

Before the public hearing, Supervisor David Lyon took the opportunity to thank the East Palmyra Fire Department and the Palmyra Fire Department for their efforts during the recent ice storm. East Palmyra Fire Hall was "a place of shelter during the storm, providing food, warmth and support for the especially-hard-hit East Palmyra area. The town thanks you," he stated sincerely, to those in attendance at the April 24, 2003 meeting, held at the East Palmyra Fire Hall.

**PUBLIC HEARING
2003 LOCAL LAW NUMBER 1**

**EAST PALMYRA FIRE HALL
APRIL 24, 2003**

The Public Hearing scheduled for Thursday, April 24, 2003 at the East Palmyra Fire Hall, East Palmyra, New York, to consider Local Law Number 1 of 2003 was called to order at 8:03 PM by Town Supervisor David Lyon. Reading of the law was waived due to its length. Supervisor Lyon summarized the information in the law by saying that this amends two previous laws concerning sewer payments, standardizing and updating the amounts, as well as making sure the laws are in conformance with new code laws.

**PUBLIC HRG –
2003 LOCAL
LAW NUMBER 1**

**TOWN OF PALMYRA
WAYNE COUNTY, NEW YORK STATE
LOCAL LAW 2003 No. 1**

**"A Local Law Amending Local Law No. 4 for the Year 1999
and Local Law No. 1 for the Year 2000"**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF PALMYRA

Section 1 That Local Law No. 4 for the Year 1999 entitled, "A Local Law Establishing Sewer Use Rents" as amended by Local Law No. 1 for the Year 2000 is hereby amended as follows:

**LEGAL NOTICE
ORDER: PUBLIC
HEARING ON
LOCAL LAW
2003 No. 1**

1. That Section 2, entitled "Charges" is hereby amended to read as follows:
 - Section 2. Charges.** *The sewer use rent for each property will include a basic charge plus an amount computed on the water consumed on the property as determined by metered flow of water to the property and a standby charge as set forth below. The rate established from the effective date of this Local Law shall be as follows:*
 - A. 1. *That the rate shall be \$3.50 per 1,000 gallons of water or part thereof used in each quarter for the first five hundred thousand (500,000) gallons. Water use above the first five hundred thousand (500,000) gallons in any quarter shall be at the rate of Three Dollars (\$3.00) per 1,000 gallons.*

2. The minimum rate charged for any quarter shall be \$35.00, the equivalent of ten thousand (10,000) gallons of water consumed or part thereof.

B. Residential Additional Rent--Standby Charge.

1. Residential units connected to the sewers, where sewers have been constructed and there is no debt in the district shall pay per unit the sum of Two Hundred Forty Dollars (\$240) per unit per year. The charge shall be divided into four equal installments of Sixty Dollars (\$60) and said sum shall be added to the quarterly sewer bill and paid when due.

2. Residential units connected to the sewers in an existing sewer district and sewer district extension, where the sewer collection system has not been constructed and/or has been completed, but the district or extension has unpaid debt for the construction, shall pay whatever annual amount per unit is calculated as necessary to amortize the debt incurred for construction of the sewer system. The amount that each unit is to pay is determined by dividing the number of residential units and if applicable, the commercial/industrial units required to pay a stand-by charge, into the annual cost to amortize the debt in each calendar year. In no event shall the annual amount to be paid be less than Two Hundred Forty Dollars (\$240). That amount calculated for each year shall be paid in equal quarterly installments. The sum, so calculated, shall be added to the sum found to be due under subparagraph 2A or 2C herein. The quarterly installment sum shall be added to the quarterly sewer bill and paid when due.

C. Commercial and industrial users and large residential users where there are no individual kitchen or cooking facilities shall be charged a unit charge pursuant to a contract which considers the amount and strength of waste discharged and the original capital contributions made by the commercial or industrial user or large residential user to the construction of the sewer improvements that are dedicated to the Town.

D. Multi-family residential units located in the same building shall pay the equivalent of a ½ residential unit charge for each one-bedroom apartment and a ¾ residential unit charge for each two-bedroom apartment. Apartments with more than two bedrooms will be charged a full rate.

