the enforcement and administration of zoning and planning services that traditionally have been performed by the Town for the Village under the previous Agreement.

**AGREEMENT
BETWEEN TOWN
AND VILLAGE FOR
OFFICE FOR THE
ADMINISTRATION
AND
ENFORCEMENT OF
ZONING AND
BUILDING CODES**

**AGREEMENT
BETWEEN TOWN
AND VILLAGE
FOR OFFICE
FOR THE
ADMINISTRATION
AND ENFORCEMENT
OF ZONING AND
BUILDING CODES**

3. **Budget.** The Village reserves the right to review the Town Code Enforcement budget, any staffing changes and hours of operation for the Office of Code Enforcement.

Included in the budget is a support staff as has been maintained by the Town up to and including December 31, 2009.

In addition to the Village's obligation to pay fifty percent (50%) of the budget amount, the Village shall also pay \$100 a month towards a new vehicle for the Code Enforcement Officer.

4. **Payments.** The Village shall pay for the services to be provided by the Town in an amount equal to fifty percent (50%) of budget for each Calendar year. The Village shall make those payments by taking that amount and paying the monthly sum equal to one-twelfth (1/12) of the amount determined to be owed by the Village to the Town, said payments to begin in January, 2010. Said payments owed by the Village to the Town shall be due and payable immediately following the first Board meeting of each month, with payments received on or before the third (3rd) Friday of the month during the term of this Agreement.

5. **Reports.** The Town shall furnish the Village with a monthly statement of receipts and expenses of the Building Department.

6. **Notices.** All notices under this agreement shall be sent to the Village at the following address:

144 East Main
Street
Palmyra, NY 14522

All notices shall be sent to the Town at the following address:

1180 Canandaigua Road
Palmyra, NY 14522

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed above by the respective duly-authorized officers on the day and year first written.

TOWN OF PALMYRA

David C. Lyon 12/29/2009
Supervisor

VILLAGE OF PALMYRA

Victoria W. Daly 12/16/2009
Mayor

**MTN: APPROVE
AGREEMENT
BETWEEN TOWN
AND VILLAGE FOR
OFFICE FOR
ADMINISTRATION
AND ENFORCE-
MENT OF ZONING &
BUILDING CODES**

Dave Nussbaumer made the motion to approve the Resolution to Approve Enforcement of Zoning and Building Codes, with reservations.

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

- 5. Approve MRB Engineers Recommendation for Bid Proposal: A Letter of Recommendation was received stating “We have reviewed the Bid Proposal submitted by the Wayne County Water and Sewer Authority to construct the [Johnson, Floodman, Parker Road Water Improvement Areas]. The use of the Authority to construct the project has been approved by USDA —Rural Development, based on receipt of information from the Authority regarding its ability to perform the construction. The Base Bid plus conditional items and the Total Bid are \$594,215.00.”

The MRB Engineering Group “recommends that the Town of Palmyra award the contract to the Wayne County Water and Sewer Authority, including all of the Base Bid plus Conditional Items for a total value of \$594,215.00.”

They also recommend that the Town Board pass a Resolution of Award of the contract to the Wayne County Water and Sewer Authority.

Based on MRB Engineering Group’s recommendation, Mike Lambrix made the motion to award the contract to the Wayne County Water and sewer Authority, including all of the Base Bid plus Conditional Items for a total value of \$594,215.00.

MTN: APPROVE RECOMMENDATION FOR BID PROPOSAL TO WCWSA TO CONSTRUCT JOHNSON, FLOODMAN AND PARKER ROADS WATER IMPROVEMENT AREAS

Second: Ken Miller

Vote: 5 Ayes. Carried

- 6. Resolution: Award of Contract: The following Resolution to Award the Contract for the construction of the Water Improvement Areas is as follows:

RESOLUTION FOR AWARD OF CONTRACT TO WAYNE COUNTY WATER AND SEWER AUTHORITY FOR CONSTRUCTION OF JOHNSON, FLOODMAN, AND PARKER ROAD WATER IMPROVEMENT AREAS

RESOLUTION TO AWARD CONTRACT TO CONSTRUCT JOHNSON, FLOODMAN & PARKER ROAD WATER IMPROVEMENT AREAS TO WCWSA

At a meeting of the Town Board of the Town of Palmyra, Wayne County, New York, held at the Palmyra Town Hall in said Town, on the 29th day of December, 2009, at 7:30 P.M., Prevailing Time.

