

**PUBLIC HEARING
DAVID S. ROBERTS/DALE S. ROBERTS, d/b/a INFINITY SOLUTIONS---
SPECIAL USE AUTHORIZATION**

The Public Hearing scheduled to be held on Thursday, February 27, 2003, at the Palmyra Town Hall, Palmyra, New York to consider the special use authorization for David S. Roberts and Dale S. Roberts d/b/a: Infinity Solutions, at 5012 Route 31, Palmyra, Roger Wilson, Owner, was called to order at 7:34 PM by Town Supervisor David Lyon.

Those present at this public hearing:

Town Board Members: David C. Lyon, Supervisor
David Nussbaumer, Councilmember
James Welch, Councilmember
Michael Lambrix, Councilmember

Also present at this public hearing:

Robert A. Grier, Code Enforcement Officer
Nelson F. Cook, Highway Superintendent
Tom Adams, *Courier-Journal*
Donna Camblin
Dale S. Roberts

The Town Clerk read the legal notice for the Special Use Authorization request of David S. Roberts, Dale S. Roberts and Roger Wilson.

**LEGAL NOTICE
TOWN OF PALMYRA
DAVID S. ROBERTS – SPECIAL USE AUTHORIZATION**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, February 27, 2003 at 7:30 PM at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of David S. Roberts 6395 Roberts Drive, Victor, NY 14564, for a Special Use Authorization to operate a used vehicles display and sales facility under the name of Infinity Solutions.

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 5012 Route 31, and is bounded on the north by New York State Route 31 and bounded on the East by property reputedly owned by Frederick and Trudy Hicks, tax parcel #67110-00-106849 and bounded on the South by property reputedly owned by Millard and Rebecca Knibbs, tax parcel #67110-00-159868 and bounded on the West by property reputedly owned by Philip Marvin, tax parcel #67110-00-181941.

**PUBLIC HRG.
-DAVID S.
ROBERTS/
DALE S.
ROBERTS,
D/B/A
INFINITY
SOLUTIONS
AND ROGER
WILSON,
OWNER—
SPECIAL USE
AUTHORI-
ZATION**

**LEGAL NOTICE
OF HEARING**

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: February 14, 2003
Lyndall Ann P. Green, Town Clerk

The Town Supervisor announced that the hearing was open for any comments from those in attendance. Dale Roberts was representing Infinity Solutions. Discussion ensued concerning recommendations made by the Town Planning Board and the Wayne County Planning Board. Code Enforcement Officer Bob Grier spoke about the amount of space available on the lot for parking vehicles for sale. Since there is a 300-sq.-ft. requirement per parking space, he recommended going to the lot and, by measuring, determining the maximum number of vehicles that could be parked there.

**PUBLIC
HEARING
CLOSED**

Supervisor Lyon asked if there were any more questions or comments about the application for a special use authorization by Infinity Solutions. Hearing none, he declared the hearing closed at 7:40 PM.

REGULAR MEETING OF THE TOWN BOARD

**CALL TO
ORDER**

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, February 27, 2003, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 7:41 PM by Town Supervisor David C. Lyon.

**PLEDGE OF
ALLEGIANCE**

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

ROLL CALL

Upon roll call, the following board members were present:

Town Board Members: David C. Lyon, Supervisor
 David Nussbaumer, Councilmember
 James Welch, Councilmember
 Michael Lambrix, Councilmember

COMMUNICATIONS

**COMMUNICA-
TIONS**

1. Letter received by George Glann of 4440 North Creek Road, requesting the town board to consider a speed reduction past his house, due to the "blind" driveway that limits his vision from oncoming traffic. Although there are yellow caution signs, drivers do not obey them. He also attached a photograph of an flipped car with the caption "The view from our front yard." The letter was referred to the Highway Traffic Safety Committee for their recommendation.

2. Letter was received from Time Warner Cable updating us on changes in the Government and Public Affairs Department at Time Warner Cable. Chris Mueller has joined them as Manager of Government Affairs.
3. From New York State Public Service Commission, we received a Notice of Proposed Rulemaking (Case 01-V-0381) "In the Matter of the Rules and Regulations of the Public Service Commission Regarding Cable Television, issued February 18, 2003. A copy of the complete 98-page document is on file in the Town Clerk's office.

