

**HEARING AND REGULAR MEETING OF THE TOWN BOARD  
East Palmyra Fire Hall  
October 24, 2019**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Thursday, October 24th, 2019, at the East Palmyra Fire Hall, 2145 Tellier Rd, Palmyra, New York.

Upon roll call, the following Board members were present:

Kenneth Miller, Supervisor  
James Welch, Deputy Supervisor  
Mike Lambrix, Councilman  
Todd Pipitone, Councilman (arrived at 7:06 PM)  
Bradley Cook, Councilman

Motion was made by Jim Welch to approve the minutes of the regular Town Board meeting which took place on September 26, 2019.

Second: Brad Cook

Vote: 4 Ayes. Carried

**ATTENDANCE**

Also attending was: John Rush, Mr. & Mrs. Richard Hagar, Frank Vascuknyas, Marc Carrier, Don Wilkins, Joan Knapp, Bob Kelcsh (Sun & Record), Casey Carpenter (Times of Wayne County), Scott Comegys, Highway Superintendent Mike Boesel, Village Trustee Rick Perry, EMS Representative Mike Catalano, Alicia Catalano, Molly & Derry Jackson, and Jeanne Garlock.

**COMMUNICATIONS RECEIVED**

There were no communications received before the meeting this evening.

**GUEST SPEAKERS**

**1. Rick Perry, Village Councilman:** Village Trustee and Deputy Mayor of Palmyra came to the East Palmyra meeting to announce that the Fingerlakes Ambulance will now be housed at the Palmyra Village Fire Department. They will have access to all necessities and facilities, which will not only allow them to “warm up and take a break” but to speed up response times, which will benefit all of Palmyra. This agreement has no monetary benefit for the village, but was put in place to save lives!

**2. Mike Catalano:** EMS Advisory Board Representative Mike Catalano reported that there were 78 calls in September that averaged an 11 minute response time. The goal for response for Priority 1 or 2 is 9 minutes, Priority 3 is 14 minutes, and Priority 4 is 20 minutes. The area for Fingerlakes Ambulance includes Geneva, Shortsville, Clifton Springs, Manchester and Palmyra which is approximately 20 miles.

**PUBLIC INPUT**

**1. Don Wilkins, 2768 Newark- Marion Rd:** Mr. Wilkins, resident of 2768 Newark- Marion Rd. addressed the board regarding the possibility of furthering municipal water in Palmyra, and questioned the status of the Code/Zoning law update. Mr. Wilkins feels that the Zoning violations that were discussed at the April Town Board meeting were worse. Supervisor Miller invited Mr. Wilkins to make an appointment to visit with him and take a look at potential municipal water in areas after the latest survey, and explained that as far as the Zoning violations, that is all in the attorneys hands.

Mr. Wilkins submitted his complete comments as the 3 minute speaking limit had been reached, and are found below.

In 2009 four separate water districts were created at one time in Town of Palmyra

Municipal Water

① Sept 26 Town Board Meeting Minutes states that a survey was sent to Cambier Road residents about a water project. This is the third time at least within 8-10 years.

② Why can't the Town of Palmyra include other roads in the area to be included for water projects. The town is surrounded by municipal water on all sides from other towns. Most roads that don't have town water have it on each end. Water stops at the town line on many roads. Palmyra is 10-15 years behind in water service compared to other western Wayne county towns.

③ Water was brought to East Palmyra 25 years ago in 1995. The last time any major was done in this area was 10 years ago.

④ I am asking to have water surveys sent to residents on Newark- Marion Road and Harn's Road to make a new district. These two roads can be looped together and could service about 32 homes. It would also eliminate dead spots that are currently in the lines. The WCWA would also like this to take place. Also Lyon Road and Jagger Road are also prime candidates.

⑤ Having municipal water would eliminate sulfur and discolored water, high doses of nitrates in farm chemicals, roadsalt, and septic tank leeching into the aquifers. People get better quality water, steady pressure, and better fire protection.

⑥ Municipal water comes with a price. Can obtain grants from the USDA and the remainder comes from water district.

⑦ WCWA has just received a federal grant to help improve and expand its water distribution system. Reliable water systems are essential to the health, well being, and economic development of towns.