The meeting was called to order by Supervisor Lyon, and upon roll being called, the following were

PRESENT: David C. Lyon, Supervisor

David Nussbaumer, Councilman
Kenneth F. Miller, Councilman
Michael C. Lambrix, Councilman
James T. Welch, Councilman

ABSENT: None

The following Resolution was offered by Councilman Michael Lambrix, who moved its adoption, seconded by Councilman David Nussbaumer, to wit:

WHEREAS, USDA-Rural Development-Rural Utility Service (RUS) has approved the construction of improvements for the Town of Palmyra Johnson, Floodman, and Parker Road Water Improvement Areas (the "Project") by the Wayne County Water and Sewer Authority ("WCWSA") in accordance with the design plans submitted by the Project Engineer (MRB Group, P.C.); and

WHEREAS, said Project Engineer has reviewed the Bid Proposal submitted by WCWSA to construct the Project and has recommended that the Town of Palmyra award a Contract to WCWSA to complete the construction of the Project at a total cost of \$594,215.00; and

WHEREAS, said Project Engineer has prepared and submitted a Notice of Award to be executed by the Town and the WCWSA.

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

Section 1. The Town Board hereby accepts the Project Engineer's recommendation to award the Contract for construction of the Project to the Wayne County Water and Sewer Authority (WCWSA) for the Total Base Bid plus Conditional Bid Items 001 through 561 at a cost of \$594,215.00.

Section 2. The Supervisor of the Town of Palmyra is hereby authorized to execute the Notice of Award and the formal Construction Agreement for the construction of the aforesaid water distribution system and related appurtenances.

Section 3. This Resolution shall take effect immediately.

The question of adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Supervisor David C. Lyon	VOTING	Abstain
	Councilman David Nussbaumer	VOTING	
Aye	Councilman Kenneth Miller	VOTING	
Aye	Councilman Michael C. Lambrix	VOTING	
Aye	Councilman James T. Welch	VOTING	

Aye

**RESOLUTION TO
AWARD CONTRACT
TO CONSTRUCT
JOHNSON,
FLOODMAN &
PARKER ROAD
WATER
IMPROVEMENT
AREAS TO
WCWSA**

**MTN: AWARD
CONTRACT
TO CONSTRUCT
JOHNSON,
FLOODMAN &
PARKER ROAD
WATER
IMPROVEMENT
AREAS TO
WCWSA**

The Resolution was thereupon declared duly adopted.

7. Approve Bond Resolution for Johnson Road Water Improvement Area:

BOND RESOLUTION DATED DECEMBER 29, 2009 AUTHORIZING GENERAL OBLIGATION BONDS OF THE TOWN OF PALMYRA TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF. THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Johnson Water Improvement Area is a Water Improvement of the Town of Palmyra, New York, duly established by the Town Board pursuant to the Town Law;

WHEREAS, the estimated maximum aggregate cost of the improvements authorized does exceed the cost threshold that would require approval of the Office of the State Comptroller;

WHEREAS, the Town has duly completed with the requirements of the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder with respect to the purpose hereinafter described and the financing therefor, now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF PALMYRA, NEW YORK, thereafter referred to as the "Town", by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Palmyra shall undertake the acquisition and construction of water improvements for the Town of Palmyra Johnson Road Water Improvement Area, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and improvement area use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$182,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

**BOND RESOLUTION
FOR JOHNSON
ROAD
IMPROVEMENT
AREA**

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$315,800 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide (i) up to \$182,000 from a USDA Rural Development loan to be evidenced by the issuance of bonds or bond anticipation notes as herein authorized; and (ii) up to \$133,800 from anticipated grant funds.

Section 3. It is hereby determined and declared that (a) said purpose is on of the class of objects or purposes described in Subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to Section 169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Palmyra.

**BOND RESOLUTION
FOR JOHNSON
ROAD
IMPROVEMENT
AREA**

Section 7. The faith and credit of the Town of Palmyra, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such improvement area benefited or user charges therefore, in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest to said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. The resolution, or a summary thereof, shall be published in full by the Town Clerk of the Town of Palmyra together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of this law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if said obligation are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

Councilman Michael Lambrix made the motion to approve the Bond Resolution for the Johnson Road Improvement Area.