**PUBLIC SERVICE
COMMISSION
NOTICE OF
PROPOSED
RULEMAKING
REGARDING
CABLE
TELEVISION---
DOCUMENT ON
FILE IN TOWN
CLERK'S OFFICE**

"NOTICE is hereby given that the Commission is considering renumbering cable television regulations in Title 9 NYCRR Subtitle R as Title 16 NYCRR Chapter VIII, Cable Television.

"9 NYCRR Parts 589 through 590.59, 591, 592-2, 593, 597, 599.10, 599.20 (a), 599.20 (c) (1), 599.21 (a) (1) and (2), 599.30 through 599.40 and 599.84 are deleted. 9NYCRR Parts 590.60 through 599 are renumbered as 16 NYCRR Parts 890.60 through 899. The rules eliminate duplicative procedural rules and streamline the remaining cable television rules. Franchise periods may be extended from ten to 15 years under the rules. Some filing and notice requirements are reduced. The rules are proposed to become effective immediately upon publication of a Notice of Adoption in the State Register, the earliest date permitted by law.

"Comments are welcome on the proposed rule. Any person wishing to comment should submit 5 copies to Janet Hand Deixler, Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350, no later than April 21, 2003.

"(signed) JANET HAND DEIXLER, Secretary"

4. Letter was received from Walworth Town Supervisor Frank Guelli requesting the town board's support for a community youth development and chemical dependency prevention process in Wayne County. He is also the Chemical Dependency Committee Chairman for the Wayne County Community Services Board in Lyons. Excerpts from his letter of February 5, 2003:

**"COMMUNITIES
THAT CARE"
REQUEST FOR
TOWN BOARD
SUPPORT**

"The NYS Office of Alcoholism and Substance Abuse Services, Office of Children and Family Services and the Department of Health have partnered to bring the "Communities That Care" prevention framework to communities in NYS. A brief description of CTC is enclosed."

What is Communities That Care (CTC)?

Communities that Care (CTC) is a five-step comprehensive prevention approach that provides research-based tools to help communities identify and address risk and protective factors associated with substance abuse, delinquency, teen pregnancy, school dropout and violence. It was developed by researchers at the University of Washington and is based on research from a

variety of fields (sociology, psychology, education, public health and criminology, etc.)

CTC includes all sectors of the community (families, schools, health care, mental health, law enforcement, business, etc.) and takes a pro-active, data-driven approach to identify areas needing intervention. Each community develops its own unique profile and action plan specific to their local needs.

The training needed to implement CTC occurs in 5 phases:

- I. Get started—forming a core workgroup of key citizens.*
- II. Get organized—engaging key stakeholders, developing a partnership board or organization.*
- III. Developing a profile of community strengths and challenges; collect data, inventory resources, identify overlap or gaps, analyze data and prioritize areas of focus.*
- IV. Creating a comprehensive youth plan—define desired outcomes, select proven effective programs, plan to implement programs and strategies, plan for evaluation.*
- V. Implementing and evaluating the plan.*

The Social Development Strategy is the theory that supports the research framework for Communities That Care, which guides communities toward their version of positive development for youth. The strategy begins with the goal of healthy, positive behaviors for young people by immersing them in environments that:

- Consistently communicate healthy beliefs and clear standards.*
- Develop strong bonds to their families, schools and communities.*
- Provide opportunities for meaningful youth involvement.*
- Develop skills for successful involvement.*
- Provide opportunities for recognition.*

"Your support is vital to the success of this initiative. As a key leader, you would be asked to attend an initial program to kick off this initiative. You or your designated representative could be involved in subsequent trainings, meetings or the partnership board."

**COUNCILMAN
LAMBRIX TO
REPRESENT
TOWN OF
PALMYRA**

Councilman Michael Lambrix indicated to the town board that he would be interested in participating in this group. He completed the paperwork to be sent to the Community Services Board. His fellow board members were in agreement with his participation in the group.

5. Facsimile transmission was received from Barry Schwartz, Law Department, Office of the Corporation Counsel of the City of New York, addressed to David Lyon, Supervisor. Excerpts from the message include:

"I am writing to hopefully enlist your town's support of Bill S.622/A.3483, which is sponsored by Senator Volker, and Assembly members Weisenberg and Sidikman, respectively. If enacted, that Bill, a similar version of which has been included in the Governor's Executive Budget, will be of great financial benefit to public employers and it therefore already has the support of a 190-member coalition (including the State Attorney General). This is because the Bill would eliminate the current unintended inequity in CPLR 4545 under which the public employer—when sued by one of its employees—is now the sole defendant which is not entitled in tort actions to a reduction of future lost earnings awards for disability pensions, etc., that are meant to serve the same purpose as such awards. Irrespective of whether you are affected by the Bill, we still greatly hope that you will come on board as well, at the very least in the interest of assisting those public employers who are financially harmed by the present windfall allowed by CPLR 454r which the Bill would rectify."

