

**SPECIAL MEETING OF THE TOWN BOARD
OCTOBER 9, 2003**

A special meeting of the Town Board, Town of Palmyra, was convened on Thursday, October 9, 2003, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY. At 8:00 PM, Town Supervisor David C. Lyon asked Town Clerk Lynne Green to read the following legal notice, which had been publicly posted, as well as published in the October 8 edition of the *Courier-Journal*:

**LEGAL NOTICE
PLEASE TAKE NOTICE**

The Town Board of the Town of Palmyra will hold a meeting on Thursday, October 9, 2003, at 8:00 p.m. for the purpose of reviewing and approving the contract with Wayne County Water & Sewer Authority for the installation of water lines for the Garnsey-Shilling Area Water District and any other business that may come before the board. The meeting will be held at the Town Hall, 1180 Canandaigua Road, Palmyra.

Dated: October 6, 2003

BY ORDER OF THE TOWN BOARD

*Lyndall Ann P. Green
Palmyra Town Clerk*

This is an equal opportunity program.

**READ LEGAL
NOTICE FOR
SPECIAL MTG.**

Immediately following the reading of the Legal notice, Supervisor Lyon called the special meeting to order and led those present in the Pledge of Allegiance to the Flag.

**CALL TO
ORDER**

**PLEDGE OF
ALLEGIANCE**

Upon roll call, the following board members were present:

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

ROLL CALL

Also in attendance at the board meeting:

Tom Adams, representing the *Courier-Journal*
Bill Lincoln, 944 Garnsey Rd. resident

**MTN:
APPROVE
MINUTES OF
9/25/2003 MTG.**

Motion was made by David Nussbaumer to approve the minutes of the September 25, 2003 meeting of the Town Board. Seconded by Michael Lambrix. Voting was unanimous in the affirmative.

COMMUNICATIONS

NYS COMP-TROLLER'S TELE-CONFERENCE SERIES

1. NYS Comptroller's 2003 Teleconference series: Next teleconference scheduled for October 22 at 6:30 to 8:45 p.m. at the Wayne County Cooperative Extension Office 1581 Route 88 North, Newark. Topic is "Where's the Money? Finding Funds for Public Water and Sewer Projects." Councilman Dave Nussbaumer indicated his desire to attend.

PETITION FOR WATER SVC. ON JOHNSON RD.

2. Petition for Water Service on Johnson Road: On Monday, September 29, a "Petition for Water Service" was received at the Town Clerk's office, which reads: "As property owners in the township of Palmyra and residing on Johnson Road, [we] do formally request the town of Palmyra to pursue the extending of water service to our properties." It was signed by residents of 15 different Johnson Road property owners. Supervisor Lyon said he has contacted MRB Engineering Group and, with this petition strengthening our case, he will contact Supervisor Bill Eddinger of the Town of Manchester to "scope out" our options in providing municipal water lines for Johnson Rd. Manchester has already laid water lines on Miner Road and a few properties on Johnson Rd., just north of Miner Rd.

FLU SHOT CLINICS IN LOCAL AREA

3. E-mail concerning Flu Shot Clinics in the local area: We received an e-mail from Vicky Daly informing us of four flu shot clinics in our area: October 9 at Parkwood Heights, from 1 to 3 p.m., on October 11 at Towpath Manor, from 9 to 11 a.m., on November 7 at Macedon Town Hall, from 9 a.m. to noon, and the clinic on October 30, which we will host at the Palmyra Town Hall from 9 a.m. to noon.

AGENDA ITEMS

PROPOSAL FOR INSTALL OF GSAWD WATER MAIN & IMPROVEMTS BY WCW&SA

1. Bid Summary—Proposal for installation of Garnsey-Shilling Area Water District water main and related improvements: The town received a letter from the Wayne County Water and Sewer Authority with a bid summary, which "constitutes our proposal for installation of water main improvements for..." the Garnsey-Shilling Area Water District in the Town of Palmyra:

BID

Proposal of the Wayne County Water and Sewer Authority (hereinafter called "BIDDER"), organized and existing under the laws of the State of New York doing business as W.C.W.&S.A.). To the Town of Palmyra (hereinafter called "OWNER"):

BIDDER hereby proposes to perform all WORK for the construction of the Town of Palmyra Garnsey-Shilling Area Water District Improvements in strict accordance with the CONTRACT DOCUMENTS, within the time set forth therein, and at the prices stated below.

By submission of this BID, BIDDER certifies as to its own organization, that this BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

BIDDER hereby agrees to commence WORK under this contract on or before a date to be specified in the NOTICE TO PROCEED and to fully complete the project within 300 calendar days from the date of the Notice to Proceed.