**MTN: APPROVE
BOND RESOLUTION
FOR JOHNSON
ROAD
IMPROVEMENT
AREA**

Second: David Nussbaumer

A Roll Call Vote was necessary:

Supervisor David Lyon
Councilman David Nussbaumer
Councilman Michael Lambrix
Councilman James T. Welch
Councilman Kenneth Miller

VOTE
Aye
Aye
Aye
Aye
Aye

8. Approve Bond Resolution for Floodman Road Water Improvement Area:

**BOND RESOLUTION DATED DECEMBER 29, 2009
AUTHORIZING GENERAL OBLIGATION BONDS OF THE
TOWN OF PALMYRA TO FINANCE WATER SYSTEM**

**BOND RESOLUTION
FOR FLOODMAN
ROAD
IMPROVEMENT
AREA**

**CAPITAL IMPROVEMENTS WITHIN THE TOWN,
AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION
NOTES IN
CONTEMPLATION
THEREOF, THE
EXPENDITURE OF SUMS
FOR SUCH PURPOSE,
AND DETERMINING
OTHER MATTERS IN
CONNECTION
THEREWITH.**

WHEREAS, the Floodman Water Improvement Area is a Water Improvement of the Town of Palmyra, New York, duly established by the Town Board pursuant to the Town Law;

**BOND RESOLUTION
FOR FLOODMAN
ROAD
IMPROVEMENT
AREA**

WHEREAS, the estimated maximum aggregate cost of the improvements authorized does exceed the cost threshold that would require approval of the Office of the State Comptroller;

WHEREAS, the Town has duly completed with the requirements of the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder with respect to the purpose hereinafter described and the financing therefor, now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF PALMYRA, NEW YORK, hereinafter referred to as the "Town", by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Palmyra shall undertake the acquisition and construction of water improvements for the Town of Palmyra Floodman Road Water Improvement Area, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and improvement area use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$219,700 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$492,200 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide (i) up to \$219,700 from a USDA Rural Development loan to be evidenced by the issuance of bonds or bond anticipation notes as herein authorized, and (ii) up to \$272,500 from anticipated grant funds.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to Section 169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Palmyra.

Section 7. The faith and credit of the Town of Palmyra, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such improvement area benefited or user charges therefore, in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest to said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. The resolution, or a summary thereof, shall be published in full by the Town Clerk of the Town of Palmyra together with a

**BOND RESOLUTION
FOR FLOODMAN
ROAD
IMPROVEMENT
AREA**

notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of this law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if said obligation are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

Councilman David Nussbaumer made the motion to approve the Bond Resolution for the Floodman Road Improvement Area.

**MTN: APPROVE
BOND RESOLUTION
FOR FLOODMAN
ROAD
IMPROVEMENT
AREA**

Second: Michael Lambrix

A Roll Call Vote was necessary:

VOTE

Supervisor David Lyon	Aye	
Councilman David Nussbaumer	Aye	
Councilman Michael Lambrix	Aye	
Councilman James T. Welch	Aye	
Councilman Kenneth Miller		Aye

9. Approve Bond Resolution for Parker Road Water Improvement Area:

**BOND RESOLUTION
DATED DECEMBER 29,
2009 AUTHORIZING
GENERAL OBLIGATION
BONDS OF THE TOWN
OF PALMYRA TO
FINANCE WATER
SYSTEM CAPITAL IMPROVEMENTS
WITHIN THE TOWN, AUTHORIZING
THE ISSUANCE OF BOND
ANTICIPATION NOTES IN
CONTEMPLATION THEREOF, THE
EXPENDITURE OF SUMS FOR
SUCH PURPOSE, AND
DETERMINING OTHER MATTERS IN
CONNECTION THEREWITH.**

**BOND RESOLUTION
FOR PARKER
ROAD
IMPROVEMENT
AREA**

WHEREAS, the Parker Road Water Improvement Area is a Water Improvement of the Town of Palmyra, New York, duly established by the Town Board pursuant to the Town Law;

WHEREAS, the estimated maximum aggregate cost of the improvements authorized does not exceed the cost threshold that would require approval of the Office of the State Comptroller;

WHEREAS, the Town has duly completed with the requirements of the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder with respect to the purpose hereinafter described and the financing therefor, now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF PALMYRA, NEW YORK, hereinafter referred to as the "Town", by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Palmyra shall undertake the acquisition and construction of water improvements for the Town of Palmyra Parker Road Water Improvement Area, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and improvement area use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$116,200 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$128,700 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide (i) up to \$116,200 from a USDA Rural Development loan to be evidenced by the issuance of bonds or bond anticipation notes as herein authorized, and (ii) up to \$12,500 from anticipated grant funds.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such

**BOND RESOLUTION
FOR PARKER
ROAD
IMPROVEMENT
AREA**

other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation SS1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to Section 169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Palmyra.