*1200/year*  
*850 estimate*  
*350 water service*

*Income Survey Report: runs 1.5% to 1.9% of median income*  
*Installed water line costs run about \$250,000/mile of 8" line*

*from US Senators*

*number of names*  
*number 47*  
*could mean 7*  
*ans 35*  
*you 25*  
*sign 8*

*possible total names*

*112*

## Zoning:

MYS # Town Zoning - Violations

① April town board meeting I brought up for discussion 11 topics about a property on Lyon Road that looks like it is operating as a salvage/junkyard according to the sign on the premises and the number of vehicles observed from the road.

② This property is only getting worse and now there are 3 other properties within a mile radius that are looking the same way. This has gone on for 10 plus years and no firm enforcement has been accomplished by the Town of Palmyra!

③ This property violates MYS 1966 Junkyard Law, General Municipal Law 136 revised in 2010, the Town of Palmyra 1967 junkyard ordinance and the 1999 Town of Palmyra Nuisance Laws and DEC & EPA Laws

④ In order for something like this to occur, a person must obtain a junkyard license with an approved location, there has been no public hearing, no fencing, a record check of prior or existing willful violations of junkyard status, and the approved location must meet 9 conditions. There has been no state environmental quality review (SEQRA) and they must comply with it to be legal.

⑤ New York State Uniform Fire Prevention and Building Code 302.8 states two or more inoperative or unlicensed vehicles shall not be parked kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. - Looks like way over 20

⑥ DEC regulates disposal of waste fluids, control of stormwater runoff tank registration, refrigerant reclamation, waste tire storage, waste battery storage, open burning, solid waste disposal, and storage of waste oil. All this must have proper paperwork and can be inspected by DEC and EPA and could carry criminal penalties if found to be in violation.

August 2019 - Court  
October 2019 - Inspection

from Law 136

⑦ There has been no Environmental Assessment Form (EAF) turned in to the State. It shows nature of surrounding property, local drainage patterns, flood plains, and ground water supplies. This should revert back to the municipal water district mentions

New Laws that should be enacted ↓ ⑧ Should enact laws where persons cannot use a bus, uninhabited mobile home, truck, truck trailer, horse trailer, semi-trailer, or similar vehicles for storage of junk on any property.

⑨ A clean, wholesome, attractive environment is a vital importance to the continued general welfare of town citizens. Strict regulation of the deposit, accumulation, or maintenance of junk regardless of quantity should be prohibited anywhere within sight of people lawfully traveling public highways or within sight of neighboring property. It depreciates not only the property the junk is on but also the property of other people in the vicinity and surrounding community. Lastly these regulations should protect the health and safety of town citizens and provide a safe environment !!

### Reports of Standing Committees

**Supervision---Animal Control, Historian, Finance: Kenneth Miller, Chairman**

**1. DEC- Old Palmyra Landfill Fact Sheet:** Nothing new at this point from DEC, however, the Supervisor did receive a draft of the records and search report from LaBella. This is a 28 page report looking back at both the North and South side of Garnsey Rd.

## **Human Services: Town Clerk, Archives, and Town Hall Facility - Councilman Bradley Cook**

### **1. Town Clerk Report for October:**

#### **Town Clerk's Office Report October 2019**

This month our office has been running as usual; except for having to interview and hire a replacement for the part time clerk in our office! Congratulations to Julie Hartman for her new position and full time status....we will miss you in our office but glad you will just be down the hall! Heidi and I are very thankful that Joan Shaffer has been willing and able to work in the office during this transition time – she is a blessing!

Besides interviewing candidates, the month has been busiest with hunting licenses and school taxes! So far we have collected \$15,039,938.37 (4407 properties paid so far) of the \$16,490,920.74 total warrant.....with about \$8 million coming in the last few days of September! We were constantly with people at the counter, and Heidi and Julie did a fantastic job sending out the tax receipts as I entered the payments in those last penalty free days. Joan Shaffer stepped right in at that point and continued with Heidi mailing out all the receipts. It was also the last days for DMP's ("Doe" permits) and water payments! I am anticipating having the office open at 7 AM on Friday November 1<sup>st</sup>, so our local hunters will have the opportunity to purchase the "first come first serve" second round of DMP's.