BIDDER acknowledges receipt of the following ADDENDUM:

BIDDER agrees to perform all the work described in the CONTRACT DOCUMENTS for the following unit prices or lump sum:

A Bid Schedule is included with these minutes as Attachment A. The Bid Summary, which lists the total bid, including the base and conditional items listed, is \$527,000.00. The Bid Summary is signed by Martin J. Aman, Executive Director of the W.C.W.&S.A., on October 8, 2003. The summary further attests that:

**BID SCHEDULE
& BID SUMMARY
ARE IN ATTACH-
MENT A**

The bidder hereby certifies that he/she has visited the site and is aware of the conditions that exist and the complexity of the project for which the bid is submitted.

The owner reserves the right to waive any informalities in or reject any or all bids.

The contract will be awarded to the lowest responsible bidder based on the Total Bid (Base and Conditional items).

Conditional Items are defined as those items which may or may not be used depending upon conditions encountered during construction.

Water Service Conditional Items will be used for those property owners that make a formal request for a water service and payment to the Owner before or during construction. Only those water services for which formal requests and payment by property owners has been made shall be installed by the Contractor.

- a. David M. Doyle, P.E., of MRB Group, Engineering/Architecture/Surveying, P.C., wrote a Letter of Recommendation to Supervisor David Lyon, about the bid submitted by the WCW&SA. In the review of the bid proposal, Doyle writes:

**LETTER OF
RECOMMENDA-
TION FROM
MRB GROUP**

"The bid for construction, based on the Preliminary Project Cost Estimate dated December 2002 is \$573,200. It is important to note that the budget did not include installation of water services, whereas the Bid proposal does include the services. The project budget also includes a \$40,100 contingency over and above the construction budget. Therefore, based on the Authority's Bid Proposal and the project budget, adequate funds should be available for construction of the project."

"MRB/group has worked with the Authority since its inception in 1987 and is well aware of its construction capabilities... we recommend that the Town of Palmyra award a contract to the Wayne County Water and Sewer Authority, including all of the Base Bid plus Conditional Items for a total value of \$527,000.00. We also recommend that the Town Board pass a resolution of award of the contract contingent upon approval by the USDA-Rural Development – Rural Utility Service."

**MTN: ACCEPT BID
PROPOSAL FOR
GSAWD
CONSTRUCTION**

Based on Doyle's recommendation and the favorable project cost, Michael Lambrix made the motion to accept the W.C.W.&S.A. bid proposal of \$527,000 for the construction of the Garnsey-Shilling Area Water District including all of the Base Bid plus Conditional Items for a total value of \$527,000.00. David Nussbaumer seconded the motion. James Welch asked if any in-house inspection will be a part of the construction. Dave Lyon said yes, and added that the reason for having this special meeting is to push the paperwork along.

The WCW&SA will have a special meeting on October 15 to complete the paperwork and signatures. Once the paperwork is done, it goes to Rural Development for approval. Then they give the green light to go on, Lyon added. Voting was unanimous in the affirmative.

- b. Approve "Resolution for Award of Contract" to WCWSA for construction of Garnsey-Shilling Area Water District Improvements, at a total cost of \$527,000, contingent upon approval of town legal counsel and approval by the USDA-Rural Development – Rural Utility Service.

**MTN: APPROVE
RESOL. FOR
AWARD OF
CONTRACT TO
WCW&SA**

The following "Resolution for Award of Contract to Wayne County Water and Sewer Authority for construction of Garnsey-Shilling Area Water District Improvements" formalizes the acceptance of the bid proposal. Michael Lambrix made the motion to approve the "Resolution for Award of Contract" contingent upon USDA-Rural Utility Service (RUS) approval of construction, and James Welch seconded the motion. A roll call of board members was requested. Supervisor Lyon voted aye. Councilman Nussbaumer voted aye. Councilman Lambrix voted aye. Councilman Welch voted aye. Councilman Kenneth Miller voted aye.

ROLL CALL VOTE

**RESOLUTION FOR AWARD OF CONTRACT TO
WAYNE COUNTY WATER AND SEWER AUTHORITY
FOR CONSTRUCTION OF
GARNSEY-SHILLING AREA WATER DISTRICT IMPROVEMENTS**

At a Special Meeting of the Town Board of the Town of Palmyra, Wayne County, NY held at the Town Offices at 1180 Canandaigua Road in the Town of Palmyra, New York, on the 9th of October, 2003 at 7:30 P.M., Prevailing Time.

