

**REGULAR MEETING OF THE TOWN BOARD
OCTOBER 25, 2007**

At 7:30 p.m., Supervisor Lyon called to order the regular town board meeting, scheduled to be held on Thursday, October 25, 2007, at the East Palmyra Fire Hall, Tellier Road, East Palmyra, NY.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Upon roll call, the following board members were present:

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

ROLL CALL

Councilman Kenneth Miller entered at 7:35 p.m.

Also attending the meeting:

- Todd Pipitone Michael Boesel Dave Matthews
- Kenneth Morrison Harry Wilkins Bill & Elaine Hassler
- Richard & Joanne Oakleaf Robert & Reva McCarthy

MEETING ATTENDANCE

Motion was made by Dave Nussbaumer to approve the minutes of the September 27, 2007 meeting of the Town Board.

**MTN: APPRV
9/27/2007 TOWN
BOARD MTG
MINUTES**

Second: Jim Welch

Vote: 4 ayes. Carried.

COMMUNICATIONS

1. Congressman Walsh Announces Grant Program: The Department of Homeland Security's Fire Prevention and Safety grant program is available to area firefighters. Congressman Jim Walsh announced applications for these grants, as well as assistance in completing the applications, are provided through his office. He is an original co-sponsor of the program's authorizing legislation. To date, nearly \$6.8 million have been awarded to fire departments in the 25th Congressional District.

**CONGRESSMAN
WALSH
ANNOUNCES
FIREFIGHTER
GRANT
PROGRAM
AVAILABLE**

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Kenneth Miller, Chairman

BUILDING AND GROUNDS REPORT

Ken Miller reported that the new arrangement between the Town and the Village for getting work done on the grounds of Town Hall seems to be working out very well. The new Director of Parks and Cemeteries for the Village, Gary Hopkins, and his crew have been working on mowing lawns, tending flower beds, bushes and the new trees at the front of the parking lot. Ken is pleased with the work the crew has accomplished.

Highway Committee – James Welch, Chairman

Highway Department Report for September/October: Since Highway Superintendent Mike Boesel was attending the Annual Fall Highway Conference in Saratoga Springs in September, he submitted a two-month report in October:

Highway Superintendent Report
For Town Board Meeting
10/25/2007

Since the 8/23/07 meeting we have completed the following work:

HIGHWAY REPORT FOR SEPTEMBER/ OCTOBER

- Sweeping – Trolley, Cornwall, South Townline, Faas, Fagner, Schilling Roads
- Guiderail Maintenance – all guiderails in the Town have been cleared/cleaned in the past 2 weeks
- Brushmowing – Schilling, Harris, S.Creek/Vault Roads
- Hauling sand – Sand and Salt Barns are both full and ready for winter
- Mutual Aid –
 - We assisted the Village of Palmyra, Macedon Highway on 8/28 for their paving efforts on Burnham Hts.
 - We assisted Marion Highway on 9/12 with our loader and widener for installation of their new shoulders on Electronics Road.
 - We assisted Walworth Highway on 9/25 with our loader and widener for installation of their new shoulders on Boyton Road.
 - We received assistance on 8/23 from Lyons Highway, Arcadia Highway, Walworth Highway and Marion Highway for our Fagner Road paving project.

- We received assistance on 8/29-30, 9/6, 9/11 and 9/14 from Arcadia Highway, Marion Highway and Macedon Highway for our Schilling and Fagner Road paving projects.
- Schilling Road project – Project was paved on 8/30 and has been completed for this year. There may be some restoration next year in yard areas.
- Fagner Road project – Project was paved on 8/23 and has been completed. Our CHIPs submission for cost reimbursement has been mailed to NYS DOT and should be here in December.
- Shop Hoist update – We are planning to visit Victor Highway Dept next week to see their Patriot Lift.
- Mowing update – Today is the last day for our mower man, Chris Bratt. We will continue to mow back various roadsides as time permits throughout the Fall.
- Training
 - 9/12 – Jason Bliss, Matt Lamora and I attended Snow & Ice Training by Cornell Local Roads program at the Cornell Coop Ext in Arcadia
 - 9/25-9/28 – I attended our Annual Fall Highway Conference in Saratoga Springs
 - 10/19 – Entire crew attended a 1.5 hour Dig Safely New York safety seminar held at our Highway Department
- Equipment Update –
 - T18 – rear seals and brakes, T24 – needs front king pin replacement, C1 - tires
 - T28 (2000 Mack) blew the turbo booster on 8/23. Repairs were made at Beam Mack.
 - We are preparing all trucks for winter season.
 - SMSI Grant – We met with Stu Brown on 10/11 and plan to meet again next week to review the grant application submission. Deadline is 12/14.

**HIGHWAY
REPORT FOR
SEPTEMBER/
OCTOBER**

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

In addition to the written report, Mike announced his department is gearing up for Winter. Sand and salt are filled in the town barns. He is also working on the Shared Services Grant with Stu Brown.

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

**NO REPORT
FROM PLANNING
BOARD**

Mike Lambrix had no report at this time.

Zoning Committee – David Nussbaumer, Chairman

**CEO REPORT
FOR OCTOBER**

1. CEO Report: Code Enforcement Officer Bob Grier submitted his monthly report, summarizing activity through October 25.

**EAST PALMYRA
NUISANCE
PROPERTY
OWNER MOVES**

2. East Palmyra Nuisance Property Update: Dave Nussbaumer noted the owner of a nuisance property on Port Gibson Road has moved and the neighbors are pleased that the problems are gone.

**MEADOW DRIVE
NEIGHBORS
COMPLAIN
ABOUT FINZER
ROLLER NOISE
AND
POLLUTANTS**

3. Problems in Meadow Drive Neighborhood: Several residents of Meadow Drive attended to complain about problems with the Division Street Industrial Park. Since Finzer Roller has moved into their new building, there have been problems with three exhaust fans blowing toward the residential neighborhood. Their scrubbers are noisy, and the fans blow a black residue starting at times before 5 a.m. and lasting until after 10 p.m. Dave Matthews had talked with Bob Grier about the situation, but had seen no action. He also talked with someone from Finzer who said the problem would be gone in two weeks. It has been longer than that and the problem is still there.

INFORMATIONAL ITEMS

**ASSESSOR'S
REPORT FOR
OCTOBER**

1. Assessor's Report for October: Some residents have still not received their STAR rebates and have contacted the Assessor's office to find out when they will receive it. With the warm, sunny weather in October, Elaine has been out photographing parcels around town for the revaluation. Elaine has done the field review for the village, and is now working on the town.

- 2. Town Clerk's Report for October: While it is still school tax collection time, October has been much quieter than September. Irene is working with Gary Rose preparing for the dog enumeration in 2008. Celeste passed her Notary exam. **TOWN CLERK'S REPORT FOR OCTOBER**

- 3. Morrison Excavating Third Quarter Payment: The Town received a check from Morrison Excavating Inc. for gravel removed from the Division Street gravel pit during the third quarter of 2007. **MORRISON EXCAVATING THIRD QUARTER PAYMENT FOR GRAVEL PIT**

- 4. Results of Johnson-Floodman Water Project Petition: The tally has been made of residents of the proposed Johnson-Floodman Water District and the results are that 62.07% of households want water, and that those households make up 54.89% of the assessed value of the water district. This shows that the two "tests" of the petition have been met, and in both cases, a majority of households are in favor of the project. **RESULTS OF PETITION SIGNING FOR JOHNSON-FLOODMAN WATER DISTRICT**

AGENDA ITEMS

- 1. Johnson-Floodman Water District Petition Certification: The Palmyra Assessor, Elaine Herman, has prepared a detailed chart showing each parcel included in the Johnson-Floodman Water District, along with its assessed value and whether or not the homeowner is in favor of the water project--based on their notarized signatures on a petition. The water project could continue only if more than half of the residents are in favor of it, and if those households make up more than half of the assessed value of the water district. Councilman Dave Nussbaumer made the motion to accept the Assessor's Certificate of a Valid Petition. **MTN: TOWN BOARD ACCEPTS ASSESSOR'S CERTIFICATE OF VALID PETITION FOR JOHNSON-FLOODMAN WATER DISTRICT**

Second: Mike Lambrix Vote: 5 Ayes. Carried.

- 2. Johnson-Floodman Water District Resolution of Negative Declaration SEQR: The following resolution was introduced to the Town Board for approval:

**TOWN OF PALMYRA
 SEQR RESOLUTION - NEGATIVE DECLARATION
 TOWN OF PALMYRA JOHNSON-FLOODMAN WATER DISTRICT**

WHEREAS,

- 1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Palmyra announced its intent to serve as lead agency on August 23, 2007, to conduct an environmental review of the extension of public water facilities along portions of South Creek, Floodman, Parker, Johnson and South Townline Roads to serve the Town of Palmyra Johnson-Floodman Water District. The project will improve the quality and quantity of water available to area residents.
- 2) The Town Board has determined that, as a portion of the project is within Wayne County Agricultural District No. 3, the proposed action is a Type I action as defined under SEQR.
- 3) The Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
- 4) On August 28, 2007, the Town Board notified the Involved Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form.
- 5) Comments on the EAF from Involved and Interested Agencies have been addressed (see Negative Declaration). The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with agency requirements.
- 6) The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

**MTN: APPROVE
RESOLUTION
FOR NEGATIVE
DECLARATION
UNDER SEQR**

NOW THEREFORE BE IT RESOLVED,

The Town Board declares that it will serve as lead agency for the extension of public water supply facilities to Johnson-Floodman Water District; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

Mike Lambrix made the motion to adopt the Resolution of Negative Declaration under SEQR based on the environmental record that has been prepared.

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

- 3. Johnson-Floodman Water District--Resolution for Public Hearing: The following Resolution for Public Hearing was presented to the Town Board for their approval:

In The Matter of the Creation of
Johnson-Floodman Water District in the
Town of Palmyra, County of Wayne, State of New York

Resolution for Public Hearing

WHEREAS, The Town Board of the Town of Palmyra has caused a map and plan and report to be prepared by the Town's Consulting Engineers, MRB Group, P.C., regarding the creation of the Johnson-Floodman Water District providing public water facilities along portions of South Creek, Floodman, Parker, Johnson and South Townline Roads to serve the Town of Palmyra, and

WHEREAS, the project will improve the quality and quantity of water available to area residents, and

WHEREAS, the boundaries of such proposed water district are attached hereto and made a part hereof, and

WHEREAS, the proposed district is in accordance with the map, plans and specifications prepared by the Town consulting engineers and filed in the Town Clerk's Office, and

WHEREAS, the project is subject to receipt of the proposed funding and the approval that is required from the State and Federal government, and it is hereby

ORDERED, that at a meeting of the Town Board of the Town of Palmyra to be held at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York on the 29th day of November, 2007 at 7:30 o'clock in the evening of that day to consider the report and plan as filed and to hear all persons interested in the subject thereof concerning the water and for such other actions on the vote of the said Town Board with relation to the said map plan and report and for such proceedings as may be required by law or proper in the premises.

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 notice of this hearing on the sign board of the Town of Palmyra and such other place and in the time and manner as required by law.

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

**RESOLUTION
FOR A PUBLIC
HEARING FOR
JOHNSON-
FLOODMAN
WATER
DISTRICT**

Parcel A

Beginning at the intersection of the North line of the Central Water District with the centerline of Parker Road; thence

- (1) Easterly along the north line of the Central Water District to the east line of Tax Map Parcel No. 65112-00-181847; thence
- (2) Northerly along the east line of Tax Map Parcels Numbered 65112-00-181847; 65112-00-099960; 64113-00-977131 to the northeast corner of Tax Map Parcel No. 64113-00-977131; thence
- (3) Westerly along the north line of Tax Map Parcel No. 64113-00-977131 to the northwest corner of the tax parcel; thence
- (4) Southerly along the west line of Tax Map Parcel Nos. 64113-00-977131; 64112-00-874995; 64112-00-843860 to the north line of the Central Water District; thence
- (5) Easterly along the north line of the Central Water District to the point and place of beginning.

**BOUNDARY
DESCRIPTION
OF JOHNSON-
FLOODMAN
WATER
DISTRICT**

Parcel B

Beginning at the intersection of the centerline of South Townline Road with the west line of the Central Water District; thence

- (1) Northerly, easterly and northerly along the west line of the Central Water District to its intersection with the centerline of Vienna Road; thence
- (2) Northerly along the centerline of Vienna Road to its intersection with the south line of the East Water District; thence
- (3) Westerly, southerly, westerly, northerly, easterly, northerly, westerly, southerly, westerly, southerly, westerly, northerly along the south, east and west lines of the East Water District to the south line of the Village of Palmyra; thence
- (4) Westerly along the south line of the Village of Palmyra to its intersection with the east line of the Johnson Road Water District; thence
- (5) Southerly, westerly, northerly along the east, south and west line of the Johnson Road Water District to the south line of the Village of Palmyra; thence
- (6) Westerly along the south line of the Village of Palmyra to the west line of the Canandaigua Road Water District; thence

- (7) Southerly, westerly and southerly along the Canandaigua Road Water District to the north line of the Central Water District; thence
- (8) Easterly, southerly, easterly, southerly, easterly, southerly along the northerly and easterly lines of the Central Water District to the south line of the Town of Palmyra; thence
- (9) Easterly along the town line of the Town of Palmyra to the point and place of beginning.

Parcel C

Beginning at the intersection of the west line of the Central Water District with the south line of the CSX Railroad; thence

- (1) Westerly along the south line of the CSX Railroad to its intersection with South Creek Road; thence
- (2) Westerly along the centerline of South Creek Road to a point 650± feet south of the south line of Tax Map Parcel No. 66112-00-231278; thence
- (3) Southeasterly until it intersects with the west line of Tax Map Parcel No. 66112-00-325258; thence
- (4) Southerly along the west line of Tax Map Parcel No. 66112-00-325258 to its southwest corner; thence
- (5) Easterly along the south line of Tax Map Parcel No. 66112-00-325258 until it intersects with the west line of Tax Map Parcel No. 66112-00-438198; thence
- (6) Southerly along the west line of Tax Map Parcel No. 66112-00-438198 to its southwest corner; thence
- (7) Easterly along the south line of Tax Map Parcels Numbered 66112-00-438198 and 66112-00-500114 until it intersects with the west line of Tax Map Parcel No. 66111-00-629940; thence
- (8) Southerly along the west line of Tax Map Parcel No. 66111-00-629940 and 66111-00-622840 until it intersects with the north line of the East Palmyra Port Gibson Road Water District; thence
- (9) Easterly along the north line of the East Palmyra Port Gibson Road Water District until it intersects with the west line of said water district; thence
- (10) Northerly, easterly, northerly, westerly, northerly along the west line of the Central Water District to the point and place of beginning.

**BOUNDARY
DESCRIPTION
OF JOHNSON-
FLOODMAN
WATER
DISTRICT**

Parcel D

Beginning at the intersection of the centerline of the East Palmyra Port Gibson Road with the north line of the County of Wayne; Tax Map Parcel No. 66111-00-380292, thence

- (1) Northwesterly and northerly along the north and east lines of the County of Wayne parcel to the north line of Tax Map Parcel No. 66111-00-608272; thence
- (2) Easterly along the north line of Tax Map Parcel No. 66111-00-608272

BOUNDARY DESCRIPTION OF JOHNSON-FLOODMAN WATER DISTRICT

- and Tax Map Parcel No. 66111-00-451412 to its intersection with the west line of the Central Water District; thence
- (3) Easterly along the south line of the Central Water District to its east line and continuing easterly along the north line of Tax Map Parcel No. 66111-00-784346 to the northeast corner of said parcel; thence
 - (4) Southerly along the east line of Tax Map Parcel No. 66111-00-784346 to the north line of Tax Map Parcel No. 66111-00-864148; thence
 - (5) Westerly along the north line of Tax Map Parcel No. 66111-00-864148 to a point 500 feet easterly of the east right of way line of the East Palmyra Port Gibson Road; thence
 - (6) Southerly and always 500 feet easterly of the east right of way line of the East Palmyra Port Gibson Road to the north line of the County of Wayne Tax Map Parcel No. 66111-00-380292; thence Westerly along the north line of the County of Wayne to the point and place of beginning.

MTN: APPROVE RESOLUTION AND SCHEDULE JOHNSON-FLOODMAN PUBLIC HEARING

Dated: October 25, 2007

Councilman Michael Lambrix made the motion to approve the resolution to schedule the date for the public hearing on Thursday, November 29, 2007, at 7:30 p.m., at the Palmyra Town Hall.

Second: Dave Nussbaumer Vote: 5 ayes. Carried.

MTN: SEPTIC SLUDGE PERMIT FOR EAST'S A-1 SEPTIC TANK SERVICE FOR 2007-2008

- 4. Septic Sludge Permit: East's A-1 Septic Tank Service and Excavating, Inc. has applied for a permit to collect, transport, and dispose of human (sewage and septic sludge) waste materials from September 1, 2007 through August 31, 2008. In addition to paying his \$100 fee, including a sketched map of the land used for dumping septic waste, etc., and a copy of his Waste Transporter Permit No. 8A-625 from the NY State Department of Environmental Conservation, effective date September 1, 2007 through August 31, 2008, approved for non-hazardous industrial/commercial waste, and residential septage. Mike Lambrix made the motion to approve the septic sludge permit for East's A-1 Septic Tank Service for September 1, 2007 through August 31, 2008.

Second: Ken Miller Vote: 5 ayes. Carried.

- 5. Southwest Quadrant Sewer District Resolution--Lead Agency, SEQR: The following resolution was presented to the Town Board for approval:

**TOWN OF PALMYRA
SOUTHWEST QUADRANT SEWER PROJECT
SEQR RESOLUTION**

“RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Palmyra hereby announces its intent to serve as lead agency to conduct an environmental review of a project to construct sanitary sewer improvements. The improvements include the installation of 4,500 linear feet of a small diameter (2-inch) low pressure forcemain with individual grinder pumps at each residence, to serve an area with failing septic systems in the southwest quadrant of the Town of Palmyra; and be it

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an “Unlisted Action” as defined under SEQR; and, be it

FURTHER RESOLVED, that the Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the above-mentioned action. The Town Board hereby accepts the environmental assessment of the proposed project prepared by Stuart I. Brown Associates, Inc., dated October 11, 2007. The Town Board further declares that, based on the Environmental Assessment Form which has been prepared, the project will result in no major impacts, and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for the project.”

**MTN: APPROVE
RESOLUTION TO
DECLARE LEAD
AGENCY AND
APPROVE SEQR
RESOLUTION
FOR SW
QUADRANT
SEWER
DISTRICT**

Councilman David Nussbaumer made the motion to approve the resolution.

Second: Michael Lambrix Vote: 5 Ayes. Carried.

- 6. Southwest Quadrant Sewer District Resolution--Establish Sewer District: The following resolution was presented to the Town Board for approval:

Resolution and Order of the Town of Palmyra, County of Wayne, State of New York, adopted October 18, 2007 appointing the Establishment of Southwest Quadrant Sewer District in said Town and providing that such Resolution shall be subject to a Permissive Referendum as prescribed by Law and approval of the New York State Comptroller

WHEREAS, The Town Board of the Town of Palmyra (herein called "Town Board" and "Town," respectively), in the County of Wayne, New York, has heretofore duly caused MRB Group P.C., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the proposed establishment of the Southwest Quadrant Sewer District (the "District") in the Town of Palmyra, outside of the Village of Palmyra, and any existing sewer district consisting of the installation of:

1. Construction of 4,500± lineal feet of 2" pvc forcemain
2. Construction of 3,500± lineal fee of 1¼" pvc forcemain
3. Installation of 39 pump stations, including land or rights in land, original equipment, machinery, furnishing service appurtances related site work and ancillary costs for the sewer improvement, which map, plan and report have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

**RESOLUTION:
ESTABLISH SW
QUADRANT
SEWER
DISTRICT**

WHEREAS, pursuant to the Order Calling a Public Hearing ("Order") duly adopted September 27, 2007, the Town Board determined to proceed with the proposed establishment of said District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvement proposed, the maximum amount to be expended for the construction of said Sewer Improvements, in connection with the District, the proposed method of financing to be employed, the Town's compliance with all applicable laws, rules and regulations with respect to environmental matters, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying October 18, 2007 at 7:30 p.m. as the date and time when and the Town Hall in the Town at 1180 Canandaigua Road, Palmyra, New York as the place where the Town Board would meet to consider the proposed Sewer District and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board is relative thereto as may be required by Law; and

WHEREAS, certified copies of such order were duly published, posted and filed pursuant to the provisions of Article 12-A of the Town Law; and

WHEREAS, a Public hearing on the matter was duly held by said Town Board on the 18th day of October, 2007 commencing at 7:30 p.m. at the Town Hall at which all interested persons desiring to be heard were heard including those in favor of and those opposed to the proposed District.

NOW, THEREFORE, upon the evidence advanced at said Public Hearing, be it

RESOLVED by the Town Board of the Town of Palmyra in the County of Wayne, New York as follows:

Section 1. It is hereby determined that:

- a. The Notice of Public Hearing was published, posted and filed as required by Law and it is otherwise sufficient;
- b. All the property and property owners benefited included within the proposed District referred to in the recitals hereof are benefited thereby;
- c. That the properties in the proposed District are not in a Village or another sewer district;
- d. All the property and property owners, benefited are included within the limits of the proposed District;
- e. The proposed improvements will have a useful life of 38 years;
- f. It is in the public interest to establish the District; and
- g. That the Town Board and the Town have completed in all respects with all applicable Federal, State and local law, rules and regulations regarding investment matters including the New York State Environmental Quality Review Act in connection therewith a duly processed negative declaration.

Section 2. The establishment of the proposed District is hereby approved, as hereinafter described and said District shall be designated and known as Southwest Quadrant Sewer District in the Town of Palmyra and shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Palmyra, County of Wayne, and State of New York, as shown on a map prepared by MRB Group, P.C. dated 09/2007, entitled "Southwest Quadrant Sewer District", and being more particularly bounded and described as follows:

**RESOLUTION:
ESTABLISH SW
QUADRANT
SEWER
DISTRICT**

Beginning at a point on the existing centerline of Canandaigua Road (N.Y.S. Route 21) at its intersection with the westerly prolongation of the existing common division line between Tax Map Parcel (TMP) 64111-15-649346 with TMP 64111-15-649355; thence,

- (1) Easterly, along the last mentioned existing common division line and its westerly prolongation, to a point at its intersection with the existing common division line between TMP 64111-15-649346 with TMP 64111-15-664351; thence,
- (2) Northerly, along the last mentioned existing common division line to point at its intersection with the existing municipal boundary between the Village of Palmyra with the Town of Palmyra, said boundary also being the southerly bounds of an existing Sewer District; thence,
- (3) Easterly, along the last mentioned existing municipal boundary and sewer district, and also along the existing northerly bounds of TMP 64111-15-664351, TMP 64111-15-673350, TMP 64111-15-684350, TMP 64111-15-696350 and TMP 64111-15-713349, the existing

northerly right of way of Rolfe Street, and the existing northerly boundary of TMP 64111-16-753351, to a point at its intersection with the existing common division line between TMP 64111-16-753351 with TMP 64111-16-803376; thence,

- (4) Southerly, along the last mentioned existing common division line, and also along the existing easterly bounds of TMP 64111-16-752340, TMP 64111-16-752330, TMP 64111-16-753320, TMP 64111-16-753310, TMP 64111-16-754297, TMP 64111-16-755280, TMP 64111-16-756262 and TMP 64111-19-724324, to a point at its intersection with the existing common division line between TMP 64111-19-724324 with TMP 64111-00-757161; thence,
- (5) Westerly, along the last mentioned existing common division line to a point at its intersection with the existing common division line between TMP 64111-19-690190 with TMP 64111-00-757161; thence,
- (6) Southerly, along the last mentioned existing common division line to a point at its intersection with the existing common division line between TMP 64111-19-690190 with TMP 64111-00-757161; thence,
- (7) Westerly, and continuing along the last mentioned existing common division line, to a point at its intersection with the existing common division line between TMP 64111-19-717161 with TMP 64111-00-757161; thence,
- (8) Southerly, along the last mentioned existing common division line, and also along the existing easterly right of way line of Crestwood Drive and the existing common division line between TMP 64111-19-710138 with TMP 64111-00-757161 to a point at its intersection with the existing common division line between TMP 64111-19-710138 with TMP 64111-00-719090; thence,
- (9) Westerly, along the last mentioned existing common division line, and also along the existing common division line between TMP 64111-19-690138, TMP 64111-19-680139 and TMP 64111-19-670140 with TMP 64111-00-719090 to a point at its intersection with the existing common division line between TMP 64111-19-670140 with TMP 64111-19-655132; thence,
- (10) Northerly, along the last mentioned existing common division line, and also along the existing common division line between TMP 64111-19-670140 with TMP 64111-19-655139 to a point at its intersection with the existing common division line between TMP 64111-19-654147 with TMP 64111-19-655139; thence,
- (11) Westerly, along the last mentioned existing common division line, and its westerly prolongation to a point at its intersection with the existing centerline of the first mentioned Canandaigua Road (NYS Rte 21); thence,
- (12) Northerly, along the last mentioned existing centerline to a point at its intersection with the westerly prolongation of the existing common division line between TMP 64111-19-654163 with TMP 64111-19-653172; thence,

**RESOLUTION:
ESTABLISH SW
QUADRANT
SEWER
DISTRICT**

- (13) Easterly, along the last mentioned existing common division line and its westerly prolongation to a point at its intersection with the existing common division line between TMP 64111-19-690190 with TMP 64111-19-653172; thence,
- (14) Northerly, along the last mentioned existing common division line to an angle point; thence,
- (15) Westerly, continuing along the last mentioned existing common division line to a point at its intersection with the existing centerline of the above mentioned Canandaigua Road(NYS Rte 21) ; thence,
- (16) Northerly, along the last mentioned existing centerline to a point at its intersection with the westerly prolongation of the existing common division line between TMP 64111-19-690190 with TMP 64111-19-652201; thence,
- (17) Easterly, along the last mentioned existing common division line and its westerly prolongation to a point at its intersection with the easterly bounds of TMP 64111-19-652201; thence,
- (18) Northerly, continuing along the last mentioned easterly boundary , and also along the existing common division line between TMP 64111-19-690190 with TMP 64111-19-652209 to a point at its intersection with the existing common division line between TMP 64111-19-690190 with TMP 64111-19-724324; thence,
- (19) Westerly, along the last mentioned existing common division line to a point at its intersection with the existing common division line between TMP 64111-19-724324 with TMP 64111-19-650216; thence,
- (20) Northerly, along the last mentioned existing common division line to a point at its intersection with the existing common division line between TMP 64111-19-724324 with TMP 64111-19-652226; thence,
- (21) Easterly, along the last mentioned existing common division line to an angle point in the last mentioned common division line; thence,
- (22) Northerly, continuing along the last mentioned existing common division line, and also along the existing common division line between TMP 64111-19-724324 with TMP 64111-19-652235, TMP 64111-19-652243 and TMP 64111-15-651253 to a point at its intersection with the existing common division line between TMP 64111-15-672297 with TMP 64111-15-651253; thence,

**RESOLUTION:
ESTABLISH SW
QUADRANT
SEWER
DISTRICT**

- (23) Westerly, along the last mentioned existing common division line to a point at its intersection with the existing centerline of the above mentioned Canandaigua Road (NYS Rte 21); thence,
- (24) Northerly, along the last mentioned existing centerline to the Point and Place of Beginning, containing 2,674,184± square feet or 61.4± acres of land, more or less.

Section 3. The maximum amount to be expended for the construction of the Sewer Improvement is established to be \$550,000.00 and the plan of financing includes the use of an United States Environmental Protection Agency Grant obtained with the Wayne County Water and Sewer Authority in the amount of \$221,800.00 and a loan from the United States Department of Agriculture as a Rural Development Loan in the amount of \$382,200.00 with interest at 4.5% per annum payable over 38 years by issuance to the United States Department of Agriculture, several bonds of the Town to finance said costs then assessment, levy and collection of special assessments on the several units within the District, which the Town Board shall determine and specify to be benefited thereby so much upon and from such as shall be in just proportion to the amount of benefit confirmed upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

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SEWER
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Section 4. This resolution is subject to a Permission Referendum pursuant to §90 of the Town Law and the applicable laws and rules. This order shall be published in the official newspaper and posted on the Clerk's Bulletin Board. That a petition requesting a referendum signed by the lesser of 100 owners or 5% of the property owners entitled to vote on the proposition shall be filed within 30 days of the date that the order becomes final all in accord with the applicable law, rules and regulations. If no petition is received, the Order becomes final subject to the approval of the State Comptroller and the receipt of the Loan and Grant set forth above.

Section 5. The permission of the State Comptroller for the establishment of the Sewer District is necessary as the cost of the average unit benefited in the District will be \$805 per year which sum exceeds the present threshold cost of \$587.00 per average unit. The Order that if no election is necessary the Town Clerk is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the office of the Clerk of the County of Wayne in which the Town of Palmyra is located within 10 days after the adoption of this Order, and it is further ordered that the Town Clerk is hereby authorized to file a certified copy of this Order with the State Comptroller in the Office of the State Department of Audit and Control within 10 days after the adoption of this Resolution and Order.

ORDERED that the Town shall make an application to the State Comptroller for the necessary approvals of the proposed financing and expenses of the District.

Dated: October 25, 2007

7. Approve Abstracts #136 and #137: Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #136 (for vouchers already paid), which includes Voucher Numbers 8612 through 8616, for \$17,008.46; and Abstract #137, (for vouchers to be paid) which includes Voucher Numbers 8617 through 8679 for \$50,412.24.

**MTN: APPROVE
ABSTRACTS
#136 & #137**

Second: Mike Lambrix

Vote: 5 ayes. Carried.

8. Motion to Adjourn: At 7:54 p.m., Mike Lambrix made the motion to adjourn the meeting.

**MTN: ADJOURN
MEETING**

Second: Dave Nussbaumer

Vote: 5 ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

**NEXT MEETINGS: BUDGET HEARING, THURSDAY, NOVEMBER 8, 2007,
AT 7:30 P.M., PALMYRA TOWN HALL**

**TOWN BOARD MEETING, THURSDAY, NOVEMBER 29,
2007, 7:30 P.M., PALMYRA TOWN HALL**