E. Billing of the Sewer Use Rents shall be made at the same time as regular town billing of water rents and if there is a water bill, the Sewer Use Rents will be mailed with the water bill. Billing quarters shall commence on the 1st day of March, June, September and December in each calendar year.

2. Section 5, entitled "New Connections" is hereby amended to read as follows:

Section 5. New Connections. Any premises upon which a new building is constructed or being constructed and which is connected to the sewer system shall be liable for the sewer rent charge 120 days from the date of issuance of the building permit or the date of occupancy, whichever occurs first.

3. Section 7, entitled "Connection Fees" is hereby amended to read as follows:

Section 7. Connection fees. *Connection fees to the Town Sewer System shall be charged as follows:*

A. *Residential Units:*

1. *In the year the sewer system is being constructed and prior to completion of the sewer system, the connection charge to connect to the sewer system shall be One Thousand Two Hundred Fifty Dollars (\$1,250.00).*

2. *The connection charge for each unit after completion of construction shall be One Thousand Five Hundred Fifty Dollars (\$1,550.00).*

3. *The connection charge entitles the unit to be connected to the sewer collection system. The cost of connecting the residential unit from the street line to the unit is the cost of the unit owner and not covered by the connection fee. All connections from the street line to the unit shall be installed according to codes or rules then in effect. Once connection is complete, any existing waste disposal system shall be pumped and then properly closed.*

B. *Commercial/Industrial Units:*

The connection charge shall be based on the size of the connection necessary to serve the commercial/industrial user, but shall not be less than the connection charge to connect a residential unit. Commercial/Industrial users who have paid the Town an agreed price prior to construction shall not be charged a connection fee for all buildings erected or whose plans have been approved at the time the pre-construction payment is computed.

4. Section 9, entitled "Use of revenues" is hereby amended to read as follows:

Section 9. Use of revenues. *Revenues derived from sewer rents shall be credited to a special fund to be known as the "Sewer Fund." Monies in such fund shall be used only in the manner and for the purposes specified and in the order required by Sewer Rent Law of the State of New York.*

5. Section 10, entitled "Lien for Unpaid Sewer Rent" shall be **added** to read as follows:

Section 10. Lien for Unpaid Sewer Rent. *The Town shall have a lien for unpaid sewer rent and any unpaid amount shall be added to the next Town tax bill pursuant to the applicable laws and rules.*

Section 2. If any provision of the local law is inconsistent with any other local law, act, rule or regulation, then the provisions of this local law shall be controlling.

Section 3. This local law shall take effect immediately upon filing in the office of the Secretary of State.

**PUBLIC
HEARING
CLOSED**

Supervisor Lyon asked those assembled at the meeting if they had any questions or comments about the proposed 2003 Local Law No. 1. Hearing none, he pronounced the public hearing closed at 8:05 p.m.

REGULAR TOWN BOARD MEETING

CALL TO ORDER

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, April 24, 2003, at the East Palmyra Fire Hall, East Palmyra, NY, was called to order at 8:06 p.m. by Town Supervisor David Lyon.

**PLEDGE OF
ALLEGIANCE**

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

Upon roll call, the following board members were present:

ROLL CALL

David C. Lyon, Supervisor
David Nussbaumer, Councilman
James Welch, Councilman
Kenneth Miller, Councilman.
Councilman Michael Lambrix was absent.

Also present at the meeting were:

Nelson F. Cook, Palmyra Highway Superintendent
Cathy Flanagan, Walker Road resident
Roy C. Wilck, 1561 East Palmyra-Port Gibson Rd., Palmyra
John Rush, 4138 Hogback Hill Rd., Palmyra
Harry Wilkins, 4728 Tellier Rd., Newark
Al Cator, 4504 S. Creek Rd., Palmyra
Ann Tyler, 4961 Tellier Rd., Newark
Harlin Tyler, 4961 Tellier Rd., Newark

**MTN: APPROVE
MINUTES OF
MARCH 27, 2003**

Motion was made by David Nussbaumer to approve the minutes of the March 27, 2003 meeting of the Town Board. Seconded by James Welch. Voting was unanimous.