PRESENT: David C. Lyon, Supervisor
 David Nussbaumer, Councilman
 Michael Lambrix, Councilman
 James Welch, Councilman
 Kenneth Miller, Councilman

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

WHEREAS, USDA-Rural Development-Rural Utility Service (RUS) has approved the construction of the Garnsey-Shilling Area Water District Improvements (the Project) by the Wayne County Water and Sewer Authority (WCWSA); and

WHEREAS, the Project Engineer (MRB Group, P.C.) has reviewed the Bid Proposal submitted by the WCWSA to construct the Project and has recommended that the Town of Palmyra award a Contract to the WCWSA to complete the construction of the Project at a total cost of \$527,000.00; and

WHEREAS, the 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 the construction of the Garnsey-Shilling Area Water Improvements to the Wayne County Water and Sewer Authority (WCWSA) for the Total Base Bid plus Conditional Items at a cost of \$527,000.00, contingent upon approval by the USDA-Rural Development-Rural Utilities Service (RUS).

Section 2. The Supervisor of the Town of Palmyra is hereby authorized to execute the Notice of Award (RUS Bulletin 1780-13) and the formal Construction Agreement for the construction of the water distribution system and related appurtenances.

Section 3. This Resolution shall take effect immediately.

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

David C. Lyon	VOTING	<u>Aye</u>
David Nussbaumer	VOTING	<u>Aye</u>
Michael Lambrix	VOTING	<u>Aye</u>
James Welch	VOTING	<u>Aye</u>
Kenneth Miller	VOTING	<u>Aye</u>

The Resolution was thereupon declared duly adopted.

- c. Authorize the Town Supervisor to sign the "Notice of Award" for construction of Garnsey-Shilling Area Water District Improvements.

The following "Notice of Award" from the Town of Palmyra to the Wayne County Water and Sewer Authority was distributed to board members.

NOTICE OF AWARD

TO: Wayne County Water and Sewer Authority

PROJECT DESCRIPTION: Garnsey-Shilling Area Water District Improvements

The Owner has considered the BID submitted by you for the above-described WORK.

You are hereby notified that your BID has been accepted for items in the amount of \$527,000.00.

You are required to execute the Agreement and furnish the required certificates of insurance within ten (10) days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said certificates of insurance within the ten (10) calendar days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER's acceptance of your BID as abandoned. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 9th day of October, 2003.

*Town of Palmyra
Owner
By David C Lyon
Title: Supervisor*

David Nussbaumer made the motion to authorize David Lyon to sign the "Notice of Award" with Michael Lambrix providing the second to the motion. Voting was unanimous in the affirmative.

**MTN:
AUTHORIZE
SUPERVISOR TO
SIGN "NOTICE
OF AWARD"**

David Doyle continues in his letter:

"Please sign all six (6) copies of the enclosed Notice of Award and return them to me along with six (6) copies of the Resolution of Award, all with original signatures. Upon receipt we will forward the Notice of Award to the Authority along [with] the other required documents."

- 2. Approve Town Clerk software package purchase: Noting that the Town Clerk software currently in place does not meet our needs, and also noting frustration at poor service we received from Admit, the company who provides our "Impact" Town Clerk software, Clerk Green requested approval of "Town Clerk Plus" software from Williamson Law Book Company, based in Victor, NY. Installed and used by municipalities surrounding Palmyra, their town clerks praised the software and the service Williamson Law Book provides. Laura Shawley, a representative from WLB demonstrated the capabilities of the proposed software, showed how user-friendly it is, and touted the training and superior service after installation. All Town Clerk's office staff attended the demonstration, as well as Gary Rose, Animal Control Officer. Each was impressed by what was demonstrated and indicated their approval of the software—the sooner the better for installation. WLB will also move all files from the old software as part of the installation. Training is also available from WLB.

Supervisor Lyon remarked that, with unbudgeted revenues received

earlier in the year from tax penalties, enough money is in this year's budget to purchase the software. Having it installed before December 31st (when the old software contract expires), allows for a seamless transition between old and new, and time to practice the new format.

**MTN: APPROVE
PURCHASE &
INSTALL OF TOWN
CLERK PLUS
SOFTWARE**

Motion was made by Michael Lambrix to approve the purchase and installation of Town Clerk Plus software from Williamson Law Book Company, not to exceed \$4,500.00. James Welch seconded the motion. Discussion was focused on whether or not the new software would be compatible with our PCs. Ken Miller was assured that software is totally compatible. Voting was unanimous in the affirmative.

2. Motion to adjourn: At 8:10 p.m., David Nussbaumer made the motion to adjourn the meeting. Michael Lambrix seconded the motion. Voting was unanimous in the affirmative.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

Attachment A – Itemized Bid Proposal to the Town of Palmyra for the Garnsey-Shilling Area Water District by the Wayne County Water and Sewer Authority, along with signed and witnessed Bid Summary.

NEXT MEETING: THURSDAY, OCTOBER 23, 8:00 PM
EAST PALMYRA FIRE HALL