Section 7. The faith and credit of the Town of Palmyra, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such improvement area benefited or user charges therefore, in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest to said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. The resolution, or a summary thereof, shall be published in full by the Town Clerk of the Town of Palmyra together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of this law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if said obligation are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

**BOND RESOLUTION
FOR PARKER
ROAD
IMPROVEMENT
AREA**

**MTN: APPROVE
BOND RESOLUTION
FOR PARKER
ROAD
IMPROVEMENT
AREA**

Councilman Kenneth Miller made the motion to approve the Bond Resolution for the Parker Road Improvement Area.

Second: Dave Nussbaumer

A Roll Call Vote was necessary:

Supervisor David Lyon

VOTE
Aye

Councilman David Nussbaumer	Aye
Councilman Michael Lambrix	Aye
Councilman James T. Welch	Aye
Councilman Kenneth Miller	Aye

10. Agreement: Town / Village / Palmyra Community Center: The following Agreement between the Town of Palmyra and the Village of Palmyra with the Palmyra Community Center for 2010 was brought before the Town Board for approval:

AGREEMENT

**TOWN OF PALMYRA, VILLAGE OF PALMYRA & PALMYRA
COMMUNITY CENTER, INC.**

JANUARY 1, 2010 - DECEMBER 31, 2010

AGREEMENT made this 29th day of December, 2009, between and among the **TOWN OF PALMYRA**, a municipal corporation, hereinafter referred to as the "Town", the **VILLAGE OF PALMYRA**, a municipal corporation, hereinafter referred to as the "Village", and the **PALMYRA COMMUNITY CENTER, INC.**, a not-for-profit corporation, hereinafter referred to as the "Community Center", all with offices located in Palmyra, Wayne County, New York.

**AGREEMENT
BETWEEN TOWN,
VILLAGE AND
PALMYRA
COMMUNITY
CENTER FOR 2010**

WITNESSETH:

WHEREAS, the Community Center is a not-for-profit corporation formed to create, administer, and underwrite a youth and recreational program for the residents of the Town and Village of Palmyra; and

WHEREAS, the Community Center needs support for its program, not only from private and charitable sources, but from the municipalities; and

WHEREAS, the programs operated by the Community Center are carried out in such a manner that they conform to the standard established by the State of New York and the Federal Government so that the supporting municipalities may receive total or partial reimbursement from the State or Federal Government for funds of the municipality expended in support of the program; and

WHEREAS, pursuant to the applicable statutes, when two or more municipalities participate in a youth or recreational program, one of the municipalities must act as the fiscal disbursing agency; and

WHEREAS, the Village also supports the Community Center programs; and

WHEREAS, the Town supports the Community Center programs; and

WHEREAS, the Village has in the past and does hereby agree to act as the fiscal disbursing agency for the purpose of disbursing those funds which the Town and Village provide to support the Community Center program,

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

1. The Community Center shall create, administer and underwrite with financial assistance from the Village and the Town, a youth and recreational program for all the residents of the Village and Town of Palmyra for the calendar year ending **December 31, 2010**. Except as stated herein, the Community Center shall not receive additional funds from the Village and Town.
2. The Community Center, upon receipt of the funds hereinafter described, agrees to conduct a youth and recreational program in accordance with the program outlined to the Town and Village at the Budget Meeting held in the **Fall of 2009** for the purpose of establishing the amount of support needed from the Town and the Village for the Community Center in the year **2010** and as said program has been increased and enhanced to the date of this Agreement. The Community Center Board of Directors agree in calendar year **2010** to provide recreational sites, equipment and fixtures necessary to carry on the programs of the Community Center. The Board of Directors shall also appoint a director to implement and supervise all of the activities of the Community Center. The Community Center shall be protected by the liability insurance secured by the Village of Palmyra and the Town of Palmyra will be endorsed thereon. The Community Center agrees that the program will be operated through **December 31, 2010** with reasonable rules and regulations. The Community Center agrees that all residents of the Town and the Village will be admitted to said programs to the extent of the designed capacity and upon the condition that they have and will in the future obey the reasonable rules and regulations established by the Community Center and it agrees that the rules and regulations will conform to all State and Federal requirements, and that the Community Center will comply with all applicable laws, rules and regulations to maintain its not-for-profit status and when funded, the eligibility requirements necessary for the municipalities to receive the maximal reimbursement allowed by the State and Federal governments for the type of program which the Community Center agreed to operate for the calendar year **2010**.
3. In the event that the Community Center shall fail to complete its obligations or breach said obligations, then in that event the contributions of the Town and Village shall be terminated and the Town and Village shall not be obligated to make any further payments for or on behalf of the Community Center as of the date of termination. In the event that the Town and Village has prepaid its funds in whole or in part, then so much

