

**PUBLIC HEARING  
2004 LOCAL LAW NUMBER 1**

**PALMYRA TOWN HALL  
JANUARY 29, 2004**

The Public Hearing scheduled for Thursday, January 29, 2004 at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, to consider Local Law Number 1 of 2004 was called to order at 7:30 p.m. by Town Supervisor David Lyon. Reading of the legal notice was waived due to its length.

**PUBLIC HRG –  
2004 LOCAL  
LAW NUMBER 1**

Mike Lambrix made the motion to waive the reading due to its length, Dave Nussbaumer seconded the motion, voting was unanimous in the affirmative.

**MTN: WAIVE  
READING OF  
PROPOSED  
LOCAL LAW**

Town Clerk Lynne Green summarized the information in the legal notice for the proposed local law saying it increases the fee for licensing a spayed or neutered dog from \$5 to \$8; for licensing an unspayed or unneutered dog from \$13 to \$16; and adds a \$5, \$10 or \$15 license fee for licensing purebred dogs—aimed at breeders and owners of kennels—who license multiple dogs annually.

**NOTICE OF PUBLIC HEARING  
OF PROPOSED LOCAL LAW**

**LEGAL NOTICE  
PUBLIC  
HEARING ON  
LOCAL LAW  
No. 1 FOR 2004**

**PLEASE TAKE NOTICE** that there has been introduced before the Town Board of the Town of Palmyra in the County of Wayne and State of New York on December 29, 2003, a Local Law Amending Local Law 2 of the Town of Palmyra in 1986 entitled "Dog Control Law of the Town of Palmyra" and in particular §11 entitled "License Fees".

**SECTION 1** That §11 entitled "License Fees" is hereby amended to read as follows:

The License Fees for dogs are hereby set as follows:

- A. Fees for each spayed/neutered dog:
  - \$2.50 for each dog to the State of New York;
  - \$5.50 for each dog to the Town of Palmyra;
  - \$8.00 Total
- B. Fees for each unspayed/unneutered dog:
  - \$7.50 for each dog to the State of New York;
  - \$3.00 spay/neuter fee for each dog to NYS Dept. of Ag. & Mkts;
  - \$5.50 for each dog to the Town of Palmyra;
  - \$16.00 Total
- C. Fees for purebred dogs:
  - (1) \$3.00 spay/neuter fee for each dog to the State of New York Department of Agriculture and Markets; plus

- (2) An annual license charge as follows:  
 Statutory Fee as per NYS Agriculture & Markets law, Article 7, Sec. 110, ss 2; plus  
 \$5.00 for one purebred annual license for 1-10 dogs;  
 \$10.00 for one purebred annual license for 11-25 dogs;  
 \$15.00 for one purebred annual license for 26 dogs or more.

**SECTION 2      EFFECTIVE DATE**

This local law shall take effect immediately after filing in the office of the New York Department of State in Albany

**PLEASE TAKE FURTHER NOTICE** that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing will be held on the aforesaid proposed amendment to Local Law before the Town Board of the Town of Palmyra at the Town Hall, 1180 Canandaigua Road, in the Town of Palmyra, New York at 7:30 p.m. on Thursday, January 29, 2004, at which time all interested persons will be heard.

Dated: December 29, 2003  
LYNDALL ANN P. GREEN  
Palmyra Town Clerk

**MTN: CLOSE  
PUBLIC  
HEARING**

Supervisor Lyon asked those present if there were any questions or comments about the proposed licensing fee increase. There were none. At 7:34 p.m., Dave Nussbaumer made the motion that the hearing close. Mike Lambrix seconded the motion. Voting was unanimous in the affirmative.

**REGULAR TOWN BOARD MEETING**

**CALL TO ORDER**

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, January 29, 2004, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 7:35 p.m. by Town Supervisor David 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:  
David C. Lyon, Supervisor  
David Nussbaumer, Councilman  
Michael Lambrix, Councilman  
James Welch, Councilman  
Kenneth Miller, Councilman

Also present at the meeting were:  
Nelson F. Cook, Palmyra Highway Superintendent  
Mark Lindsay, reporter for the *Courier-Journal*  
Daniel Gottermeier, 3262 Route 21 North, Palmyra

Motion was made by David Nussbaumer to approve the minutes of the January 15, 2004 meeting of the Town Board.

Second: Michael Lambrix

Vote: 5 ayes

**MTN: APPRV.  
MINUTES OF  
1/15/2004 MTG.**

## **COMMUNICATIONS**

1. DOT letter about traffic control request on North Creek Road: Letter was received from Larry R. Sherman, Regional Traffic Engineer for the NYS Dept. of Transportation in Rochester. He states his "...office will investigate traffic conditions on North Creek Road between South Creek Road and Hydesville Road relative to the establishment of a lower speed limit." This follows up on a resident request made in 2003 concerning hazardous conditions at present speed limits.
 

**D.O.T. LETTER  
ABOUT SPEED  
LIMIT ON  
NORTH CREEK  
RD.**
2. Town/Village projects for Comprehensive (Master) Plan: Letter was received from William Reemtsen of Stuart Brown Associates saying that work is in progress on completing the Palmyra Master Plan. In reviewing changes made since 1998, he had identified 14 projects, activities, programs and plans, and asked for "new plans, studies, and/or analyses that may have been completed or are proposed...." The Town Clerk replied to the letter adding 19 more items which she, Supervisor Lyon, Bob Grier, some board members, and others, came up with.
 

**MASTER PLAN  
FINAL PHASE  
LIST OF TOWN  
& VILLAGE  
PROJECTS**
3. Erie Canal Trailway celebrates a milestone: The NY Parks & Conservation Association is planning a "...statewide Canalway Trail Celebration for National Trails Day on June 5, 2004." They are asking for area input into a "coordinated series of local events centered around the Canalway Trail." An application was included with the letter.
 

**ERIE CANAL  
TRAILWAY  
PLANNING  
CELEBRATION**
4. Compliance Review by Rural Development: The East Water District, which encompasses the water line east from the village border to Hammond Road, was up for its 6-year review this year. Micky Sergent, Community Development Manager for the USDA New York Rural Development visited the Town Hall to conduct a compliance review. This is a requirement for federally-funded projects. It is to determine if anyone in the funded project (in this case, the East Water District) has been discriminated against in any way.
 

**COMPLIANCE  
REVIEW BY  
RURAL  
DEVELOP-  
MENT FOR  
EAST WATER  
DISTRICT**

We were found to be in compliance with the civil rights laws covering the loan, and received a letter from Ms. Sergent stating "...you are in compliance with civil rights laws and statutes."

## REPORTS OF STANDING COMMITTEES

### Buildings and Grounds Committee – Ken Miller, Chairman

#### UPDATE ON OUTSIDE LIGHTS AT TOWN HALL

1. Update on outside lights at Town Hall: Jay Harding has replaced the light which is in front of the Town Hall sign. While it has been installed, the wiring issue has not been resolved, so the light is not operational at this time. The "bucket truck" Jay had been using from the Parks and Cemeteries Department of the village is not available at this time. It will be continued in the Spring.

#### LEAKING OF TOWN HALL ROOF

2. Snow and ice damage to Town Hall: With the cold winter temperatures and high winds, ice has been forced up under roof shingles at Town Hall. Any warming or sunny days have triggered leaks in certain areas of the roof. Particularly hard hit has been the Northwest corner of the building—directly over the Town Clerk's office, causing leakage, the kitchen under the roof overhang, and the west side ladies' room. After the spring thaw, the roof can be assessed for repair or replacement.

### Highway Committee – Michael Lambrix, Chairman

#### HWY CREW PLOWING SNOW OVERTIME

1. Highway Department Update: Highway Superintendent Nelson Cook said his department has been plowing a lot of snow lately. This includes a lot of overtime for the crew.

#### MTN: AUTHORIZE N. COOK TO SIGN AUCTION CONTRACT FOR MUNICIPAL AUCTION 5/15/2004

2. Authorize signing of Auction Contract: In order to have the annual municipal auction on May 15, 2004, Highway Superintendent Cook needed the board's approval to sign the auction contract with Roy Teitsworth. In addition to preparing the Highway facility, Cook would have to contact Garlock for the use of their parking facilities, and arrange for a bus to shuttle between the parking areas and the auction site.

Councilman Jim Welch asked who would be doing the concessions this year. Cook said he would offer it to the Palmyra Community Center for a fundraising opportunity.

Mike Lambrix made the motion to authorize Nelson Cook to sign the auction contract with Teitsworth.

Second: Dave Nussbaumer

Vote: 5 ayes

**Planning Committee – James Welch, Chairman**

Councilman Welch made the motion to appoint David Pinkney to the Town Planning Board to fill the current vacancy. His term would begin January 1, 2004 and would extend through December 31, 2008—a five-year term.

**MTN: APPOINT  
D. PINKNEY TO  
TOWN  
PLANNING  
BOARD—TERM  
1/1/2004-  
12/31/2008**

Second: Dave Nussbaumer

Vote: 5 ayes

**Zoning Committee – David Nussbaumer, Chairman**

1. Code Enforcement Officer's monthly Update: CEO Bob Grier said he wasn't able to provide a CEO report this month because our computer system had been hit by the most recent "worm" which had attacked the server and wasn't available to print the report. However, he added that at this time of the year, his office is doing "housekeeping" functions, updating files, creating reference lists, etc.

**CEO OFFICE  
UPDATE FOR  
JANUARY**

2. Daniel Gottermeier's request for Special Use Authorization: Daniel Gottermeier was in attendance at the meeting. He had met with Jim Welch, Bob Grier and Dave Nussbaumer on January 26 to decide on a list of conditions for the Special Use Permit. In addition, Grier had visited the location and had conducted a walk-through, finding things to be in code compliance.

Dave Nussbaumer made the motion to approve the Special Use Authorization. Jim Welch seconded the motion.

**MTN: APPRV  
SPECIAL USE  
AUTHOR. FOR  
DANIEL  
GOTTERMEIER  
d/b/a LIBERTY  
AUTO SERVICE**

In the discussion, Councilman Lambrix stated he "would feel more comfortable" if two more conditions were added to the list of conditions in the proposed permit. He wanted the letter of intent from NOCO attached, which shows that Gottermeier has a formal agreement for regular pick-up service of used oil, antifreeze, and other chemicals which need special disposal. In addition, he wanted the permit to state where Gottermeier would be taking his tires which needed disposal.

**SPECIAL USE PERMIT FOR DANIEL GOTTERMEIER  
d/b/a: LIBERTY AUTO SERVICE  
STATEMENT OF CONDITIONS  
FOR AN AUTOMOBILE AND LIGHT TRUCK REPAIR OPERATION**

**SPECIAL USE  
AUTHORIZA-  
TION TERMS &  
CONDITIONS**

**WHEREAS**, on the 29<sup>th</sup> day of December, 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 Daniel Gottermeier, 3262 Palmyra-Marion Rd., Town of Palmyra, for Special Use Authorization to operate an automotive repair shop using the name "Liberty Auto Service."

**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 Daniel Gottermeier with the following conditions:

1. All State and Local codes governing the proposed automobile and light truck repair operation be 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 applicant notify the Town of Palmyra of any proposed changes in the status of this Special use Permit.
4. That an inspection of the property occurs before operations commence to insure Code compliance takes place.
5. Annual inspection by the Town of Palmyra is conducted at a cost set by the fee schedule on file in the Town Clerk's office.
6. This Special use Permit is limited to Daniel Gottermeier only and is not transferable to future owners.
7. This Special use Permit including Special Conditions will become effective upon signing by the applicant and returning to the Town Office.
8. Special use Permit will also be subject to conditions of original application dated November 11, 2003, unless modified by this document.
9. Hours of operation will be Monday through Saturday, from 7:30 a.m. until 6:00 p.m.
10. No more than one (1) employee plus owner and owner's wife will work at the repair facility.
11. Merchandise on hand will be limited to customary items related to auto service business, such as oil, tires, filters, etc.

12. Items for sale will be displayed entirely within the shop building.
13. Gasoline on hand will be limited to ten (10) gallons, stored in an approved container and location. All other hazardous materials will be stored and disposed of in accordance with State codes governing such materials.
14. A maximum of six (6) customer vehicles will be parked on the property overnight. These vehicles will be parked in the designated parking as shown on the survey map attached.
15. All work will be performed entirely within the shop building.
16. Total number of tires, new and used, on the property at any time shall not exceed 32.
17. A letter of intent from NOCO Energy Corp. is to be attached to this application showing their agreement to dispose of your used oils, antifreezes, etc.
18. That your tires will be taken to Nucor Steel/Auburn, Inc. or other certified tire location for proper, safe disposal.

I, Daniel Gottermeier, have read the above conditions attached to my Special Use Permit, do fully understand them and agree to abide by them. I also understand that if the conditions are not complied with, this special use authorization could be revoked. My signature below indicates my acknowledgement of these conditions and my willingness to abide by them.

With the addition of these two added conditions before the final signing of the document, board members were ready to vote on the motion.

A roll call vote was requested:

Supervisor Lyon	yes	Councilman Welch	yes
Councilman Nussbaumer	yes	Councilman Miller	no
Councilman Lambrix	yes		

Vote: 4 ayes, motion carries

**ROLL CALL  
VOTE ON  
SPECIAL USE  
AUTHORIZA-  
TION**

**INFORMATIONAL ITEMS**

1. Report to the Board—Town Clerk's office: Highlights of work done during January are highlighted in this month's report, written and submitted by Deputy Town Clerk Betsy Lewis. She completed and submitted two grant requests—one for HVAC unit for our Archives rooms, the other was a request on behalf of the Historian, Beth Hoad. In her report, she also includes new information which now appears on the town/village web site.

**REPORT OF  
TOWN  
CLERK'S /  
HISTORIAN'S  
OFFICES**

**ASSESSOR'S  
MONTHLY  
REPORT**

2. Assessor's Report: Assessor Elaine Herman is in the initial phase of the assessment update. This includes visiting, photographing and assigning a tentative value to each tax parcel in the town and village—regardless of the weather. Staying in the office late for many nights, as well as weekends, is part of this process. She also notes her computer software has been upgraded and is working well.

**REQUEST TO  
CONSIDER  
RAISING DOG  
SEIZURE FEES**

3. Request to consider raising dog seizure fees: Animal Control Officer, Gary Rose, made the following request:

"It has come to my attention that the Board is considering raising the dog license fees. I propose that we also consider raising the dog seizure fees... The fees are currently \$10 for the first offense plus \$5... for each day the dog is in the kennel. The second offense is \$25 plus \$5... for each day the dog is in the kennel. The Town of Arcadia, Town of Macedon, Town of Marion, Village of Palmyra all charge \$25 plus \$5... for each day... for the first offense, \$50 plus \$5... for the second offense in one year's time, and \$75 plus \$5 for the third and subsequent offenses. The fee stays at \$75 plus \$5 until the dog has gone 12 months without being seized. I propose that we raise our fees to match the surrounding municipalities."

Supervisor Lyon asked board members if they would like to pursue raising the dog seizure fees. If so, the town would start the legal process to make the change. Consensus of the board was to proceed.

**AGENDA ITEMS**

**MTN: APPRV  
LOCAL LAW #1 --  
DOG CONTROL  
LAW RAISING  
LICENSE FEES**

1. Approval of 2004 Local Law Number 1: Motion was made by David Nussbaumer that "2004 Local Law Number 1: A Local Law Amending Local Law No. 2 for the Year 1986 "Dog Control Law of the Town of Palmyra" be approved. Ken Miller seconded the motion.

**LOCAL LAW #1 OF 2004  
A LOCAL LAW AMENDING  
LOCAL LAW #2 IN THE YEAR 1986  
TOWN OF PALMYRA**

A Local Law Amending Local Law #2 in the year 1986 "Dog Control Law of the Town of Palmyra".

BE IT ENACTED by the Town Board of the Town of Palmyra, New York as follows:



**SECTION 1. AMENDING LOCAL LAW #2 OF THE YEAR 1986 ENTITLED "DOG CONTROL LAW OF THE TOWN OF PALMYRA".**

That §11 entitled "License Fees" is hereby amended to read as follows:

The License Fees for dogs are hereby set as follows:

- A. Fees for each spayed/neutered dog:
  - (1) \$2.50 for each dog to the State of New York.
  - \$5.50 for each dog to the Town of Palmyra.
  - \$8.00 Total
- B. Fees for each unspayed/unneutered dog:
  - (1) \$7.50 for each dog to the State of New York.
  - \$3.00 spay/neuter fee/dog to NYS Dept. of Agri. & Mkts.
  - \$5.50 for each dog to the Town of Palmyra.
  - \$16.00 Total
- C. Fees for purebred dogs:
  - (1) \$3.00 spay/neuter fee for each dog to the State of NY Department of Agriculture and Markets, plus
  - (2) An annual license charge as follows:
    - Statutory Fee as per NYS Agri. & Mkts. law, Article 7, Sec. 110, ss 2; plus
    - \$5.00 for one purebred annual license for 1-10 dogs
    - \$10.00 for one purebred annual license for 11-26 dogs
    - \$15.00 for one purebred annual license for 26 or more dogs.

**SECTION 2. EFFECTIVE DATE.**

This local law shall take effect immediately after filing in the office of the New York Department of State in Albany.

Dated: January 29, 2004

LYNDALL ANN P. GREEN

Palmyra Town Clerk

Councilman Mike Lambrix left the meeting room at 8:03 p.m. and was not in attendance for the vote.

Vote: 4 ayes

2. Agreement for Shelter Services with Humane Society: Letter was received from the Humane Society of Wayne County with the new contract for shelter services for January 1, 2004 through December 31, 2006. Motion was made by Dave Nussbaumer to approve the agreement.

**MTN: APPROV  
SHELTER  
SERVICES  
AGREEMENT  
WITH HUMANE  
SOCIETY**

Second: Jim Welch

Vote: 4 ayes

A copy of the signed agreement is included with these minutes as Attachment A.

Mike Lambrix returned at 8:05 p.m.

- 3. Telephone System Change: Petra Anderson, Town Bookkeeper, was in attendance to explain a proposal she has for saving the town over \$1,000 per year in telephone charges.

She distributed a page of information comparing our current Verizon and AT&T charges with Broadview Communications in local line charges, local usage and long distance charges. The estimated saving is over \$75 per month.

In addition, Broadview offers to buy out the current long-term contract, no longer need to use Centrex system, one point of contact for all account needs, \$75 credit to try out the program, and only a 9 month initial contract to see if it meets our needs. Broadview would be just the carrier.

Mike Lambrix said he hadn't heard of Broadview Communications and suggested Petra call AT&T and Verizon to see if they would make changes to our rates. Petra said she had called the Town of Macedon, which had switched to Broadview, and found they were satisfied with them. Town of Walworth and Gananda School District have also gone with Broadview.

Councilmen Nussbaumer and Welch both felt it is their responsibility to our taxpayers to start saving money whenever we can and that's the way to go.

Ken Miller made the motion to approve the change of service to our telephone system to Broadview Communications. Dave Nussbaumer seconded the motion. A roll call vote was requested:

Supervisor Lyon	yes	Councilman Welch	yes
Councilman Nussbaumer	yes	Councilman Miller	yes
Councilman Lambrix	no		

Vote: 4 ayes, motion carries

**MTN: APPRV.  
CHANGE OF  
TELEPHONE  
SYSTEM TO  
BROADVIEW  
COMMUNICA-  
TIONS**

- 4. Board of Assessment Review Appointment: Motion was made by Dave Nussbaumer to re-appoint Derwent Jackson to the town Board of Assessment Review for a five-year term beginning October 1, 2003 and going through September 30, 2008.

Second: Mike Lambrix

Vote: 5 ayes

**MTN: RE-  
APPOINTMENT  
TO BOARD OF  
ASSESSMENT  
REVIEW**

- 5. Revisit holidays for 2004: After reviewing the official holidays for 2004 in which the Town Hall will be closed, it was decided that Friday, December 31, 2004 should be the holiday for New Year's Day 2005. This means that the year 2004 will have 10 holidays, and that 2005 will have only 8. Motion was made by Dave Nussbaumer that December 31, 2004 should be included with the 2004 holidays.

**MTN: APPRV.  
DEC. 31, 2004 AS  
HOLIDAY FOR  
NEW YEAR'S  
DAY 2005**

Second: Ken Miller

Vote: 5 ayes

- 6. Resolution to borrow \$100,000 for a front loader for the Palmyra Highway Department: Supervisor Lyon summarized the resolution by saying that a request was made to borrow funds to pay for a front-end loader. Funding is set up to repay 1/3 of the cost in each of three years. Originally, it was scheduled to be purchased on a lease contract. However, if the town borrows the funds from the bank on a short-term loan at 1.6% interest, a considerable savings to the town will be realized.

**RESOL:  
BORROW  
\$100,00 FOR  
FRONT LOADER**

**CAPITAL NOTE RESOLUTION OF THE TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK,  
(THE TOWN) ADOPTED JANUARY 29, 2004,  
AUTHORIZING THE PURCHASE OF A FRONT-END LOADER FOR HIGHWAY MAINTENANCE AND CONSTRUCTION, INCLUDING EQUIPMENT AND APPARATUS USED IN CONNECTION THEREWITH.**

Stating the estimated maximum cost of said purchase is \$165,790.00 appropriating said amount therefore and authorizing the issuance of \$100,000.00 capital note of the Town to finance a portion of said appropriation, stating that the period of probable usefulness is ten (10) years and providing for the levying of tax to be collected to pay the principal of and interest on said capital notes.

**RECITALS**

**WHEREAS**, the Town of Palmyra, Wayne County, New York, (the Town) adopted a resolution authorizing the advertisement for bids for the sale to the Town of a front-end loader; and

**WHEREAS**, on the 26<sup>th</sup> day of December, 2003, sealed bids were opened and read aloud at the Town Offices, the place specified in said notice; and

**WHEREAS**, no award to the successful bidder shall be made unless and until (i) the contract shall have been approved by the County Superintendent and (ii) the Capital Note Resolution authorizing such purchase shall have been duly adopted by the Town Board of the Town,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Palmyra, County of Wayne, New York (by the favorable vote of not less than two-thirds of all members of said Board) as follows:

**Section 1.** Town of Palmyra, Wayne County, New York, (the Town) is hereby authorized to purchase a front-end loader for highway maintenance and construction, including equipment and apparatus used in connection therewith, pursuant to said advertisement and invitation to bid filed with the Town Clerk on December \_\_\_\_, 2003, all as hereinabove referred to in the Recitals hereof.

**Section 2.** The estimated maximum costs of said purchase, including preliminary costs and costs incidental thereto and the financing thereof, is \$165,790.00 and said amount is hereby appropriated therefore. The sum of Sixty-five Thousand Seven Hundred Ninety Dollars (\$65,790.00) will be paid from the current appropriation less the income from the sale of the existing front-end loader estimate to be Sixty-six Thousand Dollars (\$66,000.00). To finance a portion of said appropriation, a capital note of the Town is hereby authorized to be issued in the principal amount of \$100,000.00 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (Local Finance Law).

**Section 3.** The plan of financing is as follows: the sum of \$65,790.00 shall be paid from current funds from Highway No. 3 account; and the balance of said cost is to be provided by the issuance of a capital note in the amount of \$100,000.00 pursuant to this resolution.

**Section 4.** There is hereby authorized the levy of a tax to be collected in installments to pay the principal of and interest on said capital note.

**Section 5.** The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which the capital note authorized by this resolution is to be issued, within the limitations of Section 11.00(a)(28) of the Local Finance Law, is Ten (10) years.

(b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the capital note authorized by this resolution.

(c) The proposed maturity of the capital note authorized by this resolution will not exceed two (2) years.

**Section 6.** The capital note authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law, and said capital note shall be a general obligation of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said capital note and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the capital note (or portion thereof) to mature in such year, and (b) the payment of interest to be due and payable in such year.

**Section 7.** Subject to the provisions of this resolution and the Local Finance Law, and pursuant to the provisions of Section 50.00 and Sections 56.00 to 60.00 of the Local Finance Law, the powers and duties of the Town Board relative to prescribing the terms, form and content as to the sale and issuance of the capital note hereby authorized, or the renewals thereof, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

**Section 8.** The validity of the capital note authorized by this resolution may be contested only if

(a) such obligation is authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after date of such publication, or

(c) such obligation is authorized in violation of the provisions of the Constitution.

**Section 9.** The Town Clerk is hereby directed to cause this capital note resolution, together with a certain notice substantially in the form prescribed by Section 81.00 of the Local Finance Law, to be published, in full, in the *Courier-Journal*, a newspaper published in Wayne County, New York, and having a general circulation in the Town.