The Town Board requested that a letter of support be sent to:

- Honorable Joseph L. Bruno, Majority Leader, NY State Senate
- Honorable Sheldon Silver, Speaker, NY State Assembly
- Honorable Michael Nozzolio, NY State Senator, 54th District
- Honorable Robert Oaks, Assemblyman, 128th District

6. Letter from Stuart I Brown Associates, Inc. to David Lyon, re: Project Notification and Request for Lead Agency Designation, Towns of Arcadia and Palmyra Hydesville Road Water System Improvements. This included a copy of the Environmental Assessment Form and the resolution adopted by the Arcadia Town Board on February 11, 2003.

"The Arcadia Town Board hereby requests that you concur with its announced intent that it be designated as Lead Agency for the environmental review and determination of significance for the proposed project. This request is appropriate as the Town Board is the most directly involved agency to insure the overall coordination and implementation of the proposed action. Should you have any concerns with the Environmental Assessment that has been prepared by the Town, please notify the Town Board in writing within 30 days of the date of this letter (February 13). Otherwise, the Arcadia Town Board will assume that you concur with its request to be designated as Lead Agency and the anticipated determination of significance."

Motion was made by David Nussbaumer that the Town of Arcadia be made the Lead Agency for the Arcadia/Palmyra Hydesville Road Water System Improvements from O'Meal Road, East on Newark-Marion Road, to Hydesville Road, continuing East on Hydesville Road to the town line with Arcadia, including Hazen Lane.

Seconded: Michael Lambrix

Voting: Unanimous

**LETTER OF
SUPPORT
FOR
ADOPTION
OF BILL
S.622/A.3483**

**MOTION TO
MAKE TOWN
OF ARCADIA
LEAD
AGENCY FOR
HYDESVILLE
RD. WATER
SYSTEM
IMPROVEMTS**

REPORTS OF STANDING COMMITTEES

Highway Committee – Michael Lambrix, Chair

Nelson Cook, Town and Village Highway Superintendent, submitted a Highway Snow Report as of 2/27/03, showing that expenses this year for overtime hours are more than double what was budgeted. In all cases, expenses were up, and the amount of sand and salt used in the plow runs leaves very little in reserve. He hopes the brunt of the season is behind us now. The Highway crew is currently servicing equipment, repairing, and getting out Spring equipment.

Councilman Lambrix commended the Highway Department for the good job they've done in our town, comparing it to what he has seen in other towns. Lambrix said he would be glad to tell them personally.

Planning Committee – James Welch, Chair

Councilman Welch asked about the Revised Map of the Palmyra Master Plan and where the Master Plan project was. Supervisor Lyon stated that we had received a quote from Stuart Brown Associates and it was forwarded to the village. We are now awaiting their reply.

Zoning Committee – David Nussbaumer, Chair

1. CEO Update for February 2003 submitted by Bob Grier, so noted as received and filed. Grier's office is reviewing old zoning maps, catching up on all files. The new software has been installed and will be getting instruction in March in its application and use in the field and interfacing with PC system.

Grier also reported that there were two fires this month—one on Main Street and one on Parker Rd. at a newly-constructed home. He had been called to both locations to determine safety of the structures.

Phase 6 of the Sorensen subdivision on Division St. has been approved. It calls for five buildings of 1-, 2-, and 3-bedroom units, as well as a community center building. With anticipated State and Federal financing, construction is expected to start in the Fall.

As an informational item, an offer has been made on the old Garlock Building at the corner of Church and Canal Streets to renovate it into Senior Citizens' apartments plus additional apartments in the future.

Ed Wheeler participated in the Time Warner Cable Company meeting at Wayne Central School and says they plan on adding 20 cents per month to each bill to cover expenses and to upgrade equipment.

2. The board reviewed the SEQR form for Infinity Solutions' Special Use application. The motion was made by David Nussbaumer to approve the special use authorization with the stipulations that Dale Roberts would meet town zoning codes and normal list of special use conditions, the conditions he stated on the application for his hours of operation, and that there be no parking along Route 31. The motion was seconded by James Welch. Voting aye were D. Nussbaumer, D. Lyon and J. Welch. Michael Lambrix abstained.)