In September we sold 72 licenses totaling \$589.00, misc sales, including marriages licenses, hunting/fishing, vital record requests, Bingo proceeds, Zoning etc – added an additional \$6,496.87. Total check disbursements for the month of September totaled \$7,085.87.

Irene Unterborn  
Palmyra Town Clerk

**2. Building Update:** Councilman Cook reported that the leak over the assessor's office has been taken care of.

## **Public Works: Highway Department, Equipment and Facilities - Councilman James Welch**

### **1. Highway Report for October:**

#### **Highway Superintendent Report For the Town Board Meeting 10/24/19**

Since the 9/26/19 Town Board meeting we have completed the following work:

- Brushmowing/Tree work – Harris Road, Lusk Road
- Chipseal/Paving – Walker Road, Kent Street
- Inter-municipal Assistance
  - 10/8/19 1 Walworth, 2 Macedon trucks assist with paving on Kent Street

- 10/9/19 2 Walworth, 2 Macedon, 3 Williamson trucks assist with paving on Kent Street
- 10/11/19 2 Palmyra trucks assist WC Hwy with paving on Mill Street Marion.
- 10/18/19 2 Palmyra trucks assist WC Hwy with paving on Mill Street Marion.
- 10/24/19 2 Palmyra trucks assist WC Hwy with paving on Mill Street Marion.
  
- **Summer Road Work** - Summer roadwork is essentially complete. We intend to continue brush mowing roadsides and performing tree work as time and weather permit throughout the Fall/Winter months.
  
- **Roadside Mowing** - Our summer roadside mowing program is coming to an end very soon. Chris Bratt continues to do an excellent job and we intend to have him back for another season next Spring.
  
- **Winter Preparations** – We have begun to review our snow plows/wings, sanders and tire situations and get trucks serviced and prepared for the winter season. The sand/salt barns are ready for winter too.
  
- **Traffic Tube Counts** – During the week of September 17<sup>th</sup> we started gathering updated traffic counts on all our Town Roads using tube counters borrowed from WC Hwy. Every 5 years I have been gathering updated traffic counts and now have data for 2008, 2014 and 2019. Attached is a summary of the most recent data collection.
  
- **Hogback Hill Drainage Issue** – WC Hwy assisted in preparing and submitting a Joint Permit application to DEC back in August and I recently heard back from DEC and expect a Permit to be issued soon for this work.
  
- **Local Highway Inventory (LHI)** – Each year I have to certify our LHI for the Town and Village. This year I need to make an adjustment (added Arthurton Drive and eliminating East Townline Road) and in order for this to happen I need to submit an approved Town Board Resolution to NYS DOT. I have 2 Resolutions prepared for the Board to consider tonight.
  
- **NYMIR Recommendations** – We have been addressing a few suggestions that were recently made by our Insurance Carrier, specifically we signed up for the NYS DMV LENS program to monitor any employee license changes as well as updates to our existing sign inventory. We recently replaced every road sign on some of our highest traffic volume roads; Jeffery, Walker, Quaker and Daansen Roads.
  
- **Kent Street/Highway Dept Paving** – On October 8<sup>th</sup> and 9<sup>th</sup> we completed some much-needed paving work around the Highway Department Office/Fuel Island and also Kent Street. This was a joint project with the Village as Kent Street is a Village Street. We have some drainage work to complete in front of the loading dock and hope to finish paving the front of the new Truck Barn next year.

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

Additional information that was shared included the fact the Highway Superintendent Boesel conducts traffic counts approximately every 5 years to help manage the order in which roads need to be fixed with the funding that is available. These counts are currently taking place throughout the village.

Also, that the check from Dolomite from the road closure agreement was received. It totaled approximately \$4,800.00.

**Town Development: IT & Phones, Fire Protection Contracts, and Strategic Plans - Councilman Todd Pipitone**

**1. Email and telephone update:** Based on the contract proposal that Bruce gave us from TPx at the last meeting, the not to exceed amount should be \$25,200. This is for the entire 60 month (5 year contract) and the monthly cost would not exceed \$417 with a one-time additional fee of \$170. The phone contracts will be voted on later this meeting. Supervisor Miller recommended that the FAX line remain in the Town Clerk's office and the board concurred.