**AGREEMENT
BETWEEN TOWN, VILLAGE
AND
PALMYRA
COMMUNITY
CENTER
FOR 2010**

of said funds that have been unearned for each full month shall be repaid by the Community Center to the Village. (For the purpose of computing this amount, the total contribution of the Town and Village shall be divided by 12 and each 1/12 shall equal one month. If 3 months remain when the Town and Village terminates, then 3/12 of the Town and Village payment provided for herein shall be returned.

- 4. In addition to all of the other obligations contained herein, the Community Center shall render a report not less often than annually or at such other times as the Town and Village shall request as to the programs conducted, the supervision, the hours of attendance, the number attending and such other items as the Town and Village may request from time-to-time. With each annual report, the Community Center shall file a list of the current officers of the Board of Directors.

- 5. The Town shall pay to the Village for the calendar year **2010**, the sum of **THIRTY THOUSAND EIGHT HUNDRED FORTY-NINE DOLLARS (\$30,849.00)**. In the event that any portion of this Agreement shall be deemed to be not valid and binding, then only that portion of this Agreement shall fail and not the balance of this Agreement. Said amount shall be paid in equal, quarterly installments on or before the 30th day of March, June, September and December in the year **2010**, subject to the terms of this Agreement.

**AGREEMENT
BETWEEN TOWN,
VILLAGE AND
PALMYRA
COMMUNITY
CENTER FOR 2010**

**MTN: APPROVE
AGREEMENT
BETWEEN TOWN,
VILLAGE AND
PALMYRA
COMMUNITY
CENTER FOR 2010**

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

Councilman Dave Nussbaumer made the motion to approve the Agreement between the Town of Palmyra and the Village of Palmyra with the Palmyra Community Center, with the above-listed amount as approved in the 2010 Town budget.

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

- 11. Approve Reimbursement to WCWSA for Expenses for Southwest Quadrant Sewer District: Letter dated December 7, 2009, was received from the Wayne County Water and Sewer Authority (WCWSA) asking for reimbursement for costs "incurred by the Authority for the Southwest Sewer project. These costs include engineering services incurred by the Authority through November 2009.

**MTN: APPROVE
REIMBURSE- MENT
TO WCWSA FOR
ENGINEERING
SERVICES FOR
SOUTHWEST
QUADRANT SEWER
PROJECT
THROUGH
NOVEMBER 2009**

"The RD [Rural Development] Budget Report No. 12 includes a total of \$900.00 in expenditures incurred by the WSA for the project. As the Authority had drawn all of the available EPA grant funds for the project, we are requesting reimbursement of these costs, \$900.00, from the Town."

A Tabulation Sheet was attached to the letter detailing costs, and a voucher was prepared, ready to be approved and signed.

The Tabulation Sheet is attached to these minutes as Attachment B.

Councilman Dave Nussbaumer made the motion to approve the reimbursements to WCWSA for expenses incurred with the Southwest Quadrant Sewer Project through November 2009.

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

MTN: APPROVE 51-MONTH CONTRACT WITH PITNEY-BOWES FOR POSTAGE METER IN TOWN CLERK'S OFFICE

12. Approve Postage Meter Contract Renewal: The current contract for lease of the Pitney-Bowes Postage Meter in the Town Clerk's office expires March 31, 2010. Current monthly charge is \$98. Equivalent coverage in a new contract for a 51-month lease is \$114 per month. After assessing the needs of the offices who use the postage meter in the Town Clerk's office, it was determined that what is in place now will suffice. Dave Nussbaumer made the motion to approve the lease of a Pitney-Bowes postage meter in the Town Clerk's office at \$114 per month, for 51 months.

Second: Ken Miller

Vote: 4 Ayes. Carried.

Councilman Mike Lambrix voted Nay.