COMMUNICATIONS

1. 2003 Crop Walk Sunday, May 4. Request endorsement and support.

Letter was received from R. Andrew Sloan requesting the town board's endorsement and support of its fundraising efforts on behalf of Church World Service, a division of the National Council of Churches and the local Palmyra-Macedon-Farmington Clergy Council. A portion of the proceeds is retained in the local community to help feed the hungry.

Motion was made by David Nussbaumer and seconded by Ken Miller to endorse and support the 2003 Crop Walk. Voting was unanimous.

MTN:
ENDORSE &
SUPPORT 2003
CROP WALK

2. NYMIR survey results and recommendations.

Letter was received from the New York Municipal Insurance Reciprocal, thanking us for letting a representative from NYMIR perform an underwriting survey of our Town Hall and the Town Highway Garage on January 29, 2003. To meet the insurer's requirements, a tour of the facilities focused on "providing a safe environment for officials, employees and others who use or visit" the facilities. Particular attention was given to ways of "preventing and minimizing losses and accidents which could result in bodily injury and property."

One item was recommended for the Highway Garage and six minor items were recommended for the Town Hall.

The letter requests written response to the list of recommendations within 60 days of receiving the report. Town Clerk to respond.

UNDERWRITNG
SURVEY BY
NYMIR

3. Town/Village Courtroom agreement.

During April, we received a signed town/village courtroom agreement from Mayor Daly. It allows the Town Court to use the village facilities for \$4,000 per year for three years, starting on January 1, 2004.

AGREEMENT
SIGNED FOR
TOWN COURT
TO USE
VILLAGE
FACILITIES

THIS AGREEMENT

Made the 22nd day of April, Two thousand three,

BETWEEN

VILLAGE OF PALMYRA, a municipal corporation (benefit), with an office at 144 East Main Street, Palmyra, New York, 14522,

party of the first part, and

TOWN OF PALMYRA, a municipal benefit corporation, with an office at 1180 Canandaigua Road, Palmyra, New York, 14522,

party of the second part.

WITNESSETH, that the party of the first part has agreed to LET, and hereby does LET to the said party of the second part, and the said party of the second part agrees to TAKE from the said party of the first part, the following premises, viz:

The use of the "Town Justice's Office" and the "Village Court Room," as previously designated in the Village Hall of the Village of Palmyra. Together with ingress and egress and use of the other common area on the main floor of the Village Hall. Use of the Village Court shall be scheduled through the office of the Village Clerk with approval from the Village Justice. The Court Room shall not be available on regularly-scheduled Village Court nights and/or regularly-scheduled Village Board nights.

With privileges and appurtenances for and during the term of three years from the 1st day of January, 2004, which term will end the 31st day of December, 2006.

AND the said party of the second part covenants that it will pay to the party of the first part for the use of said premises, the annual rent of FOUR THOUSAND DOLLARS AND NO CENTS (\$4,000.00) to be paid as follows: \$333.33 in advance on the 1st day of each month this lease is in effect.

If the Town air conditions the "Justice's Office," the cost of the equipment and installation shall be the sole cost of the Town. Any improvements made to the premises which cannot be removed without damage to the Village property, shall become property of the Village. Town shall name Village Hall as additionally insured units in a liability policy and furnish a certificate to the Village.

AND PROVIDED FURTHER, if said party of the second part shall fail to pay said rent, or any thereof when it becomes due, it is agreed that said party of the first part may sue for the same, or re-enter said premises, or resort to any legal remedy.

The party of the first part agrees to pay all taxes to be assessed on said premises during said term. The part of the first part shall furnish all utilities and janitorial services for the leased premises in the "Justice's Office." Party of the second part shall be responsible for its own telephone and secretarial support.

The party of the second part covenants that at the expiration of said term it will surrender up said premises to the party of the first part in as good condition as now, necessary wear and damage by the elements excepted.

**TOWN/VILLAGE
COURTROOM
AGREEMENT
FOR 3 YRS.
1/1/2004 TO
12/31/2006**

WITNESS the hands and seals of the said parties, the day and year first above written.