**Government Operations: Assessor, Youth & Aging, Code Enforcement / Planning Board, and Justices - Councilman Michael Lambrix**

**1. Assessor's Office Report for October:**

**REPORT TO THE TOWN BOARD  
FROM THE ASSESSOR'S OFFICE  
OCTOBER 21, 2019**

As you know last year the State changed the application process for the Enhanced or Senior STAR. All property owners who currently have the Basic STAR and will be 65 by December 31, 2020 need to sign up for the Enhanced STAR and IVP (Income Verification Program). All those who renewed last year should be set unless they are contacted by the State. Since the School taxes went out we have had quite a few people stopping in to make sure they do not need to do an application this year, they are all use to getting renewal applications at the same time that their tax bills come out. New home owners who signed up for the STAR checks should have received them by now. New home owners can still sign up to receive checks for this year.

Anyone who has questions about their STAR check can call (518) 457-2036.

Property tax relief credit checks have also been going out and we are getting a lot of questions about them. Our office does not have anything to do with this program and any questions are being directed to the State. Anyone who has questions about the property tax relief credit checks can call (518)453-8146.

As you know Scott's last day was October the 18<sup>th</sup>. He was an asset to the office and he was a great help during the update, he will be missed.

Julie started in the office on October 7<sup>th</sup> and trained with Scott for two (2) weeks. She has been doing very well, it is a lot to learn and I think she will do great.

If you have any questions or concerns, I am in the office most of the time.

The assessor had also provided a copy of the certificate from NYS recognizing the Town of Palmyra “for its efforts to provide property owners with fair and equitable assessments on the 2019 roll.”

**2. CEO Report for October:** Code Enforcement Officer Pat Sheridan submitted a report to the Board Members that included a list of building permits and certificates of compliance for September 24, 2019 thru October 22, 2019.

**3. Minutes from Zoning Board Meeting for October 2019:** None for this month

**4. Minutes from Planning Board Meeting for October 15, 2019:** Minutes from Planning Board Meeting for October 15, 2019 were provided to the board.

#### INFORMATIONAL ITEMS

**1. Palmyra Community Library Budget Vote:** On Tuesday October 15, 2019 the Palmyra Community Library Budget vote passed with 85 YES votes, 48 NO votes, 1 NO VOTE CAST, and 1 VOID vote, which increased the 2020 budget to \$321,000 from \$285,000. The new trustees are now Sandra Goehle, Christopher Ossont, and Sharon Sweeney. The certification of documents is now filed in the Town Clerks office.

**2. Wayne County Clerk and Wayne County Sheriff announce Pistol Permit Recertification Information:** Two public meeting are planned to answer questions regarding the NY Safe Act, Red flag Law and other firearm related legislation. The will take place at the Butler Town Hall on Tuesday October 29, 2019 and the Macedon Town Hall on Wednesday November 12, 2019. Both will begin at 6:30 PM.

**3. Fall 2019 Regional Local Government Workshop:** The Fall 2019 Regional Local Government Workshop will take place on Friday November 15, 2019 at the Quality Inn and Suites in Batavia NY. Registrations were provided in the board member packets.

**4. Canal Society if NYS “Reimagining New York’s Canals”:** The Canal Society announced that they endorse the “Reimagining New York’s Canals” paper developed by the Canal National Corridor Commission. This is seen as a ‘positive, comprehensive document to guide the future operation, maintenance and marketing of New York’s Canal System’.



**AGENDA ITEMS**

**1. Approve: Consortium /Third Party Administrator Agreement, as was provided to the Town Board:** Jim Welch made the motion to approve the Supervisor to sign the Consortium /Third Party Administrator Agreement (drug testing), as was provided to the Town Board.

Second: Brad Cook      Vote: 4 Ayes. Carried

**2. Approve: Resolution #12-2019 as written below:** Jim Welch made the motion to approve Resolution #12-2019, as written below. Mike Lambrix seconded, and a roll call vote was requested.