**MTN: APPROVE
SPECIAL USE
PERMIT--DAVID
ROBERTS/DALE
ROBERTS/ROGER
WILSON d/b/a
INFINITY
SOLUTIONS**

**SPECIAL USE AUTHORIZATION FOR
DAVID S. ROBERTS AND DALE S. ROBERTS
D/B/A: INFINITY SOLUTIONS
STATEMENT OF CONDITIONS FOR OPERATING
A USED VEHICLES DISPLAY AND SALES FACILITY
AT 5012 ROUTE 31, PALMYRA, ROGER WILSON, OWNER**

WHEREAS, on the 27th of February, 2003, a Public hearing was held by the Town Board of Palmyra at 7:30 PM at 1180 Canandaigua Road, Palmyra, Wayne County, New York to consider the application of David S. Roberts and Dale S. Roberts, d/b/a Infinity Solutions, at 5012 Route 31, Palmyra, (Roger Wilson, property owner), for Special Authorization to operate a used vehicles display and sales facility.

WHEREAS, the findings of fact as determined by the Town Board, were as follows:

1. The applicants intend to provide a service for the community.
2. The strict application of the provisions of the Ordinance would deprive the applicants of the reasonable use of the land and building for which the special use is sought.
3. The grant of the special use will not alter the essential character of the locality.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Palmyra does approve a Special use Permit to David S. Roberts and Dale Roberts, d.b.a. Infinity Solutions, on property owned by Roger Wilson, with the following conditions:

1. All State and Local codes governing the proposed used vehicles display and sales operation are met before and during the life of this permit.
2. The property is in compliance with all State and Local Building and Zoning codes.
3. That the applicants notify the Town of Palmyra of any proposed changes in the status of this Special use Permit.
4. That an inspection of the property take place before operations commence to insure Code compliance.
5. That an annual inspection by the Town of Palmyra is conducted.
6. That there would be no servicing of vehicles/repair work done at the location, other than doll-ups in anticipation of vehicle sale.
7. That hazardous/toxic materials are properly disposed of and not stored outside.

8. That there be sufficient space per vehicle (300 sq. ft.), as prescribed by law, for display purposes on the lot. The total number of vehicles on the lot is to be determined by Code Enforcement Officer.
9. That the hours of operation are as described on the application: Monday through Saturday, 8 a.m. to 5 p.m.
10. This Special use Permit is limited to David S. Roberts and Dale S. Roberts only on property owned by Roger Wilson, and is not transferable to future owners.
11. This Special use Permit including Special Conditions must be agreed to and signed by the applicants and notarized within 20 business days of approval.
12. Special use Permit will also be subject to conditions of original application dated January 16, 2003, and recommendations made by the Wayne County Planning Board on January 29, 2003, by Palmyra Planning Board on February 10, 2003, and by the Town Board on February 27, 2003.

We, David S. Roberts, Dale S. Roberts, d.b.a. Infinity Solutions, and property owner Roger Wilson, have read the above conditions attached to our Special Use Permit, do fully understand them and agree to abide by them. We also understand that if the conditions are not complied with, this special use authorization will be revoked. Our signatures below indicate our acknowledgement of these conditions and our willingness to abide by them.

AGENDA ITEMS

**MTN: P. ANDERSON
ATTEND ADVANCED
ACCOUNTING
SCHOOL**

- 1) Petra Anderson submitted the request to attend Advanced Accounting School, April 1-3, at the Ontario Fire Department in Ontario, NY, at a cost not to exceed \$65. David Nussbaumer made the motion. Seconded by James Welch. Voting was unanimous.

**MTN: L. GREEN
ATTEND TOWN
CLERKS ASSN
CONFERENCE**

- 2) Town Clerk Lynne Green submitted the request to attend the Town Clerks Association Conference in Buffalo. While it is a four-day conference, Green plans to attend only one day, April 28, 2003. The request of \$125 would include registration, mileage and meals. Motion was made by Michael Lambrix and seconded by David Nussbaumer. Voting was unanimous.