IN PRESENCE OF:

VILLAGE OF PALMYRA

TOWN OF PALMYRA

By _____
Victoria W. Daly, Mayor

By _____
David C. Lyon, Supervisor

4. Assessor's Report

The tentative assessment roll for 2003-2004 has been given to the County for processing. In addition to the Garlock settlement, lowering their assessed value, many utility owners applied for tax relief and received reduced assessments. As a result, the town lost \$179,208 in value this year for these utility (franchise) properties.

ASSESSOR'S
REPORT

5. Archives Report

In her report, Deputy Town Clerk, Betsy Lewis thanked the town board for supporting her 2003-2004 Archives Plan at their March meeting, and for approving the funds to implement Phases I and II. She then updated the board on the progress made during April in the Archives Rooms and on the records currently being preserved and transcribed.

ARCHIVES
REPORT

In addition, she wrote about the discovery she made of rolled up pieces of yellowed papers. They comprise the "Militia Enrollment List" for Palmyra, completed in 1917. "The papers contain handwritten names and addresses, occupations, birth dates and previous war experience of all men in Palmyra between the ages of 18-45 years old." Two volunteers are currently transcribing this handwritten information onto a list, which will ultimately be added to the palmyrany.com web site for historians, genealogists, researchers and other web site visitors to peruse.

6. Town representative to Palmyra Economic Task Force

E-mail was received by Dave Lyon from Vicky Daly stating that "the Palmyra Village Board approved a request from the Palmyra Economic Task Force that they be allowed to invite representation from the Town of Palmyra on the Task Force." She attached a copy of the mission statement and the last two sets of minutes to the e-mail.

REQUEST
FOR TOWN
REP. TO
VILLAGE
ECON. TASK
FORCE

Currently, Deputy Town Clerk Betsy Lewis serves on this Task Force as a "village resident." Discussion by the town board resulted in seeing if Betsy would be willing to represent the town as well. Betsy is to be contacted to see if she would be willing to communicate town concerns to the group, and from the group back to the town board.

REPORTS OF STANDING COMMITTEES

Buildings and Grounds Committee – Ken Miller, Chairman

BUILDINGS & GROUNDS COMMITTEE

1. Update on parking lot lights at Town Hall

F.J. Rush has been working on the parking lot lights and the flood lights which illuminate the front of Town Hall. Bud Rush has checked the wiring going from light to light, and has about half of the lights up and working. Several bulbs need replacement as they are dim. For now, work is progressing.

2. Ice storm damage to Town Hall

Ice storm damage to Town Hall was minimal—no serious damage. Several large branches broke off of trees in front of the building, and there was scattered debris and branches which has been raked up in the back yard. Councilman Miller pulled the broken limbs off the front lawn with a rope tied to the back of his pickup truck.

Highway Committee – Michael Lambrix, Chairman

1. Highway Department Update—Storm related information

HIGHWAY COMMITTEE REPORT

Highway Superintendent Nelson Cook distributed a chart entitled "Ice Storm Totals, April 3-23, 2003: Total Cost labor, materials & Equipment, Town of Palmyra" (copy is Attachment A). This is the list of labor, materials and equipment estimates which Cook used when he met with the FEMA (Federal Emergency Management Authority) people on April 23. They were traveling around the area and held a quick meeting with Cook to review the figures and to tour several areas around the village, where they surveyed and photographed the damage. Although the cost figures Palmyra submitted were the highest in the county, the tour proved they were justified.

ICE STORM REPORT PROVIDED FOR FEMA

Superintendent Cook praised his crew for the time and effort they put in during the ice storm: "The guys really pitched in, doing a heck of a good job." His sentiments were echoed by a faxed letter addressed to Nelson and Crew on April 24 from Palmyra resident Tom DeRue: "I want to thank you all for your continuing efforts, not just during the recent ice storm, but the fine job you do year-round. Most folks just come to expect things to get done, and never give it a second thought. I work for local government too, and I know how often a word of thanks is received. Not very! So this note makes sure that you get one this week! Again many thanks for all that you do for the citizens of Palmyra."