**Section 10.** This resolution shall take effect immediately.

The adoption of the foregoing resolution was made by Michael Lambrix, seconded by David Nussbaumer and duly put to a vote on roll call, which resulted as follows:

Supervisor David Lyon	VOTING	aye
Councilman David Nussbaumer	VOTING	aye
Councilman Michael Lambrix	VOTING	aye
Councilman James Welch	VOTING	aye
Councilman Kenneth Miller	VOTING	aye

**MTN: APPRV  
RESOLUTION  
TO BORROW  
\$100,000 FOR  
FRONT  
LOADER**

7. Authorize Justices Rodman and Abbott to serve other courts: A letter was received from the State of New York Unified Court system, 7<sup>th</sup> Judicial District in Rochester requesting that our town justices be authorized to serve on "temporary assignment...in other town/village courts in the Seventh Judicial District as need arises during the year 2004 and...the temporary assignment of judges from other town/village courts in the Seventh Judicial District to its court as need arises during the year 2004."

Dave Nussbaumer made the motion to approve the request authorizing the justices to serve in this capacity.

Second: Mike Lambrix

Vote: 5 ayes

**MTN:  
AUTHORIZE MRB  
GROUP TO  
PREPARE  
PRELIMINARY  
ENGINEERING  
REPORT FOR  
PROPOSED  
WATER DIST.**

- 8. Authorize MRB Group to conduct an engineering report for proposed water district(s): Having received requests from residents of Cambier, Fagner, Floodman, Parker, Johnson, South Creek, Hogback Hill and East Palmyra-Port Gibson Roads, it is necessary to have a Rural Development Preliminary Engineering Report (PER) prepared. A memo on January 27, 2004, from MRB Group estimates the engineering cost for preparing this report to be about \$2,100—about the same as for the PER for Garnsey-Shilling water project.

Dave Nussbaumer made a motion to authorize MRB to conduct this preliminary engineering report.

Second: Mike Lambrix

Vote: 5 ayes

**MTN:  
AUTHORIZE STU  
BROWN TO  
PREPARE PRE-  
ELIGIBILITY  
DETERMINA-  
TION FOR LOAN /  
GRANT ASSIST  
IN PROPOSED  
WATER DIST.**

- 9. Authorize Stuart I. Brown Associates to prepare a Pre-Eligibility Determination (PED) for loan/grant assistance in extending water services: A letter from Stu Brown proposes \$800 to prepare the PED for submission to Rural Development. This paves the way for the town to possibly receive federal funds which will ease the cost of installing rural water lines.

Dave Nussbaumer made a motion to authorize Stuart Brown Associates to prepare this Pre-Eligibility Determination.

Second: Mike Lambrix

Vote: 5 ayes

**MTN:  
RESCHEDULE  
AUDIT OF  
JUSTICES' 2003  
BOOKS**

- 10. Reschedule audit of 2003 books for Justices: Due to a family emergency, the books for Justices Rodman and Abbott were not available for audit. Motion was made by Mike Lambrix to reschedule the audit of these books to the town board meeting on February 26, 2004.

Second: Dave Nussbaumer

Vote: 5 ayes

**MTN: APPRV  
ABSTRACT #61**

- 11. Motion to approve claims and expenditures as shown on Abstract #61: Includes voucher numbers 4742 through 4846 for a total of \$219,659.40.

Dave Nussbaumer made the motion to approve claims and expenditures as shown on Abstract No. 61.

Second: Mike Lambrix

Vote: 5 ayes

12. Audit the 2003 books of the Town Clerk and Town Supervisor:  
At 8:10 p.m. the board recessed to take the time to audit the books of the Town Clerk and Town Supervisor for 2003. At 8:24 p.m. the board reconvened. Ken Miller made the motion to accept the books of the Town Clerk and Town Supervisor for the year 2003.

**MTN: ACCEPT  
BOOKS OF  
TOWN CLERK  
& TOWN  
SUPERVISOR  
FOR 2003**

Second: Dave Nussbaumer

Vote: 5 ayes

13. Motion to Adjourn: At 8: 25 p.m. Mike Lambrix made a motion to adjourn the meeting.

**MTN:  
ADJOURN MTG**

Second: Ken Miller

Vote: 5 ayes

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk

Attachment A: Agreement for Shelter Services with Wayne County Humane Society for 2004

**NEXT MEETING: THURSDAY, FEBRUARY 26, 7:30 p.m.  
PALMYRA TOWN HALL**