**MTN: ACCEPT
HYDESVILLE RD.
WATER SYSTEM
MAP, PLAN &
REPORT; SET DATE
FOR PUBLIC
HEARING**

- 3) Hydesville Water Extension—Motion by Michael Lambrix was made to accept the Hydesville Road Water System Improvements map, plan and report, as well as to set the date for a public hearing on the creation of the water district. Seconded by David Nussbaumer. Voting was unanimous.

**RESOL: ESTAB.
HYDESVILLE RD.
WATER DISTRICT**

- a) Resolution by the Town Board establishing the Hydesville Water District was made by Michael Lambrix, seconded by David Nussbaumer. Voting was unanimous.

**RESOLUTION
TOWN BOARD ESTABLISHING THE
HYDESVILLE WATER DISTRICT
AND DATE FOR PUBLIC HEARING**

WHEREAS, the Town Board of the Town of Palmyra has caused a map, plan and report to be prepared by the Town Consulting Engineer, MRB Group, P.C. regarding the creation of the Hydesville Water District providing water service to areas of the Town of Palmyra outside of the Village of Palmyra and outside of any existing water district; and

WHEREAS, there is a need for potable water along Hydesville Road and Hazen Lane, north of the canal; and

WHEREAS, the boundaries of said proposed Water District are set forth on Schedule "A" attached hereto and made a part hereof; and

WHEREAS the improvements proposed to be made are as follows:

1. Construction of 8,600± lineal feet of 12" watermain along Hydesville Road.
2. Construction of 2200± feet of 6" watermain along Hazen Lane.
3. Installation of hydrants as required by law.
4. Miscellaneous fittings and equipment to complete the installation; and

WHEREAS, the maximum amount to be expended for the improvements is \$434,600; and

WHEREAS, the Town is applying for a Small Cities Grant and Rural Development Grant; and

WHEREAS, the estimated cost of the project to be furnished by grants is \$370,000.

NOW, THEREFORE, BE IT RESOLVED, that the said Town Board shall meet at the Town Hall, 1180 Canandaigua Road, Palmyra, NY on the 27th day of March, 2003 at 7:30 P.M. to consider said proposal and to hear all persons interested in the subject considering the same; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Palmyra is hereby authorized and directed to publish a notice of said hearing in the *Palmyra Courier Journal* and to post a copy of this notice of the hearing on the signboard at the Town of Palmyra in the time and manner as required by law.

**SCHEDULE A.
DESCRIPTION OF HYDESVILLE WATER DISTRICT**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Palmyra, County of Wayne and State of New York, bounded and described as follows:

COMMENCING at the intersection of the east line of the Town of Palmyra with the centerline of the Hydesville Road. Thence,

1) Southerly along the east line of the Town of Palmyra to its intersection with the north bank of Ganargua Creek; Thence,

- 2) westerly along the north bank of Ganargua Creek to a point where it intersects with the east line of the Central Water District; Thence,
- 3) Northerly along the east line of the Central Water District to the center-line of Newark-Marion Road - Hydesville Road; Thence,
- 4) Along the centerline of the Hydesville Road and north line of the Central Water District to a point in the centerline of Hydesville Road (Newark-Marion Road) where it intersects with the northwest corner of the Central Water District; Thence,
- 5) Northeasterly 500' to a point; Thence
- 6) Southerly and easterly in a straight line along the north line of the proposed district which line is 500' north of the centerline of Hydesville Road to a point due north of the northwest corner of tax map parcel no. 66112-00-962753; Thence,
- 7) Due south to the northwest corner of tax map parcel no. 66112-00-962753; Thence
- 8) Easterly along the north line of tax map parcel no. 66112-00-962753 to the centerline of Cambier Road; Thence
- 9) Southerly along the centerline of Cambier Road to its intersection with the north line of tax map parcel no. 66112-00-982734; Thence
- 10) Easterly along the north line of tax map parcel no. 66112-00-982734 and tax map parcel no. 67112-00-004721 and continuing easterly to the southwest corner of tax map parcel no. 67112-00-060752; Thence
- 11) northerly along the west line of tax map parcel no. 67112-00-060752 and 67112-00-063824 to the northwest corner of that parcel; Thence
- 12) Easterly along the north line of tax map parcel no. 67112-00-063824 to the west line of tax map parcel no. 67113-00-070013; Thence,
- 13) Northerly along the west line of tax map parcel no. 67113-00-070013 300' to a point; Thence
- 14) Easterly and parallel to the south line of tax map parcel no. 67113-00-070013 to the east line of said parcel; Thence
- 15) Southerly along the east line of tax map parcel no. 67113-00-070013 and tax map parcel no. 67112-00-125799 to the southeast corner of the latter parcel; Thence
- 16) Westerly along the south line of tax map parcel no. 67112-00-125799 to its intersection with the east line of tax map parcel no. 67112-00-107748; Thence
- 17) Southerly along the east line of tax map parcel no. 67112-00-107748 and 67112-00-108713 to its intersection with the north line of tax map parcel no. 67112-00-129663; Thence
- 18) Easterly along the north line of tax map parcel no. 67112-00-129667 to its northeast corner; Thence
- 19) Southerly along the east line of tax map parcel no. 67112-00-129663 to a point 300' north of the centerline of Hydesville Road; Thence
- 20) Easterly to the northwest corner of tax map parcel no. 67112-00-188626 and continuing along the north line of said parcel to the northeast corner of said parcel; Thence
- 21) Easterly in a straight line to the east town line of the Town of Palmyra; Thence
- 22) Southerly along the east town line of the Town of Palmyra to the point and place of beginning.