Councilman Welch asked if he had other volunteer help. Cook said he had young elders from the LDS Church help out for a day "directing traffic during brush pickup, and it was much appreciated."

In addition two ten-wheelers were rented from Alan Henning and Chris Sears for brush pickup.

The highway crew has a goal of Memorial Day weekend for completing brush pickup.

If FEMA request for federal emergency funds is accepted, there will be a meeting on how to file the paperwork.

Supervisor Lyon followed up by saying that the county is going ahead with hiring contractors for county clean-up work. If FEMA is approved, costs other than regular labor costs are expected to be reimbursed. Even volunteer hours by fire departments are counted to offset the municipality's share of the cost (12.5%).

2. Mowing Contract with Wayne County

Superintendent Cook received the mowing contract with Wayne County for 2003 from the county attorney's office. On March 18, the Wayne County Board of Supervisors adopted Resolution No. 205-03: Authorizing road side mowing contract with Town of Palmyra. Request is now being made for approval by town.

Motion was made by David Nussbaumer and seconded by James Welch to approve the mowing contract with Wayne County. Voting was unanimous. Supervisor Lyon signed 3 originals of the contract and agreed to take them to Marv Decker, Chairman of the Board of Supervisors, for his signature.

MTN: APPROVE
MOWING
CONTRACT
WITH WAYNE
COUNTY

3. Highway Superintendents' School attendance

MTN: APPROVE
ATTENDANCE AT
HIGHWAY SUPT.
SCHOOL

Request was made by Nelson Cook to attend Highway Superintendents' School at Cornell University in June. Ken Miller made the motion to have him attend, with costs not to exceed \$300. David Nussbaumer seconded the motion. Voting was unanimous.

4. Upcoming Municipal Auction announcement

Nelson Cook reminded the board and all present that the Palmyra Municipal Auction will be held on Saturday, May 17, 2003.

Planning Committee – James Welch, Chairman

PLANNING
BOARD
RESIGNATION
BY JAMES
CLEASON

Councilman Welch read aloud the letter of resignation from the town Planning Board submitted by James L. Cleason, effective May 2, 2003. He will no longer be living in the town of Palmyra. Both board members Jim Welch and Ken Miller expressed their thanks for Jim Cleason's service on the Planning Board, and expressed their regret at seeing him leave.

Zoning Committee – David Nussbaumer, Chairman

Councilman Nussbaumer explained that there was no CEO report this month, because the Code Enforcement Officer has been on vacation since April 14 and doesn't return until April 28. He also expressed that he had just returned from several weeks' vacation himself.

AGENDA ITEMS

1. Resolution: 2003 Local Law Number 1

MTN: APPROVE
2003 LOCAL LAW
No. 1

Motion was made by David Nussbaumer that "2003 Local Law Number 1: A Local Law Amending Local Law No. 4 for the Year 1999 and Local Law No. 1 for the Year 2000" be approved. Ken Miller seconded the motion. Voting was unanimous.

2. Justice Court Assistance Program Resolution to apply for grant

Town Court Clerk Helga Haak is looking to purchase a fireproof 25" deep vertical file cabinet, 4 drawer, letter-sized, at a cost of \$1,000. In order to do so, she wishes to apply for a Justice Court Assistance Program grant (see resolution below). Motion was made by David Nussbaumer and seconded by Kenneth Miller. Voting was unanimous.

MTN: APPROVE APPLICATION FOR JUSTICE COURT GRANT

JUSTICE COURT ASSISTANCE PROGRAM

The following resolution was moved by Councilman David Nussbaumer, and seconded by Councilman Kenneth Miller:

WHEREAS, the State of New York has enacted a law establishing the Justice Court Assistance Program I.999.c280 that will enable communities to apply to the Chief Administrative Judge for a grant of State funds to assist in the operation of justice courts, and

WHEREAS, the availability of grant funding would enhance the ability of the town justice court to provide suitable and sufficient service to the community;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to file an application for a Justice Court Assistance Program grant for the New York State fiscal year ending March 31, 2004.

Vote: 4 Ayes 0 Nays

STATE OF NEW YORK)

COUNTY OF WAYNE) SS:

I, the undersigned Town Clerk of the Town of Palmyra DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Palmyra, Wayne County, State of New York, was held on April 24, 2003, and minutes of said meeting have been duly recorded in the minute book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Town Board.
2. I have compared the attached Extract with said minutes so recorded and said Extract is an exact copy of said minutes and of the whole thereof, insofar as said minutes relate to matters referred to in said Extract.
3. Said minutes correctly state the time when said meeting was convened and the place where such meeting was held and the members of the Board attending the meeting.
4. Public notice of the time and place of said meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York and that all members of said Town Board had the notice of said meeting,

and the meeting was in all respects duly held and a quorum was present and acted throughout.

3. Reschedule Palmyra Inn information meeting

RESCHEDULE
PALMYRA INN
INFORMATION
MTG. TO
MAY 22, 2003

An information meeting had been scheduled for April 24, 2003 by the people interested in constructing The Palmyra Inn, a motel to be located on Route 21 South near Temple Road. Unfortunately, the applicants had not provided enough information to the town Planning Board for that body to make a recommendation to the town board. A tentative date of Thursday, May 22, 2003, at 8 p.m. in the Palmyra Town Hall, was set for this meeting, provided the material is available for their presentation.

4. Accept Community Service Provider Assistance funds from Senator Michael Nozzolio

New York State Senator Michael Nozzolio, representing the 54th Senate District, has made Community Service Provider Assistance funds available to the Town of Palmyra, to the Palmyra Fire Department and to the East Palmyra Fire Department. The funds were recently released and require a resolution for us to be able to accept them.

RESOLUTION TO APPROVE RECEIPT OF FUNDS

RESOL: APPRV
RECEIPT OF
COMMUNITY
SERVICE
PROVIDER
ASSISTANCE
FUNDS

WHEREAS, The Town of Palmyra has learned of funds allocated to the town, and two fire departments located in the town, and

WHEREAS, these funds totalling \$50,000 of Community Service Provider Assistance funds have been graciously offered to the town and the two fire departments through the office of New York State Senator Michael Nozzolio, and

WHEREAS, these funds are provided for the purpose of assisting the town for Town Hall improvements and equipment, and for equipment for the two fire departments,

BE IT THEREFORE RESOLVED that the Town Board of the Town of Palmyra gratefully accepts this generous gift from Senator Nozzolio on behalf of the town residents, the Palmyra Fire Department and the East Palmyra Fire Department, and

BE IT FURTHER RESOLVED that the funds shall be allocated as follows:

| | |
|------------------------------|----------|
| Palmyra Fire Department | \$15,000 |
| East Palmyra Fire Department | \$15,000 |
| Town Office Complex | \$20,000 |

AND BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to send a letter to Senator Nozzolio in grateful appreciation for his support of the town and for our volunteer firefighters, now and in the past.

SIGNED: David C. Lyon, Town Supervisor.

Town Board members David Nussbaumer, Michael Lambrix, James Welch, and Kenneth Miller.

Dated: April 24, 2003

Motion was made by Ken Miller and seconded by Dave Nussbaumer to accept these funds from Senator Nozzolio. Voting was unanimous.

**MTN: ACCEPT
COMMUNITY
SERVICE
PROVIDER
ASSISTANCE
FUNDS FROM
SENATOR
NOZZOLIO**

5. Hydesville Road Water Project:

a. Final Order establishing Hydesville Water District

Motion was made by David Nussbaumer and seconded by James Welch that the Final Order Establishing the Hydesville Water District be approved. Voting was unanimous

**MTN:
FINAL ORDER
ESTABLISHING
HYDESVILLE
WATER
DISTRICT**

**HYDESVILLE WATER DISTRICT
TOWN BOARD FINAL ORDER
ESTABLISHING THE DISTRICT**

The Town Board of the Town of Palmyra, Wayne County, New York, has caused a general map, plan and report to be prepared and filed in the Office of the Town Clerk of the Town in relation to the proposed establishment of a Water District or Extension thereto in the Town to be known as Hydesville Water District of the Town of Palmyra.

On February 27, 2003, an Order was adopted by this Board reciting a description of the boundaries of the District, the proposed improvements, the maximum amount proposed to be expended for the improvements, the fact that the map, plan and resort had been presented to the Board and were on file in the Town Clerk's Office, and specifying March 27, 2003, at 7:30 PM in the Town Hall of the Town of Palmyra, New York, as the time when and the place where the Town Board would meet in a Public Hearing to hear all persons interested in the creation of the District, and for any other action on the part of the Town Board concerning the proposed district as might be required by law.

The Order was published and posted in the manner and within the time prescribed by Town Law Section 209-d, and proof of the publication and posting has been presented to the Town Board.

The Public Hearing was held at the time and place set forth in the Order and all persons desiring to be heard were heard.

Following the public hearing and based upon the evidence presented at the hearing, the Town Board, on March 27, 2003, adopted a resolution subject to permissive referendum determining in the affirmative all of the questions set forth in Town Law Sec. 209-e (1) and approving the establishment of the District.

Notice of the adoption of the Resolution was published and posted in the manner required by law and proof of the publication and posting has been presented to the Town Board.

The permission of the State Comptroller for the establishment of the District was not necessary as the cost per single Family Unit is less than the Five Hundred Eighty Dollars (\$580.00) per typical residence, the amount established by the State Comptroller requiring submission for the approval of the State Comptroller's Office.

It is hereby ORDERED as follows:

1. Hydesville Water District of the Town of Palmyra, Wayne County, New York, is hereby established substantially in accordance with the above map, plan and resort and the District shall be bounded and described as follows:

**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 center line 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 centerline 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.

2. The construction of the proposed improvements for the district, consisting of a water system, including water mains, distribution pipes, hydrants, reservoirs, and including a proposed plan of purchase of water from the Wayne County Water and Sewer Authority, and including the purchase of the assets, if any, which presently operates a water system within a portion of the proposed district, and also including land or rights in land, original furnishing, equipment, machinery or apparatus incidental thereto, substantially as set forth on the map, plan and report to, it hereby authorized as a maximum estimated cost of \$434,600.

3. The improvements in said District be constructed upon the required funds being made available or provided for.

That the Town of Palmyra purchases and installs 10,800? linear feet of water mains, hydrants, distribution pipes and other facilities in the Distract to service a majority of the residents in the Distract and to acquire the necessary property to make the improvements, and it is further,

ORDERED that the proposed improvements, including costs of right-of-way, construction costs, legal fees and other expenses shall be financed as follows:

That a maximum amount be expended not to exceed \$434,600 that the improvements be financed by the receipt of an RUS Grant of \$370,000, that the balance be financed by serial bonds providing for amortization of the balance of the costs of the improvements for a period of not more than 38 years, and it is further,

ORDERED that the Town Clerk of the Town of Palmyra 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 ten (10) days after the adoption of this Order; and it is further

ORDERED, that the Town Clerk is hereby authorized and directed to file a certified copy of this Order in the Office of the State Department of Audit and Control, Albany, New York within ten (10) days after the adoption of this Order.

4. This Order shall take effect immediately.

Dated: April 24, 2003.
Palmyra, NY

MTN:
HYDESVILLE
WATER DISTRICT
--ACCEPT TOWN
CLERK'S
CERTIFICATION
THAT "NOTICE
OF ADOPTION"
WAS POSTED &
PUBLISHED

b. Clerk certification that Notice of Adoption was posted and published according to law

Motion was made by Dave Nussbaumer and seconded by Ken Miller to accept Town Clerk's certification that the Notice of Adoption was posted and published according to law. Voting was unanimous.