MTN: APPROVE SNOW & ICE CONTROL AGREEMENT WITH WAYNE COUNTY FOR WINTER 2009-2010

13. Approve Snow & Ice Control Agreement with Wayne County: Each winter, the Town contracts with Wayne County for snow plowing and sanding County roads within the Town. The 2009-2010 Agreement from November 1, 2009 through May 30, 2010 was presented to the Board for approval. The new snow removal rate to be paid to Palmyra will be \$949.98 per trip (*a trip is considered the effort required to plow and treat all of the County road mileage within each Town*). Councilman Jim Welch made the motion to approve the 2009-2010 Winter Season Agreement for Snow and Ice Control on County Roads.

Second: Mike Lambrix

Vote: 5 Ayes. Carried.

A copy of the complete Agreement is attached to these meeting minutes as Attachment C.

MTN: APPROVE NYSERDA ENERGY AUDIT FOR ALL TOWN BUILDINGS

14. NYSERDA Energy Audits: In his Highway Superintendent's Report this month, Mike Boesel referred to a meeting regarding "Funding Our Public Works Projects". Possible funding sources for additional improvements can be accessed only after a NYSERDA Energy Audit of Town-owned buildings. The cost is

\$100 per electric meter for the Energy Audit. Ken Miller made the motion to approve the Energy Audit for all Town-owned buildings, not to exceed \$100 per meter.

Second: Dave Nussbaumer Vote: 5 Ayes.
Carried.

**MTN: APPROVE
ABSTRACTS #185 &
#186**

- 15. Approve Abstracts #185 and 186: Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #185, which includes Voucher Numbers 10,826 through 10,831 for \$231,213.19, and Abstract #186, which includes Voucher Numbers 10,832 through 10,938 for \$210,946.66.

Second: Ken Miller Vote: 4 Ayes. Carried.
Dave Lyon abstained on Voucher 10876.

- 16. Retirement Tribute to Dave Lyon: As this was Supervisor Dave Lyon’s last Town Board meeting before his retirement, Town Clerk Lynne Green had prepared a Proclamation to be read at this meeting, and to be entered into the official Town Board meeting minutes. All Town Board members had signed it, as well as the Town Clerk, and it had the raised seal of the Town of Palmyra.

When Dave realized the Proclamation would be read concerning him, in his dry humor, he made the droll comment, “Oh, Gawd.” The Town Clerk was unfazed, and proceeded to read the following:

**RETIREMENT
TRIBUTE TO DAVE
LYON--
PROCLAMATION**

PROCLAMATION

WHEREAS, the Town Board of the Town of Palmyra, County of Wayne, State of New York, has noted the following years of service to the Town by the Current Town Supervisor David C. Lyon:

Member of the Town Board of Zoning Appeals

Member of the Town Board, 1974 through August 1981

Town Supervisor, September 1981 through December 1981

Member of the Town Board, 1982 through 1991

Town Supervisor, January 1992 through 2009; and

WHEREAS, these many years of service to the Town of Palmyra have benefited the Town and its residents in many ways; and

WHEREAS, the Town Board of the Town of Palmyra recognizes the leadership David C. Lyon has brought to the Town as a whole;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Palmyra wishes to express its appreciation and deep gratitude to Supervisor David C. Lyon for the time and effort in leading the Town of Palmyra these many years; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Palmyra hereby proclaims that David C. Lyon has set the example for future Supervisors in guiding the Town, by means of various projects and legal actions, through a time of growth and change for the better; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Palmyra wishes Town Supervisor David C. Lyon many fruitful and enjoyable years in retirement.

Dated: December 29, 2009

**RETIREMENT
TRIBUTE TO
DAVE LYON--
PROCLAMATION**

17. Motion **MTN: ADJOURN** to Adjourn: At 8:43 p.m., Ken Miller made
the **MEETING** motion to adjourn the meeting.

Ayes. Second: Dave Nussbaumer Vote: 5
Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

ATTACHMENTS:

ATTACHMENT A—Agreement with the Wayne County Humane Society
contracted and non-contracted charges

ATTACHMENT B—WCWSA reimbursement Tabulation Sheet for Expenses for
Southwest Quadrant Sewer District

ATTACHMENT C—Snow and Ice Control Agreement between Town of Palmyra
Highway Department and County of Wayne

**NEXT TOWN BOARD MEETING:
2010 TOWN ORGANIZATION MEETING
THURSDAY, JANUARY 7, 2010, 7:30 P.M.
PALMYRA TOWN HALL**