Councilman Lambrix	Aye
Councilman Welch	Aye
Councilman Pipitone	Aye
Councilman Cook	Aye
Supervisor Miller	Aye

Vote: 5 Ayes. Carried

**RESOLUTION #12-2019**

**A REFUNDING BOND RESOLUTION DATED OCTOBER 24, 2019 AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE TOWN OF PALMYRA, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY AS “REFUNDING (SERIAL) BONDS” AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.**

**WHEREAS**, the Town of Palmyra, New York (the “Town”) has heretofore duly issued \$375,000 initial aggregate principal amount of Public Improvement (Serial) Bonds, 2005, such bonds being dated and issued on September 14, 2005 and maturing in annual installments in each of the years 2006 to 2043, both inclusive (the “2005 Refunded Bonds”), \$228,000 initial aggregate principal amount of Public Improvement (Serial) Bonds, 2009, such bonds being dated and issued on December 18, 2009 and maturing in annual installments in each of the years 2010 to 2047, both inclusive (the “2009 Refunded Bonds”), and \$480,000 initial aggregate principal amount of Public Improvement (Serial) Bonds, 2010, such bonds being dated and issued December 22, 2010 and maturing in annual installments in each of the years 2011 to 2048, both inclusive (the “2010 Refunded Bonds”) (collectively, the “Refunded Bonds”), as more fully described therein; and

**WHEREAS**, the 2005 Refunded Bonds were authorized pursuant to a bond resolution dated January 30, 2003, to finance capital improvements consisting of water system improvements to Garnsey-Shilling Area Water District, f/k/a Central Water District Ext. #2; the 2009 Refunded Bonds were authorized pursuant to a bond resolution dated March 27, 2008, to finance capital improvements consisting of acquisition and construction of Southwest Quadrant sewer improvements within the Town; and the 2010 Refunded Bonds were authorized pursuant to a bond resolution dated February 9, 2010, to finance capital improvements consisting of water system improvements to Johnson, Floodman, and Parker water improvement areas; and

**WHEREAS**, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$297,000 outstanding principal balance of the 2005 Refunded Bonds, the \$200,000 outstanding principal balance of the 2009 Refunded Bonds, and the \$426,000 outstanding principal balance of the 2010 Refunded Bonds (all such outstanding principal balances being stated as of the date hereof), each by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law, or Section 90.00, if applicable; and

**WHEREAS**, each such refunding will result in present value savings in debt service as required by Section 90.00 or 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

**RESOLVED BY THE TOWN BOARD OF THE TOWN OF PALMYRA, NEW YORK** (by the favorable vote of at least two-thirds of all the members of said Town Board), **AS FOLLOWS:**

Section 1. For the object or purpose of refunding a portion of the \$923,000 outstanding aggregate principal amount of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay; (i) the principal amount of the Refunded Bonds; (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the maturity dates thereof or the date on which the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan, as hereinafter defined; (iii) the costs and expenses incidental to the issuance of refunding bonds herein authorized, if any that are not to be paid from current funds available therefor, including, without limitation, the development of the Refunding Financial Plan, compensation to the Underwriter, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter mentioned; (iv) the redemption premium, if any, to be paid on the Refunded Bonds which are to be called prior to their respective maturities, if any; and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$1,015,000 par amount of refunding serial bonds of the Town pursuant to the provisions of Section 90.00 and Section 90.10 of the Local

Finance Law (the "Refunding Bonds"), plus an amount of original issue premium sufficient to effectuate the refunding financial plan, it being anticipated that the par amount of Refunding Bonds actually to be issued will be approximately \$970,000, with a net premium amount of \$40,275, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, as the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Town Supervisor, or by the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph (f) of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Town Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-23856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the book-entry-only system of DTC. In the event that either DTC shall discontinue

the book-entry-only system, or the Town shall terminate its participation in such book-entry-only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such book-entry-only system. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Town Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Town Supervisor, as fiscal agent of the Town for the Refunding Bonds (collectively, the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Town Supervisor, as chief fiscal officer of the Town, or the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act in connection with the Refunding Bonds as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor or Deputy Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Town Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds,

including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph (j) of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph e of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that: (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law; (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the object or purpose for which the Refunded Bonds were issued is forty (40) years, pursuant to subdivision 1 and of paragraph a. of Section 11.00 of the Local Finance Law, with respect to underlying series or purpose for the 2005 Refunded Bonds and the 2010 Refunded Bonds, and forty (40) years, pursuant to subdivision 4 and of paragraph a. of Section 11.00 of the Local Finance Law, with respect to underlying series or purpose for the 2009 Refunded Bonds, computed from the date of the first obligations issued therefore; and (c) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the Refunded Bonds subject to such requirements, if any, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The proposed financial plan for the refunding authorized by this resolution obtained for the Town by its Municipal Advisor, Bernard P. Donegan, Inc., and hereby accepted and approved (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, and, to the extent required by the Local Finance Law, the estimated present value of the total debt service savings, and the basis for the computation of the aforesaid estimated present value of total debt service savings, are referenced in the Exhibit attached hereto and made a part of this resolution. The Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, is hereby authorized to approve all

details of the Refunding Financial Plan not contained herein. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in a single series to refund all of the Refunded Bonds and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Refunding Financial Plan. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, interest rate or rates borne by the Refunding Bonds and provisions for redemption thereof prior to maturity, if applicable, will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto. The Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph c of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan and, in accordance herewith, all powers in connection therewith are hereby delegated to the Town Supervisor, or to the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Supervisor or Deputy Supervisor shall file a copy of his or her certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, is hereby authorized and directed to enter into an escrow contract or contracts (collectively, the "Escrow Contract") with a bank or trust company or banks or trust companies located and authorized to do business in this State as he or she shall designate (collectively, the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of Palmyra, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. 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. There shall be annually levied on all the taxable real property within said Town a tax

sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder. Accrued interest on the Bonds, if any, shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders from time to time of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated by the United States Treasury Department thereunder, as then in effect.

Section 9. Subject only to the issuance of the Refunding Bonds as herein authorized, the Town hereby elects to redeem all of the Refunded Bonds to be refunded maturing on and after the date of issuance of the Refunding Bonds that are callable at a present value savings, if any, as determined in the Refunding Financial Plan. Upon the issuance of the Refunding Bonds, the election to redeem such callable Refunded Bonds shall become irrevocable. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the time provided in the respective Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to the underwriter or underwriters duly determined by the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Supervisor (collectively, the "Underwriter") for purchase prices to be determined by the Town Supervisor or Deputy Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of delivery of a payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, to the Underwriter in accordance with said purchase contract upon the receipt by the Town of said purchase price, including accrued interest.

Section 11. The Town Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds, consistent with the provisions of Section 90.10 of the Local Finance Law, including without limitation, the determination to issue Refunding Bonds with substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.00, 90.10 and 168.00 of the Local Finance Law, shall be determined by Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, and all powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Town Supervisor or Deputy Supervisor.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution (or a summary hereof) are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or



- 3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution, which takes effect immediately, or a summary hereof, shall be published in full in each official newspaper of said Town, together with a notice in substantially the form provided in Section 81.00 of the Local Finance Law.

**REFUNDING FINANCIAL PLAN EXHIBIT**

To Town of Palmyra  
 Refunding Bond Resolution  
 Dated October 24, 2019

Sources and Uses of Funds:

Sources of Funds

Par Amount of Refunding Bonds\$ .....	970,000.00
Net Premium .....	\$ 40,275.00
 TOTAL Sources of Funds	 <u>\$1,010,275.00</u>

Uses of Funds:

Deposit to escrow for Outstanding Bonds.....	\$ 933,303.76
Costs of Issuance (including underwriter’s discount and insurance premium, if any, and other expenses).....	<u>76,971.24</u>
 TOTAL Uses of Funds	 <u>\$1,010,275.00</u>

Estimate of the present value of the total debt service savings anticipated,  
 computed with a discount factor and effective interest cost of the refunding  
 bonds of 2.9567401%, in accordance with  
 Local Finance Law §90.10b.2.(a) .....\$ 40,714.45

**3. Approve: Appointment of Julie Hartman:** Mike Lambrich made the motion to approve Julie Hartman as a full-time clerk/secretary, with an hourly rate of \$13.75, effective October 5<sup>th</sup>, 2019.

Second: Brad Cook      Vote: 4 Ayes. Carried

**4. Approve: Authorize Book Keeper to transfer funds from Common Highway Facilities Reserve to the General Fund:** Motion to authorize the book keeper to transfer funds in the amount of \$30,805.00 from the Common Highway Facilities Reserve to General Fund. The intended use of the funds is to cover expenses for improvements at the highway barns.

**TOWN OF PALMYRA**  
**2019 Budget Modification**  
**October 24, 2019**

**GENERAL FUND**

**Increase Appropriations:**

Acct# 51322.01.000.00 Garage – Equipment Amt: \$30,805

**Decrease Common Highway Facilities Reserve:**

Acct# 962.01.000.00 Other Budgetary Purposes – Amt: \$30,805  
Common Highway Facilities Reserve

- Amount reflects expenses for improvements at the highway barns

**5 Approve: Contract and Purchase of Telephones from TPX Communications:** Todd Pipitone made the motion to approve the Supervisor to sign phone agreement with TPX Communications for 60 month contract (5 yr. contract), not to exceed \$25,200 total. The monthly cost would not exceed \$417 with a one-time additional fee of \$170. Jim Welch seconded, and a roll call vote was requested. Agreement will be **ATTACHMENT A.**

Councilman Lambrix	Aye
Councilman Welch	Aye
Councilman Pipitone	Aye
Councilman Cook	Aye
Supervisor Miller	Aye

Vote: 5 Ayes. Carried

**6. Approve: New Hire in Town Clerk Office:** Brad Cook made the motion to approve replacement of part-time clerk in the Town Clerk office, for an average of 20 hours per week, at a rate of \$12.96 per hour, beginning immediately.

Second: Jim Welch Vote: 4 Ayes. Carried

**7. Approve: Resolution #13-2019 For Consent of Discontinuance and Local Highway Inventory Adjustment regarding East Townline Road:** Jim Welch made the motion to approve Resolution #13-2019 For Consent of Discontinuance and Local Highway Inventory Adjustment regarding East Townline Road, as written:

Second: Todd Pipitone      Vote: 4 Ayes. Carried

**RESOLUTION #13-2019 TOWN OF PALMYRA  
FOR CONSENT OF DISCONTINUANCE and  
LOCAL HIGHWAY INVENTORY ADJUSTMENT  
REGARDING EAST TOWNLINE ROAD  
NYS HIGHWAY LAW ARTICLE 8, SECTION 171(2)**

**WHEREAS**, the Town of Palmyra maintains all dedicated roads located within the Town of Palmyra; and

**WHEREAS**, the Town of Palmyra, by its Town Highway Superintendent, has undertaken and reviewed an inventory of all the local highway assets of the Town of Palmyra; and

**WHEREAS**, the Town of Palmyra officially affirms and takes cognizance of the fact that East Townline Road, located north of Tellier Road and south of Hydesville Road in the northeast portion of the Town of Palmyra, has not been maintained or utilized as a public right-of-way of the Town of Palmyra for many years, and by this Resolution the Town of Palmyra is officially discontinuing this portion of East Townline Road, and

**WHEREAS**, each year the New York State Department of Transportation (NYS DOT) has provided to the Town Highway Department, data and information confirming the measured length of the local roads maintained by the Town of Palmyra titled Local Highway Inventory (LHI); and

**WHEREAS**, East Townline Road is listed on the Town of Palmyra LHI for the Town of Palmyra; and

**WHEREAS**, the Town Highway Superintendent of the Town of Palmyra has personally viewed all the local roads currently owned and maintained by the Town and

**WHEREAS**, it has been determined that the Town road known as East Townline Road should be removed from the official inventory of the Town of Palmyra roads, and that the official reported length of East Townline Road to be removed is from Tellier Road to the Railroad Tracks, a distance of 0.05 miles and 10-feet in width, and

**WHEREAS**, the public has the continued use of other public highways in the area to access and connect to all other roads and properties; and

**WHEREAS**, the Town Board recognizes that this portion of East Townline Road is of no proper or necessary use by the public and that the Town would further benefit by the discontinuance of this portion of East Townline Road in that it would no longer have the care and expenses of repairs; and

**NOW, THEREFORE**, We, Councilpersons of the Town Board of the Town of Palmyra, Wayne County, New York, agree that said portion of said highway sought to be discontinued has become unnecessary and useless, and do hereby resolve to consent, pursuant to Section 171 of the Highway Law of the State of New York, that the said portion of the highway sought to be discontinued, be discontinued; and

**FURTHER BE IT RESOLVED**, that the Town Highway Superintendent file with the NYS DOT this Resolution, as well as the required and attached NYS DOT LHI – New & Extended Road Template and corresponding map, establishing the official exclusion of the described portion of East Townline Road from the roster of roads maintained by the Town in order to remove it from the formal inventory of the Town roads.

By order of the Town Board, October 24, 2019

**8. Approve: Resolution #14-2019 For Local Highway Inventory Adjustment Regarding Arthurton Drive:** Jim Welch made the motion to approve Resolution #14-2019 For Local Highway Inventory Adjustment Regarding Arthurton Drive, as written:

Second: Todd Pipitone      Vote: 4 Ayes. Carried

**RESOLUTION #14-2019    TOWN OF PALMYRA  
FOR LOCAL HIGHWAY INVENTORY ADJUSTMENT  
REGARDING ARTHURTON DRIVE**

**WHEREAS**, the Town of Palmyra maintains all dedicated roads located within the Town of Palmyra; and

**WHEREAS**, the Town of Palmyra, by its Town Highway Superintendent, has undertaken and reviewed an inventory of all the local highway assets of the Town of Palmyra; and

**WHEREAS**, each year the New York State Department of Transportation (NYS DOT) has provided to the Town Highway Department, data and information confirming the measured length of the local roads maintained by the Town of Palmyra titled Local Highway Inventory (LHI); and

**WHEREAS**, during the 2016 LHI update, Arthurton Drive was inadvertently deemed a Private Road by NYS DOT and subsequently removed from the Town of Palmyra LHI, a total of 0.08 miles, and

**WHEREAS**, Arthurton Drive has in fact been maintained by the Town of Palmyra for many years and continues to be; and

**WHEREAS**, the Town Highway Superintendent of the Town of Palmyra has personally viewed all the local roads currently owned and maintained by the Town and

**WHEREAS**, it has been determined that the Town road known as Arthurton Drive has been measured and a portion of its full length is to be added back to the official inventory of the Town of Palmyra roads, and that the official reported length of Arthurton Drive to be added is from Maple Avenue to its dead end, a distance of 0.08 miles and 16-feet in width, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Palmyra officially affirms and takes cognizance of the fact that Arthurton Drive has been a public right-of-way of the Town of Palmyra from Maple Avenue to its dead end, which is 0.08 miles in length, plus 16-feet and be it further,

**RESOLVED**, that the Town Highway Superintendent and the Town Board acknowledges that the road known as Arthurton Drive is fully paved and improved to its complete extent as noted above, and that the Town through the Town Highway Superintendent maintains Arthurton Drive, which has been open to the traveling public at all times without impediment and without restriction, and it is further

**RESOLVED**, that the Town Highway Superintendent file with the NYS DOT this Resolution, as well as the required and attached NYS DOT LHI – New & Extended Road Template and corresponding map, establishing the official inclusion of the described portion of Arthurton Drive within the roster of roads maintained by the Town in order to make it part of the formal inventory of the Town roads.

By order of the Town Board October 24, 2019

**Motion to approve claims and expenditures:** Todd Pipitone made the motion to approve the claims and expenditures for the month of October 2019 – Vouchers #925 thru #1030 totaling \$163,917.82.

Second: Brad Cook      Vote: 4 Ayes. Carried

**Motion to Adjourn Meeting:** At 8:05 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Brad Cook      Vote: 4 Ayes. Carried

**The board also wanted to thank the East Palmyra Fire Department for hosting the Town Board Meeting.**

Respectfully submitted,

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Irene Unterborn  
Town Clerk

**PUBLIC BUDGET HEARING THEN MEETING**  
**THURSDAY NOVEMBER 7, 2019**  
**7:00 PM PALMYRA TOWN HALL**

**REGULAR TOWN BOARD MEETING**  
**TUESDAY NOVEMBER 26, 2019**  
**7:00 PM – PALMYRA TOWN HALL**