LYNDALL ANN P. GREEN, being duly sworn, deposes and says:

- 1. That deponent is the duly elected Town Clerk of the Town of Palmyra, Wayne County, New York.
- 2. That deponent posted the notice of the adoption of the resolution creating the Hydesville Water District within ten (10) days of the adoption of the resolution pursuant to applicable law.
- 3. That deponent also caused a copy of the notice of the adoption of the resolution creating the Hydesville Water District to be published in the Courier-Journal the Town official newspaper within ten (10) days of the date of the adoption of the resolution. The notice stated that it was subject to a permissive resolution. A copy of the Affidavit of Publication by the newspaper is attached hereto.

Lyndall Ann P. Green
Palmyra Town Clerk

c. Clerk certification -- Referendum period complete with no petitions filed

MTN:
HYDESVILLE
WATER DIST-
PUBLIC
REFERENDUM
PERIOD
COMPLETE

Motion was made by Ken Miller and seconded by Dave Nussbaumer to accept Town Clerk's certification that the Public Referendum period is now complete, with no petitions filed.

CERTIFICATE OF TOWN CLERK

LYNDALL ANN P. GREEN, being duly sworn, deposes and says:

1. That deponent is the duly elected Town Clerk of the Town of Palmyra, Wayne County, New York.

2. That more than thirty (30) days have elapsed since the adoption of a resolution creating the Hydesville Water District in the Town of Palmyra subject to a permissive referendum.

3. That notice of the adoption of the resolution was published and posted as required by the applicable law.

4. That no petition for a referendum has been filed with the Office of the Town Clerk nor with the Town of Palmyra as required by law.

Lyndall Ann P. Green
Palmyra Town Clerk

d. Clerk certification – Bond Resolution period complete with no obligations contested

Motion was made by James Welch and seconded by Dave Nussbaumer to accept the certification by the Town Clerk that the Bond Resolution period is now complete, with no obligations commenced against it. Voting was unanimous.

MTN:
HYDESVILLE
WATER DIST --
CERTIFY THAT
BOND
RESOLUTION
PERIOD IS
COMPLETE

**HYDESVILLE WATER DISTRICT
CERTIFICATE OF TOWN CLERK, TOWN OF PALMYRA**

The undersigned, the Town Clerk of the Town of Palmyra, certifies that the Town Board of the Town of Palmyra adopted a Bond Resolution for financing the Hydesville Water District. The Resolution was published as required by law. No action, suit or other proceeding contesting the validity of the obligations authorized by such Resolution has been commenced within 20 days since the publication of the notice of adoption of the Bond Resolution.

Dated: April 24, 2003
Lyndall Ann P. Green
Palmyra Town Clerk

6. Request for Tax Collecting Officers 2003 Training Seminar in Auburn.

Request was made to the town board for tax collecting officers to attend 2003 training seminar in Auburn, June 8-11. It is anticipated that the Tax Collector and the Tax Accounting Clerk will attend one day each, at a cost of \$50 registration, plus mileage.

MTN: UP TO 2
TAX
COLLECTION
OFFICERS TO
ATTEND
AUBURN
TRAINING
SEMINAR

Dave Nussbaumer made the motion to approve sending up to two tax collection officers to the training Seminar, at \$50 each plus mileage. James Welch seconded the motion. Voting was unanimous.

7. Accept Planning Board resignation of James L. Cleason

MTN: PLANNING
BOARD
RESIGNATION –
J. CLEASON

James Welch made the motion to accept with regret the resignation of James L. Cleason from the town Planning Board as of May 2, 2003. He will also send Cleason a letter thanking him for his service on the Planning Board. Ken Miller seconded the motion. Voting was unanimous.

8. Approve Claims and Expenditures as shown on Abstract 51

MTN: APPROVE
ABSTRACT 51

Dave Nussbaumer made the motion to approve claims and expenditures as shown on Abstract No. 51, which includes voucher numbers 3989 through 4076 (except for No. 4042, which was included previously), for a total of \$132,775.17. Ken Miller seconded the motion. Voting was unanimous.

MTN: TO
ADJOURN
MEETING

9. Motion to Adjourn

At 8:44 p.m., Dave Nussbaumer made the motion to adjourn the meeting. James Welch seconded the motion. Voting was unanimous.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

**NEXT MEETING: THURSDAY, MAY 8, 8:00 p.m.
PALMYRA TOWN HALL**