**ORDER:
SCHEDULE
PUBLIC
HEARING—
HYDESVILLE
WATER DIST.**

- b) Resolution by the Town Board establishing the Hydesville Water District was made by Michael Lambrix, seconded by David Nussbaumer. Voting was unanimous.

**ORDER
TOWN BOARD SCHEDULING PUBLIC HEARING
ON THE ESTABLISHMENT OF THE
HYDESVILLE WATER DISTRICT**

A map, plan and report have been prepared in a manner and detail as determined by the Town Board of the Town of Palmyra, regarding the establishment of a proposed Water District in the eastern area of the Town.

The map, plan and report have been filed in the Town Clerk's Office in the Town.

The map, plan and report were prepared by MRB Group, P.C., a competent engineer, licensed by the State of New York, showing the boundaries of the proposed Hydesville Water District, a general plan of the water system and a report of the proposed methods of operation.

The map shows the course and distances and proposed size of the transmission lines, together with the location and a general description of all public works required, including lands and easements to be acquired.

The boundaries of the proposed district are all as shown on Schedule "A" attached hereto and made a part hereof.

The improvements proposed are as follows:

Installation of 8,600 feet of 12" watermain and 2,200 feet of 6" watermain with hydrants, taps, valves, etc.

The proposed method of financing the costs of the improvement consists of the issuance of serial bonds of the Town to mature in annual installments over a period not exceeding 38 years, payable in the first instance from assessments levied on benefited real property in the proposed Extension to the Central Water District.

The maximum amount proposed to be expended for the improvement and for the acquisition of the necessary lands and easements is \$434,600. The Town will apply for a Small Cities Grant and a Rural Development Grant which the Town believes it is eligible to receive.

The proposed expense for the average single-family residence in the district is \$583 per year (includes average cost of water consumption). In addition, the average single-family residence shall pay an installation charge of \$1,250. All residences connected thereafter shall pay a connection charge as established by the Town from time to time.

The map, plan and report describing the improvement are on file in the Town Clerk's Office for public inspection.

This Board will hold a public hearing to consider the map, plan and report on March 27, 2003 at 7:30 P.M. at the Palmyra Town Hall, 1180 Canandaigua Road in the Town of Palmyra, New York.

This Order shall take effect immediately.

Dated: February 27, 2003

**MTN: ACCEPT
COOPERATION
AGREEMENT BY
ARCADIA AND
PALMYRA FOR
FEDERAL
FUNDING FOR
HYDESVILLE RD.
WATER DISTRICT**

- c) David Nussbaumer made a motion to accept the Cooperation Agreement by and between the Town of Arcadia and the Town of Palmyra to develop and file a joint application for Small Cities Community Development Block Grant funds for Fiscal Year 2003 for the Hydesville Water District. It was seconded by Michael Lambrix. Voting was unanimous.

**COOPERATION AGREEMENT
By and Between
THE TOWN OF ARCADIA
AND
THE TOWN OF PALMYRA**

THIS AGREEMENT, made this 11th day of March, 2003, by and between the Town of Arcadia and the Town of Palmyra, municipal corporations situate in the County of Wayne and State of New York (hereinafter referred to collectively as the "Towns"),

WITNESSETH:

WHEREAS, the 1974 Housing and Community development Act, as amended, established the Small Cities Community Development Block Grant Program and pursuant to that program makes funds available to municipalities on a competitive basis to address their housing and community development needs; and

WHEREAS, the Towns share common community development problems, needs and objectives and would like to receive federal funding to effectively solve existing water supply problems in the area; and

WHEREAS, it is in the best interest of the Towns to cooperate with each other and to develop and file a joint application for Small Cities Community Development Block Grant funds for Fiscal Year 2003 to solve a common water supply problem impacting residents along Hydesville Road and adjoining areas in both Towns; and

WHEREAS, the Arcadia Town Board, by Resolution dated March 11, 2003, has authorized the Supervisor, the Town's Chief Executive Officer, to enter into a cooperation agreement with the Town of Palmyra; and

WHEREAS, the Palmyra Town Board, by Resolution dated February 27, 2003, has authorized the Supervisor, the Town's Chief Executive Officer, to enter into a cooperation agreement with the Town of Arcadia, so as to receive funds available to joint applicants under the Housing and Community Development Act of 1974, as amended.

NOW, THEREFORE,

BE IT RESOLVED, that in consideration of the premises and the mutual agreements hereinafter set forth, the parties mutually agree as follows:

1. That the Towns shall file a joint Fiscal Year 2003 application pursuant to the requirements of the Small Cities Community Development Block Grant Program.
2. That the Town of Arcadia is hereby designated the lead agency for legal

- and administrative purposes, as it relates to the grantor agency.
3. That neither of the Towns shall apply individually for any funding available under the Fiscal Year 2003 Small Cities Community Development Block Grant Program.
 4. That the Towns shall mutually agree to assist each other in the undertaking of eligible community development program activities and to comply with the rules and regulations governing the Small Cities Community Development Program.
 5. That the Towns shall cooperate to provide said proposed public water supply system improvements for the mutual benefit of both municipalities.
 6. That the Towns shall enter into such other agreements as are necessary to implement the understandings contained herein.
 7. That the Towns shall cooperate in the preparation of any forms and reports required to comply with the Housing and Community Development Act, and shall sign such forms and reports as mandated by GOSC and/or HUD.
 8. That the term of the Agreement shall be for the Fiscal 2003 Federal Program Year.
- d) Michael Lambrix made a motion to approve the Resolution to authorize the Town Supervisor to execute an Inter-municipal Agreement with the Town of Arcadia to pursue the grants available for the Hydesville Water District. It was seconded by David Nussbaumer. Voting was unanimous.

**MTN: APPROV
RESOL. TO
AUTHORIZE
TOWN SUPVSR
TO EXECUTE
INTER-
MUNICIPAL
AGREEMENT
WITH ARCADIA
TO PURSUE
GRANTS FOR
HYDESVILLE
WATER DIST.**

RESOLUTION

WHEREAS, the Town of Arcadia and the Town of Palmyra have proposed the creation of 2 Water Districts to serve the populations along the Hydesville Road, and

WHEREAS, the towns have agreed to enter into an Inter-municipal Agreement between the Town of Arcadia and the Town of Palmyra for the purpose of pursuing certain grants to make water available within the proposed Districts.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize the Town Supervisor to execute an Inter-municipal Agreement with the Town of Arcadia and to take all the necessary steps to pursue the grants that might be available and to execute any and all papers to implement the application for said grants, and

BE IT FURTHER RESOLVED, that the Town Board approves the payment of Engineering and Grantmakers Services to the extent of 1/3 of the bill for those services in prepaying the engineering for the District and pursuing the grants, and

BE IT FURTHER RESOLVED, that each town shall pay its own legal consultants for services performed in pursuing the grants and creating the Districts, and

BE IT FURTHER RESOLVED that the Board does approve as to form the proposed Inter-municipal Agreement as approved by the Town Attorney.

Dated: February 27, 2003

MTN: APPROVE
RESOL ON
COLLATERAL
SOURCE BILL
S.622/A.3483

4. Motion was made by Michael Lambrix to approve the Resolution on Collateral Source Bill S.622/A.3483. It was seconded by James Welch and voted upon unanimously.

**RESOLUTION OF THE TOWN BOARD OF PALMYRA
IN SUPPORT OF
THE ADOPTION OF THE COLLATERAL SOURCE BILL
(S.622/A.3483)**

Resolution 20030227.R01

WHEREAS the Palmyra Town Board has received the request to support the adoption of the Collateral Source Bill (S.622/A.3483), which will be of great financial benefit to public employers and would eliminate the current unintended inequity in CPLR 4545 under which the public employer—when sued by one of its employees—is now the sole defendant which is not entitled in tort actions to a reduction of future lost earnings awards for disability pensions, etc., that are meant to serve the same purpose as such awards, and

WHEREAS the Palmyra Town Board feels it is only equitable that the municipal defendants be entitled, in all tort actions, to a reduction of future economic awards for disability pensions, etc.,

THEREFORE, BE IT RESOLVED that the Palmyra Town Board joins with other organizations and communities across New York State that support this amendment, and

BE IT FURTHER RESOLVED that the Palmyra Town Board wholeheartedly urges members of the New York State legislature to vote for it and to enact it into law at their earliest possible opportunity.

Dated at Palmyra, New York
February 27, 2003

MTN: PURCHASE
2 CD BURNERS
FOR
ASSESSOR'S
OFFICE WITH
STAR FUNDS

5. The Town Assessor's report to the Town Board was distributed to all Board members. She made the request to purchase two CD Burners for her office. She listed two quotes and recommended purchasing two (2) Lite-On 48x24x48 + software + 2 disks for \$176.00 from Gil Sterk. STAR money is available to purchase these items. Motion was made by Michael Lambrix to approve her recommendation. It was seconded by David Nussbaumer. Voting was unanimous.

6. Garlock Sealing Technologies, Inc. has requested a reduction in assessment to reduce its taxes to town, county and school. Through negotiation, and a compromise between Palmyra's assessor and an assessor hired by Garlock, a settlement has been proposed to reduce the assessment from \$6.4 million to \$4 million. In addition, the settlement requires the town, county and school district to reimburse Garlock for overpaid taxes for tax years 1999, 2000, 2003, 2002 and 2003.

It was deemed in the best interest of the Town to settle the litigation, which includes repayment of excess taxes totaling \$41,873.71 for the town's portion of the settlement.

Board members discussed the issue with opinions for and against the assessment reduction and settlement. Michael Lambrix made the motion to approve the resolution; David Nussbaumer seconded it. Lambrix, Nussbaumer, Lyon voted aye. James Welch voted nay. Motion passed.

**MTN:
APPROVE
RESOLUTN
TO REDUCE
GARLOCK'S
ASSESSMT
AND REIMB
FOR BACK
TAXES**

RESOLUTION

WHEREAS, Garlock, Inc. has commenced an Article 7 Proceeding for the Tax Years 1999, 2000, 2001, 2002 and 2003, and

WHEREAS, after consultation with the Assessor and the Town's consulting appraiser, a settlement has been proposed, and

WHEREAS, the settlement requires the Town, County and School District to reimburse Garlock for the taxes overpaid without interest if the amount is paid within 60 days from the date of the entry of the Order, and

WHEREAS, it is in the best interest of the Town to settle the litigation, and

WHEREAS, the Town Board does hereby authorize the settlement of the existing litigation with Garlock, and

WHEREAS, the assessment arrived at in the litigation with the consent of the Assessor will be the assessment for Garlock for the years 2003 and 2004.

NOW, THEREFORE, BE IT RESOLVED that the Real Property Tax Litigation with Garlock, Inc. be settled, and

BE IT FURTHER RESOLVED, that the Supervisor, Assessor and Town Attorney be authorized to execute any papers necessary to settle the litigation and to any acts necessary to implement the settlement including the repayment of the excess taxes paid by Garlock in the above referenced tax years totaling \$41,873.71.

Dated: February 27, 2003

Motion was made by David Nussbaumer to approve claims and expenditures as shown on Abstract #49, which includes vouchers 3784-3886, totaling \$167,152.20. Michael Lambrix seconded the motion. Voting was unanimous.

**MTN: APPRV
CLAIMS &
EXPENDITUR
ES ON
ABSTRACT
49**

Dave Nussbaumer made the motion at 8:37 p.m. to enter Executive Session to discuss matters of possible litigation. Michael Lambrix seconded the motion. Voting was unanimous. Bob Grier was invited to stay for the session.

**MTN: ENTER
EXECUTIVE
SESSION**

**MTN TO
ADJOURN
MEETING**

At 9:08 p.m., Supervisor Lyon declared the Board out of Executive Session.
At 9:09 p.m. Michael Lambrix made the motion to adjourn. David
Nussbaumer seconded. Voting was unanimous.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk